

Territorial Waters and Maritime Zones (Amendment) Act, 2021: An In-Depth Analysis and Overview

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Abstract

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 is a prominent piece of legislation that establishes and controls Bangladesh's maritime borders. The legislative act grants the country the power to assert jurisdiction over the investigation, utilization, and preservation of resources inside its Exclusive Economic Zone (EEZ). The act of legislation described above serves to protect the sovereign rights of the nation within its territorial waters and marine zones, establishing a clearly defined legal framework for the exercise of its authority in these areas. Furthermore, the legislative act serves to promote the progress of sustainable development within the maritime sector by enacting methods that discourage illicit activities such as maritime piracy, smuggling, and illegal fishing. The enactment of the Act has effectively safeguarded the maritime environment of Bangladesh and facilitated the advancement of sustainable development of maritime resources. This comprehensive study aims to thoroughly examine the various aspects of the aforementioned statute, delving into its consequences, applicability, and impact on the academic field of marine studies. Extensive research will be done to investigate these dimensions in scads.

Key Words: Maritime Zone, Territorial Waters, Punishment, Maritime Law, Nautical Miles, Legislation

1.Introduction

The Territorial Waters and Maritime Zones (Amendment) Act, 2021 has just been passed into law by Bangladesh, a country that is blessed with a sizable portion of coastline that is located in close proximity to the Bay of Bengal. The antiquated Territorial Water and Maritime Zones Act of 1974 has been rendered obsolete as a result of the recently passed act of legislation, which supersedes the act and brings it into alignment with the progressive requirements of the nation in effectively administering its maritime domain, protecting marine resources, and fostering the principles of sustainable development. In this all-encompassing research, research will be dug into the myriad facets of the law that was

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just described, and research will be conducted an in-depth investigation into its implications, relevance, punishment and effects on the academic world of maritime studies.

1.1 Background

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 is a significant legislative enactment that lay out and governs the maritime boundaries of Bangladesh. From the 17th century through the 19th century, the doctrine of absolute freedom of the sea was widely held centuries (Latané 1999,163-164). This maritime legislation supersedes the 1974 statute pertaining to Territorial Waters and Maritime Zones, thereby harmonizing it with the principles enshrined in international law, specifically the United Nations Convention on the Law of the Sea (UNCLOS).

It is based on the recent developments in the international law of the sea, particularly the two landmark judgments that settled the long-standing disputes between Bangladesh and its neighbors, Myanmar and India, over the delimitation of their maritime zones in the Bay of Bengal.

The first judgment was delivered by the International Tribunal for the Law of the Sea (ITLOS) on 14 March 2012, in the case concerning the delimitation of the maritime boundary between Bangladesh and Myanmar (Riesenberg,2012). The Tribunal delimited the territorial sea, the exclusive economic zone and the continental shelf of the two parties, including the area beyond 200 nautical miles, by applying the principles of equity and proportionality. The Tribunal also recognized the special circumstances of Bangladesh as a concave and densely populated coastal state with a very limited maritime area (Watson,2015)

The second judgment was rendered by an Arbitral Tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) on 7 July 2014, in the case concerning the delimitation of the maritime boundary between Bangladesh and India (Suaraz,2016). The Arbitral Tribunal followed a similar approach as the ITLOS and delimited the maritime zones of the two parties by using an equidistance line as a provisional basis and adjusting it to achieve an equitable result. The Arbitral Tribunal also took into account the effect of St. Martin's Island, a small island belonging to Bangladesh, on the delimitation process (Desai and Sidhu, 536–39)

