



POLICY RECOMMENDATIONS: MARITIME GOOD GOVERNANCE TOWARDS SUSTAINABLE DEVELOPMENT

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Summary of the Seminar Sessions

The oceans cover 71% of the earth's surface and 97% of the planet's water supporting the humankind with its living and non-living resources and facilitating trade and communication globally. They capture 90% of extra heat, absorb 30% of excess CO₂ and had already consumed 60% more heat in last 25 years for global warming. The deep sea floor contains 60% of the earth's surface where 84% patents have been filed by 30 institutions.

Besides, globalization has added more vulnerability to the oceans. More than 90% of the global trade is conducted through Sea Lines of Communication which are lifelines to the world and national economies. Competition is on the rise for exploration and exploitation of marine resources particularly in the disputed sea areas. Such a situation inevitably calls for Maritime Good Governance for sustainable development. Maritime good governance is the management of stakeholder relationships for achieving common good in the maritime spaces in a sustainable manner. There are number of legal and institutional frameworks for supporting the maritime governance such as UNCLOS III, IMO conventions/ protocols, Agenda 21 of UNCED, SDG 14 etc. However, there is no internationally legally binding treaty for the governance of Areas Beyond National Jurisdiction (ABNJ) yet. An Ad hoc Informal Working Group has drafted an Internationally Legally Binding Instrument (ILBI) and submitted to the UN General Assembly in July 2017. All these legal frameworks need to be reflected in the national and regional level for effective maritime good governance.

Geo-strategically the Indian Ocean Region (IOR) with its complex web of diversity has gained enormous importance in the 21st century. The IOR is no longer a benign region and growing interests of the diverse stakeholders have made it a hotly contested region. The maiden international Seminar of BIMRAD was conducted on 19 November 2018 in Dhaka with the theme '*Maritime Good Governance Towards Sustainable Development*' focused on the IOR. Four Papers were presented in four sessions of the Seminar by eminent speakers highlighting salient features of the chosen theme. The Seminar delivered on the phase of transition in the IOR due to changing balance of power scenario and fast developing economies of China and India. However, the best way forward could be engagement rather than confrontation. The speakers elaborated the major issues

and risks in the IOR as projected by the Centre for Strategic and International Studies in 2014 which are *instability of the Gulf petroleum exploring states, India – Pakistan conflict, Struggle for influence between China and USA, Competition over exerting regional influence by India and China, risks of piracy, terrorism, etc and offshore resource disputes*. The presence of non-state actors have further complicated the security dynamics such as the Somali pirates. The International Maritime Organization had to develop the Best Management Practices to fight this menace. Besides, maritime terrorism such as the Mumbai attack in 2008, the LTTE (Sea Tigers) attacks in Sri Lanka, transnational human/ arms/ drug trafficking are also prevailing across the IOR. Intentional unlawful damage to the marine environment, marine pollution, Illegal, Unreported and Unregulated fishing (IUU) are also key challenges in the IOR.

The ocean economy is valued at more than USD 24 trillion, however, its actual value is likely to be higher as many ecosystem services are difficult to quantify. The aquaculture accounts for roughly 18% of the global seafood production where Small Scale Fisheries (SSFs) enormously contribute to food security and employment for millions of coastal poor. However, states are yet to pay necessary attention to fishers as actors (e.g., the ways they organize and self-govern their harvesting and marketing interactions). Science and technology help us better know the oceans, “making visible what had previously been hidden or inaccessible”. Decade long study of marine biodiversity illustrates scientific efforts to better know oceans: more than 2,500 scientists employed 30 technologies in more than 540 expeditions to discover and describe more than 1,200 new species and confirm the existence of 250,000 others. In industrial fisheries, increased technological capacity to extract fish in the absence of governance regimes has contributed to overfishing. Technological advancements also support development opportunities in many emerging ocean issues, e.g. seabed mining and aquaculture. Significant mineral reserves (in cobalt, copper, gold, iron, manganese, nickel, rare-earth elements, silver, and zinc) exist on, and in the subsurface of the seabed. Private sector and State actors have recognized the economic potential of seabed minerals. However, technological challenges and regulatory uncertainty, particularly in ABNJ, have made industrial mining not yet feasible in general. The Seminar highlighted that governance of oil and gas exploration and exploitation at sea should cater for preserving marine biodiversity to avoid adverse affects. Appropriate environmental law tools should be applied raising issues of liability and reparation for environmental damage. Currently, there is no convention or fund related to civil liability arising from pollution by offshore oil and gas exploration and exploitation. There is also no global international convention devoted to the governance of marine installations.

