

Indian Sub-Continent and Bay of Bengal Region

**Identifying and Addressing Ocean Affairs and
the Law of the Sea related Needs**



Dr. Mohammad Mohiuddin

1st December, 2014

Tokyo, Japan



Profile & Professional Experience

- **2007:** LL.M in International Maritime Law, IMO-International Maritime Law Institute, Malta
- **2007- present:** Adjourned Faculty, Department of Law and Justice, Southeast University, Bangladesh
- **2009:** Internship with ITLOS, Germany
- **2013:** PhD
- **2014:** Fellowship with the University of Johns Hopkins on Tobacco Control
- **2009-present:**
 - Deputy Secretary, Ministry of Law, Govt. of Bangladesh
 - Associate Officer, Access to Justice and Human Rights in Bangladesh Project, Financed By UNDP
 - **Examiner**, Department of Law, National University.
- ◆ 2010-2011: Fellow
- ◆ 2012: Regional Alumni Representative

Content

- ◆ General information of the region
- ◆ UN-Nippon Alumni
- ◆ Current Ocean issues of the region
- ◆ Action plan

05 Alumni from 04 Countries

◆ 02 Bangladesh:

- ◆ Muhammad Nazmul Hoque
- ◆ Mohammad Mohiuddin

◆ 01 India:

- ◆ Ansy Mathew N.P

◆ 01 Myanmar:

- ◆ Mang Hau Thang

◆ 01 Sri-Lanka

- ◆ Mr. Chinthaka Mendis

Mr. Faiz Taimur from Bangladesh has selected for 2015 fellowship Award

Response from Alumni's

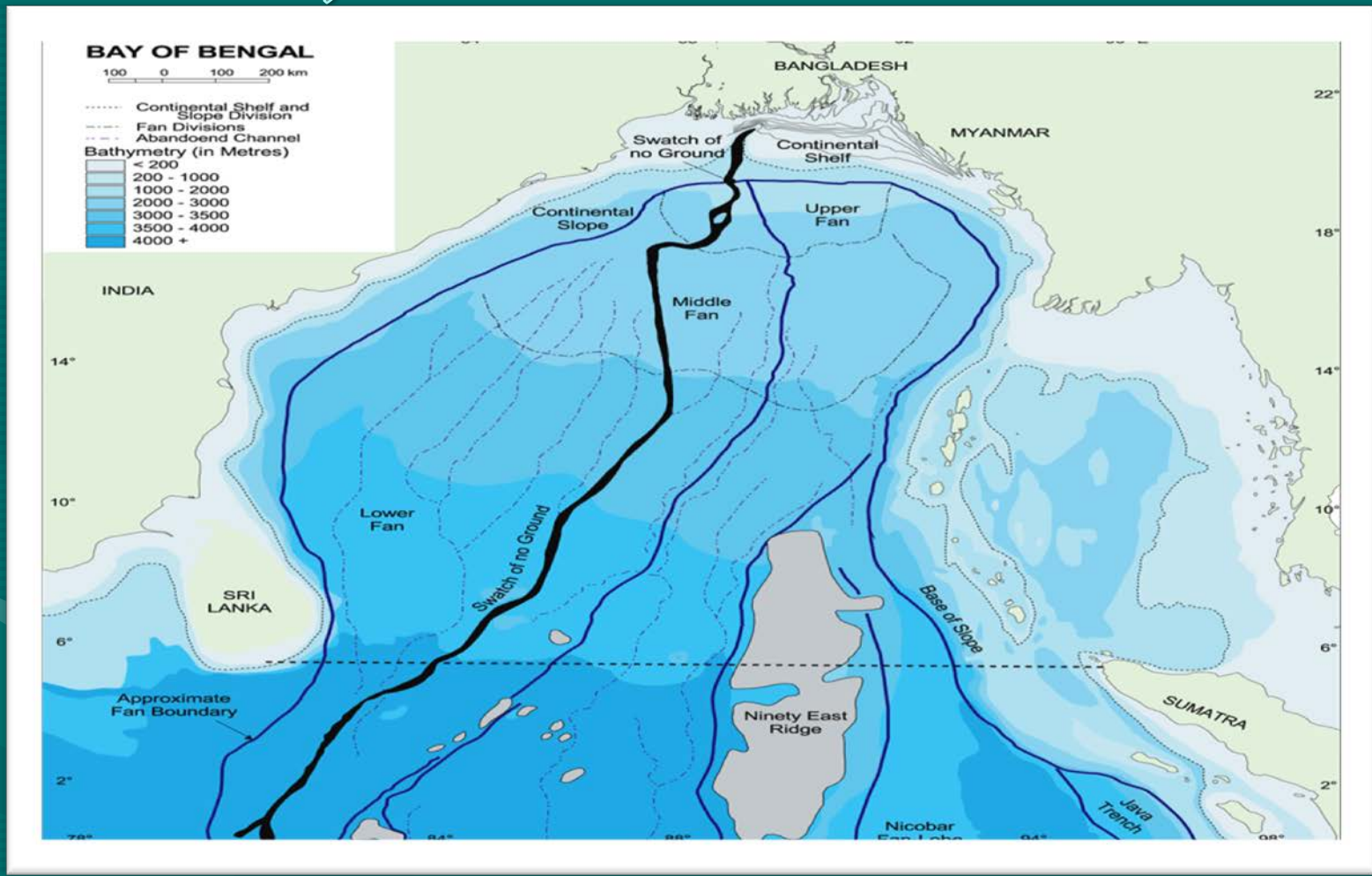
Most of the Alumni's responded.



