

Sensible decision by the mayor

Port efficiency is a matter of economics, not politics

THE withdrawal of the 'entire agitation programme' of a blockade of Chittagong port on May 19 followed by a strike on the preceding day by Chittagong City Mayor Mohiuddin Chowdhury comes as a relief. The very talk of it was filling the air with ominous foreboding. The premier port of the country, as it is, has been bedeviled by chronic deficiencies; it couldn't afford another bodyblow. That the threat has been removed through a consultative process initiated by Shipping Minister Akbar Hossain with the mayor and a dialogue is in prospect is welcome.

The air needs to be cleared of the confusion over what the mayor sees as 'privatisation' of the New Mooring container terminal and the shipping ministry regards as leasing it out to select private parties.

What will be for the good of the port is very much a matter of economics and not politics, of hard-boiled calculations and not political positioning. Issues of port efficiency cannot simply be decided on slogans and populism. The mayor-shipment ministry understanding is a good starting point for taking the port forward.

It is our firm conviction that whatever it takes to improve the standards of efficiency and performance of Chittagong port must be done. The volume of export-import cargo loads for Chittagong port has increased 24 times since the independence of the country, but evidently without any commensurate capacity building, a vital area held ransom to politicking, labour unrest and resistance to change and a whole array of conflict of interests spearheaded by CBAs and other stakeholders. All of these well-oiled by the grease of corruption and malpractice. The net result is, what Chittagong port takes a week to clear, Singapore port would in a matter of hours. This raises the cost of business. Port operation by default is expensive and inefficient at the same time. Actually, the lack of infrastructure and efficient man-power in the port is corroding some of our competitive edge in terms of export to the world market.

The supreme irony is whereas Chittagong port, being geographically proximate to India, China, Myanmar, Nepal and Bhutan, should have been a thriving entrepot is now a limping entity. If only we had modern container loading and unloading facilities, trade and commerce would have expanded and investment, both domestic and foreign, would be picking up manifold.

Ominous utterances

Government must note and act

ONE cannot but be concerned at the utterances of the religious radicals undergoing trial on charges of last year's bombings. Although such utterances deserve to be dismissed as mere gibberish, and should be, it is for other reasons that one is constrained to take cognizance of these.

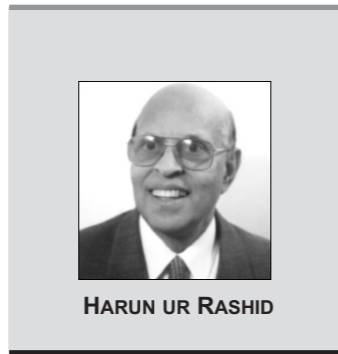
By asserting that they have merely followed 'the instructions of Allah' in killing the judges, these radicals, who claim to be Muslims, have exposed a dangerous mindset with which they have acted so long, and the level to which they have attempted to elevate themselves, since it is only the Prophet who had received direct instructions from Allah. Further, to invoke religion and Allah, for wanton killings of innocent people, is not only sacrilegious, it is also a patently anti-Islamic act. It is not difficult to fathom the level of degradation that these people have sunk into in nurturing such thoughts. There is all the possibility that such mindset has been inculcated into their followers who are yet to be nabbed. One hopes that those within the administration, who ought to be, are alive to the significance of these utterances, because these are dangerous portents, which are a cause for worry, if not addressed immediately.

For one thing these are the invocations that Shaikh Abdur Rahman, Siddiqul Islam and their cohorts must have used in motivating their large number of followers in undertaking the bombings, and later the suicide missions, that we were victims of last year. And this is where the government must come down hard and effectively, not only to sensitize those that have been exposed to such teachings, but also to demotivate those that have fallen prey to their sinister machinations. The government must not sit pretty with the feeling that with the arrests of the top brasses of the two radical groups their activities have been ended once and for all. Without sounding alarmist we suggest that it is everything but that.

