

NEED FOR URGENT ACTION

Delineation of outer limits of the continental shelf

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UNCLOS (United Nations Conference on the Laws of the Seas) 1982 is an important instrument, which establishes the framework and mechanisms for international cooperation with regard to delimitation of maritime boundary, management of the seas and its abundant resources lying in the Exclusive Economic Zone (EEZ) and Continental Shelf (CS). According to article 76 of the UNCLOS, the legal extended CS is however different to the CS that geologists usually refer to. There are complex criteria contained in this article that has been subject to various interpretations. The legal CS is rather defined as:

- a. The submerged platform that is the extension of a continent (natural prolongation), plus
- b. The pronounced downward slope (Foot of the Slope-FS) that is seaward of this platform, plus
- c. The gentle decline that is found between this slope and the flat plain of the ocean.

But it's often hard to see where the gentle decline stops and the flat plain under the sea starts. To keep the process consistent for each country, sediment thickness is used to tell when the plain is reached. The sediments that lie on the gentle decline are those that have slumped down the slope from submerged platform. Fewer sediments travel far from the platform, so the thickness gradually decreases. The flat plain of the ocean is reached when the vertical thickness of the sediments has petered out to just 1% of the horizontal distance back to the FS. This is the very edge of the legal extended CS. Another method can be used to find the edge by drawing arcs with a radius of 60nm measured from the FS.

One of the criteria establishing a maximum to which a CS claim of a coastal State may extend is a requirement of UNCLOS for the outer limit of the CS to be less than 100 nm from the 2500-meter isobaths (a line on a nautical chart that joins places that have the same depth). A second requirement is that the outer limit of CS must be less than 350 nm from the Baselines from which the Territorial Sea is measured. A coastal State may use whichever is the greater of these two criteria. Seismic surveys to determine sediment thickness are expensive so the 2500-meter isobaths and the configuration of the seabed in the region of the FS should therefore be accurately surveyed before a determination can be made and before seismic surveys are undertaken.

The complexity of this article warranted the establishment of a new body called COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF (CLCS). This commission has to examine the claims of individual state when received and has an unusual status, being neither a court nor a purely advisory body; it examines states submissions and makes recommendations to the states on the validity of their claims. The commission's mandate is structured on a non-adversarial approach; it will assist states in preparing their submissions and provide scientific and technical

The multi-institute and multi-core Continental Shelf (CS) programme involving expensive and costly surveys must be undertaken without any more delay, hiring foreign vessels as we do not have such vessels, and also expertise, if needed. However, the more serious issues we have to settle are the maritime boundary issues with both of our neighbours and conforming our BASELINE with UNCLOS before submitting our CS claim. Although I am nobody to raise the national alarm for such survey and related works to be undertaken but as a citizen of the country, I strongly urge upon the political masters not to wait a single day more as we will be losing more territory along with its resources because of bureaucratic tangle and institutional inertia and slumber. The development of a overall strategic framework to enable the integrated management of Bangladesh's marine interests for sea areas is the need of the time and the strategy should include a vision, goals, and principles that will enable a collaborative integrated approach to our sea management.

advice. It would also help in country information dissemination and development of human resources by conduction workshops, if requested. The emphasis is on the use of methodologies, which minimize costs and optimize resources. Since the ultimate responsibility for proclaiming jurisdiction belongs to the state, this process poses a number of challenges both technical and in terms of time constraints. On the technical side, comprehensive and potentially very expensive data gathering and analysis must support the submission and on the time side there is an absolute deadline of 10 years after ratification for any country to submit its claim.

Indications are that after delineation of the outer limits of our CS, Bangladesh would be in a position to make exclusive claims on the CS with a minimum area of 2,07,000sqkm (approx), which is 1.4 times more than the total land area of Bangladesh. This area is tremendously rich in non-living resources, and sedimentary organism found there would belong to exclusively to us with no obligation to give access or surplus to others. It will enable Bangladesh to lay submarine cables and pipelines in this additional area, which are important for communication purposes. We can also explore the seabed for oil and gas, which is lying off the coast at a depth of 300m or 400m. In case Bangladesh does not submit its claim before the CLCS within that 10 years time frame, the CS beyond 200 nm of EEZ would lie in international waters and we would have the same claims to it as other member countries of the UN/International Sea Bed Authority. It is thus imperative that Bangladesh establishes its rightful claim and to submit the claim on CS to the CLCS, Bangladesh is required to determine: -

- a. Baselines.
- b. Foot of the Continental Slope (FS) and 2500 misobaths.
- c. Thickness of sedimentary rocks (1%), to establish the outer limits of the CS.

