

**Περί γκρίζων ζωνών
και άλλων καινών δαιμονίων:
Η οριοθέτηση στον Κόλπο της Βεγγάλης**

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Νομική Σχολή, Πανεπιστήμιο Αθηνών

Περί γκρίζων ζωνών...

- Μια συνολική ρύθμιση:

- Bangladesh/Myanmar: ITLOS

Case no. 16 – Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/ Myanmar), Judgment of 14 March 2012

Η πρώτη οριοθέτηση του Δικαστηρίου

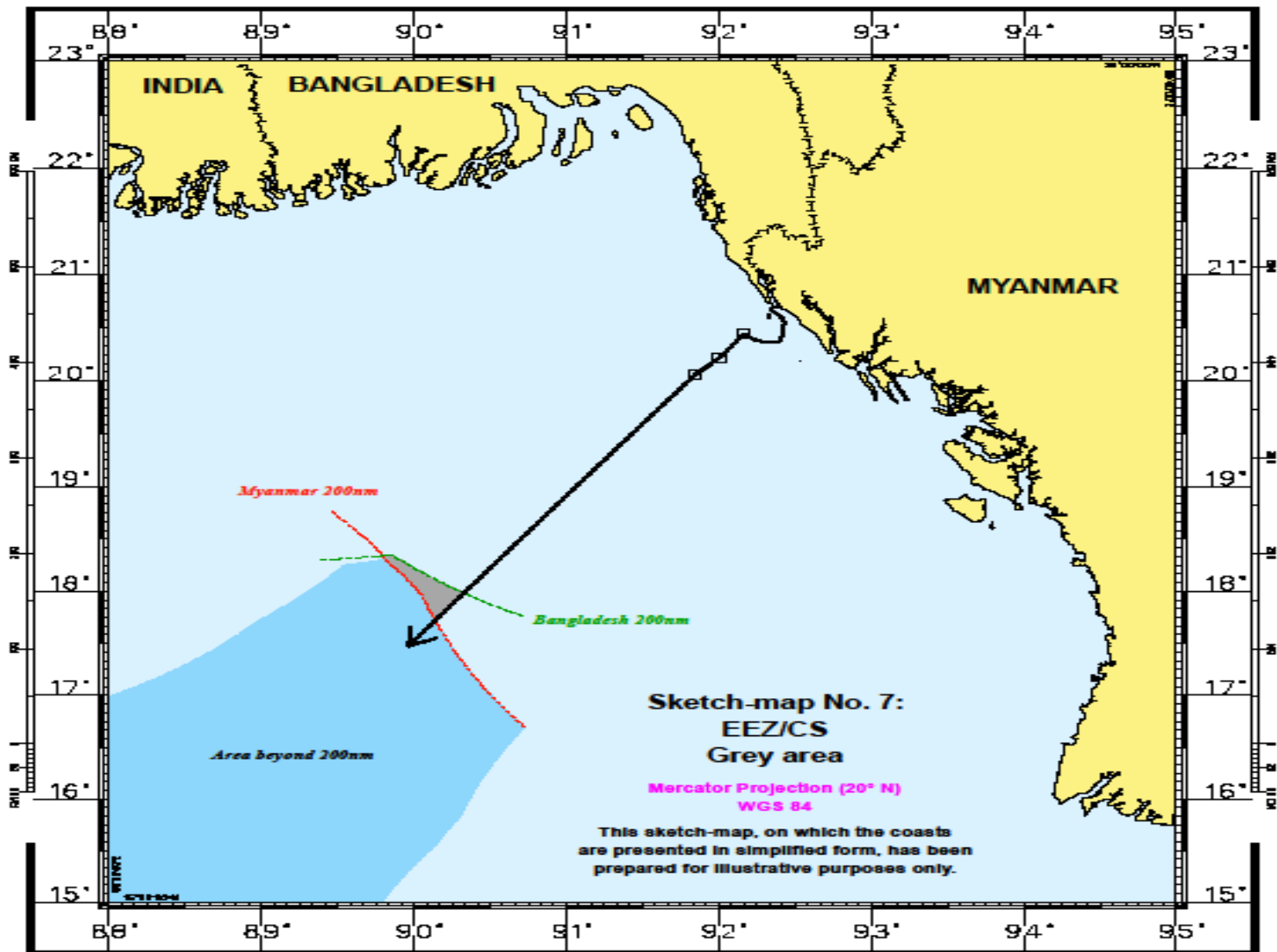
- Bangladesh/India: Annex VII Arbitration

In the matter of The Bay of Bengal Maritime Boundary Arbitration, Award of 7 July 2014

Περί γκρίζων ζωνών...

