THE ITLOS AND THE RESOLUTION OF MARITIME BOUNDARY DISPUTE BETWEEN BANGLADESH AND MYANMAR: LESSONS FOR PENDING MARITIME DISPUTES

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Abstract:

The present study seeks to review and analyze the dispute resolution of Bangladesh and Myanmar by the International Tribunal for Law of the Sea (ITLOS). The dispute was first maritime boundary case adjudicated by the ITLOS established by the United Nations Convention On The Law Of The Sea (UNCLOS) as one of dispute resolution mechanisms under Article 287. This paper deduces the underlying equitable and legal principles on the basis of which the boundary question was settled and explores the possible implications of the resolution in the East China Sea and in the South China Sea maritime boundary disputes. The present study also focuses on the increasing importance of the role of the ITLOS in settling maritime boundary disputes especially in view of aggressive maritime territorial claims being made by rising economic powers for the coveted seabed mineral resources while suggesting measures to make the procedure for resolution of maritime boundary disputes under the UNCLOS more effective, time-bound and streamlined.

Keywords: International law, Maritime dispute, ITLOS, UNCLOS, Equidistance method

1 Introduction

The International Tribunal for the Law of the Sea (ITLOS) delivered a path breaking judgment in the case of maritime boundary delimitation between Bangladesh and Myanmar. This verdict which settled the dispute relating to a maritime area of 2,83,471 square kilometres has opened new vistas for legal, equitable and peaceful resolution of similar disputes in Asia.1 The ITLOS came into existence through the Annex VI of the United Nations Convention on the Law of the Sea (UNCLOS) which was signed in 1982 and became effective from 1994. ITLOS is a specialised tribunal which has been listed as an option by Article 287 of UNCLOS to the disputant state parties to choose it for adjudicating disputes relating to interpretation and application of the UNLOS convention. The Tribunal is an independent judicial body comprising of 21 judges elected by the State Parties who are competent in field of the law of the sea. While ITLOS has previously deal with 15 cases, this case was the first on the ITLOS docket dealing with maritime boundary delimitation.2 It was also the first case of maritime border delimitation in Asia and first case of judicial delimitation

1 Delimitation of the maritime boundary in the Bay of Bengal (Bangladesh v. Myanmar), Case no. 16, Judgment of 12 March, 2012, ITLOS Rep. 4.  
2 Ravi A. Balaram, Case Study: The Myanmar and Bangladesh Maritime Boundary Dispute in the Bay of Bengal and Its Implications for South China Sea Claims, 31, 3 Jour. of Curr. Southeast As. Aff. 85, 86 (2012).
of extended continental shelf beyond the 200 nautical miles limit. The judgment sets new legal and equitable precedents incentivising State’s to enter the legal dispute resolution process for future disputes.\(^3\)

Myanmar ratified the United Nations Convention on the Law of the Seas (UNCLOS) in May 1996\(^5\) while Bangladesh ratified the convention in 2001.\(^6\) Bangladesh and Myanmar engaged in this dispute from the last 40 years realized that the persistence of the dispute involved more economic and strategic costs to both of them than its resolution might cost including settlement granting the whole of adversaries claim. International investors and energy companies were reluctant to invest in the energy rich Bay of Bengal due to ambivalence of the status of maritime boundaries. Therefore, the natural resources eluded any economic benefits to either of the disputants. The economic benefits of resolution became the motivating force for both the nations to accept the risk of submitting the dispute to a neutral arbiter.\(^7\)

The judgment is a stark reminder of the fact that legal dispute resolution mechanisms entail win-win situation for the disputants when the outcomes accrues benefit to both the parties in comparison to the futile stalemate. The judgment of the ITLOS was accepted gracefully by both sides. The judgment has ended the conflict in the region and both countries are indulging in healthy business practices by offering international energy companies competitive terms for natural gas exploration in the Bay of Bengal region.\(^8\)

The present study analyses the noteworthy points of the judgment of the ITLOS and its implication for other maritime disputes. It also analyses the benefits of referring the maritime disputes to ITLOS in comparison other international legal forums.