While the Territorial Sea and EEZ follow essentially from the promulgation of the Baseline, the outer limits of CS shall have to be established by physical survey, which involves the determination of the water depth 2500m, and the FS through bathymetry and sedimentary rock thickness through seismic, reflection and

refraction. Determining the result involves many elaborate and potentially expensive scientific and technical challenges, seismic survey of physical boring if 1% formula is used, resolution of issues relating geodetic delimitation of baselines, bathymetric models, quality of data sources etc.

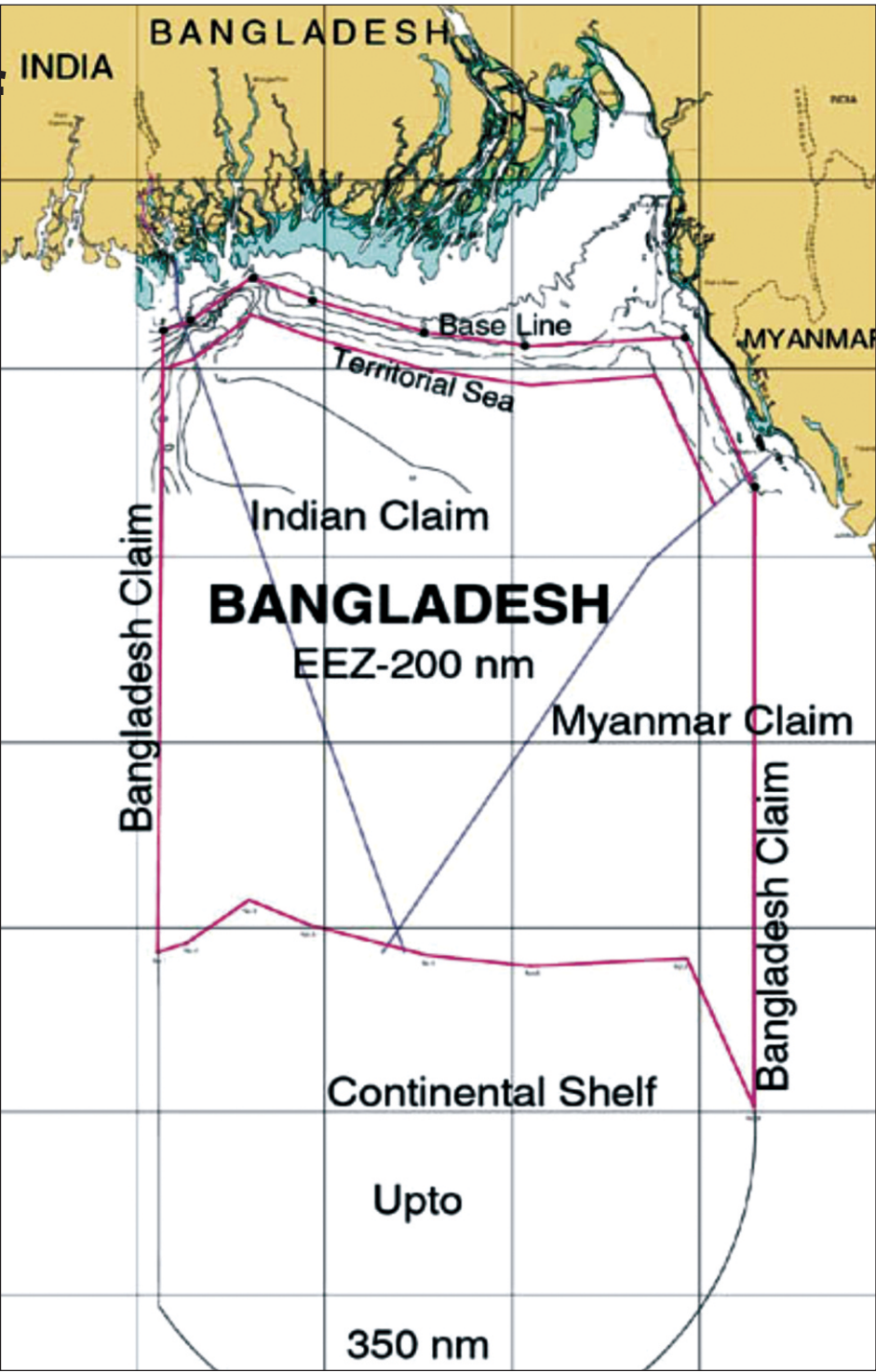
Because of these complexities a state risks incurring a significant increase in costs, if it does not have a well developed strategy to focus appropriate resources in exact locations. In the light of Scientific and Technical Guidelines laid down by CLCS for delineation of the outer limits of the CS, a comprehensive Desk Top Study should be undertaken considering data sources available to determine the scope of the project, the type of data to be collected, the scientific and technical issues involved and upon identification of the requirement, a data acquisition programme should be taken up. Underpinning our requirement is a comprehensive marine geophysical work plan comprising deep penetration multi channel seismic, reflection, refraction, magnetic and gravity surveys covering over the 2,07,000sqkm in the Bay Of Bengal in and off our EEZ.

