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WHETHER DECENTRALISATION OF LOCAL GOVERNMENT IS A GOOD PATH TOWARDS DEVELOPMENT? EVIDENCE FROM BANGLADESH

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Abstract

Decentralisation is one of the significant processes for social and economic development at the grass-root level of the developing countries. As development and decentralisation concepts are closely interlinked to each other, it has become an avowed goal for the governments in the developing countries. Although the process is an important step for democratisation in most of the developing countries, often, it brings challenges because of some social, political, structural and administrative barriers. To perceive these issues in details, this paper has taken an initiative to explicate the benefits and challenges of the local government system of a developing country like Bangladesh. Based on the historical and contemporary evidences, the paper explores that despite some successful events, decentralisation practices in the country are badly affected by various challenges, which may turn the process into an elusive effort.

Key words: decentralisation, local government, development, Bangladesh.

1. Introduction

In the twenty first century, decentralisation process has been perceived as a crucial process of democracy in many of the developing countries. To strengthen democratic process, governments are taking various initiatives at local and national levels based on development agenda and context. However, the major goal of decentralisation, in other words, autonomous Local Government (LG) is to ensure greater participation of people in development activities at the grass-root level. This bottom-up approach assesses that government representatives will be more efficient in local areas to meet the needs of local people. Has decentralisation become a paramount way to ensure efficient development process especially for the developing countries? To answer this pertinent question, this paper will

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address decentralisation as a feature of local governance, from its conceptual context. Moreover, to critically analyse the issues of local government in planning and practice, the paper will particularly focus on the role and function of local government of a developing country like Bangladesh. The paper also examines the benefits and challenges of decentralisation process in Bangladesh. The rationale of taking Bangladesh as a case study is that the country has given utmost importance of local government in its governance structure. Articles 68 and 69 of Bangladesh Constitution recognised decentralisation as an important element of development process. As a unitary country, the process is crucial for Bangladesh to reach the facilities at the grass-root level. Besides, rural poverty is acute and natural calamities emanating from climate change is very common in the country.

To address these problems, locally induced solutions are very important and hence disentralisation is considered as a good path to increase local level participation. Additionally, Bangladesh government is committed to achieve Millennium Development Goals (MDGs) and it is trying to promote good governance. Accordingly, decentralisation has been an important element for the government to attain these goals and targets in the years to come.

The paper is organised in the following way. After introduction in Section 1, Section 2 shows the linkage between development and decentralisation. Section 3 gives some empirical evidences of decentralisation and development. Section 4 upholds the local government system in Bangladesh. Section 5 and Section 6 respectively discuss the benefits and challenges of local government system in Bangladesh. Section 7 provides some suggestions to address the challenges of local government system through decentralisation. Section 8 ends with concluding remarks.

2. Development and Decentralisation: An Interlinked Concept

From the last couple of years, decentralisation has become a crucial part of development for the developing countries. While defining decentralisation, DA Rondinelli et al. pointed out that this process includes certain issues including reallocation of control, accountability of executives, planning, supervision and resource mobilisation from the

central bodies to its local authorities.[1] On the other hand, the concept of development includes certain goals and objectives which have been changed over the last few decades to ensure political, economic and social wellbeing of the people. Figure 1 (see next page) shows that the concept of development and decentralisation is interlinked to each other. The question is how decentralisation process is interrelated with the development process?

Figure1:   Linkages   between   Development   and   Forms   of Decentralisation[2]
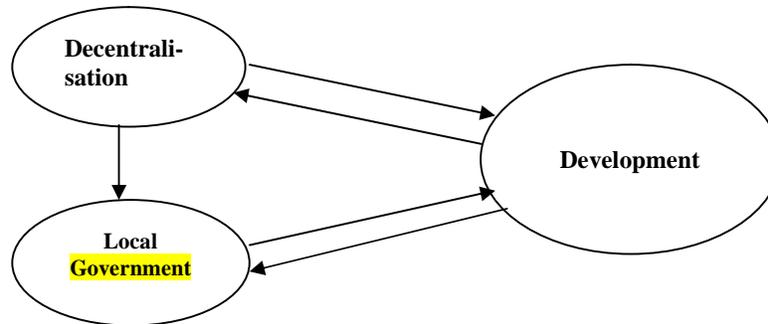
Decentralisation is considered as a "policy instrument of development" since the World War II.[3] This policy is mainly based on equity and evenness towards every citizen in the society. [4] As decentralisation ensures the greater participation of people irrespective of the rich and poor, it can be a good way for country's overall growth and development. In this regard, B.C Smith argues more precisely that decentralisation brings six advantages namely political edification, political   management,   political   steadiness,   political   capability, responsibility and awareness building to the society.[5]

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[1] DA Rondinelli, JR Nellis and GS Cheema, *Decentralization in Developing Countries: A Review of Recent Experience,* Staff Working Paper, No. 581, 1983, World Bank, Washington DC.

[2] Information collected from Abu Elias Sarker, "The Illusion of Decentralization: Evidence from Bangladesh", *The International Journal of Public Sector Management*, Vol. 16, No. 7, 2003, pp. 523-548.

[3]*Ibid*.

[4]Kazi S. M. Khasrul Alam Quddusi, "Empowering Local Government in Bangladesh", 2006, available at http://nation.ittefaq.com/artman/publish/article_29731.shtml, accessed on 27 April 2012.

[5]B.C Smith, *Decentralization: The Territorial Dimension of the State*, London: George Allen and Unwin, 1985, pp. 18-30.

To ensure development at every segment of society, decentralisation is divided into six categories, i.e. "deconcentration, delegation, devolution, privatisation, top-down and bottom-up principal agency".[6] Among these typologies, devolution, as said by many, is one of the most popular forms that allows flexible representatives to make their own policy guidelines, administration, economy and individual aptitudes.[7] According to P. Mawhood, decentralisation is a feature of local government that assists to transfer the five notions from state centric approach to local level government.[8] These are mainly separation of local government from central body; formation of considerable representatives to maintain its own budget; create opportunity to employ its own workforce; maintaining internal systems by the elected committee and limit the role of central government.

3. Decentralisation and Local Government: Some Empirical Evidences

Essentially, to promote development in education, health, environment and other socio-economic sectors, most of the governments of Asia, Africa and Latin America have initiated decentralisation as a significant strategy.[9] In this aspect, a wide range of variations have been noticed in the forms and scopes of decentralisation in these countries. Thus, decentralisation, on the one hand, has brought noteworthy successes in some countries; on the other, it often promulgates crises and conflicts in some other countries.[10] Table 1 (see next page) shows the examples of some developing countries in which decentralisation has entailed significant positive changes. According to Kempe Ronald Hope, after the post independence periods, Botswana has gained success than any other African countries owing to its greater accountability of local people and

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[6]Kempe Ronald Hope, "Decentralization and Local Governance: Theory and the Practice in Botswana", *Development Southern Africa,* Vol. 17, No. 4, 2000, pp. 519-534.

[7]JM. Silverman, *Public Sector Decentralisation: Economic Policy and Sector Investment Programmes*, Technical Paper No. 188, 1992, World Bank , Washington DC.

[8] P. Mawhood, "Decentralization and in the Third World in the 1980s", *Planning and Administration,* Vol. 14, No. 1, 1987, pp. 10-22.

[9] Organisation for Economic Cooperation and Development (OECD), *Evaluation of Programs Promoting Participatory Development and Good Governance,* Synthesis Report, Paris, France, 1997, p. 47.

[10]Nick Devas and Simon Delay, "Local Democracy and the Challenges of Decentralising the State: An International Perspective", *Local Government Studies*, Vol. 32, No. 5, 2006, pp. 677-695.

impartial role of central government.[11] As pointed out by W. Harry Blair, since 1959 onward, the long endeavour of India to make the *panchayat* system effective for social development by increasing administrative capacity and ensuring greater participation at the grass-root level has been noteworthy.[12] In case of the Philippines, central government is playing a crucial role for effective decentralisation by endorsing local body autonomous, providing empowerment through instructive taxes provisions and   local   budget procedures. [13]

Table 1: Examples of Effective Decentralisation in Some Developing Countries[14]

Country	Sectors	Category of Initiative	Positive Change through LG
Botswana	Social development through population control, financial reform, preparing costing manual and improve revenue sources	Awareness building, good governance and greater participation	High
India (West Bengal)	Rural development	Public-private partnership, community participation law to increase greater involvement, and improvement of management and financing system	High
The Philippines	Social and community development	Providing full autonomy of LG, empowerment of local authority and strong public-private partnership	High

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[11] Ibid.

[12] W. Harry Blair, "Participation, Public Policy, Political Economy and Development in Rural Bangladesh, 1958-85", *World Development*. Vol. 13, No. 12, 1985, pp. 1231-1247.

[13] The Philippines Country Paper, *Country Reports on Local Government Systems: Philippines, 2003* available at www.unescap.org/huset/lgstudy/new-countrypaper/ Philippines/Philippines.pdf, accessed on 20 May 2012.

[14] *Ibid*, also, information compiled from Kempe Ronald Hope, 2000, *op.cit* ; W. Harry Blair, 1985, *op.cit* .

On the other hand, in some countries, decentralisation has brought potential conflicts and tensions at local levels because of imperfect planning, excessive central domination and regional group interests. For example, in some parts of Asian countries such as in China, a case study on Uxin Banner of Inner Mongolia shows that local government has failed to bring environmental sustainability under the environmental reformation process called "ecological construction".[15] Incidentally, it has brought massive environmental degradation because of top-down central policies and bureaucratic form of local government. Likewise, at Central Kalimantan in Indonesia, it is revealed that political system at local level is highly controlled by central body which generates anxieties and escalates chaos over resources among the local people.[16]

Besides, based on the empirical studies in environment management divisions on six countries of Asia, Africa and Latin America (Senegal, Nepal, Uganda, Indonesia, Bolivia and Nicaragua), Jesse et al. showed that the control of central body and defective reform and planning of decentralisation are the significant barriers to make the local government accountable in these countries.[17] More precisely, in some Latin American countries such as in Brazil and Argentina, the power of specific elite groups is so strong at the local areas that it extremely hampers the decentralisation process.[18] Furthermore, in some African countries, conflicts arise because of ethnic diversity and interest of elite groups. For instance, in Ghana, government launched the decentralisation process with the motto 'bring the government to the people' during 1980s.[19] But, the reality was that it had failed to motivate local people and further increased the political consolidation among certain interest groups. In Uganda, the ethnic diversity is so extreme that government always needs to consider

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[15]Hong Jiang, "Decentralization, Ecological Construction, and the Environment in Post–Reform China: Case Study from Uxin Banner, Inner Mongolia", *World Development*, Vol. 34, No. 11, 2006, pp. 1907-1921.

[16]John F. McCarthy, "Changing to Gray: Decentralization and the Emergence of Volatile Socio-Legal Configurations in Central Kalimantan, Indonesia" *World Development*, Vol. 32, No.7, 2004, pp. 1199-1223.

[17] Jesse C. Ribot, Arun Agrawal and M. Anne Larson, "Recentralizing while Decentralizing: How National Governments Reappropriate Forest Resources", *World Development*, Vol. 34, No. 11, 2006, pp. 1864-1886.

[18] Berg Kliksberg, "Rebuilding the State for Social Development: Towards 'Smart Government", *International Review of Administrative Sciences*, Vol. 66, No. 2, 2000, pp. 241-257.

[19] Carola Lentz, "Decentralization, the State and Conflicts over Local Boundaries in Northern Ghana", *Development and Change*, Vol. 37, No. 4, 2006, pp. 901-919.

the areas of local government while formulating the local councils.[20] Thus, based on these evidences, it can be argued that decentralisation has brought some mixed results in the developing countries. Hence, there is now increasing uncertainty whether decentralisation brings development considering its existing limitations and challenges in various countries. To examine this thoroughly, the rest of this paper analyses the overall scenario of local government in Bangladesh as a case study.

4. Local Government System in Bangladesh

The idea of decentralisation through local government system of Bangladesh is not new. Rather, the system is almost resembled to those of India and Pakistan as these two countries shared common culture and history until 1947, before the partition. Over the period of time, a number of initiatives and reformation strategies had been taken to strengthen the local government system. During the British period (1757-1947), *Village Chawkidary Act* (1870), the Lord Repon Declaration (1882) and the Bengal Municipal Act (1932) were the basis to promote local government system in this subcontinent.[21] However, during the whole colonial era, the autonomy of local councils was noticeably low.[22]

During the reign of East Pakistan regime since 1947 to 1971, local government system was recognised as basic democracy. The system was mainly initiated based on the four tiers following some British Acts. However, after the independence of Bangladesh in 1971, a number of initiatives were taken to reform local government system considering the devolution of power. In 1973, the first *Union Parishad* election was held, though elections of *Thana Development Committee* and *Zila Councils* were nullified.[23] However, based on the decree of Local Government Ordinance during President Ziaur Rahman's regime in 1976, *Union Parishad* (Council), *Thana Parishad* and *Zila* (District) *Parishad* were

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[20]R Cameron, "Local Government Reorganization in South Africa", in J. Meligrana (ed.) *Redrawing Local Government Boundaries: An International Study of Politics, Procedures and Decisions*, Vancouver: UBC Press, 2004, pp. 206-226.

[21]Nizam U. Ahmed, "Government Politics and Village Reform in Bangladesh: A Note on Alternative Approaches", *International Review of Administrative Sciences*, Vol. 55, Vol. 3, 1989, pp. 493-516.

[22] L.H. Choudhury, *Local Self Government and Its Reorganization in Bangladesh*, Dhaka: National Institute of local Government (NILG), 1987.

[23] Abu Elias Sarker, 2003, *op.cit.*

formed at different levels.[24] For further strengthening the ties between state and the rural people, the Zia administration set up *Gram Sarkers* (Village Government) throughout the whole country.

In 1982, a significant step of decentralisation took place when Ershad government declared three tiers of government system at the local levels. Under *Upazila Parishad* Ordinance, all the *Thanas* were upgraded as *Upazila* (Sub-District) *Parishad*.[25] *Upazila Council* was comprised of an *Upazila Chairman*, some intellectuals, women representatives and members. Generally, the *Upazila Council* declared annual budget for revenue earnings and had the authority to take any decision regarding project formulation and implementation so that the development activities of the government could reach to the grass-root levels. To decentralise power, the first and second elections of *Upazila Parishad* were held in 1985 and 1990 respectively. During these times, confrontations between *Upazila Chairman* and Members of Parliament (MPs) were considered as major challenges to make the local government system functional.

However, during the BNP government in 1991, the *Upazila* system was abolished and a two-tier government system (*Union Parishad* and *Zila Parishad*) was formulated by the central government.[26] Again during the reign of Awami League government in 1997, four-tier of local government system was introduced and legislations were formulated to give power to *Upazila Parishad* for collecting revenues, organising financial plans and recruiting its own employees.[27] Conversely, from 2001 until 2003, different initiatives were proposed by the BNP led government including the formation of *Gram Sarker*, however, most of the decisions were not materialised.[28] As shown in Figure 2, on 10 May 2008, the structure of local government was approved by the Caretaker Government to make the local government more functional.

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[24]*Ibid.*

[25]Nizam Ahmed, "Experiments in Local Government Reform in Bangladesh", *Asian Survey,* Vol. 28, No. 8, 1988, pp. 813-829.

[26] K. Siddiqui, *Local Government in Bangladesh*, Dhaka: University Press, 1994, pp. 67-102.

[27]K. Westergaard, *Decentralization in Bangladesh: Local Government and NGOs*, paper presented at the Colloquium on Decentralization and Development at Department of Political Science, Princeton University, Princeton, NJ, 2000.

[28]Abu Elias Sarker, 2003, *op.cit.*

Figure 2: Local Government Structure of Bangladesh[29]
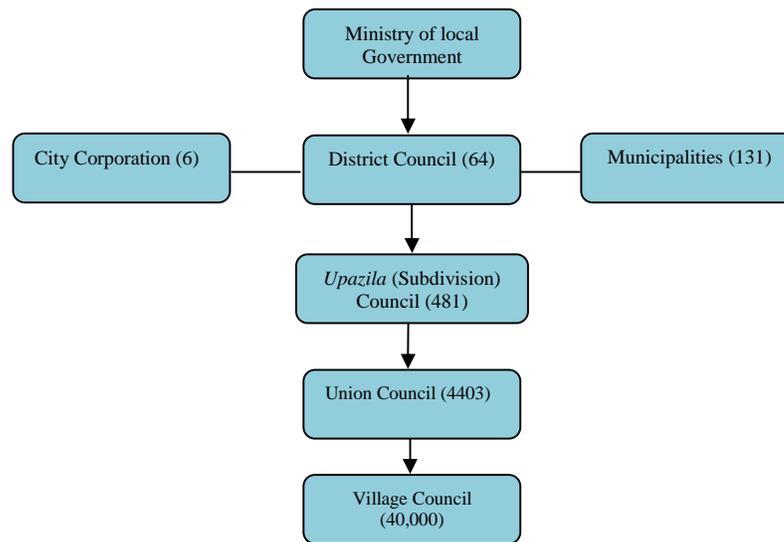
Additionally, in June 2008, the government formulated new *Upazila Parishad Act* excluding the rights of the Member of Parliaments (MPs) to interfere in the actions of *Upazila Parishad* and followed the jurisdiction to fix the definite timeframe of *Upazila Parishad* election.

Theoretically, the four-tier system of local government has been prevalent in the country for long, but practically, only two-tier (*Union Parishad* in rural areas and City Corporation and *Pourasabha/*Municipalities in urban areas) system is working with regular election basis. The elections of *Union Parishad* are generally held on regular basis and it is the only body of local government which has been operated for many years. However, by the election of *Upazila Council* held on 22 January 2008, *Upazila Parishad* was activated as a mini-parliament after long 19 years and considered as the land mark event in the history of local government.[30]

In the rural areas, the main functions of local government are to take necessary measures to prevent illegal acts in villages, ensure community participation and initiate various socio-economic activities including

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[29] *The Prothonm Alo,* 11 May 2008.
[30] Shakhawat Liton, "Nation Goes to Polls of Hopes Today", *The Daily Star*, 22 January 2009, p.1.

enhancing family planning programmes, developing local resources, protecting public properties, registering births and deaths and executing all types of surveys.[31] On the other hand, the roles of City Corporations and *Pourasabhas* in urban areas are mainly infrastructural development, waste management, tree plantation, relief distribution during flood and famine and other social welfare services.[32]

5. Benefits of Decentralisation

In Bangladesh, around 85 per cent people are living in the rural areas. Therefore, most of the challenges derive from the local contexts.[33] As decentralisation creates a scope of participation of rural people residing in local areas, it has brought some successes in the social, political, economic and environmental sectors.

5.1 Political Development

5.1.1 Bottom-Up to Top-Down Approach

Decentralisation process, in other words, the bottom-up to top-down approach, nevertheless, has created an opportunity to ensure the decision making representatives who could explain the needs of local people. As the process involves the local people, it reduces the information and communication gaps between the local people and bureaucrats who are appointed locally in some rural areas. Generally, local government conducts socio-economic surveys on the local people at every village.[34] Therefore, central government gets the opportunity to collect the information and utilise these data for taking decision in development planning at the local levels. By means of that, this bottom-up approach of local government has become a significant step to institutionalise the democratic process throughout the whole country.

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[31]Abu Elias Sarker, 2003, *op.cit.*

[32]UNESCAP, *Local Government in Asia and the Pacific: A Comparative Study*, Country Paper, Bangladesh, United Nations Economic Social Commission for Asia and the Pacific, 2000, available at http://www.unescap.org/huset/lgstudy/country/bangladesh/bangladesh.html, accessed on 11 June 2012.

[33]A.T.M Abdullahel Shafi and Farzana Mannan Borna, "Local Participatory Governance: A Study of Five Union Parishads in Bangladesh"*,* paper for *Third International Conference on Interdisciplinary Social Sciences*, Monash University Centre, Prato, Tuscany, Italy, 22-24 July 2008, available at http://i08.cgpublisher.com/proposals/626/index_html, accessed on 13 June 2012.

[34]UNESCAP, 2000*, op.cit.*

5.1.2 Ensure and Extend the Grass-root Participation

Eventually, in several areas, local level participation has become successful due to some plans and programmes implemented by the local government bodies in association with the NGOs. For example, Healthy City Projects of several Municipal Corporations in metropolitan cities with the local authority guidance have increased greater participation of the local people.[35] Besides, *Union Council*, an active body of the local government system in Bangladesh, participates in various types of development and government policy implementation activities by thirteen local development committees. In these committees, all the members of council and local intellectuals could play their roles in local level decision making process and this initiative helps to reduce conflicts among the local people.

5.2   Social Development

5.2.1 Empowerment of Women

To achieve significant growth as well as connect with the mainstream trend, participation of women in the development process is an important goal of Bangladesh government as more than half of the population consists of women. Article 10 and 60 of Bangladesh Constitution ensure the empowerment of women in the local government.[36] Under the Local Government Amendment Act in 1997, government has created quota for women at the *Union Parishad* level which is considered as a significant "milestone" to make the rural women empowered.[37] By the Act, some seats are preserved for women and they are allowed to participate at local level elections. This positive achievement, however, entails a structured form for women to participate in political decision making and creates a scope for them to stay at the midpoint of local level development. Though participation of women as Chairmen and Members is low, it has, nevertheless, gradually been increased (as shown in Table 2 next page).

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[35]*Ibid.*

[36]Ministry of Foreign Affairs (MOFA), *The Constitution of the Peoples Republic of Bangladesh*, 2004, available at http://www.mofa.gov.bd/, accessed on 21 May 2012.

[37] Md. Mostafizur Rahman Khan and Fardaus Ara, "Women Participation and Empowerment in Local Government: Bangladesh Union Parishad Perspective", *Asian Affairs*, Vol. 29, No. 1, 2006, pp. 73- 92.

Table 2: Women's Involvement at *Union Parishad* Elections within 20 years (1973-2003)[38]

Elections	Election Year	Women Contestants		Elected Chairman and Member	
		Chairman	Member	Chairman	Member
First	1973	-	-	1	-
Second	1977	19	19	4	7
Third	1984	-	-	6	-
Fourth	1988	79	863	1	-
Fifth	1992	115	1135	8	20
Sixth	1997	102	43969	23	12,882
Seventh	2003	232	43764	22	12,684

In recent times, approved "Local Government Amendments 2008" ensures women's participation which is also a significant step in local government structure. For instance, at *Union Council* level, some seats are precisely preserved for women, that are considered as a breakthrough for grass-root women. Besides, in *Upazila Council* election, the posts for two Vice Chairpersons have been created and one of them is for woman which is shown in Figure 3.

