

Maritime Claims, Conflicts and Cooperation in the Gulf of Thailand

Clive Schofield*

Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, Australia

May Tan-Mullins

Department of Geography, Durham University, United Kingdom

INTRODUCTION

The Gulf of Thailand is host to a complex mosaic of maritime claims. These include lengthy and highly questionable straight baseline claims and claims based on alleged historic rights. Physically, the Gulf is a relatively restricted maritime space and this gives rise to a number of potential maritime boundaries. Maximalist unilateral claims to maritime jurisdiction have resulted in extensive areas of overlapping claims.

The Gulf is also characterized by complex coastal geography, including the presence of numerous islands, some of which have been subject to competing sovereignty claims. In consequence there are multiple undelimited maritime boundaries, although some delimitation agreements have been reached. A number of maritime joint development arrangements have also been concluded and there are indications that additional functional mechanisms of this nature are under negotiation.

This article will provide an overview of the geographical and resource context related to the Gulf of Thailand before proceeding to a review and analysis of the baselines, claims to maritime jurisdiction, and related agreements existing in the Gulf. Transboundary fisheries issues and environmental concerns will also be highlighted. Progress in relation to

*Dr. Schofield is the recipient of an Australian Research Council QEII Fellowship (DP0666273). The authors are indebted to Andi Arsana for preparing the accompanying map.

Ocean Yearbook 22: 75–116.

maritime cooperation and management, notably in terms of maritime joint development initiatives, within the Gulf of Thailand will then be considered.

Geographical Context

The Gulf of Thailand is a semi-enclosed tropical sea with a total surface area of approximately 82,715 square nautical miles (NM²) (283,700 km²).¹ The Gulf extends approximately 400 NM (740 km) along its southeast-northwest axis to the head of the Bight of Bangkok and is bordered, clockwise from the southwest, by Malaysia, Thailand, Cambodia and Vietnam.² Coastal States bordering the Gulf of Thailand have claimed extended zones of maritime jurisdiction, including exclusive economic zones (EEZs) of up to 200 NM breadth. As the Gulf is uniformly less than 400 NM across this necessitates maritime boundary delimitation between the coastal States.

The coastal geography of the Gulf of Thailand is complex, including the presence of numerous islands. Additionally, the U-shaped configuration of the Gulf has resulted in a constriction in the maritime claims of certain coastal States, while the Gulf's restricted area means that its littoral States, particularly Cambodia and Thailand, are zone- and shelf-locked.³ These factors have served to complicate negotiations towards the delimitation of maritime boundaries and contributed to maritime boundary disputes (see Figure 1).

Political factors have also traditionally served to discourage delimitation (or indeed any) negotiations between littoral States long opposed to one another on ideological grounds. However, the end of the Cold War and the subsequent resolution of the "Cambodian Question" transformed the geopolitical scenario in the region from the 1990s. All four Gulf of Thailand coastal States are now fully accepted members of the international community and are also all members of the Association of Southeast Asian

1. J.R.V. Prescott, *The Gulf of Thailand* (Kuala Lumpur: Maritime Institute of Malaysia, 1998), p. 10; A. Snidvongs, "The Oceanography of the Gulf of Thailand: Research and Management Priority," in *SEAPOL Integrated Studies of the Gulf of Thailand*, ed. D.M. Johnston, vol. 1 (Bangkok: Southeast Asian Programme on Ocean Law, Policy and Management (SEAPOL), 1998), pp. 1–68 at 11.

2. Approximate coastlines on the Gulf of Thailand for each State are as follows: Malaysia (ca. 10.8 NM/20 km), Thailand (ca. 783 NM/1,450 km), Cambodia (ca. 151 NM/280 km), and Vietnam (ca. 184 NM/340 km).

3. The terms "shelf-locked" and "zone-locked" are taken to mean that a vessel belonging to one of the States mentioned must transit the continental shelf or EEZ of its neighbors in order to gain access to the high seas. On the complexity of the coastal geography of the Gulf of Thailand, see also K. Kittichaisaree, *The Law of the Sea and Maritime Boundary Delimitation in South-East Asia* (Oxford: Oxford University Press, 1987), pp. 97–99.