The UNCLOS came into being in 1994 and Bangladesh ratified it in July 2001. In accordance with the provisions of the UNCLOS, Bangladesh is entitled to delineate the outer limits of the CS beyond 200 nm of the EEZ and is required to submit data for a claim by 2011 from the date of ratification. Since ratification, 5 years of very precious time has just been wasted without making any effort to get the services of specialist deepwater exploration vessel to probe the shape of the ocean floor at various depths and seismic survey penetrating the sea floor to depths of up to 20- 35 km, virtually the entire thickness of the continental crust. So far we have not initiated any action to settle the issue of our maritime boundary or Baseline and next 5 years can not be considered as long time seeing the pace of our work, the complexity and volume of work needed to be done to prepare our claim by 2011.

India soon after ratification in 1995, undertook the initial survey works in the Bay of Bengal spending 35 millions dollars and they are now ready for submission. The National Centre for Antarctic and Ocean Research (NCAOR)

under the Department of Ocean Development has coordinated physical surveys with a multinational seismic firm but under the active participation of scientists from several front ranking national organizations and institutes such as the National Geophysical Research Institute-NGRI, the Directorate General of Carbohydrates-DGH, the National Institute of Oceanography- NIO, Oil and Natural Gas Commission-ONGC and National Hydrographic Office-NHO and Geographical Survey of India-GSI. Even Pakistan allocated RS 299 million for undertaking survey for extended CS through their National Institute of Oceanography and they have also finished their surveys and so have Sri Lanka, Myanmar, Malaysia and Indonesia. All these countries have used the technical experts of various institutes to prepare their submission of claims and we have left it to the Ministry of Foreign Affairs, which is actually supposed to negotiate only with the prepared data.

Let us examine some of the other facets of these claims about whom our electronic and print media, intelligentsia and civil society hardly have any space or time at all. The UNCLOS provides two ways of delineating the CS only to India and Sri Lanka. The two countries can either use article 76, which applies to all countries, or Annex 11 to the Final Act to the Third United Nations Conference on Law of the Sea. It is not known why India and Sri Lanka can have a separate formula for claiming the 650km long CS in the Southern Bay of Bengal and not Bangladesh lying in the northern part of the Bay of Bengal. Even some of the Indian experts have already started excluding Bangladesh from having CS as they have openly claimed that very few countries have CS besides India, Australia, Argentina, Brazil, Britain, Canada, Iceland, Ireland, Madagascar, Mexico, New Zealand and the US. They also say that in India's case Himalayan sediments continuously being deposited in the seas by major rivers such as the Ganges and Brahmaputra are the causes for the massive CS on both sides of their coast. It is not understood how can India claim CS based on this logic and Bangladesh cannot. According to Indian claims, the sea is continuously devouring its long shoreline. The total area eroded accounts for million sq km so they will have more CS. If the Indian claims are accepted we feel that



Bangladesh may be left with a very narrow water lane in the Bay of Bengal and may not get the rightful share in EEZ and CS and lose the sovereignty of South Talpatty due to our dilly dalling approach and technique of negotiation.

