The task of fine-tuning foreign policy

Implementing apparatus had to work to bring international aid to her suffering masses. In between, the country secured a few positions through elections in International Organizations like a seat in the UN Security Council, a position in ILO Governing Body or a place in WHO executive body. But it never could leverage on its internal strengths. To secure in a coordinated manner an external posture that could achieve some of its foreign policy goals. A major breakthrough for Bangladesh in its external relations was the international acceptance and participation of Bangladesh Armed Forces and Police in UN Peace keeping. This was the result of a deliberate policy decision taken and vigorously followed up. Today the country is enjoying some international goodwill and our Armed Forces also had the opportunity to gain operational experiences. The point being made here is that, once a policy is in place, we can swing into action and obtain dividends in the medium and long run for the benefit of the nation. The future of Bangladesh’s foreign policy lies therefore in building on our unique advantages in a time of great change and uncertainty. So far, we have managed our foreign relations especially with our neighbors, in our vicinity and in the world at large. At times we had characterized such management as a “Look East” policy, whenever we wanted to add credence to specific relations. Implementing apparatus had to work to bring international aid to her suffering masses. In between, the country secured a few positions through elections in International Organizations like a seat in the UN Security Council, a position in ILO Governing Body or a place in WHO executive body. But it never could leverage on its internal strengths. To secure in a coordinated manner an external posture that could achieve some of its foreign policy goals. A major breakthrough for Bangladesh in its external relations was the international acceptance and participation of Bangladesh Armed Forces and Police in UN Peace keeping. This was the result of a deliberate policy decision taken and vigorously followed up. Today the country is enjoying some international goodwill and our Armed Forces also had the opportunity to gain operational experiences. The point being made here is that, once a policy is in place, we can swing into action and obtain dividends in the medium and long run for the benefit of the nation. The future of Bangladesh’s foreign policy lies therefore in building on our unique advantages in a time of great change and uncertainty. So far, we have managed our foreign relations especially with our neighbors, in our vicinity and in the world at large. At times we had characterized such management as a “Look East” policy, whenever we wanted to add credence to specific relations.
active foreign policy in the first line of defence to protect our country’s sovereignty and territorial integrity. More so for a peace-loving, least developed country like Bangladesh, foreign policy is the backbone of our existence. It is constitutionally committed to peaceful resolution of disputes. “History and geography are the father and the mother of foreign pol- icy,” the ancient proverb is. But we can change our history nor can change our geography. Economy, security, environment and resources are the other key determinants.

Given this perimeter, the foreign policy of any government should be in cooperation ties in our own neigh- bourhood. We do not have to love our neighbours but we have to live with them on the basis of mutually benefici- cencies.

With two immediate neighbours are India and Myanmar; thus it is only natural that we have unresolved issues with them. After all, we not only share land and maritime boundaries with them, but also share same rivers, natural disasters and even same diseases. Bangladesh is surrounded by India on three sides; and through we share a small stretch of land boundary with Myanmar, our maritime bound- ary with them is extensive. “No reso- lution” of outstanding issues with our neighbours does not hurt their interest as much as it hurts ours; therefore, there should be a clear realisation that “no action” is not an option for Bangladesh.

Good borders need good neighbours. Among the six countries with which India shares land boundaries, Bangladesh has the longest border with it. It is a pity that the India- Bangladesh accords of 1974 has not yet been fully implemented. We had made sub- stantial progress on the demarcation issue in the past and there is now only 6.5 KM of territory which has to be demarcated. We also need to exchange “adverse possessions” under each other’s control and grant access to each other’s enclaves.

In the past, India had been accusing Bangladesh of harboring zamindar and subversive activities. Nevertheless, it had been denying it, and made every effort to deny. India was standing on the fact that these allegations are unfounded and without any substance. Secondly, the border management needs more care- ful and constant attention to avoid recurring enclaves and killing of our nationals.

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One of Bangladesh’s biggest com- parative advantages is its location and we should strive to emerge as the regional and inter-regional hub. Bangladesh seeks access to her enclaves and transit facilities to neigh- bours, but India refuses. Bangladesh, on the other hand, has been granting transit facil- ities, by road and also offered transit, by boat, to India, but refused to accord last resort’s request for transit facilities, by road, for transportation of Indian goods to northeast India. Our primary consideration should be to ensure maximum benefit for our country after careful consideration of detailed cost-benefit equations and security consider- ations. We should explore all possi- ble viable options, and opt for a com- prehensive discussion and win-win solution for all.

Bangladesh-India trade relations are marked by huge imbalance in favour of India. India’s exports to Bangladesh are worth US $ 1.025 million whereas Bangladesh’s exports to India were only US $ 183 million. 2007-2008 period.

Interestingly, India’s export to us grew by 37.27 percent whereas our exports to her increased by only 17.96 percent as compared to the earlier correspond- ing period. How do we bridge this wid- eming trade gap with our very short export list? Surely, India has to remove non-tariff and para-tariff barriers and grant preferential access to our exports to their market. Nevertheless, let us be honest: we can not offset the huge deficit on the basis of our existing lim- ited export list.

