

Maritime boundary dispute and oil and gas exploration in the Bay of the Bengal

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THE issue of maritime boundary and deep-sea exploration for oil and gas has added new dimension to our relationship with both of our neighbours, Bangladesh, which has hardly any other natural resources besides gas, have no alternative than to maximize the resources of the sea. But in this effort, India and Myanmar are laying unjustified claims on our Exclusive Economic Zone (EEZ) and Continental Shelf (CS) without having an iota of regard for the spirit and tenets of International Law. India and Myanmar unilaterally ignored Bangladesh's claim of maritime boundary and EEZ announced in 1974, and we continued to watch this grabbing of sea areas without doing anything mentionable.

The importance of oil and gas as an economic resource is very well known and is vital for the survival of 150 million people living in an area of only 147,000 sq km, and the rising oil prices have further aggravated our condition. Gas is a major source of revenue and employment for our expanding industrial growth. Bangladesh, though very late, announced third round bidding to award its 28 deep-sea and shallow water blocks to IOCs. It is now learnt that out of the 20 deep-sea blocks, some IOCs have only submitted bids for 8 deep-sea blocks which are not at all disputed by the neighbours. Myanmar has influenced major oil companies not to participate in the bidding and issued letters to a number of prospective bidders asking them not to sign PSC in the disputed blocks.

India, besides warning IOCs about the consequence of their investments, has also protested not to award the offshore blocks without resolving the issue of boundary. Whatever may be the strategy of our government about this bidding, it has backfired on us as there has not been a positive response and none of the Oil majors like Chevron, Exxon-Mobil or Shell submitted bids, rather they stayed away because of concerted efforts by India and Myanmar. What is important to note that there was hardly any reasonable bid for disputed blocks showing total regard to the Indian and Myanmar

claims by the IOCs and this is going to strengthen the position of India and Myanmar as they have been successful in totally disregarding our EEZ claim of 1974.

