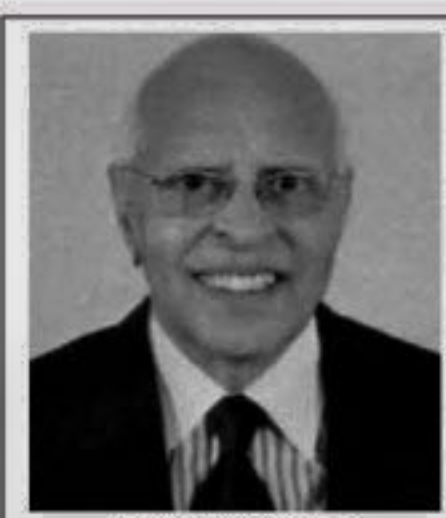


BOTTOM LINE

New era in Myanmar and Bangladesh relations



BARRISTER
HARUN UR RASHID

and chief of National League for Democracy (NLD) Aung San Suu Kyi (66), which started a new era in Myanmar's politics.

"I would like all NLD members to ensure that the victory of the people is a dignified victory," she said in the statement. Words, behaviour and actions that "can harm and sadden other parties and people" should be avoided, she said.

Hundreds of people clapped and cheered as a giant screen outside her NLD party headquarters in Yangon announced that the Nobel Peace Prize winner Daw Suu (Auntie Suu), or "The Lady" as she is widely known, had won a parliamentary seat for the first time.

Suu Kyi, daughter of the Myanmar's independence leader General Aung San, has been adored by the overwhelming people of her country since 1988. After 15 years of sacrifice as a political prisoner, she contested a parliamentary seat in Kawhmu, 80 km. south of Yangon (Rangoon).

She was educated in India and Oxford

and is very articulate in expressing her views in a crisp manner. Her mother served as ambassador to India after her father was assassinated in 1947.

The last time the people of Myanmar voted was in November 2010 in an atmosphere of resentment. She boycotted the election because her party was deregistered as it said that election rules were unfair.

This time the political environment is different because President Thein Sein has undertaken various reforms since last September. He has realised that programmes for economic growth could not be implemented without reforms and in turn reforms would not be possible without active participation of Suu Kyi in the process.

Seventeen opposition parties took part in the by-elections on April 1 -- Myanmar's third election in half a century. At the recent summit in Cambodia, Asean delegates praised Myanmar President Thein Sein for holding a fair and free poll in which Aung San Suu Kyi and her party won 44 out of 45 by-elections to the 664 seat Parliament and urged the West to drop sanctions.

As Myanmar has changed, so too has Suu Kyi. She has become a realist and decided to cooperate with President Thein Sein. She has described President Thein Sein -- a general in the former mili-

tary government -- as "honest" and "sincere" and accepted his appeal for the NLD to take part. With the election victory, she will have to undertake a delicate balancing act to maximise her influence.

Her top priorities, she says, are introducing the rule of law, ending long-simmering ethnic insurgencies and amending the 2008 constitution that

seen merely as a refugee problem and both countries may jointly develop an effective border management to prevent the flow of migration of Rohingyas to Bangladesh.

Now Suu Kyi's first challenge is what to say about sanctions. Should she publicly urge that sanctions be lifted? President Thein Sein persuaded her to run and

ensured that the by-elections went smoothly. He needs to show his former colleagues in the military that his gambit has succeeded.

On the other hand, if she opposes ending of sanctions, she opens

herself to the charge of hurting the people and endangering the reform process. Observers say she'll also need to continue to nurture her relationship with President Thein Sein. Both have taken big risks to get to this stage.

Some wonder how the ruling party considers the impact NLD's election victory may have on civilian parliamentary seats in the lower house in the next general election in 2015. Some observers say that she should not be perceived as a threat to the ruling party. She has to work closely with the government to bring permanent reforms towards democracy.

Bangladesh, like Myanmar, also observes the new Bengali year on April 14 with processions, music and dance. Myanmar's new era has rekindle

Bangladesh's interest in the country of 55 million people, which is endowed with natural resources such as oil, natural gas, coal, zinc, copper, precious stones, timber, hydropower, and some uranium deposits as well.

Myanmar recently floated its currency (818 local Kyat=\$1) with a view to attracting foreign investment. Yangon's approximately 270 hotels are full with foreign investors, and the price of the land and rents of offices or business accommodations are rising steadily. Bangladesh entrepreneurs must not lag behind in seizing the opportunity in Myanmar at a time when the country has opened up for business and investment.

At the July 2011 meeting of the Joint Trade Commission, both countries agreed to increase the ceiling for transaction value to \$50,000 per consignment from \$30,000. Officials also discussed the potential for setting up wholesale border markets at Bangladesh's Teknaf and Myanmar's Maungdaw, a border town. They also discussed how to complete border transactions through the Asian Clearing Union payment system.

The December visit of the Bangladesh prime minister opened a new vista of relations with Myanmar, and connectivity by air and coastal shipping between the two neighbours will be in place soon. It is reported that the president of Myanmar is likely to visit Bangladesh in May or June.