About Bay of Bengal Region

- The Bay of Bengal occupies an area of about 879,375 square miles and its depth is about 2586 meters.
- To the west of the Bay are the Indian States, West Bengal and Orissa. In its southern part are Srilanka and Nicobar and the Andaman group of islands (India) while in the east lies Myanmar.
- Andaman and Nicobar Group of Islands lies opposite to Myanmar, Thailand, Indonesia and Sri-Lanka.

Map of the Bay of Bengal with adjacent land masses



Important feature of the Region

- Vast Ocean;
- Rich Mineral Resources(Specially Oil and Gas);
- Maritime Route;
- Extended Continental Shelf.

Identifying Ocean Affairs and the Law of the Sea related Needs

- ◆ Maritime boundary and maritime law enforcement
- ◆ Determination of the maritime boundaries in light with the Judgment of ITLOS and Award of PCA.
- ◆ Settlement of extended Continental Shelf claim
- ◆ Enactment of new maritime zones Act of Bangladesh

- ◆ Hydrographic survey of Bangladesh's coastlines to determine the base- points.
- ◆ Determination of new baselines in accordance with the UNCLOS
- ◆ Marine transport and shipping affairs
- ◆ Fisheries resource use
- ◆ Marine environment issues
- ◆ **Significant cooperation among regional States**

Basic Issue of the Region

“Maritime Boundaries and Natural Resources Issues”

Important Assumption Regarding Basic Issue

- ◆ Determination of the Maritime Boundaries in light with the Judgment of ITLOS and Award of PCA.

Disagreement among different States of this Region

- Bangladeshi sea zones overlap in part with the zones of the neighbouring States.
- The delimitation of maritime boundary issue is very important in the context of both sharing of fish resources and exploitation of hydrocarbon.