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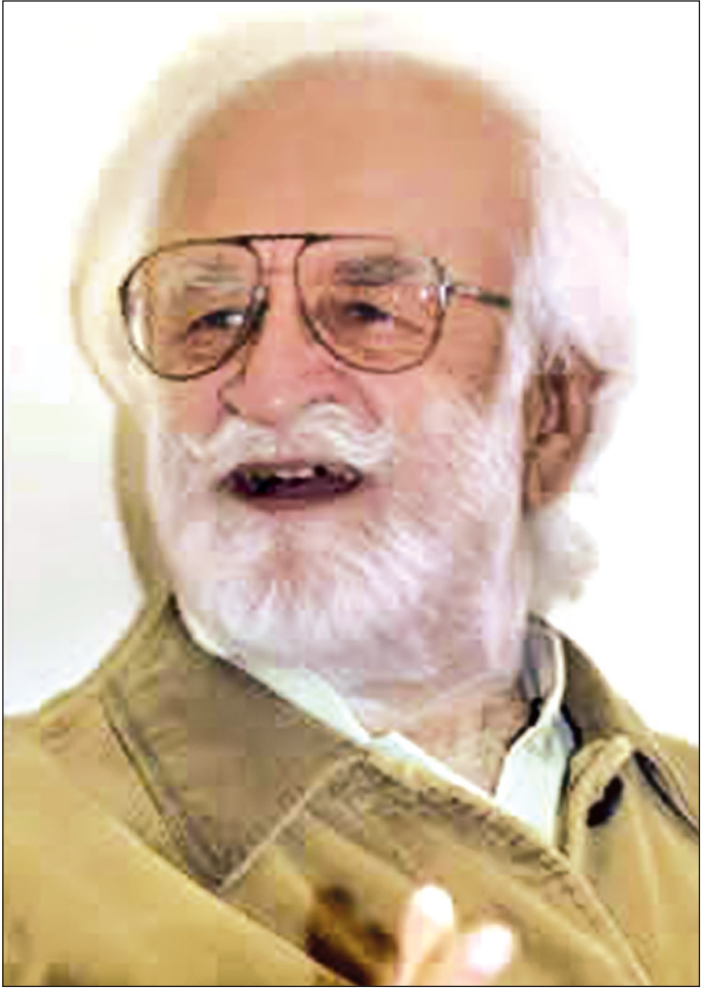
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Balochistan & Bugti

FARIDA SHEIKH

At best it was a "political mistake" as labelled by the esteemed writer (M.B.Naqvi Killing Bugti was a mistake 30 August 2006). For in this way, there is some semblance of justification, as anything political has the chameleon quality of changing colour. Even so the lay mind fails to understand how the killing was a mistake, when for days there was published reports that Nawab Akbar Khan Bugti, the symbol of Baloch nationalism was going to be either killed or arrested "shortly;" and that is exactly what happened.

Similar to the political mistake is the political problem. It is one of exploitation where quite contrarily, Balochistan, a resource rich region has perpetually been an economically backward province of the country. The benefit from the natural gas has made other parts prosperous. Balochistan has been neglected for long, and lawlessness and insurgency has come to stay. The Baloch demands are for end to exploitation by deriving benefits from its own resources for self-development, and equitable share in the federal decision-making. The current situation in Balochistan is significant as it makes vivid the events of 1971. Was then East Pakistan now Bangladesh mishandled? There was uninterrupted exploitation of the region and its people. The resource benefit was extracted to develop other areas. Decision making at all level remained authoritarian. The prevailing feeling of the people was one of revival of the oppressive colonial days. Troops were brought in to control the situation --- again military measure to combat the growing consciousness of identity with a strong ethnic factor Bangla, a common language. As now, Pakistan was not dear to the rulers in 1971 for then the necessary condition would have been created in which the Bengali people would have regarded themselves as stakeholders. It was also in 1971 that Bugti had referred to Bangladesh as an example to follow as some provinces "had their own identity and aspirations" and military force



