

Draft police ordinance

Hold public discourse before adoption

A roundtable arranged by this newspaper on the Bangladesh Draft Police Ordinance 2007 on Saturday highlighted some important police reform issues in the country. An observation of the draft ordinance reveals some features that call for closer scrutiny. There are certain details that need to be worked on in the larger interest of putting in place an efficient and well-meaning police force. Among those details is the very great necessity of reconditioning the police to an atmosphere where it will stay free of political influence. There are, of course, provisions in the draft to that effect that are surely laudable. How effective those provisions will be depends on how foolproof a strong police administration sans political interference is finally put in place.

A positive aspect of the draft ordinance relates to the idea of the Police Complaints Commission. Such a body will afford citizens an opportunity to air their grievances with a view to securing justice. However, there is an absolute need to ensure that complainants' identity is protected in order for them not to be subjected to harassment and other forms of persecution once they have lodged their complaints. Nothing can be more damaging than the spectacle of a complainant becoming a victim of a system intended to do good. Then comes the matter of the constitution of a Police Commission. The proposed composition of the commission seems weighted in favour of the government and ruling party. If such a step is taken, it could defeat the very objective of the police reforms we are talking about. That is why it is important that some leverage in decision-making be given to independent members drawn from other sectors of society. One hardly needs to emphasise the fact that the bureaucracy might not look kindly on the reform process which could dilute their control over the police. Any attempt to scuttle it needs to be guarded against.

The draft ordinance has not clearly delineated the provisions relating to a decentralisation of the police. In order to bring about quality and efficiency in the service, a devolution of authority from the top to the lower rungs of the police administration as well as a definition of powers enjoyed by police personnel away from headquarters are an imperative not to be ignored. Finally, in the larger interest of the nation and in view of the need for a purposeful police system, the draft police ordinance must be put through a national consultative process before it is adopted. This can be done through eliciting the opinions of experts, politicians, civil society members and the like and thereby associating them in the reform of the police administration.

Relief work with a bang!

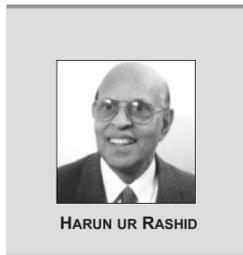
Special privilege for the new political party?

THE authorities' reservations about using banners by political parties while conducting relief operations could be construed as an attempt to keep an essentially humanitarian job above or away from politics. Nothing can be more important at the moment than helping the flood victims. It is well taken, and so is the stand that party politics should not blur our vision of a collective effort to overcome the effects of the onslaught of floods.

So far so good. One would expect though that the rules will apply equally for all and also that undue ostentation will be avoided in all relief work. Viewed from that angle, the motor cycle rally organised by the newly formed political party, PDP, as its leaders went to Manikganj to distribute relief materials looked a bit too grandiose. The objection to this kind of an almost festive show of helping people in distress is twofold. First, it assumed the character of a political rally when the ban on politics is still on. The ban, we have to conclude, cannot be slackened in case of a particular party, unless the government chooses to be insensitive to views of other less fortunate parties. The PDP was apparently making its debut in politics of our kind, but a very legitimate question as to why it has done so, or has been allowed to do so, might arise. Secondly, in carrying out relief operations all kinds of flamboyance should be scrupulously avoided.

Obviously, the PDP has not set the greatest of examples by carrying out the relief work the way it did in Manikganj. As for the government, it has to ensure a level playing field for all even when it comes to helping humanity in distress.

Is India a victim of its own policy?



HARUN UR RASHID

UNILATERAL water diversion, or withdrawal of water from international or common rivers, has been the long-standing policy of India. India bothered little about the concerns of a lower riparian country, such as Bangladesh, in diverting water from common rivers.

In 1896, the "Harmon Doctrine" was propounded by the US Attorney General Judson Harmon, claiming that Mexico was not entitled to the water from an international river, the Rio Grande.

