

## Human Rights 2.0

Ensuring that justice for the little guys and providing various means to them to break out of the shackles of poverty should be the mantra of today's human rights and human development activists working in unison.

ASIF SALEH

AS I walk out of a hearing by a Congressional commission on the Bangladeshi human rights ambassador to the US, cordially walks up to me and says: "I believe in a lot of things that you said today, but at the end of the day we have to be realistic."

Yes, he is referring to the much dreaded "unrealistic" view of a human rights activist. The one that talks about social justice, equality and a dream land where the most basic fundamental right for a human being is supposed to be guaranteed by the state.

This is perhaps unrealistic in today's world, but sixty years ago, a charter was formed on what's considered to be the gold standard that everyone should strive towards. However, the big questions are how comprehensive the work of a rights activist need to be surrounding this charter and in what priority, especially in the developing world where these rights are constantly being

compromised due to poverty and deprivation, what more can be done than just raising "awareness" and "demanding" justice in this new world of decreasing resources and increasing international competition between governments.

Human rights activists are known as the harbinger of bad news. A meeting of human rights activists is "a non-stop bitching session," someone once told me. Surely that's not a surprise. The activists, who constantly deal with the victims and their trauma, deal with the worst of human nature. The awareness building they have to do is about some of the worst atrocities a human can bring upon another fellow human being. Naturally, these neither make a joyful presentation, nor often have a happy ending.

But still the activists pursue on this seemingly depressing work. If it wasn't for them, there would be no one to speak for all the unheard voices in the various corners of the world. Underlying in that there is a message of hope and the best

of human spirits.

When everything else becomes bleak and dark for the victims and they have lost all hope on humanity, there would be that one last person with no previous connection or attachment to them, who will stand up for them simply for that common shared bond of humanity and nothing else. There would be that one last group who will fight for their rights.

However, no matter how gratifying this work is for the activist, there is somewhat of a nagging impotence towards this whole approach in countries like Bangladesh. What is the end result? Is this fight in the community about hating your fellow being? Or is it about fighting over resources where the powerful always abuses the powerless? What about the rehabilitation of the victims? How do they merge back to normal life?

Awareness on the abuse is good, getting legal recourse for the victim is even better, but more often than not, these victims need financial rehabilitation to move on with their lives. "Aware" people don't pay their bills when they lose their jobs due to a policy decision by a government. "Aware" governments certainly do not own up to their mistakes on policy making that make these people landless.