or religious rigour would not be able to subjugate this collective upsurge. Further, Bugti mentioned "India should learn a lesson from Pakistan and analyse why Bangladesh became an independent country." And it was such political forewarning that led to the incorporation of the concept of provincial autonomy in Pakistan's 1973 constitution," (Kuldip Nayar, "Only through Dialogue", 2 Sep, 2006) soon after Bangladesh became a sovereign state. Even so, Bugti's Jamhoori Watan Party wanted autonomy and not "separation". Nothing on this matter was either heard or discussed; instead Bugti was killed, while the former chief justice of the country warned the rulers that the situation in Balochistan needed "a political and not a military solution." Comparable event in 1971 was, when the martial law order sentenced to death the leader of

the aggrieved people. The sentence was kept at abeyance, to arrive at a mutual understanding. However this was thwarted, for the continuation of the discussion contained implications, which were contrary to the then, concluded general election. "Have we learnt nothing from 1971?" (Ikram Sehgal, "Handling Balochistan" 31 Aug 2006) the answer to that question has been systematically elaborated by the retired Air Marshal in his book, "We have learnt nothing from History" The insensitivity of the rulers to the larger resilient section of the population was just as large as life in 1971 as it is in 2006 "to the needs of a small ...vibrant section of .....popula-tion." The Balochi episodes do ring the emphatic note, that perhaps, History repeats itself!

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THE early phase of the recent war in Lebanon was famously portrayed by the US Secretary of State Condoleeza Rice to be "the birth pangs of a new middle-east" one dominated by Israel. Despite her inept handling of the crisis she was right: a new Middle East is in the offing, but one where the balance of power is shifting in Iran's favour, thus making it difficult to disregard its emergent preeminence.

The confidence with which Israel had started its onslaught against Hezbollah targets in Lebanon was shattered when after 33 days of fighting, the latter was not only not destroyed (one of the stated goals of Israel), it was still capable of firing rockets deep inside it and causing considerable damage. After the end of the hostilities, Hezbollah became much more popular than ever before, for its tenacity in fighting against the Israeli armed forces, reputed to be the most powerful in the region. Even more significant was the fact that, it was armed and trained by Iran, therefore it was by extension, a demonstration of the power of the latter in the region. The removal of Saddam Hussein and the Taliban forces through US wars in Iraq and Afghanistan respectively, and the outcome of the recent war in Lebanon, have emboldened Iran and facilitated its emergence as the dominant player in the region. While geography may not nece-ssarily be destiny, there are strategic, economic, cultural, religious, and historical factors that favour Iran's geopolitical aspirations. For one thing, it shares land borders with seven countries, in addition to six maritime borders in the Gulf. It not only possesses 10% of global oil reserves, it is one of the few countries which, with adequate investments, are believed to have the capacity to substantially increase oil production in the future, when oil and gas production elsewhere is expected to diminish. According to one estimate, even a 5% increase in global oil production would lower its price to US\$ 35 per barrel, a prospect that has profound implications for US policy pertaining to Iran.

The Lebanese war has also highlighted the fact that achieving a durable peace in the region first requires the resolution of the Palestine-Israel conflict, which is the source of violence and instability there. It must be borne in mind that Hamas and Hezbollah, who are

considered to be "terrorist" organizations by the United States, (but are actually not only resistance groups but also legitimate political actors), owe their emergence to Israel's occupation of Gaza, the West Bank and (until 2000) southern Lebanon. Israel needs to make political compromises, without which it runs the risk of encouraging more violence, and in the process, jeopardizing its own existence. For instance, eschewing the quest for a "Greater Israel" and withdrawing itself from these lands, as well from the Golan Heights would pave the way for a comprehensive political

In the eventuality of Iran achieving nuclear capability, things would not necessarily be as catastrophic as the Bush administration predicts. If Israel could possess nuclear weapons for the last four decades, and the sky still has not fallen, there is no reason why Iranian nuclear weapons would automatically have that effect. It is apprehended that such a development may lead to an outbreak of regional proliferation involving Saudi Arabia, Egypt and Turkey.

settlement in the region, normalize its relations with Syria, and create a climate conducive to peace that would augur well for both itself and the United States. Now that the lessons of the war in Lebanon have become apparent to all concerned, an all-party Middle East conference including both Syria and Iran is urgently called for. A US imposed quasi-imperial regional order that seeks to promote Israel's interests and excludes Iran and Syria cannot be realistically expected to be sustainable, and labeling the latter as "rogue states" and members of an "axis of evil" is patently counter-productive.