The IOR has the potential to deliver growth and jobs. In order to achieve growth in Blue Economy, highly qualified and skilled professionals are needed. Yet many Blue Economy sectors are experiencing difficulties in finding the right human resource and most sectors expect these difficulties to continue in the near future. Skill-set gap between education imparted and job market requirements are needs to be minimized, especially with regards to technological developments and innovation. Besides, lack of communication and cooperation between education and industry, shortage of attractiveness and awareness of career opportunities in the blue economy and inadequacy of ocean literacy culture hinder the sustainable development in the maritime sector.

It is now imperative to improve and strengthen the governance framework for the management of Blue Economy/fish stocks associated with deep sea ecosystems. Moreover, monitoring and control of fishing activities for the conservation of biodiversity and different types of habitats in IOR and creation of networks of Marine Protected Areas (MPAs) along with an enforcement strategy is essential. Raising awareness of the policy makers, the fishing, plastic/micro plastic and mining industries and the general public on the importance of preserving marine deep sea life are also necessary. Sharing experiences, technology among regional and international scientific and international institutions, and among maritime powers will also pave the way forward.

The Seminar noted that indiscriminate pollution of the internal and sea areas has had a detrimental impact of climate change in the IOR waters. Consequently, a large percentage of extreme climate conditions turn into natural disasters. In the past few decades, we have witnessed pollution of the oceans and contamination of the natural marine habitat. Studies have indicated that almost 80% of pollution in the seas emanates from land and if the current rate of pollution continues, the plastic could outweigh fish by 2050. There are three main causes of marine pollution which are large coastal population, waste generation/ mismanagement and leakage from the land/ rivers. There are many regional declarations that emphasize on the importance of the protection of the marine environment and sustainable use of marine resources. However, there are no binding regional maritime agreement for the conservation and sustainable use of marine activities. It has been identified through the discourse that there are gaps in international regulations: land-source pollution, pollution from offshore activities, areas beyond national jurisdiction etc. There are also gaps in regional ratification/accession to international treaties (OPRC, London Convention etc) and in regional implementation of treaties e.g., lack of reception facilities for the implementation of MARPOL and regional sensitivity mapping for the implementation of OPRC. It

is also important to have a coordination mechanism at national level and development of a clear integrated ocean policy and marine ocean planning.

The Seminar highlighted three aspects related to the rule based international order which as emphasized by the Indian Prime Minister Narendra Modi during his key note address at the Shangri La Dialogue in June 2018. Firstly, there is a need to evolve a common rule based orders for the region, that should apply equally to individual nations as well as the global commons. Such an order must believe in sovereignty, territorial integrity as well as equality of all nations. These rules and norms should be based on consent of all and not the powerful few. Secondly, nations should all have equal rules and rights, under international law and freedom of navigation, to the use of common spaces at sea and in the air. They should resort to peaceful settlements of disputes in accordance with international law. When all agree to live by that code, IOR will be pathways to prosperity and corridors of peace. Thirdly, promoting a democratic rule based international order in which all nations, big and small, thrive as equals. To achieve this, nations need to engage the world in peace with respect, through dialogue and absolute commitment to international law. Thus the countries of the region need to work together to evolve a common rules based international order, which is considered a prerequisite to good governance at sea.

