

UN arbitration: A welcome step

Our powerful neighbours should not see our attempt as one that is making "bilateral" issues international. The borders where the dispute lie are surely international, and international arbitration seems to be the only way now since bilateral efforts have failed so far.

ABDUS SATTAR MOLLA

THE Ministry of Foreign Affairs of the People's Republic of Bangladesh has at last decided to lodge a case in the International Court of Justice (ICJ) to settle through arbitration the maritime boundary issues with both India and Myanmar. It should be seen as a welcome step, not only in Bangladesh but also by the two neighbouring countries concerned.

We all know that India helped Bangladesh achieve independence in very many ways, and we are obviously grateful to this close neighbour. But the bilateral talks with this rather "big brother" for more than three decades have been a saga of repeated failures, though most of the state-level talks were termed "successful" diplomatically. Such "success" stories failed miserably to produce any visible and true benefit for either side.

The adage "Power corrupts and absolute power corrupts absolutely" is usually applied to financial corruption, especially at the individual level. I would like

to extend this relation of power and corruption "thesis" to many other social arenas, including politics and inter-state affairs. Since India is a big power not only in our neighbourhood but also in Asia, and even in the world as a whole, she naturally exerts many types of pressures on smaller neighbours (including Bangladesh), sometimes, perhaps, not being aware of what she is doing. This need not be seen as a deliberate attitude of India, rather we should interpret this as a backlash of power itself -- this is veritably a characteristic of power.

However benignly we see this character of power, when that very power and its by-products are applied to us in implicit or explicit ways, the harmful effects thereof are not less felt; and we can't and shouldn't withstand this for long.

As I mentioned in another article last year (see "South Talpatti-New Moore dispute," *Daily Star* 25/10/2008), India has been misinterpreting the position of the mainstream of the bordering river Hariabhangha. According to the Radcliffe Plan, the riverine demarcation line between the two countries is the deepest

part of the riverbed. Two streams of the river flow by two sides of a disputed island under formation. Bangladesh claims that the main stream is the western one so the island belongs to her, and she duly named it "South Talpatti" since there is a northern Talpatti along the same longitude (see Figure 1 below). But India claims that the eastern channel is the main one and thus the island belongs to India. She named the new island "New Moore" though the northern Moore Island is in the west as defined by the longitudinal line.

The map below shows that the bordering river Hariabhangha comes down obliquely from northwest towards southeast. It is clearly seen that the river channel on the east of the island is mainly that of Raymangal and Jamuna rivers, having only the eastern branch from Hariabhangha. So the eastern wider channel is contributed to mainly by two decidely Bangladeshi rivers and only partly by bordering Hariabhangha having at best 1/5th share.

If there was a power balance between these two close neighbours, none would physically occupy the island before settling the issue. But India didn't wait for an amicable resolution; instead she hoisted the Indian flag there and established a Border Security Force (BSF) base on the island, which is regularly visited by her naval ships. This act is an instance of coercion (again characteristic of power or its by-product).

While this long-standing dispute with India is still alive, a new development has



Fig-1: Location of South Talpatti in southwestern Bangladesh

taken place in the Bay of Bengal. Having petroleum resources under the seabed, Bangladesh divided her part of the Bay into 28 blocks for exploration of natural resources. But, unfortunately, this time not only India (on the western front) but also Myanmar on the east claim some of our blocks to be theirs at least partially.

All concerned can see the locations of our demarcated blocks (Figure 2). Two (Conoco blocks) of the three blocks now ready for signing of contracts with two foreign oil companies are located in the middle; yet our neighbours claim their parts in those (how unreasonably power can play!). The third block (to be explored by Tullow) is also inside Bangladesh.