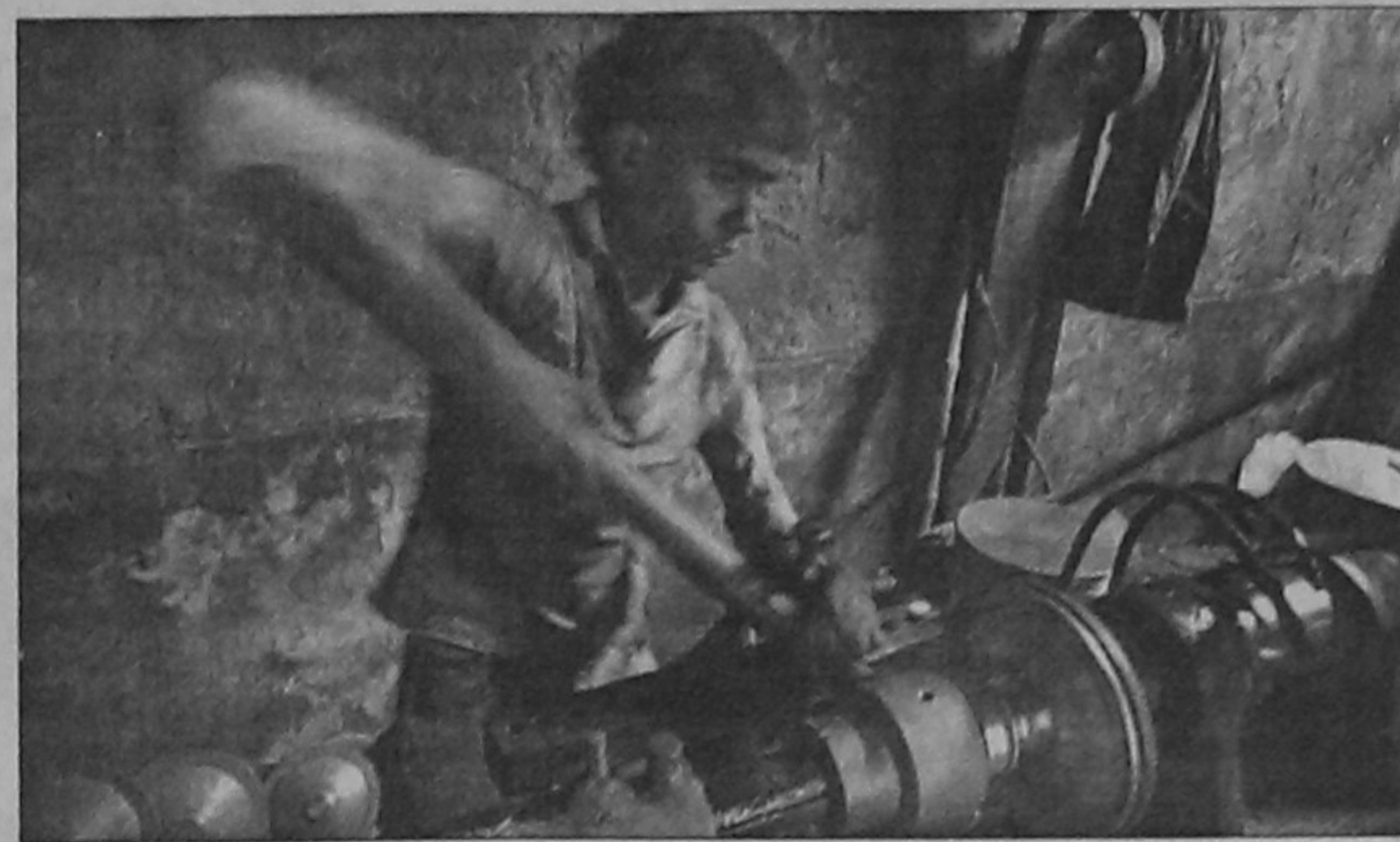
That's where we, the human rights activists, become painfully powerless; and somewhat irrelevant, as well. After all, in a country where the main issue of

the day is survival and where the right to live a dignified life with food, water, shelter, sanitation and opportunity is being constantly denied by various forces of the world, how would a human rights organisation try to become relevant by talking about civil liberty, freedom of speech and access to justice only?

There is no better way to address this than making rights and poverty related work more fundamentally aligned. After sixty years of the creation of this charter, human rights activism, which is based on it, now needs tweaking -- specially for countries from the global South where rights activists are becoming dangerously irrelevant, unpopular and are being often perceived as Western agents out to make their own country look bad.

What better way to do this than connecting the rights oriented work closely linked with that of human development? People working in this sector need to have the vision and the power to make proactive changes in a community to create the kind of economic opportunity that leads people out of poverty and, in effect, making them more aware of their rights and much difficult candidate for exploitation.

Similarly, rights activists need to be empowered to be able to provide means for rehabilitation for the abuse victims. They need to find partners among governments, private enterprises, development organisations, and average citizens



Economic rights are human rights.

to build a coalition that will work towards providing a wholesome solution to people's struggle for day to day survival.

At the same time, they need to work on ensuring active participation of the marginalised people in processes that affect their lives. Whether it is trafficking, labour exploitation, land grabbing or displacement of people because of global warming, these issue are all related to poverty and are also, in effect, direct outcomes of decisions taken by various governments, corporations, institutes, and individuals.

As a result, any recourse of violations of

people's economic, social, and cultural rights should be legally enforceable so that respect for human rights becomes an integral part of these decision-making processes.