According to a number of studies, Bangladesh can earn between Tk. 500 to Tk. 3000 crores per year as annual transit fees. This could go a long way to offset our rising trade imbalances with India. How much we can gain by trans- forming our Chittagong port as a regional port also needs to be looked at closely. The government may ask our economic think-tanks to undertake detailed studies on these subjects as well as on the proposed bilateral BITs negotiations which India has been propos- ing and come up with a definitive set of recommendations. Bangladesh and India share 54 com- mon rivers, but so far, they have been able to sign water sharing agreement only on five changes. Efforts were made to negotiate water sharing on nine other rivers, including Jamuna, but nothing concrete has so far emerged. Every year we suffer from droughts and floods, yet we have not been able to harness our enormous water resources for our common benefit.

At this time of global recession, it may not be possible to get interna- tional assistance to undertake mega projects like river basin projects. We were only US $ 223.8 million from April 2007 to January 2008 period.

Political will and painstaking negotiations will be needed to resolve the conflicting maritime claims between Bangladesh and India.

Dr Syed Muazzem Ali is a former Foreign Secretary of Bangladesh.
The framework for a task force exists

SIM. RASHED AHMED

Prime Minister Sheikh Hasina and her government have understandably attached one of the top most priorities to combating terrorism and militancy in the region. In this context Prime Minister Sheikh Hasina has proposed creation of a Regional Task Force for South Asia to deal with it. Not much detail has been given about the nature, scope and modalities of the proposed task force beyond what prime minister said in the parliament on the subject and in her bilateral media interviews. Based on my experience as a UN Regional Representative to Kosovo and drawing from the lessons learnt from the experience of other countries involved in the global fight against terrorism it would seem inadvisable to place disproportionate emphasis on security-military-police dimensional of terrorism and militancy to the neglect of other important aspects while evolving a sound strategy for combating terrorism and militancy. While policing and training of the police force and intelligence agencies are undoubtedly important, what is required is the truly comprehensive approach which would address the root cause of terrorism and militancy. Hence I would suggest that the following elements, among others, be kept in mind while evolving the strategy for counter-terrorism and militancy:

- The root cause of terrorism and militancy must be addressed.
- The society should endeavour to become truly democratic without the rule of law and in conformity with the highest standards of justice, fairness and human rights. There would be no scope for tolerance of alleged terrorism in detention which only breeds new terrorists.
- Conflict resolution - the unresolved issues, both domestic and foreign, should be resolved through negotiations so that the energies and resources of the country could be utilised to fight terrorism.
- Religious education should be combined with liberal education, moral science, math, science and computer education.
- The society should endeavour to become truly enlightened ensuring democratic values of tolerance, individual rights of freedom of speech, writing of dissent, free media and respect for rights of minorities, women, tribal and the disadvantaged; such a democratic society would be irrevocably broken upon to win against terrorism and militancy than a totalitarian and authoritarian society.
- The society should endeavour not only to be democratic but also egalitarian ensuring that the basic needs of the people for job, food, health, care, shelter and education etc are met; an equitable economic system which will provide equal opportunity for all citizens.
- The role of law: there can be no democratic society without rule of law and alleged terrorist should be presumed to be innocent until proven guilty, and trial must be conducted through due process of law and in conformity with the highest standards of justice, fairness and human rights. There would be no scope for torture of alleged terrorists in detention which only breeds new terrorists.

Reverting to the proposal of Task Force for South Asia to combat terrorism and militancy, I feel that such a task force, if kept essential, should be framed within the framework of SAARC. The reason is reified a) SAARC has made important progress in the fight against terrorism and militancy which needs to be carried forward. It may be recalled that as early as November, 1987 the SAARC Foreign Ministers signed the “SAARC Regional Convention On Suppression Of Terrorism.” The signing of the convention which was preceded by protracted and intricate negotiations among SAARC member states on the definition of terrorism itself was a significant step forward in it embodied the collective commitment of the leaders of South Asia to fight terrorism in the region. The convention, among other things, recalled that at the Dhaka summit of December 7-8, 1985 the heads of state or government of SAARC “recognised the seriousness of the problem of terrorism as it afflicts the security and stability of the region” and recalled the Bangalore Summit Declaration “that cooperation among SAARC states was vital if terrorism was to be prevented and eliminated from the region, UN unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property; socio-economic development; political stability, regional and international peace and cooperation, and recognised the importance of the principles laid down in UN resolution 2520 (2015) which inter alia also required that each state should refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another state or acquiescing in organised activities within its territory directed towards the commission of such acts.”

I have quoted this at some length as this is highly significant in as much as it reflects the collective commitment of the leaders of South Asia at the highest political levels to fight terrorism and militancy. The collective commitment of South Asian leaders to combat terrorism-militancy was once again forcefully reaffirmed at the Colombo SAARC summit of August, 2008 in which another important reinforcing document to fight terrorism namely, “the SAARC convention on assistance in criminal matters was signed.” Both the two SAARC conventions on terrorism constitute a solid basis to move forward by giving concrete shape and reality to the fight against terrorism and militancy.

