

Foreign Minister calls a spade a spade



HARUN UR RASHID

HERE seems to be a debate in some quarters in Bangladesh as to whether Foreign Minister M. Morshed Khan should have ventilated so candidly and publicly Bangladesh's concerns in respect to its relations with India and also whether the forum was suitable for such views. The reason, some argue, is that Bangladesh relations with India is one of the most important cornerstones of Bangladesh foreign policy and the views of the Foreign Minister might create impediments in further development of bilateral relations with its biggest neighbour.

On September 7, the Foreign Minister laid bare some of the concerns with India while speaking as the chief guest at the inaugural session of an India-Bangladesh Dialogue of Young Journalists organised by Bangladesh Enterprise Institute in Dhaka (BEI deserves commendation on convening the Dialogue).

The contents of the speech, it appears to some, may have raised diplomatic hiccups in Indo-Bangladesh relations. India's High Commissioner in Dhaka, Veena Sikri, was present at the gathering and later expressed surprise and shock at Foreign Minister's comment. She said: "At first I was surprised to hear his speech, then I was shocked. I felt exactly as I would have felt if a friend talked to me in that way."

There are views that the concerns of the Foreign Minister could have been conveyed at a diplomatic level with his counterpart in India. Although I agree that some of his views might have been expressed a

bit differently, I do not consider the negative impact of his statements on bilateral relations.

Let me take theme of "friendship" from the High Commissioner's comment and I would rather argue if a friend is not able to say something candidly, then that friend is no friend. Friendship is based on mutual understanding and the ability to say something that cannot be said by a stranger. The depth of friendship lies in the realisation that some home truths must be spoken when necessary instead of keeping them hidden. Hidden thoughts create misunderstanding and suspicion about each other and it is desirable that they are open so that a friend understands where he/she stands. That is what friendship is all about.

I would further argue that the Foreign Minister has spoken in that spirit to a friendly country, India, as to provide a platform to resolve the outstanding issues that will enhance development of bilateral relations. Such plain talk is no stranger to bilateral relations. It often occurs between US and Canada, between Australia and New Zealand, and between Germany and Poland. In fact, such plain truths bolster in the long run the relations of two countries.

No country thinks that its policy is hurting another neighbour and it is not done deliberately. Unless a neighbour speaks plainly and publicly, the other neighbour may not appreciate the level of concerns on the outstanding issues. Furthermore, in a democratic country, people must be informed rightly and suitably as to why relations have not improved with a hugging neighbour. The elected leaders must be seen to be truthful to their people, both in domestic and foreign policy issues and there is nothing wrong in this. Therein lies the essence of democracy and the young journalists should know about them.

One may realise that India's relations with Bangladesh are multifaceted and do not fully depend on a single agency. There are many agencies in India that contribute to this area. Let me list them: (a) the Ministry of External Affairs and other concerned Ministries, (b) Indian

Security Adviser Dixit's office -- Dixit is an "old hand" of Bangladesh matters, (c) state governments -- both West Bengal and North-Eastern states, and finally, (d) Sonia Gandhi's office. All these offices are involved in policy matters in foreign relations.

This being the case, the Foreign Minister, I assume, thought it fit and appropriate to speak Bangladesh's concerns in one go to all these

mit in Islamabad early this year said, "As we develop greater economic stakes in each other, we can put aside mistrust and dispel unwarranted situation."

The Foreign Minister spoke of non-tariff barriers imposed on Bangladesh goods, and this aspect of the matter Bangladesh exporters have told the government. It is reported that Bangladesh has lodged a complaint

of Indian insurgents in Bangladesh had no foundation. He claimed that while India could not provide telephone numbers of these camps, Bangladesh, on the other hand, provided to India fax, telephone numbers, and office addresses of Bangladeshi insurgents in India. He also dismissed Indian claims of presence of terrorists in Bangladesh saying: "No country other than a banana repub-

erally releases more water through its sluice gates. It appears that the Foreign Minister has reportedly alluded to the above reality when he said that Bangladesh would trade its water with India only if India would allow water to flow down to Bangladesh when it was required most.

Dynamics of bilateral relations

The dynamics of bilateral relations



The views of the Foreign Minister, I would argue, would not make a dent in bilateral relations as the High Commissioner of India rightly said that: "I sincerely believe that the two neighbours will be able to eradicate any misunderstanding and mistrust and continue their friendly relations." The High Commissioner is right and that is the right spirit in which the Foreign Minister's candid views should be perceived.

agencies -- that a time had come to call a spade a spade. In fact, I would argue that my diplomatic experience (as Additional Foreign Secretary and Director General, South Asia Desk, in the 80s and 70s) has demonstrated that unless a party fully appreciates the depth and intensity of other's concerns, talks do not become successful.

What did the Foreign Minister say?