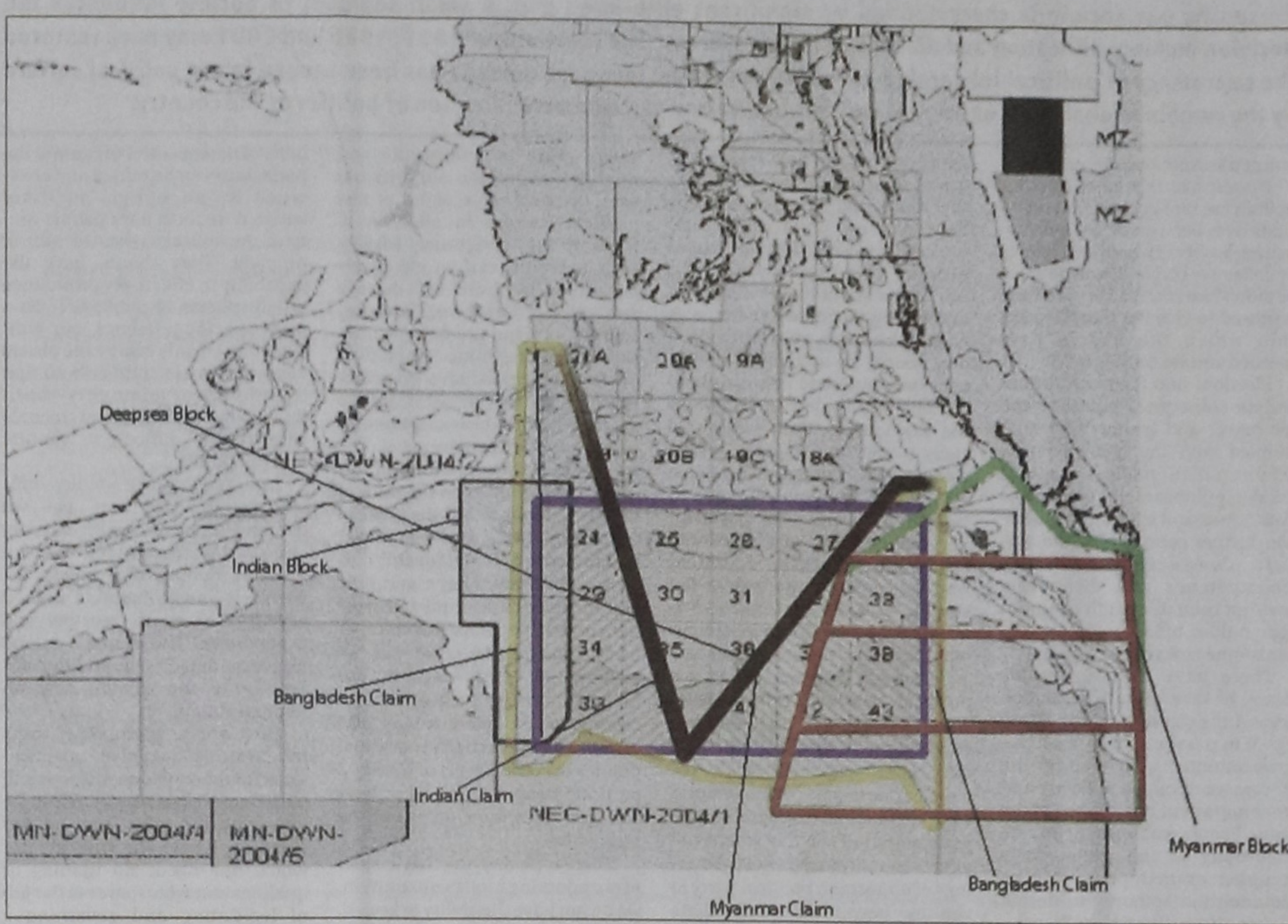
Oil and gas exploration in the Bay of Bengal started in 1974; Petrobangla conducted the first-round bidding, in which 47 IOCs took part. Petrobangla signed 6 production-sharing contracts with Atlantic Richfield, Union Oil, Ashland, Canadian Superior Oil, BODC and Ina Naftaplin. Ashland was allocated the western block down the Sunderban area and India objected for such exploration to then Bangladesh Government and also wrote to the head office of Ashland Company on the plea that it will not allow exploration and exploitation of any gas or oil find since the maritime boundary with Bangladesh had not been demarcated. Soon after the protest, the Ashland Company left Bangladesh waters and the then government accepted the fait accompli. None of our governments took any tangible steps toward solving the maritime boundary problems and rather showed utter negligence towards our legal scope to nullify the Indian protest and also increase our geographic area by about two to three times that of Bangladesh in the Bay of Bengal. Bangladesh passed the "Territorial Waters and Maritime Zones Act" in the Parliament in 1974 but subsequent declaration of unique depth metric baselines by the Ministry again evoked strong protest from India stating that the baseline had intruded 21 nautical miles (nm) inside Indian waters. Even at that time our government in power neither tried to solve the problem through discussion nor could it ensure continuation of exploration by the IOC in the face of Indian protests.

We again had a historic opportunity during drafting of UNCLOS from 1973-1982 to include the system of the adopted baseline of 1974 in the related articles of UNCLOS and to convince other countries about deleting some of the articles which would not be in favour of Bangladesh in subsequent delimitation with our neighbours. However, we failed miserably to act on either count. Not much of exploration work on the five offshore blocks have so far been undertaken except discovery of Sangu gas field with about .848 TCF of recoverable gas.

Petrobangla in their subsequent bidding awarded eight contracts to the IOCs related to land areas. No Bangladesh government after 1974 ever made any real effort to explore in the deep waters of our claimed EEZ and hardly showed any real concern for delimiting maritime boundary.