Figure 3: Executive Body of *Upazila Council* in Bangladesh[39]
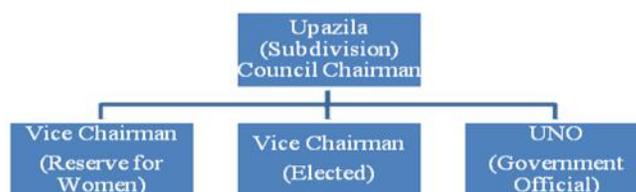
5.2.2 Improvement of Health and Education

In Bangladesh, local government is significantly contributing to improve education among the poor people. As a matter of fact, the local representatives are encouraging more enrollments at primary and

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[38] *Ibid*., p. 84.
[39] Made by the Author.

secondary school levels to reduce the dropout rates. [40] Besides, they oversee the primary educational institutes, inspire parents to send their children to school and create consciousness among adult and female regarding the importance of education. Therefore, from 1985 to 2005, the overall literacy and enrollment rates among the adult, youth and children were gradually increased in the country. [41] Apart from this, local government is working in collaboration with the NGOs to improve health of people through awareness building regarding family planning methods. As an outcome, the fertility rate has been decreasing significantly since 1990s. Also, due to reduction of fertility rate, infant and maternal mortality rate are gradually decreasing in the country. [42]

5.2.3   Reducing Early Marriage and Dowry

In Bangladesh, early marriage is a social custom which is negatively associated with the issues of school attainment, reproductive health complexities and high fertility rate. The contribution of local government is appreciable especially to reduce early marriage and dowry. In the 1970s, women's average age at marriage was 16 years but in the1990s, it reached to 18 years. [43] Though it is estimated that 75 per cent of rural women still get married at the age of 16 and only 5 per cent of them usually obey the state law that the minimum age at marriage is 18 years. [44] In case of dowry, local government authorities are trying to build awareness among the villagers to remove the ritual of gifts and grants during marriage**.**

5.2.4   Awareness Building Regarding Birth Certificate and Marriage Registration

Local government is trying to build awareness about registration of births, deaths and marriage to have a clear picture of demography. Before

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[40]Bangladesh Report, *State of Women in Urban Local Government, Bangladesh,* 2002, available at http://www.unescap.org/huset/women/reports/bangladesh.pdf, accessed on 12 June 2012.

[41]United Nations Development Programme (UNDP), *Fighting Climate Change: Human Solidarity in a Divided World*, Human Development Report, New York, 2007-2008. Also see, UNDP, *International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*, Human Development Report, New York, 2005.

[42] *Ibid*.

[43]Human Development Report, 2005, *op.cit.*

[44]Abul Barkat and Mazid Murtaza, *Adolescent Reproductive Health in Bangladesh Status, Policies, Programs and Issues*, POLICY Project Report, USAID, Asia, Near East Bureau, 2003.

decentralisation, there is no system of listing and recording of this information. Currently, local government preserves these statistics to solve the problems about land ownership and registration of marriage. As well, *Union Parishad Chairmen* and *Pourasabha Commissioners* are playing important roles to settle the disputes over possession of land, home and market places through consultations and mediation with the conflicting parties.

5.3   Economic Development

5.3.1 Scope of Distribution of Resources

On the whole, local authorities create the scope of distribution of resources to those people who are really disadvantaged. For this, they prepare policies for local resource management and improvement. Usually, *Union Council* is responsible to distribute relief, initiating different safety net programmes such as old age pension, widow allowance, vulnerable group feeding and distribution of fertilizer among the farmers. Furthermore, the members of local bodies always play an important role in any types of natural calamities including flood, cyclone and droughts.

5.3.2 Employment Generation

The Local Government Commission suggests various programmes to ensure greater involvement of disadvantaged and disabled groups in local body actions through the appointment of the committees.[45] To accomplish this**,** local authorities have initiated a number of programmes including micro-credit and handicrafts training which have entailed some positive impacts to generate employment particularly for vulnerable women in the local areas.[46] Besides, to reduce poverty, divorced, widows and helpless poor women in the rural areas are appointed in road and culverts reconstruction activities by the *Union Council*. In urban areas, local level employment generation and greater services for community people have been ensured through initiating some projects such as Urban Slum Improvement Projects, Green Umbrella Programme and Urban Primary Health Care Project (UPHCP). These programmes, nevertheless, have been effective particularly for the overall improvement of women.

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[45]UNESCAP, 2000, *op.cit*.
[46]Bangladesh Report, 2002, *op.cit.*

5.4   Environmental Aspect

5.4.1 Waste Management and Urban Settlement

In urban areas, solid waste management is a mandatory task of urban local government as it is significantly a critical issue for urban development. Currently, Dhaka City Corporation is supporting the community based institutions and local NGOs to promulgate the solid waste management programmes especially for waste collection from each house and increasing awareness among the people. [47] Also, twenty *Pourasabhas* along with the four City Corporations have been working with UNICEF for slum improvement by rehabilitating slum people and street hawkers.

5.4.2 Social Forestry

In rural areas, for economic benefits and ecological sustainability, government commenced social forestry programmes in the 1980s and it has brought a great success at the grass-root levels. [48] Additionally, government persuades and instigates tree plantation projects with sharing basis with the poor village people. In the project, government provides land and plants to the poor and landless people who look after these plants until trees are fully grown up with the help of local government bodies. Thereafter, the profit of timbers of mature tress is distributed among the growers and the *Union Council*. The project, however, is environment friendly and helps to build resource among the poor people. It was estimated that from 2000 to 2003, about 23,000 people became benefited from social forestry plantations.[49]

6.   Challenges of Local Government

Despite some positive outcomes of decentralisation initiatives in Bangladesh, successful and authoritative local government system has not yet been developed. Hence, the prospects of local government have become bleak and often debatable in the country. The limitations in some areas are still prevalent considering the underlying broader socio-economic as well as political factors.

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[47]Department of Environment (DOE), Waste Concern and ITN-BUET, *SAARC Workshop on Solid Waste Management*, Dhaka, Bangladesh, October 10-12, 2004.

[48]Nur Muhammed, Masao Koike, Md. Sajjaduzzaman and Kim Sophanarith, "Reckoning Social Forestry in Bangladesh: Policy and Plan versus Implementation" *Forestry*, Vol. 78, No. 4, 2005, pp. 373-383.

[49]*Ibid.*

6.1 Lack of Central and Local linkage

Article 65 of the Bangladesh Constitution states that the elected MPs will not interfere in any activities of *Upazila Council* and if it happens, it would be a destructive and unexpected event for the country.[50] Though in the Constitution, strong hold up of the local government authorities is mentioned, often, they are highly controlled by the central body and this is one of the major impediments in forming decentralised local government system. It is perceived that central government is still formulating the legislations to carry out the elections, review the taxes, allocate budget and execute other important issues of local government. Yet, they are the sole authority to decide the size, formation and composition of the local government. At the district level, absence of synchronisation between local and central levels is so severe that the local bodies have been facing great challenges. In the financial sector, central government is the supreme authority who decides up to what extent they would allocate or reduce grants in a particular local area.[51]

6.2 Village Politics and Inadequate Equal Participation

Article 59 of the Bangladesh Constitution gives emphasis on framing local government bodies with a spokesman to ensure equal participation of grass-root people. However, in actual fact, this principle is not maintained adequately. The findings of Matiur Rahman showed that local government is primarily controlled by the "divisive party politics".[52] The recurrent changes of local government structure are somewhat responsible for this. As an impact of this, the quality and eminence of local candidates significantly vary. Though one of the best ways to ensure greater participation of local people is holding free and fair elections of the local government bodies, in most cases, it does not take place. Sometimes, some of the local people are involved in local level activities based on their assets and good linkages with the local elites. Due to this village

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[50]Badiul Alam Mazumder, "Upazila Parishad: Should Refrain from Suicidal Initiatives", *The Prothom Alo*, 24 January 2009, p.8.
[51]M.M Khan, "Urban Local Governance in Bangladesh: An Overview", in Nazrul Islam and Mohabbat Mohammad Khan (eds.), *Urban Governance in Bangladesh in Pakistan,* Dhaka: Centre for Urban Studies, 1997.
[52]Matiur Rahman, "Econometric Analysis of opinions of Union Parishad Representatives on Local Governance", *Social Science Review,* Vol. 23, No. 2, 2006, pp. 126-135.

politics in the rural areas, greater involvement of people in the local level activities significantly differs. Moreover, in case of *Union Parishad*, many people cannot participate equally, as they do not know the procedures and actions of this particular local institution.

6.3   Gender Discrimination

Article 27 and 28 of Bangladesh Constitution clearly mentioned the equal rights and opportunities for women and men alike. However for women, it is not materialised practically at local level as there is a common view that the laws do not clearly specify the roles and activities of women. Besides, from the local level bodies, women are highly ignored and not given any specific tasks.[53] Even, there are no specific terms of reference and procedures for them to operate the local level activities. Moreover, lack of capabilities of female spokespersons, absence of proper education, narrow scopes to get involved themselves in decision making process, favouritism to male representatives and domination by husbands and extended families are considered as the real obstacles for women to involve actively in the local level activities.

6.4   Corruption

Generally, it is expected that decentralised form of government reduces corruption as it is a good opportunity to monitor and evaluate the tasks of bureaucrats who are entrusted with local institutions.[54] However, in Bangladesh, the locally appointed bodies often hold up the money from taxes and revenues; especially, in the coastal and disaster prone areas, rampant corruption takes place in case of relief distribution.[55] In Municipalities, tax collection system has become very ineffective due to corruption, incapability and inefficiency of collecting high rates of taxes.[56] Therefore, corruption has become a challenge at every stage of

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[53]Asian Development Bank (ADB), *Country Briefing Paper on Women in Bangladesh,* Program Department (West), Division 2, ADB, 2001.

[54] Pranab Bardhan and Dilip Mookherjee, "Corruption and Decentralization of Infrastructure Delivery in Developing Countries", *Economic Journal*, Vol. 116, No. 1, 2006, pp. 107-133.

[55]Transparency International Bangladesh (TIB), *Corruption in Bangladesh: A Household Survey,* Survey Report, Dhaka, Bangladesh, 2005.

[56] Nazrul Islam Chowdhury and M.M Khan, *Resource Mobilization and Urban Governance in Bangladesh*, Centre for Urban Studies, Dhaka, 1997.

decentralised process that entails more uncertainty and negative impacts on local economy.[57] Mostly, the poor people are sufferer of corruption in public health and education sectors.

6.5 Favouritism, Mismanagement and Misuse of Power

Nepotism, mismanagement and misuse of power have been some common features during local level election in the country. Although there is a rule that the elected party cannot nominate candidate, but in practice, all Chairmen and Commissioners are somehow supported by the particular political parties.[58] In 2009 *Upazila Parishad* election, violent activities such as open clashes, acts of revenge, fighting between the supporters, illegal or forceful filling of ballot boxes and harassments of polling agents of the disputed candidates to come into power were evidences as a legacy of the previous times.[59] In many cases, it is perceived that the elected representatives especially the women came into power by unfair means. Some women are empowered who are the relatives of local elite groups. Furthermore, misuse of power by the *Upazila Parishad* Chairmen is very widespread in local areas. Although they are assigned to support the helpless people through Vulnerable Group Development (VGD) and Vulnerable Group Feeding (VGF) cards, widow allowance and old age pension, the resources are not properly disbursed among the villagers. As pointed out by Habib Zafarullah and MY. Akhter, people generally get involved in the unfair means because of political racism, undemocratic attitudes, lack of education and consciousness.[60]

6.6 Constraint of Administrative Reform and Capacity

In case of increasing the accountability of local bodies, administrative reforms are one of the greatest challenges for Bangladesh government. Currently, among the four tiers of local government, only one tier is

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[57] Rene´ Ve´ron and Glyn Williams, "Decentralized Corruption or Corrupt Decentralization? Community Monitoring of Poverty-Alleviation Schemes in Eastern India", *World Development*, Vol. 34, No. 11, 2006, pp. 1922-1941.

[58] Bangladesh Report, 2002, *op.cit*.

[59] MD Shairul Mashreque, "Upazlia Election '09 in the Transitional Period", *The Independent*, available at http://www.theindependent-bd.com/details.php?nid=114988, accessed on 19 June 2012.

[60] Habib Zafarullah and Muhammad Yeahia Akhter, "Military Rule, Civilianization and Electoral Corruption: Pakistan and Bangladesh in Perspective", *Asian Studies Review,* Vol. 25, No. 1, 2001, pp. 73-94.

functional in local areas.[61] However, since the country's independence in 1971, the consecutive administrations have been trying to utilise and operate the local government system preserving their own interests and benefits. As a consequence, the structure of local level body has become fragile. For this weak and deficient administrative structure, it has become difficult for the existing local bodies to perform efficiently to meet the demands of local people.

6.7 Crisis of Funding and Its Inadequate Mobilisation

Equally important factor is that local government cannot run properly due to regular crisis of funds at local level. The funding is generally collected from levy, tolls, government's grants, loans and profits accumulated from properties.[62] Nevertheless, local bodies are not permitted to receive all the resources from the above sources and have to depend on the willingness of central body. The uncertainty about the scope of annual budget generally trims down the strengths of long term local planning process. This also generates poverty and increases economic inequality between urban and rural communities. Often, local bodies cannot mobilise the limited funds at the proper places due to lack of skilled personnel at the local level. As a consequence, the existing financial management system is not run properly by the concerned authorities in the local areas.

7.   Initiatives Need to be Considered

Based on the above concerns and the existing limitations, it can be said that reform of decentralisation in Bangladesh is very essential. The following initiatives need to be considered to make the local body effective:

- Participation of rural people in every stage of local government should be ensured for enhancing local level planning and accomplishment. Because, it is the people who know better about their real needs, wants and demands. To prepare and implement the planning efficiently, central government could maintain good relations with the grass-root people through carrying out the monthly meetings. Also, to work and organise on behalf of the villagers, a core group of community leaders can be selected for each village.

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[61]UNESCAP, 2000, *op.cit.*
[62] Nazrul Islam Chowdhury and M.M Khan, 1997, *op.cit.*

- MPs should refrain themselves from local level activities and avoid conflicts with the local leaders. To make the democratic system more effective, vibrant, and participatory at the grass-root levels, educated persons with great leadership skill should be enhanced.

- To increase budgetary allocation, local government should be given authority to mobilise their own resources. In this regard, transparency and accountability of local authorities should be ensured to address the expenditure in every aspect of budget.

- According to R. Crook and C. Manor, accountability is a central issue to enhance greater participation.[63] To increase the accountability of local officials, a local institution comprised of greater participation of local people needs to be created for raising their voice.

- Local government through decentralisation should be autonomous to lessen the control of Ministry of Local Government. It also needs to be run by the Local Government Commission to make the local body more functional. In this regard, central government should support this Commission on regular basis.

- Women should be empowered so that they can participate in decision making process through development programme. To increase capacity building, some skill-based programmes and management training can be introduced to make the women aware of their rights and responsibilities. Besides, to increase greater participation in decision making process and enhance leadership capabilities, the role of women should be clearly specified. Moreover, equal participation of women can be ensured by distributing the activities between men and women.

- To reduce corruption at the local stage, monitoring and evaluation process should be strengthened. This can be done through formulating policies and procedures for the local level government officials so that they could accomplish this task with greater accountability.

8. Concluding Remarks

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[63]R. Crook and C. Manor, "Democratic Decentralization and Institutional Performance: Four Asian and African Experiences", *Journal of Commonwealth and Comparative Politics*, Vol. 33, No. 3, 1995, pp. 309-34.

It is a matter of fact that central government is the steering wheel of a country. Though in practice, it is difficult for the central authority to ensure development impartially considering all of its citizens. Hence, decentralisation of power and ownership is the possible alternative to ensure overall development of a country. Indeed, for some developing countries, decentraliation is a good path to ensure efficient development process. By contrast, decentralisation is not working well in some countries of Asia, Africa and Latin America because of internal and external challenges. Observing the specific case study on Bangladesh, it can be said that there is no substitute of strong local government for ensuring good governance and peaceful democratic system as it has brought some positive impacts especially on socio-economic sectors. Equally important is that it also has entailed some challenges. However, the concept of decentralisation itself is not a problem. The problem lies how this system is operated by the government. Decentralisation can be a good path only when a country can overcome the challenges from its local context and run its administration properly. Otherwise, it will not work well for the country's overall development.

Mohammad Towheedul Islam

RELEVANCE OF INTERNATIONAL LABOUR MIGRATION FOR CLIMATE ADAPTATION: A PERSPECTIVE FROM BANGLADESH

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Abstract

Global climate change will severely affect many developing countries like Bangladesh. A large number of people are likely to be displaced in Bangladesh in the future due to climatic hazards. Studies predict that such displacements

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will occur mostly in the southern, southwestern, and northwestern parts of Bangladesh. The displaced people are likely to move to other parts of Bangladesh as well as across international borders. Managing such migratory flows is a real challenge for policymakers. Given the limited options for domestic relocation, the paper argues that Bangladesh should look at the international labour market as a possible solution. The paper concludes that to reap the benefits of using short-term labour migration as an adaptation tool, Bangladesh has to design appropriate policies in consultation with competent bodies. Implementation of such policies further requires commitments and help from developed countries and international organisations.

1. Introduction

Bangladesh ranks high among the most climate-vulnerable countries in the world. A major implication of the changing climate will be the displacement of large number of people. A report by the International Organization for Migration (IOM) notes that as many as 40 million people in Bangladesh are likely to be displaced in case of a one-meter rise in sea levels.[64] If other climate-related hazards are taken into account, this number will increase significantly. Displacement due to climate change can result from climatic events such as cyclones and floods, in addition to climatic processes such as sea-level rise (SLR), and is likely to occur in the southern, southwestern, and northwestern parts of Bangladesh.

Historical evidence suggests that this displacement could result in both migration to other parts of Bangladesh and migration across international borders. The pattern of internal displacement takes the form of rural-urban migration, especially to overcrowded major cities such as Dhaka. Given the country's high population density, poor urban infrastructure, and governance, Bangladesh does not have adequate resources, such as housing, to provide the domestic relocation of large number of people. Moreover, climate migration could be seen as a potential national security issue, which may contribute to the deterioration of relations between Bangladesh and its neighbouring countries. Under these circumstances, Bangladesh should look at the international labour market as a possible solution. In fact, the cheap labour provided by migrant workers from the developing countries is in high demand in the international labour market. Bangladesh has been a major exporter of manpower to the Middle East and Southeast Asian labour markets, but still it has many unexplored markets for labour export.

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[64] IOM, *Assessing the Evidence: Environment, Climate Change and Migration in Bangladesh,* Dhaka: IOM Regional Office for South Asia, 2010, p. 6.

With this background, this paper argues that adopting international labour migration as a strategy for climate adaptation would be a positive and timely policy decision. In this endeavour, the paper begins with introductory remarks in the first Section while the second Section attempts to conceptualise international labour migration as an important adaptation strategy. The third Section deals with the vulnerabilities that Bangladesh faces with regard to climate change and displacement, and the fourth Section explores how international labour migration can be linked to increasing climate resilience in Bangladesh. The fifth Section recommends options for policy interventions at multiple levels. Specifically, this Section stresses that, in the context of the demand in the international labour market, the Government of Bangladesh (GOB) can train people living in climate-vulnerable areas to prepare them for these markets. Finally, the paper concludes that by recognising international labour migration as an adaptation tool in the national policy, Bangladesh can channel migratory flows in a more regulated and documented way. This enhanced policy focuses on international labour migration would increase remittance inflow to strengthen the national reserve at the macro-level as well as migrant families' access to more diverse livelihood options and their adaptive capacity at the micro-level.

2. Conceptualising Climate Change and Migration

The conceptual and theoretical development of the issue of climate-induced migration is in a nascent stage. This is partly because the broader issue of environmental migration itself only emerged as a theme of academic discussion, with the seminal work of Jacobson[65], just before the first Rio Earth Summit in 1992. The phenomenon itself, however, is not new. A cursory look at the historical records of migration in many parts of the world indicates that climate change in specific regions has induced migration for centuries. For example, the Dust Bowl migration from the Great Plains to California in the United States (U.S) occurred in the 1930s in the wake of severe droughts.[66] Likewise, people migrated as a result of changes in the climatic conditions in ancient China.[67]

The contemporary literature on climate-induced migration is characterised by two polarised views on the issue. At one extreme, climate-induced migration is considered as a failure of adaptation and perceived as forced migration. At the other extreme, it is considered as an adaptation strategy itself.[68] The debate is

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[65] J.L. Jacobson, *Environmental Refugees: A Yardstick of Habitability*, Worldwatch Paper no: 86, Washington DC.: Worldwatch Institute, 1988.

[66] R. Mcleman, and B. Smit, "Migration as an Adaptation to Climate Change", *Climatic Change*, Vol. 76, No. 1, 2006, pp. 31–53.

[67] B. Smit and Y. Cai, "Climate Change and Agriculture in China", *Global Environmental Change*, Vol. 6, No. 3, 1996, pp. 205-214.

[68] B. Mayer on "Migration as a Sustainable Adaptation Strategy", Paper presented at a Conference on *Climate Vulnerability and Adaptation: Marginal Peoples and*

partially attributed to the fact that the issues that fall under the broad heading of environmental migration are complex.[69] These two views are examined in detail below.

2.1 Climate Change and Forced Migration

The scholars who consider climate-induced migration to be a new kind of forced migration tend to securitise such population movements. They suggest that these migrants are a threat to the stability and prosperity of the developed world. Many scholars including Raleigh and Gleditsch,[70] however, are of the opinion that the causal relationship between migration and problems in the developed world is not supported by adequate evidence.

Contrary to the right-wing view of climate-induced migration and conflict, a group of scholars including B. Docherty, Biermanns and McAdam[71] consider such migration from a more legalistic and right-based approach. These scholars argue that environmentally displaced people should be referred to as "climate refugees" so that they can have certain rights under international refugee law. Some scholars such as Professor T. Siddiqui, however, consider this term inappropriate.[72] They argue that in order to qualify as a refugee, a person must

Environments organised by the Initiative on Climate Adaptation Research and Understanding through the Social Sciences on May 5-8, 2011, Ann Arbor, Michigan.

[69] J. Barnett, and M. Webber, *Accommodating Migration to Promote Adaptation to Climate Change,* Policy Research Working Paper, no. 5270, Washington: The Word Bank, 2010.

[70] C. Raleigh, L. Jordan, and I. Salehyan, *Assessing the Impact of Climate Change on Migration and Conflict* ,Working Paper for Social Dimensions of Climate Change, Washington, DC: The World Bank, 2008; N. Gleditsch, R. Nordas, and I. Saleyhan, "Climate and Conflict: The Migration Link", *Coping with Crisis*, Working Paper Series. Kyoto: International Peace Academy, 2007.

[71] B. Docherty and T. Giannini, "Confronting a Rising Tide: a Proposal for a Convention on Climate Change Refugees", *Harvard Environmental Law Review*, Vol. 33, No. 2, 2009, p. 349; F. Biermann, and I. Boas, "Preparing for a Warmer World: Towards a Global Governance System to Protect Climate Refugees", *Global Environmental Politics*, Vol. 10, No. 1, 2010, pp. 60-88; J. McAdam, and B. Saul, "Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh" in *German Yearbook of International Law*, Sydney Law School Research Paper No 10/113, 2010; J. McAdam, "Swimming against the Tide: Why a Climate Change Displacement Treaty is Not the Answer", *International Refugee Law*, Vol. 23, No. 1, 2011, pp. 2-27.

[72] T. Siddiqui, "Climate Change and Human Security: Migration as an Adaptation Strategy", Paper presented at the *4th Annual Convention of the Consortium of Non-Traditional Security Studies in Asia (NTS-Asia)* organised by NTS-Asia in Singapore on 25-26 Nov. 2010.

cross an international border "owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion"[73].

