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MARITIME DESTINY OF BANGLADESH: LEGACIES AND PROSPECTS

Abstract

Bangladesh does not carry an enduring maritime legacy in its strategic formulations or in policymaking though historically the Bengalis carry significant legacies as seafarers, boat-makers, traders and shipbuilders. The recent international legal verdicts on Bangladesh's maritime claims make a difference as these offer multifaceted prospects. The paper addresses issues and concerns regarding maritime legacies of Bangladesh and prospects generated from the verdicts. It brings together perceived national interests vis-a-vis current extended maritime territory and how all these correlate to the nation's aspirations, touching upon the means necessary to materialise the aspirations. The paper considers trends in strategic analysis and utilises notional views of classical Chinese thinker Sun Tzu as a reference point to bring forward the maritime legacies and prospects of Bangladesh. In this context, maritime research is viewed as of decisive importance for Bangladesh that may enable the country to select the best strategic option available to ensure its sustained prosperity as a maritime nation. The paper pleads for a coherent maritime policy framework coupled with extensive research pursuits and policy coordination for a fast-track approach to development ensuring greater awareness on maritime affairs, a more secure maritime destiny, which is consistent with the nation's strategic vision.

1. Introduction

Bangladesh does not carry an enduring maritime legacy in its strategic formulations or in policymaking but the Bengalis have significant historical legacies as seafarers, boat-makers, traders and shipbuilders. As a sovereign country, it did not become heir to any demarcated maritime boundary. Rather it inherited maritime boundary disputes with neighbouring countries, Myanmar and India. The disputes represent a legacy of colonial rule and post-colonial partition. The recent international legal verdicts vis-a-vis Bangladesh's maritime boundary beyond the country's shores do make a difference in terms of strategic advantages. However, a fuller appraisal is yet to be made of the past legacies and the prospects generated from the verdicts. Also, a course of actions is yet to be concretised on how the prospects could be enhanced. Similarly, a national maritime policy framework is yet to evolve.

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While identifying legacies of the past and offering policy reflections on maritime destiny of Bangladesh, questions arise: what legacies do the Bengalis carry that strike distinctive oceanic identity or maritime links? What maritime gains did Bangladesh make in recent years and how did that come about? How does the country perceive its national interests vis-a-vis its extended maritime boundary and how do all these correlate to the nation's maritime aspirations? How does Bangladesh envision its maritime prospects and what are the nation's objectives? What measures are in place toward a coherent national maritime policy or can be visualised to materialise the aspirations?

Keeping in view such concerns, the paper in six sections appraises Bangladesh's maritime destiny in terms of its legacies and prospects from the recent maritime gains. Followed by an introduction in section one, section two reviews strategic trends around maritime thinking and unfolds conceptual legacies of Chinese strategist, Sun Tzu, whose thoughts may have their imprint on the evolving policy destiny of Bangladesh. Section three recalls oceanic legacies of the Bengalis. Section four considers legacies of post-independent Bangladesh, touching upon courses of actions, framing of the nation's strategic vision pursued and maritime gains made. Section five provides some insights into the nation's maritime prospects. Section six goes over the findings and reflects on how the nation could consider pursuing policies that would match with legacies, energise the nation towards greater policy awareness and a secure maritime destiny that is consistent with the national vision.

2. Unfolding Maritime Destiny: Strategic Trends and Allusion

Conceptual ideas on maritime affairs have evolved over millennia. The most distinctive impact in the field was made by an ancient Chinese strategist and philosopher, Sun Tzu. His famous book *The Art of War* or *Ping-fa* is the classical work on strategic thinking. However, Sun Tzu needs to be viewed in the contemporary context yet within a historical framework as a guide to the complex tasks of politico-military struggle, survival and in some cases triumph at a time when conflict and war appear as unending conditions.¹ Nations have practised maritime strategy for centuries even without conceptual enunciation. But maritime thought that has emerged over a century ago is a relatively new style of strategic trend. During the period of naval wars, only few specialists looked at any kind of maritime strategy as a separate concept; admirals and statesmen together practised maritime strategy as if it was part of one great strategic continuum.²

Authorities such as the Prussian General Carl von Clausewitz³ and a French-

¹ Kevin Rudd, "How Ancient Chinese Thought Applies Today", available at http://www.huffingtonpost.com/kevin-rudd/chinese-strategic-thoughts_b_6417754.html, accessed on 01 October 2015.

² John B Hattendorf, "What is a Maritime Strategy?", available at <http://www.navy.gov.au/sites/default/files/documents/Soundings%201%20-%20Hattendorf%20-%20What%20is%20a%20Maritime%20Strategy.pdf>, accessed on 06 May 2014.

³ Carl von Clausewitz, *On War*, Princeton, New Jersey: Princeton University Press, 1976.

speaking Swiss officer serving successively the French and the Russians, Antoine Henri Jomini⁴ wrote about military strategy. Yet, neither elucidated what maritime strategy meant. Sailors, meanwhile, continued to practice the craft of maritime strategy in pragmatic fashion until the last quarter of the 19th century without being tormented about this subject. Sailors and statesmen alike knew from long-drawn tradition the characteristics and capabilities of their naval vessels and men; with that knowledge, they used to work out a maritime strategy.⁵

The modern strategic trend-setters in maritime thinking include Alfred Thayer Mahan⁶ who projected the role of sea power as an instrument of national maritime policy. His notion of sea power meant naval control of the seas especially that of strategic waterways which he saw as crucial to great power status to the ascendancy and relationships of state power in the world. There was then Julian Stafford Corbett who articulated principles for establishing control of the sea in wartime but saw a clear link of naval-land warfare. Though, he attached importance of sea communications rather than battle. Such reasoning came out in the backdrop of an increasing rivalry among major global players. Such strategic approaches also seem less than holistic, taking in mere consequences of global power struggle.