While it is in a much more advantageous position than before, the concept of an Iran-dominated spectre of a "Shia crescent" stretching across Iran, Iraq, Syria and Lebanon that is gaining currency is largely an exaggeration, which is politically motivated to drive a wedge in the Muslim world by highlighting and encouraging the Sunni-Shia differences, particularly those between Iran and Syria on the one hand, and Saudi Arabia and Egypt (who were not supportive of Hezbollah in this war), on the other. Widening the rifts between these two groups of countries could possibly benefit only the United States, for whom fostering regional tension may have considerable virtue. The Saudi government is reported to have already ordered US\$6 billion worth of modern

weaponry from the United States, to deal with any potential recrudescence of an Iranian threat which the Gulf States faced in the immediate post-1979 period. But since then, Iran has evolved into a conservative, status quo country committed to a nationalist but pragmatic foreign policy, and as such, is more interested in maintaining a harmonious environment than in encouraging regional instability.

The vital issue currently engaging international attention is Iran's empowerment in the region, which its nuclear programme further

blithely imposing sanctions. Even if sanctions are imposed on Iran (which has accrued sufficient revenues due to extraordinarily high oil price), they are expected to be mild enough for it to withstand them, like ban on traveling and partially freezing some Iranian assets abroad.

Currently much hope is being invested in diplomacy to keep Iran off the nuclear path. A realistic reading of the situation suggests that, while today Iran may find it useful to pursue a nuclear agenda that stops short of weaponization, it is a matter of time before it

embarked on such a course it after all lives in a tough neighbourhood. Iran can be manoeuvred into postponing further developing its nuclear programme but, given the access to nuclear know-how, and the symbolism of nuclear capability (and the associated status), it cannot be prevented from ultimately acquiring it, and for that matter no other ambitious states can be.

However, in the eventuality of Iran achieving nuclear capability, things would not necessarily be as catastrophic as the Bush administration predicts. If Israel could possess nuclear weapons for the last four decades, and the sky still has not fallen, there is no reason why Iranian nuclear weapons would automatically have that effect. It is apprehended that such a development may lead to an outbreak of regional proliferation involving Saudi Arabia, Egypt and Turkey. Deterrence, which worked so well during the Cold War in managing relations between the two super-powers, could likewise become institutionalized and operational in the region as well, as it has in South Asia. Besides, even if Iran did acquire nuclear status it could be problematic for Israel, not for US territory, since Iran does not possess intercontinental ballistic missiles. At most it would complicate US power projection in the region. Finally, if Iran is not to possess nuclear weapons, then no other regional country should, including Israel.

Iran, that is demonstrating so much defiance at present would not have been able to do so before the US invasion of Iraq in 2003, and the ensuing chaos thereafter. The day is not too far when the United States may need to accommodate Iran's interests, rather than seek to eliminate its potentials for regional leadership. It may be mentioned that the United States, despite its diplomatic efforts and formidable military presence, has not been able to successfully mobilize Iran's neighbours in containing its growing regional role and influence. Merely prosecuting the war on terror, a "war without end" against an unknown enemy, in the name combating the bogey of the so-called Islamofascism or political Islam, may ultimately prove to be an inappropriate substitute for an effective foreign policy. Rather than being complacent about its military superiority and what it can achieve, if it really wants to successfully promote its interests in the Middle East, the United States would have to reassess its regional policy, identify its limitations, and realistically address them.

There are forces at work (diffusion of striking power, asymmetric warfare, appeal of religion/culture, etc.), that, while not quite capable of weakening the United States in the strict sense of the word, can nevertheless compromise this considerable "hard" power enabling it to win a number of battles, but in the end lose the war. While an outside power like the United States may manipulate to a certain extent the complexities of Middle Eastern politics, it cannot determine the outcome, much less control it. There are other powers/actors e.g., Russia and China, which have their own competing interests to advance there in general, and in Iran in particular interests which diverge significantly from, and are potentially in conflict with those of the United States. Dealing with an ascendant Iran, and resolving the Iranian nuclear issue in a manner that upholds US interests in the region, and deftly managing the divergent interests of other powers, are the samples of the challenges facing the United States today.

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