## History of the dispute

The first boundary limitation between Bangladesh and Myanmar took place on 9 May 1966 through the Naaf River Boundary Agreement. However, this agreement demarcated international boundary only along the Naaf river which terminated at the end of mainland and at the starting point of the Bay of Bengal. Between 1974 and 1986, eight rounds of bilateral negotiations were held between both the nations to delimit the maritime boundary between Bangladesh and Myanmar. During the second round of negotiations in 1974, Bangladesh and Myanmar reached an understanding regarding the conditional delimitation of the


\(^6\) Dispute concerning Delimitation of the Maritime Boundary in the Bay of Bengal (Bangl. v. Myan.), Case No. 16, Order of Aug. 19, 2011, ITLOS Rep. 4, 32.


\(^8\) Ibid.
terrestrial sea. This understanding of the limits of the territorial sea is referred to as 1973 Agreed Minutes. A special map was also appended to the 1974 Agreed Minutes which showed the boundary as a line running parallel to the coastal boundary of Myanmar situated at an equal distance from St. Martin Island and Myanmar coast. There was no noticeable conflict after this agreement for a period of about 30 years. After a gap of 30 years, when large scale discovery of hydrocarbon gas reserves were made in the Bay of Bengal, the maritime boundary dispute remerged because of an increase in the potential value of the maritime area in the Bay of Bengal. Both Myanmar and Bangladesh were energy hungry states requiring energy either for domestic consumption or commercial purposes.

After the re-occurrence of the dispute, six rounds of bilateral talks were held between 2008 and 2010. In April 2008, Myanmar and Bangladesh signed a similar agreement to the 1974 Agreed Minutes known as the 2008 Agreed Minutes. The 2008 Agreement divided the islands in their respective jurisdiction in consonance with the criteria laid down by Article 121 of the UNCLOS for this purpose. It was agreed by both the nations that the island known as St. Martin's Island would be considered as an island in accordance with Article 121 of the United Nations Convention on the Law of the Sea (UNCLOS). However, the Oyster Island situated off the coast of Myanmar could not be classified as an island for the purposes of delimitation as it lacked accessibility to fresh water and because of its inability to sustain any economic activity. The 2008 Agreement also clarified the limits of the territorial sea as mentioned in the previous 1974 Agreed Minutes by attributing latitudinal and longitudinal points to the boundary line.

Despite both the agreements, both the nations failed to reach a mutually acceptable understanding regarding specific maritime boundary which escalated the dispute.

III Origin of the present case.

The case has its origins equally in international law and geography. Bangladesh’s concave coastline constitutes the primary cause of this maritime dispute under the current international law. According to the applicable international law, the outer line of India’s and Myanmar’s 200 nautical mile exclusive economic zones (EEZs) would cut across EEZ of Bangladesh and make it disproportionate to its coastal length. Therefore, this inequality arising from standard application of maritime law has compelled both Bangladesh and Myanmar to make competing claims to the southwest portion of the sea extending from their land boundaries.

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10 Jared Bissinger, The Maritime Boundary Dispute between Bangladesh and Myanmar: Motivations, Potential Solutions, and Implications, 10 Asia Pol., 103-142, 113 (2010).
11 Ravi A. Balaram, Case Study: The Myanmar and Bangladesh Maritime Boundary Dispute in the Bay of Bengal and Its Implications for South China Sea

13 Id at 27.
14 Sarah Watson , The Bangladesh/Myanmar Maritime Dispute: Lessons for Peaceful Resolution, Centre for strategic and International studies USA (19 October 2015), https://amti.csis.org/the-
Due to the above-mentioned geological circumstances, the two countries had made irreconcilable claims of their respective maritime boundaries. The dispute came to the fore in 2008, when South Korea’s Daewoo, acting on permission granted by Myanmar started exploring gas in the region claimed by Bangladesh. On 17 October 2008, the Myanmar naval ships led four survey ships to conduct exploratory drilling at a distance of about 50 nautical miles southwest of St. Martin's Island in the disputed area. Bangladesh reacted to such manoeuvre by calling for suspension of such exploratory activities and also by stationing naval ships in the disputed area. Although the face-off did not escalate further yet the lack of resolution compelled Bangladesh to pursue third-party arbitration as per the Annex VII of the UNCLOS in October 2009. Thereafter, Myanmar deposited a declaration under UNCLOS accepting jurisdiction of ITLOS which led Bangladesh also to follow the suit on 12 December, 2009 by withdrawing from the previously instituted arbitration process.

