

War criminals of 1971: Time to take action

In order to cripple Bengali nationalism and nationhood, the Pak army, in collaboration with a few parties and their affiliates, systematically and calculatedly murder Bengali intellectuals, writers, doctors, journalists, educators, and the political leadership. In addition, in order to cleanse the society of Hindu population, the Pak army and its collaborators calculatedly killed or uprooted them.

DR. ABDUL MOMEN

It is highly misleading propaganda that Bangabandhu Sheikh Mujibur Rahman's government pardoned all the war criminals. The facts show otherwise. In fact, Bangabandhu's government started prosecuting the perpetrators of crimes against humanity or war criminals immediately after independence, and he also passed the Collaborators Act (1972) and the International Crime Act of 1973 that barred re-entry of any collaborators into Bangladesh. Sheikh Mujib promulgated the Special Tribunal Order on January 24, 1972, fourteen days after his return from Pakistan.

Under this order he arrested 37,000 collaborators amidst strong opposition by left-leaning journalists and others. 26,000 were pardoned and released in a general amnesty as no grave criminal charges were filed against them.

However, cases against nearly 800 people were completed, and they were given jail sentences. Another 11,000 were in jail, and their prosecutions were underway. In addition, those who were involved in crimes against humanity and against Bangladesh were denied Bangladesh nationality.

On November 4, 1972 all religion-based politics were abolished as per Sections 12 and 38 of the Bangladesh Constitution of 1972.

Unfortunately, when General Ziaur Rahman, a valiant mujtjuddha, emerged as a strongman in 1975, he abrogated the Collaborators Act and released all the prisoners, including those that had been sentenced. For political reasons he allowed religion-based parties to operate, and started reinstating and rehabilitating them.

No wonder that those who were guilty of crimes against humanity and collaboration with an enemy state (Pakistan) started returning

from abroad, especially from Pakistan and Saudi Arabia, and were given Bangladesh citizenship and passport.

It is sad that a few vested quarters are misleading the public and the nation by stating that Sheikh Mujib pardoned the war criminals, or are shifting the responsibility by asking why he did not prosecute them. In fact, Sheikh Mujib started the prosecution, and he pardoned only those who did not have criminal cases against them. He did not pardon those who had criminal cases filed against them. Thousands of criminals were in prison during his time, and many were absconding abroad.

After the assassination of Sheikh Mujib and his family, plus his close associates in 1975, civil-military-technocratic or cantonment-based governments ruled the country one after another until 1991. It can be argued that the 1991-1996 government, while democratically elected, was cut from similar ideological

cloth. None of the governments initiated any action against the collaborators. Rather, they encouraged anti-liberation forces and assisted in creating false stories in rewriting the liberation history of Bangladesh.

In 1996, when the pro-liberation government of Sheikh Hasina came to power after 21 years with marginal votes, it could neither reinstate the Collaborators Act nor revive the original Constitution of 1972. Secondly, it followed judicial process and rule of law, and, therefore, it did not set up any kangaroo court or special tribunal to prosecute the criminals.

But that does not mean that the perpetrators of crimes against humanity and war criminals should not face justice. It would be unfair if they are allowed to go free or untouched. Fortunately, now is an opportune moment to revive the clause from the original Constitution that "no religion-based political party can be registered, or contest in Bangladesh election." Unless the criminals and murderers are fully prosecuted, you can neither establish rule of law nor stop political killing.