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The framework for a task force exists. The proposed Task Force for South Asia to combat terrorism and militancy, I feel that such a task force, if kept essential, should be framed within the framework of SAARC. The reason is reified a) SAARC has made important progress in the fight against terrorism and militancy which needs to be carried forward. It may be recalled that as early as November, 1987 the SAARC Foreign Ministers signed the “SAARC Regional Convention On Suppression Of Terrorism.” The signing of the convention which was preceded by protracted and intricate negotiations among SAARC member states on the definition of terrorism itself was a significant step forward in it embodied the collective commitment of the leaders of South Asia to fight terrorism in the region. The convention, among other things, recalled that at the Dhaka summit of December 7-8, 1985 the heads of state or government of SAARC “recognised the seriousness of the problem of terrorism as it afflicts the security and stability of the region” and recalled the Bangalore Summit Declaration “that cooperation among SAARC states was vital if terrorism was to be prevented and eliminated from the region, UN unequivocally condemned all acts, methods and practices of terrorism as criminal and deplored their impact on life and property; socio-economic development; political stability, regional and international peace and cooperation, and recognised the importance of the principles laid down in UN resolution 2520 (2015) which inter alia also required that each state should refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another state or acquiescing in organised activities within its territory directed towards the commission of such acts.”

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A dream picture of Dhaka

Despite an arduous, painful, and sacrificing 24-year long struggle to establish our national identity, punctuated by momentous events such as 1952, 1954, 1971, 1990, and 2008, the attitude of the people towards the government remained unfortunately unchanged. Shall we be wrong in stating that the feeling was mutual?

Seldom do we bear in mind that this government of Bangladesh, for which we sacrificed so much, is our government. Many of us have goose pimples recalling the excitement of the formation of our very own government under the mango trees of Mujibnagar, Meherpur 1971. And yet there remains a wide gap between the government and the people, particularly in terms of the role of each constituent in the context of Dhaka City with respect to services expected and the services disbursed. Even a government based on truth and justice, with the people in the process of independence, the persistent struggle for a Bangalore nation and the heroic war of liberation can taper that illusion of suspicion, accusation, and unanswerability.

As even you read this three fellow citizens who are saying in bhaan bhuian khamais that Dhaka will be unliveable in the next five years. The good news is that the sceptics have been saying that for the past four-five decades. The best news is that we have not yet felt the city, which means it will not be up to us now. As for the rest of us we survive on the same hope.

To begin the task of raising our capital city to the ranks of the envied and functional cities of Asia and the world, we must first ensure that our government adopts national strategies that are people-oriented and pro-poor housing, healthcare, education, mass transportation, road protection, urban agriculture, and effective municipal services should be some of the foci of the state administration.

Policies, legislation, planning, grants, implementation, approvals, and punitive measures must all be based on truth, sensitivity and sensibility, and not on whims, whims and nepotism. Government officers and the public, the armed forces, police and other law-enforcing agencies, lawyers, doctors, management personnel, architects, engineers, planners, contractors, and developers must be sensitive and develop a sense above self-interest, family interest, group, and parit y interest.

Let us begin at the individual level, at my level, at your level when a sacrifice is expected. Let us promise collective interest even if it means that we have to give up something. Let us remember that if we lose our province, we lose a part of us.

While we shall continue to depend on service providers, the onus is on the individual and collective role, to create a situation that corporate bodies help us achieve. Service providers, the onus is on the individual and collective role, to create a situation that corporate bodies help us achieve. In five years time, we may be holed up in multi-storied slums, combat which we have a place to hide our head. We may be able to reach Motijheel in five hours from Ultara. We may be buying a bagful of groceries with a cartload of banknotes. We may be getting a menial job with a high university degree, and then being questioned by Dhakdik why we are being corrupt.

Alternatively, we may reach Tongi from Jarashab in one hour. We may have seen the land with our own hands. We may have processions of professionals demanding prove of unexposed. We may argue over what vacation spot to choose while having a helipad meal with the entire family. The choice that will be laid on our table clearly depends on how we see each other as citizens and as members of a society. It is not the task of the level-headed to blame every aspect of the government while enacting a nefarious deed to serve one’s self-centred purpose at the cost of the community.

This city they say has a population of plus ten million. If we consider fifty percent of them above ten years, we have approximately five million people who can do at least one good deed each day, such as not litter the street, not spit in the open, not enter on unauthorized property, not waste natural gas, not destroy public assets, help an aged, teach an illiterate, plant a sapling, pay utility bills, not use illegal electric connections...That would be one hundred and fifty million good deeds a month. Do you think anyone could stop us from attaining honour and dignity?

Let it not be said that the country lacks good laws and able people. We are short of neither. We require proper execution of laws and judicious utilization of our human resources to see a Dhakdik that need not be defined. We each have a dream picture of Dhaka in five years, and beyond. All we need to do is wake up and fulfill that dream individual and collectively.

Along with calls to dump government property in the streets, we also grow up with classroom slogans, such as “God helps those who help themselves.”

Architect Professor Dr. Nazmuddin Ahmed

In Advisor to the Editor on Urban Issues
AFTER the announcement of the Grand Alliance cabinet, one of my friends said to me that he was instantly reminded of Rokeya’s “Sultana’s Dream”. Bangladesh, according to him, has become the Lady Land!