India, under the New Exploration Licensing Policy, offered 55 blocks (24 deepwater blocks beyond 400m bathymetry) for exploration to the IOCs in the Bay of Bengal in 2006. The map published by India clearly showed that blocks D-23 (8,706sqkm) and D-22 (7,790sqkm) have overlapped Bangladesh's block 21 declared in 1991. Once the attention of the Ministry was drawn to such reports, it said that it is hard to say for sure how much the Indian blocks actually overlapped Bangladesh territory as the map can be deceiving and does not specify the exact geographical position of the Indian blocks. But visually it is found that the Indian blocks appear to have overlapped our block 21. Due to strong pressure from the media about such floating of international tenders by India encompassing our blocks of EEZ, Bangladesh finally lodged official protest against the 'encroachment' through the Indian High Commissioner. It is really unfortunate to find that our Ministry did not know when India declared the blocks and nor did we register any protest with the IOC about the consequences of such exploration in an area which we claimed to be ours since 1974. We should have pursued the case with India with the aim of stopping exploration legally in D-22, 23 and registered our strongest protest with the concerned IOC as India had done in 1974 and again in 2008.

Myanmar on the other hand made significant gas discovery in A1 and A3 gas fields/block, in Rakhaine coast that lies in the Bay of Bengal, offshore from the Myanmar town of Sittwe and is only about 100 km from Teknaf coast of Bangladesh. Daewoo of Korea, which is the operator of A1 and A3 gas fields with gas reserves of around five to six trillion cubic feet owns 40% stakes whereas two Indian Companies - Gas Authority India Ltd and a subsidiary of Oil and Natural Gas Corporation - hold 30% and the remaining 30% is held by Myanmar. It has already agreed



to export gas to China and India. China has offered to construct a pipeline from A-1 and A-3 gas fields in the Bay of Bengal to the Chinese border, a distance of around 900 km and also signed PSC with Myanmar to explore oil and gas in three offshore blocks. What is very disturbing to note is that we hardly knew Myanmar had already declared blocks overlapping our blocks in the EEZ areas which we have claimed in 1974. Myanmar also stopped our survey vessel to work in our EEZ areas. Finally the Ministry called the Myanmar Ambassador drawing attention of his government to the news items published regarding allocation of undemarcated areas to conduct survey for exploration of oil and gas in the Bay of Bengal. Besides, we also lost another opportunity to route the tri-nation gas pipeline through Teknaf as the agreed MoU for open access pipeline had provi-

sions for injection and siphoning off gas from Bangladesh and Indian gas fields. In the wake of serious gas supply situation, Bangladesh also proposed to Myanmar for importing gas from the adjacent off shore gas field. But Myanmar government appeared to have regretted to consider the proposal saying that it has already committed to export most of its gas to China and India although gas pipeline to China and India will be much longer than that to Bangladesh.

Under the UNCLOS 1982, Bangladesh is entitled to claim 200nm of sea area as its EEZ and all living and non-living resources within these areas are exclusively the property of Bangladesh. Out of this, the first 12 miles are called Territorial Sea (TS) and the next 188 miles are its EEZ. Bangladesh must also claim another 150-mile or more from the limit of the EEZ based on the geo-physical charac-

teristics of the seabed as the extended CS. However, to claim the CS, we have to complete various surveys as prescribed by the UN and submit our claim before 2011. India and Myanmar arbitrarily drew the maritime boundary under equidistance principle, which in effect is allowed only up to 12 miles of TS.

Thereafter the UNCLOS articles 74 and 83 are very clear contrary to the claim of both countries that the maritime boundaries of EEZ and CS have to be delimited by agreement in order to achieve equitable solution taking relevant circumstances like general configuration of the coast, concavity of our coastline, natural prolongation, disparity in length of the coastline, economic factors/dependency patterns, existence of natural resources, comparative socio-economic conditions, etc. into account. Law allows solution

through mutual negotiation so that unilateral claim may not cause severe deprivations to entire social process of Bangladesh or even going to the arbitration courts.

In our case probable deposit of mineral resources is divided by the division line of the zones of the EEZ and CS. The part of the deposit which is located on one of the sides of the division line is fully or partially exploitable by Indian and Myanmar installations which are located on the other side of the line. In such cases we cannot maintain our own rights to the mineral resources of the subsurface of our claimed EEZ and CS as they can simply siphon off our oil and gas and other resources.