Sun Tzu did not specifically address naval thinking but pictured issues and ideas concerning every aspect of strategic thinking that carried prudent input for higher leadership. He outlined theories of battle and strategy touching upon public administration and planning, advocated diplomacy and the cultivation of relationships with other nations as essential to the health of a state. His ideas were popular among the world's political leaders, including Mao Zedong and Ho Chi Minh. Vo Nguyen Giap, the strategist behind the Vietnamese victories over both France and the US was a follower of Sun Tzu. Generals Norman Schwarzkopf Jr. and Colin Powell employed principles of Sun Tzu during the 1990 Gulf War. *The Art of War* is listed on the US Marine Corps Professional Reading Program.

For mature strategic planning, Sun Tzu emphasised staying focused on policy ends but that could only happen and be developed through knowledge, wisdom and understanding of self and others.⁷ As explained, Sun Tzu had made significant impact through his legends and influential treatise on the Chinese, Asian and the world history, politics and strategic culture. The neighbouring Bangladesh can hardly be exempted from that powerful influence of Asian legend and legacy. It is imperative to locate legacies and consider strategic progression of Bangladesh's national vision

⁴ Antoine Henri Jomini, *Treatise on Grand Military Operations, or, a Critical and Military History of the Wars of Frederick the Great, as Contrasted with the Modern System: Together with a Few of the Most Important Principles of the Art of War*, New York: D. Van Nostrand, 1865.

⁵ John B Hattendorf, *op. cit.*

⁶ Alfred Thayer Mahan, *The Influence of Sea Power Upon History, 1660-1783*, Boston: Little, Brown and Company, Kindle Edition, 2011.

⁷ Lionel Giles, *The Art of War*, available at <http://www.puppetpress.com/classics/ArtofWarbySunTzu.pdf>, accessed on 08 April 2015.

whilst reviewing maritime prospects that the country may have. A lack of self-knowledge, as Sun Tzu says, leads to a lack of responsibility that, in its turn, leads to a lack of strategic vision.⁸ Therefore, Sun Tzu stressed on knowing and developing self-confidence.

3. Historical Legacies

Keeping Sun Tzu's thoughts in view, it seems proper to journey deep into Bengal's olden times and go over how the current generation of the Bengalis has inherited modern maritime claims to the Bay of Bengal and the Indian Ocean waters. In their earlier journeys back and forth from across Bengal shores, the Bengalis have laid the basis of their maritime claims to their adjacent waters across their coast. They carry traditions as seafarers, traders, boat-makers and shipbuilders. These aspects of Bengali tradition need elucidation in order that the prospects are understood in right perspective.

3.1 *Seafaring and Trading Legacies*

The Bengalis do carry legacies as maritime, trading and seafaring people.⁹ Starting from the Iron Age, the Bengal delta was a hub of maritime city-states. These included the cities of Wari-Bateshwar, Mahasthangarh and Chandraketugarh in the kingdoms of Samatata, Pundra and Vanga. The Greeks and Romans portrayed them as the land of Gangaridai (nation of the Ganges). The region's military prowess, as Greek legends suggest, deterred Alexander from pursuing a full-scale invasion of India and a struggle for authority was then on between Hinduism and Buddhism in Bengal.

The tussle went on when earlier dynasties such as Mauryans, Guptas, Palas, Chandras, Senas and Devas ruled the Bengal delta until arrival of Muslims in the 13th century as rulers. However, a centre of the Silk Road since antiquity, the delta received the earliest Muslim missionaries during the seventh and eighth centuries. Islam arrived in the first millennium. The influx of Persian, Turkic, Arab, Central Asian and Mongol settlers added further to the rich cultural melting pot of Bengal civilisation. The Bengal Sultanate formed the eastern frontier state in the Muslim world during the medieval period. That was enhanced by the Mughal rule. Coins of the Abbasid Caliphate found on both sides of Bengal, Bangladesh and West Bengal, indicate thriving mercantile and trade contacts during the Golden Age of the Muslim rule. Until the late 18th century, Bengal was the hub

⁸"The Famous Battle Manual is Still Valid for Strategic Thinking and for the Victory over One's Self", available at <http://www.faena.com/aleph/articles/sun-tzus-the-art-of-war-and-the-knowledge-of-the-self/>, accessed on 09 April 2015.

⁹ Ghulam M. Suhrawardi, *Bangladesh Maritime History*, Victoria BC, Canada: FriesenPress, 2015. The view the author advances is that the Bengalis of earlier eras did not venture outside their nation, because Bangladesh was self-sufficient in resources and therefore, ocean borne navigation was never seen as essential. In the wider Indian context Bengal's maritime hardly gets any description. Also see, Sadashiv Gorakshkar, *The Maritime Heritage of India*, India: Notion Press, 1989.

of India's economic activity; city of Dhaka alone had 80,000 women spinning cotton for 25,000 weavers who produced approximately 180,000 pieces of cloth and Bengal textiles wove their way fully into British culture.¹⁰ Much of those glorious legacies of Bengal were on sharp decline since the East India Company conquered, subjugated and plundered vast tracts of Bengal and South Asia.¹¹ However, business and trading legacies of the Bengalis are sources of motivation for the outward-looking trading community of Bangladesh.

3.2 *Boat-making and Shipbuilding Legacies*

Bangladesh carries legacies of boat life, boat-making and shipbuilding. From historical times, Bengal was a hub of business and trade.¹² The routes include trading along the coastal belts of the Bay of Bengal and Indian Ocean, the Silk Road and the Grand Trunk Road. People in the Bengal delta are of multiracial origins. They represent a hybrid mixture of various races. The mighty Ganges and Brahmaputra rivers served to differentiate the region from other parts of India, enabling the Bengalis to develop a tradition which is unique to them.

The Bengalis by their tradition are indeed maritime-minded. A lot of them have habit of living with water. They love using of water vessels. Hence, many of them became ocean-oriented and developed an interest in boat-making and shipbuilding. In fact, the practice and use of country boats are common to Bengali cultural tradition, which includes making of as many as 150 different kinds of vessels. Bengali ports served as medieval manufacturing hubs for large ships. The Mughal rule saw an upsurge in the volume of shipbuilding among the Bengalis. The Ottoman Navy used Bengali shipyards during the 17th century for building warships. It is recorded that the British Royal Navy had number of warships built in Chittagong. Some of these were used by the British forces in the Battle of Trafalgar in 1805. Such legacies as shipbuilders may serve as inspirational assets for the new generation of shipbuilders and sea-vessel entrepreneurs, both public and private sectors, in Bangladesh.