Similarly, B.Mayer[74] argues that climate-induced migrants are not as easily classified as refugees because establishing environmental or climate changes as direct causes of migration is far more difficult. Environmental causes can be counted only as part of the inducement of migration; other non-climatic variables, such as better economic options in the destination region, may be responsible for such migration. Therefore, determining the causality between economic "pull" and environmental "push" is subjective.[75]

Due to legal constraints, environmental migrants are not protected under any existing international law, and thus such movements are increasingly being associated with threats and fear. The nature of such movements indicates that with the state of knowledge and data on weather-related issues, along with other social indicators, such climate-induced migration can roughly be predicted. Therefore, with careful advanced planning, these flows can be managed and utilised as part of broader adaptation policy, a topic which is discussed in this paper.

2.2 Climate Change and International Labour Migration

The recognition of the nexus between climate change and international labour migration as an adaptation strategy is relatively new. In direct contrast to the view presented above, this conceptualisation calls for orderly migration from vulnerable areas well in advance as opposed to disaster response. This paper argues that such orderly migration should take the form of circular voluntary labour migration from vulnerable countries to more secured countries and regions. By its very nature, such migration should be short to medium term in terms of duration.

Mainstream labour migration theories, however, do not acknowledge this voluntary migration. The neoclassical theory of migration based on equilibrium models, for example, holds that migration is pursued to accumulate economic capital by individuals. Building on the rational actor model, this theory postulates that individuals migrate as a response to higher wages offered somewhere else. Therefore, in this view, migration is mainly caused by labour market disequilibria that produce wage differentials across national boundaries. In the final analysis, migration ensures an optimal distribution of labour and the

[73] Convention relating to the Status of Refugees, 189 U.N.T.S. 150, 28 July 1951, Art. 1(A)2.
[74]B. Mayer, 2011, *op. cit*.
[75] O. Brown, *Migration and Climate Change*, IOM Migration Research Series, no: 31., Geneva: IOM, 2008.

efficient allocation of resources across the international market benefiting both the sending and the destination countries.[76] Adherents of this theory do not recognise any other causal variables present in the decision to migrate, as they assume that individuals make the migration decision only when their perceived economic benefits exceeds their perceived economic costs of migration.[77]

In sharp contrast to this position, structural theorists argue that migration decision is embedded in the political, social, and economic forces at work at the local, national, and international levels. Therefore, migration reinforces the dependency of peripheral countries on core countries.[78] One of the salient features of this approach is that it recognises that other forces are at work and these forces influence the migration decision, such as poverty, landlessness, and the lack of educational, cultural, and institutional services in labour-exporting countries.[79] It is important to note that these structural factors can be exacerbated by climatic changes in a given area, especially in the developing countries. As a result, people tend to migrate to the developed world. For example, in a study of a village in Thailand, Rigg found that environmental effects on crop yields, limited land, and droughts did play important roles in migrant's decision to go abroad.[80]

This structural hypothesis, however, fails to consider the increasingly important role played by remittances in creating social resilience in sending countries. Such an insight is provided by the new economics of labour migration. This approach holds that migration is not a decision of an individual; rather, it is

[76] M.P. Todaro, *International Migration in Developing Countries: A Review of Theory, Evidence, Methodology and Research Priorities*, A WEP Study, Geneva: International Labour Office, 1976; M.P. Todaro, "A model of labour migration and urban unemployment in less developed countries", *The American Economic Review*, Vol. 59, 1969, pp. 138-148; D. S. Massey, "An evaluation of international migration theory: The north Mexican case", *Population and Development Review*, Vol. 20, No. 4. Dec. 1994; D.S. Massey, "Theories of international migration: a review and appraisal", *Population and Development Review*, Vol. 19, No. 3, September 1993.
[77] S. Castles, and M. J. Miller, *The Age of Migration: International Population Movements in the Modern World*, New York: The Guilford Press, 1998.
[78] A. Portes, and J. Walton, *Labour, Class and the International System*, New York: Academic Press, 1981; D. S. Massey, J. Arango, G. Hugo, A. Kouaouci, A. Pellegrino and J. E. Taylor, *World in motion: Understanding international migration at the end of the millennium*, New York: Oxford University Press, 1998; Massey, "An evaluation of international migration theory", 1994, *op.cit.*; Massey, "Theories of international migration", 1993, *op. cit.*.
[79] M. Rahman, "Emigration and Development: The Case of a Bangladeshi Village", *International Migration*, Vol. 38, No. 4, 2000, pp. 109-130.
[80] J. Rigg, *International contract labour migration and the village economy: The case of Tambon Don Han, North-Eastern Thailand*, Papers of the East-West Population Institute, no. 112, Honolulu: East-West Center, 1989.

a decision made by families. According to these theorists, the motivation for migration comes from the desire to diversify family income and thereby reduces exposure to risk.[81] In other words, migration is a result of market failures outside the labour market. It stresses the role of remittances sent by family members from diverse geographic locations in minimizing the risk for that family's household to economic uncertainties.[82] A study conducted by Adger and his colleagues found that the remittances contributed significantly to enhancing the social resilience of vulnerable coastal communities in Vietnam by increasing the human, social, and economic capital of the migrant families.[83]

The combination of the basic tenets of the structural approach and the new economics of labour migration provide helpful insights into our understanding of how international labour migration can be used as an adaptation strategy to increase the resilience of the community concerned. In fact, migration has the potential to increase both household and community-level adaptation by addressing the drivers of socio-economic vulnerability, managing climate risk, and building social capacity. The following Table shows how migration can contribute to adaptation at various levels.

Table 1: Nexus between International Labour Migration and Adaptation

Addressing drivers of vulnerability	Managing climate risk	Building social capacity for response
International labour migration reduces key socio-economic vulnerability through poverty reduction and livelihood diversification.	By targeting area-specific, climate-proofing infrastructure such as housing and drip irrigation, international labour migration can help to make households and communities resilient to floods, cyclones, droughts, etc.	International labour migration facilitates creation of community-based organisations and work as an important source of financial resources for community-level adaptation initiatives.
Household level --Community level		

Source: Prepared following H. McGray *et al.'s* schematic diagram on adaptation and Development, 2007.[84]

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[81] O. Stark, and D. E. Bloom, "The New Economics of Labour Migration", *American Economic* Review, Vol. 75, No. 2, 1985, pp.173-178; R. Skeldon, *Migration and development: A global perspective*, England: Longman, 1997; Massey *et al.* "*World in Motion",* 1998, *op. cit.*

[82] O. Stark, *The Migration of Labor*, Cambridge: Basil Blackwell, 1991.

[83] W. Adger, P. Kelly, A. Winkels, L. Huy, and C. Locke, "Migration, Remittances, Livelihood Trajectories, and Social Resilience", *Ambio*, Vol. 31, No. 4, 2002, pp. 358-66.

[84] H. McGray, A. Hammill, and R. Bradley, *Weathering the Storm, Options for Framing Adaptation and Development*., Washington: World Resources Institute, 2007.

3. Climate Vulnerability and Migration: The Context of Bangladesh

Situated in the low-lying Ganges-Brahmaputra River Delta, Bangladesh is one of the most climate-vulnerable countries in the world.[85] It is particularly vulnerable to droughts, flooding, sea-level rise, cyclones, and storm surges. Many scholars project that as many as 40 million Bangladeshis will migrate due to these climatic changes, though no scientifically proven estimates are available.[86]

This section attempts to assess Bangladesh's socio-physical vulnerability to climate change and its associated impacts on migration by dividing the factors associated with this susceptibility into two categories, climatic and non-climatic variables. Climatic variables are further divided into *climatic processes* and *climatic events*[87].

The term *climatic processes* refers to the slow changes in climatic patterns that induce human movement from an area over a long period of time, such as SLR, coastal erosion, salt water intrusion, rising temperature, changing rainfall patterns, and droughts. Since these slow processes make an area uninhabitable, human migration from the areas concerned will be largely permanent in nature. In contrast, the term *climatic events* refers to sudden and dramatic climatic hazards such as floods and cyclones. These events displace people suddenly, and the displaced often return to their homes after a certain period of time. Therefore, human movements triggered by such sudden-onset events tend to be temporary in nature. Unlike climatic variables, non-climatic variables are primarily socio-economic factors that determine vulnerability.

3.1 Climatic Processes

The climatic processes to which Bangladesh is seriously vulnerable includes SLR, coastal erosion, salt water intrusion, and droughts, among others. Annex 1 shows the different climate vulnerabilities in Bangladesh. These processes in the context of their impacts on human movements are discussed below.

SLR is regarded as one of the most critical climatic processes that could impact Bangladesh severely engulfing 17.5 per cent of its total landmass in case

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[85] Intergovernmental Panel on Climate Change (IPCC), 2001, *Climate Change 2001 — Impacts, Adaptation and Vulnerability*, Working Group II contribution to the Third Assessment Report of the IPCC, p. 578, available at http://www.grida.no/climate/ipcc_tar/wg2/pdf/wg2TARchap11.pdf, accessed on 29 July, 2011; GOB, *Bangladesh Climate Change Strategy and Action Plan 2008*, Ministry of Environment and Forests, Dhaka, 2008.

[86] IOM, *Assessing the Evidence: Environment, Climate Change and Migration in Bangladesh, 2010*, *op. cit.*

[87] O. Brown, 2008, *op. cit.*

of a one-meter rise.[88] However, a conservative estimate of the 4th Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) predicts that the sea level will rise by 79 cm by the end of the 21st century[89] and Bangladesh will be severely affected. Since the coastal areas vulnerable to SLR are densely populated, estimates suggest that 13 million to 40 million people could be displaced. Moreover, SLR is also projected to have a secondary impact on other climatic processes and events. For example, a greater mean SLR would exacerbate salinity intrusion into the freshwater supply of the coastal areas[90]and would intensify storm surges during cyclones[91].

Bangladesh also experiences seasonal droughts often leading to *Monga* – seasonal hunger caused by unemployment in dry season because of low yields – in the northwestern region.[92] The rainfall in this region is approximately half of the national average (1240 mm/year) with a recent trend (from 1978 to 1990) of increasing temperatures (0.05°C/year) and shorter monsoons.[93] Experts expect rising temperatures caused by climate change further reduce rainfall and aggravate droughts in these areas, causing declines in agricultural production and hardship to the poor. For example, by the IPCC's projection, the production of rice and wheat would decrease by as much as 8 per cent and 32 per cent, respectively, in next forty years.[94]

Reduced food production would increase migration from the drought-prone areas. Such a causal link is supported by S. F. Feng and his colleagues.[95] In their

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[88] IPCC, *Second Assessment Report: Climate Change 1995*, available at http://www.ipcc.ch/pdf/climate-changes-1995/ipcc-2nd-assessment/2nd-assessment-en.pdf, accessed on 29 July 2011, p.8.

[89] IPCC, *Climate Change 2007 — Impact, Adaptation and Vulnerability,* Working Group II contribution to the Fourth Assessment Report of the IPCC, available at http://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4-wg2-chapter6.pdf, 2007, accessed on 29 July 2011.

[90] IPCC*, Climate Change 2007 — The Physical Science Basis*, Working Group I contribution to the Fourth Assessment Report of the IPCC, Cambridge University Press, UK, 2007, available at http://www.ipcc.ch/publications_and_data/ publications_ipcc_ fourth_assessment_report_wg1_report_the_physical_science_basis.htm , accessed on 29 July 2011.

[91] S. Agrawala, T. Ota, , A.U. Ahmed, J. Smith, M.V. Aalst, *Development and Climate Change in Bangladesh: Focus on Coastal Flooding and the Sundarbans*, France: OECD, 2003.

[92] GOB, *Bangladesh Climate Change Strategy and Action Plan,* 2008, *op. cit.*

[93] M. Rahman, "Emigration and Development", 2000, *op cit.*

[94] IPCC, *Climate Change 2007- Impact, Adaptation and Vulnerability*, *op. cit,* pp. 273-313.

[95] S. F. Feng, A. B. Krueger, and M. Oppenheimer, "Linkages among climate change, crop yields and Mexico-US cross-border migration", *Proceedings of the National Academy of Science*, Vol. 107, No. 32, 2010, pp. 14257-14262.

study, they found a significant effect of poor crop yields caused by climate change on the rate of emigration from Mexico to the U.S. Professor Richard Black and his colleagues[96] predict that the decline in agricultural production in drought-prone areas would act as a significant push factor for rural-urban migration as well as international migration from northwestern Bangladesh. A study on the slums in Dhaka, the capital of Bangladesh, has found that Rangpur, a district in the drought-prone region, was one of the top five districts of origin, representing the origin of 4.6 per cent of the slum dwellers.[97]

3.2 Climatic Events

Floods are one of the top climatic events that have serious implications for human displacement in Bangladesh. The three largest rivers in Bangladesh – the Brahmaputra, the Ganges, and the Meghna – combine to discharge as much as 180,000 m^3/s (the second greatest discharge in the world after the Amazon) during the monsoon.[98] This enormous volume of discharge is a clear indication that Bangladesh is highly vulnerable to annual monsoon flooding.

T. Akter[99] found that the frequency of major flood occurrences has gone up since 1990. The IPCC [100] acknowledges that severe and recurrent floods in Bangladesh in recent times are an example of observed climate anomalies. Moreover, estimates suggest that eastern India and Bangladesh will receive as much as 20 per cent more rain by 2050.[101] Generally, a quarter of the country is inundated with flooding in an average year, while once every 4–5 years the country experiences severe flooding. For example, two severe floods – in 1988 and 1999 – inundated more than 60 per cent of the country and caused 2,000–6,500 and 1,100 deaths, respectively, displacing 45 million and 30 million people, in that order.[102] Therefore, floods have been a major driver of migration for many Bangladeshis. Another study has also confirmed that floods play an important

[96] R. Black, D. Kniveton, R. Skeldon, D. Coppard, A. Murata, and K. Schmidt-Verkerk, *Demographics and Climate Change: Future Trends And their Policy Implications for Migration*, Working Paper, no. T-27. Brighton: Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, 2008.

[97] Centre for Urban Studies, *Slums of Urban Bangladesh: Mapping and Census 2005*, Dhaka: CUS, 2006, available at http://www.cpc.unc.edu/measure/publications/pdf/tr-06-35.pdf, accessed on 31 July 2011.

[98] GOB, *Bangladesh Climate Change Strategy and Action Plan, 2008, op. cit.*

[99] T. Akter, *Climate Change and Flow of Environmental Displacement in Bangladesh* Dhaka: Unnayan Onneshan-The Innovators, 2009.

[100] IPCC, *Climate Change 2007- Impact, Adaptation and Vulnerability, op. cit.*

[101] J. Houghton, *Global Warming: The Complete Briefing*, Cambridge: Cambridge University Press. Cited in O. Brown, *Migration and Climate Change*, 2008, *op. cit.*

[102] GOB, *Bangladesh Climate Change Strategy and Action Plan, 2008, op. cit.*

role in the decision of people to migrate (especially rural-urban migration), as affected people want to replenish asset values damaged by floods.[103]

If the IPCC's prediction holds true and the intensity of tropical cyclones does increase due to changes in climatic processes, the effects on Bangladesh will be concerning. Data shows that on an average, tropical cyclones strike Bangladesh every three years.[104] T. Akter reported that since the 1990s, Bangladesh has experienced an increase in the frequency and intensity of tropical cyclones that hit the country[105]; Cyclone Sidr (2007) and Cyclone Gorky (1991) are examples of super cyclones. Coupled with high winds and storm surges of up to seven meters, these tropical cyclones cause extensive damage to houses, lives, and livelihoods. Therefore, cyclones are considered as a major driver of mass displacement. The most recent cyclone, *Aila*, affected 3.9 million people and displaced 76,478 families in the two worst-affected districts alone, and it increased seasonal out-migration from the affected areas significantly.[106]

3.3   Non-Climatic Variables

Socio-economic conditions of society have a strong bearing on the determination of its vulnerability to climate change. The IPCC[107] noted that the lack of adaptive capacity is often as important as physical exposure and creates hotspots of human vulnerability. O. Brown[108] rightly commented that natural hazards become natural disasters when society lacks the resources to fight it. For example, in 1991 *Cyclone Gorky* struck Bangladesh with wind speeds of 260 kilometers per hour, killed 138,000 people, and rendered 10 million people homeless, while in 1992 a much stronger storm, Hurricane Andrew, with wind speeds of 280 kilometers per hour, hit parts of the U.S., causing damage of US$43 billion but only 65 deaths. This example clearly indicates that the adaptive capacity of Bangladesh is far weaker than that of the U.S., in part because of Bangladesh's socio-economic issues and poor infrastructure.

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[103] I. Rayhan, and U. Grote "Coping with Floods: does rural-urban migration play any role for survival in rural Bangladesh", *Journal of Identity and Migration Studies,* Vol.1, No. 2, 2007, pp. 82-98.

[104] GOB, *Bangladesh Climate Change Strategy and Action Plan,* 2008, *op. cit.*

[105] T. Akter, 2009, *op. cit.*

[106] IOM, *Assessing the Evidence: Environment, Climate Change and Migration in Bangladesh* , 2010, *op. cit.,* p. 12.

[107] IPCC, *Climate Change 2007- Impact, Adaptation and Vulnerability*, *op. cit.*

[108] O. Brown, 2008, *op. cit.,* p. 18.

Though in recent years, Bangladesh's score on the Human Development Index has slightly improved from .347 to .547, poverty is still prevalent in the country, with 40 per cent (estimated) of its people living below the poverty line.[109] More importantly, the southwestern and northwestern regions of the country, which are the most vulnerable to climate hazards, have poverty rates higher than the national average. For example, the areas of Barisal and Khulna districts, which are vulnerable to SLR and cyclones, have poverty rates of 52 per cent and 46 per cent, respectively, while in Rajshahi, the district which is the most vulnerable to droughts and the rate is 51 per cent.[110] Faced with the hydra-headed problems of climate change and socio-economic vulnerabilities, the poor and distressed are likely to migrate from these regions to the areas that they perceive would provide them with better livelihood options.[111] These migrants usually move to the urban centers, especially Dhaka and Chittagong, two of Bangladesh's major cities.

Though Bangladesh's economy still remains primarily agrarian, the overall annual urban growth rate is 2.5 per cent. This rate of urban growth is significantly higher than the 1.4-per cent population growth rate of the country. Historically, disaster-induced rural-urban migration has created pressures on the urban centers in Bangladesh.[112] Thus, unplanned rural-urban migration led to *slumisation* instead of the urbanisation of major cities.[113]

Due to the diminishing capacity of the country's urban centers to absorb more migrants, many commentators including Dupont and Pearman opine that future migrants could move to neighbouring countries such as India where they have existing cultural or ethnic ties.[114] However, future climate-induced migration from Bangladesh is increasingly being seen as a national security

[109] Central Intelligence Agency (CIA), *The World Fact Book*, available at https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html, accessed on 2nd August 2011.
[110] Bangladesh Bureau of Statistics (BBS), Statistical Year Book, 2007. Dhaka: BBS, 2007.
[111] IOM, *Assessing the Evidence: Environment, Climate Change and Migration in Bangladesh*, 2010, *op. cit.*
[112] Asian Development Bank (ADB) Proposed Loan and Technical Assistance Grant to People's Republic of Bangladesh: Emergency Disaster Damage Rehabilitation (Sector) Project, Report and Recommendations of the President to the Board of Directors, Manila, 2008.
[113] A. Barakat, "Urbanization and Internal Migration in Bangladesh: The Onset of Massive Slumization", in CR Abrar and MP Lama (eds.), *Displacement within Homelands: The IDPs of Bangladesh and the Region*, Dhaka: Refugee and Migratory Movements Research Unit (RMMRU), 2003.
[114] A. Dupont, and G. Pearman, *Heating up the planet: Climate change and security*, Lowry Institute Paper no: 12, Sydney: Lowry Institute for International Policy, 2006, p. 59.

threat to India by the Indian policymakers and security experts. It is evident from the fact that India has undertaken a mega-project of constructing a 4,000-km-long steel fence along the Indo-Bangladesh border.[115] Therefore, it can be argued that climate-induced migration is a daunting policy challenge for Bangladesh and needs adequate policy intervention to manage and regulate the flow. However, the National Adaptation Programmes of Action (NAPA) submitted by Bangladesh to the United Nations Framework Convention on Climate Change has not given any concrete direction for dealing with this challenge. With this background information, this paper argues that with a proper policy initiative, such as international labour migration from Bangladesh can be integrated into climate adaptation policy to address the challenge.

4. International Labor Migration and Climate Resilience in Bangladesh

Many scholars including Barnett, Mayer, and Siddiqui [116] argue that international labour migration can play a vital role as an important adaptive strategy in the context of climate change. Mayer opines that "conceived as adaptation, migration is not forced, but voluntary; it is not reactive, but preventive; it is not precipitated, but anticipated; it is not 'inflicted' on public authorities, but decided and organised by them or, at least, with them, with the aim of reaching a mutually beneficial programme. Like other adaptation strategies, migration may be a way for a community to cope with a change in environmental conditions"[117]. However, to make it a viable option for the people vulnerable to climate change, a coordinated programme among various stakeholders, i.e., the country of origin, the country of destination, and international organisations, is imperative. This Section discusses the relevance of using international labour migration as a climate-adaptive strategy for Bangladesh.

4.1   International Labour Migration and Development in Bangladesh

Bangladesh has been a major labour-sending country for more than three decades. Short-term contract migration is the dominant form of population movement from Bangladesh. The major drivers of migration from Bangladesh are limited access to natural resources, ecological vulnerability, differential employment opportunities and political insatiability. [118] For Bangladesh, the

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[115] R. Prasad, "India builds a 2,500 mile barrier to rival the Great Wall of China", *Times Online*, UK, 28 December 2005, available at http://www.timesonline.co.uk/tol/news /world/asia/article782933.ece, accessed on 15 August 2011.

[116] Barnett *et. al*, 2010, *op. cit.,*; Mayer, 2011, *op. cit*; T. Siddiqui, *Climate Change and Human Security, op. cit.* 2010.

[117] Mayer, 2011, *Ibid, p. 6.*

[118] R. Black, D. Kniveton, R. Skeldon, D. Coppard, A. Murata, and K. Schmidt-Verkerk, *Demographics and Climate Change: Future Trends And their Policy Implications for*

Middle East and Southeast Asian countries have become the top destination countries for such contract migration since the mid-1970s. The data of the Bureau of Manpower and Employment Training (BMET) shows that Saudi Arabia, United Arab Emirates, Malaysia, Kuwait, Oman, Singapore, and Bahrain employed 37 per cent, 26 per cent, 10 per cent, 7 per cent, 6 per cent, 4 per cent, and 3 per cent, respectively, of the total number of Bangladeshi migrant workers from 1976 to 2010 (Figure: 1).

BMET data further shows that more than seven million Bangladeshis went abroad for employment (See Annex 2). Each year approximately four to five million new Bangladeshis go overseas as migrant workers.[119] Contrary to the mainstream notion that the poor do not migrate because of high migration cost, T. Siddiqui's case study[120] found that in Bangladesh, poor people can migrate by taking advantage of social networks abroad. It is important to note that a significant portion of these migrants are semi-skilled and unskilled workers accounting for 14.59 per cent and 52.63 per cent, respectively, of the total labour going abroad during this period (see Annex 2). The number of female migrants historically has been low due to social stigma and policy constraints. Recently, however, the government has revised its policy to facilitate the migration of women. At present, the demand for Bangladeshi female migrants is on the rise as evidenced by Saudi Arabia's interests in hiring Bangladeshi female migrants for domestic help.[121]

Figure: 1 Country-wise Overseas Employment (Major Countries) from 1976 to 2010

Migration, Working Paper, no. T-27. Brighton: Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, 2008.

