

CENTRE FOR INTERNATIONAL LAW

Seminar

CIL

25 July 2012, Wednesday, 4.00pm – 5.30pm

**Executive Seminar Room, Level 3, Block B, NUS Bukit Timah Campus
469 Bukit Timah Road, Singapore 259756**

MARITIME DISPUTE BETWEEN CAMBODIA AND THAILAND AND INTERNATIONAL JURISPRUDENCE



HE Hang Chuon Naron

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His Excellency Hang Chuon Naron is currently the Permanent Vice-Chairman of the Supreme National Economic Council (SNEC), a government think tank, and the Secretary of State of the Ministry of Economy and Finance. He holds Masters and Ph.D. degrees in International Economics from the Moscow State Institute of International Relations (1982-1991), and an Advanced Diploma in Insurance from the Chartered Insurance Institute (CII), United Kingdom, and the Malaysian Insurance Institute (MII). He is an associate of the CII and the MII. He studied during 2010-2012 for a Master degree in international and comparative law at the Royal University of Law and Economics, a joint Master's Degree of Law program with the University of Lyon 2 and the University of Nice-Antipolis, France (Master's Thesis: Maritime Dispute between Cambodia and Thailand in the Gulf of Thailand and the International Jurisprudence). He worked in various diplomatic missions and research institutions as a political and economic analyst. Since 1999, he held various positions at the Ministry of Economy and Finance, such as Research Coordinator of the Economic Advisory Team and First Deputy Director of Budget and Financial Affairs Department. Then he was appointed Deputy Secretary General in charge of Policies, including economic, fiscal and financial policies, ASEAN, financial industry, economic analysis as well as responsible for coordination with the IMF and the World Bank. He held the position of Permanent Secretary of the Ministry of Economy and Finance from 2004 to 2010. He represented Cambodia at the ASEAN and ASEAN+3 Deputies' Finance and Central Bank Meetings. He represents Cambodia at the Meetings of G20 Finance Ministers and Central Bank Governors during Cambodian chairmanship of ASEAN. He also coordinates the policy dialogues between the Cambodian Ministry of Economy and Finance and the Asian Development Bank (ADB), the International Monetary Fund (IMF) and the World Bank. In his capacity as the Permanent Deputy Chairman of the Supreme National Economic Council (SNEC), the policy think tank for the Prime Minister, he has contributed to policy papers of the Royal Government of Cambodia, and has accompanied the Prime Minister in many international conferences, such as the UN General Assembly, the Non-Alignment Movement, the ASEAN Summit, the East Asian Summit and other international fora. He is author of a number of government policy papers and books on Cambodian economy and public finance. His book "Cambodian Economy: Charting the Course of a Brighter Future" was recently published by the Institute of Southeast Asian Studies (ISEAS).

INTRODUCTION

In the 1950s, Cambodia has stepped up efforts to establish her maritime boundaries by adopting a system of straight baselines in 1957. After ratifying the 1958 Geneva Conventions on the Law of the Sea, Cambodia expanded its territorial sea and adopted a line perpendicular to the general direction of the coasts as her lateral limit with Thailand. Thailand did not protest Cambodia's unilateral act.

However, in response to Cambodia's adoption of the limits of her continental shelf by a decree dated 1 January 1972, Thailand adopted a declaration dated 18 May 1973 to establish the outer limits of her continental shelf, thus creating an Overlapping Claim Area (OCA) between Cambodia and Thailand. Cambodia's lateral limit claims are based on the French-Siamese Treaty of 23 March 1907, which states that: *"The border between French Indochina (Cambodia) and Siam (Thailand) commences in the sea from a point situated in front of the highest point of the Koh Kut island"*. Thailand claims appeared to be based on the *Land Projection Theory*. An MOU was signed on 18 June 2001 to confirm this OCA.

Cambodia and Thailand are *"obliged to settle their international disputes by peaceful means"* and are bound by *"the obligation to negotiate, in good faith"*. In this regard, jurisprudence has played a leading role in establishing rules that define the rights of coastal States to share maritime space through delimitation.

In case that the dispute would be submitted to the ICJ, what rules will be used for delimitation? The latter should take into account all relevant circumstances. Cambodia is disadvantaged by its coastal geography. The most prominent geographical feature of the Cambodian coast is the marked concavity of her coastlines. Cambodia is squeezed between Thailand and Vietnam in the same way like Germany, squeezed between Denmark and the Netherlands in the *North Sea Continental Shelf Case*. Thus, the effect of the use of the equidistance method is to *"cut off"* Cambodia from the further areas of the continental shelf. It is the search for equitable results that guides this research project.

FREE ADMISSION Please register by emailing
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ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: cil.info@nus.edu.sg