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 incorporates the coordinates of the maritime boundary lines as determined by the ITLOS and the Arbitral Tribunal in its annexes. The statute provides a comprehensive delineation of the territorial waters, exclusive economic zone (EEZ), and continental shelf of Bangladesh. The aforementioned document delineates the rights and obligations of Bangladesh within these maritime zones, while also establishing a

fundamental reference point. The recognition of Bangladesh's sovereign rights within its exclusive economic zone (EEZ), encompassing a distance of 200 nautical miles from its baseline, is duly acknowledged in the aforementioned legislative act (UNCLOS, Art55). This acknowledgement confers upon Bangladesh the authority to exercise jurisdiction over the exploration, exploitation, and conservation of resources within its exclusive economic zone (EEZ) (Rahman,2019). The preceding legislative act additionally safeguards the maritime ecosystem through the prevention of pollution, the regulation of maritime operations, and the assurance of resource sustainability. It underscores the imperative of engaging in collaborative efforts with neighboring nations and international maritime institutions in order to address and resolve pertinent maritime concerns. The aforementioned legislative act establishes protocols for the resolution of maritime boundary disputes and ensures the enforcement of rules and regulations within the territorial seas and maritime zones of Bangladesh.

The enactment of the Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 exemplifies the nation's unwavering commitment to the principles of sustainable development, adherence to international legal frameworks, and the prudent management of marine resources and preservation of the environment.

1.2 Exposition & Salient features of the Legislation

Bangladesh's maritime domain is set at 12 nautical miles from the baseline, while the exclusive economic zone is set at 200 nautical miles, thanks to the country's complete legal framework, the Territorial Waters and Maritime Zones (Amendment) Act, 2021(Hossain 2023,1-25). The Act establishes the Maritime Boundary Commission, which is comprised of legal and technical experts, with the purpose of mediating issues with neighboring countries about maritime borders. Bangladesh's objective is that by establishing a neutral agency to settle maritime border issues, it will be able to maintain its independence from its neighbors and keep its relations with them on a friendly footing.

1.3 Significance of the Act

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 has substantial significance for the nation across several dimensions(Alam,2004). First and foremost, the agreement serves to strengthen the assertion of Bangladesh's sovereignty over its territorial seas and maritime zones, establishing a well-defined legal structure for the exercise of its authority in these regions. This action furthermore plays a role in safeguarding and overseeing marine resources, such as fish populations and hydrocarbon reserves, which have significant importance for the nation's economic and food security.

Furthermore, the legislative act facilitates the advancement of sustainable development within the maritime industry via the implementation of strategies aimed at deterring unlawful practices, including but not limited to acts of maritime piracy, smuggling, and unlicensed fishing (Mozumder et al). The primary objective is to achieve a harmonious equilibrium between the preservation of the natural environment and the promotion of economic advancement in sectors associated with maritime transportation, port operations, and offshore exploitation of oil and gas resources. The legislation also promotes both local and international investment in the maritime sector, by establishing a supportive legal structure that improves prospects for corporate growth and economic advancement.

In summary, the enactment of the Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 signifies a notable step in bolstering Bangladesh's maritime authority, safeguarding marine and maritime resources, and promoting sustainable development. This Act establishes a contemporary legal framework that safeguards the nation's sovereign rights inside its territorial seas and fosters the conscientious use of marine resources, therefore facilitating a future characterized by prosperity and sustainability.

2. Overview of Bangladesh's Territorial Waters and Maritime Zones (Amendment) Act, 2021

The Territorial Waters and Maritime Zones (Amendment) Act, 2021 is an all-encompassing legal framework that delineates the demarcation lines and regulatory authority pertaining to the territorial waters and maritime zones of Bangladesh. It precisely demarcates the expanse of the nation's maritime domain, encompassing a distance of 12 nautical miles from the established baseline, in accordance with universally acknowledged principles of international maritime law. Furthermore, the mentioned legislative act delineates the exclusive economic zone, encompassing a distance of 200 nautical miles from the established baseline.

2.1 Scope and Objectives of the Act

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act's major purpose is to give precise definitions and regulatory measures related to Bangladesh's territorial waters and maritime zones. This act is expected to go into effect in 2021. The domestic legal structure of the country will be brought into conformity with the principles and provisions that are defined in international law, namely the United Nations Convention on the Law of the Sea (UNCLOS), if this endeavor is successful in accomplishing its goal. The aforementioned piece of law has as one of its key goals the development of clear demarcations for Bangladesh's territorial waters, exclusive economic zone (EEZ), and continental shelf. In addition to this, the act intends to

outline the associated rights and duties of the country within of these specified zones. The legislation places an even greater emphasis on the need of protecting and preserving the marine environment, encouraging the sustainable use of resources, cultivating partnership with neighboring states, and settling disputes in accordance with the established norms of international law.

