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CALIFORNIA INSTITUTE OF TECHNOLOGY

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EXTENDED MARITIME JURISDICTION AND ITS IMPACT ON SOUTH ASIA

Manjula R. Shyam
George Williams College and
California Institute of Technology

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ABSTRACT

Extension of zones of national jurisdiction under UNCLOS III has increased maritime contiguity among Bangladesh, India, Pakistan and Sri Lanka. It raises possibilities of conflict on boundary delimitation, transnational stocks and pollution and also presents opportunities for joint efforts in the exploration and exploitation of marine resources.

EXTENDED MARITIME JURISDICTION AND ITS IMPACT ON SOUTH ASIA

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Historically transnational relationships have been oriented almost entirely to land and its resources. Given the land based nature of homo sapiens, this is not surprising. The concept of territory, an essential element of statehood, was also land based as the origin of the word itself suggests (terra = earth). Territory provides shelter, security and privacy on the one hand and is a springboard for opportunity and exclusive use on the other. Oceans did not fit the bill. By and large they were seen as a moat or a buffer separating the states. Oceans could not be occupied, were of limited use and only of peripheral concern to most peoples. As Hugo Grotius wrote in 1604:

> The vagrant waters of the ocean are thus necessarily free. The right of occupation, again, rests upon the fact that most things become exhausted by promiscuous use and that appropriation consequently is the condition of their utility to human beings. But this is not the case with the sea; it can be exhausted neither by navigation nor by fishing, that is to say, in neither of the two ways in which it can be used.[1]

However in the last four decades, intensive and extensive exploitation of the seas has led to the depletion of some fish stocks. Search for food and mineral resources in the ocean has brought about

an expansion in the concept of territoriality with many states claiming jurisdiction in the seas. The race to carve up the oceans has touched off memories of the colonial era and fears of new conflict. Consequently attempts have been made at the international level to provide uniform and agreed upon rules for the use of the oceans. The most recent and unquestionably the most significant effort to legislate the rights and duties of states and to regulate the use of the oceans is the Third Law of the Sea Conference which began formally in 1973 and is expected to conclude in 1981.

The new ocean regime will affect states in varying degrees. This paper examines the effect of one aspect of the new ocean regime -- the extended national jurisdiction in the oceans -- on the relationships among the coastal countries of South Asia. The Indian Ocean has generally been studied in the context of the military rivalry between the great powers and its effect on the power equation of the Indian Ocean countries. Here I will discuss the ways in which the present and potential economic use of the Indian Ocean may lead to conflict and cooperation among Bangladesh, India, Pakistan and Sri Lanka.

With a few notable exceptions,marine policy still plays a minor role in the foreign policy of nations. The relationship among nations constitutes a complex whole and a single component, the role of marine issues, cannot easily be isolated. Existing political rivalries may be exacerbated by disputes on distribution of marine resources; the existence of cordial relations between two countries may increase the likelihood of a satisfactory resolution of

differences on the use of ocean resources. The converse of these statements is also true. Disputes over the allocation of marine resources may vitiate the entire range of relations between two countries while cooperative efforts in ocean resource management may widen the area of common interests.

EXTENDED NATIONAL JURISDICTION AND SOUTH ASIA

Under the Draft Convention on the Law of the Sea (hereafter referred to as the Draft Treaty), the exclusive economic zone (EEZ) shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The South Asian states, like other developing countries with long coastlines and without the capability to fish in distant waters, were strong supporters of the 200-miles EEZ[2] and have already incorporated it in their national legislation.[3] Table 1 summarizes the information about the gain in ocean space for the countries of South Asia.

Table 1 Here

As far as mineral resources of the seabed are concerned, the Draft Treaty states that coastal states shall have exclusive rights over the resources of the seabed in the EEZ which extends to 200 miles or the edge of the continental margin, whichever is greater. States which either have a wide shelf or a wide continental rise, as evidenced by the thickness of the sedimentary rocks in proportion to the distance from the foot of the continental slope, will be allowed to establish continental margin beyond 200 miles and up to 350 miles

from the baseline or 100 miles from the 2,500 meter isobath.[4] The concept of the outer edge of the continental margin is important for India, Pakistan and Sri Lanka[5] because of the geomorphological configuration of their submarine areas which can be seen in Figure 1. As a result of the deltas of Indus and the Ganges, the continental rise extends to hundreds of miles in the Indian Ocean.

Figure 1 Here

The expansion of zones of national jurisdiction under UNCLOS III has increased maritime contiguity between states of South Asia. Neighboring coastal states now share long common boundaries. This maritime contiguity can generate three types of conflicts: conflicts over boundaries, conflicts over resources that move across these boundaries and conflicts arising from environmentally deleterious effects of ocean use that transcend maritime boundaries. Each of these will be discussed in turn.