4. **Legacies of Post-independent Bangladesh**

Despite legacies of the Bengalis as seafarers, traders, boat-makers and shipbuilders, a sovereign Bangladesh did not inherit any recognised maritime boundary. Rather it inherited maritime disputes with its immediate neighbours, Myanmar and India. Consequently, the nation had to project its claims firmly, yet with step-by-step forethought so as not to upset neighbourly relations.

¹⁰ "The Turning Point: Robert Clive and the Conquest of Bengal", available at http://webs.bcp.org/sites/vcleary/ModernWorldHistoryTextbook/Imperialism/section_4/robertclive.html, accessed on 06 October 2015.

¹¹ William Dalrymple, "The East India Company: The Original Corporate Raiders", *The Guardian*, 04 March 2015.

¹² That Bengal had any legacy in shipping/shipbuilding finds no attention in literature in the field. See Radhakumud Mookerji, *Indian Shipping - A History of the Sea-borne Trade and Maritime Activity of the Indians from the Earliest Times*, Bombay: Longmans Green and Co., 1912; Asoka Mehta, *Indian Shipping: A Case Study of the Working of Imperialism*, Bombay: N.T. Shroff, 1940.

4.1 *Legislative Legacy: Act No. XXVI of 1974*

Since the end of the British rule and partition of the subcontinent in 1947, maritime dispute had been drawn out between Bangladesh and its neighbouring countries. Prior to that partition, a Boundary Commission chaired by Sir Cyril Radcliffe demarcated the boundaries between East and West Bengal which largely was flawed. The post-colonial government of Pakistan had been focused on security concerns in the Western wing and Kashmir. East Pakistan's concerns such as the maritime boundary issue with Myanmar or India had never featured in its security agenda.

Indeed, the maritime disputes had surfaced only after the post liberation government of Sheikh Mujibur Rahman, founding Father of Bangladesh, popularly adorned as 'Bangabandhu' ('Friend of Bengal' hereafter Bangabandhu) promulgated the very first national legislation 'Territorial Waters and Maritime Zones Act No. XXVI of 1974'. It had been passed in November 1974, just within three years after the state came into being, well before such concept was even widely developed in the international arena. The Act was coupled with claims to 12 nautical miles (nm) of territorial sea and 200 nm economic zone. It had also laid the basis for asserting Bangladesh's sovereign maritime claims.

For many reasons, the 1974 Act passed under Bangabandhu's leadership carries immense significance. It was comprehensive in nature so christened as "to provide for the declaration of the territorial waters and maritime zones" of Bangladesh, inclusive of explicitly defined maritime areas e.g., conservation and contiguous zones, continental shelf and territorial waters. It asserted Bangladesh's sovereign maritime claims to its territorial waters in pursuance to the Clause (2) of Article 143 of the country's 1972 Constitution. The Act was deterministic as it provided that Parliament might, from time to time by law, determine territorial waters and continental shelf for the new country. Also, the Act was futuristic as it set the route for Bangladesh's rightful maritime claims across its southern shores for an enlargement of the nation's interests and thus Bangladesh was destined to assert its lawful claims as a maritime player in the diplomatic arena.¹³ Bangladesh under Bangabandhu thus equipped itself legally to assert maritime rights in negotiations with its neighbours, India and Myanmar.

4.2 *Legacy of Developmental Vision and Diplomatic Art*

Bangabandhu had also destined a planned legacy - how to pursue the maritime issue at the diplomatic front and to what end? As a political visionary himself, Bangabandhu had suffered infinitely; but, as Sun Tzu prognosticated, he led his people to national independence and to victory internally in the War of Liberation against the onslaughts of Pakistani regimes. Being a futurist he had also charted a

¹³ "Bangladesh Wins Maritime Boundary Dispute with India: Gained 19,467 sq km", available at <http://albd.org/~parbonc/index.php/updates/news/1352-bangladesh-wins-maritime-boundary-dispute-with-india-gained-19-467-sq-km>, accessed on 21 October 2015.

blueprint and left a legacy that would guide the nation in its future journey.

He envisioned the destiny of a free and prosperous Bangladesh. To attain such an affluent and futuristic vision he had kept the maritime spheres in view, as he realised the importance of the Bay of Bengal and the maritime resources therein. That impelled him in 1974 to establish legal entitlements of the people of Bangladesh to the apportionment of maritime areas and exploitation of marine resources therein. He had laid down the basic principles and procedures for staking Bangladesh's maritime claims to its legitimate position both regionally and internationally. The guiding tenets included the conduct of foreign and security policies as well as the modicum of their limits and most importantly, a blueprint of the nation's development objective. The conduct of foreign and security relations was quite clearly articulated in his oft-quoted aphorism: 'friendship with all, malice towards none'. Time and again that has become the contours of the nation's diplomatic outlook and served as *mantra* for amicable resolution of disputes.

4.3 *Legacies for Future Negotiations*

For resolving maritime contentions, the legacy set by Bangabandhu is in tune with Sun Tzu's suggested art: "...subdue the enemy with fighting". He simply set the example of peaceful diplomatic course, as he had initiated maritime boundary negotiations with India and Myanmar. In 1974 Bangabandhu's government had the first round of negotiations with both India and Myanmar; in November 1974 even the 12 nm territorial sea boundary with Myanmar was amicably resolved.¹⁴ Thus, his government firmly stood by the country's legitimate claim as per the 1974 Act, whilst remaining committed to diplomatic resolution.

