

DHAKA MONDAY FEBRUARY 23, 2009

The task of fine-tuning foreign policy



effect by adopting such policies, we have narrowed our options, excluded our strengths and followed a trodden path. The foreign policy cliché: 'friendship with all and malice to none' was current way back in the 1960's almost 50 years ago. We need to now sit down and re-think our foreign policy priorities, enumerate our advantages and design a strategy to achieve specific goals.

Let me begin this exercise by suggesting that we need to first sketch an outline of what Bangladesh stands for. Our War of Liberation in 1971 is a pointer. The people of Bangladesh united then to:

- I. Defeat obscurantist forces that dominated people and nation through falsehood and injustice.
- II. Defeat the genocidal forces that went out to kill and maim a nation just to perpetuate and unjust system.
- III. Defeat the enemy to establish democratic order, establish social justice, human rights and equality before law. It was also to emancipate the people from grinding poverty.
- IV. To establish a modern, secular state that speaks on behalf of the marginalized, the disadvantaged and to take steps to restore their legiti-

Let us fast forward to the present time and see what are the changing global realities. The world in 2009 is hurtling towards a global regime that will be:

- I. Secular;
- II. Democratic;
- III. Globalized and interconnected;
- IV. Secure from nuclear and non-conventional warfare but faced with military like interventions by non state actors;
- V. Immersed in technological advances;
- VI. Subject to severe effects of climate change;
- VII. Hemmed in by a growing population young in age, educated and connected, who are looking for better opportunities and therefore involved in large scale migration.

It is in this evolving situation that Bangladesh needs to urgently design a new architecture of foreign relations. It needs to spell out strategies that will be used to address these global realities.

What then would be Bangladesh's foreign policy goals. Indeed it is our elected parliament along with all foreign policy stake holders who need to design this edifice. Classically, the preservation of our

AMBASSADOR ASHFAQUR RAHMAN

IN the Awami League election manifesto 2008, foreign policy was not one of the five priority issues to be addressed once it was elected to form a government. Foreign policy was placed as the last item of the 23 item Block List of Doables. In fact it comes in after the party's policy on Non Governmental Organizations (NGOs). In the annexure outlining vision 2021 of the party, the authors under the sub-head 'Bangladesh in the Global Arena' in sub item 8(C) states that in 'International affairs, Bangladesh would follow the policy of friendship towards all and malice towards none'!

The Bangladesh Nationalist Party (BNP) in its 36 point election manifesto devotes Para 13 on what its foreign policy would be if it is swept to power. The item highlights various positions it would take to furthering Bangladesh's relations with other countries and International Organizations. It briefly touches on how it intends to take advantage of opportunities provided by global information flows and how it would face the challenge of global warming.

At a time when the people of Bangladesh are being sucked into the whirlpool of globalization and the future of the country is so much dependent on how the Government of the day manages this phenomenon, it is unfortunate that there is so little interest of our major political parties on threats and opportunities presented by the immense changes taking place around the globe. In major countries of the world foreign policy take precedence over many domestic policies and is given priority after the burning issues of the day. And Bangladesh with 150 million or more population is no minor country. A robust foreign policy encompassing all aspects of globalization can always carry forward the electoral vision of growth and economic development of a country. Ten years back, such an electoral posture could be understandable in Bangladesh. But in 2009, this could be akin to almost a political hari-kari.

Historically, Bangladesh foreign policy had always been left to its devices. After our Independence, major policy directive was to secure international recognition of Bangladesh as an independent state. Once this was attained, the 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 experience. The point being made here is that, once a policy is in place, we can swing into action and obtain divi-

dends 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. In

mate place in society.

V. To lay the foundation of a just and prosperous society.

If the above salient describes what Bangladesh stands for, then we have to construct our foreign policy which builds on all these elements and more. The image of the country must necessary align itself as much as practicable towards the ethos of our War of Liberation. Our foreign policy must adhere to these noble objectives of what we all represent.

sovereignty and territorial integrity would take precedence over all other goals. This would be followed by the oft repeated goal of pursuing good neighborliness to foster mutually beneficial relations. Advancing relations with major international powers as well as relations with Muslim majority countries and Least Developed Countries would be the next policy priority. Of course all this

CONTINUED ON PAGE 47



DHAKA MONDAY FEBRUARY 23, 2009

Let wind of change blow in the neighbourhood

SYED MUAZZEM ALI

THE Awami League-led Grand Alliance's landslide victory at the recent Parliamentary elections has given a massive mandate to the new government for a change. Prime Minister Sheikh Hasina has already demonstrated her desire to break away with the past. Her decision to appoint Dr. Dipu Moni and Dr Hassan Mahmud as the Foreign Minister and State Minister for Foreign Affairs, respectively, is a move in the right direction. Surely they are young, but both are highly educated and ranking members of the party's international affairs Committee, thus well conversant with our foreign policy issues.

