

Maritime boundary problems - still unresolved!!

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MANY a times efforts have been made for generating some momentum on the need to solve our long standing maritime boundary problems directly related to the economic survival of the country through the print media. Land Bangladesh has an area of only 1,47,000 sq km whereas the total area of our Sea Bangladesh could be anything more than 2,07,000 sq km, i.e. about 1.5 times greater than total area of independent Land Bangladesh. But these areas will not come automatically to us, we need to claim the area called the 'Continental Shelf' as per UNCLOS 1982 and draw our maritime boundaries with both Myanmar and India.

To my utter surprise, glancing through the newspapers or seminar news in this country, I have not found even a few people voicing their concerns about these large areas full of much needed economic resources; nor have we seen the past governments telling the people anything about it. As it is, the civil society and the print or electronic media are very busy holding seminars on democracy and government, decision makers hardly bother about the problems faced by the seafarers, navy and fishermen in the Bay of Bengal due to not having settled boundary lines at sea. Sometimes I find it helpless to glance though many of the newspapers writing nothing about marine areas/resources of Sea Bangladesh.

It is quite ridiculous to think how a riverine nation like Bangladesh, with 140 million people, is not thinking at all about our sea areas, which we must have for sustenance of our people and economic developments. I had pointed out many a times that Bangladesh in general, and

the Ministry of Foreign Affairs (MOFA) in particular could not solve these problems for 35 long years; sometimes questions of sincerity to solve them also comes to surface. If these issues are left out without a definite time frame for solution, one day it may so happen that we will have nothing to claim in the Bay of Bengal. We have a number of unresolved maritime issues that have been neglected at the peril of 'Sea Bangladesh'. Let us discuss each one of them.

First of all we have the issue of sovereignty of South Talpatty, or New Moore as called by India. The issue of South Talpatty came up in 1976. When negotiations were continuing between the Governments of India and Bangladesh, India sent two frigates and forcibly occupied South Talpatty in May 1981 without showing any regard to the agreed discussions. The Govt. of Bangladesh issued a white paper justifying its claims and requested India to opt for joint survey, which India agreed earlier. India declared New Moore as an island and Bangladesh also agreed to that whereas it is only a Low Tide Elevation (as pointed out in previous articles) and there are ample legal backings about our sovereignty claim as per UNCLOS 1982 and 1958. India takes a high moral ground saying that it has resolved all the maritime boundary issues with Maldives, Sri Lanka, Myanmar, Thailand, Malaysia, Indonesia except Bangladesh and Pakistan. Why is it that none of our best officials of the Ministry with due regard to their other achievements in other fields found it appropriate to solve the issue of sovereignty of the disputed South Talpatty in the last 26 years?

Bangladesh enacted legislation through the Parliament called the Territorial Water and

Maritime Zones Act of 1974 selecting straight baselines and eight imaginary base points following the 10-fathom line or over 60 ft deep water. While drawing baselines, we have hardly taken into considerations the UN Convention on the "Territorial sea and Contiguous Zone", Convention on the High Seas, "Fishing and Living Resources of the High Seas", and Convention on the Continental shelf which were all in force since 20th March 1966. However, the final UNCLOS was approved by the UN General Assembly in 1982 without considering our method of drawing straight baselines at all. During eight long years of discussion from 1974 till UNCLOS 1982 in the corridors of the UN, our astute diplomacy could not convince our neighbors, India and Myanmar, or, for that matter, any country in the world to support our system of depth-metric baseline system. Both India and Myanmar, through separate letters to the President of the Conference, protested and rejected the Bangladesh baseline claim as unacceptable. Herein also we have wasted twenty five years on some pretext or the other.

Now there are two other sets of maritime boundaries that have to be demarcated with India and Myanmar - Territorial Sea (TS) of 22km, Exclusive Economic Zone (EEZ) of 370 km and Continental Shelf (CS) of 650 km. Both India and Myanmar have long been advocating for drawing equidistant lines to settle the TS problem. Articles 74 and 83 of UNCLOS1982 contain no reference to equidistance, which may now be applied only in so far as it leads to an equitable solution. A boundary that might be equitable for EEZ purpose may not be equitable for CS purpose because of the different considerations that are relevant to achieving an equitable solution in

each case. For example, the location of fish stocks in the case of EEZ, the geological characteristics of the seabed and the location of sea bed mineral deposits in the case of CS.

