Current Legal Developments

Bay of Bengal

Progress Towards Collaborative Sustainable Resource Management for the Bay of Bengal Large Marine Ecosystem

Large marine ecosystem (LME) management is an ambitious example of the myriad creative ways in which coastal states are giving practical effect at the regional level to the Preamble of the 1982 United Nations Convention on the Law of the Sea (the LOSC Convention): ‘the problems of ocean space are closely interrelated and need to be considered as a whole’. Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, Sri Lanka and Thailand border the Bay of Bengal (BOB) LME1 and have embarked on a long-term initiative that will culminate in a strategic action programme (SAP), intergovernmental institutional arrangements and a sustainable financing strategy for holistic, collaborative management of the BOBLME. In the preparatory phase of the BOBLME Program, communication and collaboration mechanisms among the BOBLME countries were established, and the preliminary ‘Framework Transboundary Diagnostic Analysis’ (FTDA) and the Project Brief2 were prepared. The first six-year main implementation phase as set out in the Project Brief is expected to begin in October 2005.3

Notable achievements of the BOBLME Program already include contributions to international marine policy and law, discussed below.

1 The Bay of Bengal (BOB)LME is defined as comprising the coastal watersheds, islands, reefs, continental shelves and coastal and marine waters of Bangladesh, the east coast of India, the Indonesian provinces of Aceh, Riau, and North and West Sumatra, the west coast of Peninsular Malaysia, the Maldives, Myanmar, Sri Lanka and the west coast of Thailand.

2 The BOBLME Program is executed by the Food and Agriculture Organization (FAO), implemented by the World Bank and funded by the Global Environment Facility (GEF), the Swedish International Development Agency (Sida), the BOBLME countries, FAO, Japan, and the US National Oceanic and Atmospheric Administration (NOAA). The Government of India hosts the BOBLME Program office in Chennai. Dr Random Dubois, Senior Environmental Adviser, FAO, prepared the Project Brief, the present author prepared the preliminary FTDA and Ms Barbara Cooney, FAO GEF Focal Point, guided GEF and World Bank liaison.

3 In the interim, project appraisal, endorsement, donor co-financing and letters of agreement are being secured and the preliminary FTDA is being reviewed by the BOBLME countries.
Consultative Process

The FTDA and the Project Brief are the result of extensive country-driven, multi-sectoral, national and regional consultations; these were carried out through the communications and collaboration network set up in the preparatory phase. The Project Brief expands the network for the main implementation phase to accommodate the greater scope and demands of this phase. Despite its complexity and the time and resources it requires, this painstaking, inclusive, multi-tiered consultative process is essential to build mutual confidence and implement effective policies and legislation that benefit from national and regional stakeholder ownership, involvement and expertise.

The Project Brief

The Project Brief consists of five mutually reinforcing components around a central theme of ‘stabilizing and reversing fisheries depletion in LMEs through ecosystem-based approaches’. It supports catalytic interventions promoting collaborative management of the BOBLME at four integrated levels with the following key outputs:

1. Strategic action programme (SAP):
   (i) TDA preparation;
   (ii) BOBLME institutional arrangements;
   (iii) Sustainable financing strategy;
   (iv) SAP formulation and adoption.

2. Coastal/marine natural resources management and sustainable use:
   (i) Community-based integrated coastal management (stock-taking);
   (ii) Improved policy harmonisation (mainstreaming);
   (iii) Collaborative regional fishery assessments and management plans;
   (iv) Collaborative critical habitat management.

3. Improved understanding and predictability of the BOBLME:
   (i) Large-scale processes and dynamics affecting the BOBLME;
   (ii) Marine-protected areas in the conservation of regional fish stocks;
   (iii) Improved regional collaboration;
   (iv) Establishment of a geo-referenced database.

4. Maintenance of ecosystem health and management of pollution:
   (i) Indicators of a healthy BOBLME;
   (ii) Coastal pollution loading and water quality criteria.

5. Project management:
   (i) Establishment of the RCU;
   (ii) Monitoring and evaluation system;
   (iii) Project information dissemination system.

This was identified as one of the key gaps in the recent review of the GEF’s International Waters (IW) portfolio which included the BOBLME Program.