It is now evident that India and Myanmar have intentionally intruded into our EEZ and exploring oil/gas there by demanding an equidistant line, which is not supportable by the UNCLOS and

Geneva Convention. India has mapped out a line up to Andaman incorporating Bangladeshi EEZ and CS waters. Similarly, the Myanmar line enters our sea area beside block 18 and allows her to grab vast offshore areas of Bangladesh. But this has not been done today or yesterday, rather it happened in the '80s. Bangladesh officials since 1980, have always told us through the media that we have good bilateral relations with both of our neighbours and the dispute will be resolved in line with the relevant international laws and bilateral relationship as they are repeating the same sentences to day. But such diplomatic words did not bring any good results to our core maritime boundary problem and there was hardly any initiative to solve this important issue. This happened partly because of total ignorance about the importance of "Sea Bangladesh" and partly because of our complex bureaucracy terming this issue as very sensitive and trying to hide reality under the garbage of sensitivity for the last 26 years.

We even could not establish the fact that neither India nor Myanmar has legitimate right for exploration on our claimed waters as the maritime boundary with Bangladesh is not yet resolved. Now it would not be right to blame various groups objecting to the bidding process as they have become apprehensive about the failure of successive governments for non bidding of the deep sea blocks in the last 30 years, inaction of the ministries not registering protest with the IOCs and the government of India and Myanmar at the right time for an acceptable solution and most importantly having scandals like Scimitar, Niko and handing over Petrobangla gas field to IOC in recent times.

Even in our past dealings we have hardly shown any urgency to solve the problem of maritime boundary and if the issue is allowed to go in hibernation then we will be losing our own waters and exploring rights to the neighbours just because our government never felt the importance of delimiting the 650km long maritime frontier on both sides of our waters in the spirit of equality and respect for each other's legitimate interests.

The writer is an expert on maritime issues, and author of "Bangladesh's Maritime Challenges in the 21st century."

Rebuild Iraq from the ruins

Z A KHAN

THE world at large has just finished presiding over the killing of tens of thousands of innocent human beings in Iraq with a mute disdain for its perpetrators. What a shame! One wonders how could we, the members of the so-called civil society, remain at a safe distance when the relics of civilization were being desecrated by the enemies of history. We have heard that when Rome was burning, Nero was playing his fiddle. The neo-Neros of today have been seen on the TV protecting with precision the plunderers of evidences of history. One really shudders at the thought of finding answers to the charges that the progeny would level against us for depriving them of the proof of their 'proud' past. We may therefore have to garnish the leftover garbage to paint a picture that may somehow enable future generations to draw the cue about how their current life and culture came to be.

I have not met anyone who shied away from condemning anybody that played foul with our rights to life and liberty. That is why a broad majority of people across the globe are indignant of Bathist Iraq and its former leader Saddam Hossain. So the exit of a dictator did not evoke

pain in many. What really pained most of us profoundly was whether this carnage of human beings was at all necessary to see that Saddam Hossain was pigmyed. We have heard of astute politics and deft diplomacy a great deal. Why did we divorce ourselves from these options before launching the four-dimensional campaign (land, air, sea and satellite) on a nation that was ill-prepared and in economic decay due to prolonged sanctions? Does it mean that love and level-headedness have gone underground and arrogance and tyranny have taken the driving seat to chart the road map to peace? Let nobody forget that we have 'many miles to go before we can sleep' peacefully. Let us find the meaning of what is written on those milestones enroute our journey to the peaceful destination. This would entail objective soul searching. At this juncture what come to my mind are: war cannot subdue a nation for long; hatred breeds hatred; a blood-stained hand is more resolute than precision weapons; rubbles of war raises resolve for revenge while patience, harmony and a sense of accommodation are the 'sine qua non' of peace.