ITLOS had never adjudicated a dispute involving maritime border delimitation which made it a blank slate for such a case eluding any expected outcomes and thereby incentivising the two countries’ to submit the case to the jurisdiction of the ITLOS. Bangladesh was relying on equitable considerations to swing the case in its favour while Myanmar relied upon the convention equidistance method to support its claim. Both sides perceived their claim as legally strong and expected a favourable outcome from the legal resolution process in ITLOS.

IV The law applicable to the dispute.

The ITLOS Judges in their joint declaration note that law for maritime delimitation has already been settled by the International Court of Justice (ICJ) in the case of delimitation of Black Sea between Romania versus Ukraine which was decided in 2009. The aforesaid case has specifically upheld the international law relating to maritime border delimitation which envisages a three step process for delimitation. In this three stage procedure, first, a provisional equidistant line is drawn from the selected as per the Article 15 of United Nations Convention on the Law of the Sea (UNCLOS). The first step being objective in nature, the second step involves taking into consideration several factors such as the coastal concavity, presence of islands, length of coasts and considerations relating to economic resources, security risks and navigation. The second step considers these relevant factors to make adjustments to the provisional equidistant line. Lastly, a test for any disproportionality between the coastlines to the maritime area delimited is conducted to reaffirm the equitable solution.

V Legal Contentions and Findings.

The legal contentions of the parties and the respective findings of the Tribunal are summarized below:

16 Journal, supra note 9.
17 Watson, supra note 14.
1. Agreements of 1974 and 2008

Bangladesh beseeched the Tribunal to decide the limits of the territorial sea based upon the line agreed by both the states in 1974 which was reaffirmed in the 2008 agreement or alternatively on the basis of equidistant line in accordance with Article 15 of the UNCLOS. Myanmar contended that both the agreements of 1974 and 2008 constitute only record of discussion and not any finalised or formal resolution. Bangladesh rebutted his argument of Myanmar by contending that these agreements need not be executed in the form of a formal agreement to be binding upon Myanmar as Myanmar has already complied with these agreements for 30 years.

ITLOS found that the 1974 and 2008 minutes did not constitute a tacit or de-facto agreement within the meaning of UNCLOS Article 15 as the evidence in support of the agreements was biased and hence not satisfactory.

2. St. Martin’s Island

Myanmar contended that the St. Martin’s Island belonging to the state of Bangladesh was albeit a special circumstance but the Tribunal should refrain from giving it a full effect for the purpose of territorial sea delimitation as this would distort of the coastline of the both the states. For this very reason Myanmar pleaded before the Tribunal that the island should be allowed a territorial sea of only 6 nautical miles in place of 12 nautical miles as laid down under Article 15 of UNCLOS. Myanmar asserted that the St. Martin’s island cannot be covered under the ambit of coastal island as it was situated in the Bay of Bengal just opposite to the coast of Rakhine state of Myanmar and not in front of the coast of Bangladesh. Bangladesh repelled the arguments of Myanmar by contending that the island should be given full effect in consonance with the settled international law. It is worthwhile to mention here that International Courts have awarded islands lesser area than the prescribed limits when the islands were found to be barren and devoid of human inhabitation. But in the case at hand Bangladesh maintained that St. Martin’s Island, besides being a significant naval base for the Bangladesh Navy, the island has an area of 8 sq, kilometres hosting a permanent population of about seven thousand people and therefore falling comfortably within the definition of ‘island’ as per Article 121 of the UNCLOS.

The Tribunal accepted the contentions of Bangladesh and thus gave full effect to St. Martin’s Island in delimitation of the territorial sea. The Tribunal also observed that although the island is situated in front of coastline of Myanmar yet it is situated in equal proximity to Bangladesh as well and that too within the 12 nautical miles of the mainland. The Tribunal awarded St.Martin’s Island a territorial area of 12 nautical miles.

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21 Journal, supra note 19.

22 Ibid.
3. Delimitation of Exclusive Economic Zone and Continental Shelf within 200 NM

ITLOS in this case had to delimit the maritime boundary separating exclusive economic zone and continental shelf of both the disputant states under Articles 74 and 83 of the UNCLOS. The Tribunal observed that the applicable law for this delimitation is to be deduced from the UNCLOS, customary international law and judicial precedents. Bangladesh contended that angle bisector should be use for this purpose instead of equidistant method. Myanmar contended that this method would produce inequitable results and therefore the equidistant method should be used.23

