

Management of marine affairs in Bangladesh

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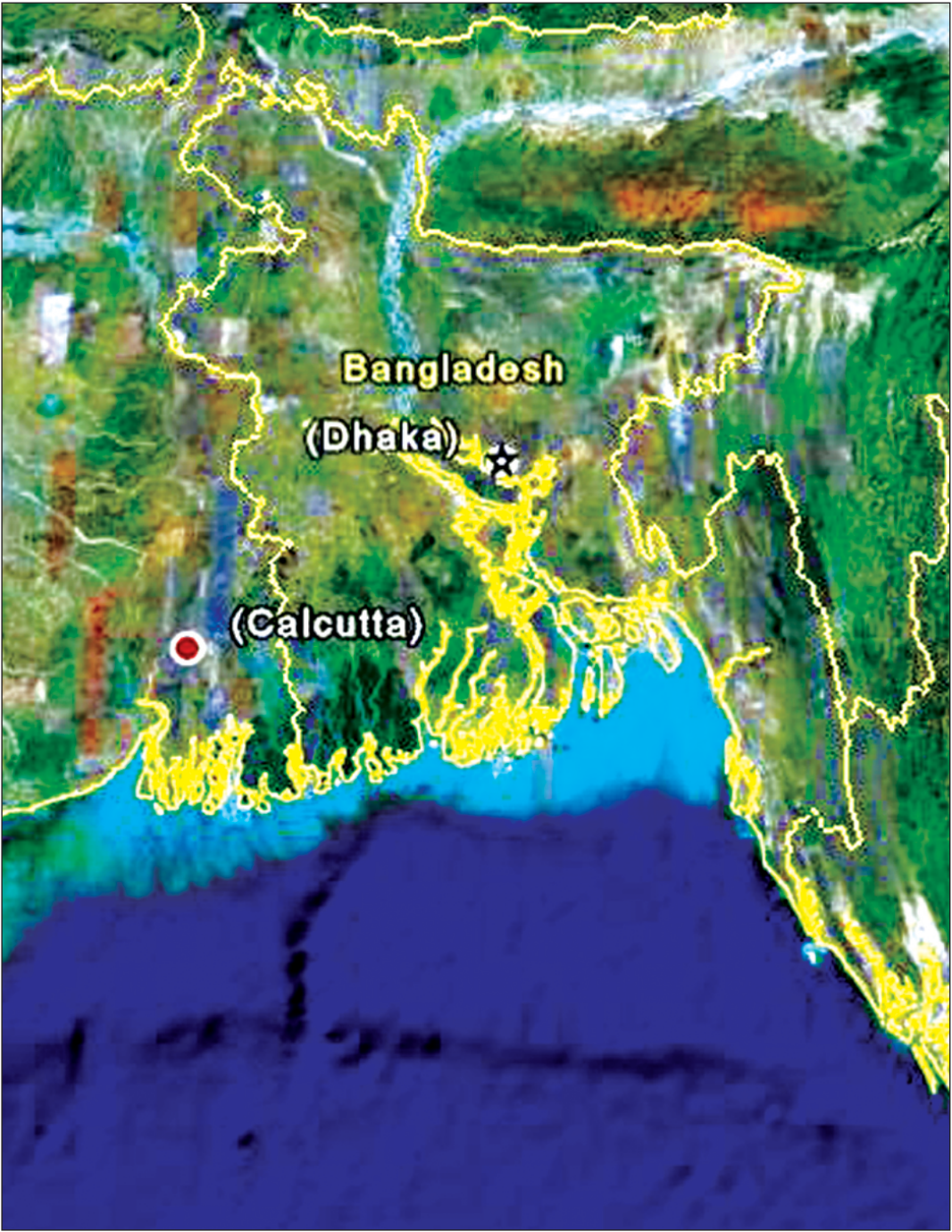
As the uses of the seas/oceans expanded rapidly and the need for international cooperation in the management of sea affairs grew stronger, international institutions started dealing mostly with the traditional uses of the oceans such as shipping and navigation, fishing, protection of certain living resources, marine scientific research, and transoceanic communications. The mandate of most of these institutions covers certain marine sectors only, and most of them precede the 1982 United Nations Convention on the Law of the Sea (UNCLOS III). The Convention provides the comprehensive framework for law and institutions for all marine resources and uses of the seas. It establishes distinct zones of sovereignty and jurisdiction for coastal States i.e. 12 nm Territorial Sea, 24 nm Contiguous Zone, 200nm Exclusive Economic Zone and 350 nm Continental Shelf (CS), special rules for the high seas and an entirely new regime for the deep seabed beyond the limits of national jurisdiction. It also lays down rights and duties of States for navigation through certain straits, the protection of the marine environment and the conduct of marine scientific research. A delicate two-tier balance is achieved by the Convention: first, among all types of uses and resource exploitation in a comprehensive manner; and second, among various rights and duties of States with respect to such uses and resource exploitation. All these elements of the Convention are finally cemented together by detailed procedures for the compulsory settlement of disputes.