We, as citizens of Bangladesh, claim these blocks to be clearly inside

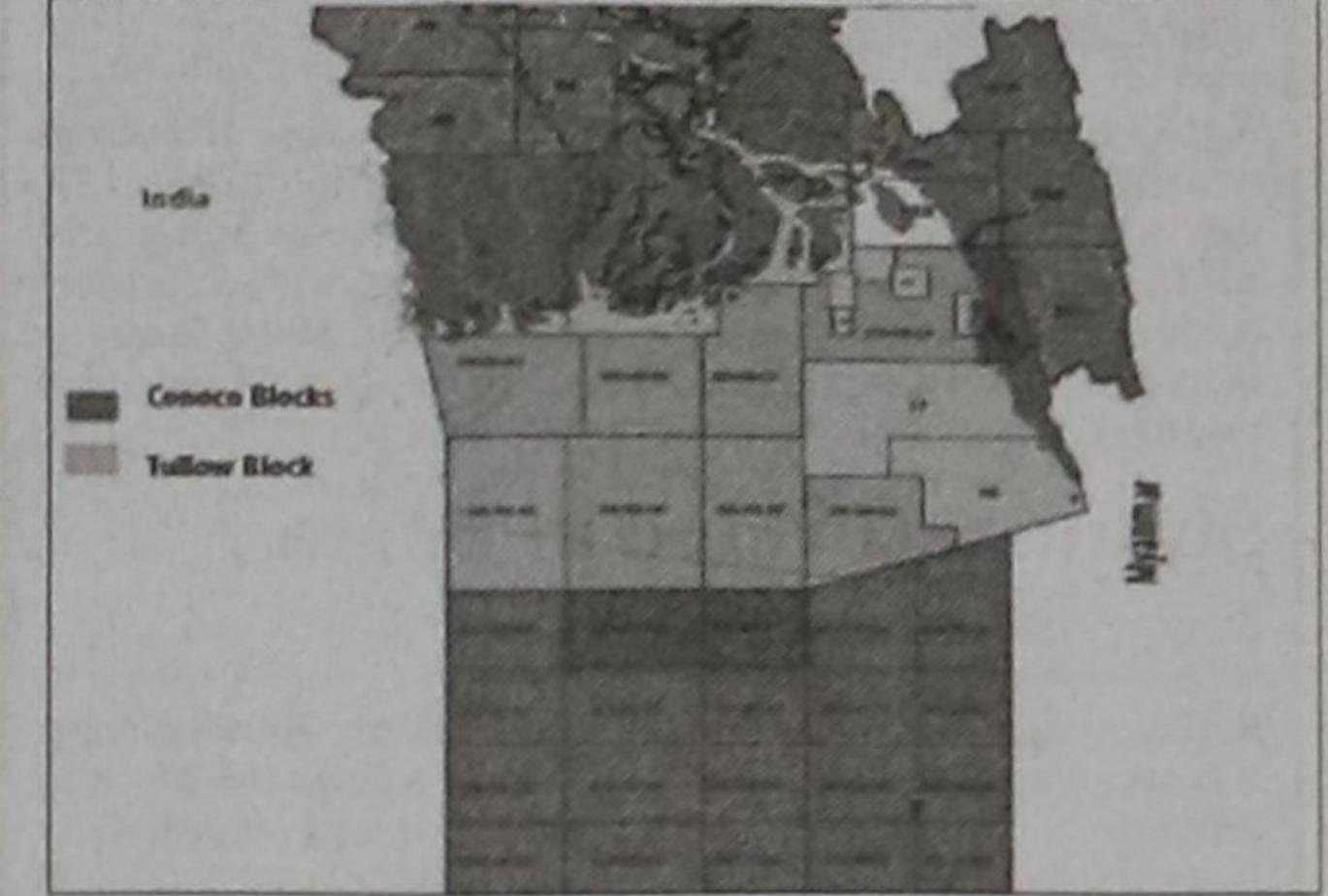


Fig-2: Petroleum blocks of Bangladesh in the Bay of Bengal (adapted from DS news: 9/10/2009)

Bangladesh, but India and Myanmar might not agree with this. Then where does the solution lie? A bilateral joint survey should have been the way! Bangladesh has always been urging its neighbours to conduct a joint survey, but they always say that it is unnecessary (again, an instance of unilateral power play!). So, now it has become a question of safeguarding our resources from these two powerful neighbours. We have no more time to spare because our resources are not only at stake just now, but the deadline (2011) for raising the issue in the United Nations is also very near.

Therefore, the whole nation, including all political parties, needs to be united this time in supporting the efforts of our Foreign Ministry. International legal experts of Bangladesh origin (living at home and abroad) must help the process whole-heartedly.