Mandela once rightly said that overcoming poverty is not a gesture of charity but an act of justice. Ensuring that justice for the little guys and providing various means to them to break out of the shackles of poverty should be the mantra of today's human rights and human development activists working in unison.

Asif Saleh is Executive Director, Drihsptat.

## Citizens, not enemies

We're waiting for a politician with the courage to take that principled position. Rather than losing votes, it will gain many votes. Above all, from the nation's millions of secular Muslims who look for a principled position regarding equal treatment for all citizens.

NAEEM MOHAJEMEN

DEBATES around religious minorities, in election season and otherwise, focus on anecdotes and analogies -- positive and negative. What is largely missing in this discussion is quantitative analysis of the religious minorities' status in Bangladesh.

Barkat, of the Dhaka University Department of Economics. Since the 1990s, Barkat along with his large team of researchers have been applying the methods of economic, statistics and survey research to compile a comprehensive picture of Hindu community status since independence of Bangladesh, especially as it has been impacted by the black law known as Enemy (Vested) Property Act.



Protecting land ownership is the key.

### The missing Hindus

In order to quantify the total loss of Hindu population through migration, voluntary and involuntary, the study looks at official population statistics as well as Tahsil office records. Hindu population, as share of total population, has dropped from 18% in 1961 to 12% in 1981 and finally to 9% in 2001. The rate of decline was most pronounced in six districts: Chandpur, Feni, Jamalpur, Kishoreganj, Kushtia, Pabna, and Narayanganj. In the districts which historically had high Hindu population, the average decline over forty years was 12%.

Looking at the absolute number of Hindu population over forty years is not sufficient to calculate how many of them have left the country. It is also necessary to factor in birth rates. Looking at historic data of lower birth rates among Hindus, Barkat's research assumed 13% lower fertility rate for Hindus compared to Muslims. Factoring this in, the Hindu population should have been 11.4 million in 1971, but it was reported as 9.6 million. By 2001 it should have been 19.5 million, but it was 11.4 million. Looking at the entire time period and doing the same calculation, Barkat estimates the total missing Hindu population from 1964-2001 as 8.1 million, i.e., 218,819 missing Hindus each year.

While there are many factors that may have contributed to this ongoing depletion of the Hindu population, the research team argues that the Vested Property Act is the single largest factor that leads to minority departure from the country.

### Metamorphosis of Vested Property Act

The Vested Property Act (Act XIII of 1948), after 2 million Hindus left East Bengal in 1947-48. Giving the power for takeover of abandoned property "needful for the purposes of the state," this act has evolved into something abused by citizen and state from Partition to today's Bangladesh.

This law metamorphosed into East Bengal Evacuees Act (1951), East Pakistan Disturbed Persons Rehabilitation Ordinance (1964), Enemy Property Order (1965), Bangladesh Vesting of Property and Assets Order (1972), and finally Vested and Non-Resident Property Act (1974).

As a result of publication of Barkat's first two studies, and major campaigning around this issue, the 22nd session of National Parliament under the Awami League government passed Vested Property Return Act 2001. While this was a first milestone, there were several major flaws: the act covered only land vested up to February 1969; the original owner or heir is required to have "continuously" resided in Bangladesh; and the owner had to submit claims within 90 days of publication of list of returnable properties.

In November 2002, the BNP-Jamaat alliance government passed an amendment to the 2001 act, which removed all enforcing power from this law. Especially harmful was the clause that gave the government "unlimited time" to publish the list and enforce return of property. Since the passage of this amendment, not

a single list has been published, nor any return process initiated in the last six years.

### Quantification of impact

As part of the multi-year study that led to Professor Barkat and his team's new book, the following data collection instruments were used: primary data via panel studies of 16 districts, follow-up study on households surveyed in 1997 study, Population Census, Land Survey, Bangladesh Bureau of Statistics logs, Tahsil and Thana land revenue records, etc.