The 1982 United Nations Convention on the Law of the Sea has generally been accepted by all States as evidenced by the practice of States and international organizations. With regard to the institutional aspects, the Convention confirms, and in many cases expands, the tasks of existing international organizations with a view to assisting States to implement its provisions and especially to reap the individual and collective benefits from the Convention for sustainable development of the oceans and their resources. Some of the new institutional developments reflect more and more the need for a comprehensive approach to the management of seas/oceans and their resources under the Convention, as illustrated by the activities of the new UN Division for Ocean Affairs and the Law of the Sea (UN/DOALOS) responsible for

promoting the widespread acceptance and consistent application of the Convention, International Seabed Authority besides the Inter-Secretariat Committee on Scientific Programmes relating to Oceanography (ICSPRO), and GESAMP, both of which deal primarily with scientific matters on Oceans and Coastal Areas Programme convened by United Nations Environment Programme (UNEP), Committee on Fisheries (COFI) by FAO, Intergovernmental Oceanographic Commission (IOC), and IMO etc.

Accordingly future use and management of coastal near-shore and sea resources and its environments became increasing concern to national governments all over the world. It was widely recognized that traditional institutional arrangements have considerable limitations in handling the complex policy and management requirements involved in the integrated development of sea and coastal resources, the protection of the marine environment, the formulation of an integrated marine policy, capable of undertaking long-term planning for sea resources, delimitation of maritime boundary issues and urgent delineation of outer limits of Continental Shelf upto 650km etc. Normally at the national level, the framework within which marine policy and management decisions are made is organized under a ministerial system of government, with two separate levels-ministries and agencies. The former are primarily responsible for outlining national policies within their particular spheres of competence while the latter - under the responsibility of the ministries - are responsible for the implementation of sectoral, single-purpose national goals drawn up by the ministries and the representative bodies.

Beyond the governmental actors, non-governmental institutions - particularly those associated with the academic, industry, and research - play an important role in the complex agenda of development of sea resources. But unfortunately, there are no organizations outside the Government dealing with the issues of UNCLOS III/marine resources. Even glancing through the print media or electronic media, one would hardly find any writing/ discussions on our claim of over 2,07,000 sq km of CS or Sea Bangladesh which is about 1.4 times more than the total land area of Bangladesh. Some of the UN journal has pointed out that we could claim over 9,00,000 sq km of CS which would be 6 times higher than land Bangladesh. It is within this



broad framework that the major problems confronted by Bangladesh need to be discussed. These problems are both of a structural and a functional nature. Problems of structural nature are-

a) The location of sea affairs within the governmental bureaucratic hierarchy; and

b) The formal structure of organizations vis-à-vis the effectiveness of their work.

Both problems have enormous political/ administrative implications

since, among other things, there is a direct relationship between the level of sea involvement among governmental agencies and the political stature of sea affairs. In Bangladesh, affairs of the seas do not represent a central concern at all unless there is a cyclone or disaster at sea, but is a matter subsidiary to other activities having higher priority, since their political stature is obviously quite low. This is automatically translated into the location of the activity being at a low

level within the governmental hierarchy, into administrative linkages with more powerful agencies whose authority/ functions are not traditionally associated with marine affairs. Resource allocation and low levels of funding that mirror the limited political power exercised by agencies having marine-related responsibilities.

In terms of the implications of the formal structure of organizations vis-à-vis the effectiveness of their work and their relationship with other

agencies, two other issues arise: a) sectoral and functional differentiations refers to governmental specialization or divisions generally associated with a variety of sea and coastal uses. In this sense, sea-related matters in Bangladesh fall easily within 10 ministries and over 15 sectoral divisions, thus allowing fragmentation of governmental responsibility and duplication of efforts. For example, more significant ministries involved with sea affairs are:

Ministry of Shipping- Shipping and ports and coastal hydrography

Ministry of Fisheries and Livestock- Department of Fisheries-inland and marine

Ministry of Defence- Navy, Oceanographic survey, meteorology and SPARSO

Ministry of Energy and Mineral Resources- oil and gas exploration

Ministry of Environment-Pollution and other related issues

Ministry of Foreign Affairs- Law of the sea, maritime boundary, Continental shelf etc (although it is supposed to negotiate only with data prepared by agencies/ departments)