Our powerful neighbours should not see our attempt as one that is making "bilateral" issues international. The borders where the dispute lie are surely international, and international arbitration, according to UN Convention on the Law of the Sea (UNCLOS), seems to be the only way now since bilateral efforts have failed so far. When brothers' quarrel reaches a chronic stage, arbitration by somebody from outside becomes essential; and the brothers must value such arbitration for the sake of amicable and peaceful co-existence.

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Will Indo-Pakistan relations improve?

While resolution of the vexed and main bone of contention, the Kashmir problem, can be kept on the backburner, all efforts must be made to facilitate the bilateral talks, at least at the level of foreign secretaries -- to be followed by their foreign ministers.

ZAGLUL AHMED CHOWDHURY

INDIA and Pakistan -- two south Asian rivals -- are still finding ways and means to improve their ties following the deadly Mumbai attacks that are proving to be a stumbling block in the improvement of their ties. A recent meeting between their foreign ministers in New York, on the sidelines of the United Nations General Assembly (UNGA) session, has not exactly broken the stalemate even though two sides agreed to remain in touch and make efforts to overcome the problems that are hindering the normalisation of ties.

The attack in Mumbai, India's commercial hub, last year, came as a serious setback to New Delhi-Islamabad relations as India charges that the attackers came from Pakistan and targeted landmark sites in the city, including the imposing Taj Mahal hotel, killing many people and injuring many others. After a phase of accusations and counter-accusations, Pakistan finally accepted that the attackers had come from its soil, but denied any form of state patronisation to the ghastly incident.

The Indo-US military accord and later the agreement on nuclear technology were not taken gracefully in Pakistan. From the Indian point of view, Pakistan had failed to live up to the expectation in discouraging or stopping cross-border insurgency in the Kashmir area. Besides, certain comments from both sides were



Can this amity carry over to the battlefield?

not seen as being not compatible to their efforts to furthering friendship. However, the topsy-turvy ties received a big setback following the attack on Mumbai, which is still reeling from the shock.

Indo-Pakistan ties have become a matter of discussions in the larger international arena also, for the simple reason that their relations constitute an important factor for peace and stability in South Asia and, in a way, at the global level. Optimism had existed in many quarters that the two nuclear-powered inimical nations were finding common

ground to improve their badly strained ties. Initially, the Saarc summit in Pakistan had provided badly needed dialogue at the level of the top leadership of the two countries on the sidelines of the conference, and the outcome of this contact had remarkably changed the nature of the New Delhi-Islamabad relationship.

Later, the Saarc summit in April, 2007, in New Delhi, where Pakistan's then prime minister Sharif Atif Aziz attended, helped further develop the ties. With the change of guards in Islamabad, elements

of uncertainty did persist about the shape of Indo-Pakistan ties. Anyway, the new government has committed itself to the peace process.

One cannot probably lose sight of the fact that the peace process is contingent upon settlement or understanding on the main bone of contention, which is obviously the Kashmir dispute. The two sides adopt diametrically opposite positions on the issue, but are showing signs of readiness for flexibility. But how far this flexibility can go is the moot point. They have agreed to discuss the dispute but both have compulsions since it is too complex a dispute, although not beyond settlement.

Following the changes in Pakistan, it was worthwhile to note that the indications emanating from Islamabad on relationship with India are encouraging. President Asif Ali Zardari commented on a number of occasions that peace must be the first priority of both countries, and Zardari says that Kashmir is a "solvable" problem and a new approach is required for its settlement. Prime Minister Yousaf Raza Gilani also echoed the same, while both also stressed on the settlement of the Kashmir problem. But both Zardari and Raza Jilani are not oblivious of the fact that problems like Kashmir cannot be ignored by them.

On the other hand, Indian Prime Minister Dr. Manmohan Singh speaks about peace, but is also attaching this process to issues like "infiltration" from Pakistan and trial of the masterminds of the Mumbai attack and of Lashkar-e-Taiba chief Hafiz Saeed. The Indian premier had earlier met both President Zardari and Prime Minister Jilani on the sidelines of international conferences and reiterated Delhi's intention for

peace, but attached these conditions. Defence Minister A.K. Anthony recently charged that Pakistan was aiding and encouraging the "infiltration" into Kashmir and demanded that this must stop altogether.