It will also be pertinent to mention that, apart from the JMB and JMJB, there are other groups in Bangla-desh that are inclined to distort the teachings of Islam for achieving their narrow parochial ends. This also must not be allowed to continue.

UNDEMARCATED SEA-BOUNDARY

Is India taking advantage?



HARUN UR RASHID

IT is common knowledge that India is hungry for energy and its search for oil and gas is in high gear. It is understandable that India will explore the areas within its territory including maritime zones for oil and gas. However, it must not in any way encroach on a neighbour's territory.

Under the 1982 UN Law of the Sea Convention, a state is entitled to claim 200 nautical miles within its jurisdiction. The first 12 miles are known as territorial sea and the next adjoining 188 miles as its Economic Zone. The sea-bed (continental shelf) of a state can go further -- (350-miles) depending on the geographical characteristics of the sea bed.

India reportedly floated its sixth licensing round under the New Exploration Licensing Policy, 24 marine blocks for exploration in the Bay of Bengal. It is further reported that India is about to explore two marine blocks for oil and gas close to the Sunderbans of Bangladesh in the Bay of Bengal. The published block acreage of the Indian government, earmarked as Blocks D-22 and 23 in the Bay of Bengal, appears to overlap with Bangladesh's area.

BOTTOM LINE

The marine areas adjoining in the Bay of Bengal need to be resolved and demarcated in order to avoid unnecessary tension between the two neighbouring countries. It is hoped that both countries may commence negotiations as soon as practicable on the important subject; until then, it would be prudent for India not to explore oil and gas in the maritime areas that are claimed by Bangladesh.

In 1974, when Bangladesh allocated a few off-shore blocks of the Bay of Bengal to a foreign oil company, India vigorously objected and sent a letter to the foreign company, without any communication to Bangladesh, that the company would be at its risk because the sea-boundary between the two countries remained unsettled. As a result, the foreign company withdrew, to the disappointment of Bangladesh. Bangladesh felt let down by India.

It is noted that in 1974, among all the countries in South Asia, Bangladesh is the first country that had declared its jurisdictions in July on territorial waters, economic zones, and continental shelf through legislation in parliament, known as the Territorial and Maritime Zones Act 1974.

The economic zone under the law is extended to 200 nautical miles from its baselines and the continental shelf goes to a distance of 350 miles. The baseline from which the territorial sea, and economic zone is measured has been described in geographical coordinates (longitudes and latitudes) through a gazetted public notification of the government so that other nations could know the exact claim of Bangladesh.

If the reported news of India's

intended exploration in the Bay of Bengal is correct, India will be laying its hands on the blocks of marine areas that are claimed by Bangladesh in 1974. By all canons of international law and legal precedents, coupled with domestic law on the subject, it is strongly argued that the areas in question fall within the Bangladesh territory.

As far as international law is concerned, Articles 76 and 82 of the 1982 UN Convention on the Law of the Seas lay down the methods of delimitation of sea boundary between adjacent states (distinct from opposite states, such as Sri Lanka and India). First the states shall settle the boundary through negotiations. If negotiations fail, the principle of equity will apply, implying that justice and fairness must be the hallmark of settlement.

Since the areas in the Bay of Bengal have yet to be delimited, legally and politically, India's reported action is contrary to the spirit of good neighbourliness and mutual respect.

Bangladesh and India commenced negotiations on delimitation of maritime boundary in 1974 (the writer was involved with the negotiations). The sea-boundary line could not be settled because India's proposed line that was contrary to international law as

decided by the World Court in 1969 on the North Sea Continental Shelf Case. The proposed boundary would leave little maritime area for Bangladesh in the Bay of Bengal, turning Bangladesh into a "sea-locked country."

Several meetings took place between 1974 and 1982 on the subject, but India reportedly remained firm in its position that was not only contrary to international law but also ignored the geomorphological features, including the indented nature of coastal belt of Bangladesh and concavity of its coasts.