2.2 In-depth examination of the legal framework as established by the Act

The 2021 Bangladesh Territorial Water and Maritime Zone Act includes provisions that aim to promote responsible utilization of marine resources and safeguard the maritime jurisdiction of Bangladesh. One significant provision is the establishment of the Maritime Boundary Commission, which comprises experts, in law and technology. This commissions primary responsibility is to resolve any disputes that may arise with neighboring countries concerning boundaries. Its main objective is to protect Bangladesh's interests within its boundaries (Mohiuddin,2011).

The Territorial Waters and Maritime Zones (Amendment) Act, 2021 (TWMZA) serves as a framework governing the territorial waters and maritime zones of the country. As per the TWMZ Act the academic framework related to affairs designates Bangladesh's waters as an area extending 12 nautical miles from the established baseline. The baseline refers to the demarcation of the low water line, along the region as officially recognized by the Government of Bangladesh on large scale charts. Furthermore, this act defines Bangladesh's zone (EEZ) as a maritime area extending 200 nautical miles from the established baseline.

The exclusive economic zone (EEZ) denotes a maritime area wherein Bangladesh exercises its sovereign entitlements to conduct exploration and exploitation activities pertaining to abundant natural resources, encompassing fisheries, hydrocarbon reserves, and other valuable maritime assets.

The TWMZA, or the Treaty of the World Maritime Zones Act, also delineates several maritime domains, including the contiguous zone, the continental shelf, and the high seas. The contiguous zone pertains to a region that stretches 24 miles from the starting point. In this area Bangladesh has the jurisdiction to enforce rules and regulations relating to customs, finance, immigration and health.

Manifesting the maritime regions that stretch beyond the limits of jurisdictional waters, the continental shelf is a submerged landmass accompanied by underlying sedimentary layers. This encompassment extends to either the sheer outer boundaries of the continental margin or a depth of 200 meters, depending on which distance is greater.

Conversely, the high seas comprise an extensive expanse of maritime territory that transcends a nation's territorial waters and exclusive economic zone (EEZ). Within the context of Bangladesh, the Territorial Waters and Maritime Zones Act confers upon this nation a plethora of prerogatives and responsibilities within its maritime sphere. These prerogatives encompass the authority to partake in maritime navigation, exploit marine resources through fishing activities, and establish artificial islands and facilities. Conversely, the responsibilities impose the critical duty of preserving the maritime ecosystem while fostering collaboration with international counterparts in the realm of maritime safety and security.

The TWMZA the amended version, is a cardinal law that aims to strengthen and safeguard Bangladesh's maritime interests. The Act is a thorough and fair piece of legislation, providing a clear and organized framework for effectively managing Bangladesh's territorial waters and maritime zones.

Enshrine within the principles of the (TWMZA) these are the important provisions

Section 3 delineates the maritime boundaries of Bangladesh, specifically referring to the territorial waters, which encompass a distance of 12 nautical miles from the established baseline. Section 4 delineates the exclusive economic zone (EEZ) of Bangladesh as the maritime expanse encompassing a distance of 200 nautical miles from the established baseline.

Section 5 delineates various maritime domains, including but not limited to the contiguous zone, the continental shelf, and the high seas. Section 6 delineates a multitudinous of entitlements and obligations bestowed upon Bangladesh within its expanse of territorial waters and maritime zones. Section 7 delineates the repercussions for transgressions against the aforementioned legislation.

The TWMZA, being a multifaceted legislative framework, necessitates the pursuit of legal counsel should any inquiries arise pertaining to its stipulations. Nevertheless, the aforementioned Act establishes a comprehensive framework for the effective governance of Bangladesh's territorial waters and maritime zones, thereby serving as a pivotal instrument in the protection and preservation of Bangladesh's maritime pursuits.