I. Delimitation of Maritime Boundaries

Delimitation of maritime boundaries between adjacent states is fraught with problems because configurations of the seabed and coastline make each situation unique and because the economic stakes are high. The boundary may determine who shall benefit from a rich fishing ground or the offshore oil and gas deposits. In view of the hydrocarbon potential of the offshore areas, even a small section of the continental shelf may be highly valuable, and the willingness of the parties to compromise decreases in direct proportion to its

perceived potential. Barren rocks, reef sand islets which were of little significance a decade ago are now being claimed with great vigor as is the case with the Spratly island in the South China Sea or the Paracel islands that were militarily occupied by China in 1974. These islands, though of little significance in themselves, have a continental shelf which may be petroliferous. In other instances, the ownership of an island may significantly alter the location of the median line which is used to delimit the boundary, and may make a difference of thousands of square miles of potentially valuable seabed as is the case in the Aegean Sea.

The manifold increase in the price of petroleum has made self reliance on energy extremely important for economic survival and accounts for the aggressiveness with which states pursue their maritime claims. It appears as if all areas of the seabed, irrespective of whether they are reported to have oil potential or not, are perceived by the contiguous states as being valuable. This is not surprising since many prospective sedimentary basins in South Asia and elsewhere have not been adequately explored to disprove the possibility of oil and gas deposits.[6] Table 2 shows the paucity of drilling in the offshore sedimentary basins of the states being considered here. States are reluctant to relinquish a claim to a seabed area which may later prove to have commercial potential and which could become a vital factor in their quest for energy independence and economic security.

Table 2 Here

Boundaries between India and Pakistan and Bangladesh and India have not been delimited, the former because of lack of urgency and the latter because of conflicting claims. The boundary between India and Sri Lanka has been fully delimited after the problem of a small island in the Palk Strait was resolved. I will briefly touch on international law as it relates to delimitation of maritime boundaries before discussing the situation in South Asia.

International law provides the general principles in light of which maritime boundaries between contiguous states shall be delimited. In consonance with the 1958 Convention on the Continental Shelf, the Draft Treaty states that boundaries between adjacent or opposite states shall be demarcated by agreement in accordance with equitable principles employing where appropriate the equidistance line and taking into account all the relevant circumstances.[7] These provisions are ambiguous because they do not clarify what may be considered the relevant circumstances or equitable principles. They offer no guidance about when the median line should be waived in favor of equitable principles.

The median line is the most widely used criterion in determining maritime boundaries. Robert Hodgson, the former Geographer of the State Department, describes it as follows:

> A median line (at times called 'lateral line') has proved to be the best solution for delineating water areas between sovereignties. In both theory and practice the geometrical principle involved in determining the median line is the most

> satisfactory which has so far been devised, lending itself admirably to the construction of equitable boundaries between states. It depends upon precise measurement rather than subjective factors. Without delving into its technical characteristics, median line is defined as a line, or boundary, every point of which is equidistant from the nearest points on the lines from which it is measured.[8]

The International Court of Justice in the North Sea Continental Shelf decision identified several circumstances which may modify the median line. These are:

1. The general configuration of the coasts of the parties as well as the presence of any special or unusual features;
2. So far as known or readily ascertainable, the physical and geological structure and natural resources of the continental shelf areas involved;
3. The element of a reasonable degree of proportionality, which a delimitation carried out in accordance with equitable principles ought to bring about between the extent of the continental shelf appertaining to the coastal state and the length of its coast measured in the general direction of the coastline, account being taken for this purpose of the effects, actual or prospective, of any other continental shelf delimitations between adjacent states in the same region.[9]

These pronouncements on median line and special circumstances that should modify the rigid dependence on median line help put the

boundary issues in perspective.

Bangladesh and India have not been able to agree on maritime boundaries. An area of 4,500 square nautical miles is under dispute in the Bengal Basin.[10] The dispute surfaced when Petro-Bangla, the corporation run by the Ministry of Natural Resources, signed production sharing contracts for conducting seismic surveys and exploratory drilling with six companies in 1974. The block that was awarded to Ashland is disputed by India which lodged a formal protest to Bangladesh against granting exploratory rights in that area which under the equidistance principle would fall within the Indian EEZ. What are the bases for the conflicting claims?

The choice of the method for lateral definition of the continental shelves is the central issue. The Indian position is that the equidistance line should be used. Bangladesh on the other hand would find itself in a disadvantaged position by using the equidistance method. The concavity of its coastline would pull the line of its boundary inwards so that the lines drawn at the Bangladesh-India and Bangladesh-Burma boundary will not run parallel to each other but meet at a relatively short distance from the coast as shown in Figure 2. Thus the continental shelf of Bangladesh would take the form of a triangle depriving it of the continental shelf outside of the triangle.