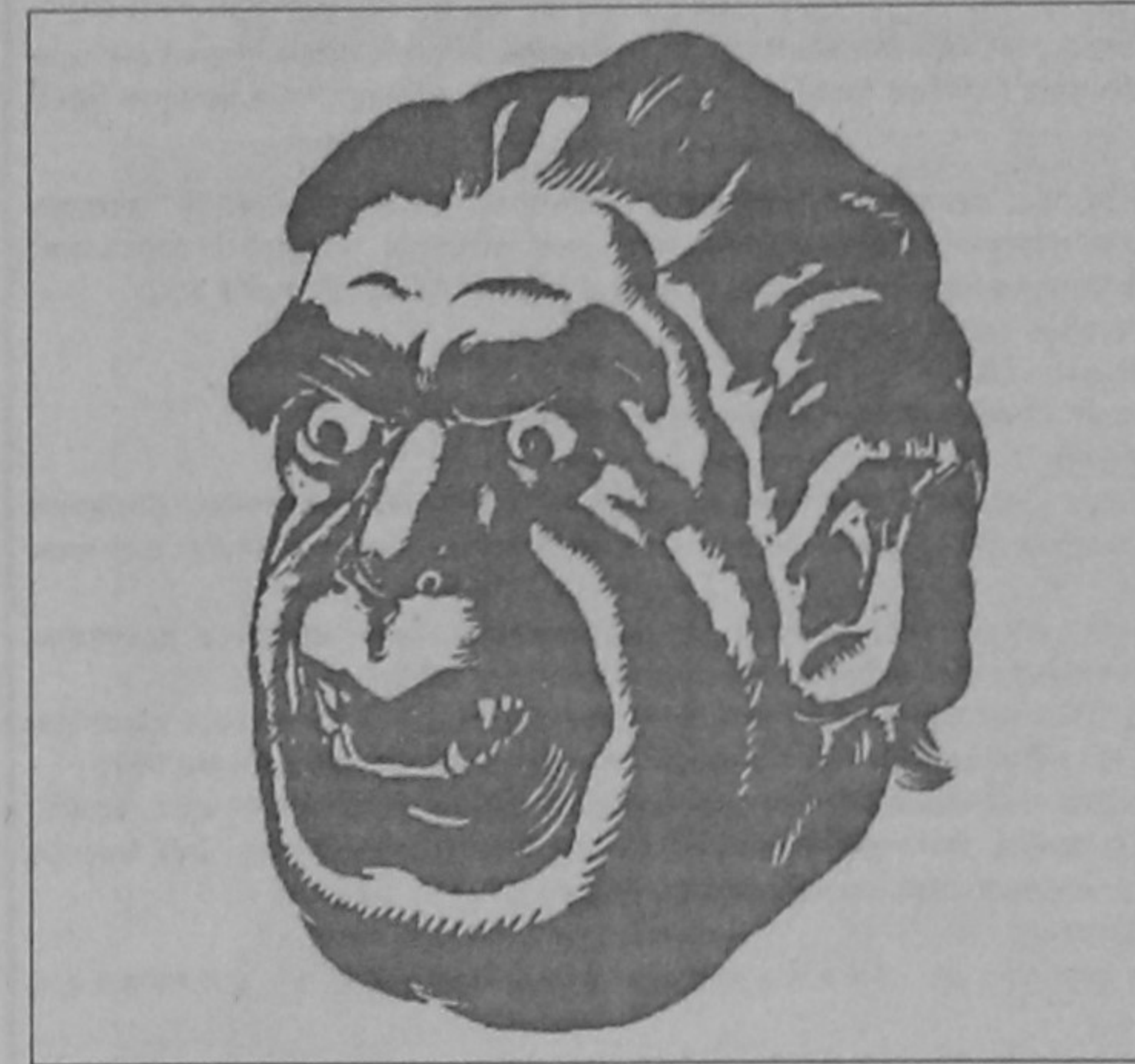
More importantly, the International Crime Act of 1973 of Bangladesh is still active, and Article

47 Section 3 of the act allows trial of war criminals. Therefore, the government of Dr. Fakhruddin Ahmed that has started many essential reforms can try the war criminals and punish them, provided it has the mindset and commitment.

Not long ago, a retired bureaucrat, following the JI party line of argument, tried to mislead the public by stating that there was "no genocide" in East Pakistan in 1971.

Genocide is the deliberate and systematic destruction of an ethnic, religious, or national group. While the precise definition varies among scholars, the legal definition is found in the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG).

Article 2 of the CPPCG defines genocide as: "Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; (and) forcibly transferring children of the



group to another group."

In 1971, the Pakistan occupation army plus their collaborators and their militant killing squads tried their utmost to apprehend and kill those that demanded an independent Bangladesh. Since the majority of East Pakistanis (Sheikh Mujib got 167 out of 169 seats in East Pakistan) favoured an independent Bangladesh, the collaborators

had to take refuge in neighbouring India due to the cleansing operation. As per global ranking, the Bangladesh genocide is second to that of Nazi genocide of Jews.

In order to cripple Bengali nationalism and nationhood, the Pak army, in collaboration with a few parties and their affiliates, systematically and calculatedly murder Bengali intellectuals, writers, doctors, journalists, educators, and the political leadership. In addition, in order to cleanse the society of Hindu population, the Pak army and its collaborators calculatedly killed or uprooted them. No wonder, over 10 million East Pakistanis (out of 75 million), mostly Hindus, took shelter in the neighbouring India.

When the army captured me on April 20, 1971, they tested me as to whether I could recite the "kalma" (the 1st pillar of Muslim faith). In addition, when the army forced us to lead them in their operations, they looked for "Muktis" (liberation fighters) and Hindus. If such were reported, they would immediately open fire. Such is the testimony of the cleansing of a religious group, a clear evidence of genocide.

