

**Pyidaungsu Hluttaw session continues for 25th day.  
One question replied, one bill approved, one bill discussed**



NAY PYI TAW, 22 March-The Pyidaungsu Hluttaw session continued for the 25th day at Pyidaungsu Hluttaw Hall of Hluttaw Complex, here, this morning, attended by Speaker of Pyidaungsu Hluttaw U Khin Aung Myint, Speaker of Pyithu Hluttaw Thura U Shwe Mann and 508 Pyidaungsu Hluttaw representatives.

The Hluttaw session replied to one question, approved one bill and discussed one bill.

With regard to the question that as International Tribunal for the Law of the Sea delivered the final verdicts on territorial waters of Myanmar and Bangladesh on 14 March 2012 after hearing arguments of both sides, the situation whether the A1/A3 natural gas deposits found by Myanmar are clear from the territorial sea boundary or not and conditions of verdicts on the sea area to the Myanmar people are to clarify through this Hluttaw raised by U Lun Thi of Kungyangon Constituency, Attorney-General of the Union Dr Tun Shin replied that the case of territorial sea boundary between Bangladesh and Myanmar will be presented by dividing into three parts-(1) discussions (2) judgment at ITLOS and (3) generals.

With respect to the discussions, Myanmar territorial waters are sharing border with Bangladesh. Both countries had talks on designating sea boundary, continental shelf and exclusive economic zones from 1974 to 1986. Both sides did not reach agreement on common ground. The talks were ended for 21 years since 1986 as there was no any progress. In October 2008, Bangladesh called for stopping exploratory drilling works at AD-7 block as drilling ship was in Bangladesh's waters.

In order to avoid the tensions between two countries, for designation of sea boundary, expert-level discussions were held for six times during the period from 29-3-2008 to 18-3-2010. During the talks, Bangladesh informed Myanmar that dispute was to be resolved by forming nonentity the panel of judges. In so doing, choosing of judges from both sides did not reach agreement, but both agreed to settle the dispute in ITLOS. Even during the talks, Bangladesh asked for 195 ° line again, and so both sides failed to agree. Finally, Myanmar has chosen the way to resolve the dispute by legal means. Choosing that way is because of being a member country of convention and resolving the dispute in line with the charter.

Myanmar formed Special work leading committee in which Union Minister for Foreign Affairs as Chairman to protect Myanmar's interest in a legal bound to the full, to own territorial waters which Myanmar deserved and not to lose Myanmar's waters.

Under the supervision of it, legal experts group and technical experts group were formed and assigned duties. These groups had made preparation in all aspects.

To resolve the dispute at ITLOS, Myanmar sent Union Attorney-General Dr Tun Shin and Deputy representative Deputy Director-General Daw Hla Myo Nwe of Ministry of Foreign Affairs and Deputy Director-General U Kyaw Hsan of Union Attorney-General Office as its representatives.

Myanmar hired following experts to resolve the dispute.

- Lead counsel Mr Alain Pellet, Professor, University of Paris Ouest, Nanterre La Defense, France, Member and former Chairman of the International Law Commission, Associate Member of the Institut de droit international,
- Sir Michael Wood, K.C.M.G., Member of the English Bar, United Kingdom, Member of the International Law Commission,
- Mr Mathias Forteau, Professor, University of Paris Ouest, Nanterre La Defense, France,
- Mr Daniel Muller, Consultant in Public International Law, Researcher, Centre de droit international de Nanterre (CEDIN), University of Paris Ouest, Nanterre La Defense, France
- Mr Coalter Lathrop, Attorney-Adviser, Sovereign Geographic, Member of the North Carolina Bar, United States of America.
- Mr Benjamin Samson, Researcher, Centre de droit international de Nanterre (CEDIN), University of Paris Ouest, Nanterre La Defense, France
- Mr Eran Sthoeger, LL.M., New York University School of Law, United States of America
- Ms Heloise Bajer-Pellet, Lawyer, Member of the Paris Bar, France
- Geologist Dr Thura Oo, Pro-rector of Meiktila University, Myanmar.
- Mr Min Thein Tint, Captain, Commanding Officer, Myanmar Naval Hydrographic Center
- Mr Coalter Lathrop, Attorney-Adviser, Sovereign Geographic, Member of the North Carolina Bar, United States of America
- Mr Octavian Buzatu, Hydrographer, Romania On Bangladesh side, Minister for Foreign Affairs Ms Dipu Moni served as representative and Mr Md Khurshed Alam, Rear Admiral (Retd), Additional secretary, Ministry of Foreign Affairs as deputy representative. Bangladesh also hired international legal experts and hydrographers. As a legal process, Bangladesh submitted memorial and reply and Myanmar, counter-memorial and rejoinder during the ITLOS-designated period.