Just to remind ourselves, in the December 29 general election, out of 8 crore 46 thousand 406 voters women constituted the majority, numbering 4 crore 12 lakh 36 thousand and 149. The total number of women candidates in the MP election was 58 of which 16 returned victorious. Sheikh Hasina and Khaleda Zia contested and won in three seats each. Forty-five more women will join the parliament, through nomination though. The cabinet has women as the Prime Minister and as the ministers of foreign affairs, home as well as agriculture. The Prime Minister has cabinet, defence, women’s affairs and religion among her portfolios. Leadership of the opposition is also entrusted to a woman. Earlier, women did noticeably well in the Municipal elections. In the Upazila election, while only one woman returned as Chairman, 414 women became vice chairmen in the reserved seats.

Indeed the scenario has everything in it to evoke the above comment. It may have come from a sense of appreciation for women’s role in politics and also from a feeling that women are taking over and women’s empowerment has reached a high water mark. One of the most persistent questions we have had to face for long time is why we, the women activists, still have to demand rights for women when in Bangladesh both the prime minister and the leader of the opposition are women, a situation is also not likely to change in the near future.

An oft-posed question is what more do the women of Bangladesh need in order to be equal? They already have advantages over their male counterparts. They enjoy the quota system in employment and in Parliament; they have special laws against repression and violence against them; they have the family court to deal with their cases, free primary and secondary education facilities, and the list goes on. In the opinion of many, the women of Bangladesh already have much more than they deserve.

To be objective, there is no doubt that women need special laws to protect them. But these laws are not enough. Women need the guarantee of an equal playing field. They need the guarantee of an equal voice in the home. They need the guarantee of an equal opportunity in the workplace. They need the guarantee of an equal place in politics.

In the opinion of many, the women of Bangladesh already have much more than they deserve. But in the opinion of many others, they still have much less than they deserve. It is this divide that makes the question of whether women need special laws or not so difficult to answer.
Sultana's Dream

that women of Bangladesh have made remarkable progress over the century since Rokeya’s time. Seen from that point of view, the situation of women is much closer to the standards drawn by Rokeya in ‘Sultana’s Dream’ than as depicted in her ‘Oborodhbashini’ (The Confinement).

This can be credited to the relentless work of the women’s movement and the sincere efforts of many NGOs to help women break the barriers to become visible and to establish women’s rights as human rights; to make the world recognise the important productive roles of women in agriculture and in industries, both formal and informal, in the export processing area as well as in the social and reproductive fields. Marketing and wage-earning sectors are not deprived of women’s vital contributions. Recognition of the women members’ contribution in micro credit schemes by the Nobel Committee can be considered a landmark. This is a clear reflection on the quality of the rural grassroots level women and their potential to lead the country ahead.

The increased number of women’s participation in the profession ASK for remedy against wrongs is an indicator that women are no longer willing to suffer family violence without question.

On the other hand, the quality of leadership provided by Sufia Kamal over a period of half a century in the socio-cultural-political arena of Bangladesh not only for women’s advancement, but in general, is yet to find a parallel. Considering the legacy and tradition of such leadership, it does not come as a surprise that another woman, Jahanara Imam, also led the movement for the trial of the war criminals. All these can, perhaps, be taken as examples of the partial realisation of Sultana’s Dream.

However, women of Bangladesh have other stories to tell too. A woman, after recovering from labour, found her child to be missing. She was told that she gave birth to a baby girl but the baby was still-born. Immediately it flashed in her memory that her husband warned her a number of times that if she had a girl he would not accept it. Moreover, that he would even consider divorcing her. In a frantic search, with the help of the attending nurse and her other family members she was able to locate her daughter with a foster family. The baby had been handed over to an adoption home by the father to be given away, and a couple had adopted her. When the mother met the woman who adopted the baby and wanted her back, the adoptive mother was on the verge of breakdown because her husband had given her an ultimatum that if she failed to produce a child she would be thrown out on the street.

The above depicts the story of two women; one was threatened to be abandoned if she gave birth to a baby girl, the other if she failed to produce a baby. We would perhaps be justified to say that the story is not an uncommon one. Let us take the story of the highly qualified lady doctor who was asked to come back from London to respect her grandmother’s dying wish to see her, and was then forced to marry against her will only because she decided to marry a person of her own choice. In the process of forcing her to submit to the marriage arrangement she was drugged and placed in solitary confinement under the pretence that she was mentally deranged. So much for women’s empowerment and equality! These examples bring us back to the ground reality that many women still have to struggle out of fundamentalist forces, from the shackles of oppression created by patriarchal values. Again, these examples are not to be seen as exceptional occurrences.

Despite women dominating Parliament and the cabinet, women still cannot consider going out after dusk or travelling alone over long distances. No woman considers throwing acid on a man who refuses her, whereas men do it frequently to women, an outrageous phenomenon peculiar to Bangladesh. It places a demand on people to seriously reflect on such treatment of women at this point in history. Just to think that this is the 21st century, the new millennium when human civilisation has been marked to have reached its prime, when the moon and Mars and the deepest depths of the oceans are considered to be probable tourist destinations by travellers, yet justifications for discrimination against women are put forward at policy-making levels without any qualms.

It is rather disheartening to see how hesitant the state is to withdraw reservations from clauses 2 and 16(c) of the CEDAW. We know clause 2 directs the deletion of all discriminatory laws against women, to be replaced by laws based on equality; and 16(c) deals with the rights of women within the family - her right to be treated equally, to decide on marital relationships, her freedom to chose partners - which are so basic to one’s autonomy.