Where should the change in our foreign policy begin? I believe it should be in our neighbourhood. During the past seven years, foreign policy issues did not get the attention they deserved. The BNP-led four-party government, during its five-year rule, hardly took any serious step to resolve the outstanding issues with our neighbours. Terrorist activities in Bangladesh were allowed to compound, and the government refused to recognise them. Consequently, Bangladesh's image suffered a major setback and the country was termed as a "breeding ground" for terrorist activities in the international circle. The caretaker government controlled terrorist activities, but in the absence of popular mandate, could hardly make any progress on the substantive areas.

Active foreign policy is the first line of defense to protect any country's sovereignty and territorial integrity. More so for a peace-loving, least developed country like Bangladesh, that has limited military muscle and is constitutionally committed to peaceful resolution of disputes.

"History and geography are the father and the mother of Foreign policy," the adage goes. Neither can we change our history nor can we change our geography or our neighbours. Economy, security, environment and good governance are the other key determinants. Given this perimeter, our first focus should be to develop cooperative ties in our own neighbourhood. We do not have to love our neighbours but we have to live with

them on the basis of mutually beneficial ties.

Our 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 though we share a small stretch of land boundary with Myanmar, our maritime boundary with them is extensive. "Non resolution" of outstanding issues with our neighbors 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 make good neighbours. Among the six countries with which India shares land boundaries, Bangladesh has the longest border with her. It is a pity that the Indira-Mujib accord of 1974 has not yet been fully implemented. We had made substantial 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. Secondly, the border management needs more careful and constant attention to avoid recurring skirmishes and killing of our nationals.

In the recent past, India had been accusing Bangladesh of harbouring terrorist groups on its territories, and Bangladesh had been denying it, and making counter allegations, notwithstanding the fact that these allegations and counter allegations would take us nowhere. Prime Minister Sheikh Hasina's proposal for joint task force is both appropriate and relevant and has to be pursued seriously.

With Myanmar, our main attention should be to arrange the early repatriation of Rohingya refugees. Our existing expert groups connected with different aspects of the border issue should meet more regularly, and should be given necessary flexibility and mandate to break the logjam.

The issue of demarcation of our maritime boundary with India and Myanmar should start being addressed as soon as possible. The last

time we seriously discussed the issue with India was in 1974. In the meantime, India and Myanmar have already reached a maritime accord and if implemented, it will seriously jeopardise our claims on the continental shelf and exclusive economic zones. Here we have a bigger problem with Myanmar as their claim drastically curtails our claims. A geographically disadvantaged and resource constrained country like Bangladesh looks to the Bay of Bengal as a reservoir of hydrocarbon and marine resources. Furthermore, we have to meet certain international datelines under the UN Convention on the Law of the Sea (UNCLOS).

Transit is viewed as a major economic opportunity, and all countries seek to derive maximum benefit out of it. One can look at Europe and see how small countries like Belgium, Austria and Switzerland have been taking maximum advantage on this issue from their larger neighbours. However, this largely economic issue gets bogged down in our region due to lack of trust and confidence among the countries.

One of Bangladesh's biggest comparative 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 neighbouring Nepal and Bhutan, which India refuses. Bangladesh, on the other hand, has been granting transit facilities, by river and also offered transit, by train, to India but has refused to accede to latter'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 equation and security considerations. We should explore all possible viable options, and opt for a comprehensive 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 were US \$ 1,932.6 million whereas Bangladesh's exports to India were only US\$ 223.8 million from April 2007-January 2008 period. Interestingly, India's export to us grew by 47.27 percent whereas our exports

to her increased by only 15.66 percent as compared to the earlier corresponding period. How do we bridge this widening 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 limited export list.

According to a number of studies, Bangladesh can earn between Tk. 500 to Tk. 5000 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 transforming 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 FTA proposal which India has been proposing, and come up with a definitive set of recommendations.