He spoke primarily about trade, security, and water sharing with India. These are not new subjects, and I would argue what he said we argued even in the 70s with India's officials.

Huge trade deficit with India is not a matter only of economic area. It has an impact on political relations as well. Bangladesh people should not perceive, rightly or wrongly, that India uses Bangladesh for its own economic interests. Trade is not a one-way street.

The Foreign Minister has been in business for a long time and is passionate about development of trade with other countries including India because economic relations are the right "glue" in cementing cooperative relations. In the same vein, former India's Prime Minister Vajpayee, during the SAARC sum-

mit would shut its eyes if there were terrorists in its territory."

Another diplomatic faux pas was made when India's Prime Minister telephoned the leader of the opposition after the August 21 massacre, while not speaking to the Bangladesh Prime Minister. It is not the India's genial and soft-speaking Prime Minister but his advisers who made this mistake. Sometimes a small matter speaks volumes, like the tip of an iceberg. It is a courtesy to speak to both on such occasions and the Foreign Minister indirectly indicated this fact.

On water sharing, Bangladesh is at a disadvantaged position because it is lower riparian country. India is an upper riparian country and controls the flow of water to Bangladesh. That is why Indo-Bangladesh treaty was concluded in 1996 for thirty years to provide some stability in availability of waters to Bangladeshi people, if only the provisions of the treaty are assiduously implemented in letter and spirit.

Regrettably, there is no institution between the two countries to manage common rivers jointly, and that is why when Bangladesh does not need waters during monsoon season, Bangladesh gets more water from India because it unilat-

are based on each other's strengths and weaknesses. It has to see what is complimentary to each other. If a neighbour does not provide any benefit to the other, relations are not stable and lasting because they degenerate into one-sided relationship. A perception exists in some quarters in India that Dhaka needs New Delhi and not the other way

round. This implies that Bangladesh has nothing to give in return to India.

What the Foreign Minister did was to bring to attention to what Bangladesh's strengths are. One of the strengths lies in the fact that the seven land-locked states in north-eastern India can easily get access to the sea via Bangladesh. This is a reality. The former Prime Minister of India I.K. Gujral in recent years referred to the access and use of Chittagong port by India's land-locked states because it would not only monetary but also political dividends to both countries.

Indo-Bangladesh relations are complex. India is the largest country in the region and is 23 times larger than Bangladesh. It is natural to feel concerned about the "domination of India" in the region. India's size is nothing India can do anything about it and it is not its fault. However, India may appreciate what former Canadian Prime Minister Trudeau said of his big neighbour: "Living next to the US is like sleeping with an elephant; no matter how friendly and even-tempered is the beast, one is affected by every twitch and grunt."

In both countries there are some sections of people that do not wish to see smooth development of friendly relations between the two countries. Political leaders must

ensure that negative sentiments should not obscure or impede development of friendly and good neighbourly bilateral relations.

Conclusion

The views of the Foreign Minister, I would argue, would not make a dent in bilateral relations as the High Commissioner of India rightly said that: "I sincerely believe that the two neighbours will be able to eradicate any misunderstanding and mistrust and continue their friendly relations." The High Commissioner is right and that is the right spirit in which the Foreign Minister's candid views should be perceived.

I would argue that India, being the larger partner, has a responsibility to be more circumspect in dealing with Bangladesh, so as not to be perceived as arrogant "big brother." Nature has destined both countries to live together. The truth is that one can choose a friend but not one's neighbours.

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The Arms Act (1878) needs improvements

EKRAM KABIR

A recent newspaper report said that the country's Rapid Action Battalion (RAB) and the police have been competing against each other as to who can recover more illegal weapons from the hands of terrorists. This, indeed, is good news. The report, however, didn't mention what would happen to the recovered illegal weapons. In fact, no information has ever been made public regarding the weapons that usually are seized by the law enforcers.

Here arises the question of law enforcers' responsibility about what to do with recovered weapons from unintended hands. Where do they store these weapons? Is there any centrally maintained warehouse for them or are the arms kept in each police station? Do the law enforcers keep proper record of weapons that are recovered? The reason for mentioning these questions is, reportedly, weapons are very often lost from the police stations or from

the custody of the police.

At this point, other pertinent questions also looms: while dealing with illegal arms, are the guidelines in the Arms Act (1878) properly followed? And is our Arms Act, enacted by the British way back in 1878, fit to meet today's needs?

Yes, we do have an Act under which unlicensed manufacture, conversion and sale of arms, import and export of arms, transport of any unauthorised arms over Bangladesh and possession of unlicensed firearms, etc. have been prohibited. Provisions have been made, giving power to the government, to make rules as to license, restriction on movements with arms, cancellation and suspension of license, etc. Committing any breach of the prohibitions would be an offence punishable with imprisonment of different terms. It is also a punishable offence to knowingly purchase arms from an unlicensed person or to deliver arms to persons not authorised to possess them.

