

Fire at Hazrat Shahjalal airport

Take measures to ensure safety

ACCIDENTS can and do happen without warning—even in airports. But the backdrop in which the most important airport of the country suffered an outbreak of fire that gutted a number of rooms and took 90 minutes to bring under control raises some questions. Given the all too known issues regarding maintenance and upkeep of our airport, questions regarding whether the accident was preventable are bound to come up.

This has happened at a time when thousands of would-be Hajj pilgrims are gathered at the airport who had to vacate the premises and stand under the open sky. A number of flights had to be cancelled and the tailback on the road to the airport extended all the way to Khilkhet area which caused a lot of trouble for thousands of commuters.

We are informed by authorities that a probe committee has been formed and a report will be furnished within a week. We commend the fire service units for containing the fire and that loss of life could be avoided. Since such an incident has occurred we should go back to the drawing board and check all electric connections and wiring in the building. Furthermore the question of whether the fire fighting equipment and readiness of personnel stationed inside the airport also need to be reviewed since the fire apparently broke out at an airline office on the 2nd floor and the question is whether it could have been contained there. We are sure the probe committee will do its part in finding the deficits in the building with regards to fire fighting readiness and remedial measures must be taken immediately so that such an incident is not allowed to happen again.

A new threat to the Sundarbans

Allowing industries in ECA would be disastrous

IN yet another blow to the Sundarbans, the government has decided to approve all industrial structures currently operating in the Ecologically Critical Area (ECA) of the mangrove forest, essentially legalising more than 150 illegal structures. Additionally, the National Environment Committee also decided to relax and change some rules and policies in order to allow new potentially risky industries to run in the ECA.

These decisions failed to live up to the spirit of the recent UNESCO recommendations, including one not to build any big and large structure in the Sundarbans area, which the government had agreed to comply with.

Newspapers in the recent past have reported that nearly 300 groups, mostly from powerful quarters, had bought 10 thousand acres of land near the Sundarbans to build various types of industries. Based on this report, the prime minister's office reportedly sought to know more about these projects. However, instead of taking any stern actions to remove those illegal structures, the government moved to legalise them after approving additional 36 industrial projects in the meantime. This move will attract further linkage industries and traffic to the area, which will only serve to increase the already threatened forest.

We are aghast at this decision, which is nothing short of an existential threat to the Sundarbans' safety—something that is already under considerable threat due to the construction of the Rampal power plant. We urge the government to re-examine these decisions, which could prove lethal to our precious Sundarbans. If the government truly intends to stand by its commitment to protect the forest, it has no other option to prove it.

LETTERS TO THE EDITOR

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Stop threatening the Sundarbans

According to a front-page report published by The Daily Star on August 11, the government intends to legalise more than 150 industrial projects in the Ecologically Critical Area (ECA) of the Sundarbans.

The Sundarbans, the world's largest mangrove forest, is a renowned world heritage site. Ironically, nowadays it seems that some steps by the government would worsen the crisis this coastal forest faces. I would like to urge the government not to allow any hazardous industries in the ECA of the Sundarbans. Development at the expense of the environment may help our economic growth on a temporary basis, but in the long run, our future generation would be the sufferer.

Raihan Hossain Shohag, *Kuet*

Soaring prices of essential commodities

Consumers on a fixed income are hard put, as the price of vegetables has recently increased. Cucumber, for example, sells for Tk 80 per kilogram, while tomatoes sell for Tk 160. The price of other vegetables also hovers around one hundred taka per kg. The sellers put the blame on the ongoing rainfall.

In addition, the price of rice is also on the rise. People belonging to the low and middle-income group are finding it difficult to keep pace with the soaring prices of essential commodities. We hope that authorities will do something to check the unbridled rise of costs of edibles.

Zabed Wali, *Chittagong*

RIGHT TO INFORMATION

Disclosure laws should be on citizens' agenda for the next elections

SHAMSUL BARI and RUHI NAZ

PAKISTANI Prime Minister Nawaz Sharif's removal from office was the subject of much attention in Bangladesh and elsewhere. But buried within the story about political turmoil and the future of civilian rule in Pakistan was a story about leaked information and disclosure of assets.

The leaked information belonged to a list of 11.5 million files that were obtained by a German newspaper from the database of a law firm of Panama, which specialised in setting up offshore corporations and accounts for its clients. Based on them, the International Consortium of Investigative Journalists (ICIJ) had released the so-called Panama Papers in early 2016. It followed a year-long investigation which revealed how world leaders, politicians and businesses hide and launder money, evade taxes and finance arms and drug deals.

The Panama Papers had also named 32 Bangladeshi nationals and two Bangladeshi companies. But while the Pakistani public undertook a vigorous campaign to have the Pakistani links investigated, resulting in the downfall of their prime minister, nothing like that happened in Bangladesh. After some initial noise, the matter was left to the Anti-Corruption Commission, which formed a three-member committee to probe the allegations. It has remained with them since then.

This is somewhat uncharacteristic of Bangladeshi civil society. This is the community which fought Pakistani injustice and misrule for 23 years and played a key role in the liberation of Bangladesh in 1971. Since then, our civil society provided support to civilian politics to topple military-led governments and re-establish democratic rule in 1991.