We have also, to our utter dismay, witnessed the drama of the Chief Adviser’s declaration of the revised Women’s Development Policy, and the quick trip of four of his advisers to the Islamic Foundation Office to pacify the anti-women, anti-democratic forces who took to agitation at the announcement of the Policy. The irony is, it is the women who should have been agitating and protesting as the new Policy does not make any pledge to give women equal right to inheritance, for which women have been struggling for almost a century now. On the contrary, it was the reactionaries, fundamentalist forces, which through their show of power made the Government run to them, and claimed the right to amend the Policy according to their own principles. The recommendations given by the Committee that was formed with the members of the religious group in fact demanded scrapping of all clauses of the Policy committed to equal treatment of women. We are still waiting to see the cabinet pass the Domestic Violence Act criminalising violence against women within family bounds, where either the male members or other members following male connections consider it their right to discipline the female members of the family by any means, even if violent.

The Citizenship Act has been amended to give rights to the children of women marrying foreigners, but the right to their husbands has not yet been granted. The Constitution pledges equality in all spheres of public life for women without committing anything of the sort to their private life. Hence we still are governed by discriminating family laws in our personal relationships, in matters of property and marital rights.

The list can grow longer and longer, but I consider that I have been able to respond to those who continue to wonder why women of Bangladesh want more rights for themselves. Nevertheless, it is rather disheartening to see how clear it is that Bangladesh is a country of contradictions insofar as the question of women’s rights and empowerment is concerned. Neither the perception nor the impression prevail about Bangladesh that it is a country dominated by medieval anti-woman thinking, where women have no rights or say, where leadership by women is not accepted by the people and the social-sexual division of labour and exclusion of women are the norms. However, neither is it the picture that we have women faring well in vital and important positions in numbers appropriate to half the population of 15 crore.

We therefore have to be aware of the many different dimensions of the issue of women’s empowerment in Bangladesh and the hindrances posed in the path to women’s advancement. Women’s empowerment cannot be sought in certain positions only, but has to be seen and nurtured in an atmosphere of everyday individual freedom and autonomy; the power to make decisions in their personal, social, cultural, economic as well as public life. This is not to say that these are realities in the life of all men of the world, but at least their rights are not denied because they belong to a certain gender, which is still the case for women.

Women have waited for centuries to see their dream realised. To achieve this will require a serious political will on the part of the government as well as the people. Now is the time to make our dream come true.

Sultana Kamal, a human rights activist, is former advisor to caretaker government.
A war crimes tribunal: Some suggestions

PROFESSOR RAFIQUIL ISLAM

In January this year, Parliament adopted a formal resolution to try various war crimes committed during the Bangladesh liberation war 1971. The parliamentary act entails precise politico-legal obligations for the government to embark on this trial. One of the foremost tasks appears to be the formation of a special tribunal for the purpose pursuant to the International Crimes Tribunal Act (No. XIX) 1973. A close reading of this Act reveals that it provides a general legal basis and guidelines, among others, to be followed in the formation of such a tribunal. This brief legal note purports to raise certain pressing legal matters for consideration at the formative stage of the tribunal. Suggestions offered are not meant to be independent of, but are complementary to, the 1973 Act in a bid to render fair justice for all.

Genocide, crimes against humanity, crimes against peace, and war crimes of horrendous magnitude were perpetrated in 1971 on the Bengalees in the territory of Bangladesh. The lack of the commission of crimes and the identity of the victims lead to an inevitable presumption that the perpetrators should be tried in Bangladesh under its own criminal justice system. However, there are qualitative differences in the legal definition and constituent elements of ordinary crimes, such as murder, under national criminal law and certain extraordinary crimes, such as genocidal mass murder, in international criminal law. Not every national criminal justice system is necessarily well equipped to handle the magnitude of the heinous crimes in question. Nor is it possible to try these crimes solely through the application of national penal law. Specially designed courts or tribunals through the application of both national and international law try these crimes, more often than not, in a mutually supportive way. International criminal law is now fairly resource-rich in offering the jurisprudential exposition of these crimes and judicial precedents to rely upon. This is precisely the reason why the special court law of Cambodia has opted for the application of the Cambodian penal law, international humanitarian law, and international conventions recognised by Cambodia (Art. 1).

The war crimes designated in section 3(2) of the 1973 Act fall squarely within the purview of the extraordinary crimes at international criminal law. Bangladesh is better off by establishing a special tribunal to try these crimes through the application of a hybrid system of law composed of its own criminal law and international criminal law. These crimes committed in 1971 warrant speedy trials. The competence and jurisdiction of national law courts is often circumscribed by the technicalities of the applicable law and procedural rules for the admissibility of evidence, the usual causes of uncertainty and procrastination in many trials. The yet to be concluded Bangabandhu murder trial in contrast with the expeditious disposal of the nationality case of Golam Azam case precisely illustrate this potential risk.

Establishing a special tribunal would be a middle ground. It will certainly be free from the dogmatic application of national criminal law, independent of international criminal law. Both Sierra Leone and Cambodia set up similar special tribunals/courts but made them a special part of their respective court system. The palatability of these precedents is not without merit for Bangladesh.