Figure 2 Here

In order to mitigate the drawback of its recessed coastline,

Bangladesh has announced a ten fathom baseline and declared its 12-mile territorial sea and 200-mile EEZ from this line.[11] The great rivers of Ganges (called Padma in Bangladesh), Jamuna and Meghna carry an enormous load of silt that they deposit in the ocean making the seaward slope extremely gentle in the Bengal Basin.[12] The ten fathom contour line in some places is as much as 50 miles from the shore. If used as a baseline it would enclose hundreds of miles of shelf within Bangladesh's internal waters and nullify the adverse effects of a concave coastline.

However there are serious problems with the 10 fathom baseline. India has rejected it and it has not met with any acceptance by the international community despite the efforts of Bangladesh at many international forums. The 1958 Convention of the Continental Shelf as well as UNCLOS III overwhelmingly approved the low water line as the normal baseline.[13] A baseline that is likely to be changing and moving southward (with the deposition of silt in the course of time) is unlikely to meet with general acceptance and can easily be rejected by India. It is likely that the ten fathom baseline is simply a bargaining position for Bangladesh.

Another more recent attempt on the part of Bangladesh has been to lobby for the drawing of straight baselines along the farthest seaward extent of submerged sedimentary delta in areas where most part of a coastline is constituted by a continuous process of sedimentation of fluvial deposit rendering the low water line unstable.[14] With the acceptance of 12-mile territorial seas and 200-mile EEZ, there is not much enthusiasm at UNCLOS III for changing the low water line as the

basis for drawing the baselines. It is unlikely that Article 7 of the Draft Treaty will reflect this addition which would benefit Bangladesh.

A stronger case against the equidistance method has been made by Bangladesh on geomorphological grounds. South of the Sunderbans near the mouth of the Kunga and Malancha rivers is a deep underwater crevice called the 'swatch of no ground' as can be seen in Figure 2. Bangladesh is said to prefer a maritime boundary that would follow the alignment of this crevice[15] which would allocate a more generous portion of the seabed to its EEZ.[16] Here Bangladesh can make a much stronger case by arguing that the 'swatch of no ground' is a "special or unusual" feature that was recognized by the International Court of Justice as a factor that should modify the strict median line principle in the North Sea Continental Shelf decision cited above. Bangladesh can also cite other precedents as in the Australia-Papua New Guinea case.[17] India can counter this by contending that the 'swatch of no ground' is just a depression in the seabed and cannot be considered a legally relevant "unusual feature." India can buttress its position by citing other precedents. The much deeper and wider Norwegian trench was ignored as a limiting factor and the continental shelf boundary between United Kingdom and Norway was delimited strictly on the equidistance method.[18]

Bangladesh can make the strongest argument for its position by referring to the principle of geographical equity established by the ICJ. It can point to its meagre share of the continental shelf as opposed to the large gain of India in proportion to their respective

coastlines as shown in Table 1.[19] The ICJ had stated in the North Sea Continental Shelf Cases that the use of the equidistance method of delimitation is not obligatory between parties.

A maritime boundary dispute in which both sides can cite different principles can only be resolved through negotiations and compromises. Negotiations between Bangladesh and India were first initiated in 1974 and after a three year gap have been going on since 1978. Whether the two parties would be willing to make concessions depends upon other aspects of their relationship. The dispute over the sharing of the river water, the construction of the Farakka Barage, the proposed exchange of small land enclaves on the Indo-Bangladesh border, the treatment of non-Muslim minorities in Bangladesh, the alleged overt and covert Indian support of insurgents among other things have soured the relations between the two countries.

However now that the Farakka barrage issue has been satisfactorily resolved, it is possible that progress may be made on the maritime boundary as well. Reluctance of many petroleum companies to undertake exploration in disputed areas may prove to be an incentive for India and Bangladesh to resolve the matter expeditiously. The State Department is reported to have informed U.S. based operators that they should not expect to be protected in certain areas if a dispute erupted into open hostilities.[20] No commercial discovery was reported from the wildcats drilled in the areas leased out by Bangladesh and no further drilling seems to be planned in the near future. This may therefore be an opportune time for both parties

to enter into an agreement. Boundary settlement would facilitate the search for offshore oil and, perhaps, even pave the way for joint exploration of the area.