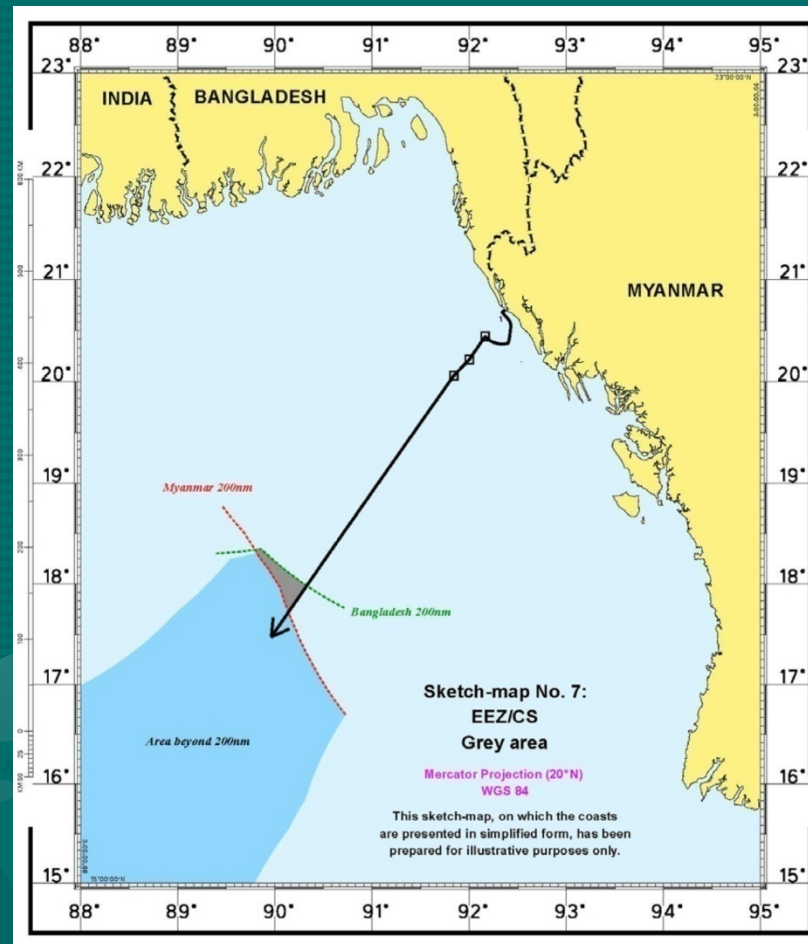
Disagreement & Settlement between Myanmar and India

- There was disagreement between India and Myanmar on delimitation of Maritime Boundaries in the Andaman Sea in the Coco Channel and in the Bay of Bengal which was settled on 23 December, 1986 through an Agreement between the States.

Settlement between Bangladesh and Myanmar

- Dispute between Bangladesh and Myanmar have already been settled by the Judgment of the ITLOS (14 March 2012) the case has decided according to the principle of equity (This is the 1st delimitation case before the tribunal).

Judgment of ITLOS (Bangladesh-Myanmar Case)