[119] T. Siddiqui, *Climate Change and Human Security,* 2010, *op. cit.*

[120] T. Siddiqui on "*Migration as a livelihood strategy of the poor: The Bangladesh case*", Paper presented at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, organised by RMMRU and UK Department for International Development, Dhaka, 22–24 June 2003.

[121] *The Daily Star,* "KSA to resume hiring workers after 3 years", available at http://www.thedailystar.net/newDesign/news-details.php?nid=180657, accessed on 29 July 2011.
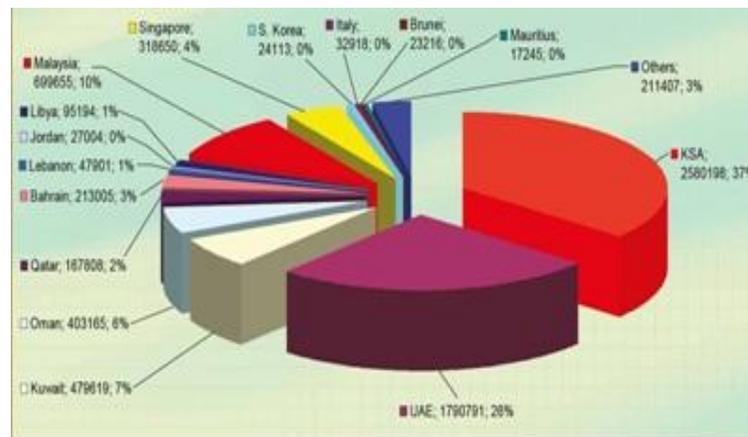
Source: BMET, 2010.[122]

The contributions of international labour migration to both livelihoods and the national economy of Bangladesh are considerable, with US$10.7 billion inflow of remittance in 2009. This amount is significant for a developing country like Bangladesh because it was equal to 56.1 per cent of the total export earnings of the country.[123] Remittance inflows have helped Bangladesh to combat unemployment and reduce poverty by 6 per cent.[124] "Empirical data suggest that out-migration has kept the unemployment rate virtually unchanged since the 1980s, even though the labour force growth is almost twice that of population growth. The continuous outflow of people of working-age and the accompanying inflow of remittances has played a major role in keeping the unemployment rate stable"[125].

Remittance inflows have also helped to reduce the country's dependency on foreign aid, improved the balance of payment, and helped to increase national savings.[126] Currently, total remittance inflow is four times more than overseas development assistance and nine times more than foreign direct investment.[127] Figure 2 shows that remittance inflows have been on the rise for decades and have increased at an annual rate of 10 per cent for the past 25 years.[128] An

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[122] BMET Online Database, 2010, available at http://www.bmet.org.bd, accessed on 2nd August 2011.

[123] T. Siddiqui, *Climate Change and Human Security,* 2010, *op. cit.*

[124] World Bank, *Global Economic Prospects' (GEP)*, Washington: World Bank, 2006.

[125] S. M. Aminuzzaman, *Migration of Skilled Nurses from Bangladesh: An Exploratory Study*, Dhaka: RMMRU, University of Dhaka, 2007, p. 10.

[126] M.G. Quibria, "Migrant Workers and Remittances: Issues for Asian Developing Countries", *Asian Development Review*, 4. No. 1, 1986. pp. 78-99.

[127] T. Siddiqui, *Climate Change and Human Security,* 2010, *op. cit.*.

[128] T. Siddiqui, "*Migration as a livelihood strategy of the poor*", 2003, *op. cit.*

analysis of per capita inflow of remittances shows that Bangladesh's per capita remittance flow is 33 per cent higher than that of India, the highest remittance-receiving country in the world.[129]

Figure: 2   Year-wise Remittances Earned from 1976 to 2010 in Million US$
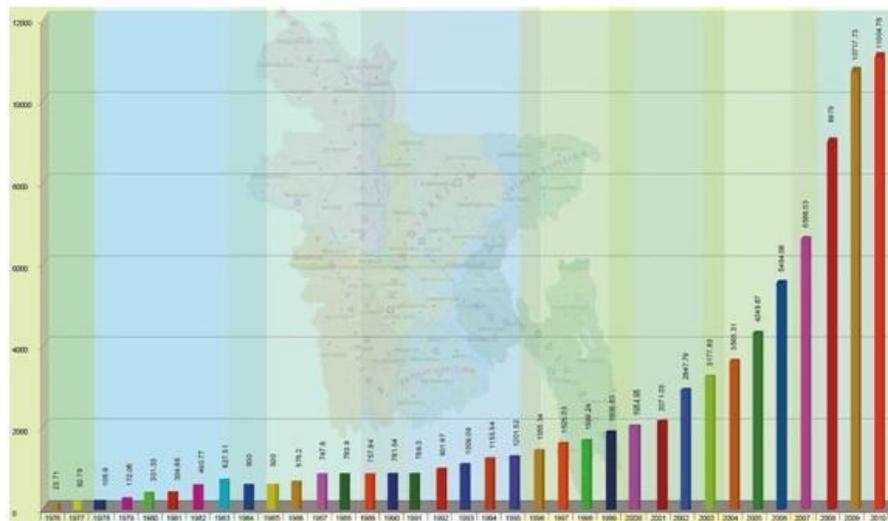
Source: BMET, 2010.[130]

This discussion suggests that international labour migration has played a vital role in the development of Bangladesh. In fact, Bangladesh has the potential to expand its share of world migration. For example, with proper training and policy, Bangladesh can supply nurses abroad to cater to the need in the healthcare sector in the developed world where the aging population is on the rise.[131] Countries in the developed world are creating flexible visa regimes for healthcare workers. Canada has introduced a new programme called the Canadian Live-In Caregiver Programme (LCP) to bring migrant workers to meet the growing demand for nurses.[132]

4.2 The Crucial Nexus: International Labour Migration and Climate Resilience

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[129]RMMRU, *Migration, Remittances and Development*, Policy Brief 4; Dhaka: RMMRU, 2008.

[130] BMET, 2010, *op. cit.*

[131] Aminuzamman, 2007, *op. cit*.

[132] IOM, *World Migration Report 2010: The Future for Migration Building Capacities for Change*. Geneva: IOM, 2010.

Migration is a proven strategy for many developing countries including Bangladesh. This section argues that with the proper coordination and policy measures, international labour migration can improve the climate resilience of vulnerable people in Bangladesh. Here, in line with the United Nations International Strategy for Disaster Reduction, 2009, climate resilience is defined as *the ability of a system or society to withstand and absorb, accommodate to and recover from the effects of a climate hazard in a timely and efficient manner through maintaining sustained access to livelihood, shelter, and natural resources*. Climate resilience of a society is determined by a number of properties: financial resources, governance, information, social resources, infrastructure and technology.[133] International labour migration can positively influence many of these determinants of climate resilience in Bangladesh.

4.2.1 Financial Resources

Financial resources are necessary to cover adaptation costs and withstand shocks and disasters. The importance of financial measures is also underscored by the McKinsey report[134] titled '*Shaping climate-resilient development*. "A Framework for Decision-making." This report clearly identified that "cash reserve" and "contingent capital" is among the most cost-effective measures to increase flood-related adaptation in Guyana. Experience suggests that this also holds true for Bangladesh because climate-affected Bangladeshis do not have access to financial resources in the aftermath of climate-related disasters.

Remittance inflow can contribute to the "cash reserve" and "contingent capital." In the aftermath of the Asian Tsunami in 2004, the remittance inflow to Indonesia increased significantly to ensure adequate financial resources for the affected households. Moreover, remittances play a vital role in facilitating the household consumption of basic needs such as food across seasons.[135] In the context of Bangladesh, during *Monga* (the famine season in the drought-prone areas) and in the post-disaster period, remittance flows can ensure food security

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[133] W.N. Adger, S. Agrawala, M. Mirza, C. Conde, K. O'Brien, J. Pulhin, R. Pulwarty, B. Smit, and K. Takahashi, Assessment of adaptation practices, options, constraints and capacity, in IPCC, "*Climate Change 2007 — Impact, Adaptation and Vulnerability*", *op. cit.*

[134] Climate Works Foundation, Global Environment Facility, European Commission, Mckinsey and Company, The Rockefeller Foundation, Standard Chartered Bank and Swiss Re, 2009, Economics of Climate Adaptation, "Shaping Climate-resilient Development. A Framework for Decision-making", *Report of the Economics of Climate Adaptation Working Group*, available at: http://www.mckinsey.com/App_Media/ Reports/SSO/ECA%20%20%20Shaping%20Climate%20Resilent%20Development%20 %20%20Report%20Only.pdf, accessed on 7 August 2011.

[135] J. Barnett, and N. Chamberlai, "Migration as Climate Change Adaptation: Implications for the Pacific", in Bruce Burson (ed.), *Climate Change and Migration: South Pacific Perspectives*, Wellington: Institute of Policy Studies, 2010.

to the families. In a study, M. Erza[136] shows that families with remittance income do better during livelihood crises than those who do not have access to such income flows. Therefore, many experts argue that income diversification through remittances will be regarded as an important element of the adaptation to slow-onset climate change.[137]

Through remittance transfer from abroad, migrant families can further augment their income and financial wealth. A study by R. Brown and his colleagues[138] found that families in Tongo and Fiji who receive remittances score higher on the wealth index than the families that do not. In both cases, the families without remittance income score negatively on the wealth index. Similarly in Bangladesh, remittance inflows contribute substantially to the household's wealth. Studies found that Bangladeshi migrant workers remit as much as 80 per cent of their income at home.[139] A meta-analysis done by IOM[140] on the use of remittance in Bangladesh found that families who receive remittance use as much as 40 per cent of the total amount of remittances to purchase of lands and 7 per cent for savings (Table 2). These uses of remittances certainly help families to augment wealth that can be utilised for climate adaptation. O. Brown[141] argues that wealth – be it national or individual – has a strong bearing on the adaptation capacity of the society because it enables better disaster risk reduction, disaster education, and speedier responses. For instance, natural disasters between 1994 and 2003 killed an average of 44 people per event in countries with high human development, while 300 people per event were killed in the countries with low human development.

Table 2: Uses of Remittances by Families of Labour Migrants in Bangladesh

Purpose	Percentage of received remittances
Food and clothing	20-36
Purchase of land	3-40

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[136] M. Erza, "Demographic responses to environmental stress in the drought-and famine prone areas of Northern Ethiopia" *International Journal of Population Geography,* Vol. 7, 2001, pp. 259-279.

[137] C. Tacoli, "Crisis or adaptation? Migration and climate change in a context of high mobility", *Environment and Urbanization*, Vol. 21, No. 2, 2009, pp. 513–525.

[138] R. Brown, and G. Leeves, *Impacts of International Migration and Remittances on Source Country Household Incomes in Small Island States; Fiji and Tonga*, Working Papers 07-13, Agricultural and Development Economics Division of the Food and Agriculture Organization of the United Nations (FAO - ESA), 2007.

[139] K.A.S. Murshid, K. Iqbal, and M. Ahmed, *A Study on Remittance Inflows and Utilization,* Dhaka: IOM, Regional Office for South Asia, 2002.

[140] T. Bruyn and U. Kuddus, *Dynamics of Remittance Utilization in Bangladesh,* No. 18, Dhaka: IOM, Regional Office for South Asia, 2005.

[141] O. Brown, 2008, *op. cit.*

Home construction and repair	2-30
Repay loans	10-19
Marriage and ceremonies	0-10
Education	0-5
Savings	3-7
Funding other people's migration	0-7
Investment in business	0-5
Health care	0-4

Source: T. Bruyn and U. Kuddus, 2005, *op. cit.*

Furthermore, migrant families can access microcredits and other loans to facilitate their adaptation financing at the household level using remittances as payments. Colombia, for instance, is facilitating such a project. This is, however, not to suggest that financial resources accumulated through labour migration automatically go to increase climate resilience. A need exists for coordinated policy, including region-specific programmes, to develop better adaptation options for households and communities and to encourage households to utilise the financial resources at their disposal accordingly.

4.2.2 Infrastructural Determinant

Environmental hazards, in general, have severe impacts on the infrastructure of affected areas in Bangladesh. *Cyclone Sidr*, for instance, destroyed houses worth more than US$800 million in 2007.[142] This figure represents 80 per cent of the total infrastructural loss (Table 3). The massive effect on housing results from the fact that most houses are not solidly constructed and hence are vulnerable to floods and storms. Bangladesh Census data from 2001 shows that in Barguna, a district hit hard by the Cyclone, 99 per cent of the houses are not brick-built; the majority of them are *kutcha* houses made of clay or bamboo.[143] One of the key adaptation strategies for these regions is to change the housing pattern, i.e., build more brick-built houses or storm- and flood-resistant houses.

As the IOM study[144] shows, one of the main areas of remittance use in Bangladesh is the construction and repair of houses. The families spend as much as 30 per cent of their remittance income to ensure their shelter security. Similar findings are also available from other developing countries, as evident by a study

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[142]GOB, *Cyclone Sidr in Bangladesh Damage, Loss and Needs Assessment For Disaster Recovery and Reconstruction*, Dhaka: GOB, 2008.

[143] BBS, *Barguna zila at a glance*, available at http://www.bbs.gov.bd/ WebTestApplication/userfiles/Image/Wing/Census%20Wing/Zila%20Series/barguna.pdf accessed on 30 June 2011.

[144] Tom and Umbareen, 2005, *op. cit.*

in a Vietnamese village.[145] In that study, the researchers ranked the perceived importance of remittance expenditure and contribution to capital assets, and construction/infrastructure ranked fourth out of seven categories. Likewise, infrastructural developments in the agriculture sector can enhance the adaptation capacity of a community in drought-prone areas of Bangladesh. The McKinsey Report mentioned above found that drip-irrigation in the drought-prone region of Maharashtra, India, could significantly increase the adaptive capacity of the affected people at a very low cost. The same methods can also be replicated in drought-prone areas of Bangladesh.

Remittance utilisation analysis also shows that one of the basic reasons for purchasing land is to increase household agricultural output.[146] A similar trend was also observed by W. Adger and his colleagues. Income diversification of the household facilitated by remittances acts as a safety net for farmers to take the risks inherent in shifting from long-held agriculture practices to more climate resilient agricultural practices.[147] Therefore, it can be argued that remittances sent by labour migrants can be utilised for agricultural adaptation, provided that relevant supporting policies exist at the national and community levels.

Table 3:   Damages by Cyclone Sidr, 2007

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[145] W. Adger, P. Kelly, A. Winkels, L. Huy, and C. Locke, "Migration, Remittances, Livelihood Trajectories, and Social Resilience", *Ambio*, Vol. 31, No. 4, 2002, pp. 358-66.
[146] Tom and Umbareen, 2005, *op. cit.*
[147] Tacoli, 2009, *op. cit.*

Sector	Sub-Sector	Disaster Effects (BDT Million)			Disaster Effects (US$ Million)		
		Damage	Losses	Total	Damage	Losses	Total
Infrastructure		71,064	2,130	73,194	1,029.9	30.9	1,060.8
	Housing	57,915	—	57,915	839.3	—	839.3
	Transport	8,006	1,725	9,731	116.0	25.0	141.0
	Electricity	576	359	935	8.3	5.2	13.6
	Water and Sanitation	157	46	203	2.3	0.7	2.9
	Urban and Municipal	1,696	—	1,696	24.6	—	24.6
	Water Resource Control	4,918	—	4,918	71.3	—	71.3
Social Sectors		4,482	1,453	5,934	65.0	21.1	86.0
	Health and Nutrition	169	1,038	1,206	2.4	15.0	17.5
	Education	4,313	415	4,728	62.5	6.0	68.5
Productive Sectors		1,734	32,083	33,817	25.1	465.0	490.1
	Agriculture	1,472	28,725	30,197	21.3	416.3	437.6
	Industry	262	2,035	2,297	3.8	29.5	33.3
	Commerce	—	1,258	1,258	—	18.2	18.2
	Tourism	—	65	65	—	0.9	0.9
Cross-Cutting Issues		420	0	420	6.1	0.0	6.1
	Environment	420	—	420	6.1	—	6.1
Total		79,904	35,665	115,569	1,158.0	516.9	1,674.9

Source: GOB, "*Cyclone Sidr in Bangladesh Damage",* 2008, *op. cit.*

4.2.3   Social Resources

Migration can help to build new social networks in the destination country. These social networks can increase the social capital necessary for climate adaptation. Migrants can bring in new knowledge and capital as a community for investment. Many Mexicans residing in the U.S. form hometown associations and send financial support for the development of their home region.[148] T. Siddiqui and Abrar[149] also observed a similar tendency among Bangladeshi migrants towards community development. They further reported that Bangladeshi migrants living in the United Kingdom (UK) and the U.S. send money to community development and charity. In addition, these communities sometimes make large investment in the home country. The investment in Bangladesh by the non-resident-Bangladeshi-owned *Nandan Group* is a good example of such an investment which points to the potential of using these social networks to fund community-wide climate adaptation initiatives.

Apart from these three determinants of climate resilience, international labour migration also helps to reduce the pressure on natural resources in the

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[148] X. Bada, "Mexican Hometown Associations", *Citizen action in the Americas* 5, 2003, available at http://www.cipamericas.org/archives/1179, accessed on 14 August 2011; L. Goldring, "Family and Collective Remittances to Mexico: A multi-dimensional Typology", *Development and Change,* Vol. 35, No. 4, 2004, pp. 799-840.

[149] T. Siddiqui and C. R. Abrar, "*Migrant Worker Remittances and Micro-Finance in Bangladesh",* Dhaka/Geneva: ILO, 2001.

vulnerable areas. At the household level, when a person leaves the place of origin, pressure on the family to provide food and shelter lessens. At the national/local level, an estimate shows that there will be 3.5 million Bangladeshi migrant workers if just one member of each household goes abroad from 12 districts vulnerable to sea-level rise.[150] This number could have massive implications for food security in those areas. At the same time, migration will increase human capital endowment for these regions in two major ways. Firstly, as evident by the remittance use, migrant families tend to invest significantly in the education of children and other younger members of the family. Secondly, skills from abroad enrich the migrant worker's own human capital. This will surely contribute positively to climate resilience.[151]

4.2.4   Columbian Temporary and Circular Labour Migration (TCLM) Scheme: A Positive Story[152]

In 2006, the Colombian government initiated an innovative model titled "Temporary and Circular Labor Migration (TCLM)" to facilitate temporary and circular labour migration between Columbia and Spain. This model offers a livelihood alternative through migration to the families vulnerable to natural disasters. It also supports migrants and their families in maximising the utilisation of remittances for the recovery of the affected area through public and private co-funding and international cooperation. This model improves societal resilience through capacity building of the marginalised section. In 2007, for example, as many as 162 women were provided with leadership and local development training to facilitate community development. Under the programme, counseling sessions were provided to the potential migrants before departure to help them prepare for migration and maintain family ties while in abroad. Family members of migrants were also provided with counseling after migrants left the family.

In partnership with the Chamber of Commerce in the town of Armenia (MICROS), IOM further facilitated micro-credit for the migrants using remittances as payment. The credit aims to finance productive projects and education. This programme also has a special focus on reintegration of migrant returnees. To that end, training is provided in entrepreneurship, productive social initiatives, community development and developing business plans. This programme is an innovative model to utilise migration as an adaptation strategy for vulnerable communities by facilitating alternative livelihoods and sustainable development so that the community can become more resilient to environmental hazards.

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[150] Estimated from 2001 Census Data.
[151] Barnett and Chamberlai, 2010, *op. cit.*
[152] IOM, *World Migration Report,* 2010, *op. cit.*

5.   Policy Interventions

The inclusion of international labour migration, as argued above, in climate adaptation strategy will have a positive implication in managing and regulating the flow of climate-induced migrants in Bangladesh. However, this strategy needs policy intervention by multiple actors at multiple levels. This section deals with various policy options in this regard.

5.1   Governmental Intervention

Bangladesh government should incorporate international labour migration as an adaptation strategy in its Five-Year National Plan; it should be noted that it has made a cursory reference to such a possibility in its climate strategy. The long-term goal of the policy will be to send at least one member from each household of the vulnerable areas overseas with a total of 0.5 to 1 million migrants over a period of ten years. Such migration primarily should be conceived as a temporary and circular labour migration. A three-pronged approach should be undertaken to reach this goal.

The first component should be the identification of labour markets. As discussed earlier, Bangladesh has strong presence in the Middle Eastern and Southeast Asian labour markets. Moreover, studies show that opportunities for various categories of labour such as nursing are increasing in the developed countries. Khalid Koser further noted that "(H)igh-income economies are increasingly becoming characterized by the segmentation of labor markets. This occurs where sectors of the labor market are eschewed by native workers because they are low-paying, have little security, and are low status, and thus have become dominated by migrant workers. These are often described as '3D jobs' entailing work that is dirty, dangerous, or difficult, and often a combination. They are concentrated in sectors such as agriculture, timber, plantations, heavy industry, construction, and domestic service. Research shows that, even in times of economic downturn, native workers are reluctant to work in these jobs, and so demand for migrant workers continues to some extent irrespective of economic trends"[153].

Apart from the opportunities arising from segregation, many predict that higher temperature associated with climate change will extend growing seasons, reduce frost risk in Europe, Australia, and New Zealand and make new crops viable in those countries.[154] These shifts are likely to create new demand for agricultural labours. To access these markets, Bangladesh should start

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[153] Khalid Koser, "*International Migration: A Very Short Introduction",* New York: Oxford University Press Inc., 2010, p. 32.
[154] Barnett and Chamberlai, 2010 , *op. cit.*

negotiations, preferably on bilateral basis. However, it should also strongly pursue this case during multilateral climate negotiations, especially by forming alliances with the vulnerable countries. Bangladesh can also try to start temporary labour migrant projects with the friendly countries following the Spain-Colombia model, though this would require a significant diplomatic effort. Moreover, Bangladesh can collaborate with the IOM to undertake such programmes.

The second component of the policy should focus on the identification and profiling of potential climate migrants. Traditionally, the districts that are vulnerable to climate change send fewer migrants compared to other districts of the country.[155] As a result, the presence of governmental agencies that deal with migration is limited in those areas. The government should strategically focus on these areas and increase necessary training and migration facilitation infrastructures. The establishment of a "Migrant Resource Center" as seen in Slovakia[156] can be replicated in Bangladesh in collaboration with local and international NGOs. Such centers could provide necessary trainings and liaise between potential migrants and their prospective employers abroad.