Abdul Momen is Professor of Economics and Business Management, Boston.

Prioritise implementation of the NPWA 2008

We are cautiously waiting to see how things go when a political government comes to power. This goes very much in line with the comment made by the advisor for the Ministry of Women and Children's Affairs, that suggested that the implementation of the NPWA 2008 will largely depend upon a political government. So, at the end of the day, we have to wait to see who's going to run the country.

RANJAN KARMAKER

THE National Policy for Women's Advancement 2008 was made public on March 8, which was International Women's Day. The first national women's advancement policy was prepared in 1997 with the active participation of, and in cooperation with, different women's organisations and civil society groups and activists. But that policy was challenged in 2004 as the then government in power made some changes in the 1997 policy, which went against the spirit of the women's rights movement in Bangladesh. That was vehemently protested by all quarters. Consequently, the then government in power was forced to do away with the changes.

When the caretaker government took power more than a year ago, there were signs as well as promises of change in various important sectors, including women's development. To comply with that, the government, in early-2007, invited various women's rights groups and actors with a view to reviewing the NPWA and amending it in the spirit of the 1997 policy. That is the background of today's women's development policy.

Among the positives, the NPWA 2008 has ensured 5-months maternity leave (Article 12.10) for working women, one-third reserved seats for women in the parliament with the provision of direct election (Article 10.5), women's access to foreign labour markets (9.14.7) increasing support services for women (9.15) including child care facilities.

Under Article 9 i.e. -- "Ensure women's active participation and equal rights in all national economic activities" -- a separate point has been included to ensure proper and effective steps to remove women's poverty.

This is really praiseworthy, and can be linked to the spirit of the Beijing Platform for Action that includes the provision to remove women's poverty in the foremost chapter.

The NPWA 2008 reflects the government's positive attitude towards women. In Article 9.12, the policy gives an impetus to measures that employ poor women through creating alternative employment sources.

In doing so, the policy has also recognised the contribution of women. That also goes very much in line with the spirit of the PRSP

(named as National Strategy for Accelerated Poverty Reduction).

Article 11 of the NPWA 2008 has emphasised on the need to take proper steps to ensure women's participation in government and administrative services through ensuring the filling-out of the quota specified for women.

Women's participation in the service sector is still less than 15%. Women still could not fill-out the quota reserved for them in the primary education sector, where they are supposed to be 60% of the total teachers. Considering these, implementation of the policy will be a huge challenge.

The NPWA 2008 ensures "women's equal access and partnership to property, employment, market and business." The NPWA has mentioned equal access to property for women, but it has not mentioned anything about women's equal right to inheritance.

The points under "women's political participation" have been slightly changed, both positively and negatively. It has specifically set a target of one-third reserved seats for women, to be filled through direct election in the national parliament.

However, on the point of creating awareness to change social attitude towards women's political participation, the relevant sentence has been a bit narrowed down, as the NPWA of 1997 as well as the one that has been proposed by the present caretaker government include the point "motivate the NGOs, including the women's organisations, to

undertake campaign programs for creating an atmosphere to ensure women's active participation in politics."

That was to recognise the contributions made by various non-government and civil society organisations in assisting the government to achieve the mission of ensuring women's active participation in the politics, and partly to encourage more such initiatives.

However, in the Implementation Strategies (Chapter 4), the role of NGOs and civil society groups and organisations has been laid out in Article 18.1, that says: "The government will incorporate/involve various voluntary and social organisations working at the grass-roots, thana, upazila, district, division and national levels to implement the NPWA 2008."

Steps Towards Development believes that, of course, we need a nice policy document to ensure women's development. But the real challenge lies in the implementation of such policies. We must set achievable targets through formulating a National Action Plan to address what is committed in the policy.

For example, the PRSP set a target to increase allocation for women's development in the ADP up to 6.2% by 2007. But the 2006-07 budget had no reflection of that. Therefore, for effective implementation, small achievable targets can be set with regular monitoring of the implementation process. For that, the Monitoring and Evaluation Committee (as mentioned in Article

17.1.5) has to play a strong role in terms of day to day monitoring of the implementation process. The government needs to ensure that sincerely.

In Article 22, the NPWA 2008 expresses a commitment to follow a gender responsive budgeting process with mid-term budgetary framework, which is really laudable. Mobilising resources through the national budget is the key to implementing such a policy. And various civil society and women's organisations have been increasingly campaigning and advocating for the incorporation of gender responsive budgeting in all sectors and institutions.