Experts from both countries filed their petitions along with evidences, codes at the Court from 8-9-2011 to 24-9-2011.

Bangladesh's major claims and ITLOS's resolution are that there were contracts for sea boundary between in 1974 and in 2008; ITLOS rejects Bangladesh's claim; ITLOS designated 12 miles with respect to Bangladesh's claims for 12 miles for Saint Martin's Island and exclusive economic zone and continental shelf; ITLOS rejected Angle Bi-sector method. ITLOS also rejected claim for extension of continental shelf more than 200 miles as Myanmar land has no natural prolongation to the Bay of Bengal; and ITLOS rejected legal evidences, the 1974 meeting records all agreed by not only naval officers but also fishermen as agreement, which were submitted by Bangladesh.

In Bangladesh's claiming maritime boundary lines, it demanded the line stretching seven points as included in the agreed minutes of the 2nd Myanmar-Bangladesh Maritime Boundary Demarcation Meeting in 1974. The line is from Point No.1 designated as Myanmar-East Pakistan (Bangladesh) regular Naf River course boundary designated in 1966 stretching the middle points between Bangladesh's Saint Martin Island and Myanmar coasts to Point No.7 between the 12th nautical mile arc

to the southernmost of Saint Martin Island and the 12th nautical mile arc from Myanmar's nearest coast.

In claiming continental shelf boundary lines, Bangladesh demanded with angle bisector method. The 215° line obtained from bisecting Haribhanga River middle point between India and Bangladesh and Nuf River middle point between Myanmar and Bangladesh and Bhiff Cape point in Rakhine Coast of Myanmar was shifted to Point No.7 which is the end point of maritime boundary demanded by Bangladesh.

That 215° line was changed into North Latitude 17° 25' 7" and East Longitude 90° 15' 49.0". The line was marked along the 200 nautical mile coast of Myanmar and the end point was up to Point No.16 in Andaman Sea as agreed by Myanmar-India agreement. Bangladesh claimed up to more than 200 nautical miles of continental shelf boundary line.

After maritime boundary lines had been fixed, the bilateral area ratio was analyzed in comparison with the coastal length ratio.

Bangladesh claimed that its relevant coast is from Haribhanga River middle point between India and Bangladesh and Nuf River middle point between Myanmar and Bangladesh and that the line is 348.5 kilometers long. It is stated that Myanmar's coastal length is from Nuf River mouth to Bluff Cape which is only a half of Rakhine coastal length and that it is 369 kilometers long. The two lengths were proportioned and the ratio of Bangladesh's coastal length is 1:1.06.

Bangladesh coastal area is 69717 square kilometers while Myanmar coastal area is 86931 square kilometers. The area ratio between Bangladesh and Myanmar is 1:1.25. As it is not much different from the coastal ratio 1:1.06, it is stated that the demanded line is fair and just according to the proportionality test.

According to the ITLOS decision over Myanmar claims, it is learnt that the demand to draw the exclusive economic zone and continental shelf boundary line through equidistance/relevant circumstances method was accepted. As for the demand of Myanmar to designate 6 nautical miles around Bangladesh's Saint Martin Island with half effect, ITLOS allowed a circuit of the island. However, it allowed 12 nautical miles. It was decided that ITLOS has the authority to rule a case of continental shelf of more than 200 miles.