As these distressed people are understandably poor, the government should pay special attention to reduce their migration cost. It is important to note that GOB has recently opened Prabashi Kalyan Bank (Expatriate Welfare Bank) to give collateral-free soft loans to aspiring migrants.[157] It is expected that these loans will help to reduce the cost of migration. However, it is important to monitor the services of the bank so that red-tapism does not hinder the process. Moreover, facilitating direct recruitment processes at the government-to-government level will also decrease the cost by reducing dependency on unscrupulous *dalal* (middle-man) who cheat potential migrants. The recruitment procedures of the Commonwealth Caribbean and Mexican Agricultural Seasonal Workers Programme in Canada can be followed as a model. Under this model, Canadian farmers employ foreign workers under the terms of a memorandum of understanding (MoU) signed between the Canadian and sending countries', governments. The governments of the sending countries assume the responsibility for recruiting workers and negotiating their wages with their Canadian counterparts.[158]

The third component of this policy should focus on how the remittances and skills of the migrants can be used productively to encourage investments in adaptation projects in the vulnerable areas. Following Mexican example, the

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[155] T. Siddiqui, *Climate Change and Human Security,* 2010, *op. cit.*
[156] IOM, *World Migration Report,* 2010, *op. cit.*
[157] BDNEWS, *Expats' bank to cut migration cost* available at http://www.bdnews24.com/ details.php?id=193550&cid=2, accessed on 1 August 2011.
[158] IOM, *World Migration Report,* 2010, *op. cit.*

government can introduce new financial instruments such as "the migrant savings development bond," in order to facilitate funding for adaptation projects. Similar schemes have been also proposed by NGOs in Bangladesh. [159] Furthermore, the government can provide special privileges to local and regional enterprises targeting sustainability in the vulnerable regions, such as temporary exemptions from all taxes and other state inspections. Such proposals are under active consideration by the government of Moldova. [160] Moreover, a public-private partnership can be formed to encourage funding by remittances for adaptation projects on improving infrastructures and services. An example case is the "Three for One" programme in Mexico in which the Mexican government provides three dollars for every dollar raised through collective remittances for financing development projects at the local level.[161]

5.2 Private Sector, NGOs and Community Level Intervention

The role of the private sector, NGOs and communities are important in developing international migration as an effective adaptation tool. To facilitate access to credits for household adaptation, microfinance institutions can introduce new productive programmes for individual households, such as credits for drip irrigation in a community. The remittances, as argued previously, can be utilised to pay back these loans. To finance larger projects, migrant families should take advantage of other products offered by the banks.

Financial institutions, especially those in the banking sector, should diversify their investment products targeting these migrants and their adaptation needs. A review of the banking products in Bangladesh shows that most of the banks have, in recent years, customised their investment products for migrants aiming to increase their savings. However, these products are not designed to encourage any productive investments at either the household level or community level. The private sector should be more innovative in diversifying their financial instruments to meet the adaptation needs of specific regions. The investment products available in Mexico could be followed as a model. In Mexico, migrants have access to a financial product called "mezzo credit" (mezzo crédito) to provide greater funds for more mature, community-based, productive projects than what microcredit can do.[162] Examples of mezzo credit show that successful community-based projects can create more employment at the local level.

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[159] RMMRU, *Migration, Remittances and Development*, 2008, *op. cit.*

[160] IOM, *World Migration Report,* 2010, *op. cit.*

[161] X. Bada, 2003, *op. cit.*

[162] Raul Ojeda, Hinojosa and Paule Cruz Takash, *Immigrant Remittance Corridors: Final Project Report* Submitted to the David and Lucille Packard Foundation North American Integration and Development Center University of California, Los Angeles, 10 March 2011.

Though remittances are private money, with appropriate policies, the investment of these remittances in development projects at the local level can be encouraged. The EC-UN Joint Migration and Development Initiative (JMDI) is a good example of this type of policy. Moreover, the concept of "Home Town Associations" (HTA) discussed earlier can be replicated in Bangladesh as well. Though the concept of HTA is more related with permanent migration, it has the potential to work in case of temporary labour migration. This concept is particularly relevant for generating adaptation funds for community-wide adaptation projects. In their study, Vanwey and his colleagues[163] found that local communities in the home country accumulate collective remittances from home-town associations abroad to finance community-based infrastructural facilities such as schools and sewage systems.

5.3 Receiving States and International Actors

At present, labour migrants from Bangladesh go to the developing countries as well as developed countries. However, the number of Bangladeshi migrants going to other developing countries is much higher than the number of Bangladeshi migrants who go to the developed world. As argued above, there exists a potential labour market in the developed world for Bangladesh. Therefore, cooperation from the developed countries is of crucial importance. Without their cooperation, it would be difficult for developing and vulnerable countries alone to address the issue of climate-induced migration. Developed countries should recognise that the capacity of vulnerable developing countries is limited, and they are paying a heavy price as the climate changes, for which they are not responsible. Considering from a climate justice perspective and the market's need for specific categories of labour in their economies, developed countries should reorient their migration policies to benefit people of the most vulnerable regions. There is, however, no denying the fact that the resistance against migrants is an issue of important political debates in many of these countries. Hence, striking right balance between politics and economic needs is a challenge for the leadership in these countries.

These countries also can invest in trainings for skill development in vulnerable communities to prepare aspirant migrants who can take up semi-skilled jobs in their countries.[164] Spain's initiative to facilitate circular labour migration is indeed an encouraging development. The Netherlands is also implementing a similar scheme as reported in the World Migration Report of 2010 by the IOM. Another sign of encouragement is that soft laws are gradually emerging with regard to climate migration. For example, after the Asian Tsunami

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[163] Vanwey, Leah Karin, Tucker, Catherine M. and McConnell, Eileen Diaz, "Community Organization, Migration, and Remittances in Oaxaca", *Latin American Research Review,* Vol. 40, No. 1, 2005, pp. 83-107.

[164] Barnett *et. al*, 2010, *op. cit.*

in 2004, Switzerland and Canada temporarily suspended involuntary returns of failed asylum seekers of affected countries.[165] Sweden has gone one step further by recognising environmental migrants as a special category – "a person in need of protection" – in its immigration policy.[166]

To facilitate such a new scheme of migration, a governance structure is necessary, and the IOM could assume that responsibility. It has worked extensively on facilitating awareness campaigns, skill trainings, returnee integration, utilisation of remittances and connecting receiving and sending countries for circular migration. More importantly, through the new governance structure, the rights of these migrants can be better protected in both the sending and receiving countries. Identifying Bangladesh as a priority country for climate migration, it should undertake new programmes in partnership with the UNDP and UNIFM to facilitate labor migration from the vulnerable countries.
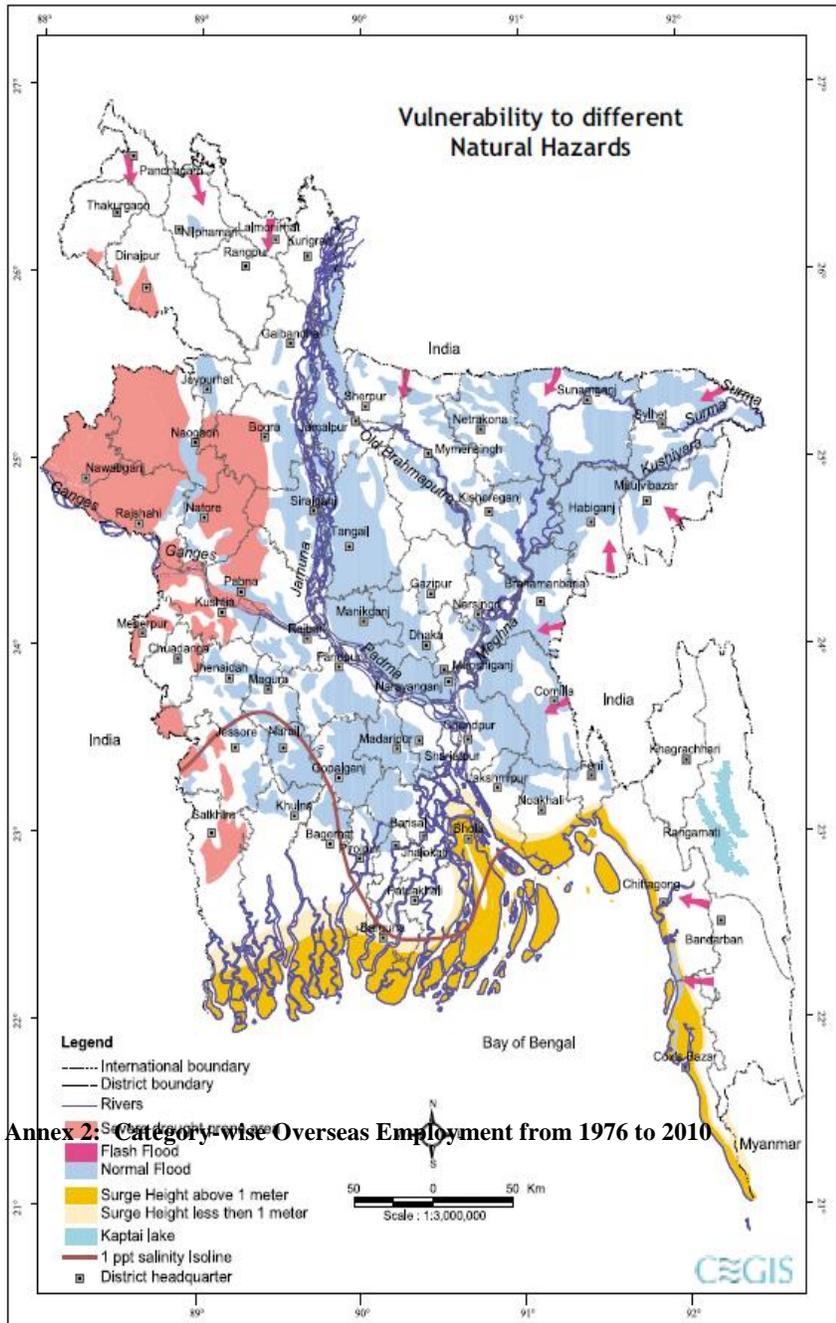
6. Conclusion

Developing countries like Bangladesh will be severely affected by climatic processes and events in the foreseeable future. To mitigate the effects of climatic hazards, the GOB has already started its planning. However, the climate adaptation strategies of Bangladesh do not specifically treat international labour migration as an important adaptation tool.

As the analysis in this paper shows, because Bangladesh is a labour-surplus country, it can send migrant labours from climate-vulnerable areas. This would, on the one hand, reduces pressure on natural resources in those areas. On the other hand, this will provide necessary funding for climate adaptation at the household and the community levels. To reap the benefits of using labor migration as an adaptation tool, Bangladesh has to design appropriate policies in consultation with competent bodies. Implementation of such policies further requires commitments and help from developed countries and international organizations. Finally, with the support of various stakeholders, international labour migration can ultimately help to address climate adaptation in the affected areas of Bangladesh.

Annex 1: Map of Bangladesh with Climate-related Hazards

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[165] O. Brown, 2008, *op. cit.*

[166] S. F. Martin, *Climate Change and International Migration,* Washington, DC: The German Marshall Fund of the United States, 2010.

Vulnerability to different Natural Hazards

India

Myanmar

Bay of Bengal

Legend
- ----- International boundary
- --- District boundary
- —— Rivers
- ▓ Soil drought prone area
- ▓ Flash Flood
- ▓ Normal Flood
- ▓ Surge Height above 1 meter
- ▓ Surge Height less then 1 meter
- ▓ Kaptai lake
- —— 1 ppt salinity Isoline
- ▣ District headquarter

Scale : 1:3,000,000

50   0   50 Km

Annex 2: Category-wise Overseas Employment from 1976 to 2010

CEGIS

Year	Worker's Category				Total
	Professional	Skilled	Semi-skilled	Less-skilled	**Up to Dec, 2010**
1976	568	1,775	543	3,201	6,087
1977	1,766	6,447	490	7,022	15,725
1978	3,455	8,190	1,050	10,114	22,809
1979	3,494	7,005	1,685	12,311	24,495
1980	1,983	12,209	2,343	13,538	30,073
1981	3,892	22,432	2,449	27,014	55,787
1982	3,898	20,611	3,272	34,981	62,762
1983	1,822	18,939	5,098	33,361	59,220
1984	2,642	17,183	5,484	31,405	56,714
1985	2,568	28,225	7,823	39,078	77,694
1986	2,210	26,294	9,265	30,889	68,658
1987	2,223	23,839	9,619	38,336	74,017
1988	2,670	25,286	10,809	29,356	68,121
1989	5,325	38,820	17,659	39,920	101,724
1990	6,004	35,613	20,792	41,405	103,814
1991	9,024	46,887	32,605	58,615	147,131
1992	11,375	50,689	30,977	95,083	188,124
1993	11,112	71,662	66,168	95,566	244,508
1994	8,390	61,040	46,519	70,377	186,326
1995	6,352	59,907	32,055	89,229	187,543
1996	3,188	64,301	34,689	109,536	211,714
1997	3,797	65,211	43,558	118,511	231,077
1998	9,574	74,718	51,590	131,785	267,667
1999	8,045	98,449	44,947	116,741	268,182
2000	10,669	99,606	26,461	85,950	222,686
2001	5,940	42,742	30,702	109,581	188,965
2002	14,450	56,265	36,025	118,516	225,256
2003	15,862	74,530	29,236	134,562	254,190
2004	12,202	110,177	28,327	122,252	272,958
2005	1,945	113,655	24,546	112,556	252,702
2006	925	115,468	33,965	231,158	381,516
2007	676	165,338	183,673	482,922	832,609
2008	1,864	292,364	132,825	448,002	875,055
2009	383	104,627	18,419	341,922	465,351
2010	387	90,621	12,469	279,673	383,150
Total	**180,680**	**2,151,125**	**1,038,137**	**3,744,468**	**7,114,410**
%	2.54	30.24	14.59	52.63	

Source: BMET Online Database, 2010, *op. cit.*

Commander M Yeadul Islam, (L), psc, BN

MARITIME DELIMITATION CASE LAWS FOR UPCOMING LITIGATIONS

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Abstract

The case laws from the decided cases, from the North Sea Continental Shelf case up to the Bangladesh v Myanmar case, have established a set of unified principal steps for maritime delimitation, relating to the Territorial Sea (TS), the Exclusive Economic Zone (EEZ), the Continental Shelf (CS) and a single maritime boundary. [167] This paper reviews existing agreements, identifies relevant coasts, looks at delimitation of the TS, EEZ and CS. The paper concludes that the developed case laws from the decided cases of the International Court of Justice (ICJ) and the International Tribunal for the Law of the Sea (ITLOS) will have strong influence in future litigations, particularly in the Bangladesh v India case. This paper ends with a set of directions that the Court or Tribunal may consider. The Court and Tribunal need to consider whether the provisional equidistance line chosen needs to be modified to achieve an equitable solution, with regards to a number of special or relevant circumstances. Circumstances related to coastal geography, in particular length of the coastline, shape of the coastline and presence of islands, are the most relevant in this context. However, the Court may also have other circumstances such as historic title, socio-economic considerations and distribution of natural resources, security and conduct of the state parties. The Court may apply an ex-post facto disproportionality test to verify whether the delimitation line as modified is equitable. The Court may make any further necessary modifications. Finally, the Court and Tribunal will also need to specify starting and end points to the delimitation and will need to avoid encroaching on the rights of third states. These legal frameworks and case laws of the judgments of the ICJ and the ITLOS will provide milestones for future maritime delimitations.

1. Introduction

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[167] ITLOS, Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, 2012.

Maritime delimitation in the jurisprudence of the ICJ and the ITLOS has been a considerable subject of research in the last few decades. The development of case laws and legal frameworks through the decided cases of the ICJ and Arbitral Tribunals, starting from the North Sea Continental Shelf case to the Bangladesh v Myanmar case, has been well recognised. The ICJ and Tribunals always prefer to develop or clarify essential legal principles of maritime delimitation. However, the first task for the Court or Tribunal in any maritime delimitation case is to determine the relevant coasts to be taken into account. The growing body of jurisprudence developed through international Judicial and Arbitral decisions always support that maritime delimitation between adjacent coasts would be the land boundary between the states at the low water line. In cases where there is an uncertain land terminus, the Court has established a starting point for the maritime delimitation at a short distance out to sea leaving a decision on the land terminus for diplomatic resolution by the states concerned. In delimitation cases, the ICJ and arbitral tribunal always take an attempt to identify the relevant coasts and baselines, questions of sovereignty over disputed islands or certain coastal regions of land territory.

As state's entitlement to maritime areas is measured by reference to its coastline, it is essential in any case of maritime delimitation for the Court or Tribunal to determine the coastline of each party that generates overlapping claims. In case of opposite or adjacent coasts, the predominant practice of the Court is to delimit the single maritime boundary, EEZ or CS up to 200 nautical miles (nm) or until it reaches a point where the rights of third state are affected. The Court and Tribunals need to look at whether there is any existing agreement, formal or tacit or any method to draw a delimitation line. This article focuses on the principles followed in the delimitation cases from the North Sea CS case to the Bangladesh v Myanmar case to identify the relevant case laws. This observation may influence the upcoming Bangladesh v India litigation in the ITLOS. This paper follows 'Doctrinal Legal Research'[168] methodology with 'Analytical Approach'[169] and Rational Deductions[170]. The paper attempts to

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[168] Doctrinal Legal Research provides a systematic exposition of the rules governing a particular legal category, analyses the relationship between rules, explains areas of difficulty and perhaps predicts future developments. This type of research is normally carried out by judges and legal experts. The main fields of doctrinal research are the law of torts and administrative law. See, H N Tewari, *Legal Research Methodology*, Ahmadabad Law Agency, Haryana, India, 2004, pp. 11-16.

[169] A A Faruque, *Essentials of Legal Research*, Palal Prokashani, Dhaka, 2009, p. 33.

[170] Rational Deductions are based on the legal points (ratio decidendi) on which the case was decided. Ratio decidendi is a Latin phrase meaning 'the reason' or 'the rationale for the decision'. The ratio decidendi is 'the point in a case which determines the judgment' or 'the principle which the case establishes'. See, S N Jain, *Doctrinal and Non-doctrinal Research*, India, 1972.

identify 'Judicial Activism' (e.g. creativity of the judges).[171] The paper covers relevant maritime delimitation cases from 1969 to 2012 including existing agreements among the State Parties within the meaning of Articles 15 and 16 (2) of the United Nations Convention on the Law of the Sea i.e. UNCLOS (1982)[172] and Article 102 (1) and 102 (2) of the United Nations (UN) Charter[173].

This paper reviews existing agreements in section two, identifies relevant coasts in section three, looks at delimitation of the TS in section four, EEZ and CS in section five. The paper concludes in section six that the developed case laws from the decided cases of the ICJ and the ITLOS will have strong influence in future litigations, particularly in the Bangladesh v India case. The paper ends with a set of directions that the Court or Tribunal may consider.

2. Reviewing Existing Agreements

The prior formal agreements on maritime boundary (see Table 1) are considered in a number of decided cases. In view of the Court, there is a possibility that state practice may evidence a tacit agreement to a particular maritime delimitation or delimitation method for the TS, CS or EEZ. In the case between Cameroon and Nigeria, a number of treaties and agreements affected the delimitation process.[174] In the Bangladesh v Myanmar case, the Tribunal addressed the question whether the 1974 Agreed Minutes constituted an agreement within the meaning of Article 15 of the Convention or not. The Tribunal recalled the Japan v Russian Federation case[175] and also the Qatar v Bahrain case, where the ICJ observed that international agreements might take a number of forms and be given a diversity of names and that Agreed Minutes might constitute a binding agreement.[176] In the Bangladesh v Myanmar case, the Tribunal did not accept the Agreed Minutes of 1974. It owed to lack of registration as required by Article 102, Paragraph 1, of the UN Charter. It was due to the failure to deposit charts or lists of geographical coordinates with the Secretary-General of the United Nations as provided in Article 16, Paragraph 2, of the Convention. The Tribunal reached the same conclusion regarding the

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[171] Abdul Halim, *The Legal System of Bangladesh after Separation*, Dhaka: University Publications Limited, 2008.

[172] United Nations, *The Third United Nations Convention on the Law of the Sea*, on 10 December 1982 in Montego Bay, Jamaica, came into force on 16 November 1994.

[173] *United Nations,* Charter of the United Nations, *26 June 1945.*

[174] ICJ, The Cameroon v Nigeria: Equatorial Guinea intervening case, 2002.

[175] ITLOS, The Japan v Russian Federation case, 2007, p 18.

[176] ICJ, The Qatar v Bahrain case, 2001.

2008 Agreed Minutes since these Minutes did not constitute an independent commitment but simply reaffirmed what was recorded in the 1974 Agreed Minutes. [177] The Tribunal further viewed that the evidence presented by Bangladesh fell short of proving the existence of a tacit or de facto boundary agreement concerning the TS. The Tribunal also explained that, in international law, a situation of estoppel exists when a state, by its conduct, creates the appearance of a particular situation and another state, relying on such conduct in good faith, acts or abstains from an action to its detriment. The effect of the notion of estoppel is that a state is precluded, by its conduct, from asserting that it does not agree to, or recognises, a certain situation. The Tribunal recalled the observations in the North Sea CS case and in the Gulf of Maine case. In the view of the Tribunal, there was no indication that Myanmar's conduct caused Bangladesh to change its position to detriment or suffer some prejudice in reliance on such conduct. Therefore, the Tribunal decided that Bangladesh's claim of estoppel could not be upheld.[178]

Table 1. Relevant Maritime Agreements among the State Parties (1954 - 1993)

Agreements among State Parties	Year of Agreement
The Thailand - Vietnam Agreement	1992
The Malaysia -Thailand Agreement	1990
The Denmark - German Democratic Republic Agreement	1988
The Colombia - Panama Agreement	1976
The Colombia - Ecuador Agreement	1975
The Japan - South Korea Agreement	1974
The France - Spain Agreement	1974
The Australian-Indonesian Agreement	1972
The Germany - Netherlands Agreement	1971
The Saudi Arabia - Kuwait Agreement	1965
The Chile and Peru Agreement	1954
The Peru and Ecuador Agreement	1954

Source: various sources collected by author

3. Identifying Relevant Coasts

In cases where states either do not agree on the relevant baselines along the relevant coasts or have not mapped out the baselines, the Court and Tribunal may also be called upon to determine the baselines. In the Bangladesh v Myanmar case and in the Qatar v Bahrain case, the Court had to determine base points.

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[177] ITLOS, *op. cit.,* 2012.
[178] *Ibid.*

Indeed, in its jurisprudence, the Court always emphasised the need to be faithful to the actual geographical situation[179] in defining the relevant coast and to avoid completely refashioning nature. [180] In the Qatar v Bahrain case, the Court recognised that the maritime features in question were part of Bahrain's overall geographic configuration and they were not part of a deeply indented coast. Also, they could not be characterised as a fringe of islands. The situation was therefore different from the one analysed in the case of Norway and described in the UNCLOS. The Court noted that Bahrain also contended that as it was a de facto archipelagic state, it was entitled to draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago[181] under the Article 47 of the UNCLOS. The Court used normal baselines in this case. The Court faced with a second difficulty in determining the applicable baselines in this case as a result of the presence in the area of low tide elevations. In the case between Qatar and Bahrain, certain low-tide elevations were situated in the area where the TS of the two states overlapped, since each of the two states claimed a TS sea of 12 nm and the distance between the coasts of the mainland of Bahrain and that of the Qatar peninsula were nowhere more than 24 nm. In principle, therefore, each of them had rights to use the low-water line of these low-tide elevations for measuring the breadth of the TS.[182]

In the Qatar v Bahrain case, Qatar argued that its longer coastline required such an adjustment to be made to the provisional equidistance line. The Court disagreed in that the Hawar Islands belonged to Bahrain and it did not consider that there was a significant disparity between the lengths of the relevant coasts of each party. Another crucial aspect of coastal geography is the configuration of the coastline. In the North Sea Continental Shelf cases, the concave nature of the coasts of Germany sandwiched between the Netherlands and Denmark was held to be a relevant circumstance. The configuration of the coastline was also held to be a relevant circumstance in the Qatar v Bahrain case. It is true that in the past, the Court recognised the relevance of the geophysical characteristics of the area of delimitation in identifying a line of separation between the CSs of the parties. [183] Again, in the Tunisia v Libya case, the Court recognised that identifying natural prolongation may, where the geographical circumstances are appropriate, have an important role to play in defining an equitable delimitation.[184] The Court also viewed that a marked disruption of the sea-bed may constitute an indisputable indication of the limits of two separate CS or

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[179] ICJ, The Continental Shelf case (Libyan Arab Jamahiriya v Malta), 1985, p. 45.

