

US MARINE RESEARCH SHIP IN THE BAY

Considering legal issues for marine scientific research

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IT has been reported in the newspaper that JOIDES Resolution, a US marine research ship of A&M University of Texas, wants to carry out scientific explorations in the Bangladesh maritime territory from November 29, 2014 to January 29, 2015. The US embassy in Dhaka has written to the foreign ministry, seeking its permission in this regard. Such interest from international organization indicates that we are going to forward one step in the utilization of our blue resources for boosting our blue economy. As a developing nation, in the present context, there is no alternative to cooperation from international organizations, institutions and experts to conduct marine scientific research in the maritime territory of Bangladesh. Indubitably, such interest from international institutions for conducting marine scientific research in our maritime territory is a significant signal for sustainable utilization of our blue resources and we have to respond to such an offer. Before reviewing response, it is important to identify the legal issues associated with marine scientific research in the light of international laws. Marine Scientific Research (MSR) has been dealt with under United Nations Convention on the Law of the Sea (UNCLOS) 1982. It is a term applied to a range of scientific disciplines (such as physics, biology, chemistry, geology, and geophysics) concerned with the study of the ocean. Maritime scientific research conducted by any other state or competent international organizations within our maritime zone is a subject of consent of our country. In this regard, Bangladesh can enter into a contract with international organizations through bilateral and multilateral agreement. There can be private agreement between researching State (Bangladesh) with the research oceanog-

rapher or with the university or institution where he or she is employed. Bangladesh should ensure favourable conditions for the conclusion of agreements, contracts and other similar arrangements, under equitable and reasonable conditions. According to Article 248 of UNCLOS, competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State (Bangladesh) shall, not less than six months in advance of the expected starting date of the marine scientific research project will provide full descriptions of the project such as the nature and object of the project, the method and means to be used, the precise geographical areas in which the project is to be conducted etc. According to the report published in the independent newspaper, the US research ship wants to study in our maritime territory from November 29, 2014, to January 29, 2015. It is confusing whether the US authority has provided necessary descriptions of the research project within stipulated time as specified in article 248 of UNCLOS. If it does not do so, it will not be wise to permit such research project. Because Bangladesh will not get sufficient time to evaluate the project description. However, particular issues are to be taken into consideration before approving any state or competent international organizations to conduct marine scientific research in our maritime territory. The first issue that should be taken into consideration is access to MSR data, samples and results. According to article 249 of UNCLOS, competent international organizations when undertaking marine scientific research in the exclusive economic zone or in the continental shelf of a coastal State shall provide with preliminary reports, the final results and conclusions after the completion of the research. International organizations will facilitate access to all data, samples and results derived from the marine scientific

research project. Bangladesh should ensure its right to access to such MSR data, samples and results. The second issue is the proprietary title over MSR data, samples and results. One of the limitation of the UNCLOS 1982 is that it has not dealt with proprietary title over Marine Scientific Research data, samples and results. If we approve the international marine scientific research activities for example in case of US research ship, we have to claim our ownership over the MSR data, samples and results come out from such MSR activities. Determining ownership over the MSR data, samples and results in case of blue biotechnology or MSR projects that do not directly bear on the exploration or exploitation of marine resources but yield data, samples and results leading to the potential commercialization of marine products or processes is more important. Blue biotechnology concentrates on aquaculture and seafood supply enhancement, commercial and industrial production of marine substances and processes, controlling the proliferation of noxious water-borne organisms, and developing new drugs and cosmetics etc. The potential market value for these industrial uses has been assessed at US\$ 3 billion per year. So if we allow others to conduct blue biotechnological research or other MSR activities that don't bear on the exploration of marine resources but yield data, samples and results that can be used for producing products having commercial value, we have to claim proprietary title on such data, samples and results. These property rights determine who owns the product of human intellect. As the proprietary title over MSR data, samples and results have not been dealt under UNCLOS, it should be regulated under domestic and international intellectual property laws and under the private agreement to be formed between Bangladesh and foreign researching entity or persons. The third issue that must be taken