However, since the passage of 1974 Act and negotiations that took place during Bangabandhu's period no government in Bangladesh had followed any persuasive course of action. No effort was made to assert the nation's maritime right, staking a legitimate assertion to the due maritime boundary. A change did happen since January 2009, when Sheikh Hasina returned to power. That came about after nearly 2-year interregnum of a 'military-backed caretaker' rule in Bangladesh. Persuasive efforts were then on track to assert the nation's rightful claim over its maritime territory. During her earlier tenure as Prime Minister (1996- 2001) Sheikh Hasina was perceptive enough to ratify the United Nations Convention on the Law of the Sea (UNCLOS) in July 2001 due to which Bangladesh became a full member of the Convention.

During the official level talks, Bangladesh consistently based its claims on the 1974 Act in support of which it cited the judgment of International Court of Justice (ICJ) in the case of North Sea Continental Shelf. That judgement pointedly held that in situations where the equidistance method led to inequitable results, the equidistance line could be adjusted to take into account relevant circumstances. Bangladesh firmly

¹⁴ *Ibid.*

stood in its reasoning on that judgement and pleaded for an equitable method for resolution of the maritime contentions with its neighbours. In all negotiations, Bangladesh had maintained the ground on the position taken by Bangabandhu's post-independent government. The insistence was on an equitable solution to the disputes, taking into account the concavity of its coastline to the south.¹⁵ Neighbouring countries had insisted on application of equidistance principle for demarcation of maritime boundaries.¹⁶ Both India and Myanmar were negotiating with Bangladesh using equidistance method, with each claiming their respective boundary line drawn on it. This would have resulted in Bangladesh being "zone-locked", with a "cut off" effect on its claims to a significant portion of the Bay of Bengal coastline.¹⁷

Prompted by the policy directive of her father, Sheikh Hasina remained avowedly focused on pursuing the objective ends of maritime gains. A peaceful resolution of Bangladesh's maritime disputes with Myanmar and India in a span of less than 5-year represents a great feat, made possible due to hard work of a team of leading international lawyers, a fortuitous coincidence and a leadership with foresight. Before she was sworn in as the Prime Minister in January 2009, Myanmar and India effectively manoeuvred, putting in force to shape maritime boundaries in a manner that would have left a very small portion of the Bay of Bengal for Bangladesh.¹⁸

Perhaps a backward journey would lend an insight into the process of homework, how Sheikh Hasina's government prepared for the challenge. One of her first major acts in 2009 was to decide how to deal with the escalating tensions and maritime disputes in the Bay of Bengal. The spirited decision was to try and resolve the maritime boundary disputes with Myanmar and India through arbitration (i.e. submitting the disputes to the UNCLOS settlement mechanisms), even though both countries had preferred to have bilaterally negotiated settlement. As part of her mind-setting and strong determination, Sheikh Hasina decided to consult an international lawyer, Professor Pyam Akhavan, who had coincidentally not only acted as lawyer for her when she was incarcerated by the military-backed caretaker regime but had also acted as counsel for Guyana in another maritime dispute case between Guyana and Suriname which was resolved in 2007. The following year Professor Akhavan had come to Bangladesh, in the face of threats of arrest from Bangladesh security agencies and met Sheikh Hasina in order to act as her legal counsel. When Sheikh Hasina became Prime Minister in 2009 she again contacted Professor Akhavan to seek his advice on the maritime disputes with Myanmar and India. Professor Akhavan with the help of Paul Reichler of Foley Hoag LLP, a leading US-based law firm, brought together a team of the world's foremost international lawyers to represent Bangladesh. This

¹⁵ Moin Ghani, "'V' for Victory", *Dhaka Tribune*, 11 July 2014.

¹⁶ Rupak Bhattacharjee, "Speaking Freely: Maritime Ruling Lifts Delhi-Dhaka Prospects", available at http://www.atimes.com/atimes/South_Asia/SOU-01-180814.html, accessed on 27 October 2015.

¹⁷ *Ibid.*

¹⁸ Mohammad Sajjadur Rahman, "Bangladesh and Its Neighbours", in Ali Riaz and Mohammad Sajjadur Rahman (eds.), *Routledge Handbook of Contemporary Bangladesh*, UK: Routledge, 2016, pp. 378-388.

team comprised of other legal luminaries such as Professor Alan Boyle of University of Edinburgh, Professor James Crawford of University of Cambridge, Lawrence H Martin of Foley Hoag LLP and Professor Philippe Sands QC of University College London. With the foregoing insightful homework done, there is little surprise that both the cases were in the end resolved with maritime gains to the advantage of Bangladesh.¹⁹

It is now recognised that the International Tribunal for the Law of the Sea (ITLOS) Judgment of 2012²⁰ and the Permanent Court of Arbitration (PCA) Award of 2014²¹ have provided Bangladesh a just and equitable share of maritime resources of the Bay of Bengal. Sheikh Hasina's thoughtful decision in the first year in office to opt for arbitration against two larger neighbours helped break the 40-year deadlock over delimitation of maritime boundaries.²²

4.4 *Maritime Gains: The Net-product*

What Bangladesh has gained as a follow-up of all the efforts that went to assert maritime rights is remarkable. In fairly quick succession, the country achieved an Exclusive Economic Zone (EEZ), a comprehensive access to continental shelf from two international legal verdicts and a claim to its maritime boundary beyond its shores to an extended territorial sea. Now Bangladesh has 1,18,813 sq km of territorial waters and the geographic size of the country is 1,47,570 sq km. The rights of Bangladesh have also been established over 200 nm EEZ and a substantial share of the extended continental shelf with a maritime zone (see Figure 1 and Table 1). A clearer picture thus emerges of a legacy that was bequeathed by a charismatic father to his illustrious daughter that enabled Bangladesh to the legitimate assertion of its maritime rights towards seminal shaping of the nation's strategic vision.²³ Popular media, as expected, genially applauded with 'cheers' the successive ITLOS and PCA verdicts, greatly favourable to Bangladesh, as the nation now has a territorial sea almost to the size of its land, 'a huge bonanza'. Naturally, the plea is to capitalise on the gains to fast-track the nation into a developed stage that is simply beckoning.²⁴

With the adding up together of the vastly panoramic maritime territories, Bangladesh has almost doubled the dimension of the country. It can no longer be viewed as a small country but the objective henceforth must be to realise the projected dream. The totting up of maritime territories enabled the nation to exert all endeavours towards accomplishing the destiny of a *Sonar Bangla*.