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Terrorism in Bangladesh: Trends and suggested response

Farooq Sobhan

DEFINING terrorism is a daunting endeavor. The word “terrorism” generates a variety of different, and sometimes contradictory, meanings depending on the kind of political, social, national or cultural context. Subjective evaluations of the legitimacy of the cause being defended and constant changes in the manifestations and motivations of terrorism compound the confusion. A rational description could well be a “systematic employment of violence and intimidation to coerce a government or community into according specific political demands.”

Terrorism in South Asia

In the South Asian regional context, terrorism is a serious and growing threat to regional security. Recognizing this, the Leaders of the South Asian region in the Colombo Declaration of the Fifteenth Summit meeting of the SAARC held in Colombo, Sri Lanka in August 2008, expressed deep concern over the serious threat posed by terrorism to the peace, stability and security of the region. They also emphasized the need for the “strongest possible cooperation in the fight against terrorism and transnational organized crime amongst the relevant agencies of the Member States especially in the area of information exchange.”

South Asia boasts a violent history of terrorist incidents. All South Asian countries face terrorism of one kind or another, ranging from the bombings of the Indian Embassy in Afghanistan, to bomb attacks in the Indian cities of Bangalore, Ahmedabad and elsewhere, frequent terrorist attacks in Afghanistan and Pakistan, attacks by the LTTE in Sri Lanka, and Pakistan, attacks by the LTTE in Sri Lanka, and frequent terrorist attacks in Afghanistan and Pakistan.

Most internal security crises of South Asia have a cross-border dimension, and many are inter-related. Thus, the Maoist insurgency in Nepal, the persistent ethnic problem in Sri Lanka, the increasing use of Bangladeshi territory by Islamist extremists, the proliferation of small arms, the menace of drug trafficking, and the threat of terror financing, has had a significant transnational dimension.

Additionally actual or possible tactical cooperation and networking between these different groups with differing agendas cannot be entirely ruled out.

Bhutan, Bangladesh and Nepal continue to be saddled with terrorist and extremist organisations, as well as subversion anti-state elements based on their soil which operate against neighboring states. Cross border implications of terrorism in the region are one of the principle reasons of increasing suspicion and mistrust among neighbors, and worsening bilateral and multilateral relations among these countries. Terrorist groups use impunity and relative ease the porous borders of the Indian states, terrorism in Bangladesh is a relatively new and home-grown phenomenon. Bangladesh has witnessed a sharp rise in terrorism since the mid-nineties. Over the last two decades, a number of militant groups manifested their presence through violent acts of terrorism in Bangladesh. Terrorism in Bangladesh is developing new methods of attack and improving the efficacy of existing ones. As a result, the credibility of Bangladesh, namely foreign, transportation, law enforcement, ICT, the financial sector and public health, have become increasingly vulnerable to terrorist activities. Four complex forms of terrorism exist in Bangladesh: political terrorism, extortion, bomb attacks, and political violence.

Political terrorism largely stems from unbridled competition to win/gain power at any cost. The competition for political support or political acquisition for the political parties thereby not only further exacerbating the issue but also pushing unbridled competition to win/gain power at any cost.

The gravity of political terrorism in Bangladesh is reflected in the number of people, 8,937, injured in politically motivated terrorist attacks in 2005 alone.

Religious terrorism, using violence in the name of religious ideologies, in all its manifestations is the most serious security challenge confronting Bangladesh. Hoquekat, the Islamic movement in Bangladesh (HUI-B) and the militant jihadist Jamaat Mujahid Bangladesh (JMB) are two organisations most prominently engaged in promoting religious terrorism in Bangladesh.

Anti-state terrorism constitutes acts of terror directed specifically against the government and state institutions and officials. While Muslim extremists also sporadically attack government officials and institutions, their motive is terror and has always been to further their religious and political objectives, whereas in the case of the Barshakpur party the objective has ideological underpinning with the aim of overthrowing the existing establishment and reconfiguring state ideology.

Ethnic terrorism in Bangladesh is rooted in the quest of original peoples to protect their lands from encroachment and to safeguard their own ethnic identity. Since the late nineties, the Farahyat Chattogam (Jamalpur Chittagong) faction of the PCJS has been in conflict with the government. However, after the signing of the Chattogram Hill Tract Peace Accord in 1997 between the then government and PCJS, the magnitude of ethnic terrorism has been substantially reduced.

Background of terrorism in Bangladesh

In Bangladesh, as in many other countries, terrorist groups often enjoy the geographical protection and financial support of the government. Moreover, international connection between terrorist organisations cannot be ruled out in any terrorism discourse in Bangladesh.

A recent report indicated that some of the Islamic militant movements were aided by militant extremist organisations in India, Pakistan, Afghanistan and which in turn received funds from the Middle East countries to combat their activities. The Bangladesh Police and other law enforcement agencies are also repeatedly blamed for corruption and police brutality. There are regular complaints regarding human rights violations and police excessivity to rule of law in Bangladesh. Simultaneously, inefficient border management on both sides of Bangladesh-India and Bangladesh-Bhutan border facilitates in aiding Naxalite organisations.

Political parties, the civil society and policy makers failed to pay proper attention to conditions, such as poverty, political marginalisation, inequality, lack of proper education and high unemployment, which enable terror to thrive. The examples of high youth unemployment in Bangladesh can be cited. The lack of empowerment opportunities for young people and making them vulnerable to involvement in petty crime, gang, extortion and/or anti-social activities, as well as overly violent campaigns.