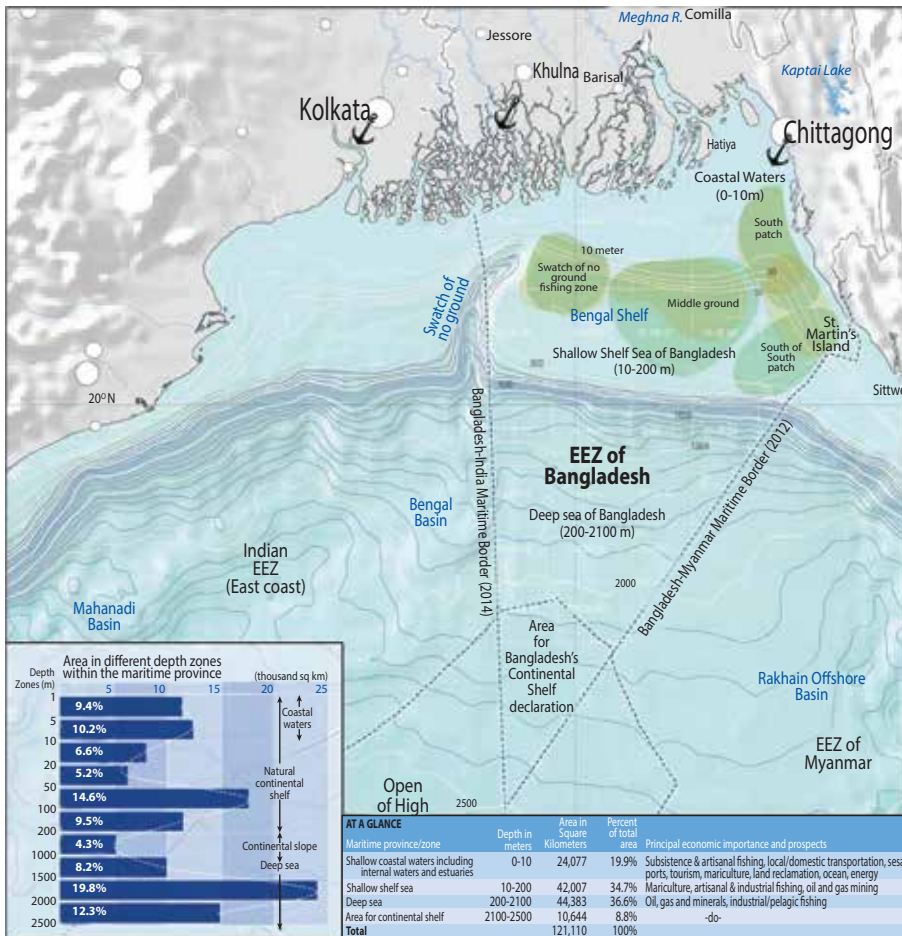


Figure 1. Maritime area of Bangladesh (Source: Chowdhury, 2017)

2.3 Differences and improvements indulged by this Act

Compared to the previous Territorial Water and Maritime Zones Act of 1974, the Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 provides several notable changes and advancements. The new act accurately delineates the extent of Bangladesh's territorial waters and exclusive economic zone, in pursuance with the United Nations Convention on the Law of the Sea.

The formation of the Maritime Boundary Commission is a major step forward, as it offers a specialized platform for resolving disputes over maritime boundaries with neighboring countries. The commission operates autonomously, collaborating with legal and technical experts, in order to protect the interests of Bangladesh.

So more to state, the new act aims to support sustainable development in the maritime sector and establish a legal structure for investments that will encourage economic growth. It strives to find a harmonious balance between promoting economic growth and ensuring the preservation of the environment, while also safeguarding the country's maritime jurisdiction.

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 is an inclusive accumulation of laws designed to improve the administration of Bangladesh's territorial sea, continental shelf, exclusive economic zone and maritime areas. For clinching inter-state and international safety and security in maritime industry as well as utilizing the marine resources, maintaining the blue economy and promoting sustainable development, the law has significant importance considering the maritime industry's long-term viability.

