

Irresponsible utterances hitting a new low

Politics must return to old values

IT is a sad commentary on politics when seemingly responsible political leaders in Bangladesh end up making rather irresponsible utterances. For far too long, politicians who should have respected one another despite all their differences have gone on questioning one another's integrity and even patriotism. One of the latest instances of that is BNP chairperson Khaleda Zia's accusation that the ruling Awami League is not only mismanaging things but is also engaged in a conspiracy to change the map of the country. That clearly is a grave charge to be laid at the door of any government. Again, it is one which the BNP chief, who has been prime minister twice, has not backed up with evidence. She has not specified in what manner the map of Bangladesh will likely change under the present political dispensation. If she was playing to the gallery, she did it in bad taste.

As if that were not enough of a cause for worry for citizens, a leading Awami League figure, its general secretary and LGRD minister Syed Ashraf Islam has now hit back in like manner. To respond to criticism is fair enough, but to go vitriolic in an equally deplorable way is something else. To Begum Zia's prediction that the present government will not last in power for a full term and that new elections will become necessary, Ashraf has made it clear that the BNP chief's remark is anti-state. That is most unfortunate, given that in politics it is only normal for those opposed to the government to demand mid-term or snap elections. Whether such a demand is justified is beside the point. The fact is that a politician has the right to make it. To berate him or her by charging him or her with what amounts to treason is absolutely unacceptable. It is indeed a sign of political immaturity that disagreement with a government is easily confused with acts against the state. It has been happening for years. One could now ask the LGRD minister how he would respond if he were to be asked on what ground his party a few years ago threatened to bring down an elected BNP government by a certain date, in this case 30 April.

We deplore the attitudes demonstrated by Begum Zia and Syed Ashraf Islam. Such acrimony and lack of mutual respect among our politicians has for years stymied our progress to meaningful democracy and concrete economic progress. It is not just tragic that such a mindset is yet to change. It is also laughable that individuals of their stature should resort to such gimmicks as a way of gaining mileage in politics.

Let politics graduate to the high calling it by definition is. We are a people who have achieved much in the past owing to the principled politics pursued by men we regard as our icons today. Unless we return to the values that underlined national politics in earlier years, we will keep going round in circles. Governance will be the casualty.

Parking issue deserves wider attention

Only a partial drive gets underway

ALTHOUGH belated and raising a question or two about the deviation from approved design so far overlooked, Rajuk's demolition on Monday of a number of shops in six buildings for commercially using their designated parking spaces is a step in the right direction.

The blame for flouting rules basically goes to building owners. However, a good part of the blame is Rajuk's as it turned a blind eye to the aberration up until, so it seems, the Dhaka Metropolitan Police identified 198 buildings in the city making commercial use of designated car parking spaces.

At least here is one instance of coordination between the police authorities and Rajuk which is a good sign. Broadly, we read a positive signal from the fact that a new sense of urgency to grapple with some structural parking constraints is on play. We have to build up on it and expand parking spaces in all possible ways. Along with getting the owners of shopping complexes, commercial houses and all kinds of high-rise buildings to have built-in parking lots, there is a potential for creating new parking spaces in the private sector, if necessary through banking support, which may then be rented out on a daily or periodic basis. Dhaka City Corporation can play a catalytic role here.

All sorts of encroachment on the pavements have pushed the pedestrians on to the roads. This adding to overall traffic congestion calls for clearing of the pavements. This is a bigger issue than is readily perceived because it is linked to livelihood of many who buy spaces from petty vested quarters. They will have to be relocated in designated zones.

Better traffic management can help address the problem of parking constraints. Buses and coaches make stopovers at will, overlooking indicated stoppages which not only creates hazards to life but also adds to the traffic mess. They must refrain from pulling up near traffic intersections or just about anywhere to pick up passengers and should use designated parking spaces as a rule.

Taposh ... and all those old questions

When you reflect on these men, on the grave damage they have done to us as a people and as a society, you ask why we have not yet been able to answer some critical questions that should have been answered long ago. Few people have ever been in any doubt about the role Khondokar Moshtaque Ahmed played in the tragedy of 1975. And yet he was never charged for criminality.