Bangladesh's case is straightforward and simple. Looking at the map of Bangladesh, its land domain is rectangular in shape and since the Bay of Bengal is located on the south of the land territory of Bangladesh, it gives Bangladesh the right to claim marine areas in rectangular orientation extending 200 nautical miles to the south in the Bay of Bengal from the extremities of its land territory.

Another fact is that the delimitation of sea boundary between two lateral or adjacent states, such as Bangladesh and India, is different from that of opposite states such as India and Sri Lanka or Australia and Indonesia.

Geographical position plays an

important part in delimitation of sea boundary and equitable principles come into play in the case of adjacent states. The method of delimitation (equidistant method) between two opposite states does not apply between adjacent states because it grossly distorts the boundary, contrary to the principles of fairness and justice (equity).

India's claim of South Talpatty island complicated the negotiations on sea boundary.

This dispute, in turn, has raised an important question as to the exact boundary line on the Hariabhangar river that separates Bangladesh and India in the west.

The 1947 Radcliffe Award of Indo-Pakistan boundary did not adequately address the issue because the international boundary of the river remains undemarcated up to the point of the river meeting the estuary on the sea.

Bangladesh, at one stage during negotiations, proposed a joint Bangladesh-India marine survey on the Hariabhangar river to come up with a report on the exact position of deep water navigable channel of the river so as to demarcate the river boundary and also to ascertain the existence of another low-tide elevation (India calls it Purbasha Island).

Unless the border area is demarcated, the main channel of the river cannot be determined and as a result, ownership of South Talpatty and the sea boundary in turn cannot be resolved. The precise issue is as to whether the main channel runs east or west of the island. Some experts have questioned whether South Talpatty can be called an island because it does not remain above water during high tide. They argue it is a low-tide elevation.

However we may describe it, India remained silent to proposed survey although it agreed in princi-

ple in 1979. Later, Bangladesh provided to India data including satellite imageries of the flow of the river. Since 1974, regrettably India has not accorded any priority to implement Bangladesh's proposal to resolve the issue.

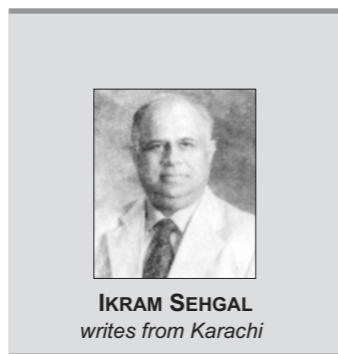
The Bangladesh government published a White Paper on South Talpatty and submitted to the Parliament on May 16, 1981. The Paper convincingly argues the merits of Bangladesh's case.

With the increase of population in Bangladesh (242 million by 2050, according to the UN), Bangladesh will gradually turn its attention to rich marine resources for food and other needs of its people. It is reported by scientists that resources on sea are much more fruitful than those on land. As our land-resources deplete, it will be necessary for Bangladesh to depend increasingly on sea resources.

The marine areas adjoining in the Bay of Bengal need to be resolved and demarcated in order to avoid unnecessary tension between the two neighbouring countries. It is hoped that both countries may commence negotiations as soon as practicable on the important subject; until then, it would be prudent for India not to explore oil and gas in the maritime areas that are claimed by Bangladesh.

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Exploiting Pakistan's Gold Coast



IKRAM SEHGAL
writes from Karachi

FOR a country with two seaports serving a population of 150 million (not counting the hundreds of millions in countries beyond) it is vitally important to have alternatives. Population congestion and possible economic factors because of the emerging markets of Central Asia require that a sea-land dimension along a separate south-north axis be added for expansion, otherwise all facilities and opportunities are likely to be clogged.

A bird's eye view of Pakistan's coast from Karachi westwards gives us in succession at least three possible ports capable of processing ocean-going vessels. While retaining Ormara for purely military use, what is required now is a sustained effort not only at Gwadar but also Pasni. The long coastline with stretches of virgin beaches and adjacent vast empty spaces hinterland require well-planned commercial exploitation.