The doctrine emphasised territorial sovereignty over an international river. It means that, within its territory, a state can do whatever it wishes with the water of an international river, and does not need to bother about the consequences of its withdrawal on a lower riparian nation.

India argued in favour of the Harmon Doctrine in the mid-70s with Bangladesh (I was Director General of South Asia), though the US itself had discarded and discredited it in 1906 when it concluded a treaty with Mexico relating to sharing of water of the Rio Grande.

When India argued the relevance of the Harmon Doctrine in the '70s, Bangladesh counter-argued that the "Helsinki Principles", which would entitle a co-riparian of a reasonable and equitable share of water of an international/common river or drainage basin, had replaced it in 1966.

BOTTOM LINE

Fresh water is getting scarce according to a Unesco study. The average supply of water is expected to drop by one-third within 20 years. Unesco points out that up to 7 billion people could face water shortages by 2020, and global warming may cause severe water shortages in 50 countries. South Asia is one of the regions to be adversely affected, partly because of melting of the Himalayan glaciers due to global warming. Water experts believe that water disputes on intra-state and inter-state level may increase in future. It is the potential inter-state conflict over river water resources that may be of greater concern.

Use of river water

The use of river water is of two types – non-consumptive and consumptive. Navigation is a non-consumptive use of water because river water is not depleted or reduced through navigation. Consumptive use of water consists of withdrawing water for agricultural and other purposes. Consumptive use always reduces the water in rivers.

A river knows no political boundaries between countries. It flows as an indivisible unit, and if it is interfered with at the upper stream, the lower riparian country will be affected. That is why international law recognizes the right of each riparian country to enjoy all the advantages deriving from river waters for the welfare and economic prosperity of its people.

At least 56 rivers flow from India into Bangladesh. The largest of them, the Ganges, the Brahmaputra and the Meghna (GBM), flow through Bangladesh until they meet the Bay of Bengal, creating one of the biggest deltas in the world. It is estimated that 25,000 square miles within Bangladesh can be designated as a delta, an area equal to Belgium and the Netherlands together.

Bangladesh is a land of rivers, and swimming has been the birth-right of all Bangladeshi children. Rivers have been the lifeline of the

people of Bangladesh, although in the monsoon season they often cause floods. Without monsoon rain and the rivers, Bangladesh's environment, and its cultural tradition, music, and folk tales based on rivers, will die.

Agriculture is the backbone of the country, and 76% of the people live in villages. Water plays the most vital role in the country's economy. 85% percent of the water comes from the Ganges and the Brahmaputra during the dry season (November to May).

Millions of people are directly or indirectly dependent on river water for their livelihood. Water is vital for agriculture, fishery, and the flora and fauna, and constitutes an indivisible part of people's lives.

Depletion of water in rivers puts Bangladesh in a very critical situation, especially in navigation, agriculture, and way of life. Farmers, fishermen, and the forests, are all adversely affected by depletion of water in rivers.

Water dispute and Bangladesh

The unilateral withdrawal of water from the upper reaches by India has been a concern for Bangladesh. If India withdraws water heavily from common or international rivers, such as the Ganges and the Brahmaputra, there will be less available in Bangladesh. This is

obvious.

The water dispute with India has been going on since the birth of Bangladesh. It started with India's ill-conceived Farakka Barrage on the Ganges (11 miles from Bangladesh's border), for diverting water from the Hoogly river for flushing silt, not for agriculture.

India's pre-occupation has been how to divert water from common rivers without sharing information, or consulting, with Bangladesh. For example, information regarding the storage of water of the Barak river, by building the 1,500 MW Tipaimukh hydroelectric dam, has yet to be shared with Bangladesh.