India and Pakistan have not reached any firm agreement on their maritime boundaries. This is not surprising in view of the fact that only a decade ago there were many unclear and undefined boundaries between neighboring states on land areas which were sparsely populated and had difficult terrain. Accessibility and opportunity give rise to territorial claims. When a population of some density wishes to make use of the resource of an area with unclear title, it may touch off a conflict of interest that requires territorial demarcation. Perhaps the same holds true for maritime boundaries between contiguous states as well.

The oil potential of the seabed lends an urgency to the delimitation of maritime boundaries; it also hardens positions as states are unwilling to relinquish claims. The converse is true for areas like the Indus basin between India and Pakistan where the seabed has not been considered promising for hydro-carbons. However both India and Pakistan have accepted the method of equidistance to delineate their maritime boundary even though the actual mechanics of an agreement have not yet been worked out.

India and Sri Lanka completed the process of boundary delimitation in 1977 through three separate agreements. The first agreement, the most difficult of the three since it involved conflicting claims to the island of Kacchativu, concerned the Palk Strait area. Kacchativu

island is half-coral half-sand, about 3.75 square miles in area, is uninhabited except for a chapel and is located in the Palk Strait about 12 miles from the nearest Indian coast and 10.5 miles from Sri Lanka.

Dispute over ownership of the island of Kacchativu was one of the unsettled colonial legacies inherited by India and Sri Lanka. India had a strong case, its claim to the island deriving from a grant made to the Raja of Ramnad in 1802. The government of Sri Lanka cited cartographic evidence as well as the ecclesiastical jurisdiction of the diocese of Jaffna over St. Anthony's chapel on the island. Neither party could prove actual display of state activities to the exclusion of the other. The island had become a source of discord between the two countries and was discussed by the representatives of the two countries quite regularly since 1956. In 1968 the problem was magnified because some gunboats of Sri Lanka were sighted off the coasts of Kacchativu at the time of the annual fair at the shrine of St. Anthony. Thus the island of Kacchativu had become the major obstacle to a boundary agreement and had created a climate of suspicion that was affecting the entire range of relations between the two countries.

By the agreement signed in June 1974, India relinquished its claims to the island. The agreement in the Palk Strait was drawn on the equidistance principle except in the area of the Kacchativu island where the line was drawn about 11 miles from the nearest point in India and one mile from the Kacchativu island. In other words, while the island was allocated to Sri Lanka, as a concession to India, the

position of the median line was not affected. Indian pilgrams and fisherman were also permitted by the agreement to visit the island without visas as before.[21]

By the other two agreements the boundary was extended in the Bay of Bengal area and in the Gulf of Mannar up to a trijunction point between India, Sri Lanka and the Maldives within 200 miles of each country's coast.[22] Figure 3 shows the maritime boundary between India and Sri Lanka.

Figure 3 Here

The resolution of boundary disputes can be central to the ocean policy of a country. With their maritime boundaries in the seas well defined, India and Sri Lanka are now undertaking a serious effort to explore for offshore oil in the area. Ceylon Petroleum Corporation has entered into a production sharing arrangement with Ceyoil, a subsidiary of American Pexamin Pacific Inc. on its northwest coast. It has leased out blocks in the Palk Bay.[23] India has also given exploration contracts in the Gulf of Mannar to a Canadian firm[24] and in the Palk Strait to an American consortium.[25] The agreement on maritime boundaries was also accompanied by an agreement on fisheries. Fishermen from Sri Lanka were allowed to continue fishing in the Wadge Bank in the Indian EEZ for three years until 1979 and were given five years thereafter to phase out their fishing activity in that area.[26]

II. Transnational Stocks of Fisheries

Fish are a living resource; they are mobile and have no respect for political boundaries. They swim inshore, offshore and alongshore. This means that land based jurisdictional concepts or concepts for management of mineral resources are much more difficult to apply to fisheries. Stocks that migrate across the economic zones of neighboring contiguous or opposite states may give rise to conflict over distribution of resources as evidenced by the conflict between U.S. and Mexico on tuna. The problem of sharing transnational stocks varies in different parts of the world because of the differences in productivity of waters, the length and configuration of the coastline and the type of stocks -- some fish are more mobile than others.[27]

So far there have been no fishing disputes in South Asia with the exception of some minor incidents in which fishermen from Tamilnadu were arrested for encroaching in the Sri Lanka waters. The absence of disputes on fisheries in Southern Asia can be attributed to several factors. First, all states in the region have long coastlines and share only a few stocks. Second, the shrimp stocks, highly coveted in the region as a source of foreign exchange, are found well within the 200-mile zone. There are no known instances in which significant shrimp stocks migrate through the EEZ of more than one state. Third, the pelagic and demersal species in the region are underutilized. According to the U.N. Food and Agriculture Organization, less than 22 percent of the potential commercial catch is harvested from the Indian Ocean. This proportion is low compared to the other oceans of the world where current landings are well over

half the estimated potential.[28] When a stock is underutilized there is not much possibility of a conflict. It is only when a stock is fully utilized that additional catch by one nation impinges upon the catch of other nations giving rise to conflicts.

