

Scramble for Continental shelf rights in the Arctic and snail's pace of Bangladesh

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GLOBAL climate change and high fuel prices have created a totally different geopolitical realignment and are compelling countries to devise new policies to safeguard the future of their economies. With oil prices hovering around \$125 a barrel, oil-exporting countries in one hand are trying to justify the newfound bounty and on the other hand have set a chain reaction of spiralling prices and global uncertainty. Such scenarios have already compelled the coastal nations to explore energy resources in the Continental shelf (CS) of the Arctic region. It is widely believed based on various scientific surveys that about 30 per cent of the world's undiscovered oil and gas lie beneath the Arctic region.

Experts believe that there would be ice-free Arctic during summer in about 20-25 years time if the present rate of global warming continues. There are also speculations, of course based on high-tech studies, that the present thick ice cover will be gone by the next decade and the oil and gas underneath the Arctic waters would be accessible to the countries of the fringe. Moreover, investment in exploration and exploitation of hydrocarbons even in the inaccessible Arctic area is becoming an economically viable option due to continuous increase of oil prices and demands.

For all claims of CS beyond 200 nautical miles, states have to present scientific and technical proof to the CLCS set up by the UN. The CLCS then makes recommendations regarding the outer limits of the CS, all of which are binding on the coastal states. In cases where the CS might overlap between two or more states, an equitable agreement has to be effected on the basis of Article 38 of the Statute of the International

UNCLOS 1982, embodies the detailed procedure for adjudicating Continental Shelf (CS) claims and its submission to the Commission on the Limits of the Continental Shelf (CLCS). It defines the CS of a coastal state comprising the seabed and the subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance

Court of Justice. States are to submit claims to the Commission on the Limits of the Continental Shelf (CLCS) within 10 years of their ratification of the LOSC.

The fact that the Arctic ice cap is receding at a pace that far exceeds the rate predicted by any of the 'global warming' computer models, has attracted the neighbouring countries to claim their CS area. Not only that, many waterways that fan out southwards and westwards from the North Pole are navigable for longer and longer period each year. Greenland is a semi-autonomous possession of Denmark and it retains responsibility for defence of the enormous island and its EEZ.

The Danish government has laid its claim of CS up to the North Pole and is spending millions of dollars in preparing a comprehensive map showing that the Lomonosov Ridge runs from the top of Greenland to the North Pole. This claim must be seen as the first foray into what is going to become a larger series of territorial claims. Recently, the Royal Danish Navy reportedly tested Canadian resolve by occupying 'Hans Island', a dot of land between Ellesmere Island and the northwest tip of Greenland. Denmark foresees a growing accessibility to profitable resources on these islands, and on the sea floor that surrounds them. But it is not depending solely on geological surveys and

maps of the ocean floor as it has the military capabilities to back up its territorial claims and to challenge Canada's sovereignty in the High Arctic.

Russia, one of the earliest signatories to the Convention, is also staking a larger slice of the Arctic claiming that the 1240-mile underwater Lomonosov Ridge in the Arctic is connected to the East Siberian Region. Last year a Russian team of explorers employing submersibles descended below the North Pole and planted the flag of Russia and preliminary tests of the seabed soil samples taken by the mini-submarines substantiate the Russian claim. The CLCS rejected Russian claim on grounds of insufficient evidence but it is confident that they will be able to submit full-fledged claim of Arctic CS in due time.

Canada on the other hand has claimed that the Lomonosov ridge is connected to the Ellesmere islands and the North West Passage is in its inland waters excluding possibility of any other countries taking innocent passage. To consolidate its claim and demonstrate its effective control over the passage Canada has declared to build two new military bases in the Arctic and invest \$3 billion to purchase six to eight patrol ships that would help her attain uninterrupted rights on the passage and also lay hands on the other natural resources.

Canada insists that international shipping in the passage to follow Canadian regulation and laws, instead of international law. Canada believes that the North West passage, a small waterway connecting the Atlantic and the Pacific Oceans through the Canadian northern islands, are becoming ice-free. If Canada can take over the control of this shipping passage, which will reduce shipping time significantly from its present detour of Africa, it could set a new direction towards the future maritime commerce.