As of now Iraq is in disarray and its economy is in an abysmal state. Although Iraqis are longing for

peace, it does not seem to be getting the desired priority. One must insist on repairing the weaknesses and creating a situation of strength, as these are major requirements to overwhelm the existing climate of collapse in Iraq. I am certain that the 'power that be' in Iraq knows that 'ordered change can also occur out of myriad forces of disorder'. Iraqis are tired of deprivation due to western sanctions, regime generated violence and are horrified by the sound and fury of the recent war which they least deserved. A remote desire of the Iraqi for a pause from the outrageous violence is tipping into the foreground. Iraqi's are now eager to voice perceptions of their future, their hopes and their demands to be heard as they now feel that nobody has the right to forfeit their right to freedom. For long they have nourished their resentment against the regime's arrogance and indifference to their needs and aspirations. Sitting on the debris of a least deserved devastating war, they are now moving from pillar to post to tell their listeners to pave a way for peace, passion and progress so that the tired doctors, grave diggers and clerics can heave a sigh of relief.

The responsibility of the 'regime that be' in Iraq is to stop the backlash, put in order the civil ameni-

ties and reassure the people that Iraq will belong to Iraqis only. Numb despair of the Iraqi's will recede gradually only if bona fide leaders are tasked to rebuild the economy. They should take concrete steps to discard the issues which caused Iraq's social fabric to be torn apart. Geopolitical environment in the ME also has to receive a fresh touch up. Essential equivalence in ME must be restored. The traditional belief of the chauvinists, that "the language of military power is the only language which disciples of power politics understand," should no longer rule the roost. World bodies should ponder about how Iraq, or for that matter ME, can be left alone to promote democracy and human rights. A conscious multi-lateral conclave should be formed to map a course that would firstly, curb even the slightest possibility of the rise of Saddam's progeny; secondly, accord ascendancy to development of an ordered economy; thirdly, remove the fear that Iraq will be split into three self-governed regions/countries by forming a national government comprising representatives from all segments of religious and ethnic identities; fourthly, ensure pullout of foreign troops on a time frame acceptable to all concerned and despatch outsiders who interfere with running of the administration, and finally create an atmosphere where Iraqis will be convinced that their local perception on life, liberty and prosperity will prevail and the current rules of business are indeed a temporary phenomena.

Efforts to rebuild Iraq from its ruins should continue at a faster pace so that the woe of the Iraqis is quickly remitted; lest they should think that they have fallen from the frying pan into fire. Nobody should curry favour with any country that believes in sabre rattling instead of peace and harmony. Why kill people who, like all across the world, seek love and peace? So let us open the floodgate of love and patience so that no country is invaded in future at whim. Let us hope that our future will hold promise for us and that there will be no terrorism or jingoism to threaten our efforts for global peace and progress.

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North Korea signals willingness to nuclear disarmament program

BILLY I AHMED

NORTH Korea demolished the 20m tall cooling towers at its main Yongbyon nuclear reactor on 27 June and published a long-awaited report on its nuclear program signalling its willingness to begin a nuclear disarmament program.

Pyeongyang's blowing up of the cooling towers is a dramatic public show of its commitment to the six-nation aid-for-disarmament deal and to the invited foreign media.

The tower was blown up shortly after 1600 local time on Friday, South Korean broadcaster MBC said.

Shortly after Beijing confirmed receiving the North's nuclear declaration on 26 June, the US president George Bush said Washington would start the process of taking Pyongyang off its list of state sponsors of terrorism.

"North Korea has begun describing its plutonium-related activities ... It has promised access to the reactor core and waste facilities at Yongbyon, as well as personnel related to its nuclear programme," Bush told reporters at the White House.

The United States is responding to North Korea's actions with two actions of its own. "I'm issuing a proclamation that lifts the provisions of the Trading With The Enemy Act... secondly, I am notifying congress of my intent to rescind North Korea's designation as a state sponsor of terrorism in 45 days."

He added that during the 45-day period the US would "carefully observe North Korea's actions, and act accordingly."

President Bush's remarks came despite close ally Japan expressing its unease over North Korea being taken off the US blacklist before the issue of its citizens abducted by the North in the 1970s and '80s is resolved. The foreign ministers from the G8 industrial powers urged

North Korea to uphold its commitment to abandon all its nuclear weapons and to take "prompt action" to resolve the abduction issue with Japan.