3. Unique Points and Contributions of the Act

3.1 Elucidating the Essential Core & Supplementary Provisions of This Act

The basic objective of the Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 is to safeguard and properly monitor these specified areas. This Act is distinguished by relevant maritime provisions as well as some features which are for the development in the maritime sector of Bangladesh. According to the international law which is incorporated in this act, Section 3 merely alters Section 2 of the Territorial Water and Maritime Zones Act, 1974 to define Bangladesh's territorial sea as "the waters extending up to 12 nautical miles from the baselines determined under this Act." UNCLOS which is an international maritime law treaty, sets a 12 nautical miles' territorial sea limit. The territorial sea comprises the water column, seabed, subsoil, and airspace up to 12 nautical miles from baselines, per Section 4. The coast includes Chattogram, Mongla, Matarbari and Payra ports. Bangladesh controls the Territorial Sea's water, seabed, subsoil, and airspace. Foreign vessel access, sea lanes, traffic separation, and underwater cables/pipelines can be regulated by the government. Section 5 of the Act created the exclusive economic zone (EEZ), which spans 200 nautical miles from the coast of Bangladesh. Bangladesh has entire control over this region's fish, oil, and marine & mineral resources. Furthermore, the Act is concerned with protecting and maintaining the maritime environment biodiversity. The prevention and management of oil spills and other forms of maritime pollution is critical in it (Section 6). Crux aim of our nation is to protect and care for aquatic wildlife. The Act strengthens the government's capability and range of regulations to monitor the oceans that surround Bangladesh. Within restricted regions, this act supports law enforcement in combatting illicit activities such as fishing, smuggling, and piracy (Section 7). We may now aid and collaborate with other nations and international

organizations to manage and protect maritime resources under the Act. This engagement will assist us in developing stronger international contacts and collaboration. Working together to combat crime and maintain our common resources as well as marine resources makes it easier for individuals & entities to manage.

Lastly, TWMZA is dealt with the protection of marine life and the maritime environment. This is accomplished by extending Bangladesh's territorial waters and establishing a unique exclusive economic zone (EEZ). It aids in the substantiating of law enforcement activities and encourages cooperation among neighboring states and international organizations.

3.2 Enhanced Measures for Combating Illegal Fishing and Marine Pollution

With the passage of the Territorial Waters and Maritime Zones (Amendment) Act, 2021, severe punishment for illegal & irregular fishing and marine pollution have been implemented. These protections and conservations are in place to protect marine ecosystems as marine resources are still used.

The Act's authorization of frequent maritime patrols in Bangladeshi seas is a crucial development. Protecting the ocean from pollution, this act helps halt illicit fishing. Fishing vessels that operate within Bangladesh's territorial waters must be registered and licensed in accordance with the Act's provisions. To ensure that only permitted vessels engage in fishing operations, this method enhances monitoring, management and patrolling. Punishments for illegal fishing and maritime pollution are stern under the Act. Monetary fines are a powerful deterrent against rule-breaking and an incentive for lawful act and attribute. The Act supports and advocates working jointly with international organizations such as International Maritime Organization, Interpol and the United Nations to combat transnational illicit, irregular fishing and marine pollution. This functions and actions makes it easier to work together on projects and exchange information and technology.

In an attempt to encourage sustainable fishing practices and protect our marine ecosystems, the Act highlights the substantiality of increasing public awareness and educating people. Its goal is to raise awareness among fishermen and the general public about illegal fishing and marine pollution (MOFA,2019).

In order to further protect its maritime environment, Bangladesh has passed the Territorial Waters and Maritime Zones (Amendment) Act, 2021. By strengthening enforcement, encouraging international cooperation, and increasing awareness, the Act safeguards maritime ecosystems and guarantees the sustainable use of marine resources (Islam and Shamsuddoha,2018).

4. Penalties for violations Specified by the Amended Act

Punishments provisions of the Territorial Waters and Maritime Zones (Amendment) Act, 2021. are typically strong. Punishments are severe enough to deter crime without being cruel.

Others believe penalties should be stiffer. They want the government to protect maritime resources more. Only if enforced would punishment clauses be useful. The government must strictly enforce sanctions for violators if it wants to preserve maritime resources.

In Section 15, innocent passage violations are punished. Foreign vessels that break innocent passage restrictions in Bangladeshi territorial waters may be fined. Possible penalties could consist of a prison sentence of five years, a monetary fine of 40 crore taka, or a combination of both.