Below we present the key findings from the study:

1. 43% of all Hindu households (1.2 million) have been affected by EPA/VPA. 57% of households that lost land lost an average of 100 decimals. Survey data shows 33% of affluent Hindu families lost land due to EPA/VPA. 50% of affluent households had at least one close relative who lost land.

2. Total area of land lost is 2.01 million acres, which is 5.5% of Bangladesh's total land mass but 45% of land owned by the Hindu community. The survey data shows 22% more land loss than is shown in the official records. According to survey data, the total land lost is 2.6 million.

3. The type of land lost is typically agricultural (80% of total lost land), followed by homestead (11%), pond area (1.2%), orchard (1.7%), and fallow land (0.7%).

4. Assuming average market price of land as seen in the year 2007, total value of land lost is BDT 2,416,273 million.

5.53% of incidents of dispossession and 74% of total lost land occurred between 1965-1971. After lower rates from 1972-1975, dispossession rates accelerated again from 1975. Even after the "Repeal Act" was passed in 2001, 8% of dispossession incidents occurred between 2001-2006.

6. The most typical methods of land grabbing are influential parties grabbing land in connivance with Tahsil and Thana Revenue Office, death and/or out-migration of members of the Hindu family used as excuse to enlist the whole property, grabbing the land by force, occupying land using forged documents, etc.

Professor Barkat is an academic who has put hard statistics around a complex crisis for the nation's minority community. In this election season, are there politicians out there who have the courage to make complete removal of this black law, and return of all land to dispossessed Hindu families, one of their election manifestos? We're waiting for a politician with the courage to take that principled position. Rather than losing votes, it will gain many votes. Above all, from the nation's millions of secular Muslims who look for a principled position regarding equal treatment for all citizens.

1. See, e.g. Deprivation of Hindu Minority in Bangladesh," A Barakat et al. (Pathak Shamabesh, 2008).

Naeem Mohajemen (naeem.mohajemen@gmail.com) writes about minorities for the Ain O Salish Kendra Annual Human Rights Report. Portions of this data analysis will be published in the 2008 Ain O Salish Kendra Annual Human Rights Report.

## Talking tough with Tehran

Sticks will show Iran what it stands to lose by going nuclear; carrots will show its leaders what they would gain by moderating their behavior. Smart statecraft involves wielding them together.

DENNIS ROSS

EVERYWHERE you look in the Middle East today, Iran is threatening U.S. interests and the political order. One Arab ambassador told me recently that the Iranians are reminding Arab leaders that America didn't help Fuad Siniora, the prime minister of Lebanon, or Mikheil Saakashvili, the president of Georgia, when they got into trouble that in fact Washington left them high and dry. Iran, by contrast, is close by and not going anywhere. If the Iranians are throwing their weight around now, imagine what will happen if they go nuclear.

It's not too late to stop Iran from getting the bomb. Tehran clearly wants nukes for both defensive and offensive purposes. But it's not clear the Supreme Leader, Ayatollah Ali Khamenei, would sacrifice anything to get nuclear weapons. In fact, history shows that his government responds to outside pressure, restricting its actions when it feels threatened and taking advantage when it judges it can.

In 2003, for example, after the U.S. military made short work of the Iraqi Army something Iran hadn't managed in eight years of war Tehran quickly the Swiss ambassador in Tehran that sought to ally U.S. concerns about Iran's weapons program and its support for Hizbullah and Hamas. (Sadegh Kharrazi, the main drafter of the proposal, said last year that fear among the Iranian elite led to the overture.) By contrast, when the U.S. government released a National Intelligence Estimate a year ago concluding that Iran had suspended its weaponization program, President Mahmoud Ahmadinejad quickly crowed that confrontation had worked and the Americans had backed down.