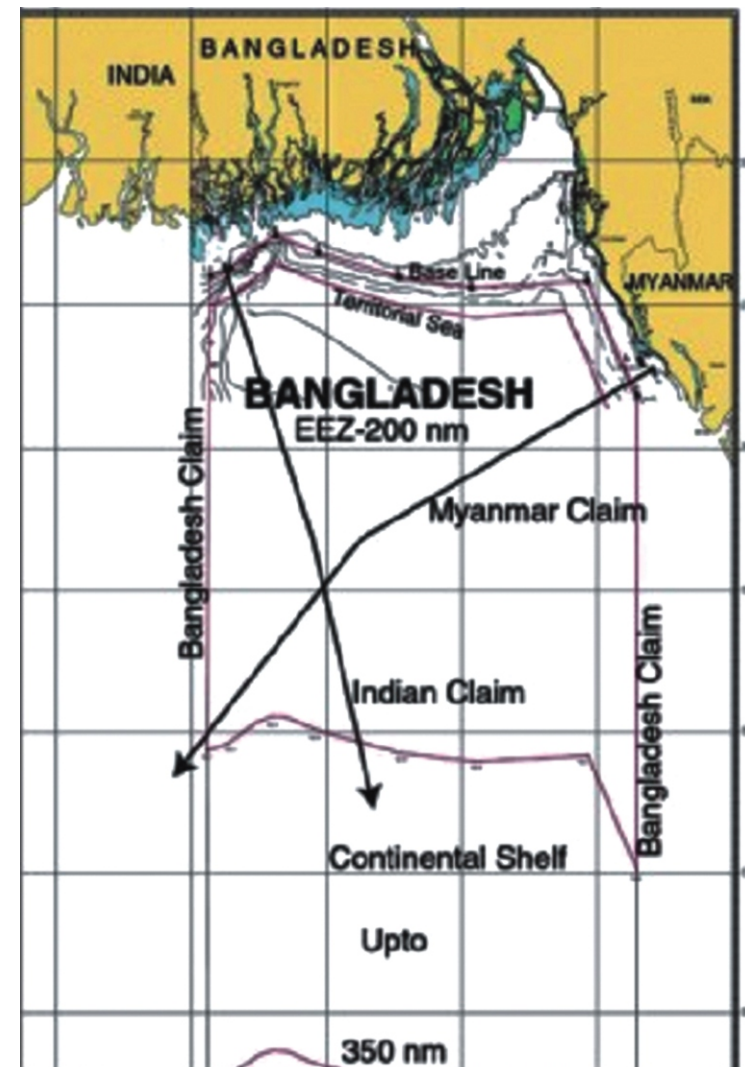
Bangladesh and India share 54 common rivers, but so far, they have been able to sign water sharing agreement only on the Ganges. Efforts were made to negotiate water sharing on nine other rivers, including Teesta, but nothing concrete has so far emerged. Every year we suffer from droughts and floods; 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 international assistance to undertake mega projects like Mangla or Tarbela, which were built in the 1960s under the Indus water agreement between India and Pakistan, but it should be feasible to build a series of small-scale dams and barrage projects in an integrated way. This would give us less expensive hydroelectric power, and augment our agricultural production. These projects would also create new job opportunities for millions of our workers and also pave the way for radical transformation of our energy, road network, port facilities, and the entire communication infrastructure.

Our ties with our neighbors should be based on the clear understanding of the ground realities -- whether we like it or not -- that our fates are inextricably linked. India has surely emerged as a global economic power. It should be

in her interest to associate other countries of the neighbourhood so that they may also take advantage of this opportunity to develop themselves. Otherwise, India will gallop, while others will limp and continue to be vulnerable and unstable, and possibly be breeding grounds for extremism. It should be self-evident by now that bad governance and instabilities of her neighbours are bigger threats to India's security than the challenges posed by the nuclear arsenal of her arch rival. In this globalising era, there is no alternative to dialogue and cooperation and the sooner we come out of "the box", the better for us.

Syed Muazzem Ali is a former Foreign Secretary of Bangladesh



Political will and painstaking negotiations will be needed to resolve the conflicting maritime claims of Bangladesh, India and Myanmar



Dhaka-Kolkata
Maitree Express:
Good intentions
marred by bad
management. Let
us make it user-
friendly and com-
mercially viable

DHAKA MONDAY FEBRUARY 23, 2009



The framework for a task force exists

SM. 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 brief media interview.