India has embarked on constructing dams on, and diverting water from, many common rivers, such as the Teesta, the Gumti, and the Khowai, without any agreement with Bangladesh. India had reportedly blocked-of streams (such as Muhuri, Chagalnaiya, Fulchari, Kachua and many others) flowing into Bangladesh from Tripura. As a result, as of 1979, eight chars (islets) were detected in the tributaries of Muhuri and Kahua, and they have blocked water flow in Bangladesh.

Since these rivers are in India, it did not care to discuss, consult, or come to an agreement with Bangladesh on the blockage or diversion or consumptive use of the water, although a Joint River Commission had been formed in

1972.

China's proposed diversion of water

According to a report by an Indian writer, China is attempting to dam or redirect the southward flow of water from the Tibetan plateau, the starting point of many rivers, such as the Indus, the Mekong, the Yangtze, the Yellow, the Salween, the Brahmaputra, the Karnali and the Sutlej.

According to the same writer, China's intensive farming needs water, and it is increasingly turning its attention to the water reserves of the Tibetan plateau. China is presently toying with massive inter-basin and inter-river water transfer projects.

Furthermore, several Chinese projects in west-central Tibet have a bearing on river-water flow into India, but China refuses to share information with India. The same tactics India adopted with Bangladesh are now likely to bite India.

The writer also pointed out two Chinese projects that might affect India adversely. One is the proposed Great South-North Water Transfer project for diverting Tibetan water, and the first phase calls for building 300-kilometres of tunnels and channels to draw water from the Jingsha, the Yalong and the Dadu rivers on the eastern rim of the Tibetan plateau.

The second phase of the project is more damaging, because it proposes to re-route the Brahmaputra river northward. In fact, the writer points out that China has identified the bend where the Brahmaputra enters India.

India does not seem to have considered that the Chinese water experts and hydrologists may have acquired the technology by which the Tibetan plateau waters could be re-routed northward towards China.

Now India has woken up. China is reportedly doing the same thing that India did with its rivers in relation to

Bangladesh. China does not find it necessary to consult, discuss, and sit down with India about the proposed diversion of waters from the Tibetan Plateau. There cannot be one rule for India and China, and another for India and Bangladesh.

There is another, wider, dimension on availability of fresh water. The increased demand for fresh water has prompted the construction of dams and barrages on international rivers, and it is reported that 60% of the world's largest rivers have been interrupted by the artificial structures. Many of them were built in agreement with riparian countries, and about 200 treaties are now in force for the management of common water resources.

Fresh water is getting scarce according to a Unesco study. The average supply of water is expected to drop by one-third within 20 years. Unesco points out that up to 7 billion people could face water shortages by 2020, and global warming may cause severe water shortages in 50 countries. South Asia is one of the regions to be adversely affected, partly because of melting of the Himalayan glaciers due to global warming.

Water experts believe that water disputes on intra-state and inter-state level may increase in future. It is the potential inter-state conflict over river water resources that may be of greater concern.

Barrister Harun ur Rashid is former Bangladesh Ambassador to the UN, Geneva.

A Japan that can say no

MONZURUL HUQ

ALMOST two decades ago, the deceased Sony chief Akio Morita joined hands with the Tokyo governor Shintaro Ishihara to co-author a book that was much criticised in the West, particularly in the United States, for being too nationalistic in its tone.

The book entitled *Japan that can say no* was the Japanese response to the prevailing Japan bashing mood in Washington throughout the 1980s, and it called on Japan to pursue a policy that would allow Tokyo to come out of the strong sphere of influence that Washington all along imposed on countries that belonged firmly to its political orbit.

Ishihara, a well-known hawkish politician with strong nationalistic ideas, was not taken that much seriously by the critics, as the position expressed in the book more or less coincided with what he had always been preaching. What surprised many in the West was the fact that Morita joined hands with him, more because it was boom time for Sony, a Japanese producer that was revered much in the world.