With the NPWA addressing the importance, further scope will now be created for allocation of resources in a gender-sensitive manner, as outlined in different national and international policies.

Overall, we welcome the national women's advancement policy 2008. At the same time, from our past experience, we are cautiously waiting to see how things go when a political government comes to power. This goes very much in line with the comment made by the advisor for the Ministry of Women and Children's Affairs, that suggested that the implementation of the NPWA 2008 will largely depend upon a political government. So, at the end of the day, we have to wait to see who's going to run the country.

Ranjan Karmaker is Executive Director, Steps Towards Development.



Biman to fly again?

The caretaker government turned Biman Bangladesh Airlines into a public limited company in July 2007 under a re-structuring plan to turn the loss incurring national airlines into a profitable organisation. This is a good move.

ABDUL MANNAN

BIMAN, the national flag carrier of Bangladesh thinks it will fly again. At least that is what the people at "Balaka," the Biman headquarters think, after taking a mega blockbuster decision to procure eight new aircraft costing \$ 1.265 billion (Taka 8,728 crore). The decision was taken at a meeting of the newly created Board of Directors on March 10, and the deal was signed with the representative of the Boeing Company on March 15.

This was the first major decision of Biman after it was made a public limited company. At the moment, Biman has only eleven aircraft, including the one just leased from Nigeria. Of these, only eight can fly, of which five fly international routes. There are not many airlines in the world which can be termed as national flag carriers and have such a small fleet.

Without exception, practically all public sector ventures in Bangladesh have been run unprofessionally since 1972. In the early years of independent Bangladesh,

this was understandable, as the new country did not have the required number of professionals to run the public institutions it inherited from the erstwhile Pakistan.

In later years, though the availability of professionals increased to cater to the needs of both public and private sector institutions, our public sector could not solve its management and operational problems.

Biman was sinking since the eighties. Corruption and mismanagement were endemic. It selected the wrong aircrafts for its fleet, added wrong routes to its network, and had wrong people managing it. Biman's name became synonymous with corruption, mismanagement and inefficiency.

The quality of corporate leadership at Biman was pedestrian at best. At the moment it has a liability of Tk. 700 crore, and continues to incur an annual loss of Tk. 4000-5000 crore only because of corruption, says a report.

Published reports on corruption in Biman disclosed the inflated cost of purchases of items ranging

from food to spare parts, where more than thirty times the actual cost had been realised in certain instances. A trim plate (a small spare part) worth Taka 9,860 was bought at Taka 5,10,000. The Biman MD in an interview disclosed this. Biman purchased each banana for Taka 45.

Biman operates in a hypercompetitive service sector, the aviation sector. In the last two decades, air travel has increased manifold. Today, people travel for business, on official duties, recreation, education, and medical treatment and, in countries like Bangladesh, to take up jobs in other countries. There are people who are settling abroad in greater numbers. They have to travel.

This is happening more in the Asia-Pacific region. According to Iata, Asia-Pacific based airlines increased their passenger carrying capacity by 42%, far higher than European and North American airlines. This rise was driven largely by huge growth in Indian and Chinese air traffic, turning Asia into the world's fastest growing aviation market.

It is estimated that by 2010, there will be 70 million air passengers in India (up from the current 25 million).

There has been a phenomenal rise in the service providers amongst the Asian countries. In countries like China, India, Malaysia, or even Bangladesh, where this sector was the monopoly of the public sector, airlines have witnessed rapid growth of private sector airlines after this sector was opened up to investors.

During the past three decades or so I have flown thousands of miles across continents in dozens of airlines, and only a very few times by Biman. Without exception, the Biman flights never departed or arrived on time, at least on two occasions I had to eat cold meals and arrive at the destination without my luggage.

On one occasion, I went to Kolkata and my luggage to Singapore! In an era when most airlines have discontinued reconfirmation, Biman can very well deny you a seat even though you have a reconfirmed one.

Ignoring all these hassles, average Bangladeshi, residing in New York or returning from Saudi Arabia, still would like to travel by his own national carrier. It makes him feel at home. He can speak his dialect and have a bite of morog

pilau. But Biman could never capitalise on this opportunity, and was good at driving away many loyal customers.

Biman's lack of professionalism is total, and procurement of new aircraft will be of no use unless some sort of professionalism is injected into the system.