SYED BADRUL AHSAN

THE attempt on the life of Fazole Nour Taposh has set off a chain of events we cannot really run away from. In a bigger sense, we should not shy away from the truths that may be emerging once again about August 1975 now that quite a few individuals related to the makers of that unmitigated national tragedy have been netted by the law enforcers. But, of course, you might suggest that by now we have known everything there was to know about the conspiracy to murder Bangabandhu and his family and then the leaders of the Mujibnagar government. And you would have a point. Which is why we will not go into exploring that territory again, at least not now. For there is another that beckons us.

And what might that be? It all comes with an outfit called the Freedom Party. Note the irony here. The men who in August and November 1975 clearly and without any sense of embarrassment put national freedom into a state of jeopardy somehow called forth, in the 1980s, the audacity in themselves to invoke the spirit of freedom as they

went about giving shape to their political organisation. And all that insidious work was done in the 1980s, when General Hussein Muhammad Ershad held sway as the nation's second military ruler.

Nowadays, when you hear all these Jatiyo Party politicians speak of democracy, of the need to consolidate the gains made after December 1990 (and that was the moment when dictatorship was brought low by the nation), you tend to ask why these very people did nothing when the Freedom Party was formally given shape.

If you recall 1988, you will remember too the national shame that we went through when one of the convicted assassins of the Father of the Nation was thrown our way as a candidate for the nation's presidency. He went on radio and television to tell us how he meant to govern if he were elected president. And then he told us, without batting an eyelid, of his hatred for Bangabandhu, of how he meant to try the Liberator posthumously. Ershad and his regime did nothing. And those who had all their lives felt outsmarted by Bangabandhu cheered.

The old, ageing collaborators of the

Pakistan army could not contain their glee. Thirteen years after 1975, we as a people were helpless before the outrage that was the Freedom Party and its dark lights. There was the infamous indemnity ordinance (and you thank Khondokar Moshtaque and General Zia for that!), having insinuated its way into the constitution through the fifth amendment, that held us back from treating these men for the self-confessed criminals they were.

When you reflect on these men, on the grave damage they have done to us as a people and as a society, you ask why we have not yet been able to answer some critical questions that should have been answered long ago. Few people have ever been in any doubt about the role Khondokar Moshtaque Ahmed played in the tragedy of 1975. And yet he was never charged for criminality. If you now accost some leading lights of the Awami League on this issue, you just might come up with a bland, indefensible response: by the time the Awami League made it back to power, Moshtaque had been dead for three months. The point they are trying to make is that it would have been pointless to file charges against a dead man. That was the height of folly. Death does not absolve a man of criminality.

Moshtaque should have been charged and tried in posthumous fashion. Because he has not, we have no official record of exactly what he did between those secret meetings in Comilla, in his village Dashpara and the early hours of 15 August. Perhaps it is time someone went digging into that story? It is never too late to solve mysteries.

There are other questions that pop up as you reflect on the end of Bangabandhu and

the Mujibnagar leaders. In all these years since 1975, no government in Bangladesh appears to have questioned Libya's Muammar Gaddafi why he has so assiduously been providing sanctuary to Bangabandhu's killers. Have the Libyans, who have under Gaddafi been responsible for much global mischief in our times, ever been asked to extradite the perpetrators of the August 1975 tragedy to Bangladesh? And then comes the matter of Pakistan, a state we defeated in war and which therefore will not ever wish us well. That is being undiplomatic, to be sure.

But if diplomacy had really been a measure of Bangladesh-Pakistan ties, men involved in Bangabandhu's murder or their cohorts would not have been so welcome in Islamabad. Go into the record and count the number of times Mujib's killers have been to Pakistan. One even served at the Bangladesh high commission in Nairobi. The Japanese could be questioned about one of the alleged killers serving at Dhaka's mission in Tokyo. And the Americans could have some explaining to do about some of the actors of August and November 1975 finding homes across their vast land, without any questions being asked.

And the Freedom Party? Find the men who midwived its birth. Chances are you might unlock a few more dark secrets.

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Law of Maritime Boundary in the Bay of Bengal

The jurisdiction on the economic exclusive zone (EEZ), which includes the seabed, is resource-oriented. This means that all living and non-living resources in the economic zone belong to the coastal state, which also has the sovereign rights to manage and conserve the resources within this area.