¹⁹ Moin Ghani, *op. cit.*

²⁰ Md. Khurshed Alam, "Delimitation of Maritime Boundary between Bangladesh and Myanmar by the ITLOS", *The Northern University Journal of Law*, Vol. III, 2012, pp. 7-14.

²¹ Ghulam M. Suhrawardi, *op. cit.*

²² Moin Ghani, *op. cit.*

²³ "Bangladesh Wins Maritime Boundary Dispute with India: Gained 19,467 sq km", *op. cit.*

²⁴ Shah Husain Imam, "Is Bangladesh on the Right Track?", *The Daily Star*, 18 September 2015.



Source: Available at: <http://www.arcgis.com/home/webmap/viewer.html?layers=ba4891c6d1b544939e18143e06d69e88&useExisting=1>, accessed on 15 September 2015.

Table 1: Highlights of ITLOS/PCA Judgment on Bangladesh Claims to Maritime Territory²⁵

A. Dates on Cases of ITLOS/PCA Judgement/Award

- Judgement in case of Bangladesh vs. Myanmar 14 March 2012
- Judgement in case of Bangladesh vs. India 09 July 2014

B. Contentions with Myanmar and India: ITLOS/PCA Judgement/Award for Bangladesh

- Total marine territory in contention with India and Myanmar 25,602 sq km
- International Tribunal's Award to Bangladesh 19,467 sq km
- Tribunal sustained Bangladesh's claims of 'equitable solution' (as against "equidistance" method both India and Myanmar proposed) to a full 200 nm EEZ in the Bay of Bengal
- Tribunal sustained Bangladesh's claims of equitable solution to a substantial share of the extended continental shelf beyond 200 nm

C. Grey Areas

- Consist of an area that lies beyond 200 nm from the Bangladesh coast and within 200 nm from the coast of India
- Bangladesh has a potential entitlement within this "grey area" with respect to the continental shelf, but not an EEZ
- India is potentially entitled to both zones
- India would have sovereign rights in the superjacent waters
- Bangladesh now has rights on the seabed resources of the grey area
- Bangladesh's continental shelf now extends up to 354 nm (with sovereign rights on all the living and mineral resources)

D. Concrete Benefits of ITLOS/PCA Judgement/Award to Bangladesh

- Bangladesh won 70,000 sq km area out of total disputed area of 80,000 sq km with Myanmar (including EEZ)
- Paves the way for the economic development of the Bay of Bengal to the advantage of Bangladesh
- India claimed 10 and Myanmar claimed 17 out of Bangladesh's claim for 28 blocks
- Bangladesh got 12 of the 17 claimed by Myanmar and all the 10 that India claimed, save some small portions of blocks 5, 9, 14, 19 and 24
- Bangladesh now has unhampered and full freedom with no objection from Myanmar and India to attract international oil companies for deep sea oil and gas exploration, though it is required to redesign six offshore oil and gas exploration blocks bordering Indian waters before it makes fresh bid for oil and gas blocks
- With its undisputed waters in hand, Bangladesh can also tap its deep sea fish and other marine resources, including seabed resources within the areas where ITLOS/PCA sustained its claims
- Bangladesh would have rights on the seabed resources of the grey area
- All sides in the maritime disputes have for them the examples of peaceful route of diplomacy to move forward confidently and build a new era of understanding and cooperation in maritime sector

²⁵ Available at https://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/1-, accessed on 04 October 2015; Rupak Bhattacharjee, *op. cit.*; Haroon Habib, "Bangladesh Wins Maritime Dispute with India", available at www.thehindu.com/news/national /bangladesh-wins-maritime-dispute-with-india/article6191797, accessed on 14 October 2015.

5. Prospects of Resources

The ITLOS/PCA verdicts enabled Bangladesh to place its legitimate claims to waters across its shores, the territorial sea and EEZ. The country can benefit from its sovereign access to 354 nm of continental shelf to explore and exploit natural resources, both mineral and other non-living, including its seabed resources from the baseline from which the breadth of the territorial sea is measured.²⁶

The categories of marine resources include fisheries, harnessing of hydrocarbon fuels and energy, water plantains and other water resources.²⁷ These resources are inclusive of both seabed and subsoil, together with living/non-living organisms belonging to sedentary species, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.²⁸ The non-living resources of the continental shelf are much more rich and valuable. Scientists project that at least 17 types of silicon may be found in the continental shelf of Bangladesh. These include cobalt, manganese, copper, nickel, uranium etc. Continental shelf resources hold enormous potential for many types of commercial applications, including in pharmaceutical or health sectors for industrial processes. Research suggests that compounds from deep seabed organisms have been used as basis for potent cancer fighting drugs, commercial skin protection products providing higher resistance to ultraviolet and heat exposure and for preventing skin inflammation, anti-allergy agents.²⁹

5.1 Prospect of Fishing Resources

Sea water serves as golden hub of fish.³⁰ With expansion of maritime boundary, opportunities for Bangladesh's fishing industry have also been enhanced as fishing now can be carried out in the deep sea.³¹ Bangladesh can gain immensely from huge fishing resources in its maritime boundary, thus meeting protein needs of its vast population and creating employment opportunity for the fishermen where almost 11 per cent people are involved in this profession. It can also get relieved from its population pressure by utilising marine living resources properly. For this, Bangladesh needs to take proper policy planning. Otherwise it will not be possible to reach its goal.³²

²⁶ Masudul Karim Siddique, "Increasing our Maritime Awareness", *The Daily Star*, 26 August 2015.

²⁷ G. Moula, F. Parvin and J. Ferdous, "The Prospects and Challenges before Bangladesh in Exploring and Exploiting Marine Resources: An Economic and Legal Study", *Beijing Law Review*, 2014, pp. 249-252; Shykh Seraj, "Marine Resources in our Maritime Boundary", *The Daily Star*, 08 March 2015.