Underutilization of stocks, however, may not last for long. All the countries in the region have announced ambitious plans to expand their ports and buy trawlers and deepsea fishing vessels which can operate at great distances and harvest far bigger catches. Each country will try to recover its investment in equipment by more aggressive fishing. In the absence of sharing arrangements, this will result in higher costs and may even result in depletion of stocks. For example, if a stock swims between India and Pakistan, India has no incentive to conserve the stock because it would only be reducing its own catch in favor of its neighbor unless both countries can come to a joint agreement to share the total sustainable yield of that species. The attempt on the part of each country to maximize its own share of the transnational stock by buying more and bigger trawlers may lead to unnecessary capitalization and increase in the per unit cost of fish for all.

A South Asian country may conclude that the best way of exploiting the fish stocks in its EEZ is to sell them to the highest bidder. That would alter the present situation of underutilization to full utilization rather quickly. In the past, the presence of large quantities of trash fish (fish unacceptable to consumers) in the South Asian waters deterred distant water fishing vessels but that may change now for two reasons. One, under the new fishing regime,

countries like Japan, Soviet Union and South Korea have idle fleet capacity as their traditional fishing grounds have been enclosed off in EEZs. Two, since the collapse of the anchovy fishery off Peru, there has been a dramatic increase in the world price of fish-meal. The current demand for meat in the developed countries ensures that the demand for fish meal which is used to feed poultry and cattle will remain high even when the anchovy industry is revived. If fishmeal factory ships of distant water fishing states are given access by a country in its EEZ, it will affect the neighboring state which also harvests these migratory stocks. For example, the operation of such vessels off the coast of Pakistan would certainty affect the livelihood of the artisanal fishermen in Gujerat. Similarly the catch of the fishermen in Bangladesh would be reduced if India were to allow fishmeal factory ships to operate in its EEZ in the Bay of Bengal.

Thus because of the nature of transnational stocks, the desire of each state to improve its own returns can lead to rivalry and potential conflicts unless an understanding to share the stocks is reached among neighboring states. Similar situations in other parts of the world indicate that controlling excess effort or resource depletion after it has occurred is trying to unscramble an egg. Bilateral management has to proceed in step with growth in fishing capacity.

III. Pollution Problems

The watermass is an ecological whole. The extension of maritime jurisdiction will crosscut ecological boundaries. Under the

stimulus of exclusive jurisdiction, there will be an increase in the use of oceans for fishing, mining, and for promoting tourism. Oil spills, or blow outs, in the economic zone of one country could well destroy the beaches or the shrimp industry of the neighboring states. Oceans are a fluid medium; the manner in which one state enjoys its share of the oceans and seabed cannot be contained and isolated from a similar use by other states. The intensive and extensive use of oceans in the coming decades, the heightened awareness of the significance of ocean resources, and assured title over the most valuable segments of the ocean under the new law can bring neighbors onto a collision course.

POSSIBILITIES OF COOPERATION AMONG COUNTRIES OF SOUTH ASIA

The new legal regime of the oceans also presents opportunities for cooperation. Surveys of the continental margin can be undertaken jointly. Sri Lanka and India have agreed to an exchange of survey data gathered in the Palk Bay by the Ceylon Petroleum Corporation and in the Cauvery basin area by the Oil and Natural Gas Commission of India in order to get a more meaningful interpretation of the area between India and Sri Lanka.[29] Development of the untapped fisheries of the Indian Ocean is contingent upon adequate information on the numbers and distribution of species and their rate of growth, mortality, recruitment and migration patterns. Statistics on catch to effort ratio are necessary in order to analyze increase or decrease in the level of effort required to achieve the optimal yield. Cooperation among neighboring states may extend to the collection,

compilation and interpretation and exchange of statistical information.

There are possibilities of cooperation also with regard to the enforcement of the 200-mile zone. Detection and identification of unauthorized foreign fishing activity in thousands of square miles of EEZ will be costly, requiring radar telecommunication equipment, patrol vessels, and trained personnel. Even nominal surveillance could be very expensive for the developing countries. The South Asian countries will surely be better off if they pooled their resources and efforts. However, cooperation presupposes good neighborly relations.

Under the impetus of the extended maritime jurisdiction, the next decades are going to see increased attention on the part of the South Asian countries to tap their marine resources. At the present time the only maritime conflict is between Bangladesh and India, the boundary dispute between India and Sri Lanka having been resolved. The future may still bring conflicts on transnational stocks.

