

EKRAM KABIR

A special counter-terrorism unit called "National Police Bureau of Counterterrorism" is on the cards. It has been reported in the press that this special units was proposed a year ago but the pace of forming the unit got tangled in bureaucratic red-tapes. However, the process has been accelerated when Prime Minister Sheikh Hasina took special interest in forming this.

The work of the unit would comprise investigation, raids, information collection and exchange. Two departments will work under this unit namely: "Terror Investigation and Operations" and "Terror Intelligence and Analysis".

This is certainly a positive step in Bangladesh's fight against terrorism. This unit would be able to play a big role in local and regional anti-terror measures. Understandably, the size of the unit would be quite big so that it can handle the entire country. The unit would certainly know what to do about its future course of actions once it is operational. However, a few suggestions could come handy for the unit to get started.

The unit would have to deal with quite a lot of illegal weapons-related matters such as recovery, FIRs, cases, punishments etc.

In this connection, one example would explain things better. On 12 January 2011, police detained five armed persons from a motorcade led by a member of the parliament elected from western Jessore district. Now, if this is a tip of the iceberg, the special unit won't be able to make any difference in its anti-terror initiatives. The reports of illegal weapons recovery in the country tell a story of horror. It does not need an expert to say

that the use of illegal weapons is on the rise in the country. If one took stock of the casualties and deaths in the past year from social violence, more than 90 per cent are due to illegal weapons.

The 10-truck arms haul, ammunition recovery at Sherpur in 2010, etc are cases in consideration. Since the illegal arms are one of the major sources of terrorism, the special unit would do well in tackling this front first. The success of the unit would depend on how well it would prevent the use of illegal weapons in the society.

Then comes the legal side. While dealing with illegal arms, it would have to follow the Arms Act (1878) enacted by the British way back in 1878.

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

There is another law in place: the Explosive Substances Act 1908.

Explosive substance deems to include any material for making an explosive substance and also the apparatus, machines or any part thereof which may be used for causing or aiding in causing any

# Amend Arms Act first



*At present, local lethal weapons do not fall under the definition of arms under the Arms Act or any other law of the land*

explosion. Causing explosion by any explosive substance likely to endanger life, injury to person or property or with intent to commit an offence or to enable any other person to commit an offence are punishable under this Act with death, imprisonment for life or imprisonment of any other term with a minimum mandatory sentence of 2 to 5 years.

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

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

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

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

At present, local lethal weapons do not fall under the definition of arms under the Arms Act or any other law of the land. So, clinically speaking, those implements, which are frequently used in inflicting wounds and even fatality in criminal acts, do not qualify for arms, and hence the offenders or the suspects get off the hook.

Even people, possessing those lethal weapons and captured by the police, are going scot-free when charged under the Arms Act.

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

In 2004, the then law minister told a newspaper that the government had already initiated the recommended amendment. The matter, he said, was under scrutiny with the home ministry.

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

It's high time for the government of Bangladesh to amend the law related to illegal arms and chemicals.

The special counter-terrorism unit would have to deal with terror campaigns and crimes on the internet. The police chief was heard saying that the present arms act is not enough to deal with the crimes that take place on the net. More so, the criminals caught by the law enforcers get scot-free when cases are filed under this Act. And that's the reason why the hired guns and street gunslings continue to be actors of terror in public life.

Therefore, the age-old Act needs an amendment on an urgent basis, as early as possible. Let the special unit be delayed for a while. The first task here should be to amend the Act. Without that, forming the "National Police Bureau of Counterterrorism" will be a cart before the horse.

THE AUTHOR IS A JOURNALIST AND A WRITER.

# Inter-Korea Dialogue versus Japan-South Korea Military Engagement

RAJARAM PANDA

FOR the Korean peninsula, the year 2011 opened with hopes of a return to peace, with North Korea making a series of gestures to South Korea to "open their hearts" and resume talks after a hiatus marked by hostility. The North's offer coincided with the 28th birthday of the heir apparent Kim Jong-UN. North Korea's Committee for the Peaceful Reunification of Korea said, "We do not want to see the present South Korean authorities pass the five-year term of their office idly without North-South dialogue." It further said that "there is neither conditionality in the North's proposal for dialogue nor need to cast any doubt about its real intention." Further, Pyongyang pledged to reconnect the hotline between the Red Cross organisations of both Koreas and reopen the Consultative Office for North-South Economic Cooperation at the Kaesong industrial complex to take the lead in pushing for inter-Korean talks.

From the other side of the divide, in his New Year address to the nation, South Korea's President Lee Myung-bak promised help for the North under the right conditions. He also said that his government needs to strengthen security in view of the North's aggression in 2010. That 2011 started off with both sides expressing a desire for dialogue to ease tensions is welcome. But the problem is that while the North wants unconditional negotiations, the South is willing to offer economic support only if the former demonstrates seriousness and takes concrete steps to show that it truly wants peace.

In view of the complexity of the issues involved, mainly the

issue of denuclearising North Korea, Pyongyang's conciliatory stance is unlikely to please Seoul. South Korea sees in the North's stance a well-established carrot-and-stick model in which "Pyongyang pushes the level of conflict to the brink of serious hostilities before relenting with offers of talks and requests for food and financial aid." For example, in 2009, North Korea had made a declaration to reopen the hotline and the economic cooperation office when its economic conditions had deteriorated and it needed external help. South Korea sees a similar pattern this time as well. Moreover, in its latest offer, North Korea also proposed discussing the resumption of a joint tourism programme that was suspended in 2008 when a South Korean tourist was shot dead after he reportedly entered a restricted area in North Korea. South Korea, however, says that neither its government nor the military has received any official dialogue offer and therefore interprets the North's offer as "just a unilateral announcement".