Other countries of the region are not far behind to stake a claim in the fabled riches of the Arctic.

Norway has also made an official submission on the limits of the CS in accordance with the UNCLOS 1982 after carrying out surveys. USA of course always maintained that the North West Passage is international waters and have shown total disregard to the Canadian claim since long. However, with the passage becoming navigable and the recent dispatch of American expeditionary mission to the Arctic, problem with the USA has resurfaced again and have taken serious turn although USA have not ratified the UNCLOS 1982 as of yet and therefore cannot stake a claim. Norway cannot present a counter claim to the Arctic CLCS since its 10-year time limit ended in 2006 but then

Canada can submit its claim by 2013 and Denmark by 2014. It



is widely believed that Russian and Canadian claims and those of other countries have political overtones rather than merely legal and technical ones. It is rather difficult to predict now, how the legal complexities of the unprecedented nature of the problem of the Arctic will impact the international profile and what would be the direction of solution.

If the example of these countries are anything to go by then we are moving at snail's pace to claim our CS. Many would argue that it would not be appropriate to equate the cases of developed countries staking claim for their CS in the Arctic area with that of Bangladesh. But that will hardly change the basic premise of our energy requirement and dwindling gas reserves of the country, especially the fact of providing sustenance to the ballooning population of over 150 million from only the resources of our land areas.

It is widely believed that one of the best possible alternatives for our unmet resources can only come from our EEZ and CS. The government must have realized what price they would be paying for not delimiting maritime boundary with both India and Myanmar, which have staked claim to a large chunk of our EEZ. The government was reminded many a time through this column, to go for demarcation of maritime boundary with both the neighbours.

Not only EEZ, our time for claiming CS of about 350 nm will expire in July 2011 and from now on we have less than 3 years time to carry all the surveys required for and submitting our claim to the CLCS. It would be difficult for us to blame other countries or the UN about our failure to prepare the submission case in time, as our government knew exactly what is to be done as per scientific and technical guidelines issued by the CLCS in 1998 for all

countries of the world.

According to the guidelines, Bangladesh will have to identify Foot of the Continental slope (FOS) and the areas where thickness of sedimentary rocks is at least 1% of the shortest distance or fixed points not more than 60nm from such FOS. We shall have to document the position of the FOS and the thickness of sediments in the seawards direction through single/multi beam echo sounding. Bathymetric/interferometric side scan sonar, seismic reflection and refraction. Geological and geophysical database will include in situ samples and measurements, geochemical and radiometric data, geophysical measurements and gravity/magnetic data. Even if we opt out for 350nm limit we shall have to identify the 2500 metre isobath, which is a line connecting the depths of 2500 metres in the vast Bay of Bengal. Such data collection would not be easy as some would like to say and will require time, money and

technical skill. Both of our neighbours have already completed their survey and are getting ready for submission.

It is high time that our government informed the people of this country about the progress of various survey/preparatory works in the last 7 years as this cannot be considered a sensitive issue at all. If the progress of work is not satisfactory, then the government is again urged and reminded through this column about the horrific consequences of non submission or halfhearted submission which will not be good enough for substantive claims of CS.

Right now the government must appoint a team of experts by name, allocate money and give them the responsibility for carrying out whatever is required to be done by February 2011 latest. Taking the lead from the countries that have already submitted their claims to the CLCS, it is suggested that it would not be possible to accomplish such lengthy technical tasks by officials prone to change desks frequently or through foreign trips and consultations with foreign experts.

The government must have learnt the bitter lessons by allowing hired foreign consultants to draw our baseline, which has already burnt our finger, and this time we might burn the geographic body of Bangladesh if the urgency and procedural matter of submission to CLCS is not taken seriously. So far our government has hardly shown any resolve to identify persons responsible for failure to carry out the delimitation tasks of our maritime boundary in the last 38 years and our government's claim of 'preparations for CS claim are OK' must not turn out to be a 'paper umbrella getting dissolved in rain'.