It is paradoxical that the extension of national jurisdiction creates rather than obviates the need for negotiations and agreement among neighboring states. The treaty can only provide broad guidelines for boundary delimitation and the sharing of transnational stocks. Since the geographical and resource circumstances are unique in individual cases, specific rules cannot be incorporated in the treaty but have to be agreed upon on the basis of bilateral or regional negotiations. The salience of maritime issues may strengthen regional arrangement among certain groups of nations which have close cultural, economical and political links and have a functioning

institutional framework for joint action. The prospects of peaceful settlement of the maritime conflicts generated by the extension of zones of national jurisdiction will depend on the perceived value of the ocean resources and the general nature of the relationship between the neighboring states.

FOOTNOTES

1. Hugo Grotius, Mare Liberum as quoted by C. J. Colombos in The International Law of the Sea, London, 1968.

2. India had taken the initiative in proposing the 200-mile EEZ at the Asian-African Legal Consultative Committee session in January 1973. See S. P. Jagota, "Basic Issues for the Forthcoming Conference on the Law of the Sea," in Indian Journal of International Law 15, 1975, p. 157. The draft articles on fisheries sponsored by India and Sri Lanka in July 1973 provided for the sovereign rights of the coastal state over fisheries in a 200-mile zone.

3. John Gulland, "Developing Countries and the New Law of the Sea," Oceanus 22, no. 1, Spring 1979, p. 39.

4. United Nations, Draft Convention on the Law of the Sea (Informal Text), A/CONF.62/WP.10/Rev. 3, September 22, 1980, Article 76.

5. The case of Sri Lanka is unusual and needs special mention. Sri Lanka has a very wide continental rise that extends hundreds of miles from the coast. However, the continental shelf is narrow and the continental slope and the 2,500 meter isobath line are very close to its coast. Sri Lanka will not be able to take advantage of the wide continental rise as a result of the detailed rules by which the outer limits of the continental margin have been defined in paragraph 4 of Article 76. Sri Lanka had submitted an additional method of delimitation which would

apply to its special geological and geomorphological condition at the 8th session of UNCLOS III for which there was considerable sympathy initially but later on was not pursued as there was an unwillingness to make exceptions that might lead to the continental margins extending beyond the limits agreed. To sum up, geomorphologically Sri Lanka has a very wide continental rise, but legally its continental shelf will not extend beyond 200 miles from the baseline. See Bernard H. Oxman, "The Third United Nations Conference on the Law of the Sea: The Eighth Session (1979)," American Journal of International Law 74, No. 1, January 1980, p. 22-23. For the text of the subparagraph informally proposed by Sri Lanka see United Nations Third Conference on the Law of the Sea Official Records XII, 1979.

6. Ninety-three percent of all the wells drilled in the world were drilled in three countries, U.S.A., U.S.S.R., and Canada, which have only 37 percent of the world's prospective basin areas. Michel Halbouty, "The Future of Giant Oilfields," Offshore, June 20, 1980, p. 51.

7. See articles 15, 74, and 83 of the Draft Convention on the Law of the Sea.

8. Robert Hodgson and L. M. Alexander, Toward an Objective Analysis of Special Circumstances," Occasional Paper No. 13, Law of the Sea Institute, April 1972.

9. North Sea Continental Shelf Cases, ICJ Reports, 1969, in American

Journal of International Law 63, No. 3, July 1969, p. 631.

10. An additional problem concerns the status of newly emerged islands in the estuary of the border river Haribangha in the Bay of Bengal. India has asserted its claim to the islands which has been challenged by Bangladesh. The issue is yet to be settled and will perhaps be part of the package on maritime boundary between the two countries. The Statesman Weekly, December 27, 1980, p. 4.

11. Act No. XXVI of 1974 Act. 3, Official Gazette, April 13, 1974 in U.S. Department of State, Limit Series, No. 36, 3rd revision, December 23, 1975.

12. For the 10 fathom contour line see, U.S. Navy Hydrographic Office, Hydrographic Chart No. 6170, Washington, D.C., 2nd ed., August 18, 1959.

13. See article 5 of the Draft Convention on the Law of the Sea.

14. See letter of the Chairman of Group of Islamic States to the President of the Conference. A/CONF.62/86, August 22, 1979 in United Nations Third Conference on the Law of the Sea, Official Records XII, 1979.

15. Nafis Ahmad, A New Economic Geography of Bangladesh, New Delhi, Vikas Publishing House, 1976, p. 212.

16. For the topography of the 'swatch of no ground' see Geological-Geophysical Atlas of the Indian Ocean, Academy of Sciences of the

USSR, Moscow 1975, p. 44.