- *Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar), Judgment of 14 March 2012, paragraph 474:*

“In the area beyond Bangladesh’s exclusive economic zone that is within the limits of Myanmar’s exclusive economic zone, the maritime boundary delimits the Parties’ rights with respect to the seabed and subsoil of the continental shelf but does not otherwise limit Myanmar’s rights with respect to the exclusive economic zone, notably those with respect to the superjacent waters.”



Περί γκρίζων ζωνών...

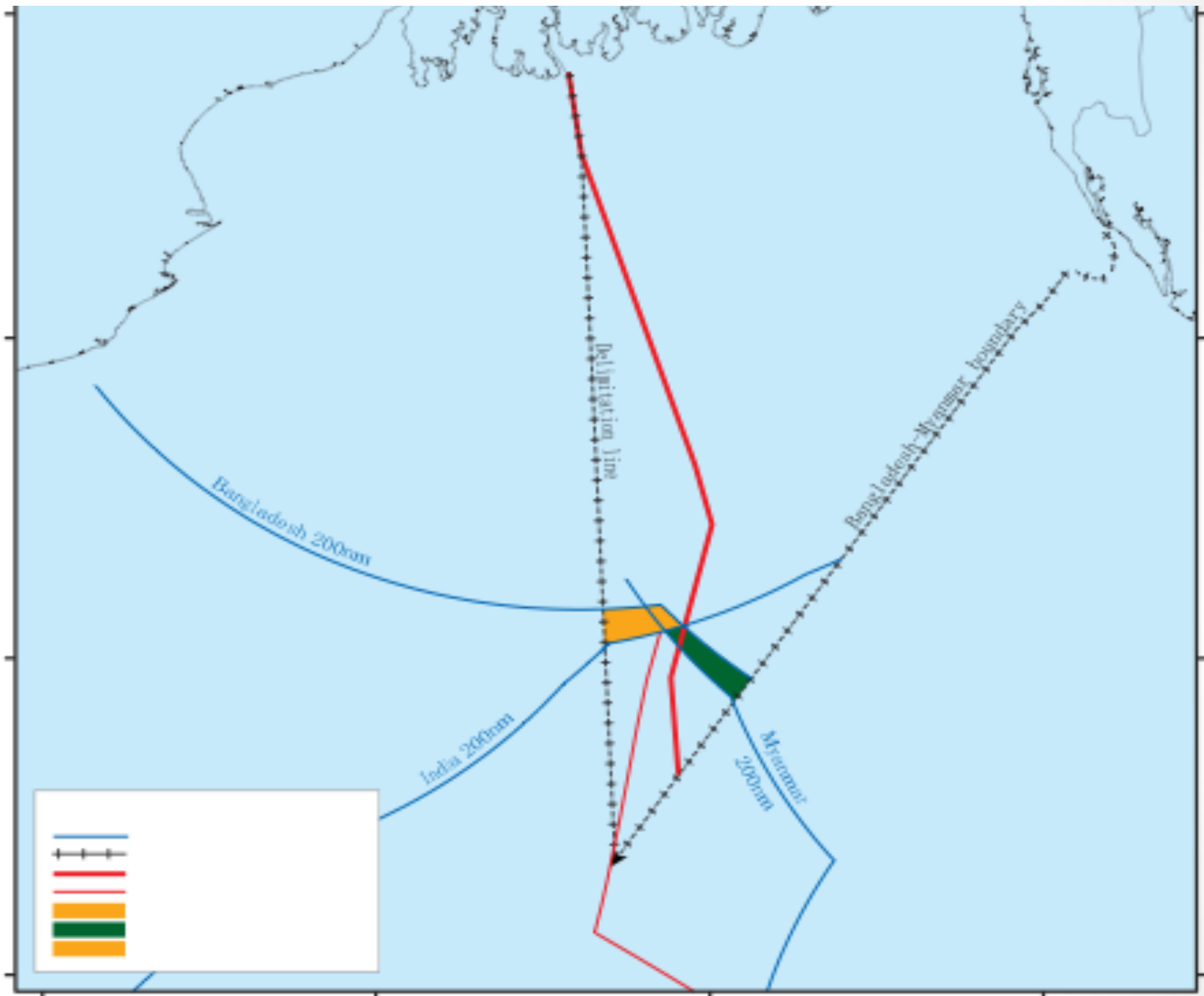
- *Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar), Judgment of 14 March 2012, paragraph 476:*