Ministry of Science and Technology- Institute of Oceanography

Ministry of Finance- Fiscal matters

Ministry of Home- Coast guard

Ministry of Disaster Management and Relief

Many countries of the world have created new bodies to look after the whole gamut of marine issues except in Bangladesh. It is a fact that the Ministry of Foreign Affairs is a policy related body and like all other countries of the world, it should have been happy to negotiate only and left the issues mentioned above to some other agencies having permanent staff to prepare our cases. Today we see neither and we are running out of options/time to claim our stake in the huge resource related sea areas.

b) Geographic and activity subdivisions of sectoral functions further complicate the governing system due to the fact that current institutional arrangements do not span the land-sea interface. This translates not only into a lack of continuity in jurisdiction but also into multiple jurisdictions and laws that apply to various geographic limits. This, added to the division of authority among different governmental levels, creates difficulties in decision-making, thereby widening institutional gaps, encouraging overlaps, and allowing duplication of efforts.

Problems of a functional nature are associated with the basic functions that should be performed

by marine institutions, namely, policy formulation, planning, and implementation. The most salient problem in policy formulation is the absence of an overall ocean/sea policy framework. I have strongly advocated in my book titled "Maritime Challenges of Bangladesh in the 21<sup>st</sup> Century" for the need of a National Ocean Policy as in this country we have policy for almost all subjects working under the ministries except an ocean policy. Consequent to this, policy-making that takes place at the sectoral level is primarily reactive and is, therefore, formulated on a piecemeal basis without interagency consultation. As a result, decision-making procedures are highly fragmented and suffer from internal duplication and overlap and reflect competition between agencies. Its not my hard-luck story but the fact is that in the last 34 years of negotiation we have not been able to solve our maritime boundary problems either with Myanmar or with India whereas all other countries bordering the Bay of Bengal have negotiated their boundary problems with each other at least 25 years back even though the issues were singly dealt by the Ministry of Foreign Affairs alone and we have just 5 years time to claim our CS.

Within the national planning process of this country, the marine component is either one of the least thought about or simply non-existent. This is due to the absence of clear policy goals and lack of experience in coastal and sea planning. Coastal/sea related inputs to national development planning are generally received only from a few and more traditional sectors, they are evaluated on a project-by-project basis, without an examination of cross-sectoral and cross-resources implications, and therefore are not structured within an overall perspective of marine development priorities. Concomitantly, there are no opportunities for making comparisons among sectors that are crucial for making rational investment choices and for establishing development priorities among various sectors. From the top down, the absence of clear policy goals and of designated development priorities, coupled with the sometimes-limited roles assigned to regional and local governmental agencies in the planning process, intensifies the limitations of the system.

Being conscious of the limitations of the existing traditional institutional arrangements and of the need to build some kind of organizational structure that would

address in a more effective manner the tasks involved in coastal and ocean planning and management and to bring an early solution of Sea Resource problems, Maritime Boundary, Continental Shelf and sovereignty issues of South Talpatty, we must design an alternative institutional arrangements with the tasks to formulate and implement comprehensive Ocean policies taking into account of the experience acquired through the coastal area management programmes and the challenge of integrating coastal and ocean planning under a single policy like other countries. Our policy makers must identify whether, willfully or due to attraction towards only post and promotions, someone has persistently neglected national maritime duties for the last 30 odd years. Nevertheless, in view of the new challenges posed particularly by the resource problems, and in order to achieve sustainable development of ocean resources for the benefit of the our people, it is now necessary to narrow the gap between policymaking and actions without any further delay. In addition to the efforts of individual institutions to reinvigorate themselves, existing national mechanisms for coordinating their activities must be strengthened and new mechanisms for securing more integrated and comprehensive coordination must be explored as according to the United Nations Convention on the Law of the Sea, the "problems of ocean space are closely interrelated and need to be considered as a whole."

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Debate over Indo- US nuclear accord

BILLY I AHMED

In recent weeks, the debate within India's ruling elite over the Indo-US nuclear accord has heightened. On August 17, Prime Minister Manmohan Singh gave a major parliamentary address in response to warnings from the scientific-military establishment that the US Congress is trying to attach new conditions to the accord, and last week the Lok Sabha debated its merits.