North Korea's offer of dialogue has led to the speculation that the Six-Party Talks (SPT), suspended since April 2009, may be revived and talks on ending North Korea's nuclear programme resume. This is however not easy. Here two issues are important. One, before any direct talks with the North begin, South Korea wants Pyongyang to admit its guilt in the attacks on the South Korean warship Cheonan in March 2010 that killed 46 people. Two, South Korea insists that any future bilateral talks with the North should include the nuclear issues.

But Pyongyang insists that it is innocent in the March 2010

sinking of the Cheonan and defends its November 2010 artillery strike on Yeonpyeong as self-defence. Instead, it has suggested a working-level meeting on January 27 to set the ground for subsequent higher-level talks on joint economic initiatives. This is a standard North Korean ploy to obtain economic assistance and create political confusion in the South since the Opposition is likely to criticise the Lee government for not addressing the issue seriously.

South Korea has reason to be



sceptical of the North's offer since in the past Pyongyang had made similar promises only to break them in no time after extracting economic aid. After shelling the Yeonpyeong Islands, it is now adopting a diplomatic approach by calling for the resumption of dialogue. The Lee government may appear hawkish but it has taken the right position by refusing to award concessions which only encourage further hostile behaviour by the North. Both Washington and Seoul have taken the position that they would not back such

bilateral meetings unless the North carried out measures including admitting its guilt in the sinking of the Cheonan.

In the meantime, responding to North Korea's recent provocations, Japan and South Korea have taken a landmark step to strengthen military collaboration despite the latter's lingering bitterness over Japan's brutal occupation of the Korean peninsula in the first half of the 20th century. Japan's Defence Minister Toshimi Kitazawa visited South Korea on January 10, 2011 to build a common understanding on working towards a military cooperation agreement with South Korea. Kitazawa proposed and his South Korean counterpart Kim Kwan-jin agreed to discuss two separate agreements, the first between the two countries since the end of World War II. The first agreement, called the "Acquisition and Cross-Servicing Agreement (ACSA)", aims at allowing South Korean and Japanese armed forces to share supplies and services such as food, fuel and transportation during international operations like peacekeeping and disaster relief efforts.

The two countries also agreed to hold specific consultations regarding the agreement for sharing bilateral military supplies and services. In addition, the two defence ministers agreed to hold further consultations on signing another pact to facilitate the exchange of military secrets. If signed, the "General Security of Military Information Agreement (GSOMIA)" will allow both countries to systematically exchange intelligence on North Korea's nuclear programmes and weapons of mass destruction. No official deadline, however, has been set to ink the agreement.

Given the sensitive nature of such military agreements, if signed, they will have immediate implications for China which is unlikely to view such an arrangement between Japan and South Korea kindly.

Notwithstanding the South Korea's deep resentment towards Japan and the territorial disputes that continue to exist between them, both countries are important trading partners and share common security concerns regarding North Korea. Last year, for the first time, they both sent their observers to each other's military drills with the United States which was held in response to North Korea's military aggression. Japan, however, rejected a proposal by US Adm. Mike Mullen last year for joint military drills among South Korea, Japan and the US to increase deterrence against North Korea since such a move would run counter to Japan's pacifist Constitution which strictly prohibits the use of force as a means of settling international disputes.

The beginning of military cooperation between Japan and South Korea demonstrates the fact that Japan has begun to review its security policies. Japan is likely to face a critical security scenario if the situation in the Korean peninsula deteriorates further. It remains unclear whether Japan would extend cooperation with South Korea to military emergencies in the event of a larger confrontation occurring in the peninsula. North Korea's peace overtures towards South Korea need to be evaluated in the context of this evolving military engagement between Japan and South Korea.

BY ARRANGEMENT WITH IDSA, NEW DELHI.

## India seeks Indian Ocean supremacy with warship research

INDIA launched a new naval research centre for warships on Tuesday, part of efforts by the South Asian giant to build its sea defences and counter the perceived threat of China in the Indian Ocean.

Defence Minister A.K. Antony laid the foundation stone for the National Institute for Research and Development in Shipbuilding (NIRDESH) in the southern state of Kerala, which will be built at a cost of six billion rupees (133 million dollars).

The facility, which will be up and running in two years, will help develop technology for "drawing board to delivery" of warships for India, a naval official said.

The Kerala unit will work independently of the national Defence Research and Development



Organisation, with the aim of reducing India's dependence on military imports, which mostly come from Russia.

The 136-vessel navy said in a statement that NIRDESH would ensure India's maritime security.

"This would empower Indian navy, coastguard and other maritime security agencies in a manner befitting the country's stature and influence in the region," it said.

The facility would "ensure that the country would be self-reliant in this crucial area of defence technology," Antony added.

New Delhi is wary of growing Chinese influence around the Indian Ocean, where Beijing has funded or plans to invest in major infrastructure projects, including ports in Sri Lanka, Bangladesh and military-ruled Myanmar.

In August, two Chinese warships raised eyebrows in Delhi when they sailed to adjoining Myanmar for a rare visit to promote ties between the two allied countries.

SOURCE: DEFENCETALK.COM