Section 16 punishes submarines and other undersea vehicles for breaking the law. In Bangladesh, submarines and underwater vehicles that break the legislation in the territorial sea, contiguous zone, exclusive economic zone, or continental shelf can be fined. These punishments may include 3 years in prison, 20 crore taka in fines, or both.

Nuclear or hazardous waste throwers are punished under Section 17. Nuclear or hazardous waste disposed of in Bangladesh's territorial sea, contiguous zone, exclusive economic zone, or continental shelf may be punished. Such activities can result in a 10-year jail sentence, a 50-crore taka fine, or both.

The Contiguous Zone infraction is punished in Section 18. Unauthorized fishing or smuggling by a foreign vessel in Bangladesh's contiguous zone may be punished. These punishments might include 3 years in prison, 20 crore taka in fines, or both.

Offenses in the exclusive economic zone are punished in Section 19. Unauthorized drilling or exploration in Bangladesh's exclusive economic zone is punishable. The maximum sentence for such actions is 5 years in prison, 40 crore taka in fine, or both.

Section 20 of the statute punishes Continental Shelf crimes. Unauthorized drilling or exploration on Bangladesh's continental shelf can result in fines for foreign vessels. These punishments may include 3 years in prison, 20 crore taka in fines, or both.

Section 21 of the legislation punishes breaking or harming a submarine cable, telegraph or telephonic connections, and other violations. If you willfully destroy an undersea cable, interrupt telegraphic or telephonic connections, or interfere with another facility

in Bangladesh's territorial sea, contiguous zone, exclusive economic zone, or continental shelf, you may be fined. Such activities can result in a 3-year jail sentence, a 20 crore taka fine, or both.

Pollution penalty is included under Section 22. Polluters of the territorial sea, contiguous zone, exclusive economic zone, or continental shelf of Bangladesh risk sanctions. These punishments may include 5 years in prison, a 40 crore taka fine, or both.

People and businesses that fail to avoid pollution are punished under Section 23. Those who fail to prevent marine pollution in Bangladesh's territorial sea, contiguous zone, exclusive economic zone, or continental shelf may be fined. These punishments might include 3 years in prison, 20 crore taka in fines, or both.

Piracy, armed robbery, maritime terrorism, and theft are punished under Section 24. Piracy, armed robbery, maritime terrorism, and theft in the territorial sea, contiguous zone, exclusive economic zone, or continental shelf of Bangladesh can result in serious penalties. Such violations can result in a 10-year jail sentence, a 50-crore taka fine, or both.

Section 25 punishes causing death while committing a section 24 offense. A person who kills someone while committing section 24 (piracy, armed robbery, maritime terrorism at sea, or theft) may be imprisoned for life or fined up to 100 crore taka.

4.1. Review of the Maritime Laws of India, Myanmar & China in Relation to Territorial Waters and Maritime Zones (Amendment) Act, 2021

The TWMZA, enacted in 2021, defines Bangladesh's maritime zones, encompassing its territorial sea, exclusive economic zone (EEZ), and continental shelf. The TWMZA includes provisions for the management and development of Bangladesh's maritime resources. The TWMZA aligns with UNCLOS.

India: The Indian maritime laws have evolved over centuries. The Mauryan Empire in the 3rd century BC documented the first maritime legislation (Ray 2021,198–217). British colonial control governed maritime matters through many measures, culminating in the 1958 Indian Merchant Shipping Act. The 2016 Merchant Shipping Bill updated and unified maritime legislation in India. These rules connect India with international maritime treaties on shipping, navigation, port operations, and safety at sea. The Indian maritime law system adapts to new difficulties and international norms.

- I. India's maritime laws are established by the Indian Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act (ITWCSEA)1976.

- II. The ITWCSEA defines India's maritime zones, such as its territorial sea, exclusive economic zone (EEZ), and continental shelf.
- III. The ITWCSEA is followed for managing and developing India's maritime resources.
- IV. The ITWCSEA aligns with UNCLOS.