into consideration is to ensure effective protection for the marine environment and to control damage to health and safety from harmful effects which may arise from such MSR activities. To this end Bangladesh shall adopt appropriate rules, regulations and procedures. Bangladesh in pursuant to Article 246 of UNCLOS will insert provisions in the MSR agreement that it in its discretion can withhold its consent to the conduct of a marine scientific research in its exclusive economic zone or the continental shelf of it. Our participation or representation in the marine scientific research project is to be ensured. Bangladesh should also seek an assessment of MSR data, samples and research results or assistance for the assessment or interpretation of such data. How dispute concerning maritime scientific research and issues associated with it particularly marine environment, patent and copyright are to be settled must be inserted in the agreement to be formed between Bangladesh and foreign States or organizations. This may be subject to settlement of disputes mechanisms under UNCLOS, or may result in disputes of such a global nature as to trigger dispute settlement proceedings before the World Intellectual Property Organization (WIPO) as well as the World Trade Organization (WTO). One of the important reasons of economic backwardness is that we lack much of the technology and that without a substantial transfer of the technology our development in maritime sectors will not be achieved adequately. In order to overcome this impediment, we need international cooperation to conduct marine scientific research and transfer of marine technology. In this regard, the complex legal issues associated with it should be emphasized firmly. The writers are Professor and Lecturer at the Department of Law, World University of Bangladesh, respectively.

Airport rage or outrage?



PERHAPS one of the unintended advantages of travelling, especially air travel, is the opportunity to observe human behavior at its best and worst. As seasoned travellers will agree, passing through immigrations and layers of security in airports is rarely a pleasant experience these days. I sometimes wonder what is more troubling -- the inanity of some of the existing regulations, or the average person's acceptance of them! Most major airports can be blamed for tedious and sometimes irrational procedures, but Dhaka takes the cake for inefficiency and lack of transparency. Although the billboards in the arrival hall proudly proclaim "Welcome to Beautiful Bangladesh", one soon realizes that the welcome message is hardly translated into action! It takes no less than three hours for arriving passengers to get out of the airport premises and by this time one's mental and physical energy is completely depleted. To illustrate the point let me recap my harrowing tale of passing through immigrations and customs recently at Dhaka's Shah Jalal. I must clarify that my experience is confined to that of ordinary mortals and not of those who are whisked through the VIP lounge. Of course, the VIP culture is partly responsible for the hassle that non-VIPs face, since people who have the power to change the system never operate within the system and thus fail to understand what is not working! Since two or three flights had arrived simultaneously, the arrival lounge was a chaotic assembly of people scrambling to find a space. The lines moved at a snail's pace. One could excuse this as "due diligence" but the slow movement was also true for lines of returning nationals. This was surprising since in most countries citizens are allowed to pass with minimum hassle. An added problem was the periodic interruptions from uniformed officers shoving ahead with 4 or 5 passengers in tow and announcing authoritatively, "VIP - move". Since there is a separate VIP exit, I wonder why these people disrupted the queues for "ordinary" travellers. I am glad that I don't have a proclivity to expressing public rage, but after 22 hours of flying and a sleepless night at an airport hotel, my patience was wearing thin. I stomped up to the immigration desk and asked why people were jumping lines. The officer's reaction was: "Okay, madam, give me your passport - I'll let you pass." In other words, "I'll let you break the rules so you don't question the system". I was tempted to take this path of least resistance. But looking at the men, women and children standing patiently behind me, I walked back to my spot, just to make a point. Surprisingly, there was only grumbled resignation from other passengers - no protest or a pat on the back! The wait for the bags was equally excruciating. Being a frequent traveller, I would have guessed that the time taken at immigrations should have been adequate for the baggage to arrive. It's a mystery why it took an additional hour to get my bags. But there was some entertainment. Loaders jumped on and off the moving belt doing a balancing act, at the same time trying to find someone's bags. Porters with trolleys appeared from nowhere targeting passengers who seemed to have pre-ordered the carts through remote control. I tried to find a trolley but failed. Being a "daughter of the soil" I soon realized what I needed to do. I offered a "reward" to one of the porters who immediately agreed to cart my bags to the parking lot. The customs area was wrought with confusion and the "lines" between Red and Green channels were blurred. Some passengers' bags were put on the security belt for X-ray inspection whereas others whizzed through. The criteria seemed to be the officers' "personal preferences". As I crossed customs, I noticed that some bags had been unceremoniously opened with clothes, toys and other personal items strewn on the floor. Most of them belonged to workers from the Middle East who were repacking their belongings under the surveillance of stern-faced officials. These were people who remitted 12-14 billion dollars annually to augment the country's foreign exchange. Do they not deserve at least a smile and a "Welcome"? Must they be subjected to such humiliation after years of toiling and saving for their homecoming? So far I was disappointed at the unfair and inefficient system. My frustration now turned into an outrage. Why are there no protests from the press and media who are quick to fight lesser injustices? After all, these workers are contributing to the nation's economic growth. Even George Orwell could not have imagined a similar situation where citizens were actually paying for their own subjugation and humiliation! Conned and frightened, they perhaps believed that this was what they deserved! May be they are right. We have got the system we deserve!