The Seminar highlighted three aspects of the concept of Good Governance namely law making, law enforcement and dispute resolution. Law enforcement agencies have a wide range of powers within the maritime zones of a country. However, to meet the challenges in each other's EEZ or in international waters, there is a need for vibrant and comprehensive maritime security cooperation between Navies and Coast Guards of the region. The anti-piracy operations in the Gulf of Aden by Navies and law enforcement agencies of the world, under the SHADE umbrella, have been effective in curbing piracy. In addition, in response to piracy in South East Asian waters, the RECAAP or Regional Cooperative Agreement Against Piracy in Asia and its Information Sharing Centre (ISC) at Singapore have been highly effective. It was learnt through the Seminar that, India intends to establish an open and inclusive Regional Fusion Centre for the Indian Ocean. The Indian concept of SAGAR (the acronym stands for 'Security and Growth for All in the Region') was also brought to the forefront during the discourse. At the conceptual level, it envisages the Indian vision in IOR, where all boats representing countries of the region rise together with the rising tide. At political level, the Indian Ocean Rim Association (IORA), which was established as IOR-ARC in 1997, functions as a region-wide multilateral structure with an emphasis on economic and social agenda. However, around 2012, Maritime Safety and Security entered the IORA's

agenda. Therefore, IORA could play a significant role as a maritime construct to strengthen maritime cooperation among the countries of the region. On the other hand, the Indian Ocean Naval Symposium (IONS), formed in 2008, functions at the execution level of the Navies. Today, the IONS provides an effective template to address common challenges of maritime security and safety to enhance cooperation among Navies and law enforcement agencies of the region.

The oceans are key to the national and regional economies and thus the ecological health and sustainability is paramount. The linkage between the blue economy, economic growth and the ocean resource conservation needs to be properly understood for deriving sustainable results. A key area of Blue Economy is marine research and education involving public as well private agencies such as Navies, Coast Guards, marine environment protection agencies, academic institutes, etc. Although the oceans contain vast prospects, new investment opportunities must be made available for governments, as well as the private sectors. Governments should make conscious efforts to have effective planning, development of research capabilities and acquiring technologies required for deep sea explorations. The Indian Ocean is rich in resources but technology is not available to harness these resources. Thus the IOR countries need to plan strategies and develop capabilities to harness these resources for the economic benefit of its people. The IOR must capitalize on the current awareness of the Blue economy within the United Nations, international Institutions and national policy planning.

In order to promote good governance for sustainable development, the Seminar pointed out the necessity of rule based maritime order taking UNCLOS as the basis. The best for the region will be that it is not dominated by a single hegemonic power and not to be influenced by external powers. The necessity to develop a regional maritime strategy along with a regional maritime security architecture was also highlighted in the Seminar.

Maritime Domain Awareness (MDA) and overcoming Maritime blindness are also essential for a prosperous IOR. It is imperative to develop a situational picture of the IOR combining various sensors and platforms to become 'Eyes at Sea'. The IOR MDA should be for the common objective of maintaining rule-based order and stability in this vital ocean space and it should be inclusive and not exclusive. However, no single country can be the 'net security provider' in the IOR. Therefore, burden sharing and mutual assistance in developing capacities such as platforms, sensors, technology transfer and capabilities such as skills in networking, developing tactical picture and training are required.

There is also a trust deficit in the IOR which needs to be addressed through various Confidence Building Measures (CBM). The IOR region must move from cooperation to collaboration. There is a need for consolidating and strengthening the international legal system and establish mechanisms to manage disagreement and conflicts based on International law. In order to achieve, it is necessary to maintain and promote bilateral and multilateral strategic dialogue mechanism to consolidate strategic trust and build shared awareness and political will for peace, stability and development in the IOR. There are many dialogues taking place at track one and two levels in the wider Indo-Pacific region. Defence diplomacy can also play an important role in promoting mutual trust and confidence. Joint naval and coast guard exercises can also be used to promote confidence as well as interoperability.

Policy Recommendation

In view of the above deliberations of the International Seminar on “Maritime Good Governance Towards Sustainable Development”, the policy recommendations are as follows:

- a. Developing a shared Regional Strategy for Rule Based Order in the IOR for littorals and other users.
- b. Adopting Confidence Building Measures through bilateral and multi-lateral engagements for stability and Good Maritime Governance in the IOR.
- c. Improving Legal/ Institutional Framework for National/ Regional Maritime Good Governance.
- d. Developing National/ Regional Maritime Good Governance Model(s) to meet emerging challenges.
- e. Developing Maritime Domain Awareness for monitoring good order and stability in vital maritime spaces of the IOR.
- f. Enhancing Capacity Building through shared and balanced approach to regional security of the IOR.
- g. Promoting effective cooperation amongst all Stakeholders/ Agencies for sustainable exploitation of resources under Integrated Resource Governance Framework.
- h. Developing Blue Economy with befitting infrastructure, technologies and investments involving private sectors in the context of SDGs (14 in particular).
- i. Taking effective measures for urgent protection of marine environment and ecosystems from marine pollution under Coastal and Marine Pollution Management Framework.