Iran has continued to pursue nuclear weapons because the Bush administration hasn't applied

enough pressure or offered Iran enough rewards for reversing course. The U.N. sanctions adopted in the past three years primarily target Iran's nuclear and missile industries, not the broader economy. Hitting the economy more directly would force the mullahs to make a choice. Iran has profound economic vulnerabilities: it imports 43 percent of its gas. Its oil and natural-gas industries the government's key source of revenue, which it uses to buy off its population desperately require new investment and technology. Smart sanctions would force Iran's leaders to see the high costs of not changing their behavior.

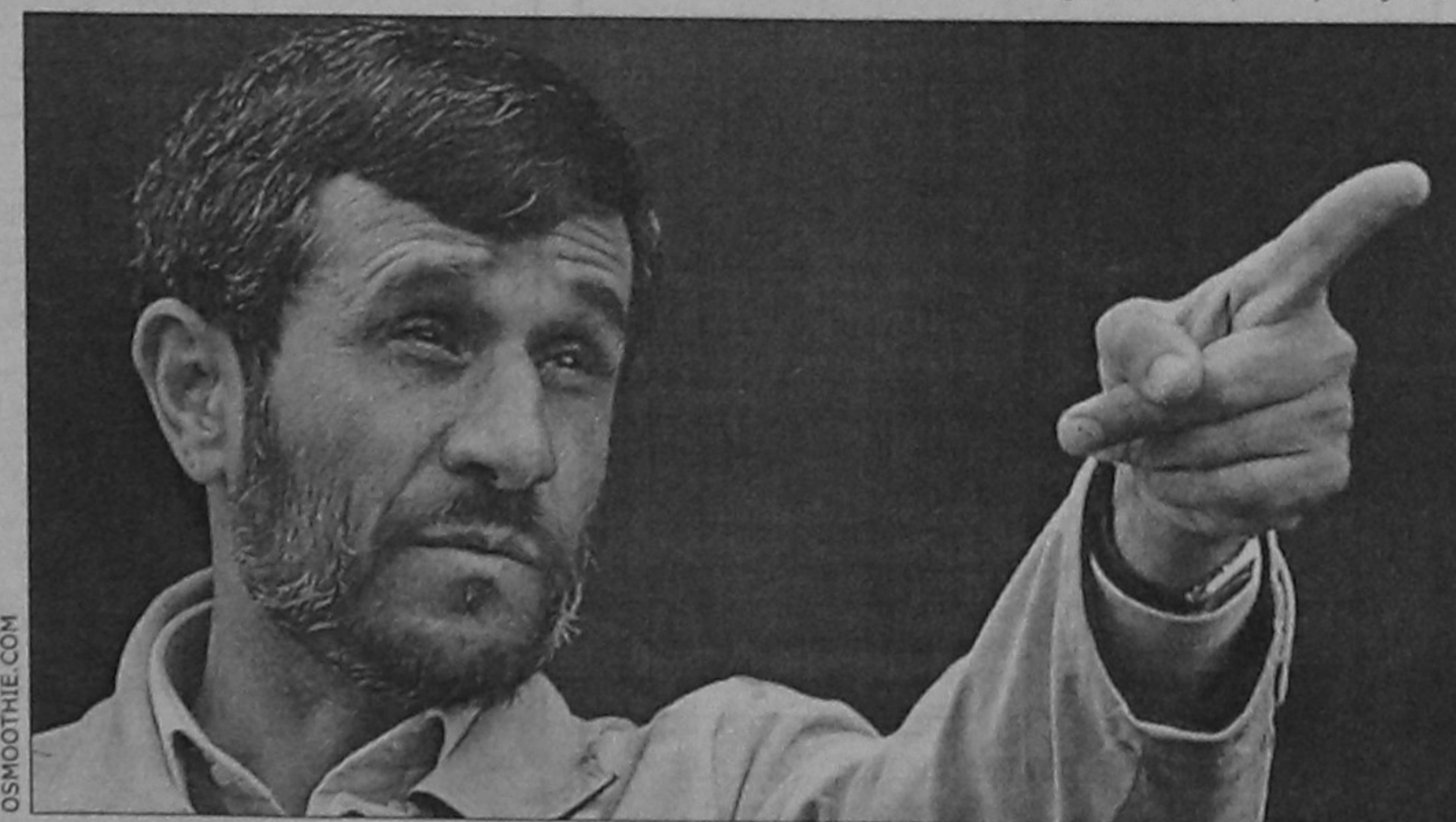
The way to achieve such pressure is to focus less on the United Nations and more on getting the