Both Ishihara and Morita urged Japan to try to find a self-identity that would allow Tokyo to disagree with Washington on issues that might run contrary to Japanese interest. But the timing of the publication was not right, as the Cold War was still on and it was easy for anyone taking such a standing to be blamed for helping the enemy. As a result, though the book created a sensation in Japan and abroad and became a best seller, it could hardly make a serious impact

CLOSEUP JAPAN

Ozawa's bold stand is quite significant in the light of Tokyo's bilateral relations with Washington. He is the first high-level political figure in Japan who is plainly saying "no" to the most important strategic partner of the country. How long he will be able to hold that position remains uncertain, as within the main opposition there still remains a hawkish block that is willing to join hands with the governing coalition to pave the way for the legislation to be approved.

on politicians holding the balance of power.

Despite the call from two leading figures of Japanese politics, and the business world, to pursue a more assertive policy, Japan we know could not say "no" to Washington for very long, indeed, and is probably still unable to do so. But the wind of change, though not that strong yet, is now probably blowing all around the political arena of Japan, and if it gathers momentum Japan would probably be able to do exactly what many Japanese have wanted to do for quite long, which is to say "no" to the United States.

The first sign of that changing attitude was reflected recently in the firm stand taken by the opposition leader of Japan, Ichiro Ozawa, when he informed the US ambassador that his party would not be able to support the ruling coalition on a bill calling for the extension of an anti-terror law under which Japan's Maritime Self Defense Forces will be permitted to provide assistance to the naval vessels of the international coalition fighting in Afghanistan.

It is now clear that it was not only the main ruling Liberal Democratic Party and its coalition partner, New Komei Party, who were upset by the rout they had to suffer in last month's upper house election of the Japanese Diet. The United States, particularly the Bush administration, too, was upset and shocked. More because the timing of the election coincided with the submission of the bill to the Diet, which the ruling block was hoping would get a quick passage.

Japan enacted the Anti-Terrorism Special Measures Law in November 2001, just two months after the September 11 terrorist attack that prompted Washington to start a military invasion in Afghanistan to dislodge the Taliban regime. Japan had always been a willing partner of the US foreign policy, and the then Japanese prime minister Junichiro Koizumi wasted no time in showing President George W. Bush how much Japan valued the bondage of friendship with Washington.

The law allowed Japan's Maritime Self-Defense Forces to dispatch a number of its fleets to the

waters around Diego Garcia in the Indian Ocean to provide fuel to military vessels participating in the US-led military operation in Afghanistan. Initially enacted for two years, the duration of the law was subsequently extended twice by the Diet, and a third extension is now due before it expires on November 1.

During the earlier sessions of the Japanese parliament, when the law was debated, the opposition block, including the main opposition Democratic Party of Japan (DPJ), objected to the extension. The opposition block had all along been saying that the military operation in Afghanistan was essentially a US mission, and that it didn't have the necessary approval of the United Nations, an essential precondition for Japanese participation.

During last month's election campaign too, DPJ and other opposition parties made it clear that, should the opposition gain majority in the house, the passage of the bill to extend the Anti-Terrorism Special Measures Law would be blocked to show respect to the desire of the

Japanese people.

The US embassy in Tokyo was definitely keeping a watchful eye on the situation. It was more because more and more of George Bush's coalition of willing partners were deserting him by opting out of such missions, both in Iraq and in Afghanistan. Losing a trusted ally like Japan would definitely be a serious dent in the coalition itself.

Soon after the election result was announced, making it clear that the opposition was by now capable of blocking the passage of any bill, US Ambassador Thomas Schieffer hurriedly express his desire to meet the opposition leader. The purpose, no doubt, was to convince the opposition leader of the importance of US-Japan alliance, and reassess the position of the party concerning the extension of the anti-terror law in the light of that importance.

Although Ozawa initially turned down the request, he eventually decided to accept the invitation after being told that the meeting would be on bilateral relationship in general. The meeting eventually took place last Wednesday, and the opposition leader Ichiro Ozawa told the ambassador that he had no intention of helping the ruling coalition extend the special measures law.