It is personally satisfying that recommendations made in my articles: "Economic Exploitation of the Coastal Areas-1 and 2" (Jan 16 and Jan 23, 1990) and "Pakistan's Gold Coast" (April 10, 1999) are now being implemented, better late than never.

Once oil was discovered in quantity in the Gulf, it was only a

AS I SEE IT

Bold steps must be taken to open up Pakistan's coast for economic exploitation in a careful and planned manner. Pakistan stands to become the hub of economic activity in the region. And we must guard against giving up control of our strategic assets to the competition. Pakistan's economic destiny lies along this seashore, do we have the vision and the courage to meet with this challenge?

matter of time before some major commercial centres with port facilities came up, both inside and outside the Gulf. Instead of anticipating the opportunity at the mouth of the Hormuz, Pakistan lost a golden opportunity because of a lack of bold and visionary planning.

During peacetime the Gulf ports are commercially very viable, given geo-political stress they become very vulnerable. If Central Asia is to be commercially served, most of the ports except for the Iranian ones are on the wrong side of the Gulf.

For three major reasons, therefore, a port on the Pakistani coast on the Asian mainland in the vicinity of both the Gulf States and Iran becomes a viable proposition, viz (1) outside the possible war zone, (2) land access to the whole of Central and South Asia and China, (3) sea access to the Gulf ports making it an ideal transit station, and (4) easy enhancement of existing communications infra-structure. Of particular commercial interest would be to have super-tankers off-take oil from oil staging points served by smaller vessels from the Gulf.

If Gwadar had been developed as a major port at about the same time as Dubai, Dubai would never have enjoyed the commercial success it presently enjoys. Gwadar has many natural advantages that

the Gulf ports lack. For trade and commerce, Gwadar (unlike Dubai) is a natural land access port to Asia, with emphasis on "land access." Anything on the southern side of the Gulf has to be ferried across, involving logistics, time and money. Moreover there is plenty of land available for expansion, the Gulf has this in short supply.

A lateral road connects the coastline it to the Iranian port of Chahbahar (and the Iranian road network), a road connection with the RCD highway gives it access to not only whole of Central Asia but also Sinkiang Province of China. A rail line connecting it to the Zahidan-Quetta existing rail line would add to its accessibility to Central Asia. Because of the Karakoram Highway, it would be more economically feasible for China to have land access to Kashgar etc through Gwadar. Similarly Kyrgystan, Uzbekistan, Kazakhstan, Tajikistan and Turkmenistan can all be best served from Gwadar or Pasni.

As one of the most strategic locations in the world, ports along this coastline, Gwadar (or Pasni) will be in a position to influence economic and military direction in the region. To summarize some of the international advantages, viz, the port (1) can work as a services and transit point for Afghanistan and CIS

countries (2) serve Sinkiang Province of China (which is 3000 kms away from Chinese ports as compared to 1,500 kms from Gwadar or Pasni) (3) can facilitate US security and strategic objectives particularly the proposed North-South pipeline from Central Asia, and conversely (4) gives Russia their age-old dream of a warm water access.

On the domestic front, the ports will viz (1) open new markets, (2) earn more income for the people as a service industry and uplift standards for the whole population of Pakistan, (3) become a global synchronized trading hub, and (4) concessions to neighbouring countries will contribute to geographical stability in the region.

Great cities and towns can come up along the highways in the totally desolate areas of the country, these ports will serve not only commerce and industry but tourism as well. For the poverty-stricken rural backward areas along the route this will be God-sent. The vast undeveloped area can host many large inland fish and shrimp farms, coconut and date cultivations, even fruit farming under controlled conditions, etc.