There are many ways in which the Parties may ensure the discharge of their obligations in this respect, including the conclusion of specific agreements or the establishment of appropriate cooperative arrangements. It is for the Parties to determine the measures that they consider appropriate for this purpose.

Περί γκρίζων ζωνών...

- *In the matter of The Bay of Bengal Maritime Boundary Arbitration (Bangladesh/India), Award of 7 July 2014, paragraph 505:*

Within the area beyond 200 nm from the coast of Bangladesh and within 200 nm of the coast of India, the boundary identified by the Tribunal delimits only the Parties' sovereign rights to explore the continental shelf and to exploit the "mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species" as set out in article 77 of the Convention. Within this area, however, the boundary does not otherwise limit India's sovereign rights to the exclusive economic zone in the superjacent waters.



Περί γκρίζων ζωνών...

- *In the matter of The Bay of Bengal Maritime Boundary Arbitration (Bangladesh/India), Award of 7 July 2014, paragraph 508:*

It is for the Parties to determine the measures they consider appropriate in this respect, including through the conclusion of further agreements *or the creation of a cooperative arrangement*. The Tribunal is confident that the Parties will act, both jointly and individually, to ensure that each is able to exercise its rights and perform its duties within this area.

Περί γκρίζων ζωνών...

- *In the matter of The Bay of Bengal Maritime Boundary Arbitration (Bangladesh/India), Award of 7 July 2014, paragraph 507:*

The establishment of a maritime area in which the States concerned have shared rights is not unknown under the Convention. The Convention is replete with provisions that recognize to a greater or lesser degree the rights of one State within the maritime zones of another. Within the provisions of the Convention relating to the exclusive economic zone and continental shelf, articles 56, 58, 78, and 79 all call for States to exercise their rights and perform their duties with due regard to the rights and duties of other States.

Περί γκρίζων ζωνών...

- *In the matter of The Bay of Bengal Maritime Boundary Arbitration (Bangladesh/India), Award of 7 July 2014, Concurring and dissenting opinion, PS Rao, paragraph 34:*

As for the point that under the law of the sea, it is not uncommon for different regimes to operate in the same area, it may be noted that these are freedoms States enjoy over the high seas. They are *inclusive rights*. In contrast, the rights accorded to coastal States over the EEZ are sovereign rights and exclusive rights. These have been accepted, as part of evolution of law, while preserving the freedoms of the high seas. In other words, by their very nature, they are different types of rights which admit co-existence. The same cannot be said for dividing sovereign and exclusive rights and control over resources, living and non-living as well as of economic value, in respect of which we ever so often witness disagreements and even serious political conflicts.

Περί γκρίζων ζωνών...

Ανοικτά ζητήματα:

- Διάρρηξη της αρχής της κοινής γραμμής οριοθέτησης
 - Οριοθέτηση Τυνησία/Λιβύη, 1984
 - Functional jurisdiction > functional zones?
- Due regard στις άλλες χρήσεις της θάλασσας:
 - Διαφορετικές ζώνες για διαφορετικές χρήσεις υπό διαφορετική δικαιοδοσία;
- Συμφωνίες συνεκμετάλλευσης: υποχρέωση συνεργασίας;
- Καλή διαχείριση της δίκης:
 - Έχουν οι δικαστικοί σχηματισμοί υποχρέωση να αποφεύγουν τη δημιουργία νέων διαφορών;

China claims a wide swathe of the South China Sea and its islands.

- - - China's claimed territorial waters
- - - Exclusive Economic Zones
- Disputed islands