²⁸ G. Moula, F. Parvin and J. Ferdous, *op. cit.*

²⁹ *Ibid.*; Md. Khurshed Alam, "Challenges of Maritime Delimitation with India and Myanmar and Prospects of Blue Economy", paper presented in the seminar on *Marine Resources Management in the Context of Newly Demarcated Boundary*, organised by Bangladesh Institute of International and Strategic Studies (BIISS), Dhaka, on 26 February 2015.

³⁰ Shykh Seraj, *op. cit.*

³¹ G. Moula, F. Parvin and J. Ferdous, *op. cit.*

³² *Ibid.*

Being situated in the south of Bangladesh, the Bay has a total of 1,66,000 sq km water area including EEZ. Fishing is only confined within 100-metre depth. About 127 trawlers, 44,000 mechanised and non-mechanised boats are engaged in fishing. Pelagic and deep sea resources are still untapped. In the year 2006-07, fish production was 24.40 lakh Metric Tons (MT) in which only 35,391 MT was trawl catch.³³ There are very high potentials for fishing in the country's extended maritime boundary. Currently, wooden boats can venture up to 20 nm and motorised trawlers up to another 20 nm accounting for a total catch of six million fish from the Bay annually. Now that Bangladesh's right has been established on deep sea marine resources up to 200 nm into the high sea, the prospect of catch will be many times more, should there be required nets and equipment.³⁴

5.2 *Prospect of Energy and Hydrocarbon*

Since India's discovery of gas and oil in 2005-06, the Bay of Bengal has become a coveted area for natural resource exploration.³⁵ Bangladesh no longer faces any hurdle to make use of its maritime territory for exploration of energy and hydrocarbon as the verdicts have confirmed rights to exploit rich waters in the Bay of Bengal. Now Bangladesh is able to enhance its energy security interests as majority of the oil blocks under the seabed have come under the country's jurisdiction. All 10 disputed blocks with India have been awarded to Bangladesh, while earlier under the ITLOS judgement, the country received 12 out of the 17 blocks which both Myanmar and Bangladesh claimed.³⁶ There are also enormous prospects for tapping other energy sources including tidal, wind and wave power.³⁷

5.3 *Prospect of Ports, Shipping, Shipbuilding and Transportation*

Almost ten million Bangladeshi people now live beyond their shores and millions at home are dependent on trade and transactions via sea. Bangladesh has left behind its aid dependence and it has a trade orientation. As an internationally recognised littoral state of the Bay and the Indian Ocean, enshrined with full legal rights, Bangladesh is a direct neighbour of all the Bay and Indian Ocean nations and of all other states across the oceans.³⁸ Reviving legacies and replicating past examples the country can develop full potentials of servicing ports and of its shipbuilding industry. Its coastal islands are hotspots for deep sea ports. Its dry docks can explore prospects of building world-class ships and marine transports both for defence

³³ Reaz Shajib, "Maritime Boundary; A 'Great Win' for Bangladesh", available at https://www.academia.edu/8211654/Maritime_Boundary_a_Great_Win_for_Bangladesh, accessed on 30 October 2015.

³⁴ Masudul Karim Siddique, *op. cit.*

³⁵ "Exclusive Economic Zone (EEZ)", available at <http://www.globalsecurity.org/military/world/bangladesh/eez.htm>, accessed on 25 October 2015.

³⁶ Reaz Shajib, *op. cit.*

³⁷ G. Moula, F. Parvin and J. Ferdaus, *op. cit.*

³⁸ Masudul Karim Siddique, *op. cit.*

and trade. All these must be fully exploited taking advantage of the wide maritime opening of the riverain country. As the courtyard of the entire eastern Himalayan region stretching from eastern India to Nepal and Bhutan as well as India's northeast and China's landlocked southeast, Bangladeshi ports have the prospect of emerging as the servicing-transport hub of the Asian landmass behind its shorelines.

5.4 *Prospect of Developing Blue Economy, Ecosystemic Resources and Ecotourism*

Bangladesh is now in possession of huge coastal areas with resources along and beyond its southern rim. Not only the country currently owns vast water areas with biological diversity but also these areas have huge potentials for developing blue economy, which needs to be coupled with matching strategies for exploitation of minerals, energy possibilities, aquaculture and productivity.³⁹ Biological, ecological and economic values of the acquired oceanic possessions are truly enormous. In this backdrop, a considered appraisal and application of the relevant notional views seem imperative. The concepts of 'blue ocean strategy' and 'blue economy' are some of those developed more recently and both are meant to exploit the oceanic resources. The former sought to create uncontested market space and make competition irrelevant.⁴⁰ The latter began as an innovative project of Gunter Pauli and his team who came to view oceans and seas as 'development spaces'. They sought to integrate conservation, sustainable use of living resources, oil and mineral wealth extracting, bio-prospecting, sustainable energy production and marine transport - all are to incorporate the principles of social inclusion, environmental sustainability and innovative and dynamic business models.⁴¹ Whilst embracing such concepts and inviting external powers to join in to serve Bangladesh's oceanic interests,⁴² as the country has been doing after the maritime verdicts, it may perhaps be a wiser policy direction to focus on developing the country's own internal maritime know-how and skills and then they may be needed to look for external support. However, Bangladesh is yet to be wholly cultured about what it owns and what prospects are offered by the newly acquired maritime possessions.

One of the unique features of the coastal areas' ecosystem is the influence of the mangrove forests, which support a high number of living resources and other commercially important aquatic organisms. The coastal and marine resources have been playing vital roles not only in the socio-economic development of Bangladesh but also in the regional ecological balance.⁴³ There are huge possibilities of development

³⁹ Md. Khurshed Alam, *op. cit.*

⁴⁰ W. Chan Kim and Renee Mauborgne, *Blue Ocean Strategy*, USA: Harvard Business School Press, 2006.

⁴¹ Gunter Pauli, *The Blue Economy*, Taos, New Mexico: Paradigm Publications, 2010.