17. A part of the continental shelf boundary between Australia and Papua New Guinea was negotiated in relationship to the Amu and Timor trenches.

18. U.S. Department of State, Limit Series 10, June 14, 1974.

19. The boundary issue between Bangladesh and India is somewhat similar to the boundary conflict between the U.S. and Canada in the Gulf of Maine/Georges Bank area. Canada prefers the equidistance method whereas the U.S. position is that the recessed coastline of the U.S. in that area would make the median line inequitable. For more details see, L. M. Alexander and Virgil Norton, "Maritime Problems Between the U.S. and Canada," Oceanus 20, No. 3, p. 24-34.

20. Leonard LeBlanc, "Nations Scramble for Unclaimed Seabed," Offshore, March 1977, p. 42.

21. U.S. Department of State, Limit Series, No. 66, December 12, 1975.

22. U.S. Department of State, Limit Series, No. 77, February 12, 1978.

23. B.H.S. Jayewardane, "Sri Lanka Offers Offshore Areas," Far Eastern Economic Review, July 16, 1976, p. 55.

24. Petroleum Asia Journal 1, No. 3, 1979.

25. Oil and Gas Journal, November 3, 1980.

26. Link, April 4, 1976, p. 10.

27. For a discussion of transnational and highly migratory stocks in the region also see, Manjula Shyam, "The Emerging Fisheries Regime: Implications for India," Ocean Development and International Law Journal 8, No. 1, p. 47-52.

28. Robinson and Crispoldi, "Trends in World Fisheries," Oceanus 18, Winter 1975, p. 26.

29. H. N. Mazumdar, "Oil Resources of Sri Lanka," Petroleum Asia Journal 1, No. 2, May 1979, p. 31.

Table 1

Country	**Length of Coastline (in miles)	*Area (in sq. naut. miles) Enclosed Within	
		200 Meter Isobath	200 Nautical Miles
Bangladesh	310	16,000	22,400
India	2,759	131,800	587,600
Pakistan	440	17,000	92,900
Sri Lanka	650	7,800	150,900
*Indian Ocean (Total Area, 28,842,000 sq.n.m.	--	917,000	7,064,000

Source:

*U.S. Department of State, Limit Series, No. 46, August 12, 1972.

**U.S. Department of State, Office of the Geographer, Geographic Bulletin No. 3, "Sovereignty of the Sea," Washington, D.C., 1969.

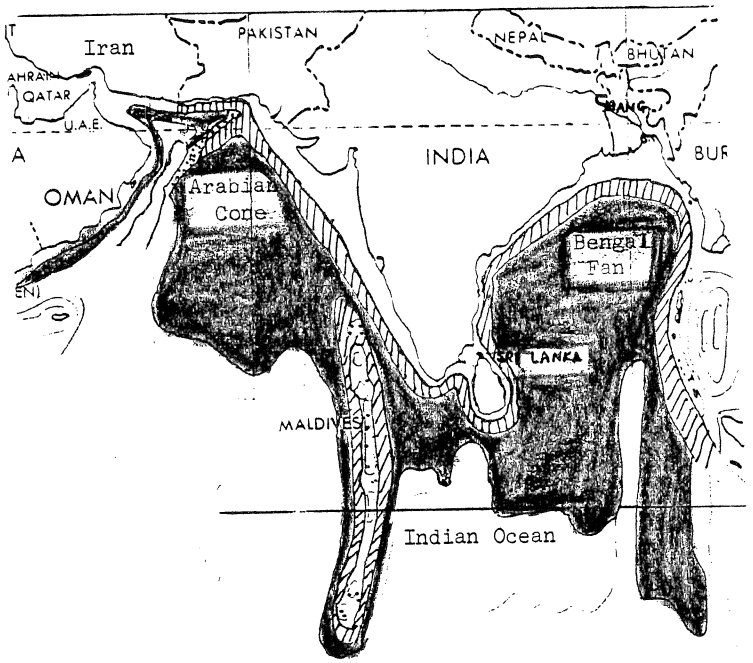
Table 2

Offshore Wells

Country	1979	1978	1977	1976	1975
Bangladesh	0	1	2	5	1
India	23	20	36	18	NA
Pakistan	0	1	1	1	1
Sri Lanka	0	0	0	2	NA
United States	1037	1082	1215	966	932

Source: Offshore, June 20, 1980.

Figure 1.