Ozawa was even blunt enough to make a comment that he thought the war in Afghanistan was one that President George W. Bush had started without the consensus of the international community. He also made it clear that he would use his party's new-found strength in the upper house to try to block the legislation.

The US ambassador, on his part,

tried to convince the opposition leader that Japan's continued participation in the multinational coalition was vital, as the war in Afghanistan was a war on terrorism and not a war on Muslims. But Ozawa reminded the ambassador that peacekeeping activities undertaken by Japan would always be in the context of United nations-led activities.

Ozawa's bold stand is quite significant in the light of Tokyo's bilateral relations with Washington. He is the first high-level political figure in Japan who is plainly saying "no" to the most important strategic partner of the country. How long he will be able to hold that position remains uncertain, as within the main opposition there still remains a hawkish block that is willing to join hands with the governing coalition to pave the way for the legislation to be approved.

As a result, Ozawa's next test would be the taming of the rebels within the party. Whatever the outcome of that test might be, he has already made an exemplary move by stepping out of the superficial reality that, until now, was written only in books like *Japan that can say no*.

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Pakistan on the crossroads -- Part two

NAYAN CHANDA

AMIDST a flurry of rumors about impending emergency rule in Pakistan, former Prime Minister Benazir Bhutto has warned that, without a peaceful transfer of power, Pakistan might witness a Ukrainian-style Orange Revolution with a difference.

The winner might not be the political parties demanding democracy, but Pakistan's armed extremists. "No one believed when the Shah of Iran was facing street riots that it will end up in an ayatollah revolution," she said, drawing historical parallel in an exclusive interview with YaleGlobal.

Bhutto confirmed that, during a late July meeting in Abu Dhabi, she had discussed with General Musharraf the possibility of his giving up his army position and running as a civilian president with Bhutto as prime minister, her third term. But she said no concrete plans have been made, and there's a feeling in Pakistan that instead of offering a deal the general may be giving her party "dheel" -- local language for a long rope.

Bhutto addresses her warning about violent street protests helping

Bhutto confirmed that, during a late July meeting in Abu Dhabi, she had discussed with General Musharraf the possibility of his giving up his army position and running as a civilian president with Bhutto as prime minister, her third term. But she said no concrete plans have been made, and there's a feeling in Pakistan that instead of offering a deal the general may be giving her party "dheel" -- local language for a long rope.

the militants as much to General Musharraf and his political allies as to political opposition chafing for democracy. Deal or not, she said that she intends to return to Pakistan "for saving my country from a militant takeover, (and) God forbid, disintegration."

In the interview Bhutto indicated that she would pursue a policy of non-interference in Afghanistan and give up the traditional tit-for-tat approach toward India that led Pakistan to overextend itself.

Of course, such assertions remain in the realm of speculation as Bhutto waits for Musharraf to deliver on the understanding reached in Abu Dhabi. Asked if Musharraf's failing conduct prompted him to seek accommodation, she avoided a direct answer, but said that the rise of extremist violence and the gathering strength of a pro-

democracy movement, as well as international calls supporting the democratic process, could be factors.

She pointed to two major fault lines: "We have one on dictatorship versus democracy, and we have a second one on moderation versus fundamentalism or extremism ... I think that General Musharraf is trying to seek a way out by having these contacts with the Pakistan People's Party."

Her longtime political rival and recent ally, former Prime Minister Nawaz Sharif, criticized Bhutto for the secret Abu Dhabi meeting. In an interview with the Voice of America, Sharif said that the entire country is united about eliminating the army's role in politics. Alluding to Bhutto, he said, "forces that try to lend a helping hand to a dictator at this crucial juncture in history will be con-

demned by the nation."