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POLITICS OF CLIMATE CHANGE

Vulnerable communities lead in adaptation to climate change



SALEEMUL HUQ

come to be termed as Community Based Adaptation (CBA) and has grown rapidly over the last few years from a few dozen communities in a few developing countries to many hundred communities in dozens of countries, including some developed countries.

The actors involved are mainly from civil society, with some governments also now entering this arena. The practitioners and proponents of CBA have been meeting periodically to share latest experiences and knowledge gained at a series of international conferences on CBA.

The fifth international conference (CBA5) was held in Bangladesh in 2011 and was attended by over 300 participants from around the world. The conference was opened by the Prime Minister of Bangladesh Sheikh Hasina and closed by Dr. Rajendra Pachauri, Chair of the Intergovernmental Panel on Climate Change (IPCC). The theme of that conference was "Scaling up CBA" and a book on the topic is being published by a renowned international publisher. It is expected to be included in the IPCC's fifth assessment report which is currently under preparation.

The sixth international conference on CBA (CBA6) is going to be held in Hanoi, Vietnam from April 16 to 22 this year, which will be hosted by the government of Vietnam. The theme of CBA6 will be "Communicating CBA" and there will be a strong presence of international media at the event. The proceedings of the conference will also be webcast and be available on a daily basis on the internet during the conference.

Emerging lessons on CBA:

While the practice of adaptation to climate change generally and CBA in particular is still in its infancy, some lessons are already beginning to emerge.

The first lesson is that while the poorest communities are often amongst the most vulnerable to the adverse climatic impacts, once future climate change is taken into account, the vulnerable communities will also include the non-poor.

The second lesson is that while better development and improved Disaster Risk Reduction (DRR) efforts are excellent first steps towards building adaptive capacity,

they are not enough by themselves. Adapting to climate change is more than just good development or DRR.

The third lesson, related to the second, is that adapting to future impacts of climate change requires a long-term planning horizon of decades rather than just a few years. It also requires enhanced inputs from the climate science community as there will always be uncertainties about the future climate.

The fourth emerging lesson is the need to distinguish between adapting to climate variability (such as floods, droughts and cyclones) and adapting to climate change (which is a longer term uncertainty about future climate).

So far, most of the CBA activities have focused, quite rightly, on adapting to climate variability but a few are now beginning to make the transition to adapting to climate change.

Bangladesh leads the way on CBA:

Bangladesh is emerging as a world leader on CBA due to the many CBA activities being undertaken by both NGOs as well as the government. Many of these activities are now being brought under the umbrella of the Action Research on Community Adaptation in Bangladesh (ARCAB), which is a consortium of NGOs and research institutes in Bangladesh to carry out long-term action-research on CBA and

share the knowledge being generated both within Bangladesh as well as internationally.

Under this programme there have already been a number of regional level CBA conferences in Rajshahi, Khulna and Sylhet (others will follow in Chittagong, Mymensingh, Rangpur and Dhaka) and a National Conference on CBA was held in Dhaka on April 8 and 9, whose outcomes will be taken to Vietnam by a large contingent of Bangladeshi participants who will be attending CBA6 there.

The seventh international CBA conference (CBA7) will also be held in Bangladesh in April 2013, when the world's planners and practitioners on CBA will come here again to see the latest developments in CBA. The theme for CBA7 in 2013 is likely to be "Mainstreaming CBA into National Planning" and it will involve governments from both developing as well as developed countries.

Thus, adaptation to climate change, and specifically CBA, is emerging as a global activity in which the developing countries are leading the developed countries and in which Bangladesh is emerging as a global leader.

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Maritime boundary judgement: A summary glimpse

MUHAMMAD MOHI-US SUNNAH

THERE seems to be a lot of claims of achievements, counter-claims of failure, and confusion surrounding the outcome of the recent judgement announced by the International Tribunal for the Law of the Sea (ITLOS) on March 14 in Hamburg, Germany. A persistent win-win situation in both Bangladesh and Myanmar may be one of the sources of confusion. The map may give a visual representation of what actually has happened:

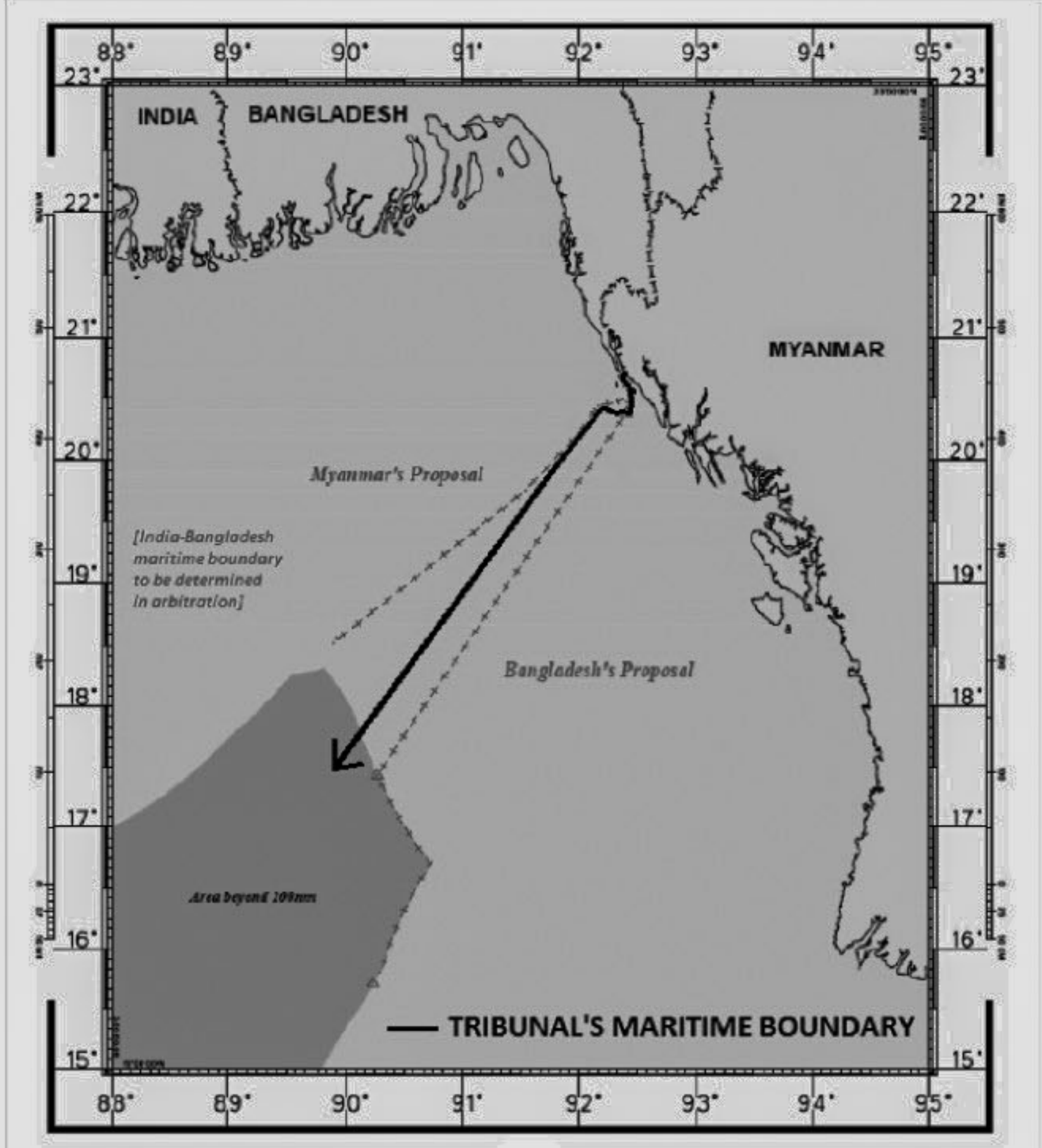
The map clearly does not show a winner; however, the text of the judgement indicates a success on the part of Bangladesh in terms of its initiative to resolve a long-standing dispute between parties regarding overlapping claims in an offshore area and an issue that was left unattended since 1974.

The calculations in ITLOS's judgement seem to have apportioned the relevant area by a ratio of approximately 1.54:1 in favour of Myanmar, whose coast facing that area is approximately 1.42 times the length of that of Bangladesh. It delimited the territorial seas of the parties within 12 nautical miles (nm) of their coasts by a line that is equidistant from the nearest points on their coasts (including St. Martin's). The line then continues along a 12nm arc south of St. Martin's to a point equidistant from the nearest points on the mainland coasts of Bangladesh and Myanmar, and proceeds seaward to delimit exclusive economic zones (EEZ) and continental shelves within 200nm of coasts.

The ITLOS also determined that the continental shelves of both countries extended to the continental margin beyond 200nm, and continued the maritime boundary into the area in the same direction.

As reflected in the map, the ITLOS did not agree with many of the arguments presented by both Bangladesh and Myanmar. It did not agree with Myanmar's contention that it does not have jurisdiction to delimit continental shelf beyond 200nm, rather it agreed with Bangladesh that con-

cavity of its coast is of relevance for delimitation. It did not agree with Bangladesh's contention that, by reason of the significant geological discontinuity dividing Burma plate from Indian plate, Myanmar is not entitled to a continental shelf beyond 200nm. The ITLOS concluded that neither the geological origin of the sedimentary deposits nor the junction between the tectonic plates beneath them was legally relevant. Rather, it relied on the existence of a continuous layer of sedimen-



tary rock comprising the continental margin extending seaward from the coast of both countries to the area beyond 200nm to determine the existence of their overlapping entitlements. The line drawn by ITLOS will end when it reaches the maritime boundary with India, whose location is yet to be established.

As for the so-called grey area, the ITLOS decided that in an area of limited size on Bangladesh's side -- beyond 200nm of its EEZ but within the 200nm limit of Myanmar's EEZ -- Bangladesh has jurisdiction with respect to seabed and subsoil of the continental shelf, Myanmar has jurisdiction with respect to the superjacent waters of the EEZ.

The writer is a lawyer and an occasional contributor to The Daily Star.