We have another law in place: the

Explosive Substances Act 1908. Explosive substance deems to include any material for making an explosive substance and also the apparatus, machine or any part thereof which may be used for causing or aiding in causing any explosion. Causing explosion by any explosive substance likely to endanger life, injury to person or property or with intent to commit an offence or to enable any other person to commit an offence are punishable under this Act with death, imprisonment for life or imprisonment of any other term with a minimum mandatory sentence of 2 to 5 years.

Bangladesh scene

Bangladesh has not made any amendments to the 1878 Arms Act. Therefore, the provision of permitting import or export of arms in "reasonable" quantity by anyone possessing a licence makes Bangladesh law concerning export/import the weakest in the region. On the other hand, the Sri

Lanka Firearms Ordinance has the strictest limitations on export and import in South Asia, requiring an importer to have a valid permit and to bring the weapon through an approved port of entry.

The government of Bangladesh is yet to take steps to amend the Arms Act (1878), for classifying the sharp metallic lethal weapons like Chinese axe, slaughter knives, ramda, kirich, chapatti and such other implements and bring those under the ambit of the definition of "arms" in the law book.

A High Court Division Bench in November 2001 directed the government to amend the Arms Act to bring those weapons within the category of arms.

At present, the Arms Act or any other law of the land does not prescribe local lethal weapons as falling under the definition of arms. So, clinically speaking, those implements, which are frequently used in inflicting wounds and even fatality in criminal acts, do not qualify for arms, and hence the offenders or the suspects get off the hook. Even persons, possessing those lethal weapons and captured by the police, are going scot-free when charged under the Arms Act.

Earlier in 1988 another HC Division Bench in a judgement observed that such an amendment was a must.

The law minister told a newspaper last year that the government had already initiated the recommended amendment. The matter, he said, was under scrutiny with the home ministry. As soon as, he added, the home ministry sends its proposed amendment back with its comments, the law ministry will draft a bill for the amendment. Unfortunately, there's a complete lack of initiatives to complete "its" scrutiny.

The government was also supposed to enact the Chemical Weapons (Prohibition) Act, though Bangladesh does not produce, possess or use any such weapons. However, no one really knows what has happened to this process.

A regional approach

Carrying arms is not illegal under international and national laws. States have a sovereign right under the UN Charter to procure arms for their self-defence. Indeed, the primary responsibility for compliance with international human rights standards, international criminal law, and the international rules of war are borne by the user of the weapon; however, countries that produce and export arms do have some responsibility for the use made of their products, particularly when those weapons end up in unintended hands.

Four of the five South Asian countries have this common legislative history, Arms Act (1878), arising from colonial rule, although India amended it in 1959 and 1962 for inclusion of lethal weapons within the meaning of arms. The purpose of the legislation in each country is to prevent illicit trafficking and use. However, analyses have indicated that the existence of laws is not enough; proper implementation of existing regulations and the closing of loopholes is key to reducing the devastation caused by small arms.

There are areas of improvement of the law.

Since proliferation of illegal arms is a problem common to all regional countries, effective control thus requires consistency and coordination among the nations in monitoring legal trade and in setting penalties for illicit exchanges.

Such cooperation among the states could start with basic definitions: for example, the Sri Lankan legislation, although the most comprehensive and strictest law controlling small arms in the region, does not clearly define what is a firearm.

Export and import licenses and documentation has not been standardised, containing information such as the date of issue, name of country of export and import, description and quantity of firearms, etc. Furthermore, none of the national laws clearly specifies what law applies if a problem occurs at a transit point in the transfer of arms.

None of the national legislations addresses the issue of brokering, which is a lucrative part of the illegal trade in the region: legislation should stipulate registration of brokers, authorisation for brokering transactions and penalties for illicit brokering activities within the state's jurisdiction and control.

The unlicensed (read: illegal) cottage arms industries could be strictly regulated and face stiff penalties for selling arms to unauthorised buyers. However, the carrot approach of recognising the economic reasons why they produce arms and offering them alternative incentives would probably work better than the stick. For example, government manufacturing operations could be dismantled and the domestic producers could be designated the official small arms-makers for the state; or, alternate employment, such as being given the task of collecting and destroying weapons, could be offered to them.

It would be useful for all the countries of the region to extend mandatory record-keeping rules on arms manufacturers to government agencies and their own stockpiles, as well as to individuals holding licenses to possess guns for private use.

The criminal codes of all the South Asian countries should include the same offences relating to small arms and similar penalties to make deterrence uniform across the region.

As Nepal is the only country which has a legislation explicitly dealing with weapons and elections, the proliferation of political violence across the region would make the Nepali law a good model to be replicated by others.

Thus, only a coordinated approach on a regional basis may solve the problem of the scourge of small arms in all these countries.

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