Myanmar: Myanmar's maritime legal history has numerous major changes. The British colonial "Burma Ports Act" controlled ports and shipping. Myanmar developed maritime laws after independence in 1948. The 1949 "Myanmar Merchant Shipping Act" and 1972 "Myanmar Ports Authority Law" were landmarks. Myanmar joined SOLAS and MARPOL. In 2018, Myanmar passed the "Myanmar Maritime Law," which promotes maritime safety, environmental conservation, and trade. This changing legal environment shows Myanmar's dedication to maritime interests and international norms.

- I. Myanmar's maritime laws are established by the Territorial Sea and Maritime Zones Law of 1977.
- II. The TSMZ Law delineates Myanmar's territorial sea, exclusive economic zone (EEZ), and continental shelf.
- III. The TSMZ Law encompasses provisions for the management and development of Myanmar's maritime resources.
- IV. The TSMZ Law aligns with UNCLOS.

China: China has a long maritime law system. Ancient documents like the Tang Code (7th-10th century) covered marine operations. The Qing Dynasty's "Customs Law" 1683 regulated the maritime industry. Modern Chinese maritime law originated with the 1904 "Navigation and Customs Regulations." The PRC's Maritime Safety Law 1987 and Maritime Law 1992 demonstrate its maritime development commitment. PRC claims in the South China Sea have also caused international legal conflicts. These rules adapt to meet maritime issues and international norms.

- I. China's maritime laws are derived from the Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf (EEZCS) 1998.
- II. The People's Republic of China (PRC) The EEZCS Law in China establishes the country's exclusive economic zone (EEZ) and continental shelf.
- III. The PRC EEZCS Law includes provisions for the management and development of China's maritime resources (Tuan, Wong, and Nguyen,2021).
- IV. The PRC's EEZCS Law is inconsistent with UNCLOS as it asserts an EEZ of 200 nautical miles from its baseline, even in areas where there are overlapping claims with other nations. (Zou 2001,71-81)

- V. The Law of the Sea Law aligns with the United Nations Convention on the Law of the Sea.

Corresponding to India and Myanmar's maritime legislation, the TWMZA defines and aligns maritime zones with UNCLOS. International arbitration and adjudication have brought Bangladesh's maritime boundary accords with these two nations into the TWMZA. India, Myanmar, and Bangladesh cooperate to peacefully resolve maritime conflicts and protect their maritime interests.

UNCLOS compliance differs between the TWMZA and China's maritime legislation. TWMZA claims no excessive or overlapping marine zones that may violate other nations' rights. The TWMZA also observes international maritime boundary judgments with India and Myanmar. Bangladesh is dedicated to preserving the rule of law and UNCLOS in the maritime domain.

4.2 Possible Challenges & Prospects of the Act

Bangladesh's sovereignty over its maritime border and assets and the search for and production of marine resources are established by the groundbreaking TWMZ (Amendment) Act of 2021. Implementing and enforcing this statute involves several drawbacks that must be overcome. These problems arise from the lack of clarity and definition in defining maritime zones including the territorial sea, contiguous zone, exclusive economic zone, and continental shelf. It may be unclear what Bangladesh's maritime jurisdiction is. This could cause some issues with neighboring countries over who gets what in the ocean, especially when there's overlap. Bangladesh's maritime zones got to be all consistent and coherent according to international law and agreements.

- I. The amendment act does not include specific provisions about the width of the territorial sea, contiguous zone, exclusive economic zone, and continental shelf. Not including this information could cause confusion and make it harder to accurately figure out the limits and extent of Bangladesh's maritime authority.
- II. The amendment act could asset from providing more limited guidelines or contrivance for resolving disputes or conflicts with adjacent states concerning maritime boundaries, especially in areas where there are overlapping claims or interests.
- III. The amendment act does not fully take into account the different impending challenges in the maritime region, such as climate change, marine & maritime pollution, illegal & irregular fishing, maritime piracy, maritime terrorism, and maritime cyber security.

- IV. The amendment act does not do enough justice to Bangladesh's international responsibilities and commitments, such as the United Nations Convention on the Law of the Sea of 1982. This convention is the basic governing body for co-operating & directing maritime affairs.