The maritime boundary line claimed by Myanmar starts from Point (A) designated as Myanmar-East Pakistan (Bangladesh) regular Naf River course boundary at the Nuf River mouth between Myanmar and Bangladesh stretching middle points B, B1, B2, B3, B4 and B5 between Saint Martin Island and Myanmar coast, Point (C) six miles from the nearest point of Myanmar's coast and Point (D) between six miles to southernmost of Saint Martin Island and 12 miles from the nearest point of Myanmar coast. Point (D) then stretches to Point (E) that meets the 12th mile arc to the southernmost of Saint Martin Island and the equidistance line drawn against Myanmar- Bangladesh mail coast. Point (E) is drawn stretching to Point (F), Point (G) and then to 231° 37' 50.9" in order not to harm the right of the third country.

The Bangladesh coastal line was demarcated in four sections. The two inner sections – the right and left coasts of the basin – which meet face to face were not taken into consideration as it did not effect the dividing of the maritime boundary. So, the total length is 364 kilometers. The Myanmar coastal length is 740 kilometers from the Nuf River mouth to Cape Negrais near Mawtinsoon. The coastal ration between Bangladesh and Myanmar is 1:2.03.

In the relevant area claimed by Myanmar, the area Bangladesh has received is 80406 square kilometers while the area Myanmar has received is 156133 square kilometers.

The area ratio is 1:1.94 so it is not different from the length ratio. It was therefore decided the boundary line was not required to be adjusted.

ITLOS gave its final decision on 14-3-2012. The abovementioned line was the maritime boundary line claimed by Myanmar and Bangladesh. The line was drawn starting from Point No.1 at the Nuf River mouth as included in Nuf River regular boundary agreement signed between Myanmar and East Pakistan (Now Bangladesh) in 1966. The continued line from Point No.1 was drawn as equidistance line or method between Bangladesh's Saint Martin Island and the Myanmar coast. It is a continued line from Point No.2 to Point No.8, which meets the 12th mile arc of Saint Martin Island and the 12th mile arc of the Myanmar coast. Point No.8 stretches to Point No.9 that touches 235° from Nuf River mouth drawn with equidistance method.

ITLOS designated the maritime boundary line between Saint Martin Island and Myanmar coast as the similar line claimed in Myanmar's rejoinder. It was drawn with a 12 mile circulate of the island.

As for exclusive economic zone/ continental shelf boundary line, in the memo, the provisional equidistance line drawn by Myanmar was drawn out of two Bangladesh Control Points and Myanmar Control Point No.3. ITLOS drawn provisional equidistance line is like the control point or fundamental points submitted by Myanmar according to equidistance method and provisional equidistance line including a fundamental point drawn by ITLOS for Myanmar. The exclusive economic zone/continental shelf boundary line designated by ITLOS was drawn Point No.9 to Point No.10 meeting the 12th mile arc and the equidistance line. Point No.9 and Point No.10 are Point E and Point F of the line demanded in Myanmar's rejoinder.

The tribunal then chose the point No. 11 to continue from point No.10. In so doing, to remedy the cut-off effect at No.11, to find equitable solution in line with ocean law, it was demarcated to over 200 nautical miles with 215° line in considering that the middle one of the three parallel coastal countries can become land-locked if its coast is concave.

The ITLOS, in demarcating the coast for the two nations, has allowed 423 kilometers for Bangladesh and 587 kilometers for Myanmar. The coastal area ratio between Bangladesh and Myanmar fixed by the ITLOS is 1:1.42. Bangladesh gets 111631 square kilometers and Myanmar gets 171832 square kilometers according to the demarcation line in the area arbitrated by the ITLOS.

Bangladesh demanded 69717 square kilometers and got 111631 square kilometers according to the demarcation line decided by the ITLOS, receiving 41914 square kilometers more. Those areas lie between Bangladesh and the northern Bangladesh.

The ITLO demarcated Myanmar's coastal area to Cape Negrais in proportionality test as demanded by Myanmar. It did not agree the proposed demarcation of Bangladesh. The decision of the ITLOS is right and appropriate and the coastal length ratio between Bangladesh and Myanmar is 1:1.42 and the coastal ratio allowed is 1:1.54.

According to the line of demarcation fixed by the ITLOS, AD-7, AD- 8 and Ad-9 oilfields currently under drilling are clearly within Myanmar's side, with increased prospects for water areas with offshore drilling potentials. Bangladesh asked Myanmar to stop test-drilling of AD- 7 oilfield in 2008 and claimed that that water area was within its territory. But, according to the line of demarcation decided by the ITLOS, it is evident that that area belongs to Myanmar.

