No Panacea: Challenges in the Applications of Provisional Arrangements of a Practical Nature

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Challenges in the Application of Provisional Arrangements of a Practical Nature

- Great potential merit but…
  - Not to be entered into lightly
  - Merely because overlapping claims exist and negotiations are deadlocked

- Key Challenges:
  - What area?
  - Third party rights
  - Certainty and Continuity
  - Downstream issues
Challenges in the Application of Provisional Arrangements of a Practical Nature

- The Limits of zones of cooperation
  - Does using the limits of overlapping claims areas legitimise and encourage excessive maritime claims?
  - Third party rights – other claimants?
- Complexity and Continuity
  - Intricate arrangements
  - Difficult to negotiate and sustain
  - Need to endure for the long haul
  - A challenge to State sovereignty
  - A source of friction in relations?
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- Downstream issues
  - As much of a prize as the marine resources themselves?
  - Dealing with the impacts of “success”
- Gulf of Thailand examples - a concentration of State practice
- Timor Sea arrangements
- Joint Development in the South China Sea?
Cambodia – Vietnam joint ‘historical waters’ area

Malaysia – Thailand joint development area

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Cambodia – Thailand revoked MoU?

Overlapping claims in the Timor Sea