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South Ossetia: Why this unnecessary war?

BARRISTER HARUN UR RASHID

THE first thing it reminds me is of an old adage: "Do not punch a bear on the nose unless it's tied down".

On 8th August, pro-OS Georgia President Mikheil Saakashvili attempted to integrate the break-away territory South Ossetia at a time when world leaders focused their eyes on the opening ceremony of Beijing Olympics. It was a great political mistake to regain control of a territory whose population is about 70,000 that are almost all Russians.

Now Russia has not only recaptured South Ossetia from Georgian soldiers but also attacked some of the military bases in Georgia. The President is reportedly in hiding and fear, confusion, and anger is omnipresent among the Georgians.

The French foreign minister has been trying to draw a ceasefire (France heads the European Union until December) but it seems Russia will ensure that in future Georgia does not embark on "silly" adventures.

The former British Foreign Secretary Lord Owen remarked that it is "absurd" to treat Russia like the Soviet Union and that Georgia made a miscalculation in South Ossetia for which it is now paying dearly.

Miscalculation of Georgia's President
The mistake to integrate South Ossetia by Georgia has been for a number of reasons and some of them are described below:

First, Russia is always likely to respond to such miscalculated action. It already has forces there leading the peacekeeping force, which was agreed back in the easier days of 1992 between President Boris Yeltsin of Russia and President Edward Shevardnadze of Georgia.

Second, Russia maintains close contacts with the leadership in South Ossetia where separatists welcome Moscow's supportive stance. To Georgia's deep annoyance, most South Ossetians have Russian passports and the Russian rouble is commonly used in trade. One-time wrestling champion Eduard Kokoi, or Kokoyev, won unrecognised presidential elections in South Ossetia in December 2001 and again in November 2006.

Third, Russia has not been comfortable with the pro-West governments of Ukraine and Georgia. Furthermore Russia is angered that they want to be a part of NATO. Georgia and Ukraine were denied membership of NATO in April, although they were allowed to develop an action plan that could lead to membership one day. The Americans argued for both countries to be accepted, but the Germans and others countered that the region was too unstable for these countries to join at the moment and that in particular Georgia, a state with a border dispute, should not be given formal NATO support.

Fourth, Russia has been displeased when the West supported the separation of Kosovo from Serbia and warned of consequences. This might be one of them. Of course, Russia has not argued in this crisis that it is simply doing what the West did in Kosovo - that would undermine its own argument that states should not be broken up without agreement. But everyone knows that underneath everything Kosovo is not far from its mind in the war in South Ossetia.

Fifth, Georgia's President Shevardnadze's decision in 1992 to allow Russia into South Ossetia as part of the peacekeeping force enabled a very different Russian government under Putin to look at the problem of South Ossetia with a new dimension

because of the aggressive policy of the US under the Bush administration. It was not hard for Russia to justify its intervention. It simply argues that its citizens are not only at risk but also under attack.

Sixth, the West does not appear to handle Russia with its reinvigorated power. Russia has been flexing its muscles with neighbours. Pressure is put on neighbouring Ukraine, Belarus, Lithuania, with threats to natural gas supplies. Import of wine has stopped from Georgia. It cut coal exports, timber supplies and freight traffic to show its displeasure with Estonia. Military spending is running at a post-Soviet record. New nuclear submarines, missiles, and aircraft have been commissioned. The new approach is backed by a defence budget that has jumped by 25% per cent to \$40 billion this year. The Defence Ministry has announced a \$222 billion rearmament program. It is aimed at replacing half of the current military equipment by 2015. It includes new early-warning radar, new intercontinental missiles and a fleet of supersonic bombers.

Seventh, strategic bombers are back over the North Sea between Britain and Scandinavia for the first time in 17 years. A restored base in Syria will give the Russian navy a presence in the Mediterranean Sea and Indonesia signed a \$1.2 billion deal to buy Russian submarines, tanks and helicopters last month.