The government, on certain occasions has used direct, or indirectly, military force to combat terrorism. Although these operations had a positive short-term impact, many of the other problems re-surfaced almost immediately after the operation ended. It is important for governments to realise that, in the long run, terrorism cannot be defeated militarily.

Combating terrorism

The response to combat terrorism in Bangladesh should consist of a set of policy decisions and concrete actions that would effectively reduce economic inequalities, as well as directly address the political grievances of the country’s terrorism. To make the specific, firstly, counter-terrorism should be pursued at the structural and political level, which requires development and reform of political institutions and law enforcement agencies. Secondly, key economic issues such as employment and poverty need to be addressed in order to create a socio-economic environment that is not conducive to terrorist activity. Finally, research, resources and training need to be devoted to the improvement and creation of strong national security instruments.

In combat terrorism in South Asia, there needs to be a critical examination of the various terrorist threats in South Asia with a view to developing a comprehensive regional strategy for future action. To this end a comprehensive South Asian Counter Terrorism Strategy, which is created on the basis of the UN General Counter Terrorism Strategy, is absolutely essential.

Clearly, terrorism is a key issue in both South Asia as a region, and in Bangladesh as a nation. The strategy to combat it has to be well researched, integrated and comprehensive, and the will of the governments and policy makers must be there to institute these reforms and follow through on them in a sustainable manner.
War crimes tribunal

The proposed war crimes trial in Bangladesh has an international dimension. Aside from its local perpetrators, Pakistani troops and generals of the eastern command in 1971 responsible for the designated crimes are likely to be implicated. Many have died but some are still alive. They deserve to be brought to justice. This exercise would involve extradition arrangements. Some perpetrators of Bangladesh origin are now living abroad. Some are naturalised citizens in foreign countries (see the list of nationally and internationally rehabilitated war criminals published by Bangladesh Centre for Genocide Studies, Brussels, and BBC Channel 4 documentary “War Crimes File”). Some of these implicated may even manage to leave Bangladesh to flee justice. Bringing them home to face trial would also require extradition arrangements, which would not necessarily be easy for Bangladesh.

Bangladesh requires international cooperation in executing any arrest warrants issued by the proposed tribunal. Therefore, some form of international involvement in the trial process is likely to facilitate the execution of any international arrest warrants on, and extradition of, indicted criminals from abroad. UN involvement may be considered to facilitate these arrangements.

The proposed trial was treated as a “symbolic move” to gain international sympathy. In practice, it has been a more serious matter. It has involved an international tribunal in Bangladesh to prosecute war crimes, which is likely to be a contentious issue. This is likely to be a contentious issue for obvious benefits. It may opt for the Cambodian route and tailor it to suit its conditions for a Bangladeshi-run tribunal. It must formalise its consultations with the UN and the international community to seek a UNDP Representative’s and UN General Assembly’s support (February 23, 2009). Minister’s request for the UN help in this regard has been emphasised in chapter 3 of its Constitution. Being a party to the Vienna Convention on Diplomatic Relations, Bangladesh is no exception. It must be careful about certain basic principles of international law and its own constitutional law. An instance is Article 14 (right of appeal) and Article 15 (right to the impartial image and credibility of the tribunal). The capacity and willingness to hold fair trials of particularly internationally designated crimes by Bangladesh is an issue that must be addressed.

The tribunal must have the right to hear evidence from abroad. UN involvement is sought and welcomed. Bangladesh may consider this mixed collaboration in ensuring distributive justice. There are potential obstacles to be overcome through diplomatic negotiations. Thirty states abstained from voting on the resolution approving the Cambodian genocide trial in the UN in 1997. This letter backed by intense diplomatic manoeuvring, which resulted in the UN getting involved. This was not easy to come by. Working out a similar outcome may not be easy either for Bangladesh. One may argue that such a diplomatic move will be easily accepted by some states but not by others.

Some may also surmise that the major powers like the US and China, which opposed the Cambodian trial, may even oppose any UN involvement in Bangladesh. There are potential obstacles to be overcome through diplomatic negotiations. Thirty states abstained from voting on the resolution approving the Cambodian genocide trial in the UN in 1997.

In formulating the applicable sub-stantial and procedural rules of the tribunal, Bangladesh must be careful about some basic principles of international law and its own constitutional law. An instance is Article 9 (right to life) and Article 10 (procedural guarantees) of the 1973 Act. Viewing sentences from a human rights perspective, the maximum penalty may not exceed life imprisonment, which may require a reappraisal of the capital punishment provisions provided in s20(2) of the 1973 Act. The tribunal must be aware that the major powers like the US and China, which opposed the Cambodian genocide trial in the UN, are set to appeal, as it did in the case of the Khmer Rouge leaders after they were ousted in 1978. The US maintained a low profile in the negotiations but worked behind the scenes to strike a deal between the UN and Cambodia. Similarly China was the biggest supporter of the Khmer Rouge leaders in the UN, arguing that the UN involved international co-operation to “bring to justice those perpetrators responsible for the Cambodian genocide which caused many to fear that the tribunal would be unsanctioned by the major states, which sided with the US. In this regard, the tribunal is likely to be a contentious issue.