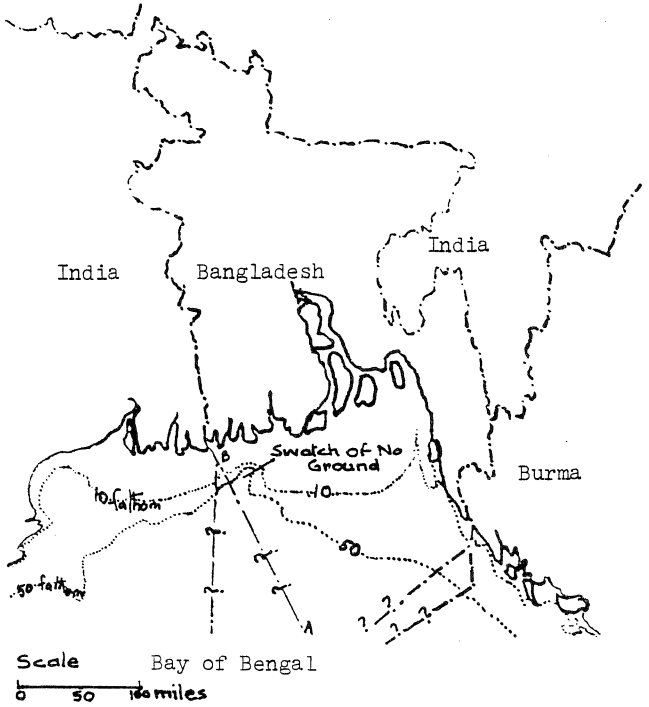


Legend:

- Shoreline to 200 meter isobath
- Continental platform deeper than 200 meters
- Continental slope
- Continental rise

Source: U.S. Department of State, Office of the Geographer, Major Topographic Divisions of the Continental Margins, July 1970.

Figure 2.

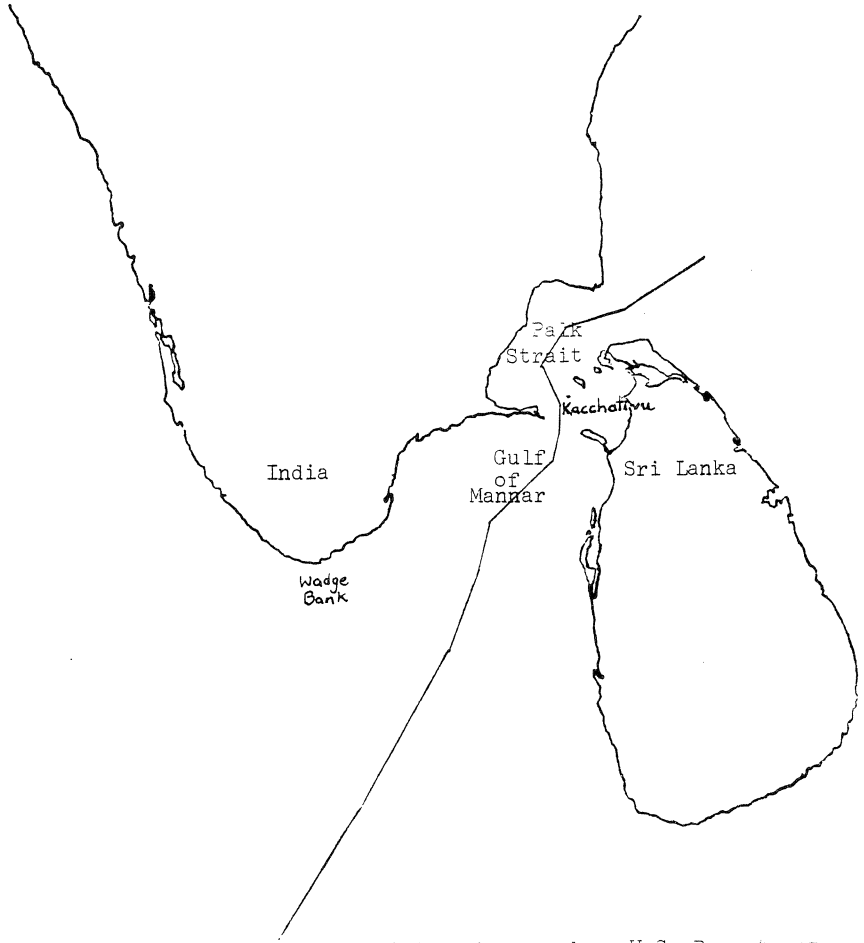


Source: M.A. Maroof Khan,"Bangladesh: A Brief Account of Geology and Hydrocarbon Exploration," Oil and Gas Journal, July 14, 1980, p. 186.

Line of equidistance as interpreted by the author is marked A-B.

Ten fathom contour line based on U.S. Navy Hydrographic Office, Hydrographic Chart No. 6170, Washington, D.C., 2nd ed., Aug. 18, 1959.

Figure 3.



Maritme boundary between India-Sri Lanka based on U.S. Department of State, Limit Series, No. 77, Feoruary 12, 1978.