Observers believe defence expenditure is largely a response to Western pressure. "The Americans are circling Russia with radars and installing anti-ballistic missiles close to our borders", says the defence commentator Colonel Viktor Litovkin.

He further adds, "It is a matter of serious concern. We are being provoked into a new arms race. That is not in Russia's interest. The Americans do not want another competitor and their moves to achieve global strike capability are quite provocative. NATO has deviated from its original charter and assumed responsibility on a global scale for everything that happens. The West looks as if it is imposing its ideology on others, just as the former Soviet Union did. Fortunately we have recovered from this disease, but the Bush Administration has now caught it."

Eighth, South Ossetia is a strategic region for Russia and the fighting presented the most dangerous crisis in the years in Caucasus region, a key conduit for the flow of oil from the Caspian Sea to world markets. Observers say that Russia has been annoyed when oil from Caspian Sea was transported through pipeline by a Western company to Turkey through Georgia, instead of through Russia to Baltic Sea.

Finally, some observers say that the US wanted to find out the military capability, determination and power of Russia through the conflict because Georgia would not launch military operations on 8th August without the support of the Bush administration.

Conclusion

Georgia's President must blame himself for all the mess he has created in the region. It is one thing to claim a territory but to grab it with military power from Russia is a different ball game. Georgia will have to pay a heavy price for its unwarranted adventure into South Ossetia. There is little doubt that conflicts arise from consideration of power politics. A balance of power between the US and Russia is taking place in Caucasus region. There seems to be no ready solution until and unless the US and Russia agree on a political framework for stability and peace.

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Transit and the geopolitical realities

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BANGLADESH has once again deflected the Indian request for transit at the just concluded Foreign Secretary level talks. The transit to the seven Northeast Indian provinces (Assam, Nagaland, Tripura, Meghalaya, Manipur, Mizoram and Arunachal Pradesh) known as the Seven Sisters (SS) from the rest of India through Bangladesh, to which request to use of the Chittagong Port for these provinces was added later, has been unresolved since the Bangladesh-India Trade Agreement of 1972 called for use of railways, waterways and road in each other's country for trade.

In isolation, the request is innocuous, an economic issue in the words of the Indian High Commissioner. In the context of Bangladesh-India relations, it is neither innocuous nor economic but a highly sensitive issue. All past Governments of Bangladesh, political parties, the civil society and the public generally have rejected the issue. In a country where bipartisanship on national issues is unknown to the two major political parties, this issue unites both the BNP and the AL in denial, as it unites every group, every opinion. The manner in which political parties, the civil society and the public reject the Indian request is also worth noting as was evident in a meeting called by the BNP alliance to protest the Indian request when news came to press that the current Government would agree to give India transit, at the New Delhi Bangladesh India Foreign Secretary level meeting. Speakers were so charged that it appeared as if India had invaded Bangladesh unilaterally.

Why does a seemingly innocuous issue arouse such nationalistic passion in Bangladesh? It is a very complex question whose answer is embedded partly in psychology and partly in history. A fear that Bangladesh would lose its sovereignty to India has never left the minds of most Bangladeshis since her independence, because India is 23 times bigger, and surrounds her on three sides. This fear has been aggravated by a history of India's overbearing attitude in all unresolved bilateral issues where she has been unilateral and unfair in negotiations to resolve them. The Ganges water sharing issue arising out of India's unilateral construction and implementation of the Farakka Barrage just before the mighty Ganges enters Bangladesh has been the litmus test in enhancing Bangladesh's fear and distrust of India. Bangladeshis believe they were taken for granted on the Farakka issue and denied a fair share of the waters of this international river since it was activated in 1974 that has started the process of desertification of northern part of Bangladesh. Almost all of Bangladesh's other 50 plus rivers, including the Brahmaputra, also flow from India. As an agricultural country where her rivers sustain life and livelihood in a major way, this fact sends shivers down most Bangladeshis spine in the fear that India would ultimately deprive them of the waters of these rivers as well. In 1974, the two countries signed the Indira-Mujib Border Agreement that Bangladesh ratified within months and fulfilled its obligations. Till today India has not fulfilled its treaty obligations. In 1992, Bangladesh lowered tariffs against a large number of Indian commodities soon after signing the SAPTA. India has not done so yet, as a result of which the bilateral trade imbalance that was already heavily in India's favour has widened further. India has built fence all along its border with Bangladesh to stop what it terms as illegal migration, which Bangladesh denies. A segment of the Indian media and academia have been instrumental in projecting Bangladesh as a fundamentalist Muslim state although she is a liberal democracy.