Based on my experience as a UN REGIONAL Representative in 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 dimension of terrorism and militancy to the neglect of other important aspects while evolving a sound strategy for combating terrorism and militancy. While beefing and training of the police force and intelligence are undoubtedly important what is required is the truly comprehensive approach which would address the root cause of terrorism and militancy in all its form and manifestation. Hence I would suggest that the following elements, among others, be kept in mind while evolving the strategy for counter-terrorism and militancy:

That in the ultimate analysis there is no purely military solution or use of force approach to terrorism and militancy;

• That truly lasting peace can only be achieved if it is built in the hearts and minds of the people; the battle to win hearts and mind is equally, if not more important, than physical battle to eliminate the terrorists and militants;

• That the battle to win hearts and minds of the people has to begin

from the school and home at the tender impressionable age of children. Hence the content of education and role of parents and elders are of crucial importance. There should be no hate speech in the curricula and human right education should start from the school. There is need for a total overhauling of the Education system in general and madrasa education particular. Religious education should be combined with liberal education, moral science, math, science and computer education;

• That 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 invariably better poised to win fight against terrorism and militancy than a totalitarian and authoritarian society;

• That 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;

• Rule 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 then be no scope for torture of alleged terrorists 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. This also helps significantly to boost economic

development.

Reverting to the proposal of Task Force for South Asia to combat terrorism and militancy, I feel that such a task force, if felt essential, should be formed within the framework of SAARC. The reason is twofold: 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 positive step forward as 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 affects 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 equivocally 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 2625 (xxv) which inter alia 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 commit-

ment 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 at which another important reinforcing document to fight terrorism namely, "the SAARC convention on mutual

peace and security such as energy, food security, climate change, economic development, trade and investment, though much remains to be done. SAARC has also given emphasis on greater people-to-people contact and interaction amongst intelligentsia to fight terrorism, militancy, and extremism. It is rightly said "peace can only be built on the intellectual and moral solidar-

The collective commitment of South Asian leaders to combat terrorism-militancy was once again forcefully reaffirmed at the Colombo SAARC summit of August, 2008 at which another important reinforcing document to fight terrorism namely, "the SAARC convention on mutual 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. The need is for the proposed task force to build on what has been achieved by SAARC so far and not open a new book of genesis.

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. The need is for the proposed task force to build on what has been achieved by SAARC so far and not open a new book of genesis.

If only this collective commitment of heads of state and government of SAARC was translated into collective political will we would not have required forming a Task Force now.

Another distinct advantage is that if the proposed task force operates within the framework of SAARC it would be able to adopt a comprehensive and holistic approach to fighting terrorism. SAARC has made some progress in the vital areas of non-military/non-traditional threats to

ity of humankind." The proposed Task Force would have greater possibility of success if it works within this larger framework of SAARC.

If the government forms the task force within the framework of SAARC for reasons stated above it will be more effective and purposeful to combat the menace of terrorism and militancy. More importantly, it is likely to have better chance to be acceptable to political parties both inside and outside the parliament and to the people at large. Bangladesh's diplomatic effort have to be concentrated on convincing other SAARC member-states, particularly India and Pakistan, to accept this proposal. This would be an acid test for the new government's diplomacy.

SM. Rashed Ahmed is former UN Regional Representative to Kosovo.

DHAKA MONDAY FEBRUARY 23, 2009

A dream picture of Dhaka

DR. NIZAMUDDIN AHMED

As a nation, we have indeed come a long way since the autocratic Pakistan days, when we grew up with street slogans such as 'government ka maal, daria mey dhaal', or something near about (pardon any slips, please), meaning 'if it is government property, dump it in a river'. That was because it was Pakistan and my generation was born when celebrations, albeit subtle, was already on for the Bangalee's emancipation from the clutches of a despotic state.

While we shall continue to depend on service providers, the onus is on each individual citizen, in his or her individual and collective role, to create a situation that corporate bodies such as DCC, RAJUK, DWASA, metropolitan police, traffic sergeants, and gas providers can also rely on them. If we believe the government belongs to the people, and it does, we must appreciate the limitations that it and its wings are beset with. What we should not tolerate is negligence to duty, misuse of funds, inordinate delay in imparting service and preferential treatment by a government

electro-mechanism. Alternative and effective jobs must be found for those who will be replaced by automation in traditional occupations, for manpower shall remain our biggest wealth for as long as we can see. Sadly, it can also continue to be a burden if not usefully employed.