India and Myanmar have also been indicating their proposed maritime boundary line with Bangladesh and if they are drawn in the chart, Bangladesh will get zone locked and much of our EEZ/sea area will be annexed by Myanmar and India. But we have not discussed these issues since 1980 though the navy, our fishermen and other seafarers are facing day-to-day problems out at sea. Why is this negligence shown in case of such an important national issue by the Ministry that they do not even discuss the maritime boundary issues based on the UNCLOS 1982, which all three countries have ratified?

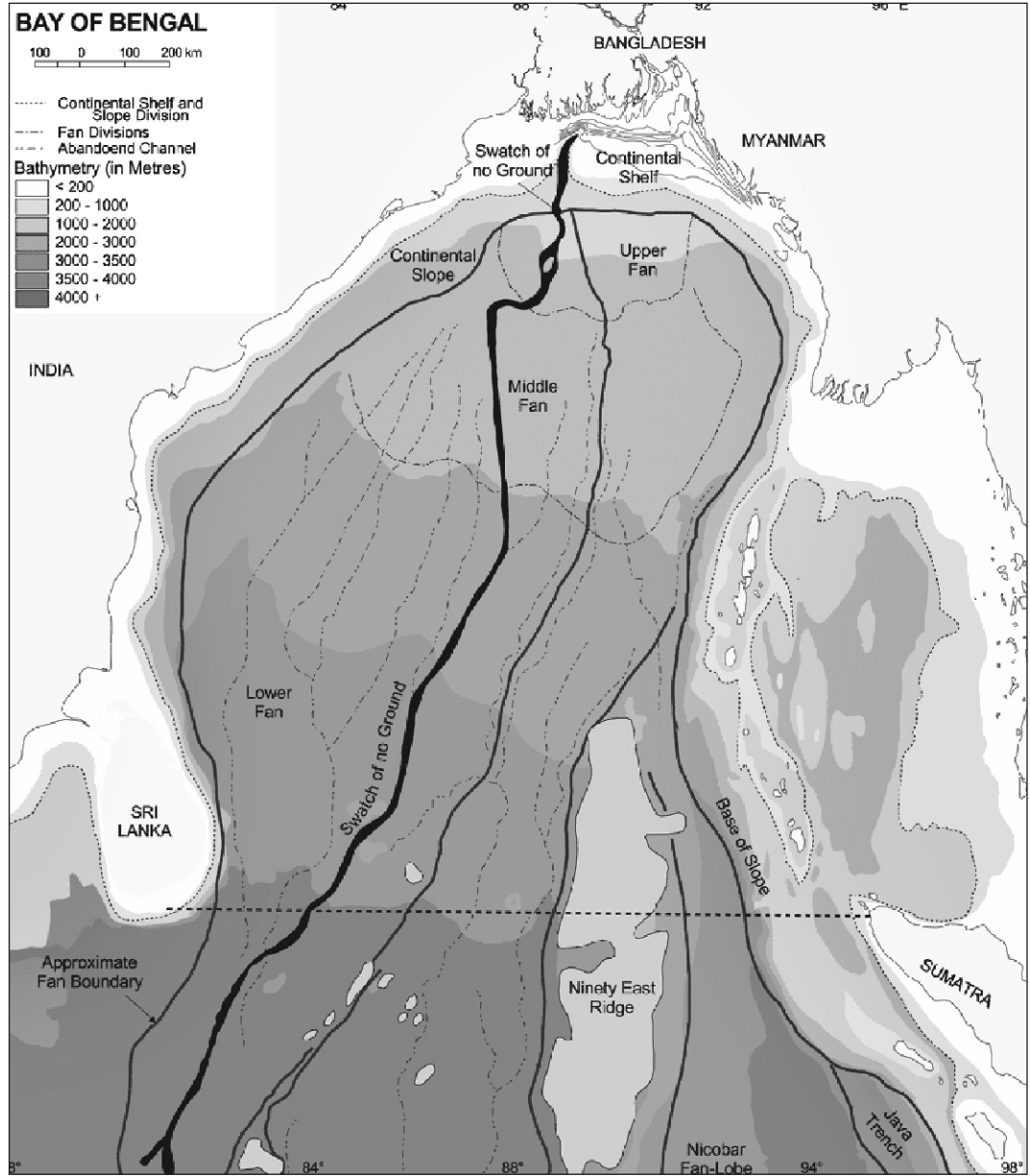
Even the time is running out for Bangladesh to claim the 650km long (about 2, 07,000 sq km) CS. This claim is not automatic as we have to carry out various seismic, gravity and magnetic survey in the sea areas and based on these, we shall have to submit our claim to the Commission on the Limits of the Continental Shelf of the UN by 2011. The Ministry has already wasted seven precious years since ratifying the UNCLOS 1982 in 2001 and we have only 4 years to do all these time consuming surveys and make a convincing case for us to the UN. Not only that, before submitting the claim, we must solve the maritime boundary issues with Myanmar and India. However, these will need to be supported by recent survey on the exact locations of key features on the coastline in order to gain international recognition and, more importantly, to avoid serious disadvantage in bilateral delimitation negotiations.