The tribunal can have rule of law, and may seek measures to comply with international law for its inconsistent praxis. It is fraught with the potential risk of international antipathy. It must formalise its consultations with the UN and the international community to seek a UNDP Representative’s and UN General Assembly’s support (February 23, 2009). Minister’s request for the UN help in this regard has been emphasised in chapter 3 of its Constitution. Being a party to the Vienna Convention on Diplomatic Relations, Bangladesh is no exception. It must be careful about certain basic principles of international law and its own constitutional law. An instance is Article 14 (right of appeal) and Article 15 (right to the impartial image and credibility of the tribunal). The capacity and willingness to hold fair trials of particularly internationally designated crimes by Bangladesh is an issue that must be addressed.

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Fine-tuning foreign policy

will be predicated on the fact that deepening any relation would have the end result of selling more of our products to them and attracting more investments. The disconnect between our existing foreign policy goals and the changing global realities must be overcome. We must consider carefully whether our foreign policy should be fine-tuned now to closely support governments which are secular and democratic and which adhere to human rights as laid down in the Universal Declaration and follow the rule of law. Our policy options must support globalization but with appropriate checks and balances. Any move towards unbridled globalization must be resisted. But deepening globalization in trade, movement of humans and technology must be allowed to get traction. We must oppose further nuclearization of weapons and work actively towards elimination of all nuclear war-heads from the world.

Our existing policy of zero tolerance towards terrorism by non-state actors must be taken one step forward by a regional effort to establish South Asia as the first international terrorism-free area of the world. We must robustly address all issues relating to climate change and be seen to be the most forceful advocate of reversing the adverse effects of climate. We will use all means to bring benefits of technology- be it space science or ICT to the doorsteps of our people. Bangladesh cannot afford to relent in its pursuit of technology. This is so critical to our prosperity and to our future progress. Bangladesh depends to a large extent on multi-lateralism to advance bi-lateral goals. The emerging realities, as outlined earlier calls for greater use of multi-lateral mechanisms with use of bi-lateralism to pry concessions.

Let us take the case of technology transfer. This is a critical input which is essential for growth. But this is not cheaply available nor is it easily accessible. In Bangladesh our foreign policy apparatus must be tuned to use all multi-lateral fora to obtain technology. At the same time bilateral ties must be invoked to get funds and training for this purpose. A smart multi-directional tactics must be developed to bring home technology for quick industrialization and growth.

To tackle climate change a similar approach could be considered. This is so serious a matter for Bangladesh that policy makers do not even have the luxury of mulling over what strategy to adopt. They have to fix targets, sharpen negotiation skills to a world class level and move to win concessions through multi-lateral fora. These concessions must be in cash or kind for Bangladesh to adapt to climate change and reduce damage caused by its effect. Bilateralism will be resorted to ensure no harm is caused to the country due to specific action by any other country by disturbing the environment on land, air or sea.

But how is Bangladesh prepared to address the new paradigms of foreign policy? Firstly, do we have the leadership in various areas to take on these new challenges. It is too expensive and time demanding for the government to alone preside over these issues. Here we must invite the non-government sector to join hand to build capacities. The Bangladeshi Diaspora must also be co-opted and be a part of this effort.

Secondly, we need to develop knowledge base on global issues. Government should fund studies and gather up-to-date data and policy papers on relevant issues.

Our Foreign Ministry apparatus must work overtime not only to acquire necessary skills and expertise on the changing realities, but at the same time build a formidable international network of friends and associates who can be of assistance to Bangladesh when called upon. It is ultimately this ‘investment’ that pays back when the country needs international support for its legitimate causes.

One other essential preparation is to hook up very closely with the work of international organizations and bodies that formulate policies and implement work plans on the emerging global realities. We must not just covet positions in these organizations. We must study closely their programs, build strong links and know how to use diplomacy to bring their mandate to cater to our national needs.

The existing strength of our Foreign Office and our missions abroad is perhaps inadequate to meet the challenges of the changing global realities. A revamping of posts and their job descriptions is overdue. Today the total cadre strength is 261 officers (incumbents 187) manning 46 Embassies and 11 consulates. The staff strength is 375 in all these missions and they provide just the administrative backup. The total Foreign Ministry and Missions budget allocation for FY 2008-09 is just Tk 391 crores (US$ 55.8 million). Is this adequate to conduct a multi-faceted robust diplomacy to face the global challenges?

We need serious rethinking of our national priorities now.

Very soon the Jatiya Sangshad is likely to form a Foreign Relations Committee to oversee the conduct of our foreign policy. This is well as long as the Committee system works. In the event that the system delivers results, it would not be amiss if it is required to initiate discussion on the goals and directions of our foreign policy to meet the changing global realities. A Foreign Policy Commission to address this difficult but important paradigm of governance could be a quick way out. We need identification of goals devising policy options, designing methodology for attaining the objectives and securing people and resources to deliver results. A system of evaluating the work done and what further needs to be done to reach our goals must also be put in place.

With every passing day, Bangladesh is losing opportunities which are emerging due to changing global realities. The government needs now to take a major decision to reformulate our foreign policy and to address globalization seriously. Our foreign policy apparatus must work in a way that 150 million Bangladeshis deserve.

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