[180] ICJ, The North Sea Continental Shelf case, 1969, p. 49.

[181] ICJ, The Qatar v Bahrain case, 2001, p. 96.

[182] *Ibid.*, p. 101.

[183] ICJ, The North Sea Continental Shelf case, 1969, p. 51.

[184] ICJ, Case concerning the Continental Shelf (Tunisia v Libyan Arab Jamahiriya), 1982, p. 47.

natural prolongations.[185] However, such jurisprudence appears to ascribe a role to geophysical or geological factors in delimitation.[186] In the Bangladesh v Myanmar case, the Tribunal observed that the coast of Bangladesh as a whole is concave. In the North Sea cases, the Federal Republic of Germany specifically invoked the geographical situation of Bangladesh to illustrate the effect of a concave coast on the equidistance line.[187] The ITLOS found the concavity of the coast of Bangladesh is a relevant circumstance[188] in the Bangladesh v Myanmar case (see Table 2), because the provisional equidistance line produces a cut-off effect on that coast, requiring an adjustment of delimitation line. The Tribunal measured relevant coasts of Bangladesh and Myanmar and found that ratio between these coastal lengths is about 1:1.42 in favour of Myanmar.[189] The Tribunal viewed St. Martin's Island as a vital feature in delimitation of the TS.[190]

Table 2: Relevant Maritime Delimitation Cases (1969 - 2012)

Reports	Title of the Case	Date of Judgment
ICJR 1969	The North Sea Continental Shelf Case	20 February 1969
ICJR 1977	The France v United Kingdom Case	30 June 1977
ICJR 1982	The Tunisia v Libya Case	24 February 1982
ICJR 1984	The Gulf of Maine Case	12 October 1984
ICJR 1985	The Libya v Malta Case	03 June 1985
ICJR 1985	The Guinea v Guinea-Bissau Case	14 February 1985
ICJR 1993	The Denmark v Norway Case	14 June 1993
ICJR 1999	The Eritrea v Yemen Case	12 June 1999
ICJR 2001	The Qatar v Bahrain Case	16 March 2001
ICJR 2002	The Cameroon v Nigeria Case	10 October 2002
ICJR 2004	The Romania v Ukraine Case	16 September 2004
ICJR 2007	The Nicaragua v Honduras Case	08 October 2007
ITLOSR 2012	The Bangladesh v Myanmar Case	14 March 2012

Source: various sources collected by author

4. *Delimitation of the TS*

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[185] *Ibid.*, p. 57.

[186] ICJ, The Continental Shelf case between Libyan Arab Jamahiriya v Malta, 1985, p. 36.

[187] ICJ, The North Sea Continental Shelf case, 1969, p. 42.

[188] Paper presented by M Yeadul Islam on "Recent Judgment of ITLOS: An Insight" in the Seminar on *Judgment in the Bangladesh-Myanmar Maritime Delimitation Case: Significant Precedent in the Law of the Sea*, organised by Bangladesh Law Commission, Dhaka on 23 July 2012.

[189] ITLOS, Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, 2012.

[190] *Ibid.*

When engaged in the task of delimiting the TS, the Courts and Tribunals seek to remove any inequitable effect of special circumstances by modifying the equidistance line. However, in some cases, modification of the provisional equidistance line was sufficient to achieve an equitable result.[191] In the Nicaragua v Honduras case in the Caribbean Sea, the Court, while maintaining that equidistance principle in delimiting the TS, opined that it would not be sufficient to adjust the provisional equidistance line but that special circumstances required the use of a different method of delimitation known as the bisector method.[192] The equidistance-special circumstances rule in the Qatar v Bahrain case was held to have a customary character.[193]

The ICJ recognised in some cases that the equitability of an equidistance line depends on whether the precaution is taken of eliminating the disproportionate effect of certain islets, rocks and minor coastal projections. It is difficult to state from the Court's decisions on any simple rule on how the disproportionate effect of such features is to be eliminated. Indeed, much depends on the circumstances of the case. The effect that a small island has on the equidistance line may vary depending on whether the island is located far from, or close to, the coast and on whether the coastlines of the parties are adjacent or opposite. In light of the foregoing view, the ICJ and the Arbitral Tribunals adopted a variety of ways of addressing any disproportionate effect.

Mostly, the Court and Tribunal allowed a partial effect on the delimitation line in case of an island. The more partial effect would be the greater potential for distortion of the boundary. In some cases, such as the Qatar v Bahrain case, the island was given almost no effect. But in the Bangladesh v Myanmar case, the Tribunal awarded full effect to St Martin's Island in adjusting the equidistance line for the Territorial Sea.[194] Again, the land boundary between Nicaragua and Honduras ends at Cape Gracias a Dios which is a sharply convex territorial projection abutting upon a concave coastline on either side to the north and south-west. This means that the pair of base points to be identified on either bank of the boundary river Coco would assume a considerable dominance in constructing the equidistance line.[195] In the Bangladesh v Myanmar case, the Tribunal noted that the coast of Bangladesh as a whole portrays a classic

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[191] Paper presented by M Yeadul Islam on "Delineation of Maritime Zones of Bangladesh and Delimitation of the Boundaries with Neighboring Coastal States" in the Seminar on *Delimitation of Bangladesh Maritime Boundaries with India and Myanmar: Prospects for a Solution* organised by the Department of Law, University of Chittagong on 6 October 2009.

[192] ICJ, Delimitation of the Maritime Boundary in the Gulf of Maine Area, 1984, p. 327.

[193] ICJ, Maritime Delimitation and Territorial Questions between Qatar and Bahrain, 2001, p. 94.

[194] ITLOS, *op. cit.,* 2012.

[195] ICJ, The Nicaragua v Honduras case, 2007, p. 742.

example of a concave coast. The Tribunal further viewed that on account of the concavity of the coast in question, the provisional equidistance line produces a cut-off effect on the maritime projection of Bangladesh and that the line, if not adjusted would not result in achieving an equitable solution as required by Articles 74 and 83 of the Convention. For equity, the Tribunal became convinced that the delimitation of the maritime boundary in the EEZ and the CS would depend on the geographic realities and the circumstances of the case.

5.   Delimitation of the EEZ and CS

In the North Sea CS case, the Tunisia v Libya case and the Gulf of Maine case, the Court in each instance considered the geomorphology of the area to be delimited, in particular to establish whether there were any features interrupting the continuity of the CS. In these cases, the Court clearly considered that any such discontinuities may be relevant to the delimitation of the CS or single maritime boundary. In the North Sea CS, the ICJ was asked to consider the principles and rules applicable to delimitation of the CS among West Germany v Netherlands and West Germany v Denmark in the North Sea. Under Article 6 of the Continental Shelf Convention, delimitation is to be by agreement, or failing that, by a median line equidistant from the nearest points of the TS of each state, subject only to variations for special circumstances. As West Germany was not a party to the 1958 Convention, the Court decided that the Article 6 was not part of customary law and was binding only on those parties to the Convention. In the North Sea case, the Court recognised that the equidistance special circumstance rule could result in an equitable delimitation in certain cases, especially where a state owned a concave coast which would distort the median line. Therefore, in its view, delimitation under customary law was to be effected by the application of equitable principles in order to achieve an equitable result, with the ultimate aim of ensuring that each state had as much CS as was a natural prolongation of its land territory. No single method of delimitation was obligatory, but particular consideration should be paid to the general configuration of the coast, the physical shape of the shelf and the relative lengths of the coastlines of the claimant states. There exists similarity between the coastlines of Bangladesh and Germany as both have concave features.

In the Anglo-French CS case of 1979, the Tribunal emphasised that the purpose of the equidistance special circumstance rule was to achieve an equitable delimitation to be achieved. In the Tunisia v Libya case, the ICJ was asked to identify the principles which the parties should use in delimiting their adjacent CS. According to the Court, the basic rule of customary law was that, in the absence of agreement, delimitation should be on the basis of equitable principles to achieve an equitable result and such equitable principles would vary from case to case. Delimitation according to natural prolongation was not, in itself, necessarily equitable. Therefore, in the Tunisia v Libya case, attention was paid

primarily to geographical features, such as the proportionality of the lengths of the coast to the area of the CS, the changes in direction of the Tunisian coast and the existence of offshore islands.[196] In the opinion of the ICJ, the equitable result is the primordial requirement and the equitableness of a principle must be assessed in the light of its usefulness for the purpose of arriving at an equitable result.[197]

It is well established that application of the principles of equidistance, which is more formal and mechanical in nature, does not always ensure the spirit of justice. But the equitable principle is more flexible and open ended in nature. It is generally accepted that median line delimitation on the basis of equidistance principle between opposite coasts results in an equitable solution, particularly if the coasts in question are nearly parallel. In case of adjacent coasts, the application of equitable method is usually followed for delimitation in order to ensure an equitable solution.[198] However, the application of the equitable principle should be warranted by the existence of special circumstances. Existing judicial decisions endorse the equitable principle. Concave coast is one of the most prominent geographical circumstances in equitable solution. For instance, maritime agreements among Germany-Netherlands (1971), Denmark-Germany (1988), Colombia-Panama (1976) and France-Spain (1974) are based on equitable principle. It has also been viewed in the Libya v Malta case.[199]

The principle of equitable demarcation is firmly rooted in the Law of the Sea and emanates from the idea of uniqueness of each boundary. Such uniqueness is the result of great variety of geographical features of the CS which indicates that it is very difficult to posit any fixed rule governing the establishment of maritime boundaries between the states. The idea of the uniqueness of each boundary finds significant support in the jurisprudence of the ICJ and the Arbitral Tribunals dealing with maritime boundary disputes. The ICJ and the Arbitral Tribunals dealing with the delimitation of maritime boundaries have consistently held that the equidistance principle was not mandatory rule of the international law and it did not enjoy any priority or preferential status. In cases coming before the Court, states have increasingly requested the Court to delimit a single maritime boundary for the CS and the EEZ. This occurred in the Qatar v Bahrain case and the Bangladesh v Myanmar case.

In delimiting the CS and the EEZ of both adjacent and opposite coasts, the Court generally first provisionally draws an equidistance line, or at least considers the appropriateness of such an equidistance line. The Court then considers whether there are circumstances which must lead to an adjustment of

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[196] ICJ, The Tunisia v Libya case, 1982, p. 60.
[197] *Ibid.*
[198] ICJ, The Eritrea v Yemen case, 1999; ICJ, The Denmark v Norway case, 1993.
[199] ICJ, The Libya v Malta case, 1984, p. 44.

that line or indeed, in extreme cases, to the use of another delimitation technique in order to achieve an equitable solution. This approach was adopted in the Qatar v Bahrain case, the Greenland v Jan Maine case, the Cameroon v Nigeria case and the Bangladesh v Myanmar case, where the final delimitations were modified the equidistance lines. In the Nicaragua v Honduras case the Court concluded that an equidistance line could not produce an equitable outcome in light of the particular circumstances of the case and applied the bisector method.[200] In the most recent case of Maritime Delimitation in the Black Sea, the Romania v Ukraine case, the Court, after a careful consideration of the various relevant circumstances in the dispute between the parties, decided that there was no need to adjust the provisional equidistance line drawn by the Court.

In the Qatar v Bahrain case, the Court, following its jurisprudence, first drew a provisional equidistance line for the CS and EEZ. It then turned to consider whether a number of the relevant circumstances raised by the parties warranted the adjustment of this provisional equidistance line.[201] One important concept in maritime delimitation relevant to coastal geography is the concept of proportionality. Proportionality is based upon the relationship between the relative lengths of the coasts of the parties abutting the maritime area to be delimited and the relative areas of maritime space allocated to each of the parties by means of delimitation. In a number of cases, such as the Bangladesh v Myanmar case, the Gulf of Maine case, the Greenland v Jan Maine and the Libya v Malta delimitations, the Court considered the equitability of a provisional equidistance line by comparing the ratio between the lengths of each party's coast and the maritime areas allocated to that party by the provisional line.

One party may have a significantly longer coastline than the other. But the maritime area allocated by the provisional line may not reflect the disparity in coastal length. In that case, the Court without requiring precise mathematical proportionality modifies the provisional equidistance line in order to achieve a more equitable ratio. The concept of proportionality is also employed as an ex-post facto verification of the equitableness of a maritime delimitation, a disproportionality test, which was done in the Bangladesh v Myanmar case.[202] There are indeed at least three similarities between the North Sea CS case and the Bangladesh v Myanmar case.

The first is the concavity of the coast of the states concerned. The second is the role of geology and the relevance of the concept of natural prolongation. The third is the necessity for the judge seized with the dispute to exercise law-making functions. In the North Sea case, the ICJ had to determine the rules for the delimitation of the CS. In the 2012 case, the ITLOS had to determine the method

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[200] ICJ, The Nicaragua v Honduras case, 2007.
[201] ICJ, The Qatar v Bahrain case, 2001.
[202] ITLOS, *op. cit.*, 2012.

for delimiting the CS beyond 200 nm. In addition to the great advantages of judicial consistency, transparency and predictability of the law, adherence to judicial precedents produces two drawbacks. The Court follows the general trend in endorsing some misunderstandings or equivocal solutions of its predecessors. The delimitation of the single maritime boundary between Bangladesh and Myanmar follows very much the trend in recent delimitation cases. In delimiting the single boundary between the EEZ and the CS, ITLOS professed to start by a provisional equidistance line.[203] However, it then immediately proceeds to choose the base-point for this line, thus producing what in reality is a modified equidistance line.

The second drawback is the absence of elaboration on some points, in the likely wish to avoid discussing critically previous decisions. The decision therefore does not significantly depart from the established law as developed by the ICJ and the Arbitral Tribunals in their law making capacity. In the Bangladesh v Myanmar case, the Tribunal has taken care to add its little bit to the existing case law and to move it one step forward. The two most evident examples are the delimitation of the CS beyond 200 nm and the regime applicable in the grey areas. The Tribunal clarified that the TS will prevail upon the EEZ and that a state may exercise rights in an area of overlapping that does not impede the exercise of rights by the other state.[204] It has also shed light on the meaning of agreement in Article 15 of the UNCLOS, on the basis of the entitlement to a CS beyond 200 nm and on the relationship between the role of the Commission on the Limits of the CS and that of the binding dispute settlement mechanism in Part XV of the UNCLOS. In this case, the ITLOS made clear that a Court or Tribunal having jurisdiction on the basis of Part XV of the UNCLOS can delimit the CS beyond 200 nm even in the absence of recommendations by the Commission on the Limits of the CS [205] and that there are no reasons to abstain from exercising its jurisdiction.[206]

Secondly, the ITLOS defined that natural prolongation for the purposes of Article 76 of the UNCLOS is same as the continental margin, as defined in the same article.[207] The legal consequences of the recent judgment of the ITLOS should have a strong influence in future litigation. It will be interesting to see what role will be attributed by the ICJ or the ITLOS, to the ITLOS decision of 2012, in the upcoming litigations: the Peru v Chile case and the Bangladesh v India case of 2014.

6. Conclusion

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[203] *Ibid.*, p. 76.
[204] *Ibid.*, p. 55.
[205] *Ibid.*, p. 108.
[206] *Ibid.*, p. 115.
[207] *Ibid.*, p. 127.

The case laws and legal frameworks through the decided cases, starting from the North Sea CS case to the Bangladesh v Myanmar case, have established a set of unified principal steps for maritime delimitation, relating to the TS, the EEZ, the CS or a single maritime boundary. The Court must first consider whether any part of the maritime delimitation is already the subject of formal or tacit agreement between the parties. If so, the Court or Tribunal must not disturb that aspect of the delimitation. The Court or Tribunal must determine the relevant coasts for the delimitation and also determine which base points are to be used for the construction of a provisional equidistance line. The choice of base points is to be made on a purely legal basis with any inequities arising from such a choice to be dealt with at a later stage. The Court and Tribunal draw a provisional equidistance line, unless the special circumstance is such as to warrant the application of an entirely different method.

The Court and Tribunal need to consider whether the provisional equidistance line chosen needs to be modified to achieve an equitable solution, with regards to a number of special or relevant circumstances. Circumstances related to coastal geography, in particular length of the coastline, shape of the coastline and presence of islands, are the most relevant in this context. However, the Court may also have other circumstances such as historic title, socio-economic considerations and distribution of natural resources, security and conduct of the state parties. The Court may apply an ex-post facto disproportionality test to verify whether the delimitation line as modified is equitable. The Court may make any further necessary modifications. Finally, the Court and Tribunal will also need to specify starting and end points to the delimitation and will need to avoid encroaching on the rights of third states. These legal frameworks and case laws of the judgments of the ICJ and the ITLOS will provide mile stones for future maritime delimitations. It will be interesting to see what role will be attributed by the ICJ in the Peru v Chile case. It is certain that the existing case laws relevant to concavity of the coast, concept of proportionality and equity will have strong influence on the upcoming litigations, particularly on the Bangladesh v India case of 2014.

Nabiha Gul

EXTRA-REGIONAL INFLUENCES AND SECURITY CHALLENGES IN SOUTH ASIA

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Abstract

South Asia has been under direct and indirect interventions and policy influence by major powers since long. The colonial legacy that South Asian states carried is embedded in their political structures and socio-economic fabric. Coupled with structural problems and inter and intra-state conflicts, the undermining impact of the confounding shifts and turns in international politics, particularly since the Cold War era, culminated into challenges to peace and security in the region. Consequently, security architecture of the region remains vulnerable to violence and stability, security and development appear to be unlikely scenarios. The assessment of the role of extra-regional actors and its deteriorating impact on the security and politics in South Asian politics forms the basic premise of this paper. Also, the humble intention is to highlight the intra-regional structural weaknesses and a room for South Asian Association for Regional Cooperation (SAARC) to deal with the issues of peace and security in the region.

1. Introduction

The Cold War, end of Cold War and the incidents of 9/11, have been detrimental to international politics from various perspectives. Many regions underwent drastic political changes both in terms of foreign relations and domestic politics in each phase. On the one hand, states were compelled to develop new equations and policy adjustments, on the other, they were faced with the problems related to security, peace and development. The wave of political changes vibrated across South Asia as well, where the politics in the region has been greatly shaped by the extra-regional influences.

In the post-World War II (WW II) era, the British withdrawal and the partition of the subcontinent was not only the turning point in the region's politics but also posed formidable challenges to both states and societies in South Asia, especially India and Pakistan. Since then, the security

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architecture of South Asia remains fragile and vulnerable to violence. The Cold war politics among the major powers also had a dire impact on South Asian security arrangements. Subsequently, peace, stability and security appear unrealistic and unlikely scenarios. Having originated as independent states during the most critical period in the history, Pakistan and India, apart from inheriting the partition-oriented rivalry, have carried the colonial legacy in terms of their political structure. Particularly, Pakistan is faced with severe structural problems. Other countries in the region are also faced with the dilemma of peace, security, political instability and resultant underdevelopment as a consequence of extra-regional influences.

The post-Cold War era was no different for South Asia in terms of extra-regional influences and the issues related to regional security. The third phase of drastic political changes followed the incidents of 9/11. Not only had it jolted the concept of traditional security but also brought new challenges and risks. The intrusive policies pursued by the United States in many regions, especially South Asia and interplay of several other factors further destabilised the already fragile security scenario of the region. With the US-led war against terrorism in place, there was a clear shift in international politics with rapid twists and turns and reshaping of several alliances between and among the major powers. Yet again, South Asia faced the worst consequences of this shift in international politics.

Keeping in view the intricacies involved in the security architecture of South Asia and the challenges South Asia is facing in this regard, the humble intention of this paper is to address the questions: how have extra-regional influences culminated into the quandary of peace and security in South Asia? Also, it aims to highlight the dilemma intra-regional security architecture faces while focusing upon the vulnerabilities and risks coupled with the structural problems in South Asia. The paper also identifies the role of South Asian Association for Regional Cooperation (SAARC) as a medium to deal with the problem of peace and security in the region.

The paper has been divided into five sections including the introduction and conclusion. Section 2 discusses the security architecture of South Asia. Section 3 covers the central argument of the paper that is, extra-regional influences and the problem of peace that the region is currently facing in the wake of these influences. The section also discusses the intra-state security challenges. Section 4 explores the options and

possibilities to deal with the challenges to security in the region and the role SAARC can play in dealing with these challenges hence promoting regional peace and development. And finally, section 5 comprises conclusion.

2.   South Asian Security Architecture

Ever since the British withdrawal, the South Asian regional security architecture remains fragile owing to two main reasons: first, the space that withdrawal of colonial power apparently left was tried to be filled by other major powers of that time, second, the rivalry that the major states in the region–Pakistan and India–inherited at the time of the partition. The major conflict between the two states over Kashmir which is rightly regarded as the 'bone of contention' continues to pose risks of warfare in the region. This scenario has not only created insecurities for Pakistan and India, but also generated concerns among rest of the states in South Asia. However, what constitutes the security architecture in South Asia is the interplay of military, bureaucracy and now the nuclear weapons.

2.1 Institution of Military

The greatest responsibility of ensuring security, from a traditional security perspective, lies with the military. In South Asia, apart from ensuring security, military remains to be the largest stakeholder in intra-state politics. During past six decades following the independence, Pakistan experienced military rule for years and democracy had never had a chance to prevail. In India, military has never taken over the government but is the major institution behind the decision making circles in politics.

As for the security apparatus in Pakistan and India, a notable scholar Stephen P. Cohen elaborated a fact about the militaries of the two states:

> The fact that the Indian and Pakistani military establishments shared a common beginning in the old British Indian Army led many outsiders- both before and after partition-to view the two states as logical members of a regional security arrangement. However, plans for a unified regional defense also underestimated the ambitions of Indian and Pakistani officers. Their eagerness to take command over their respective armies was not due to Bonapartist ambitions but was simply a manifestation of their professional confidence and pride.[208] This had been instilled by the British and refined and purified in WW II. These Indian and Pakistani officers owed allegiance to craft and profession and were quick to

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[208] As quoted in Stephen P. Cohen, "Security Issues in South Asia", *Asian Survey*, Vol. 15, No. 3, March 1975, p. 202.

apprise their new masters of their own expectations. Thus, early efforts at joint security arrangements came to nothing and the British were gradually phased out of senior command positions, removing the last link between the Indian and Pakistani armies. From that point on, defense questions have remained at or near the focus of attention for the two governments. The level of their weapons has steadily increased as have their external military ties and the frequency and magnitude of armed conflict.[209]

2.2 Hierarchical Set Up

An important feature of regional security make up in South Asia is the hierarchical influences. The legacy that was inherited by the British has been penetrated and influenced the South Asian society, especially Pakistan to the core. The post-colonial set up in states retained the basics of the colonial structure of government and the functioning of state apparatus also remained the same. Hence, the military-bureaucracy oligarchy is a common phenomenon in post-colonial states.[210]

Other than military, it is bureaucracy and the political elite that enjoy writ in political governance at the highest level. "Looking at South Asian experience it appears that this region inherited a relatively strong state at independence. This manifestation of state power originated in all-power bureaucracy established by the British in the Indian subcontinent and Sri Lanka as a *steel frame* to sustain imperial rule. The legacy of the *steel frame* served to establish the ascendance of the state in South Asia and enabled it to exercise considerable authority in their relation with civil society. In post-colonial South Asia, the authority of state was used to empower particular fractions of the feudal elite and bourgeoisie through dispensation of state patronage".[211]

The all-power bureaucracy and feudal elite, therefore influence the government decisions not only in foreign policy but also national security strategy leaving no room for pluralistic consensus.