The mainland of Bangladesh is situated on the northern side of the Bay of Bengal forming a concave shape with Bangladesh in the centre with Myanmar and India located on both sides of concave coast. This concavity in the Bay of Bengal’s north coast in normal circumstances would have led to convergence of the claimed equidistant lines of Myanmar and India at about 131 nautical miles from the coast of Bangladesh. The maritime boundary lines claimed by India and Myanmar based on equidistant principle would have cut off the Exclusive Economic Zone of Bangladesh disabling it to reach even the minimum 200 NM limit. Myanmar maintained that equidistant principle would be the appropriate method for maritime delimitation as there were factors involved which could lead to disproportionate results. Bangladesh on the other hand cited the consideration of St Martin’s Island, Bengal depositional system and concavity of the coastline as three material circumstances for adjusting the provisional equidistant line. The Tribunal found that the concavity of the coastline produced a cut off effect which was indeed a special circumstance to be considered. Therefore the Tribunal adjusted the provisional equidistant line at an azimuth of 215 degree. The ITLOS also held that giving the island full effect for the purpose of EEZ and continental shelf delimitation would distort the line emanating from the coast of Myanmar. Therefore, the island was not considered for the delimitation of EEZ or continental shelf. As far as contention of Bangladesh regarding depositional system was concerned, the Tribunal held it not to be a special circumstance.24 Finally, the Tribunal checked for any disproportionality between the coastline of the states and the maritime area allotted to them to achieve equitable result.

4. Continental shelf beyond 200 NM

The Tribunal also considered the claims of Bangladesh of an extended continental shelf i.e. beyond 200 nautical miles. Myanmar rebutted this claim by contending that the Tribunal did not have the jurisdiction to give finding on this claim under the UNCLOS. The Tribunal cited Articles 76 and 83 of UNCLOS which provides for the definition of “continental shelf” and it includes shelf extending up to 350 nautical miles from the baseline. The Tribunal therefore held that it has jurisdiction to delimit the area beyond 200 NM as it is covered under the definition of continental shelf only. The Tribunal continued the natural 215 degree angle prolongation of the demarcation line beyond 200 nautical miles because of the special circumstance i.e. concavity and cut off effect. While delimiting the continental shelf, The

23 Journal, supra note 19.
24 Ibid.
Tribunal held that “natural prolongation under Article 76 of the UNCLOS conveys the same meaning as attributed continental margin.” The Tribunal gave preference to coastal geography over natural prolongation. The delimitation of the continental shelf by the Tribunal also implies that submission of claim for establishment for outer limits of continental shelf beyond 200 nautical miles to Commission on the Limits of Continental Shelf is not a necessary precondition to get the claim delimited by the Tribunal.

However, the Tribunal did not mention the concluding point of the 215 degree line. However, the Tribunal marked an arrow at the concluding portion of the line. The Tribunal observed that the 215 degree line should continue to traverse in the specified direction till the line reaches an area where it affects the rights of a third nation. Consequently, Bangladesh will now be entitled to enjoy rights under the UNCLOS over a good portion of the outer continental shelf.

VI Judgment

In its judgment of 14 March, 2012, the ITLOS has upheld the claim of Bangladesh to a larger area of exclusive economic zone and extended continental shelf in the Bay of Bengal. The judgment for the first time delimited a maritime boundary beyond the 200 NM limit paving the way for offshore oil exploration in the sea. The judgment awarded Bangladesh 12 NM territorial sea around St Martin’s Island thereby rejecting the Myanmar’s contention of 6 NM territorial sea of the island.

The judgment is remarkable because of its legal and equitable character. It equitably adjusted the boundary line that would have been produced as a result of the application of the equidistance principle. The principle entails delineating the maritime boundary between two coastal states by drawing an equidistant line from a line composed of base points marked on the coast of both the states. The reason for such an adjustment was to avoiding narrowing of the EEZ of Bangladesh. The maritime boundary laid down by the judgment placed the line almost in the centre of boundary lines proposed by Myanmar and Bangladesh.