The government of India in September 1974 protested the

proclaimed Bangladesh baseline protruding 21 nm into Indian waters (In fact Indian protest questioned the basic legitimacy of our 1974 straight baseline and other maritime areas). The protest was in response to award one off shore block for oil and gas exploration under production sharing contracts. India claimed that the western most of the six blocks, which had been awarded to Ashland, encroached upon Indian waters.

Some of the IOCs left exploration because of the objections raised by India directly to the head offices of such companies about the consequences of oil and gas find, as the maritime boundary between two countries has not been delimited. India has been aggressively pursuing their exploration policy and eventually they floated their tender on February 24, 2006 which clearly overlapped our block 21 and other areas of interest. It is difficult even to comprehend how India tendered out our claimed area when we had our government machinery and the well-equipped Ministry in place. Naturally, questions arise in our mind as to why the Ministry has not initiated proper action as thought by them as the right action well before the time. Now, even Myanmar is contemplating not to accept our sea blocks lying within our claimed waters. Why have we failed to consider the issue seriously in the light of international law?

We have declared an unsustainable baseline and have taken 19 years to ratify the UNCLOS in 2001 and have not discussed maritime boundary issues at all in the last 26 years. We have not yet started to update our laws of the country inline with the UNCLOS, or commenced very high tech survey for CS. Who on God's earth would allow us indefinite time to deal with such important



issues of our country that have been neglected so far? Now it seems we are at the mercy of India and Myanmar in the new geopolitical scenario. Events in the past do not promise a good future so often claimed by the

Ministry. Would there be anyone in the MOFA, who, instead of justifying our inabilities because of three years tenure job function in Dhaka, can take the responsibility of 30 years of inaction and injustice done to

this poor nation, and offer his/her resignation(s) without being asked by the authority.

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Did Truman Doctrine lead to Bush Doctrine?

BARRISTER HARUN UR RASHID

A modest and plainspoken politician, the then Vice-President Harry S. Truman (of Missouri state) assumed the office of the President of the US on the death of President Roosevelt on April 12, 1945. The war on the eastern front with Japan continued and Truman authorized the use of atomic bombs on two cities (Hiroshima and Nagasaki) of Japan in early August to stop the war in the same month.

After the end of the Second World War, disputes between the Western allies and the Soviet Union broke out in Eastern Europe and Korea over the political complexion of governments that were to be installed in the liberated territories. This antipathy developed later into the Cold War between the US and the Soviet Union, each sought to prevent the other extending its influence over other countries.

In 1947, President Truman went before a joint session of the Congress to announce what became known as the Truman Doctrine, "At the present moment in world history, nearly every nation must choose between alternative ways of life.... I believe that it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outside pressures."

What he meant was that every nation had to choose between democracy and communism and the US must support democratic governments. With that statement, an era of bipolarity was inaugurated dividing the world. However, many of its allies in the Middle East were not democratic and remain so till this day.

The immediate battleground between the US and the Soviet Union in 1947 were Greece and Turkey. The Greek government was being destabilized by Communists infiltrating from former Yugoslavia, Bulgaria and Albania. Turkey meanwhile under pressure from Moscow did not have the funds it needed to modernize. Truman asked Congress for \$400 million in aid for both countries: a significant amount today, but at the time an astonishing amount.

President Truman minced no words when he told the Congress: "The gravity of the situation which confronts the world today necessitates my appearance before the joint session of the Congress. The foreign policy and the national security of this country is involved." The Congress

approved the fund.

For & Against the Truman Doctrine

Supporters of the doctrine saw that the US had to stand up to the Soviet Union in preventing communism to other countries. Truman, according to them, set in the policies that made Europe free from communism in 1989, although he did not live to see that moment.

They claim that Truman understood that the spring of 1947 was a historic moment, one that was perceived later a watershed event in US and European history. Truman guided his country into acceptance of its global responsibilities.

While critics of the doctrine saw

it differently. They believe that the "free world" commitment was born but it eventually led to disastrous wars in Korea and Vietnam. It also set American intervention in foreign civil wars.