We must find ways to allure people back to our towns and villages. We cannot ask people to serve outside Dhaka as doctors, engineers, and teachers while not willing to set foot beyond Ashulia if called for with this excuse or that. We must be willing to sacrifice for the gain of a people who

will be able to stand taller.

In five years time we may be holed up in multi-storied slums, content that we have a place to hide our head. We may be able to reach Motijheel in five hours from Uttara. We may be buying a bagful of groceries with a carload of banknotes. We may be getting a menial job with a high university degree, and then being questioned by Dudok why we are being corrupt.

Alternatively, we may reach Tongi from Jatrabari in one hour. We may have trees sharing the land with our buildings. We may have processions of professionals demanding posting to mofussil towns. We may argue over what vacation spot to choose while having a hefty meal with the entire family.

The choice that will be laid on our table clearly depends on how we each act our part as citizens and as members of a society. It is not the task of the level-headed to blame every ill on 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 encroach on unauthorised 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 this 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 Dhaka 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 fulfil that dream individual and collective.

Along with calls to dump government property in the rivers, we also grew up with classroom slogans, such as 'God helps those who help themselves'.

.....
Architect Professor Dr. Nizamuddin Ahmed is Advisor to the Editor on Urban issues.

It is not acceptable that a citizen will flout building rules by erecting what is not permitted, and then expect that his garbage will be collected on time by the city corporation. The two tasks may not appear seemingly related, but they are. One must make one's positive contribution before expecting others to perform positively. One cannot carry out unlawful practice at work and home, and then expect the city to be fine; that is simply not workable.

Despite an arduous, painful, and sacrificing 24-year long struggle to establish our national identity, punctuated by momentous events such as 1952, 1954, 1969, 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 of understanding 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. Only a government based on truth and imbued with the spirit of independence, the persistent struggles for a Bangalee nation and the heroic war of liberation can taper that fissure of suspicion, accusation, and answerability.

Even as you read this there are fellow citizens who are saying in baithak khana 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 they have not yet left the city, which means all is not lost up till 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, flood 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 egotism, whims and nepotism. Government officers and the public, the armed forces, police and other law-enforcing agencies, lawyers, doctors, management personnel and business administrators, architects, engineers, planners, constructors and developers, must all rise above self-interest, family interest, group, and party interest.

Let us begin at the individual level, at my level, at your level when a sacrifice is expected. Let us promote collective interest even if it means that I/we have to give up something. Let us remember that I/we too shall be benefited from the common betterment of the lot, for I/we are also part of that community and neighbourhood, that country, and nation.

servant or an office.

For instance, it is not acceptable that a citizen will flout building rules by erecting what is not permitted, and then expect that his garbage will be collected on time by the city corporation. The two tasks may not appear seemingly related, but they are. One must make one's positive contribution before expecting others to perform positively. One cannot carry out unlawful practice at work and home, and then expect the city to be fine; that is simply not workable. To create city icons such as a Singapore or a Kuala Lumpur or a Dubai, their people have cooperated with sincerity, honesty, patience, and belief. There is no better a player to make Dhaka a liveable and enviable city in the not-too distant future.

Our expectations must match our mutual accountability and respect. It serves least a nation if only we expect playful bunnies, but are not willing to grow the carrots. Nor shall it be wise to cultivate carrots on lands on which the farmers have grazed the cow for centuries. A balance between need, sustainability, and future projection must be struck, and landmark decisions must be based on extensive studies, in-depth analyses, patriotism, facts, and legitimacy.

It is important to realise the need to start early this education regarding one's responsibility and role, and national goals. Topics covering what the government agencies do are as important as what those agencies can expect from the people they serve. Primary education should infuse nationalism in the heart and mind of every child so that they can see the entire build up to the War of Liberation, the nine-month war and sixteenth December being enacted with them as participants. Their realisation of their responsibilities will follow naturally.

Public awareness is at its lowest ebb when it comes to defining a citizen's role in national survival and development. We usually think in terms of getting, not giving our dues. The case of a minister advising us to pay our taxes almost daily on national television channels and the print media, and then being discovered that he had not fulfilled his annual duties is a terrible and pathetic case in point. The minister tried to succeed as member of the cabinet but failed as an individual citizen. That phenomenon (being repeated in every office, industry, business, corporation, college and university, association and union) is what is setting us back two steps every time we move forward three.