HARUN UR RASHID

UNDER the UN Convention of the Law of the Sea of 1982 (UNCLOS), a coastal state can claim jurisdiction of 12-miles territorial sea, 200 mile exclusive economic zone and an additional 150 miles of continental shelf over and above the 200 miles exclusive economic zone from a baseline which could be normal or straight baseline.

Bangladesh ratified the Convention in 2001, while India did it in 1995 and Myanmar in 1996. Accordingly, all three countries are bound by the provisions of the UNCLOS in delimiting the boundaries of territorial sea, exclusive economic zone and continental shelf. Besides UNCLOS, they are obliged to comply with international customary laws also.

The jurisdiction on the territorial sea of the state is three-dimensional and a state exercises full sovereignty on surface water, air and seabed, except the "innocent passage" of ships through territorial sea. The width of territorial sea, as distinct from inland waters, is 12- nautical miles from the baseline.

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is resource-oriented. This means that all living and non-living resources in the economic zone belong to the coastal state, which also has the sovereign rights to manage and conserve the resources within this area.

The jurisdiction on the continental shelf (seabed) is also resource-oriented. If the area of the continental shelf is found to be more than the area of the EEZ, then the coastal state can claim an additional 150 miles of sea bed, in addition to 200 miles economic zone (12 territorial sea + 188 miles of economic zone). That means that the continental shelf can extend to 350 miles from the baseline.

It is noted that the claim of the extra 150 miles of continental shelf by Bangladesh has to be submitted ordinarily within 10 years of the ratification of the UNCLOS to the UN Commission on the Limits of the Continental Shelf (CLCS), i.e. by 2011. It is reported that Bangladesh will be able to submit its claim by 2011.

But the time limit of 10 years is not sacrosanct and can be extended by another 5 to 10 years by the CLCS. It is believed India was given another 5 years by the CLCS. Therefore, if Bangladesh cannot make a claim within 2011, it can ask for extra time.

Both India and Myanmar have submitted their claims of continental shelf beyond 200 miles to the CLCS. Bangladesh is reported to have submitted its objection to Myanmar's claim of continental shelf to the UN, and it is believed that it will also lodge an objection against India's claim as well.

Law under UNCLOS:

First, UNCLOS envisages a conclusive agreement between states on maritime boundary. This means that states are free to choose whatever means to resolve the maritime dispute on their own. But failing agreement between them, the Convention provides the method under which the maritime boundary is determined.

Article 15 of UNCLOS is applicable in delimiting territorial waters, in which case, failing agreement, an equidistant line from the baseline would be applicable unless special circumstances or historic title exist.

Although Article 15 mentions equidistance method in case of disagreement between states on delimitation of territorial waters, Articles 74 and 83 do not mention equidistance method in delimiting exclusive economic zone and continental shelf between states.

Both the Articles provide that Article 38 of the Statute of International Court Justice (rules of international law) will apply to achieve "an equitable solution." The key words are "equitable solution," which stand for fair and just solution.

For Bangladesh, being adjacent (not opposite) to both India and Myanmar, the application of equidistance method for delimitation of exclusive economic zone and continental shelf does not achieve equitable solution as contemplated by

UNCLOS.

To achieve an equitable solution, Bangladesh should get a fair share of the resources of the Bay of Bengal and must not be relegated to "a sea-locked state" by squeezing of Bangladesh's area from west and east by both India and Myanmar through employing the method of equidistance. This can be considered as unjust and unfair.

Furthermore, Bangladesh's concavity and heavily indented coastline, natural prolongation of its land territory to continental shelf, its scanty natural resources in proportion to the huge population, and the general orientation of the Bangladesh's territory (square in shape) are some of the factors to be considered in achieving equitable solution.

Another fact to be borne in mind is that the claim in the areas in the Bay of Bengal constitutes about 5-7% of India's maritime zones and 10-15% of Myanmar's, but Bangladesh's stake is 100%.

One of the features of UNCLOS is its provision for binding dispute settlement for peaceful resolution of maritime disputes between and among states.

In the above context, it is good to note that the government has decided to refer the disputes to arbitration under Part XV of UNCLOS, which, in my view, is the only alternative left for Bangladesh in case disagreement with India and Myanmar. Meanwhile, bilateral negotiations may continue to resolve the issue within the framework of UNCLOS.