The ITLOS followed the settled three step process in international law to demarcate the maritime boundary between Bangladesh and Myanmar. In the first step, ITLOS drew the equidistance line situated at equal distance from nearest base points on the coast of the both the nations selected by Tribunal itself. In the second step, the Tribunal adjusted the equidistance line in view of the special circumstances of the case. In this case the special circumstances were the cut off effect produced by the concavity of the Bangladesh’s coastline. Therefore the Tribunal decided to adjust the provisional line by drawing a geodetic line beginning at an azimuth of 215° from a point on the provisional line. Lastly, the Tribunal analysed the proportionality of the boundary line produced as a result of the first two steps in view of the ratio between coastal line of the disputant states and the ratio between the

25 Journal, supra note 19.
26 Schofield, supra note 3, at 262.
27 Watson, supra note 14.
28 Journal, supra note 19.
29 Ibid.
maritime areas allotted to them as a consequence of the maritime delimitation. In the third and final disproportionality test, the Tribunal observed that a mathematical precision was not required in such a test. The Tribunal further held that the delimitation by holding that a ratio of 1:1.42 (length of coasts) to 1:1.54 (area allotted) was not inequitable so as to warrant further indulgence of the Tribunal for adjustment of the maritime boundary. For more equitable judgment, the Tribunal has created a grey area on the Bangladesh side of delimitation line so that Bangladesh is able to exercise its rights over continental shelf in the EEZ of Myanmar. This verdict is thus based on equitable considerations as demanded by Bangladesh. This judgment will also contribute to strengthen the energy security and fishing interests of Bangladesh.\textsuperscript{30}

VII Implications of the judgment

1. Grey Areas

Grey Area in the context of maritime law means a geographical region where there are contradictory claims of opposite or adjacent states. The judgment is significant for the establishment of a grey area which lies on Bangladesh side of divided maritime area but within the potential exclusive economic zone of Myanmar.\textsuperscript{31} In this grey area, the seabed resources belong to Bangladesh while Myanmar controls the superjacent waters. It is pertinent to note here that similar grey area has been created by the Arbitral Tribunal award of maritime delimitation between Bangladesh and India in 2014.\textsuperscript{32} Such grey areas are formed to reach an equitable distribution of the maritime territory. In this case, granting of access to Myanmar to seabed in the grey area would have restricted access of Bangladesh to a substantial part of its continental shelf.\textsuperscript{33} ITLOS held that when because of equitable considerations the equidistant principle is modified and the continental shelf of a State after delimitation comes below the exclusive economic zone of the other state, the state having rights over the superjacent water must respect the rights of state having jurisdiction over the continental shelf. This part of the judgment thus provided valuable precedent and guidance for future cases with respect to management of overlapping rights.\textsuperscript{34}

2. Effect of inhabitable island on delimitation of territorial sea and EEZ.

The consideration of St. Martin’s island of Bangladesh located opposite to the coast of Myanmar by the Tribunal was noteworthy. The Tribunal gave full effect to the island while deciding the limits of territorial sea of the island.\textsuperscript{35} But the Tribunal did not consider island for the purpose of first and second step of maritime border delimitation. The island was neither considered for marking base points for drawing the provisional equidistant line nor was it considered as a circumstance for adjusting the equidistant line.

The treatment of St. Martin’s island by the Tribunal evoked scathing remarks in the

\textsuperscript{30} \textit{Ibid.}

\textsuperscript{31} Schofield, \textit{supra} note 3.

\textsuperscript{32} \textit{In The Matter of the Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India)} (Final Award) Permanent Court of Arbitration, The Hague, 7 July 2014

\textsuperscript{33} Watson, \textit{supra} note 4.

\textsuperscript{34} Journal, \textit{supra} note 19.

\textsuperscript{35} Watson, \textit{supra} note 4.
dissenting opinion of Judge Zhiguo Gao appointed by China on the Tribunal. Judge Gao opined that ignoring the island while delimiting the exclusive economic zone was incorrect. He opined that giving absolutely no effect to the island for maritime delimitation was unfair to Bangladesh and advocated atleast giving partial effect to these islands for delimitation purpose. Judge Gao held that special consideration should be given to the economic progress of the island, population of the island and its proximity to the mainland. Judge Gao’s remarks and overall verdict on the effect of St. Martin’s island have far reaching ramifications on other small islands in disputed waters in the South China Sea and East China Sea where China claims sovereignty over larger tracts of maritime area on the basis of disputed island controlled by China which overlaps the claims of other littoral states. Critics contend that Gao’s separate opinion shows that his views corroborate the position of China in disputes of East and South China seas.36