But the problems surrounding the Mumbai attack prevent resumption of Indo-Pakistan dialogue at any level. The two countries differ on the process and procedure of the trial of those believed to be linked with the attack. India insists that "government agencies" were involved in the planning of the onslaught that killed 166 people, but Pakistan vehemently denies the charge. India says it has given Pakistan sufficient evidences about the offenders, but Islamabad is not convinced.

It will be height of folly to expect that these differences will be resolved soon to the extent that bilateral contacts can resume in a meaningful way, covering many areas of cooperation that earlier existed in the form of composite dialogue. Since India is the victim of the Mumbai attack, it will be plausible to conclude that the onus for removing the misunderstanding on this issue largely lies with Pakistan. While resolution of the vexed and main bone of contention, the Kashmir problem, can be kept on the backburner, all efforts must be made to facilitate the bilateral talks, at least at the level of foreign secretaries -- to be followed by their foreign ministers. Delay in this direction will only cause immense harm, not only to these two countries but also to the South Asian region where peace and stability are largely contingent upon the relationship between the two main nations.

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IN MEMORIAM

A doyen of journalism

KAZI LIAKAT HOSSAIN

THE nation today observes the 2nd death anniversary of Obaidul Huq, a doyen and legend of journalism, with a heavy heart.

Obaidul Huq was born on October 31, 1911 in Feni district. It's a miracle that he was born in October and died in October as well. On Eid day, October 14, 2007, we got the news like a bolt from the blue that Obaidul Huq breathed his last the day before. In truth he was great with the great and lowly with the lowly.

I came to know of Obaidul Huq from late Mizanur Rahman and Nayeeen Gahar, and had already painted an imaginary picture of this legendary person in my mind long before I actually met him.

Once I had an opportunity to attend a function where two giants were the main speakers, renowned philosopher and educationist late principal Dewan Mohammed Azraf and late Obaidul Huq. I immediately realised that I had come across a person (Obaidul Huq) who was every inch a gentleman with an amazing

personality.

He used to deliver a quotation whenever the topic needed it. His style of speaking and narrating was wonderful. We junior journalists listened to his valuable speeches very attentively so that not a single word could slip from our minds. He emphasised the importance of clarity, directness and compactness of language. He wrote: "Unclear writing betrays a muddled mind."

Obaidul Huq's style of talking was smooth and clear, and he used quotations in a way that taught us a lot. He was called king of quotation. He was a film director, producer, script-writer, novelist, poet and journalist.

He obtained M.A. degree in philosophy from Dhaka University, and a law degree from Kolkata. He resigned from Bengal Civil Service in 1944.

In 1946, this versatile genius made a successful film *Dukkhe Jader fibon Gara*, but could not release it as communal tension was prevailing in Kolkata. He also won a Unicef Award for his courageous editorials in 1983.