Bangladesh's national security, economic growth, and general well-being have all been boosted thanks to the Amendment Act's provisions guaranteeing the country's liberties and rights inside its maritime areas. Fishing, oil and gas extraction, mineral extraction, renewable energy generation, maritime tourism, and marine biotechnology are just some of the ways that marine resources are put to use to support a growing "blue economy" and long-term prosperity. It also encourages Bangladesh to participate in regional and international ocean management, marine activity collaboration, and marine environmental research. This helps foster trust, confidence, and peaceful relationships among countries with coastal areas. The amendment act showcases Bangladesh's commitment to following international laws, like UNCLOS, 1982, which enhances its standing as a responsible player in maritime affairs. This legal framework protects Bangladesh's interests and positions it as an active and cooperative participant in the global maritime community, ready for sustainable growth and international cooperation.

The enforcement of rules within maritime zones by all relevant parties is another difficulty. This demands strong surveillance and enforcement, including sufficient resources.

5. Proposal regards to subsequent to this research

The TWMZ Act encompasses a limited number of parts, hence presenting a potential insufficiency in effectively regulating the multitude of claims pertaining to the law of the sea. The expeditious implementation of the regulations by the government is necessary. The following provisions should be given main focus in the Rules:

- I. Enhance maritime law enforcement authorities' capability. The TWMZ Act is enforced by the Bangladesh Coast Guard (BCG). Due to insufficient manning and limited resources, the BCG is unable to effectively police Bangladesh's vast maritime region (Farukh and Bindu, n.d.). The government must provide extra resources to the BCG and boost its employee recruiting initiatives. The BCG should have modern ships, planes, and other equipment.
- II. To define the precise limits of the territorial sea, contiguous zone, exclusive economic zone, and continental shelf, international legal frameworks and agreements, such as the 1982 United Nations Convention on the Law of the Sea, must be followed.

- III. The goal is to develop and implement an all-encompassing maritime policy and strategy that addresses ocean governance, the blue economy, marine scientific research, and regional collaboration.
- IV. In order to increase the capability and collaboration of relevant authorities and organizations for effective maritime surveillance, enforcement, monitoring, reporting, and data gathering.

The goal is to raise awareness of the act, international law, and conventions among fishing communities and other states or authority.

6. Conclusion

The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 strengthens the country's maritime sovereignty and use of its vast marine resources. Bangladesh enacted the legislation as a result of its successful resolution of maritime conflicts with India and Myanmar via international arbitration and adjudication.

The legal framework follows international principles, including UNCLOS, and provides a comprehensive strategy for maritime domain administration, protection, and development. The Act precisely delineated Bangladesh's territorial seas, exclusive economic zone, and continental shelf. Clarity is needed to safeguard our rights and resources in these zones, encourage sustainable development, and resolve conflicts with neighboring nations through the Maritime Boundary Commission. The Act extends Bangladesh's territorial seas to 12 nautical miles from baseline, under UNCLOS. The Act allows territorial waters to extend to 18 nautical miles under certain conditions. The Act also establishes a contiguous zone 18 nautical miles beyond Bangladesh's borders. Bangladesh can enforce and penalize customs, tax, immigration, and sanitary rules in this zone. The Act creates Bangladesh's 200-nautical-mile EEZ from baseline. Bangladesh has sovereign powers over natural resource exploration, exploitation, conservation, and management in this zone. The Act grants Bangladesh sovereignty over natural resource exploration and utilization on a continental shelf 200 nautical miles from baseline. The Act greatly impacted Bangladesh's maritime jurisdiction. Bangladesh now has authority over an extended maritime zone and can monitor and manage activity in these areas thanks to the maritime boundary agreement. The Act has protected Bangladesh's maritime environment and promoted sustainable maritime resource development. However, the Act faces obstacles. Marine pollution and maritime environmental protection are not effectively addressed by the Act.

The Act misses the rights and interests of coastal communities and indigenous marine peoples. Insufficient enforcement tools is another issue with the Act. The Bangladesh Territorial Waters and Maritime Zones (Amendment) Act, 2021 enlarged Bangladesh's

maritime authority amid challenges. The Act has helped conserve the nation's maritime environment and preserve maritime resources. The Act helps Bangladesh assert its maritime rights and interests.

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