⁴² Sheikh Shahariar Zaman, "Bangladesh-India First Blue Economy Meeting Today", *Dhaka Tribune*, 09 May 2016; Vijay Sakhuja, "Blue Economy: China Explores Bay of Bengal Partnership", available at <http://www.defstrat.com/exec/frmArticleDetails.aspx?DID=555>, accessed on 13 May 2015.

⁴³ Md. Shahidul Islam, "Perspectives of the Coastal and Marine Fisheries of the Bay of Bengal, Bangladesh", *Ocean & Coastal Management*, Vol. 46, No. 8, 2003, pp. 763-796.

of ecotourism/tourism.⁴⁴ Such planning may focus Cox's Bazar, the longest sea-beach in the world, prospective tourist capital of Bangladesh and Kuakata, adored as *Sagor Konnya* (Daughter of Sea), one of the world's rarest unique beaches that offers full-view of rising or setting of the crimson sun in the blue water of the Bay of Bengal.⁴⁵

6. Conclusion

Bangladesh is fortunate to carry proud legacies in terms of both history and vision. Being a fast growing economy, the country has also already set two-level national objectives, Vision 2021 and Vision 2041 to expedite its development. With the maritime disputes behind now, a new Bangladesh has emerged in the Bay of Bengal. For a country like Bangladesh with severe land constraints and a bulging population, the very fact of winning maritime rights with a huge area is indisputably a big development for business-related prospects and interests of a developing economy together with ecosystemic environmental stakes. This added maritime boundary of the country demands appropriate measures for sustained development, protection and security. For Bangladesh, to secure this large soft underbelly, explore and exploit the natural and mineral resources of deep seabed carry huge challenges. The means available are not adequate to optimise them fully. Bangladesh lacks in expertise, experience, skills and technology. That makes the country vulnerable, subject to inequitable service conditions and terms. There are also serious knowledge gaps. With no surveys done, resources in the Bay remain yet untapped and there is little information how much resources are there beneath the sea. It is now high time to start planning about the resources, prospects and proper maritime management.

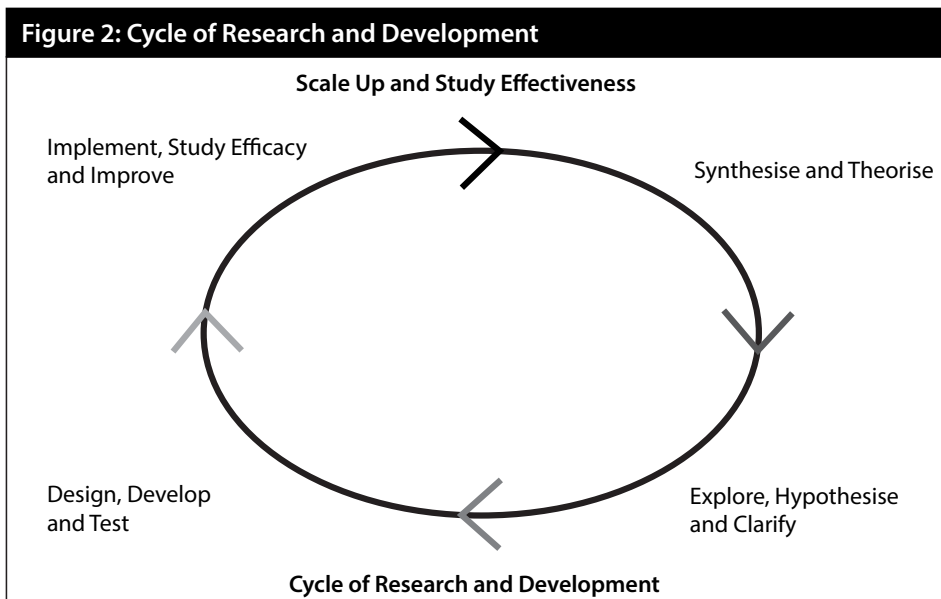
Equally, it is critical to equip the nation conceptually, knowledge-wise, with the motivational spirit set by Sun Tzu: "...believe in yourself". Managing the ever-changing nature and cross-disciplinary challenges of the maritime sector demands a total understanding of the special characteristics of the nation's current maritime space. The complexities of knowledge-gathering about the nation's lower soft body, resources therein, ensuring protection and sustenance of marine biodiversity, operation of transports and ports, shipping/marine services within and beyond the uniquely panoramic coastal belt of the country call for dedicated research efforts. This is urgent not simply for naval-coastguard/maritime-security operations but also for unfolding economic significance of business and trade and for consolidating the destiny as a maritime nation. Bangladesh also has to safeguard itself against navigational manoeuvre of powers, affecting the inherent security vulnerabilities of regional/global maritime trade.

⁴⁴ "Sustainable Travel and Ecotourism", available at <http://www.frommers.com/destinations/thailand/633794>, accessed on 21 October 2015.

⁴⁵ "Kuakata Sea Beach Patuakhali", available at <http://aboutbangladesh71.blogspot.com/2014/08/kuakata-sea-beach-patuakhali.html>, accessed on 07 October 2015.

In this backdrop, it is imperative for Bangladesh to initiate short, mid and long-term planning for best utilisation of its marine resources and secure the nation's newly found maritime boundary. The entire nation must be awakened to the reality of what it has won and ought to pursue. Bangladesh should make an effort to achieve the development vision set and secure the new maritime boundary. The country's conceptual map inclusive of both land and maritime water needs redrawing. Accordingly, both the geographic and historical texts need rewriting for learners of all shades. Bangladesh, with its land constraints and high density, would naturally have to turn to rich marine resources for its growing food and other needs. The resources in its sea are indeed more valuable than those on land. Since its terrestrial resources are steadily on decline, Bangladesh is bound to turn its dependence ever more on oceanic resources. The country's private sector has already emerged as the growth-engine. But there is need for greater private-public sector collaboration and the government has to act as facilitator so that the country can press ahead with fulfilment of the development vision *Sonar Bangla* with confronting challenges and realities.

Academic discourse and analysis in a area like maritime affairs require well-charted stages in conceptual formulations for avoiding the use of rhetorical manoeuvres and consolidating the gains of cumulative knowledge. The schematic model in Figure 2 is advanced to overcome the challenges that Bangladesh faces for realising its maritime prospects. The model is drawn with perspectives from the practice of the developed world, as Bangladesh envisions scaling up to the rank by 2041.