Fear of communism became a driving force of US politics and a justification for vast military expenditure. With the defeat and withdrawal of US forces in 1975 from Vietnam, none of the countries of South East Asia became communist states, making the "domino theory" of John Foster Dulles (US Secretary of State), totally wrong. Even Vietnam is pursuing capitalist economic policy and became a member of the WTO (while Russia is yet to become a member).

Bush Doctrine

After 9/11 event, Bush pronounced his doctrine, namely right to pre-emptive attack on other states, not on the basis of immediate threat to its security but on the ground of perceived threat on basis of subjectivity. Perception, rather than facts on the ground, became the driving force of the doctrine.

Many strategists believe that Truman's commitment to "free world" became Bush's "You are with us or against us". The dread of communism has been replaced by fear of terrorism. America's paranoia still projects its worst fears onto enemy.

By attacking Iraq in 2003, Bush

has reinforced belligerent elements in North Korea and Iran. Russia and China are worried about the Bush's policy. Even some old European powers do not see eye to eye with the Bush doctrine.

When the President announced US plans to station elements of its missile defence policy in Poland and the Czech Republic Russia was annoyed because in 1999 the US assured that NATO would not move east "from the unified Germany". Now NATO looks further east toward Georgia and Ukraine.

When China announced its military budget for this year about \$45 billion with about 18% per cent increase from its last year military budget, (making the total military budget to \$90 billion, the US expressed its concern forgetting conveniently that its military budget for 2008 stands to \$620 billion.

Last month, the Bush administration disclosed its plans for the first new nuclear weapon in more than 20 years, a programme of ultimately replacing all American war heads. There is double standard in American policy. The US can manufacture new nuclear bombs but will not allow other countries, such as Iran to enrich its uranium for energy.

Furthermore, the US has ignored its obligation that it is legally bound to work toward nuclear elimination under the 1970 Nuclear Non-proliferation Treaty.

Conclusion

Under Truman doctrine, the fear was communism while under Bush doctrine, the war on terrorism is its driving force. Communism collapsed not because of American policy but because of Gorbachev's policy of 'perestroika' (reform) and 'glasnost' (openness), thereby shaking the edifice of communism. Gorbachev unleashed the social, political and nationalist forces which quickly assumed a momentum of their own, and ended communism in Europe.

War on terrorism is a flawed policy because terrorism is only a tactic. There cannot be any war on terror. Nobel Laureate Toni Morrison in his acceptance speech in 1993 said, "Oppressive language does more than represent violence; it is violence; does more that represent the limits of knowledge; it limits knowledge."

Fighting terror with war is like fighting fire with petrol. War is fuel for terrorism, not a deterrent. What is the true deterrence? The answer seems to be obvious to many. Winning hearts and minds of people (soft power, not military or hard power) is the most powerful anti-terror weapons of all. Why not try this first and adopt a no-kill policy?

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State of Bangladesh politics

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TWO things have recently attracted the attention of the people of Bangladesh. They are the present confusion regarding the fate of the two leaders, i.e., Sheikh Hasina and Begum Khaleda Zia; and speech of the Army Chief.

Second thing first. Mr. Mahfuz Anam was justified in asking whether a sitting CAS can speak in public on the political system of the country. Now that the CAS has given his mind, his speech is liable to come under scrutiny of the people of the country. At the same time I must say that whatever the CAS had said was probably the reflection of the minds of the people of Bangladesh. Two aspects regarding the CAS's speech strike my mind; firstly, it reminds us of the press conference given by the then CAS Lt. Gen. H. M. Ershad in November 1982, and its follow up is history now; the second aspect of the speech is that the CAS did not elaborate upon his thought of 'our brand of politics'.

People of Bangladesh had the first taste of election in 1937, since then the Bangladeshi leaders have evolved their own brand of politics. Mr. Salauddin Ahmed writes in his book "Bangladesh Past and Present", "Casual chat on politics is like breathing fresh air in Bangladesh. It is an important pastime for an average educated Bengali whether in the traditional baitaak-khana (drawing room) of his residence or in a neighborhood tea-shop or even in the government office room during lunchtime." The Economist in its Feb 20 1988 issue wrote, "There is an I-am-as-good-as-you are streak in Bengali's character, which make him deeply suspicious of anyone who claims to be his leader." People in Bangladesh have been very conscious about their democratic rights. As a result, politics in Bangladesh has always been marked with strong populist streak. Our leaders have always tried to generate popular mass support. This they have been doing by establishing direct rapport with the people. They have always echoed a popular idiom to garner their support. Fazlul Haque's promise of "two square meals a day"; Maulana Bhasani's identification with the toiling and exploited masses; Sheikh Mujib's pledge to "bring smile" to the face of "my people" or Ziaur Rahman's reaching out to the people through canal digging programme are the examples. Even Gen. Ershad claimed that he had imposed martial law on behalf of the common man.