Two faces of Pakistan

SARWAR JAHAN CHOWDHURY IT'S not easy to understand a sizable country of 180 million with some diversity which is fraught with multifarious complex problems and also some bit of underlying hope. The country in question here is Pakistan. The Pakistani society often seems to embody the worrying version of Sunni Islam, although it's an apparently democratic or quasi-democratic nation. In the whole world only one or two Middle Eastern countries like Saudi Arabia and Pakistan's neighbor Afghanistan are perhaps in the similar category in terms of religious orthodoxy. The modern state-traditional society dichotomy is acute in Pakistan and these two are often at loggerheads. The primitivism of the dominant Sunni Islamic segment of the society is increasingly seeping in to the somewhat modern state left behind by the colonial modernizers and carried forward by their native nationalist counterparts. Even Jinnah's "Two Nation Theory" emphasized the cultural and historical distinctiveness of sub-continental Muslims and not on religion per se. He never meant Sunni Sharia Laws to come in force and the deplorable laws like 'Blasphemy Act' etc. The nation is in regression in many senses and involvement of major powers in the geo-strategic games in the Pakistan-Afghanistan sub-region for many decades now, has worsened the situation. In fact, the Western powers are now in an attempt to contain the fallout of that game. The outcome though is inconclusive. The jury is still out on who would prevail in that sub-region, the militant Sunni Islamists or whatever moderate mainstream political forces still exists. We often get horrified, and rightfully so, hearing the news of death penalty of people, mostly non-Muslims, for blasphemous

act against Islam. Further terrifying is the news of radical mob in the interiors taking up the law in their own hands and lynching people accused of or, more plausibly, tricked to blasphemy. The simple thing is, situation in Pakistan is no way as such that the tiny and frightened minorities would dare insulting Islam in any way. But the mob act goes on. Some day back they snatched a mentally unstable man, accused of discarding the Quran, from the police custody and lynched him to death. Recently a Christian couple met the same fate. They were severely beaten and then burned alive to death in a brick kiln. In both cases the mob were called out from the local mosque through its mike. Few years back Governor of Punjab Salman Taseer and Federal Minister for Minority Affairs Shahbaz Bhatti, a Christian himself, were assassinated for speaking against this highly controversial blasphemy law. Any criticism of the orthodox rendition of Islam is almost becoming a social taboo in Pakistan. Apart from these, we know and keep hearing occasionally about the persecution against all possible minorities - the Hindus, the Sikhs, the Shiites, the Ahmadis, the Christians. Massive numbers of Hindus and Sikhs, due to the conditions in Pakistan, migrated to India over the decades since independence. There is a plethora of radical factions and their cadres brainwashed to insanity for murder and martyrdom. Even, it appears that, a sizable part of ordinary Pakistanis has turned more orthodox due to the relentless endeavor of these outfits. But if we conclude here and make a final judgment on Pakistani society, we are doomed to be wrong. If someone travels to Pakistan, he or she will see a lot of normal modern Pakistanis getting along with their jobs and life, which are largely modern as well. They are dressed