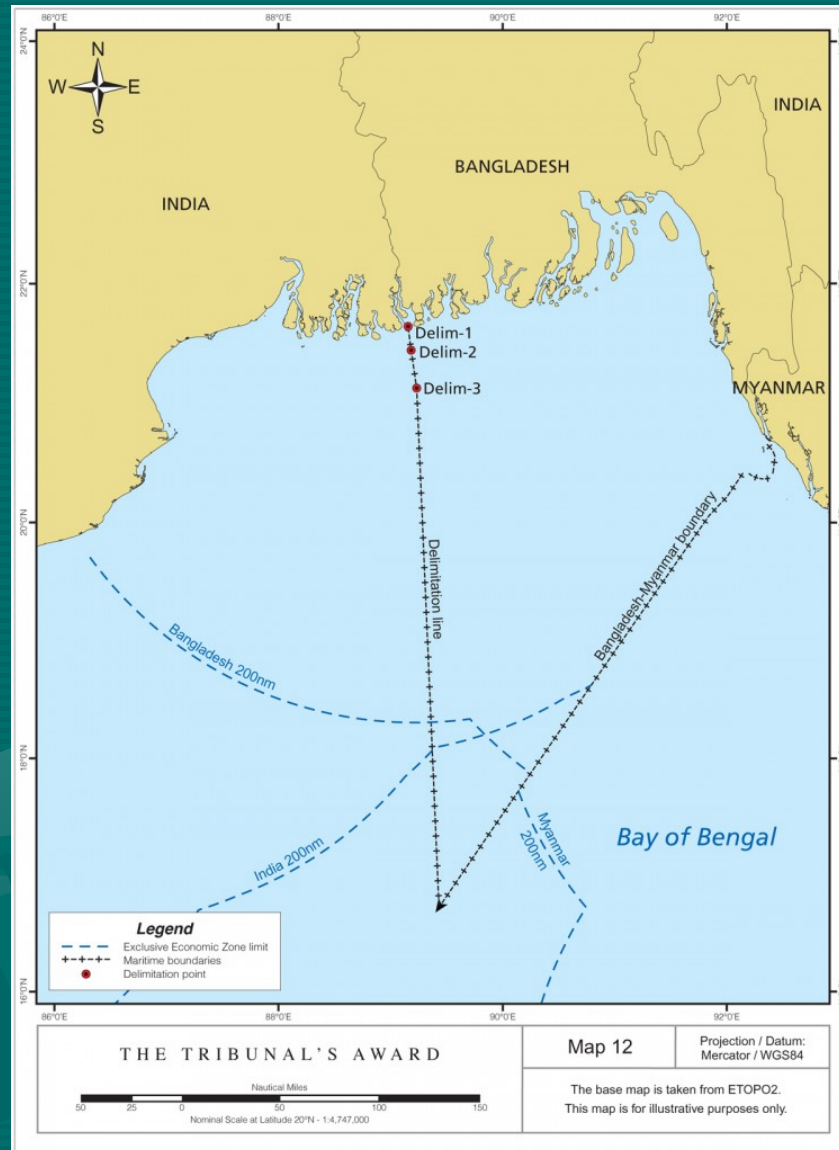


Settlement between Bangladesh and India

- On October 8, 2009, the People's Republic of Bangladesh instituted arbitral proceedings concerning the delimitation of the maritime boundary between Bangladesh and India pursuant to Article 287 and Annex VII, Article 1 of UNCLOS.

- Dispute between Bangladesh and India have already been settled by recent Award of the Permanent Court of Arbitration (7 July 2014) the case has also decided in accordance with the principle of equity .

Award of PCA (Bangladesh-India Arbitration)



Existing Cooperation Agreement Within the Region

- There are different cooperation agreement among different states within the region. Such as-
 - Bay of Bengal Programme- Inter Governmental Organization (BOBP-IGO)
 - Network of Aqua culture Centres in Asia-Pacific
 - The Bay of Bengal Large Marine Ecosystem Project (BOBLME)
 - The Bay of Bengal Initiatives for Multi-Sectoral Technical and Economic Cooperation(BIMSTEC)

Addressing Ocean Affairs and the Law of the Sea related Needs for the Region

- Determination of Maritime boundaries in accordance with the Judgment and Award of ITLOS and PCA;
- Settlement of extended Continental Shelf claim;
- MoUs : India and Bangladesh, India and Sri Lanka (draft stage);

- Active cooperation for combating piracy, terrorism;
- Hilsa fisheries Management (India and Bangladesh);
- Tsunami warning centre, Sea wall to protect from flood, relief (ration subsidies) during rainy season, alternate livelihood;

- **Co-operative arrangements** between Bangladesh and its neighbouring countries for the exploitation of the fishing resources straddling the boundary line;
- Establishment of Baselines of Bangladesh in accordance with the provision of the UNCLOS and all relevant generally accepted principles of international law;

- Enacting Maritime Zones Act of Bangladesh;
- Enacting Marine Environment Legislation;
- Joint development and exploration of the maritime zones;
- **Capacity Building** in the diverse field of the law of the sea.

Recommendations For Regions

- Interlink between Legal and scientific Experts;
- Establishment of UNCLOS research centre in the region;
- More extensive training and/or workshop for alumni's;
- Awareness building program within every region.

- Awareness building program is to be adopted;
- Ocean museum in every region is to be Established.

Recommendations for Alumni

- Provide updated address of all alumni's to the Alumni website is to be provided;
- Age-limit for the Fellowship Program up to **45** years is to be extended;
- Alumni bulletin both in soft and hard copy is to be published;
- Sharing expertise among the alumni's.



**Thanks for your
patience**