There is nothing wrong with political system of the country. It is the leaders who have made the political system ineffective and sterile. The top leaders thought that they have inherited the leadership and as such are above any scrutiny or criticism. They even thought of making the leadership dynastic.

So, what do we do now? I, as a citizen of the country and being concerned about the situation, would like to suggest a few things.

Firstly, Bangbandhu and Gen. Ziaur Rahman should be placed above any politics. Let us make a provision in the Constitution making Bangbandhu as the "Father of the Nation" and Gen. Zia as the "Proclaimer of Independence". The Election Commission is moving in the right direction in this respect.

Secondly, Sheikh Hasina and Begum Khaleda Zia should be requested to retire from politics. I understand it is difficult to relinquish power. But everyone has to go one day. We are grateful to the two leaders for their contribution towards the reestablishment of parliament.

the population and relied too much on their sycophants. The last time the BNP had followed democratic practices within the party was the nomination of Justice Sattar as their nominee in the 1981 presidential election. Since then it has been virtually one-person show. On every occasion the party leaders felt obliged to leave the final decision to the Chairperson, as a result the party became a fully autocratic organization. The Awami League (AL), which had its bi-annual session with lots of pomp and show in January 1974 with Mr. A.H.M. Kamaruzzaman as its president, abandoned every bit of internal democracy after that session. The fallout of the BAKSAL is probably still felt in the AL. The party leaves everything to the Party President. Both Khaleda Zia and Sheikh Hasina have been head of their parties for the last 26 years. No one within the party had ever dared to speak a word opposing them. While in power, they followed a system of status quo i.e. once the cabinet was formed it lasted virtually unchanged for 5 years, saving few exceptions.

This autocratic attitude of the top leaders had its effect also on the parliament. There was a time when we used to hear about parliamentarians. I had the opportunity to witness some of the debates in the erstwhile Pakistan's National Assembly in Ayub era. Even in those days of dictatorship there use to be lively discussions in the Assembly. It was a treat to watch people like Shah Azizur Rahman, Shah Moazzem, Maulana Farid, A.S.M. Sulaiman or even Nurul Amin or such personalities talking in the parliament. But the last 16 years have been a competition among the MPs on eulogizing their leaders and accusing the other party. We do not hear anymore about good parliamentarians or a lucid speaker.

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tary form of government. We are also grateful to them for their contribution in the development process of the country. However, it is their arrogance, intransigent behavior and their autocratic attitude that have created the present mess. If they gracefully leave the political field now, the people will shower on them laurels and they will set the right direction for the future leaders of the parties.

Thirdly, a provision should be made so that no one can be prime minister for more than two terms, whether consecutively or otherwise. Similarly no one leader should remain as head of a political party for more than a period of 7 or 10 years.

Fourthly, any individual who becomes the President of the Republic even for a day should, for the sake of respect to the appointment, pull out of politics. After all he/she gets the certain privileges throughout his/her life.

Fifthly, the legislature should be separated from the executive branch of the government. This way there will be a check on the executives. The local government bodies like the District Council and Upazila Council should be made effective. Elections to these bodies should be held before the election to the ninth parliament.

Sixthly, the tenure of a parliament should be reduced to 4 years or even to 3 years instead of present 5 years.

Seventhly, all constitutional posts including that of the ministers, state ministers and deputy ministers should be approved by the parliamentary committees. Once a parliament is elected, the ministers will take oath only once they are cleared by their respective parliamentary boards. As we have Caretaker Government system even if there is some delay in getting the ministers approved it will not create any problem.

Eighthly, present system of allowing an MP to be absent from the parliament for 90 days before his membership is forfeited is to be revised. As MPs get remuneration so they should also follow the rules applicable to other government officials regarding absence or leave.

It is time that our leaders read the writings on the wall and act accordingly. There are more than enough sycophants in these parties who will put in all their efforts to keep the present leadership intact, because in that way they can survive well. We want to see healthy democratic norms being followed in the political parties. The continuity of one leader in the top has proved the correctness of the proverb "Power corrupts people and absolute power corrupts absolutely." I wish and pray that good sense prevails upon our senior leaders and they show the right path to their followers.

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