in shirts and trousers and the privileged ones in suits. They are interested in normal things like commodity, entertainment, career or business success. There are university going students both males and females. The latter although modestly dressed more in Pakistani attires like Salwar-Kamiz-Dopatta and not in western jeans and tops or skirts. But one can notice the touch of beauty, subtlety and aesthetics even in those native dress ups. There are quite some people like journalists, professors, public servants, intellectuals, civil society members, scholars and other professional who are of moderate views and who don't buy extremist ideology. These people talk sensibly most of the times and appear to have some rationality and sense of proportion. Although these educated middle and upper class people have certain national characteristics which are not fully comparable to western liberals or similar in some parts of the East, you get a feeling watching them that it's not a nation entirely crazy as depicted by certain portrayals. These people uphold the hope, if any at all, for Pakistan. They are the ones who perhaps can reverse or prevent the regression of increasing radicalization. They need certain leverage for bringing about the changes and for that they will require both internal unity amongst themselves and perhaps some forms of external help. No national society can be divorced from the international community anymore in this era of globalization. It is to be seen whether these latter kind of Pakistanis and the free world international community involved in Pakistan can work in effective sync to bring about positive changes in that troubled nation. The writer is the Head of Operations in BRAC Institute of Governance and Development (BIGD), BRAC University. Email: sarwar558@gmail.com

QUOTABLE Quote You have to learn the rules of the game. And then you have to play better than anyone else. Albert Einstein

CROSSWORD by Thomas Joseph ACROSS 1 Flat floaters 6 Bank job 11 Poe's middle name 12 Former House majority leader Dick 13 Future fern 14 Absorb 15 Crow cry 16 Result of a mistake 18 Tennis feat 19 Scoundrel 20 Young fellow 21 Cooking fat 23 Historic event 25 Deli order 27 Even score 28 Banana waste 30 Clarinet cousin 33 Buddy 34 Tough wood 36 Online address 37 Hawks' home 39 Backer's vote 40 Valentino role 41 Entered a bee, once 43 Large mob 44 Pithy 45 Useful ability 46 Alleviates DOWN 1 Scoundrel 2 Woolly mammal 3 Ones with carts of roses 4 Road sealer 5 Derisive look 6 Joins the fray 7 Amorous archer 8 They get more than was on their lists 9 Painter Georges 10 Used a keyboard 17 UK fliers 22 Expected 24 Cannibal city 26 Snow layer 28 Poignant quality 29 Retired plane 31 Threat words 32 Thrills 33 Turkish governor 35 Dispatch 38 Staff member 42 Pod item

YESTERDAY'S ANSWER SHAG FATAL SOLO PALATE TOOL RUINED STUFFING PECANPIE DEGREE ADA ELIOT PYROS EMS BEETLE POTATOES DARKMEAT PAROLE AMMO ELOPED AMEN NEWS MASS CRYPTOQUOTE WPVY TYU ACWN, NP PYFW ABE YOYQ, FPYLN TYU NBR FB ACWN, QBH EHCY RBUOPEAHV ZHWCUPWW BXXBEFHUCFY. -- MYEV TYED Yesterday's CRYPTOQUOTE: TO BE SUCCESSFUL, YOU HAVE TO HAVE YOUR HEART IN YOUR BUSINESS, AND YOUR BUSINESS IN YOUR HEART. -- THOMAS WATSON SR

BEETLE BAILEY by Mort Walker NEED ANY PENCILS SHARPENED, SARGE? GO AWAY, BEETLE! I CAN SHARPEN MY OWN PENCILS! WHY ARE YOU BACK IN BED? HEY! I VOLUNTEERED TO WORK AND SARGE RELEASED ME HENRY by Don Trachte WOMAN WANTED FOR LIGHT HOUSE WORK CAT WANTED FOR LIGHT MOUSE WORK

A XYDLBAAXR is LONGFELLOW One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.