It is pertinent to note here that the government of China’s Hainan Island is endeavouring to establish the disputed Paracel Islands as a tourist destination in the South China Sea. Perhaps, this endeavour is to comply with the requirements of article 121 of the UNCLOS to stake claims to exclusive economic zone or continental shelf for the island. By developing a tourism industry in the Paracel islands, China may be attempting to better its chances for a legal adjudication on maritime boundary delimitation. Besides tourism, China has also begun building up military infrastructure on the disputed islands to stake sovereign claims.38

3. Delimitation of Continental Shelves beyond 200 NM

The ITLOS became the first international legal forum to delimit the continental shelf beyond 200 nautical miles. It rejected the contention of Myanmar that the Tribunal has no jurisdiction generally and specifically in this case also to deal with the continental shelf beyond 200 nautical miles. ITLOS unambiguously held that a Tribunal having jurisdiction under Part XV could delimit though not delineate the continental shelf beyond 200 nm up to the point where rights of a third party are not affected although no recommendations have been given by the Commission on the Limits of the Continental Shelf for this purpose.39

4. Competency of the ITLOS

The Tribunal proved its expertise in maritime laws and at the same time providing equitable solutions. The dispute which was transferred to the Tribunal In December 2009 was finally decided by the Tribunal in 2012 which bears testimony to the expeditious disposal of the dispute. The Tribunal has a lighter docket in comparison to International Court of Justice (ICJ) which makes an attractive option to pursue legal resolution in maritime boundary disputes.40

After the resolution of this case, the ITLOS has adjudicated the case of maritime

36 Ibid.
delimitation in the Atlantic Ocean between Ghana and Cote d’Ivoire in 2017 reaffirming the equidistance principle along with relevant circumstances methodology as the standard practice in maritime delimitation cases. The Special Chamber of the ITLOS held that the provisional equidistant line must have very serious ramifications on the livelihood and economic well-being of the population of the disputant countries to justify adjustments to it. Therefore, the court ruled out relevance of a de facto boundary line existing in relation to oil exploration between the disputant nations for delimitation of maritime boundary. Moreover, the special chamber of the ITLOS while deciding provisional measures also ordered that although no new drilling is allowed pending decision of the case yet ongoing oil drilling activities cannot be suspended. The ITLOS is also hearing the case of maritime boundary delimitation between the Chagos archipelago of Mauritius and southern most atoll of Maldives in the Indian Ocean. In this case, the Special Chamber of the ITLOS in its judgment on preliminary objections of Maldives relating to jurisdiction of ITLOS, has held that the advisory opinion of ICJ (in favour of Mauritius) on the sovereignty of Chagos Archipelago may be not be legally binding but has legal implications for the sovereignty of the island. Therefore, the Special Chamber held that the maritime claim of Mauritius based upon Chagos Archipelago as admissible.

8 Conclusion

This ITLOS judgement is significant milestone for the maritime law. It is a peaceful resolution that allows both the disputant states to carry out exploration and infrastructure development in the offshore energy reserves to the mutual benefit of both the nations. The verdict gave opportunity to both the disputants to claim victory in the case which in itself is an evidence of a balanced and equitable settlement of the dispute. ITLOS is no longer a blank slate on which the litigating parties can impose their will and expectations. The decisions of the Tribunal along with other international legal bodies are evolving into an body of international legal principles of maritime laws.

With its first maritime delimitation judgment, ITLOS has set new benchmarks in adjudication of maritime boundary claims. The aforesaid case study and brief discussions of subsequent decisions testify to the ability of ITLOS of being a harbinger of International Court of Maritime Law capable of settling international legal principles in their domain. The relatively light roster of the ITLOS along with its expediency in adjudication adds to its value as an international adjudicatory forum. This case has built upon the ICJ precedents for maritime territorial claims and reaffirmed the three step process for maritime boundary


43 Balaram, supra note 2, at 95.

44 Watson, supra note 4.

45 Balaram, supra note 2, at 96.
delimitation. The provision for grey area and delimitation of the extended continental shelf in this case will begin a new era of equitable and expedient resolution in maritime delimitation disputes. The law on the ramification of presence of island on the delimitation of maritime boundary has also been clarified in this case which will significant implications for maritime disputes in South China Sea and other lingering maritime disputes. It has been aptly remarked by the ITLOS Judges Cot, Nelson and Rao in their joint declaration that by reiterating the basic principles of maritime law, the Tribunal will give positive contribution to the development of the law of maritime delimitation in the times to come.\textsuperscript{46}

\textsuperscript{46} Rao, \textit{supra} note 18.