Is she hoping to prolong the military rule, as Sharif charged? Bhutto retorted that she found it "strange" that Sharif himself had negotiated with Musharraf on exiting the country in 2000, prolonging Pakistan's military rule -- and that the general gave her a similar offer, if she quit politics for 10 years: "But I refused that offer because I felt that it would prolong the military rule in my country."

Bhutto justifies her talking with Musharraf as designed only to give peaceful transfer of a power a chance. For the sake of stability in Pakistan, putting it back on the path of moderation, she urges exploration of any political options for a peaceful transition to democracy. She argues that a peaceful transfer, if Musharraf can be persuaded, could avoid the possibility of a

militant takeover.

Unlike the other political parties clamoring to start a pro-democracy movement straight away, Bhutto said her Pakistan People's Party (PPP) prefers to wait, because a premature campaign might prompt Musharraf to impose emergency rule. However, she warned, "if the doors of the election are shut on us and the emergency is imposed or the elections are rigged, then certainly PPP with the other political parties, civil groups and NGOs in Pakistan will put pressure like in Ukraine during the Orange Revolution for the empowerment of our people."

She is leery of street protests because the outcome is uncertain and could give advantage to armed extremists. She points out no one expected an "ayatollah revolution" in Iran. "But that's what happened. And when the Mensheviks took to the streets in Russia, no one expected the Bolsheviks." She adds, "I would do my best to do a peaceful transfer. But if that fails, maybe I won't be able to stop the street agitation. And that would be dangerous."

Bhutto did not categorically admit to meeting with Musharraf, but did not deny the terms of a political arrangement reportedly discussed in Abu Dhabi. She confirmed reports that issues discussed included Musharraf becoming a civilian president in charge of national security and foreign affairs; the lifting of a ban on Bhutto becoming prime minister; and her serving as chief executive.

But she said, "We have not reached an agreement yet because everything the regime says it would do is post-presidential, prime ministerial and parliamentary elections." Skeptical of Musharraf's willingness to deliver on his promises in a phased implementation, she said: "My party does not want to be led up the garden path."

Would she return to Pakistan to be interim prime minister if Musharraf gets reelected by the parliament? "No, I am not looking at this for myself," she said, adding "I think this is the worst crisis that we faced since 1971." She and her party seek cooperation with him -- once the uniform is off. "The PPP cannot cooperate with a uniformed presidency which blurs the distinction between civil and military rule." A free, fair election is necessary because, she said, "We won't like a situation where the elections are manipulated and then we are offered a handful of ministries for legitimizing fraudulent elections."

Throughout the interview, it was clear that Bhutto agreed with many Musharraf policies, including his approach to women's representation in the parliament and resolving the Kashmir dispute. She seems ready to take a pragmatic approach in working with him to steer Pakistan toward a moderate course.

She said her party wants peace inside the country and to put an end to the attacks on Nato and Afghan troops in Afghanistan. "We want an end to the militants who tried to hijack our foreign policy by conducting attacks on the Indian parliament and on other sites in India. So our world vision collides rather dramatically with the world vision of the extremists. President Musharraf has said he is for moderation, so we hope that he can do something upfront that can facilitate moderate forces coming together."

She criticized Musharraf's failure in curbing the Taliban and letting Pakistan become the preferred home for terrorists. She said that she rejected the policy of Pakistani interference in Afghanistan for military advantage in confronting India: "I want to end that policy of strategic depth ... I think for us it is much better to have an Afghanistan that is peaceful, that allows us to trade with it, that has good relations

with all its neighbors." That policy must go hand in hand with a new approach to India, she indicated.

Asked about the Indo-US civilian nuclear agreement, she said that the large size of the Indian market was a factor in the US decision: "I hope that at some stage we are able to be offered a similar civil nuclear cooperation, but I also want to take my generation away from the early generations' view of tit-for-tat with India ... We need to pursue our core interests and not seek to so overextend ourselves that we begin to collapse from within. I think that is when the policy of strategic depth's done. It is threatening Pakistan from within."

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