From all the speeches, press commentary, and political maneuvering, several conclusions are drawn:

Although it is unlikely, the Indo-US accord could fall apart because of concerns within the US political establishment about India's reliability as an ally and whether the US' long-term geo-political interests are served by sanctioning India's acquisition of nuclear weapons in defiance of the Nuclear Non-Proliferation Treaty and world nuclear regulatory regime; India's Congress Party-led United Progressive Alliance (UPA) government considers the accord and the Indo-US strategic partnership that it is meant to be a cornerstone of India's twenty-first century foreign policy. India's corporate elite stands solidly behind the UPA government in its push for the accord; the Communist Party of India (Marxist) (CP M)-led Left Front, although has warned that the accord will tie India to the machinations of US imperialism, will knuckle under and continue to prop up the UPA government even as it presses forward with the accord and aligns India ever-more closely with Washington.

Prime Minister Singh's address contained a warning to the Bush administration and to the US Congress not to move the "goalposts" i.e., not to seek to impose any conditions over and above those that India agreed to in the initial nuclear pact of July 2005 and in the March 2006 plan to separate India's civilian nuclear energy and nuclear weapon's programs. (Under the accord, India's civilian nuclear facilities are to become subject to International Atomic Energy Agency [IAEA] inspections, in exchange for the US and other members of the Nuclear Suppliers Group [NSG] giving India a unique place in the world nuclear regulatory regime and lifting all restrictions on the export of civilian nuclear fuel and technology to India.).

"I had personally spoken to President Bush in St. Petersburg on this issue," Singh told the upper



our national security." His speech was most noteworthy, however, for the comparison that he drew between the Indo-US nuclear accord and the 1991 decision of the Narasimha Rao Congress government to dismantle India's nationally regulated economy and adopt the neo-liberal program of full integration into the world capitalist economy and export-led growth.

Further, Manmohan Singh's comparison of the strategic turn the Indian bourgeoisie made in 1991 with the Indo-US nuclear accord is indicative of the importance that the UPA government and the most powerful sections of the Indian bourgeoisie attach to the accord. They view it, and its implicit recognition of India as a nuclear

weapons state, as a major step toward India attaining the "great power" recognition they have long coveted, as paving the way for closer economic, military and geo-political collaboration with Washington and Wall Street, and as providing a significant boast to India's military might since it will allow India's indigenous nuclear program to focus on weapons development.

His comparison was also meant as a message to the Left Front, which is providing the minority UPA regime with the parliamentary votes to remain in power: the government views the accord as a pivotal and no matter how much the CPM and Left Front leaders fulminate against it,

provided only hollow assurances as to his government's willingness and ability to withstand pressure from Washington.

The proof, as they say, is in the pudding. Over the past 12 months, India, in a break with its traditional geo-political posture, has lent important support to the US in its efforts to bully Iran over the nuclear issue, and for weeks, New Delhi could not bring itself to record a serious protest against the Israeli assault on Lebanon for fear of riling Washington.

Empty as were Singh's denials that his government is binding India to an ever-more aggressive US imperialism, the Left Front leadership warmly praised his

accord, Washington is seeking to ensnare India in a dependent relationship so as to compel New Delhi to do its bidding on the world stage and win further concessions for US capital within India.

But Yechury's proposal that Rajya Sabha endorse Singh's speech as articulating "the sense of the house" constituted a clear signal to the government that the Stalinists will accede to the accord will not break with the UPA government over its pursuit of a strategic partnership with the US any more than over its socially incendiary, neo-liberal domestic program.

The only provisos are that the UPA government succeeds, as Singh has promised it will, in rebuffing the attempts of the US Congress to add new conditions to the accord, and continue to insist, as it will, against all evidence, that the accord has not caused it to change India's foreign policy to placate Washington.

The corporate media was full of praise for Manmohan Singh's performance, for both his spirited defence of the accord as in India's national interest and his readiness to defy his Left Front parliamentary allies. But there was an undercurrent of criticism in the swathe of laudatory commentary. Singh and his government, argued a spate of editorials, need to show the same determination and ruthlessness in implementing a new wave of pro-business reforms.

The Hindustan Times said Singh had taken "on the combined forces of the Left and the Right and undid them through sober argumentation and facts, rather than political rhetoric and half-truths." The New Indian Express hailed Singh's speech but said he should have given it weeks ago: "Almost half the tenure of the UPA government is now past. Not that much time is available to the prime minister to actualise his announcements of economic and administrative reforms. Thursday's success must, funnily enough, increase the pressure on him to proactively construct consensus on those reforms"

Yechury proposed that the upper house of India's parliament accept Singh's speech as representing "the sense of the house."

The opposition BJP, however, refused to give its assent, a move consistent with the scandal-mongering, chauvinist appeals, and obstructionist tactics the Hind supremacists have pursued since falling from power in May 2004.