2.3 Nuclearisation of South Asia

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[209] *Ibid.*, pp. 202-203.

[210] Hamza Alavi, "The State in Post-Colonial Societies: Pakistan and Bangladesh", available at http://www.newleftreview.org/, accessed on 20 January 2012.

[211] Rehman Sobhan, "South Asia's Weak Development: The Role of Governance", available at http://www.eias.org/publications/briefing/1999/weakdev.pdf.pdf, accessed on 18 April 2012.

Another important factor that has both negative and positive security implications on the region is the acquisition of nuclear weapons by Pakistan and India. The two nuclear states have different policy perspective to justify the acquisition of nuclear weapons. For India, the weapons are for deterrence against the security threat posed potentially by Pakistan and also China although there is no mention of these states as potential threat in its nuclear strategy. Also, India aims for 'No First Use' with regards to its nuclear weapons. On the other hand, Pakistan rather has an India-specific agenda. The country established deterrence against India seeking a balance of power in the region; however, it aims for the first strike in the wake of attack or a potential threat posed by India. "In the face of the nuclearisation and the missile development in South Asia, one was beginning to see the sub regional Asian divides move towards dissipation especially given the extensive missile programme of India, which has enhanced its operational capability to include East and West Asia within the striking range of its missile deployments.[212] The growing military dimension of South Asian security has raised the stakes of major International actors in peace and stability of this region".[213]

For developing countries like Pakistan and India, the development of nuclear weapons, though had dire economic consequences, have been successful in using them as a tool for deterrence for more than twelve years. The necessity of arms spending and development of nuclear weapons as part of the 'national security interests' in Pakistan and India was driven by the continued rivalry between the two states. As noted by Stephen P. Cohen:

> With very few exceptions South Asians accept their present levels of arms spending as necessary.[214] The nuclear explosion programme in India was a domestic political triumph, and Pakistan's response has merely been to threaten emulation. There is thus a difference in perspective between regional elites and outside observers, especially those in the West, about the necessity of national security. That this difference is not recent, but rooted in the very origins of India and Pakistan, is made evident by even a cursory examination of the history of strategic thought on the subcontinent.[215]

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[212]As quoted in Shireen Mazari, "South Asian Security: International Context", *Policy Perspectives* (Islamabad), Vol. 3, No. 1, January 2006.

[213] *Ibid.*

[214] As quoted in Stephen P. Cohen, *op. cit.*, p. 202.

[215] *Ibid.*

On the other hand, the non-nuclear states of South Asia have raised and unequivocally expressed their concerns on the perils and challenge the presence of nuclear weapons technology in the region poses to the security of states and societies.

3.   Extra-regional Influences in South Asia

To further exacerbate the already prevailing colonial legacy and related structural problems, the United States, Soviet Union and China, throughout the Cold War era and in post-Cold War era gradually and steadily increased their stakes in the region. "But the events of 9/11 have altered the strategic milieu of South Asia with a greater intrusiveness from extra-regional players, especially the US through its war on terrorism. Despite its much proclaimed victory in Afghanistan, the overall result of the present US war on terrorism has destabilising the effects on many parts of Asia".[216] However, except the British, the intrusion by the major powers is not always uninvited. The political, economic and strategic milieu of states in the region and nature of interstate relations are such that major powers have been 'called for help' on most occasions by countries in South Asia, including the smaller states of the region.

With the war against terrorism, the US brought a multiple agenda. Among other interests, the salient features of the US agenda in the region were: it wanted a stronghold in Afghanistan; utilise Pakistan's strategic base and strengthen strategic alliance with India, mainly for securing access to Central Asia, containing China's growing influence in international politics, especially in South Asia and also the possible resurgence of Russia as a competitor to the United States. Since the Cold War era, the US has been actively involved in South Asian politics. However, the disintegration of the Soviet Union provided the US with an opportunity to expand its agenda as a major player in the region.

Whether invited or uninvited, the extra-regional influences, largely, have far reaching destabilising impact in the region. This destabilising impact of extra-regional influences at inter-state level is manifested through imbalance of power, dependent or dictated foreign policies and perils to strategic assets. At intra-state level, the consequences of inter-state level extra-regional influences led to political instability and

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[216] Shireen Mazari, *op. cit.*

economic strangulation which has further posed a number of challenges to security and peace in the region leading to underdevelopment.

Ever since the partition of the subcontinent, the imbalance of power has been the most dominant feature of South Asia. There has been a stark asymmetry among the states in the region houses in terms of politics, economy, military and geography, where India assumes the position of the major state owing to its vast geographical land, comparatively managed politics and huge military size. During the Cold War, India managed to maintain considerably good equation with both the superpowers. However, the country experienced rift in its relations with neighbouring China for decades to follow.

On the other hand, Pakistan, the second major state in the region, had a clear tilt towards the US and also developed friendly ties with China as the two had battering relations with India. The kind of alliances both Pakistan and India entered into with major powers during that time achieved less perks for the two states and greater benefits were reaped by the major powers in the long run. The destabilising impact of these partnerships was not only felt in Pakistan and India but also resonated through the smaller states in the region. The most prominent impact was the deepening imbalance of power which was in favour of India and against Pakistan, eventually posed greater perils and challenges to the regional security.

Extra-regional powers have known to influence the foreign policy decision making in the region. India and Pakistan, on many occasions, have amended or crafted their foreign policies to suit the interests of major powers. During the Cold War era, after having fought two wars, Pakistan and India were considered as the most unpredictable rivals and increasing defense spending and military dimension of security not only alarmed the major powers but also had increased their stakes in facilitating peace and security in the region. However, with more political stake the major powers acquired in the region, their policies, to a great extent, turned out to be intrusive, especially in the wake of 9/11 incidents.

The Cold War and post-Cold War era embedded the military dimension of security in South Asia. The proxy war phenomenon and the inherited rivalry between Pakistan and India left states yearning for more weapons and hence entered into an arms race.

> The role of both the US and China in strengthening militarism in the region is by now well-documented. Having aided the jehadi groups against the Soviet Union, the US is today struggling to overcome them in Pakistan and

Afghanistan. The US is deeply tied to the fate of the region as a result. So is China, as its interests in trade, strategic roads and consolidation of its influence in Tibet and Xinjiang drive it towards involvement in the region.[217]

In post-9/11 scenario, the US with its agenda of war against terrorism in Afghanistan poses greater challenges to South Asian security, particularly Pakistan. The drone attacks and counterterrorism military actions are not only undermining the sovereignty of Pakistan but also a threat to regional strategic assets. India has successfully developed better equations with the US and Afghanistan and now has concluded strategic partnership agreements with the two states. Pakistan, on the other hand, is at a vulnerable position. Given the strengthening triad of the US, India and Afghanistan, not only the balance of power in the region would be shattered but it would also exacerbate the political complexities in the region.

China and Russia, both have been conscious of the consequences of the growing US influences and its presence in the region, had alarmed the two states far before the US found its stronghold in Afghanistan. Apart from other policy measures, the countries are struggling to curtail the US influences through strategic and economic alliances, for instance, Shanghai Cooperation Organization (SCO), BRICS (a group of Brazil, Russia, India, China and South Africa), etc.

Among other organisation and institutions, the European Union (EU) since last decade has been increasing its stake in the region through cooperative arrangements in collaboration with India. By doing so, the organisation tended to worsen the already existing balance of power. The economic asymmetry by the presence and collaboration of the EU has created economic insecurities which will have far reaching consequences.

The imbalance of power, manipulated policies, political maneuvering and strategic perils have marred the domestic politics and policies in South Asian states. Multiple factors in the wake of major powers influences have embedded political instability in South Asia, especially Pakistan where polity appears fractured making consensus difficult on all

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[217] Sujit Dutta, "South Asian Regional Security Architecture: Between Anarchy and Order", in Smruti S. Pattanaik,
South Asia: Envisioning a Regional Future, New Delhi: Institute for Defence Studies and Analyses, 2011, p. 32.

important issues. [218] This fractured polity further instigated political polarisation and weak governance.

Moreover, there is an essential level of economic strangulation in the region which as a consequence of major power's influence in the region has further culminated into the problem of underdevelopment. Rising inflation, poverty, unemployment and deteriorating economies are leading the region towards near collapse or bankruptcy. Besides major powers, the international financial institutions and transnational corporations have penetrated into South Asian economies increasing their stakes in economies as well as politics and now appear as formidable challenge to economic growth and development in the region.

3.1 Intra-state Challenges to Security

The above-mentioned factors have culminated into intra-state security challenges. Besides structural and institutional problems, the region's frail polity and political instability have resulted into political, economic, socio-cultural and ethnic polarisation. This polarisation further led to intra-state armed conflicts which are posing challenges to regional security.

3.1.1 State of Democracy and Political Instability in South Asia

It appears crucial and extremely critical to understand the relative problems of the "degree of democracy" in countries of South Asia, in particular, which are plagued by a number of problems, primarily political violence. Countries in South Asia are vulnerable to military and political opposition groups largely because of their weak political architecture. Where the weakness of domestic political structures lie in their political history that is colonialism.

India, by and large, managed to sustain the democratic form of government and a military-bureaucracy oligarchy does not appear 'instrumental' in case of India. Despite having diversified society and socio-economic and cultural backwardness, the country never fell to the military rule.

> India's democratic record suggests that two sets of political processes have guided the management of power conflicts in that country. First, a delicate balance has been struck and re-struck between the forces of centralisation and

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[218] *Ibid.*, p. 29.

decentralisation. Second, the interests of the powerful in society have been served without fully excluding the weaker. The record on both these fronts is far from perfect; the failures have actually put a great strain on Indian democracy. Nevertheless, accommodation of those who mount powerful challenges by granting them greater autonomy and/or a share of resources has been central to strengthening of democracy.[219]

Moreover, the country is, indeed, faced with communal riots, extremism and ethnicity all in form of extreme political violence but the government managed to continue with democratic setup. Many analysts tend to appreciate the federalism as force behind the stability or sustenance of democracy as a system of government in India.

In Pakistan, record of democracy has been very poor. The country, an ideal case of post-colonial military-bureaucracy oligarchy, has been marred with repeated take over by military and democracy had never had a chance to prevail. In addition to this, initially, religion has been the defining feature and later on it became the driving force for a large section of society in Pakistan. The colonial apparatus coupled with polarised society not only was a perfect recipe for political instability but also made the entry of military easier into politics.

On the other hand, the feudal system has also marred the democratic tendencies and has been quite instrumental in disabling *pluralism* in Pakistani society. Resultantly, there has been a silent penetration of intolerance, extremism and violence in Pakistan that is now demonstrated through a number of violent activities, including terrorism.

Being part of post-colonial arrangement, initially, Bangladesh also inherited the basic structural apparatus of state from colonialism since 1971. Religion being another important aspect in Bangladesh politics which guides a good number of population.

Sri Lanka has also been a case of pseudo-democracy. Authoritarianism has been an apparent feature even under democratic governments since the independence in 1948.[220] The country is striving to exploit the peace dividend and give democracy primacy in post-insurgency politics.

In Nepal, democracy is in its premature stage. The country adopted democratic system of government following the abdication of 250 year-

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[219] Atul Kohli, "Introduction", in Atul Kohli, *The Success of India's Democracy,* Cambridge: Cambridge University Press, 2001, pp. 1-2.

[220] K. Ratnayake, "The Decay ofPparliamentary Democracy in Sri Lanka", available at www.wsws.org/articles/2010/feb2010/, accessed on 30 January 2012.

old rule of monarchy in 2006. Essentially, Nepal predominantly is a Hindu but heterogeneous society, however, the caste system has plagued the political apparatus in the state. Upper-caste Hindus form and dominate the political elite and lower castes are segregated politically as well as socially. The institution of democracy in a country that has never experienced it in its letter and spirit before appears to be difficult and enduring process.

The most critical is the case of Afghanistan among all South Asian states. In the post-9/11 geopolitical shift, Afghanistan was formally regarded as part of South Asia with its inclusion as the eighth member in SAARC. The country, throughout the history has experienced turbulent times. Till 1973, the country was governed under monarchy.[221] Later on, it experienced socialism under President Daoud Khan who enjoyed greater support from the Soviet Union. Following the Saur Revolution in 1978, in which President Daoud was assassinated; Afghanistan amid political chaos was invaded by Soviet forces a year later.[222] The Soviet invasion not only changed the political landscape of the country but also had dire implications on regional politics. The Soviet invasion in 1979 and withdrawal in 1989 both 'was a disaster for Afghanistan'.[223] The country not only faced economic devastation but also political deformation.

The Taliban takeover of the government in 1996[224] was another critical phase in Afghanistan's politics. The international community due to a number of reservations on the policies and political conduct did not recognise the Taliban government. Another blow to the country's politics was the US-led war against terrorism that began in October 2001.[225] In the wake of the war, the Taliban were overthrown from power and a US-backed government was employed in Afghanistan. The war-torn country, where the US forces are still combating the Taliban militia, is said to be experiencing democracy under US vigilance. The political transition to democracy in Afghanistan from 2001 has been an enduring process. The country and its people were never accustomed to democratic values. It indeed is a challenging task to create inroads for democratic traditions in Afghanistan.

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[221] "Afghanistan's Turbulent History", available at http://news.bbc.co.uk/2/hi/south_asia/1569826.stm, accessed on 22 March 2012.
[222] *Ibid.*
[223] *Ibid.*
[224] *Ibid.*
[225] *Dawn* (Karachi), 8 October 2001.

3.1.2 Intra-state Armed Conflicts

India is faced with anti-government armed violence led by Maoist groups (Naxalites) in an indigenous insurgency in Andhra Pradesh, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra and Bihar. The country also faces outbreak of ethnic and inter-religious violence on a regular basis. In Pakistan, The Western frontiers are problematic with armed conflicts in Balochistan and Waziristan. Moreover, ethnic and religious/sectarian violence is also considered as a challenge to the writ of the government. [226] Especially, in the wake of war against terrorism, repeated incidents of political violence in the form of suicide bombings and targeted killings have marred the security of the state and pose a formidable challenge to peace in the country. Bangladesh has also faced an armed conflict in Chittagong Hill Tracts for 20 long years from 1977-1997.

Sri Lanka has been under an unfortunate long-standing separatist movement, the Liberation Tigers of Tamil Eelam (LTTE) Movement, led by one of the two major ethnic groups the Tamils, calling for a homeland for ethnic Tamils, who feel persecuted by the ethnic majority   the Sinahalese. LTTE had been active since 1980s and it had been a daunting challenge to the state and security machinery of Sri Lanka.[227] The insurgency not only had impacted upon the demography of the country but also battered the socio-economic conditions. The insurgency ended with the defeat of LTTE by Sri Lankan military in May 2009 and first general elections were held in January 2010.[228]

Nepal suffered a decade-long armed insurgency in the name of People's War (Jana Yudh) from 1996.[229] It was an armed conflict waged against the institution of monarchy to replace it with democracy. The insurgents belonging to the Maoist faction of Communist Party of Nepal succeeded in the abdication of monarchy. However, the society is still

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[226] Nabiha Gul, "Intra-state Conflicts and Small Arms Proliferation in South Asia: Case Study of Nepal", *Pakistan Journal of International Relations* (Karachi), Vol. II, No. 2, 2010, p. 5.

[227] Preeti Bhattacharji, "Liberation Tigers of Tamil Ealam", available at www.cfr.org/terrorist-organizations/liberation-tigers-   tamil-eelam-aka-tamil-tigers-sri-lanka-separatists/p9242, accessed on 31 January 2012.

[228] Sergei DeSilva-Ranasinghe, "The Sri Lankan Elections and the Tamil Politics after the LTTE", available at www.futuredirections.org.au, accessed on 31 January 2012.

[229] Anindita Dasgupta, "The Peole's War in Nepal", *Policy Studies* 38, Regional Centre for Strategic Studies (RCSS), Colombo, Sri Lanka.

vulnerable to armed conflict for two major reasons. One, the ethnic minorities are denied equal representation in politics and society. Two, a large section of the society has been exposed to arms culture and to completely disarm the Maoist cadres and other sections of society remains to be a formidable task.

4. Challenges to Security: Options and Possibilities

There is no denying the fact that the world today has increasingly grown interdependent. The extra-regional influences in South Asia are a reality. However, master-subordinate and the donor-recipient equations need to be altered. Looking at regional scenario, only India to an extent has succeeded in securing benefits and interests through its alliances with the major powers. Other countries in the region continue to be falling prey to the intrusive policies of major powers and financial institutions.

The role and influence of bureaucracy needs to be curtailed through constitutional amendments and socio-political reforms through devising pluralistic mechanisms. Rigorous political reforms are also required to be introduced in order to mend structural abnormalities and recover the fractured polity.

India and Pakistan are required to exercise sincere political will towards resolving their decade old disputes, especially the Kashmir dispute. They will continue to exist as neighbours and this must be accepted by all quarters in India. This is the high time that the two countries must move from conflict to cooperation in all possible spheres. Certain quarters have a strong belief that Indian government or political elite has lost interest in Pakistan as a potential partner for any future economic venture.[230] Being the largest state in the region, India holds the responsibility of regional security and integrity more than any other state does. The country, while excluding its immediate neighbours from any economic and political ventures, at large, would not be able to achieve a favourable security scenario.

On the other hand, major powers in the long-run, must facilitate the resolution of disputes between Pakistan and India. International diplomacy has been effective in averting the deadlock between Pakistan and India on

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[230] The assessment is based on arguments put forward by analysts and members of civil society in India during the
 author's interactions with them on few occasions.

many occasions and therefore, can instigate cordiality between the two rivals. What societies can relate with the Western powers and other outside players in the region is the practice of democracy. They are also required to facilitate the governments in strengthening the institution of democracy and pluralism in the region not through intrusion or use of force but through diplomacy and policy measures.

The US and China, as the major stake holders in South Asia, will continue to exercise their influence in the region. However, keeping in view the growing trends in the region, especially against the US, the country must decide its future course of policies which ought to be less intrusive and giving respect to sovereignty of states.

4.1 Dealing with Challenges to Security: Role of SAARC

In dealing with the challenges to security in South Asia, SAARC can be opted as a panacea. Though Article X of SAARC's Charter refrains from member states from discussing bilateral disputes [231] at the organisation's forum, this is the high time that the Charter should be amended. On several occasions, the meetings or deliberations of SAARC have been hampered owing to the bilateral disputes between India and Pakistan. The member states through devising an interstate conflict resolution mechanism from the forum of SAARC would achieve possibilities of multilateral cooperation and ensure security of the region.

A collective security mechanism can also be facilitated through SAARC. To deal with the intra-state armed conflicts, or armed threats to state security, a SAARC task force can be established to counter the miscreants and then provide rehabilitation.

Another important area which requires serious consideration and efforts is the educational reforms. South Asian states can deal with the issues of underdevelopment and social polarisation through free access to education. SAARC through South Asian University has already taken the first step but it must also start some small projects facilitating education in rural areas in all member states. Scholarships and funding should also be facilitated to provide students, researchers and practitioners with easy access to resources required for higher education and research in different fields in order to further progress and development.

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[231] SAARC Charter, available at http://www.saarc-sec.org, accessed on 27 March 2012.

Lastly, economic progress through SAARC is achievable. The Association can fund some projects related to small and medium industries in the region. Also, South Asia Free Trade Area (SAFTA) agreement, if employed and incorporated in national policies as required, holds promising prospects for regional progress and prosperity. The agreement through integration of economies would not only stabilise the deteriorating economies but would also be helpful in averting the influences of international financial institutions.

5. Conclusion

The politics in South Asian region has been marred by a number of factors; some of them owe their origin to British Raj and some of the problems were instigated by the succeeding rulers of international politics, especially following the WWII. The region has been unfortunate for the countries, for past six decades, have been unable to device policies to compliment the trends and tasks prevalent in the international politics. Moreover, the extra-regional influences and their consequences embedded political instability and hence the region lags behind the rest of the world politically and economically.

A fair analysis of politics in South Asia establishes a fact that the major powers have been unfair to states in South Asia with their intrusive policies towards the region. On the other hand, the underlying diplomatic weaknesses and intrigued policies which were designed to serve the vested interests of political elite in South Asian states in turn undermined the peace in the region. As peace is the common interest that the South Asian states share, concrete efforts would be required to amend the intra-state political structure and policies vis-à-vis major powers. Interstate relations in the region are also required to be strengthened to serve mutual interests. Till the time South Asian states work towards regional peace collectively, peace and security in the region would not possibly be established.

Mohammad Jasim Uddin

THE ARAB SPRING AND ITS CONSEQUENCES

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Abstract

This paper defines the Arab Spring, identifies the rationale and discusses the consequences of the Arab Spring. While a wave of socio-political and economic change seems to come in the Arab world, regime change (as in Egypt) could be obvious with adequate reforms such as new constitution or elections. How democracy would be established in the 'no democracy region' is a matter of concern. If democracy is introduced in the Arabian Peninsula without its true exercise, the Arab Spring could produce uncertainty, insecurity, civil war, human rights violations, terrorism and so on. The other concerns lie with the relations between the 'global war on terror' and the Arab Spring, and between Israel and the Arab Spring. The consequences of the Arab Spring also depend on internal dynamics. Whatever the responses from the global forces, the real fact regarding the consequences of the Arab Spring is that the West would play a vital role in the Arabian Peninsula. Therefore, it is too early to have a comprehensive consequence about the Arab Spring.

1. Introduction

Protests in Tunisia and Egypt, civil war in Libya and continuous uprising in some other Arab states such as Yemen, Syria and Bahrain in 2011 and 2012 could be termed as the 'Arab Spring'.[232] The Arab Spring influences many to think why it is originated. Various literature on the Arab Spring simplify some assumptions that could be highlighted under three specific points: (i) public

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[232] Tareque Shamsur Rahman, "Arab Bishwer Rajnity Kon Pathe (In Which Way the Politics of the Arab World is)", *The Daily Ittefaq*, 20 June 2011.

dissatisfaction to the then governments owing to various fundamental causes, (ii) public demand for democracy with a constitutional system as a common goal and (iii) public enthusiasm, irrespective of men and women, to participate in their socio-economic development processes.[233]

Some critics argue that the Arab Spring would not have significant impact for the Arabian Peninsula. Rather, some countries of the Middle East and North Africa (MENA) are assumed to be included in the list of nearly-failed states.[234] The question is why do the critics think so? A set of literature provides some causes in line with the above mentioned thoughts. These are intentions of the heads of states to contain power for long, conflict between religion and democracy, lack of democratic culture and media, torture, deprivation, mutilations and so on. Another set of literature states that the atrocities are the sign of the then autocracy or continual oligarchy, not just incidental mistakes.[235] Therefore, international community is now aware of the consequence of the Arab Spring. They are keen to observe whether any ambiguity manipulates the demands of the Arab Spring or not.