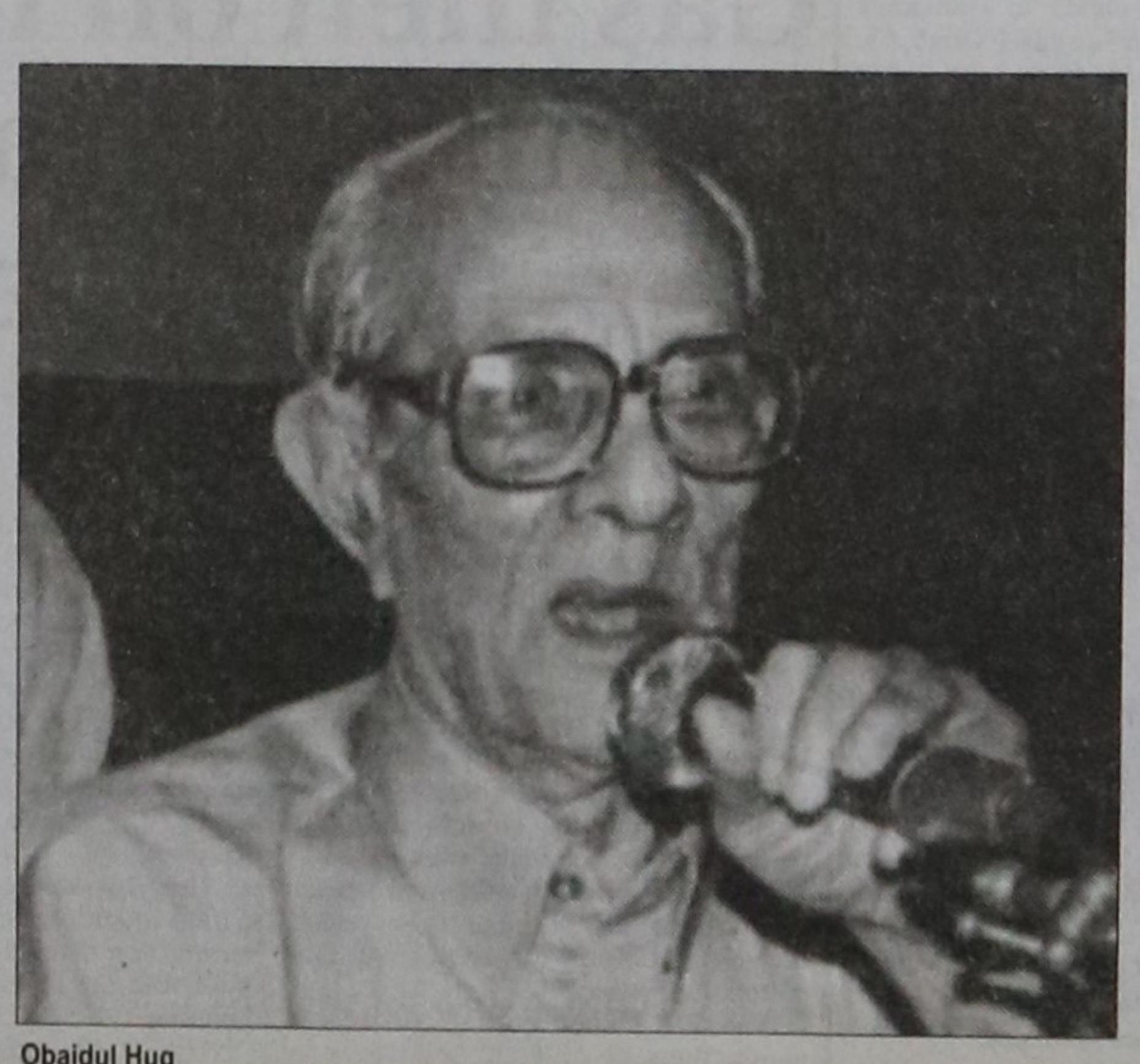
In his last years he concentrated on

Chowdhury, keeping in view their interests at the box office. He wrote a novel, *Sangram*, which was turned into a film called *Azan*. He had heartfelt love for our rebel poet Kazi Nazrul Islam, who visited his residence in Feni.

He joined the then *Pakistan Observer* in 1951 as assistant editor under A. Salam. He became editor of *The Bangladesh Observer* in 1972 and served till 1984. He later joined *The Daily News* (now defunct) as editor and also became the chairman of the Press Institute of Bangladesh.

He was a great satirist. He earned name and fame for his humorous and sometimes stinging and biting satires, which gave readers pleasure. He was a prolific writer. For his excellent writings and immense contributions to journalism, he won the prestigious "Ekushe Padak" in 1983. In recognition of his literary genius he received the Bangla Academy Award for Drama in 1964. He also won a Unicef Award for his courageous editorials in 1983.

In his last years he concentrated on



Obaidul Huq

writing columns mostly for Bangla dailies, particularly in *Janakantha*. He valued some norms, principles and ideals and those distinguish him as a writer, editor and above all a creative man. Creativity was his forte along with vast knowledge, and he could analyse and interpret events in a most objective manner.

He will mostly be remembered for his witty, saucy and insightful columns. I remember one day I was praised by this legend. I had written an article on Pahela Baishakh under the title *Pahela Baishakh: A Gala Day for Bangalees*, in which I wrote some words in the Bikrampur dialect. He was amused to read those words and praised me highly.

Whenever his face flashes in my mind's eye I cannot control my tears. Let his spirit live amongst us forever. May Almighty Allah rest his soul in eternal peace.

Death is the golden key that opens the palace of eternity -- Milton

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