Both sides unanimously acknowledged the ITLOS's authority for demarcation of all the three borders, namely territorial waters, continental shelf, and exclusive economic zone in its final verdict.

Bangladesh demanded that ITLOS has the power to make decision for demarcation of offshore shallow sea which is over 200 nautical miles long. It was put to the vote, 21 juries voted yes and 1 no. Myanmar

claimed that there was no agreement between the nations on sea territory. It was put to the vote and the result was 20 “yes” vote and 2 “no” votes. Myanmar demanded to draw the demarcation line of sea territory based on middle line principle, enveloping St. Martin Island. It is put to the vote and the result was 21 “yes” votes and one “no” votes. Myanmar also demanded to demarcate boundary of the exclusive economic zones and continental shelf with equidistance relevant circumstances. It was put to the vote, receiving 21 “yes” votes and one “no” vote.

According to the line of demarcation set by the ITLOS, all the oilfields including AD-7, AD-8 and AD-9 which are now under drilling are still within the territorial waters of Myanmar. So, it is the firm confirmation to Myanmar to continue drilling all the oilfields within its waters. Regarding the A-1 and A-3 natural gas deposit, A-1 was divided as A1-1 and A1-2 in 1997 and since that time those oilfields are clearly within Myanmar side. The decision that ITLOS has authority to demarcate for continental shelf longer than 200 miles does not mean interfering to the work of the UN Commission on the Limits of the Continental Shelf.

Myanmar then proposed to the commission to let it have up to 350 nautical miles of its continental shelf, on 16 December, 2008. Myanmar also submitted scientific and technical evidences in its proposal in line with the provisions of the UN Convention on Law of the Sea. The commission postponed to consider Myanmar’s proposal because of Bangladesh’s objection to the proposal and lawsuit between the two nations.

The ITLOS did not agree the Bangladesh’s demand which said that Myanmar has no right to extend more than 200 nautical miles but only has the right to have 50 nautical miles from main Rakhine Coast. However, the verdict of ITLOS can help avert the deadlock. It is learnt that there are good prospects for over 200 nautical miles long continental shelf. Myanmar proposed to the UN Commission on Limits of the Continental Shelf on 25 February, 2011 for letting it have continental shelf up to over 200 nautical miles. As the commission loads of works to settle, it can consider Myanmar’s proposal only in 2036 as the earliest.

Most of the global nations are asking the UN to let them extend their continental shelf up to 350 nautical miles. It is because the world’s rare precious resources have never been exploited in 350 nautical miles long Deep Ocean. Because of the significant cooperation prospects between the profit-making organizations who have interests in exploring in the area exceeding 200 nautical miles and the nation who can extend the area, global nations are focusing special attention on it. The verdict of ITLOS is fair and just both to the two nations. The judges made fair decisions broadly assessing from legal and technical standpoints. ITLOS has accepted the legal points of Myanmar as it is completely true.

The ITLOS neither allowed the demarcation line purposed by Bangladesh nor proposed by Myanmar. According to the essence of Convention on Law of the Sea, it needs to give Bangladesh the exit to ocean and consider the geographical concavity of Bangladesh’s coast. The ITLOS made fair judgment based on the methods proposed by Myanmar in conformity with provisions of the law of the sea, and international rules and regulations to be fair to Bangladesh. Thanks to the fair judgment of the ITLOS, the territorial waters dispute between Myanmar and Bangladesh has been settled peacefully and the amity and good neighbourliness between the two nations could be maintained.

Union Minister for Finance and Revenue U Hla Tun, Deputy Minister for Health Dr Daw Myat Myat Ohn Khin and Union Minister for Electric Power No. 2 U Khin Maung Soe responded to the discussions that are not included in the amendment of the budget concerning the Union Budget Bill 2012. Next, approvals were sought from the Hluttaw paragraph by paragraph regarding the amendments.

In the discussions, Union Minister U Hla Tun said that The Union Budget Bill 2012-2013 fiscal year was redrawn due to raising the extra cash assistance and wages, permission of regional allowance and raising cash assistance and loans to regions and states in addition to reducing the budget of the Union. In so doing, the Union Budget Bill 2012 was drawn in line with the provisions of the National Planning Bill 2012- 2013 fiscal year approved by Pyidaungsu Hluttaw with the amendments. Although there was K 251788 million budget deficit, compared with K 1953712 million in the new bill. The ratio of deficit to GDP declined to 3.2 % from 4.9%.