In five years time, Dhaka is likely to have more people, but many of them will be environmentally conscious, as is the trend, and that is one positive sign. Service agencies will have to switch from manual dependency to



TIME TO TURN A CORNER

EXPECTATIONS FROM THE NEW GOVT

18th
ANNIVERSARY OF
The Daily Star

DHAKA MONDAY FEBRUARY 23, 2009

Realising “Sultana's Dream”

SULTANA KAMAL

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-raised 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

CONTINUED ON PAGE 41

A
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.

DHAKA MONDAY FEBRUARY 23, 2009

Sultana's Dream



FROM PAGE 40

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 Confined).

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 coming to 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 to free themselves 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 choose 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 reactionary, 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, I would like to make it clear 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 seclusion 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 sown 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.

DHAKA MONDAY FEBRUARY 23, 2009

A war crimes tribunal: Some suggestions

PROFESSOR RAFIQUUL 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 place 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 prece-

dents 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 Golan Azam case precisely illustrate this potential risk. Establishing a special tribunal would be a middle ground. It will certainly be free from the idea of a totally internationally dominated tribunal, as has happened in the cases of the Bosnian and Rwandan war crimes tribunals, with no connection whatsoever with the national criminal justice system. It will also 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.

CONTINUED ON PAGE 45

DHAKA MONDAY FEBRUARY 23, 2009

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 acceding to specific political demands'.

Terrorism in South Asia

In the South Asian regional context, terrorism is a serious and growing threat to regional security. Recognising this, the Leaders of the South Asian region in the Colombo Declaration of the Fifteenth Summit meeting of 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 emphasised the need for the "strongest possible cooperation in the fight against terrorism and transnational organised 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, Maoist attacks in Nepal and leftist or rightist terrorist attacks in Bangladesh and Bhutan.

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 perils of terror financing, each has significant transnational dimensions. 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 sub-

versive 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 with impunity and relative ease the porous borders of the countries for intra-regional as well as inter-regional trafficking of arms, explosives, and personnel for the purpose of terrorism within and outside of their respective regions.

Terrorism in Bangladesh

Compared to the other South Asian 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. Terrorists are developing new methods of attack and improving the efficacy of existing ones. As a result, critical sectors in Bangladesh, namely energy, 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, Religious, Anti-State and Ethnic and Social.

Political terrorism largely stems from unhealthy competition to retain/gain power at any cost. The competition for political support has caused the cost and repercussions of this kind of terrorism to be largely ignored by the mainstream parties thereby not only further exacerbating the issue but perhaps even promoting it by signaling tacit acquiescence. The gravity of political terrorism in Bangladesh is reflected in the number of people, 8,997, injured in politically motivated incidents 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. Harakat ul-Jihad-i-Islami-Bangladesh (HUJI-B) and the militant jihadist Jamatul Mujahdin Bangladesh (JMB) are two organizations 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 for doing so has always been to further their religious and political objectives, whereas in the case of the Sarbahara 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 indigenous minorities to protect their lands from encroachment and to safeguard their own ethnic identity. Since the late sixties, the Parbatya Chattagram Janashanghati Samity (PCJSS) has been in conflict with the government. However, after the signing of the Chittagong Hill Tracts Peace Accord in 1997 between the then government and PCJSS, the magnitude of ethnic terrorism has been substantially reduced.

Backdrop 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 groups were aided by Muslim extremist organizations in India, Pakistan and Afghanistan which in turn received funds from the Middle East countries to carry out their activities.

The Bangladesh Police and other law enforcing agencies are also repeatedly blamed for corruption and political partiality. There are regular complaints regarding human rights violations and inaccessibility to rule of law in Bangladesh. Simultaneously, inefficient border management on both sides of Bangladesh-India and Bangladesh-Myanmar borders is facilitating SALW proliferation, drug and human trafficking, movement of terrorists and organized crimes.

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 terrorism to thrive. The example of high youth unemployment

in Bangladesh can be cited. The lack of employment opportunities fosters high levels of frustration among young people and makes them vulnerable to involvement in petty criminality, gangs, extortion and/or other anti-social activities, and possibly even terrorism.