Keeping an eye for effective exploration and using of Bangladesh's resources, the model charts the pathways for scaling up and studying the effectiveness. Research may begin by exploring or getting into a process of investigative findings (stage 1), moving on to design, develop and test (stage 2), moving further to implement, study efficacy and improve (stage 3) and finally, seek to synthesise and theorise (stage 4) towards development at whatever level that is envisioned. That seems the way forward at this stage to scale up the country's maritime policy through coordination and work towards effectiveness.

Sun Tzu states that opportunities multiply as they are seized. Bangladesh now has an extensive maritime ownership, an opportunity that must be seized. People must overcome all aversions such as fear, apathy, indiscipline etc. and get into their homework, the pathway Sun Tzu pushed for. That must begin with an appraisal of the concepts applicable and bringing them together in a coherent framework with an emphasis on accuracy in argument and clarity. There is no option but to focus on the conceptual concerns or issues in relational terms for mind-setting and/or actions, identifying method and scope, limiting or eliminating facets of uncertainty, choosing appropriate techniques/technologies and focal points of connectivity. For better maritime management, efforts must be undertaken to locate the decision-making units, the state or other non-state actors, sub-regional, regional and wider systemic actors who are or perhaps may be drawn in to comply with the nation's vision. Endeavours must go towards locating challenges, exploiting skills for data collection, developing areas of new resources where relevant and necessary, eliminating areas of irrelevance, ambiguity and hazards and finally, enhancing methodologies/tools for both research purposes and empirical policy end.

Few words are now on hand as way of reflection about Bangabandhu's outlook on purported China legacy and their implications on nation's destiny. Now that his memoirs - though unfinished are publicly available and have also been translated into Chinese - his China connect is fairly well-known and may further be revealed once his China papers are also published. As a young promising politician Bangabandhu had visited China twice (1952 and 1957) and his mentor, the illustrious Husseyin Shaheed Suhrawardy, had set that link. The latter had visited China as Pakistan's Prime Minister and acted as the pioneer of China-Pakistan relations. Whilst Bangabandhu disagreed with China's style of governance, he felt impressed by China and developing Bangladesh-China friendly relations had always been high on his agenda, despite China's veto in the UN, which he saw as a passing cloud.⁴⁶ All these attest to the potency of Bangabandhu's perspectives and vision. No wonder that the Chinese leadership, profoundly bound by the ideals of Sun Tzu, has repeatedly made known their enthusiasm to reinforce China's broader maritime bound and other connectivities with Bangladesh in a way that would heighten bilateral and wider regional bonding.

In this milieu, as in the setting of amicable resolution of the drawn out conflicts with neighbours, an aura of optimism prevails that Prime Minister Sheikh Hasina as the standard-bearer of wiser legacies in resolving maritime disputes will continue to act towards

⁴⁶ Faruq Choudhury, "Bangabandhu and the World", available at: <http://archive.thedailystar.net/suppliments/2006/15thaugust/bangabandhuandtheworld.htm>, accessed on 05 October 2015.

harmonising relations at all levels. As the country's top executive, the Prime Minister has shown her prudence and perspective, consistent with her father's legacy in keeping up the national strategic vision and matching China link as a top foreign policy agenda, mindful how China matters to the country. In the frenzied realm of politics regionally and internationally when there is transfixing, cross-fertilisation process of cruelties and violence going all around Bangladesh does appear almost providentially to have a leadership with fulfilment, promise and vision. Since the maritime verdicts she has moved time and again from the country's coasts to ports to bolster the nation's maritime security. She has also shown her resolve to contribute to sustainable development of 'blue economy' so that Bangladesh is afforded the opportunity of projection of its strength. It does seem pertinent that the country has to act promptly to carry forward its past legacies toward enhancing its boat and seafaring tradition, maritime transport, shipbuilding, exploitation of energy, including alternative energies such as tidal and wave power and offshore wind farms so as to fast-track its development using its marine resources in the best possible mode.

The Prime Minister Sheikh Hasina doubtless has earned esteem internationally for her statesmanship in coping with challenges and raised nation's expectations; her tenderly affection for the autistic, disabled and all other distressed people has been outstanding. However, to achieve the maritime ends the nation as a whole - including the government and opposition, public and private sectors, services and academia - must empower themselves. Perhaps having won worldwide admiration and credibility a belief prevails that the Prime Minister would somehow apply her wiser impulse to allay the concerns of many both in Bangladesh and abroad and beat the air of uncertainty that hovers around the nation's terrestrial domain. This admittedly is the biggest challenge, given the current climate of desolation at all levels; a task such as this prerequisites multi-track initiatives and a fulfilment to the direction cannot be done solely in an exquisite fashion. Yet a challenge such as this has to be trounced if the nation is to move on smoothly toward its much looked-for 'Vision 2021 and Vision 2041'.

Bangladesh does hold maritime legacies. But it also carries woeful legacy of conspiracies, confrontational politics and brutal killing of its leaderships, including that of its founding Father, who envisioned its destiny. How is Sun Tzu relevant to situations Bangladesh faces? Some of his ideas may help awaken rethinking across the nation's socio-political atmospherics. He spoke of excellence, prudence, moral law and subtlety but strategic advantage was a defining keynote that connotes fluid intangibles like opportunity, timing and psychology. Prudent leaderships must understand how the situations of both friendly and enemy sides calculate and shape events and how Bangladesh could capitalise on the momentum or timing to enhance strategic advantage. The advice of Sun Tzu to leaderships is "not to fight and conquer in all your battles but to display supreme excellence in breaking the opponent's resistance with no fighting". In order to ensure success, skilful leadership cultivates moral law and strictly adheres to method and discipline. Sun Tzu also stressed subtleness, even to the point of formlessness. Would Bangladesh's leaderships across the socio-political barricades listen to his solicitous ideas so that the nation could fully exploit the prospects that the maritime gains have offered?