The investment opportunities in the ports itself are tremendous viz (1) warehouses and cold storages, (2) cargo handling and trucking yards, (3) development of commer-

cial and residential areas, with hotels and motels, hospitals, colleges, and schools, (4) wide stretches of sun-swept beaches a possible tourist destination, (5) shipyards and dry docks, (6) marine fuel depots, (7) large oil storages and farms as well as an oil refinery, and (9) export processing zone, on the lines of Dubai's Jebel Ali.

Foreign port operators will certainly be interested in running Gwadar Port. One must be very careful in selecting the right port operator, the first consideration must be the protection of Pakistan's supreme national interest, that includes commercial security.

We have to avoid an operator who may have conflict of commercial interest (directly or indirectly) and even a possible hidden agenda. We should avoid any operator that is owned and controlled by a single country.

Regrettably Dubai World Port (DWP), which has recently made a bid for running Gwadar Port, must be a non-starter for all these reasons. DWP has recently been in the news because of being not allowed to run US Ports through its P&O subsidiary, US Congress canceling the deal with the US citing "national security reasons."

While I am very fond of Dubai, in the business sense Gwadar will eventually be competing with Dubai. According to DWP's own projections, the anticipated volume growth in the Gulf will surge to 162 million tons annually, three times more than the 54 million tons that DWP is presently handling.

Hard-nosed businessmen (which is as it should be), why should DWP will give Gwadar any preference in face of DWP's existing assets? Take how tough the Eitselal negotiators were! At best Gwadar will be best used as a staging area for Dubai's land access to Asia.

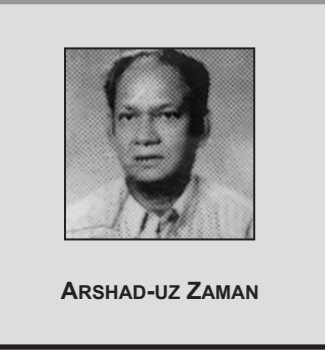
By controlling this deep water port just outside the Gulf, DWP will ensure that future trade growth revenues will be achieved through their own assets. It is in their strategic commercial interest not to allow Gwadar to become a free-trade hub for regional and transit cargo. Control of Gwadar Port is meant only to support DWP's own growth and give the minimum preference to (and at the cost of) Pakistan's strategic and commercial interests.

Unless we effect drastic change along our coastline, at best our economic planners will be hoping for miracles. Bold steps must be taken to open up Pakistan's coast for economic exploitation in a careful and planned manner, otherwise we will be strangled by our over-population as well as slow-down of job creation.

Visionary planning coupled with effective implementation is required, the number of jobs that will be created for the next 30-40 years is by itself staggering. On a safe assumption, we may even have to import manpower. Pakistan stands to become the hub of economic activity in the region. And we must guard against giving up control of our strategic assets to the competition. Pakistan's economic destiny lies along this seashore, do we have the vision and the courage to meet with this challenge?

Ikram Sehgal, a former Major of Pakistan Army, is a political analyst and columnist.

Elections in West Bengal: Bangladesh perspective



ARSHAD-UZ ZAMAN

THE HORIZON THIS WEEK

Since 1975 Bangladesh has been in the wilderness. What we are living with today is the direct outcome of those fateful days. There are daily outbursts throughout the country. It is electricity, it is water, it is steep rise of prices of daily necessities, it is educational institutions seething with discontent

become irrelevant in the political scene of West Bengal. It is as if a one party system has been established through ballots.

And what perfect elections, almost to make us envious across the border! There is no question of a caretaker government, there is no debate about the integrity and independence of the Election Commission. Everything went smoothly. The results announced was not challenged. And thanks to the election results the government of Manmohan Singh in New Delhi will have to learn more heavily on the rulers of West Bengal. After all with the support of CPI(M) Congress has been

able to form a government at the Centre. Buddhadeb Bhattacharjee is not burdened by Marxist ideological moorings but will now have a stronger hand in the fulfillment of the Common Minimum Programme.