Pyeongyang agreed to make a report in October 2007 at six-party talks including the US, China, Russia, Japan, South Korea, and North Korea that began meeting in 2003 amid growing tensions between the US and North Korea.

North Korea announced that it had a nuclear bomb in 2005, and has since been negotiating with the US to gain security guarantees in exchange for concessions on its nuclear program. Due to disagreements with the US over the contents, North Korea did not file the declaration by the December 31 2007 deadline.

The ministers from Britain, Canada, France, Germany, Italy, Japan, Russia and the United States said it was important to corroborate Thursday's long-awaited declaration presented by North Korea.

In its report North Korea stated that it had produced roughly 40 kg of plutonium enough for 6 to 10 nuclear bombs, and within the range of 30 to 50 kg expected by US intelligence analysts.

US officials said North Korea had agreed to allow US inspectors to collect independent samples of nuclear waste at Yongbyon, take samples of the reactor core, and access 18,000 pages of operational records.

US Secretary of State Condoleezza Rice told reporters at a G8 meeting in Kyoto, Japan that she believed the US had "the means by which to verify the completeness and accuracy of the document."

China's vice-foreign Minister Wu Dawei, host of the Beijing talks and the first recipient of the North Korean report, said that the US should "implement its obligations to remove the designation of [North Korea] as a state sponsor of terrorism and to terminate application of the

Trading with the Enemy Act," a law banning US companies from trading with states judged hostile to Washington with respect to North Korea.

The removal of North Korea from the US terrorist-sponsor would depend on verification of continued North Korean moves towards its nuclear disarmament, Bush said.

"The two actions the United States is taking will have little impact on North Korea's financial and diplomatic isolation ... All United Nations Security Council sanctions will stay in place as well," he said.

"North Korea must dismantle all of its nuclear facilities, give up its separated plutonium, resolve outstanding questions on its highly enriched uranium and proliferation activities, and end these activities in a way that we can fully verify."

The North Korean report delivered to Chinese officials is a truncated version of a declaration originally sought by Washington.

In a June 26 press conference, Bush said: "The two actions America is taking will have little impact on North Korea's financial and diplomatic isolation. North Korea will remain one of the most heavily sanctioned nations in the world."

US Defence Secretary Robert Gates added: "The reality is there are so many other sanctions on North Korea because of its other behaviours that there's really no practical effect of taking them off the terrorist list."

US officials have also questioned whether the North Korean report discloses all the plutonium it produced, noting the report gives no information about any potential nuclear bombs or its alleged uranium enrichment program.

The administration is trying to appease bitter opposition to any easing of pressure on North Korea from the right wing of the Republican Party. John Bolton,

the former Bush administration ambassador to the UN, said the accord was "shameful" and the "final collapse of Bush's foreign policy."

Vice-President Dick Cheney's response was even more remarkable, according to a June 27 account of a foreign policy meeting published in the New York Times. On receiving a question on Korea, Cheney "froze," the newspaper reported.

The Times continued: "For more than 30 minutes he had been taking and answering questions, without missing a beat. But now, for several long seconds, he stared, unsmilingly, at his questioner, Steven Clemons of the New America Foundation [...] Finally he spoke: 'I'm not going to be the one to announce this decision,' the other participants recall Mr. Cheney saying, pointing at himself. 'You need to address your interest in this to the State Department.' He then declared he was done taking questions, and left the room."

The Bush administration's policy towards North Korea isolating it and threatening it with military force, in order to break up a potential realignment in Northeast Asia unfavourable to US strategic and commercial interests in shambles.

With the US military absorbed by bloody and unpopular occupations of Iraq and Afghanistan, US geopolitical influence is receding, even as the region's strategic importance grows rapidly.

Some critics of the Bush administration say the report is not a full enough disclosure of what the North Koreans have been up to in the past few years and say Washington is not putting enough pressure on Pyongyang. Officials in the White House however say any development of this kind should be welcomed as a positive move.

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