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Weak opposition and a sad state of affairs

We are seeing a reverse phenomenon now: the fragmentation of opposition space, since no opposition party seems capable of creating a coherent narrative for the poor. This has caused instability at the base, whether in the shape of the massive Naxal challenge or regional agent provocateurs like Raj Thackeray.

M.J. AKBAR

RAHUL Gandhi is the perfect post-ideological politician. Those who think he is preaching to the choir are missing the point: a significant chunk of the electorate is tired of grand creeds. Rahul Gandhi leaves behind a trail of feel-good bubbles on his travels. Contrast this with the hyperventilation of his cousin, who believes that B-grade histrionics pave the way to stardom.

But disdain for ideology can make you indifferent to ideologues. Pakistan is more than "just a piece of land." It is a powerful idea that broke Muslims from Hindus in 1947, Muslims from Muslims in 1971 and has now fomented a toxic civil war that could prove contagious.

The hinge of its conflicts is the ideology of the state. Every Pakistani is convinced that the country should be "Islamic" but no one is completely sure what this means. At the moment, the argument is being conducted with air force raids, field artillery, roadside bombs, tanks, machine guns and suicide

missions.

Obviously, Islamabad does not have the same interpretation as Hakimullah Mehsud, who told Sky News: "We want an Islamic state. If we get that, then we will go to the borders and help fight the Indians." The map of the "Islamic state" includes the Kashmir valley.

Both sides of the civil war, army and Taliban, are in complete agreement on the map, and co-operate on the snatch-Kashmir project when they have time left from destroying each other. It is now academic that scholars like Maulana Azad pointed out that faith was never a touchstone for nationalism. The simple fact that the Arabs are spread across 22 nations is evidence that religion is insufficient as rationale for a state.

We Indians are curiously tempted towards a phallic view of geopolitics: size is strength. This is unsupported by our own historical experience. How big was Britain when it conquered those parts of the world worth conquering? A hundred thousand British civilians and soldiers ruled 300 million Indians. They did not have to WWF

wrestlers to do so.

The external threat to the Indian state from the arc of theocratic nationalism is now compounded by an internal threat arising from the anger of the impoverished, who have turned to violence as the last resort since the benefits of economic growth have been creamed off by an acquisitive class. "Rising India" promised a theoretical trickle to the teeming base of a bent cone, the famous "trickle-down theory."

But very little seeped down, for an acquisitive culture is defined by excess. After 17 years of economic reform, the percentage below the poverty line has jumped from 28% to an astonishing 38%. Add the marginal and the homeless, who live outside the fluctuating zone of census statistics, and more than half of India sleeps hungry and hopeless.

The Congress, BJP and CPM have reached a seamless consensus on the need for sustained war against Naxalites, because they have no solution for poverty except for palliatives as a tactic and violence as a strategy.

They have the nervous support of some 300 million better-fed Indians. This is why, as even the October election in Maharashtra and Haryana showed, anger against the establishment is either opting to remain outside electoral politics, or searching for the fractious fringe and radical formations.

When the fragmentation of the Congress began in the '60s, it created huge fissures in the ruling space that Congress had occupied since Independence, and provoked the

instability of ridiculous coalitions at the apex of power.

We are seeing a reverse phenomenon now: the fragmentation of opposition space, since no opposition party seems capable of creating a coherent narrative for the poor. This has caused instability at the base, whether in the shape of the massive Naxal challenge or regional agent provocateurs like Raj Thackeray.

The well-armed and unemotional state will probably win the battles against Naxalites, but at the cost of weakening the nation. Weakness is an opportunity for the ideological foe as well as the opportunist. Could China extend the pincer around and within India by extending help to Naxalites?

The Chinese, thankfully, have deified Mao and abandoned Maoism, much in the way we have elevated Gandhi to camouflage our disdain for Gandhism. China will be motivated by opportunism rather than ideology but, as any footballer can tell you, a good opportunist scores goals.

Moreover, it is much safer to export rubber dolls than it is to export revolution. There will, however, be no reluctance on China's part to destabilise a debilitating India, should we begin to totter under the burden of expanding inequity.

The strength of nations has more nuances than the single dimension of geography. If the new aspirants to high office do not understand this, they will serve neither their personal nor their national interests.

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