We have also entered the election year. But when we look at the scene in Bangladesh, what do we find? With much fanfare we devised the concept of caretaker government system. We were so pleased with ourselves that we toyed with the idea of exporting it abroad! And what has happened to the caretaker concept? The ruling party has so arranged that it is their man, Chief Justice K M

Hasan, who will take over as the next chief of the caretaker government, whose sole responsibility will be to organise fair, independent elections. Chief Justice Hasan retired recently. In order that he may be the next head of caretaker administration, the ruling BNP amended the Constitution extending the tenure of the judges by two years. Former Chief Justice Hasan has been an Ambassador to Iraq during the tenure of former President Ziaur Rahman, who founded the BNP. Hasan has also been a member of the BNP. Can anyone expect impartiality from him?

About our Election Commi-

sion, I believe the less said the better. The Election Commission is supposed to be an independent body. Yet the occupant of that office gives every sign that he is hell bent to carry out the wishes of the Prime Minister's Office (PMO). A high powered European Union (EU) delegation came to Bangladesh recently and the CEC (Chief Election Commissioner) played hide and seek with them. His behaviour with his two recently retired Election Commissioners was unacceptable by any standard. He has gone ahead with the preparation of a new voter list although the High Court had directed that he needed to update the earlier list. In his new list there are 9.3 crore voters out of a population of 14 crore, exactly two crore more than the last time! Ask anyone around you and his answer most probably will be in the negative about his inclusion in the voter list!

From an analysis of these developments it would appear that the present government is determined to steamroll the next election according to its own design failing which it will have created such a chaos and confusion that the nation will sink deeper into trouble if that were possible!

If we take a cool view of the present situation, we inevitably come to the conclusion that the events of that fateful night of 15 August 1975 have made a permanent scar on the nation. We are groping for a way out. Let us recall that after the surrender of the Pakistani occupiers at the Ramna Race Course (Suhrawardy Udyan) on 16 December 1971, we made a brilliant start and rapidly established ourselves as a proud independent nation in the world under the leadership of the father of the nation Bangabandhu Sheikh Mujibur Rahman. He along with his members of the family and near relations were wiped out. In sheer savagery we surpassed the murder of the Czars following the advent of the Bolsheviks. 15 August was followed by 3 November 1975, when the second echelon of leadership was brutally murdered in jail. The murder of Syed Nazrul Islam, Tajuddin Ahmed, Monsur Ali and Qamruzzaman, four very impor-

tant leaders of the ruling Awami League, who played very prominent roles during our Liberation War, was done in order to cripple the Awami League.

In 1973 the Marxist leader of Chile, Allende was elected and later toppled by the CIA under direct order from National Security Adviser Henry Kissinger. I was sent as Bangladesh Ambassador to Algiers post haste because Algerians were staging the Non-Aligned Summit and they wanted us to join. It was of very great importance to us because Non-Aligned Group had more than 100 members from Asia, Africa and Latin America. We needed their recognition. The widow of Allende and her daughter made their appearance in Algiers and it created a wave of sympathy for them. It might have been due to this consideration of drawing sympathetic support that the entire family of Bangabandhu was wiped out.

Since 1975 Bangladesh has been in the wilderness. What we are living with today is the direct outcome of those fateful days. There are daily outbursts throughout the country. It is electricity, it is

water, it is steep rise of prices of daily necessities, it is educational institutions seething with discontent. Only very recently the MP of Shanir Akhira area was seen running from an enraged mob. The Vice Chancellor of the Shahjalal University of Science and Technology (SUST) had to resign due to police firing of one of his students.

Those who plotted the assassination of the father of the nation, may take great satisfaction that they had succeeded in destabilising the state that they fought tooth and nail so that it did not see the light of day. Yet Bangladesh is there and to quote Bangabandhu 'so long there is the sun and the moon, so long there are the stars Bangladesh will continue to live'. Let there be a fair election like that of West Bengal.

Arshad-uz-Zaman is a former Ambassador.