The caretaker government turned Biman Bangladesh Airlines into a public limited company in July 2007 under a re-structuring plan to turn the loss incurring national airlines into a profitable organisation. This is a good move. However, holding all the shares of Biman was not a wise decision by the government. The sooner the shares are offloaded through initial public offering (IPO) the better it will be for Biman to build up some amount of credibility.

For the purchase of eight jumbo aircraft, which are expected to be delivered between 2013 and 2017, Biman will have to pay \$1.26 billion. Of the total amount, \$1.54 million will come from Biman's own coffers and the rest from US-base Exim Bank and a consortium comprising of different local banks at six percent interest.

This is a major decision taken by a caretaker government whose tenure is expected to end by the end of the year. The entire purchase

is by a "state owned" public limited company from an entirely private vendor, bulk of the funding coming from local and international private sources.

How much transparency will be ensured in the entire deal remains to be seen. What if the next government smells a rat in the entire deal and scraps it? What if, after everything goes through, Biman still fails to take off? Who will bear the burden of repaying the entire cost? The people of the country would like to have a viable flag carrier of their own, but the big question is at what cost?

A few years back the Tamil Tigers blew up all the aircraft of Air Lanka. Within a span of two years, the airlines were not only back on its feet but were also competing with other airlines of the region. This was possible only because professionalism was ensured, and whatever it did was very transparent.

Biman can benefit from the example of such airlines. Air travel will continue to grow in future. The opportunity for Biman to get a share of the dividend is immense. It will just have to start afresh, all transparent, all professional.

Professor Abdul Mannan is a former Vice-Chancellor, University of Chittagong. Currently teaching at University of Liberal Arts, Bangladesh. Abman1971@gmail.com.

ONLY IN ASIA
by Nury Vittachi

Don't stupid-lah, Brudder

A unique brand of pan-Asian English really exists, readers reckon. Its vocabulary comes from English, but grammar and word-order come from Chinese, according to an academic. Singapore already has lots of works in Asian English, but examples can also be found in Malaysia and Indonesia.

This discussion reminded me of a one-act play called Don't Stupid-Lah, Brudder, which was written entirely in English by a group of contributors to the Far Eastern Economic Review. In it, you can "hear" three variations of English: East Asian, South Asian and Australian.

Plot: Mal, a Malaysian investor, is having kopi (coffee) with an Indian accountant named Indra. They are in a hotel in Jakarta waiting for Oz, an Australian entrepreneur, with whom they are setting up a business.

Mal: Plan latest where got?
Indra: Not having. Maybe Oz has?
Mal: He here already, is it?
Indra: Yesterday already he checked in.
Mal: (Pointing to Indra's bag) Inside is what?
Indra: Contact list and other sundry items.
Mal: Contact how many? Hundred-over?
Indra: Two hundred-over.
Mal: Waah. Damn good. Oz is where? Mat sallah sleep too much always. Make me frus only.
(Enter Oz.)
Oz: Greetings! Hi, chooks. Bit late - apologies.
Mal: No nid-lah. Sit-sit, don't shy.

Oz: You Indra? Pleaseta meetcha.
Indra: We met before one time, no? At the party to felicitate my cousin-brother, a revered Sydneysider?
Oz: Yeah, right.
Mal: Waah, stylo-milo only-lah todayyou.
Oz: Huh? Oh. My clothes were a bit daggy after the flight so I got a new shirt and some daks.
Mal: Nice, man. Now start already.
Indra: You are bringing business plan?
Oz: Godit right here in me bag.
Indra: Put the papers out. Projections, case studies, like that, also need.
Mal: Bank account have?
Indra: Have.
Mal: Cover letters ready, is it?
Oz: No worries. Needs number crunching but.
Mal: Total about is what?
Indra: About eight crore-over.
Mal: Talk cock-lah you!
Indra: For one lakh output.
Mal: How can? No need so much.
Indra: Ya, nine crore-over maybe. You don't know, goondu.
Mal: Why you say me like that?
Oz: Don't do yer lolly. Let's have a squiz.
Mal: Aiyeeah!
Oz: What does aiyeeah mean, anyway?
Mal: No word in English. Only Indian.
Oz: What is 'Aiyeeah' in Indian?
Indra: Aiyo.
Oz: Thanks.
Mal: Let's go to my room, can crunch numbers on my laptop.
Indra: First must do the needful.
(All three speak together to the waiter.)
Oz: Bill please.
Mal: My dan.
Indra: Chitty!
(The waiter, being fluent in English, understands all three speakers, but being a loyal speaker of Bahasa, ignores them all.)

Tomorrow: New all-Asian games for the Beijing Olympics.
Write to Nury at www.vittachi.com in English, if you dare.