In their press comments and speeches, the Left Front continues to warn that through the nuclear

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Reported test 'Fundamentally Changes the Landscape' for US officials

GLENN KESSLER

North Korea's apparent nuclear test may well be regarded as a failure of the Bush administration's nuclear non-proliferation policy.

Since George W. Bush became president, North Korea has restarted its nuclear reactor and increased its stock of weapons-grade plutonium, so it may now have enough for 10 or 11 weapons, compared with one or two when Bush took office.

North Korea's test could also unleash a nuclear arms race in Asia, with Japan and South Korea feeling pressure to build nuclear weapons for defensive reasons.

Yet a number of senior US officials have said privately that they would welcome a North Korean test, regarding it as a clarifying event that would forever end the debate within the Bush administration about whether to solve the problem through diplomacy or through tough actions designed to destabilize North Korean leader Kim Jong Il's grip on power.

Now US officials will push for tough sanctions at the UN Security Council, and are considering a raft of largely unilateral measures, including stopping and inspecting every ship that goes in and out of North Korea.

"This fundamentally changes the landscape now," one US official said last night.

When Bush became president in 2000, Pyongyang's reactor was frozen under a 1994 agreement with the United States. Clinton administration officials thought they were so close to a deal limiting North Korean missiles that in the days before he left office, Bill Clinton seriously considered making the first visit to Pyongyang by a US president.

But conservatives had long been deeply skeptical of the deal freezing North Korea's program -- known as the Agreed Framework - in part because it called for building two light-water nuclear reactors (largely funded by the Japanese and South Koreans). When then-Secretary of State Colin L. Powell publicly said in early 2001 that he favored contin-

uing Clinton's approach, Bush rebuked him.

Bush then labeled North Korea part of an "axis of evil" that included Iran and Saddam Hussein's Iraq, further riling Pyongyang. US officials say Bush carried a deep, visceral hatred of Kim and his dictatorial regime, and often chafed at efforts by his advisers to tone down his language about Kim, who within North Korea is regarded as a near-deity.

The missile negotiations with North Korea ended and no talks were held between senior US and North Korean officials for nearly two years. Many top US officials were determined to kill the Agreed Framework, and when US intelligence discovered evidence that North Korea had a clandestine program to enrich uranium, they had their chance.

A US delegation confronted Pyongyang about the secret program -- and US officials said North Korean officials appeared to confirm it. (Pyongyang later denied that.) The United States pressed to cut off immediately deliveries of heavy fuel oil promised under the Agreed Framework. North Korea, in response, evicted international inspectors and restarted its nuclear reactor.

Pyongyang moved quickly to reprocess 8,000 spent fuel rods -- previously in a cooling pond under 24-hour international surveillance -- in order to obtain the plutonium needed for nuclear weapons.

Meanwhile, the Bush administration, hampered by internal disputes, struggled to fashion a diplomatic effort to confront North Korea. Unlike the Clinton administration -- which suggested to North Korea that it would attack if Pyongyang moved to reprocess the plutonium -- the Bush administration never set out "red lines" that North Korea must not cross. Bush administration officials argued that doing so would only tempt North Korea to cross those lines.

Whereas Clinton had reached the Agreed Framework through lengthy bilateral negotiations, the Bush administration felt that North Korea would be less likely to wiggle out of a future deal if it also

included its regional neighbors -- China, South Korea, Japan and Russia. But it took months of internal struggles to arrange the meetings -- and North Korea insisted it wanted to have only bilateral talks with the United States.

It was also difficult to coordinate policies with the other parties. The talks largely stalled, as North Korea continued to build its stockpile of plutonium.

After Bush was reelected, new Secretary of State Condoleezza Rice launched an effort to revitalize the six-nation talks, which a year ago yielded a "statement of principles" to guide future negotiations, including the possibility of major economic help, security assurances and normalization of relations with the United States if North Korea dismantled its nuclear programs. To the anger of conservatives within the administration, the statement also suggested that North Korea might one day be supplied with light-water reactors as envisioned in the Clinton deal.

But that proved to be the high point of the talks. The administration issued a statement saying the reactor project was officially terminated -- and North Korea would need to pass many hurdles before it could ever envision having a civilian nuclear program. The Treasury Department, meanwhile, focused on North Korea illicit counterfeiting activities, targeting a bank in Macao that reportedly held the personal accounts of Kim and his family. Many banks around the world began to refuse to deal with North Korean companies, further angering Pyongyang.

With the end of the negotiating track marking the likely advent of sanctions, Pyongyang's action will test the proposition of those Bush administration officials who argued that a confrontational approach would finally bring North Korea to heel.