The government, on certain occasions has used, directly or indirectly, military force to combat terrorism. Although these operations had a positive short-term impact, many of the law and order 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 diversify instruments of counter-terrorism. To be more 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 terrorism. Finally, research, resources and training need to be devoted to the improvement and creation of strong national security instruments.

To 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 Global 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 sustained manner.

Farooq Sobhan is President, Bangladesh Enterprise Institute.



DHAKA MONDAY FEBRUARY 23, 2009

War crimes tribunal



FROM PAGE 42

The proposed war crimes trial in Bangladesh has an international dimension. Aside from its alleged 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 Bangladeshi 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 those 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 acts.

The tiers of the proposed tribunal are crucial. Section 6 of the 1973 Act deals with various aspects of the tribunal's chairperson, its seat, and qualifications of its judges. But it is silent on the issue of its hierarchical chambers. It is almost common practice now that such a tribunal should have three chambers, namely pre-trial chamber, trial chamber, and appeal chamber. A pre-trial chamber is necessary because the prosecution of the designated crimes may involve political consideration in the form of revenge or reprisal, which is prohibited in law. The prosecutor's office may initiate a prosecution with political motivation. In order to avoid such a possibility, the pre-trial chamber composed of judge/s of the tribunal examines the prima facie evidence to determine whether there is a legal case to answer. If there is, only then the pre-trial chamber issues an arrest warrant and the case proceeds to the trial chamber. Whilst the prosecutor is still competent to initiate a case, its decision is not final or decisive. There is a judicial determination at the pre-trial chamber of the prima facie legal merit of the case. Once this legal admissibility test is discharged, the case is conclusively decided by the trial chamber, against which an appeal lies with the appeal chamber. This is clearly a pragmatic check and balance approach. The International

Criminal Court (ICC) follows this approach and so does the Extraordinary Chamber of Cambodian Court. The possibility of extra-legal consideration in the prosecution of war crimes in Bangladesh may not be gainsaid in some cases. In a bid to avoid this potential problem and any conflict of interests, a three-chamber tribunal appears to be intuitively appealing for Bangladesh.

United Nations involvement may also be sought in the appointment of judges, and investigating judges, and prosecutors. International participation and cooperation at all levels of the trial have been ensured through the inclusion of some foreign judges, co-investigating judges, and co-prosecutor nominated by the UN Secretary-General in both Sierra Leone and Cambodian trials of war crimes. Mixed international and national judges and prosecutors were also appointed in East Timor and Kosovo courts to try war atrocities. The end in view is to ensure the trial process and its decisions are impartial and acceptable internationally. Bangladesh may consider this mixed approach of judges and prosecutors for obvious benefits. It may opt for the chair of the tribunal and the majority judges from Bangladesh and the minority from among foreign nationals through the UN. In this way, the functioning of the tribunal can have

national control with international exposure. Purely nationalistic option is fraught with the potential risk of sending an undesirable signal to the rest of the world, which may tarnish the impartial image and credibility of the tribunal. The capacity and willingness to hold fair trials of particularly internationally designated crimes by national tribunals/courts is increasingly being scrutinised by international observers for signs of corruption, lack of due process, and political influence. The fundamental principle that centers round every criminal trial, be it national or international, is that justice is not only to be done but also manifestly seen to be done. The proposed war crimes trial in Bangladesh is no exception. It must be a fair and credible trial.

In formulating the applicable substantive law and procedural rules of the tribunal, Bangladesh must be careful about certain basic principles of international law and its own constitutional law. An instance is Article 9 concerning arrest and speedy trial and the right of the accused enshrined in Articles 14 and 15 of the International Covenant on Civil and Political Rights 1966 of which Bangladesh is a party and its own constitutional guarantees embodied in chapter 3 of its Constitution. Being a party to the Vienna Convention on the Law of Treaty 1969, Bangladesh must affirm that it would not invoke or apply any national law to escape international treaty obligations. The Simla Pact 1973 is especially relevant to this point. A case has to be made for arguing that the Simla Pact is void in international law for its inconsistency, if not repugnancy to, the peremptory norm of international law (see my article in The Daily Star of 29 January 2009).