Why is the Arab Spring? What are the consequences of the Arab Spring? How do the West and the United States respond to the Arab Spring? Is there any relation between the Arab spring and the 'global war on terror'? Is there any link between Israel and the Arab Spring? This paper makes an endeavour to address the questions. In doing so, this paper reviews secondary literature such as books, journals, electronic journals, working papers, conference papers, different websites, etc. A limitation of this paper is to draw a conclusion on the Arab Spring and its consequences because of regular and rapidly changing information about the topic and that leads to portray a new scenario of the Arab Spring in future. Therefore, this paper limits incorporating information by 30 June 2012.

The structure of this paper is as follows. Section one is introduction of this paper. Section two describes the causes of the Arab Spring. Section three illustrates the consequences of the Arab Spring. Section four discusses the responses of the West and the US to the Arab Spring. Section five looks at the links between the Arab Spring and the 'global war on terror'. Section six concentrates on the relations between Israel and the Arab Spring. Section seven concludes the paper.

2. The Causes of the Arab Spring

The causes of uprising in the Arab world vary from country to country. The variation was not only based on social goals but politico-economy oriented

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[233] Shawon Shyla, "Post Arab Spring Realities", *The Daily Star*, 05 May 2012.

[234] *Ibid*.

[235] F. Gregory Gause III, "Why Middle East Studies Missed the Arab Spring The Myth of Authoritarian Stability", *Foreign Affairs*, Vol. 90, No. 4, July/August 2011, pp. 81-90.

factors also. Each revolution had its own pace in each country with specific demand. The unrest in Egypt and Tunisia became public very fast though the regimes of both the countries took cautious attempts with their alliances and institutional power. However, the divergent views between the alliances and the institutional power and in particular, the young people's continuous protest and discontent towards the regimes defeated the undemocratic forces ruled for many years in Egypt and Tunisia. On the other hand, politically or historically in some countries where ethnic, sectarian, regional or ideological collaborations have continued, the downfall of prevailing regimes meant an end to their supporting institution's gains. This kind of situation led to an elongated crisis and an increase of disagreement, uprising, actions and reactions to a level that brought each party under a line and enforced them in allowing concessions and cooperation, as in Yemen.[236]

In case of Syria, it seemed that both existing regime and their oppositions focused on continuing revolution. As a matter of fact, it is to be prolonged for achieving individual objectives and existence. Even the international power houses are now in divergent views on whether existing regime should continue or the disputes between the two contradictory forces should be settled. In this regard, the United Nations initiatives also failed. Therefore, Syria is in crisis. However, if the global responses in particular the super power and the emerging powers are in a same tone, it could give a better scenario for Syria.[237] On the other hand, the situation in Libya could be underscored as a fusion of Egypt and Syria. The uprising in Libya against the Gaddafi regime was a consequence of the aggressive expression of the general mass and the Islamist ideologies.

The West claims that the Arab Spring is not the result of policy decisions taken by them; rather, it is because of indigenous politico-economic and social factors of the Arab world. By contrast, some argue that the Arab revolts are because of strategic and commercial interests of the power houses to remove the old and unreliable dictators, containing oil reserves for some decades.[238] However, popular views are that the MENA for long is puzzled with the authoritarian regimes of various kinds such as monarchies, dictatorships, religious posture republics, etc. Likely proto-democracies in some cases are ousted and substituted by the dictators.[239] Any potential for alternative voices is

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[236] Abdullah Omar, "Features and Consequences of the Arab Spring", 23 April 2012, available at http://english.dohainstitute.org/Home/Details/5ea4b31b-155d-4a9f-8f4d-a5b428135cd5/1d8abf07-c22d-4d0e-8bf4-243bf567ce6b, accessed on 27 May 2012.
[237] *Ibid*.
[238] F. Gregory Gause III, *op. cit*.
[239] Paul Rivlin, "Behind the Tensions in Syria: The Socio-Economic Dimension", available at http://global-security-news.com/2011/07/15/behind-the-tensions-in-syria-the-socio-economic-dimension/, accessed on 20 September 2011.

assumed as political violence. [240] Therefore, the divergent grievances and dynamics[241] along with the responses from the United States and its allies make the Arab revolts complicated.

3. The Consequences of the Arab Spring

In the Arabian Peninsula, Islamism or the Islamists are well-known to all. However, the Arab Spring has given the notions a new posture.[242] The people, in particular the youth, have been a strong force for the region. Even though some critics argue that the actual goal of the Arab Spring (i.e. establishing the rule of law in the Arab world) would not be so easy. The Libyan case could be an example of that argument. The dispute between the Gaddafi groups and the existing regime in Libya is a challenge to have a democratic orientation with efficient management of the country. In other case, massive anti-regime demonstrations along with killing of civilians by the Syrian government forces have questioned the Arab Spring. Therefore, some states in the region have recently advanced from proto-democracies to nearly-failed ones with continuous undemocratic practices. [243] In fact, stability in the Arabian Peninsula would depend on how the states such as Turkey, Syria, Libya or Egypt respond to their public sentiments in the days to come.

For the positivists, it seems that the era of family rule with endemic corruption, clinging on to power without any accountability, blatant violation of civil rights, subjugation of judiciary and a captive media is coming to an end in the Middle East (ME). That is, the Arab Spring appears to render a new wave of change, leaving the long-run authoritarian regimes aside and reinvigorating the democratic aspiration of the general mass forefront. [244] For the realists, by contrast, there are so many hegemonies, overall as well as issue-based.

The realists argue that some countries which observed inconsistency in their national politics since 2011 would not have a quick democratic wave. Also, they would not have transparent government, secure environment for their populace and a situation which may provide with adequate work or sources of earnings for self-improvement as well as national progress. Democratisation could address the issues in the Arab world well, though inadequate exercise of the democratic aspects is a common problem to the region. As a result, the Arab Spring could produce short-lived governments, conflicts among the social and political entities, disputes among diverse racial groups, severe economic crisis with

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[240] *Ibid.*
[241] Lisa Anderson, "Demystifying the Arab Spring Parsing the Differences Between Tunisia, Egypt, and Libya", *Foreign Affairs*, Vol. 90, No. 3, May/June 2011, pp. 2-7.
[242] Shawon Shyla, *op. cit.*
[243] *Ibid.*
[244] Tareque Shamsur Rahman, 20 June 2011, *op. cit.*

stagflation and so many other problems that may segregate the state. Even after that, some critics argue that there will be elections and a less charismatic leader (such as in Egypt) but it would offer immense divergence on national and regional politics.[245]

The reformists argue that the Arab Spring could give rise to inconsistent reforms in economic aspects, some degree of developments in government system, fresh challenges with civil-military relations and public demands. These factors could remind the spark of the Arab Spring again and then there might be a new unrest between the public and the new administration. For some states, there could be a new regime with traditional repression and suppression, waiting for a charismatic leader.[246] On the other hand, establishing fundamental human rights for the mass people and reaching their economic demands in the Arab world could take several years or some decades.

Not only the overall consequences but also the issue-based outcomes of the Arab Spring seem to be controversial. The issue of democracy could be taken first. Tribalism or oligarchy is an issue of concern in the Arab world.[247] State power for long has there usually been confined by individual community. Direct and indirect presence of military, family rule, monarchy or Sultanistic regime – all are very common scenario in the Arab world. Besides, retaining friendly dictators (e.g. in Bahrain, Jordan and Saudi Arabia) and ousting unfriendly ones (e.g. in Tunisia, Egypt, Libya and Syria) by the wave of the Arab Spring have been frequent in the MENA. But the uncommon factors are: regular election for changing government through voting, criticising government decision, freedom of press, strong voices from democratic parties, capital-based economy, etc. All these hegemonies trigger a question whether absolute democratisation in the MENA is too early to expect without having any form of democratic practice, structure or institution. The existence of other forces could then be more visible.

The early wave of the Arab Spring was on Tunisia and then on Egypt. Still, the military within the previous government structure is found the prime decision-making authority in the two countries.[248] In Egypt, initiatives have already been taken to make a constitution. Some observers are in doubt about the role of military in making the constitution. The provisional military administration that exercised power in the recent past wanted their representation secured in the new constitution. Now the fact is how the constitution-making committee, at the end, deals with the pressure. On the other hand, the role of

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[245] Anthony H. Cordesman, "Next Step in Libya (Egypt, Tunisia, and Other States with New Regimes)", available at http://csis.org/publication/next-steps-libya-egypt-tunisia-and-other-states-new-regimes, accessed on 22 August 2011.

[246] *Ibid*.

[247] Tareque Shamsur Rahman, 20 June 2011, *op. cit*.

[248] *Ibid*.

Bashar al-Assad in Syria and that of armed forces in Yemen instigate some critics to re-think and re-examine the role of military in the Arab politics.

The Arab Spring has already taken the dictatorial regimes away from power in Libya, Egypt and Tunisia. The uprising has also given a message to the authority of Syria and Yemen. If the countries can adopt practicing democratic norms and form democratic governments, representation from the Muslim brotherhood will be adequate, as is now in Egypt.[249] Likewise, if traditional politics in the Arab world is exposed to a significant extent, the Muslim Brotherhood in Jordan and like-minded Islamist groups in Tunisia will have a chance to enter the ruling alliance or coalition regime.[250] It is perceived that the Islamist groups are in active protests against President Ali Abdullah Saleh. All these may substantiate that during the euphoria of the democratic transition, the Islamist organisations might flourish and the Muslim Brotherhood would set the parameters of a new political system in the Arab world.[251]

The Muslim Brotherhood, known as the typical Islamist organisation in the Arab world, at its core has powerful and practical trends. Whenever endurance of the Muslim Brotherhood is in dilemma, it could manipulate its ideological directions.[252] This may lead the Muslim Brotherhood to support any unexpected alternatives. There is a doubt that democracy could make the ME unstable. To guide the new and rapidly evolving region in a favourable direction, there would be no charismatic leader for long. Until or unless the leadership vacuum will be resolved, the region will have to lose much toll for that. By the time, the opportunistic forces will be gainer, which is observed in Iraq. It raises a question whether Libya is likely to be Iraq or not?[253]

Frank Gardner, a BBC Security Correspondent, asserts that the problem in Yemen and possibly other Arab countries is that the transition process could lead to instability.[254] The existence of the North Atlantic Treaty Organisation (NATO), the ongoing and elongated civil war, initiatives by a provisional administration to make a constitution immediately and to have national election within less than two years, have given rise to social insecurity for the Libyans.

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[249] Shadi Hamid, "The Rise of the Islamists How Islamists Will Change Politics, and Vice Versa", *Foreign Affairs*, Vol. 90, No. 3, May/June 2011, pp. 40-47.

[250] Dina Shehata, "The Fall of the Pharaoh How Hosni Mubarak's Reign Came to an End", *Foreign Affairs*, Vol. 90, No. 3, May/June 2011, pp. 26-32; Tareque Shamsur Rahman, 20 June 2011, *op. cit*.

[251] Tareque Shamsur Rahman, *ibid*; Tareque Shamsur Rahman, "Libyar Adau Samjhata Habe Ki (Whether Any Way Out at All for Libya)", *The Daily Ittefaq*, 12 April 2011; Shadi Hamid, *op. cit*.

[252] Shadi Hamid, *ibid*.

[253] Tareque Shamsur Rahman, 20 June 2011, *op. cit*.

[254] Frank Gardner, "Is the Arab Spring Good or Bad for Terrorism", available at http://www.bbc.co.uk/news/world-middle-east-13878774, accessed on 22 June 2011.

The situation in Syria is getting worse; civil war has caused thousands of deaths and millions of refugees. Therefore, humanitarian issues in the Arab world are now in great concern.

Uprising in the Arab world could give rise to some new synergies. The prolonged crisis between Iran and the Kingdom of Saudi Arabia (KSA) might be in the forefront. On the other hand, the United Arab Emirates, Qatar and Turkey could look for local allies as an endeavour to secure their concerns and meet the challenges. With inadequate law and order situation, some areas in the MENA could be a hub of terrorism, fundamentalism and extremism. The threats in North Africa could be severe and there should be considerable efforts to address the threats.

Another assumption by several critics is that the groups with direct lenience to Islamism could oust the parties aligned with the traditional international power houses, owing to their various socio-economic breakdowns. However, a different situation may also occur. In this aspect, the positivists might argue that the crises originated from the Arab Spring would not be so prolonged and there would be a beginning of ending autocracy in the Arab region. It is in fact too early to have a comprehensive consequence about the Arab Spring. At least general considerations and issues raised aforesaid demonstrate that the future of the Arab world would depend on its internal dynamics. At present, how the Arab politics would develop requires realistic assessment of the triangle – the US involvement, the European response and the wave of Arab Spring.

4. The European Response to and the US Involvement with the Arab Spring

A recent concern for the Western world is to significantly respond to the beginning of transition originated from the Arab Spring in the MENA. No doubt, the Arab Spring has given a chance to Europe to be associated with the transition. The major demand of Europe in the region is to see the Arab world enthusiastic to democracy as well as politically and economically stable. The European Union (EU) responded earlier to any crisis in the MENA proactively as well as reactively. This time, the EU has been vocal and also innovative to the issue of the Arab Spring, providing a message that it respects the values of the unrests successively occurred in the region. Therefore, the EU would be keen to the emerging process of transition, either for democracy or a new government instead of existing regimes in the Arabian Peninsula.

By contrast, the response from the United States to the Arab Spring seemed to be country specific and a bit confusing. The democratic forces while came up in Egypt and Tunisia, the US response was obvious only when the consequence became irretrievable. On the other hand, the US response for Bahrain and Libya was mixed and now for Syria is ambiguous. The super power seems to lose its initial strategic goals: having more weight in the region and moving regional

solidarity forward. The US strategy to become a facilitator to the most important crises in the MENA is now blended with addressing internal threats to have regional stability.

However, several public speeches and announcements, diplomatic responses as well as comments from the US President Barack Obama and his state representatives in a number of places in different times throughout the year 2011 authenticate that the United States is fully aware of the Arab Spring and it will be watchful to the issue of human rights and democracy across the Arab world. For the United States, democracy in the ME has always been a hard choice to make. Since the politico-economic geography of the ME has global significance, it will be unlikely that the United States will not keep its eyes on the region, though its diplomacy is now more focused on the Asia-Pacific region.

The important aspects of the uprising in the Arab world embrace applying an interesting technique of regime-change-game as well as observing how the outcome of the Arab Spring is gripped by the United States. Some critics argue that the US has not only fuelled the Arab unrest but at the same time also facilitated the demise of its unfriendly autocrats or unruly regimes in the Arabian Peninsula.[255] The US attitude to the Arab Spring is however mixed; in favour of retaining existing regimes of the KSA, Jordan and Bahrain but extremely antagonistic to overthrow Gaddafi regime and strongly upset the Assad rule.

The United States and its allies have played dual role to the Arab uprising. The United Nations Security Council (UNSC) and the NATO were used to implement their own agenda. One may be confused to find the reasons as to why the NATO is not being used for Bahrain but for Libya. In Bahrain, the existing regime was harsh to the unrest, although the protesters specified their demand – a change towards democracy. It is worth mentioning that the case of Bahrain was so severe that the KSA was permitted to assist the Bahrain government in order to control the unrest. The West in general may consider that the Libyan ex-leader was one of the odious personalities and also odd administrators in the Arab world.[256] In line with this view, there is no rationale that one should support his regime.[257] The fact that has stunned the world is the double standard of the West and its allies to deal with the unrest-oriented concerns.

Some critics link the Libyan issue with oil and give explanation in this regard.[258] They argue that the Western energy companies ran towards Libya when the interim government just came into power and it was owing to oil. On

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[255] Tareque Shamsur Rahman, 20 June 2011, *op. cit*. Abdullah Omar, *op. cit*.

[256] Sultan Mohammed Zakaria, "Arab Spring, Libyan War and Exporting Democracy", *The Daily Star*, 17 September 2011

[257] *Ibid*.

[258] Tareque Shamsur Rahman, 20 June 2011, *op. cit*., Abdullah Omar, *op. cit*.; Frank Gardner, 22 June 2011, *op. cit*.

the other hand, they criticise the controversial role of the UNSC. Also, they argue that the UNSC may have a different look to the international crisis like the Arab Spring.[259] Therefore, the Council needs to be more efficient to address the issue of the Arab Spring in the Arabian Peninsula.

It would not be very erroneous if some scholars[260] assume that the US involvement in the Arab spring is predefined in the name of 'new regime change game'. Others may disagree with the fact, though one of the findings of Michael Scott Doran[261]clearly indicates the fundamental interest of the US in the Arab world – promoting democratic reform in a way that bolsters the US-led order in the region. The evidence may corroborate that the US involvement to the Arab world will be available as long as their strategic interests are secured. Michael Scott Doran in his write up also discloses some of the key strategic interests: protecting key allies especially Egypt, Israel and Saudi Arabia as well as countering terrorism and political violence.

5.   The Relations between the Arab Spring and the 'Global War on Terror'

After the fall of Tunisian and Egyptian governments, al Qaeda did not raise its voice strongly, while the US high officials seemed to link the revolt and al Qaeda's muffled reaction as triumphs in the move against terrorism. On 27 February 2011, Senator John McCain in his speech in Egypt argued the revolt as a refutation of al Qaeda.[262] There is thus an attempt to link the Arab Spring and al Qaeda, a sign of the notion - 'global war on terror'.

Frank Gardner[263] states that the crisis in the Arabian Peninsula could give rise to political vacuum, render a chance for the terrorists in particular for al Qaeda to increase its weight and strengthen its existence in the region. On the other hand, Daniel Byman[264] supports the remarks and asserts that the existing Syrian head of state and al Qaeda both in the Arab world are unfriendly to the demonstrators demanding a democratic change in the region and there would be no contradiction between the two.

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[259] *Ibid*.

[260] Tareque Shamsur Rahman, "Arab Bishwer Ganatantra (Arab World's Democracy)", *The Daily Ittefaq*, 30 May 2011; Ilan Berman, "How to Help Sink Assad's Syria", available at http://www.afpc.org/publication_listings/viewArticle/1246, accessed on 19 August 2011.

[261] Michael Scott Doran, "The Heirs of Nasser Who Will Benefit From the Second Arab Revolution", *Foreign Affairs*, Vol. 90, No. 3, May/June 2011, pp. 17-25.

[262] Daniel Byman, "Terrorism After the Revolutions How Secular Uprisings Could Help (or Hurt) Jihadists", *Foreign Affairs*, Vol. 90, No. 3, May/June 2011, pp. 48-54.

[263] Frank Gardner, 22 June 2011, *op. cit*.

[264] Daniel Byman, *op. cit*.

Frank Gardner again argues that Al-Qaeda in the Islamic Maghreb (AQIM), al-Qaeda's influence in Sahara and the southern part of Algeria, is very keen to have a chance from the Libyan unrest.[265] The comment is substantiated by the assumption of Tareque Shamsur Rahman that "Gaddafi has already unlocked his stock of arms and ammunitions. It is assumed that two Islamic terrorist groups linked with al Qaeda, *Al jamaa al Muqatilah bi Libya* and *Libya Islamic fighting group (LIFG)*, have owned the stock. Essential to mention that the *LIFG* was identified by the UNSC in 1999 as an organisation that has link with al Qaeda. If they truly owe the stock of arms and ammunitions, there will be serious panic for the ME"[266].

The evidence reveals that al Qaeda and its allies, who were once away from the uprising, might take a chance to associate them with the post-Arab Spring era. They might find out some pockets to take advantage from further turmoil in the years to come. Therefore, any relation between the Arab Spring and the 'global war on terror' remains to be observed in future. Another critical sentiment is now to be examined: whether there is any relation between Israel and the Arab Spring or not?

6. The Relations between Israel and the Arab Spring

There is an argument that Israel is going to lose the great support of its two traditional allies, Egypt and Turkey.[267] Is it the outcome of the Arab Spring? The Arab Spring has ousted the ex-Egyptian ruler and now Mursi, the new leader from the Muslim Brotherhood, is expected to be friendly with the public sentiment. Some months ago, public sentiments against the Israelis were so aggressive that the Ambassador of Israel and his staffs had to flee from Egypt. Being very young in his tenure, how his government would bargain with Israel is yet to be assessed. On the other hand, in 2011, Turkish leader Erdogan in a speech in Egypt pronounced that "supporting the Palestinian request for statehood was an obligation and that the Palestinian flag must fly high at the United Nations"[268]. Besides, Jordan, another Israeli ally, also openly expressed its support to the Palestinians and agreed with Erdogan's statement.[269] At the same time, the international community was in an uncomfortable state at the UN owing to the Palestinian President Mahmoud Abbas's official demand for the statehood to the UNSC and the General Assembly.

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[265] Frank Gardner, 22 June 2011, *op. cit*.

[266] Tareque Shamsur Rahman, 20 June 2011, *op. cit*.

[267] Martin Khor, "Palestinian Quest Goes to UN", *The Daily Star*, 20 September, 2011.

[268] *Ibid*.

[269] Shamima Nasreen, "Israel in the Changing Geopolitical Situation", *The Daily Star*, 24 September 2011.

The relations between the Arab Spring and Israel could render another outcome. Since, some of the Egyptian and Jordanian Muslim Brotherhoods made a statement that they would value their state's peace agreements with Israel.[270] Others, by contrast, have strongly denied the statement. However, with the rise of Muslim Brotherhood in power, it is assumed that moderation appears to succeed and Camp David Peace Agreement between Israel and Egypt signed in 1979 would have its belated recognition.

7. Conclusion

This paper describes various aspects of the Arab Spring, in particular the rationale and the consequence of the issue. The important causes of the Arab Spring are: some decades of repression by the dictators, lack of harmony between and among the different groups of people for their individual demands, elongated socio-political impact of autocracy or oligarchy and lack of consistent negotiation between the then regimes and the international power houses, in particular the US and its allies. Whatever the responses from the global forces, the real fact regarding the consequence of the Arab Spring is that the West would play a vital role to have their benefits. On the other hand, a wave of socio-political and economic change seems to come in the Arab world.

The consequences of the Arab Spring are yet to be exposed but regime change (as in Egypt) could be obvious with adequate reforms such as new constitution or elections. If democracy is introduced in the Arabian Peninsula without its true exercise, the Arab Spring could produce uncertainty, insecurity, civil war, human rights violations, terrorism and so on.

Not only the general mass but the international community also is in high aspiration that there would be a beginning of democracy in the Arab region. But how the democracy would be established in the 'no democracy region' is a matter of concern. The other concerns lie with the relations between the 'global war on terror' and the Arab Spring and between Israel and the Arab Spring. Whether al Qaeda would find something from the Arab Spring to make a new game and whether the Muslim Brotherhood or the Islamists would compromise or rationalise their demands with Israel and its lobby would be the important aspects to be observed in the near future. Therefore, time will be the real defining factor to see how the Arab Spring evolves in the Arabian Peninsula and how the region gains knowledge from the event.

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[270] Shadi Hamid, *op. cit.*