In her response, Deputy Minister Dr Daw Myat Myat Ohn Khin said that the capital expenditure was subtracted from the incomes of cost-sharing health care, and 50 per cent from the remaining amount were paid as ordinary income of the State. Income from the sales of medicines is used as the circular fund spent on providing assistance to needy persons, poor persons, prisons, those from religious affairs and the persons allowed to enjoy the assistance under the law.

Medicines for disease control were allowed to all patients free of charge. Likewise, X-ray and lab services were provided to the above-mentioned persons with free service, and 25 per cent from the remaining income were paid to the State. Cost sharing health care is aimed at using the necessities for the hospital in line with the law, providing assistance for needy persons, poor persons, unaffordable personnel, prisons and religious persons (monks and nuns) and those allowed to enjoy the rights under the law at the hospital. At present, the State will manage the service in line with the present policies.

Union Minister U Khin Maung Soe responded to the discussions, saying that the projects presented in the reports on income and expenditure in 2012-2013 fiscal year are aimed to undertake regional development; the projects has been implemented to some extent depending on the fund in 2012-2013 fiscal year; and project materials have been purchased. As approval has been sought from Pyidaungsu Hluttaw to implement the projects as quickly as possible, the projects will be undertaken continuously.

The Hluttaw approved title of the Union Budget Bill 2012, section title, chapter title, para 1, para 2, para 3 (a, b and c), para 4 (b), para 6 (a) and subpara (i), para 6 (b), para 8, para 10, para 12 (a), para 13, para 14, para 15 (a, d, g), para 17, para 18, para 20, para 22 and table 1-10 of the bill in line with the original provisions of the bill, para 3(d), para 4(c), para 5, para 6 (a) (ii) (iii), para 7, para 11, para 12 (b), para 15 (b, c, d, f), para 16 (b), para 16 (b), para 19 (a, b), para 21, para 23 (a) and para 24 in line with the amendment of the Joint bill Committee and para 4 (a), para 6 (c) and para 23 (b) in line with amendment of Pyithu Hluttaw Speaker Thura U Shwe Mann.

With regard to the bill, Chairman of Pyithu Hluttaw Projects and Financial Development Committee U Soe Tha said that the committee scrutinized and reduced the per cent of capital expenditure to be assessed by department concerned in line with the original planning bill. Although the Ministry of Construction proposed to reduce 52.93 per cent reduction, suspension and postponing from the original projects, the department concerned reduced 30.19 per cent only from it.

Although Ministry of Electric Power No. 2 earmarked to reduce 37.89 per cent from expenditur K 342,663.479 million by submitting some projects, proposal was submitted to reduce 9.93 per cent from the demanded cash amount. The ministry concerned can select the projects to be reduced by 9.19 per cent. Thus, the ministry concerned is to reconsider Aungthabye- Naungyahsaing 33 KV power grid and Thaton-Mawlamyine 230 KV power grid in the projects to be implemented in 2012-2013 fiscal year, and it is probability to give priority to implementation of the projects.

As Union Minister U Hla Tun submitted the proposal to approve the whole Union Budget Bill 2012, the Hluttaw approved it.

In drawing the bill, U Than Sein of Kyimyindine Constituency, U Sai Than Naing of Papun Constituency, U Thaung Han of Yinmabin Constituency, Daw Dwe Bu of Injangyan Constituency, U

Ha Shein Bwe of Chin State Constituency No. 8, U Ba Shein of Kyaukpyu Constituency and U Soe Soe of Htigyaing Constituency who submitted proposal of amendment participated in discussion of para 27 (b) of Bill Amending Ward or Village-tract Administration Law.

Approval will be sought from the Hluttaw for Bill Amending Ward or Village- tract Administration Law.

Today's session came to an end at 3.30 pm, and the 26th day session will commence at 10 am tomorrow.-MNA

**Source: NLM 2012-03-23 <http://www.myanmar.com/newspaper/nlm/index.html>**