Europeans, Japanese, Chinese and Saudis to cooperate. The more Washington shows it's willing to engage Iran directly, the more these other parties, will feel comfortable ratcheting up the pressure. Europeans have also complained that if they reduce their business with Iran, the Chinese will pick up the slack. But having the Chinese onboard will allay that fear.

Sharp sticks, of course, must be balanced by appetizing carrots. We need to offer political, economic and security benefits to Tehran, on the condition that Iran change its behavior not just on nukes but on terrorism as well. Sharp sticks will show Iran what it stands to lose by going nuclear; carrots will show its leaders what they would gain by moderating their behavior. Smart statecraft involves wielding them together. It's needed now to avoid two terrible outcomes: living with a nuclear Iran, or acting militarily to try to prevent it.

Ross, a former U.S. Middle East envoy, is a Distinguished Fellow at the Washington Institute for Near East Policy and the author of Statecraft: And How to Restore America's Standing in the World.

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Don't threaten us!

## LEST WE FORGET

### A dream diplomat

M. SERAJUL ISLAM

ABUL Ahsan was a diplomat who stood in a class all by himself. He combined brilliance with humility, and had what it took to achieve true greatness. He was the first secretary general of Saarc and also foreign secretary, ending his career as ambassador to Washington.

On retiring, he was active with the Independent University of Bangladesh, FEMA, etc. Those who worked with him gave him more than he asked, because they never felt that he worked under him. It is not just his juniors but also his peers who have many wonderful memories of the man.

My own experience with him had been a close one. In 1989-90, I was a director when he was the foreign secretary. He was later ambassador for two years in Washington. I remember the day he arrived from abroad to become the Foreign Secretary. While we were waiting for his luggage to arrive, he put me at ease, bridging the distance between us in a way that only he could.

Abul Ahsan topped the CSS batch of 1961. I recollect one story about his writing skill. Dr. Kamal Hossain, then foreign minister, had asked a colleague of Abul Ahsan to prepare a draft, but was not satisfied with it because it was too long. The draft was given to Abul Ahsan who came with his version in one page, and it was accepted without any changes.

As a director-general, Abul Ahsan was frequently called by Bangabandhu for briefing. Abul Ahsan narrated to me one such meeting with Bangabandhu. It was when our ambassador to Afghanistan was under a cloud because it was reported that he had

been criticising Bangabandhu. The foreign secretary was asked to take action against him. Abul Ahsan was called to see the prime minister on a different issue just after the foreign secretary left.

After Abul Ahsan finished briefing the PM on the matter for which he was called, Bangabandhu mentioned Ambassador Sultan. Abul Ahsan told the prime minister that the ambassador was a patriot who adored him so much that he would always faint at the mention of his name. Abul Ahsan then explained to him that the report against the ambassador was because of a quarrel between him and the intelligence officer. Ambassador Sultan was spared.

Abul Ahsan was a man who could remain cool under all circumstances. On my first day as his director, he was a bit embarrassed when he opened his briefcase in my presence and I saw papers there in a disorderly manner. He smiled and told me that in that disorder in his briefcase, there was a system by which he could find the paper he was looking for. He did pick out the paper he was looking for!

Abul Ahsan's talents were not exploited fully. He was an unassuming man; never one to ask anything for himself. He retired in 1993 and was active till his health started to deteriorate early this year. He would have made the best foreign minister Bangladesh could have.

Seeing the smile on his lifeless but still handsome face, I was reminded of Winston Churchill who had said: "I am ready to meet my Maker. Whether my Maker is prepared for the great ordeal of meeting me is another matter."

M. Serajul Islam is a former Ambassador.