- j. Deploying Navy, Coast Guard and other law enforcing agencies in national waters and beyond under bilateral/regional arrangement for good order and stability.
- k. Launching concerted efforts to remove ‘Sea Blindness’ amongst the Policy Makers and Bureaucracy and promote general awareness of the people for better commitment to the maritime affairs.
- l. Extending national/regional support for adoption of ILBI (Internationally Legally Binding Instrument) for protection of High Seas.

About Author: Rear Admiral A S M A Awal, NBP, OSP, ndc, psc, MDS, MBA (retd) was born in a noble Muslim family at Narundi in the District of Jamalpur. He joined the Bangladesh Navy (BN) in 1976 and underwent initial training in the Bangladesh Naval Academy and Britannia Royal Naval College, Dartmouth, UK. He attended various training courses both at home and abroad including Gunnery Specialization Course in Surface Weapons and Operations School in India, course on Conducting Military and Peacekeeping Operations in accordance with the Rule of Law under Naval Justice School, USA. He also participated in Anti-Terrorism program organized by Asia Pacific Centre for Military Law. He did his Staff Course in Defence Services Command and Staff College (DSCSC), Mirpur and also attended Staff Course in the Turkish War College. He obtained MDS (Master of Defence Studies) from National University, Bangladesh, and completed his NDC from Bangladesh National Defence College. He was also a Directing Staff in DSCSC, Mirpur.

He commanded different types of ships of Bangladesh Navy which included Fast Attack Craft, Torpedo Boat Squadron, Large Patrol Craft, Training Ship and two Frigates. He was also the Commandant of Bangladesh Naval Academy. He held prestigious operational command of the Bangladesh Navy Flotilla. He served in Naval Headquarters as directors and after promoting to the rank of Rear Admiral, he served as the Assistant Chief of Naval Staff (Operations) and the Assistant Chief of Naval Staff (Personnel) in the NHQ.

He held diplomatic assignment in the Bangladesh High Commission in Sri Lanka as Defence Adviser in the rank of Commodore, and then he was assigned as the High Commissioner of the People’s Republic of Bangladesh to the Republic of Maldives in the rank of Rear Admiral. After successful completion, Rear Admiral Awal retired from Bangladesh Navy on 31 December 2015. For his exemplary and extra ordinary service, he has been awarded with the Bangladesh Navy’s highest peace time award Navy Medal (NBP) and also Extra Ordinary Service Medal (OSP).

He keenly follows analytical studies on various geo-strategic, political and security issues. He moderated a Session titled “Future Outlook of IONS (Indian Ocean Naval Symposium)” in IONS 2016 held in Dhaka, Bangladesh. In August 2017, he moderated the main session of an international seminar organized by the Department of Shipping, Bangladesh which was attended by the Secretary General of IMO and prominent figures of the shipping sector from home and abroad. In October 2017, he moderated a Session on “Maritime Issues in the Bay of Bengal: Options for Cooperation” in the 8th Bangladesh-India Security Dialogue. He participates in TV Talk-Show and Seminar/Roundtable on security, strategic and various subjects of national interest. He takes interest to work in the fields of migration and migrants’ rights, TIP (Trafficking in Persons), conflict resolution, UN Peacekeeping and Peace building, governance issues, counter-terrorism and transitional crimes, National and Maritime Security, Maritime Domain Management, Blue Economy, Maritime Search and Rescue, etc.

Rear Admiral Awal is also keen on taking part in various activities aimed at serving socio-economic and humanitarian causes. He is a founding member of BIMRAD (Bangladesh Institute of Maritime Research and Development). He is a Rotarian and presently a Director of the Rotary Club of Dhaka Central.

He is married to Mrs Keya Awal and blessed with one daughter named Rayna Awal and a grandson.