There must also be an adequate and readily available appeal remedy and provisions for the protection of victims and witnesses in appropriate cases through the conduct of proceedings in camera and suppressing the identity of a victim or witness. These matters, among others, must be taken into account in formulating substantive law and procedural rules pursuant to s10 (procedure of trial), s11 (powers of the tribunal), s17 (right of the accused person during trial), and s21 (right of appeal) of the 1973 Act. Viewing sentences from human rights perspective, the maximum penalty may not exceed life imprisonment, which may require a reappraisal of the capital punishment provided in s 20(2) of the 1973 Act. This is likely to be a contentious issue if the UN involvement is sought and negotiated. Many local perpetrators are allegedly responsible for undue enrichment in 1971. Provisions for reparations in appropriate cases through the judicial process may go a long way in rewarding many surviving victims and/or their relatives in ameliorating their grievances of past injustices.

In most, if not all, instances of the formation of special war crimes tribunals or courts, UN involvement was felt necessary and negotiated by the state concerned. The end result has been a negotiated agreement or memorandum of understanding (MOU) between the UN and the state concerned. Except the Bosnian and Rwandan tribunals, all other, notably Sierra Leone and Cambodia, special courts/tribunals have been nationally controlled. These agreements/MOUs spell out terms and conditions for minimum UN and maximum national involvement. Cambodia successfully negotiated that the tribunal be majority Cambodian, albeit under certain conditions. The then co-Prime Ministers of Cambodia sent a letter on 21 June 1997 to the UN Secretary-General requesting the assistance of the UN and the international community in "bringing to justice those persons responsible for the genocide and crimes against humanity during the rule of the Khmer Rouge from 1975 to

1979". This letter backed by intense diplomatic maneuvering triggered formal negotiations that resulted in the UN getting involved. The Cambodian agreement with the UN 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 receive a frosty reception in some countries. Some may also surmise that the major powers like the US and China, which opposed the Bangladesh liberation war, may even oppose any 1971 war crimes trial.

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 General Assembly. Due to its past legacy of military bombardment on Cambodia during the Vietnam war and political support for the Khmer Rouge after they were ousted in 1979, the US maintained a low profile in the negotiations but worked hard behind the scenes to strike a deal between the UN and Cambodia. Similarly China was the biggest supporter of the Khmer Rouge and its steadily increasing political and economic presence in Cambodia caused many to fear that the plan for genocide trial would be sacrificed in the interest of political and economic stability. This fear was unfounded because the trial of Khmer Rouge leaders was thought to be much more than a foreign policy issue for the majority states, which seized this opportunity to address past injustices and end the culture of impunity.

Bangladesh may pursue the Cambodian route and tailor it to suit its conditions for a Bangladesh-run tribunal. It must formally seek assistance from the UN and the Prime Minister's request for the UN help in holding the trial presented to the UNDP Representative and UN Coordinator in Bangladesh on 3 February 2009 is the first step. This request needs to be followed up with the UN Secretary-General for embarking on excruciatingly difficult diplomatic negotiations with the UN and its members. Instead of emphasising too much unfounded fears and potential hurdles, Bangladesh must deeply concentrate on diplomatic means to overcome them. It must take the advantage of the current climate of growing international antipathy towards the perpetrators of heinous crimes and sympathy for their victims. Should Bangladesh succeed, the UN is set to appeal, as it did in the case of Cambodia, to the international community to provide assistance including financial and personnel support to the proposed tribunal.

In this intensely interdependent world, the proposed trial of the war criminals of 1971 must meet the minimum threshold requirements of national and international criminal justice systems. It must be guarded against being portrayed by the global information super-highway as a politically expedient trial carried out by a kangaroo tribunal. Should this ever eventuate, it would reinforce the status quo of an evasion of justice for crimes that shock the conscience of humankind and keeping the surviving victims and their relatives under a cloud of gross injustice. An outward-looking tribunal is preferred over an inward-looking tribunal. International safeguards will help ensure credible justice in the eyes of the international community. This does not compromise the sovereignty of Bangladesh. The sovereignty of Bangladesh should not be seen as a tool for isolation and insulation from the international scrutiny of the formation and operation of the tribunal. Rather, it must be used as a tool for international participation and collaboration in ensuring distributive justice to all stakeholders -- both the victims/relatives and their perpetrators alike.

Rafiqul Islam is Professor of Law, Macquarie University, Sydney, Australia.

DHAKA MONDAY FEBRUARY 23, 2009

Fine-tuning foreign policy

FROM PAGE 36

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



NEPAL NEWS COM/NP

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.

.....
Ashfaqur Rahman, a former Ambassador, is currently Chairman of Centre for Foreign Affairs Studies.