The India psychosis is also based on India's poor relations with her other South Asian neighbours where only Pakistan has been taken seriously as it is a fellow nuclear power. India has not taken positive steps to allay their fears appearing instead the same way the neo-cons under Bush appear to the rest of the world; a take it or leave it attitude that has vitiated good neighborhood in South Asia. Given its size and importance, India's neighbours expect her to allay their insecurity by making concession to their needs. Instead, India has demanded

more of its neighbours than the concessions she has made or willing to make.

The psychology and history explaining the passion of ultra-nationalism that India arouses in Bangladesh notwithstanding, it is time we take a reality check on the transit issue. A few facts beg consideration for our national interest. The first is geopolitics; that Bangladesh just not stands in between the SS and the rest of India; she is also between these provinces and their access to the sea, thus holding the key to their economic development to the fullest potential. If India gets transit, it will save her billions of dollars annually and time, both critical to the economic development of the SS. Second is India's role in world affairs. Today India is an acknowledged regional power. No great power will help Bangladesh to resolve her problems with India. Bangladesh will have to negotiate with India and resolve these issues. The importance of good relations with India can hardly be over-emphasized. For example, Bangladesh has, according to credible international energy assessments, potential for hydrocarbons in the Bay of Bengal.

region that is potentially the second richest in the world. However, transit right need not necessarily be in perpetuity and can be always be revoked should India not reciprocate in equal measure.

Bangladesh must realize that the transit and use of Chittagong Port are the only cards she has to interest India and that a friendly India is crucial to her future. Given India's track record, it will not be easy to use these issues as negotiating chips for securing Bangladesh's interests such as a just share of waters of the common rivers, removing trade imbalance, a just and fair maritime accord, etc. That is a chance Bangladesh must take for its future. This will be a test of diplomatic skills of those in charge, whose hands Bangladesh must strengthen by a pragmatic stance on this issue in particular and on her relations with India in general.

However, decision on transit must however be left to an elected government because of the significance of the issue, but resolve she must if she is realistic and has an understanding of the international forces at play in a new and evolving world



Unfortunately, her maritime boundary issue with India is unresolved. Bangladesh will thus have difficulty in drilling for oil or gas there.

Bangladesh must thus look at the transit issue dispassionately, bearing in mind that this is a card in her hand given by geography. Here are the advantages. The transit and the use of Chittagong Port will integrate the economies of the SS to Bangladesh giving her leverage in future negotiations with India on other issues where she now has none. Bangladesh will earn substantial amount of money from transit and use of the port because India must pay for using these not forgetting that she now spend billions of dollars and extra time annually in her absence. A positive stance will also motivate India to be fair to Bangladesh on water and other unresolved issues. It will also create trust and confidence in Bangladesh and the environment for mutually beneficial cooperation between just not Bangladesh and India but sub-regional cooperation by including Nepal and Bhutan to harness the vast water resources in the

order. India must consider the billions of dollars she will save from the transit and its positive impact on the SS. She must also consider the impact of this on the prospect of harnessing and using the vast water resources through sub-regional cooperation; in tackling her fear of terrorism; and the credibility it will create for her in world affairs where her poor relations with neighbours is one that those critical about her can legitimately use against her.

If Bangladesh plays the transit card right, there is no logical reason for India not to reciprocate for her own sake because the consequence of a destabilized of 150 million people is too nightmarish for her. Bangladesh and India must not waste a win-win situation for both because of politics. India must show that her heart is large enough to match her size and stature. Bangladesh must show that she has a grasp of reality.

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