However, it appears to have lost its sting over the years. What is happening in Bangladesh today is, of course, not unique; it is a global trend. There is growing recognition worldwide that the efficacy of street agitations is waning as governments learn new, innovative and more repressive ways to control them. Citizens must, therefore, consider other means, combining individual and collective efforts, to compel governments to fulfil their obligations to the people. And a foremost obligation is to provide good governance through transparent and accountable mechanisms.

It is this realisation that gave rise to a contemporary global trend to promote adoption of legal instruments aimed at open and accountable governments. The specific goal is to remove the veil of secrecy that has traditionally shrouded

the work of governments, through "disclosure" of hitherto classified information to the public. This would help citizens to monitor the work of public officials and check abuse of power and plunder of resources.

The above may appear utopian given today's realities. But international experience has shown that over time transparency laws have forced governments to make changes—if an alert citizenry uses those laws.

The primary objective of "disclosure laws", as they are popularly known, is to fight corruption and promote good governance. Fighting corruption requires a multidisciplinary approach which includes fighting bribery of public officials, elimination of corrupt candidates from contesting elections, combating corruption in fiscal policy, public and private sector governance, etc.

A key mechanism, at the government level, is to set up anti-corruption bodies

corruption.

In Bangladesh, persons seeking to contest parliamentary elections must declare, under Article 12 of Representation of the People Order (RPO) 1972, their assets and other pertinent particulars when registering their candidature. However, once elected, there is no legal requirement for continuing disclosure. Similarly, Rules 13-17 of Government Servants (Conduct) Rules 1979 require most civil servants to disclose their assets and financial involvements, including those of their spouses and children, at the time of entry into service and annually thereafter. Under the Money Laundering Prevention Act 2009, overseas account holders are barred from transferring any amount of money to that foreign account from his/her earnings in Bangladesh. Such transfer is considered money laundering.

However, while these laws require



such as the Anti-Corruption Commission (ACC) of Bangladesh and the Central Bureau of Investigation (CBI) of India. At the non-governmental level, there are institutions like Transparency International Bangladesh (TIB), which is the Bangladeshi branch of Transparency International, dedicated to fighting corruption globally. Disclosure laws complement this process. Some of them specifically empower citizens to play a role.

Laws relating to asset declarations by public officials and members of the government are among the most prominent disclosure laws. These are aimed at preventing conflict of interests or identifying illicit enrichment. Laws for Foreign Exchange Control keep politicians or public officials from holding overseas bank accounts, largely to prevent money laundering. There are similar laws to combat other types of

disclosure only to a public agency and not to the public directly, the Right to Information Act 2009, foremost among disclosure laws, fills the gap. It empowers citizens to seek disclosure of almost all information, except a few categories, held by public authorities. Citizens who wish to play a role in promoting transparency in government work and fight public corruption, could not have a better tool. Use of disclosure laws could be one of the most effective means to strengthen democracy and promote good governance.

It may be argued that some of the information provided under disclosure laws may belong to the "exempt" category under the RTI Act. But this has not been proven yet. The scope and extent of the exemption clauses under Section 7 of the RTI Act is still waiting to be legally tested. For example, if asset

and other declarations by government servants or election candidates are claimed to be "exempt information" under the RTI Act on the grounds that they are "private confidential information", it may be challenged effectively. One argument would be that any information provided by citizens to public authorities under any legal mechanism to promote public interest should be considered public information, and no longer private, and hence disclosable.

A constant endeavour of citizens should, therefore, be to stretch the scope of disclosure laws, through their use, to ensure transparency. If a public authority, including the Information Commission, interprets a legal provision restrictively, the intervention of the judiciary could be sought by arguing the objective test.

Greater civil society attention to such matters would be helpful also to supplement individual efforts. Imagine the likely impact on political parties if a substantial number of citizens start using RTI to seek information disclosed by candidates to the Election Commission under RPO and expose false or untrue claims. Hopefully, more care would be taken not to put up candidates whose honesty and integrity could be questioned.

As the country moves towards general elections next year and the civil society gears up its efforts towards more participatory democracy and open government, they must go for specific commitments from political parties to include in their election manifestos effective measures to strengthen disclosure laws. More particularly, they should insist that the relevant particulars of their candidates in the elections are disclosed in good time for public scrutiny. Citizens should not have to depend upon Panama Paper-type leaks to learn about the wrongdoings of their elected representatives or public servants.

At the same time, civil society leaders and social activists must promote greater public awareness of disclosure laws and the importance of their use by citizens in large numbers. Collective efforts by citizens to exercise their watch-dog role on the government, as foreseen in the RTI Act, may alone be more productive in the long run than street agitations.

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Make code of conduct negotiations count



SUPALAK GANJANAKHUNDEE

IN 1986, the then Philippine President Corazon Aquino met with China's paramount leader Deng Xiaoping to discuss the South China Sea issue. Deng talked to

Aquino, as he told some other Asian leaders at that time, and told her, "Madam President our generation might not be wise enough to decide the territorial dispute but there are a lot more areas of South China Sea we may discuss without discussing the territorial claims."

The current Philippine Foreign Secretary Alan Peter Cayetano referred to Deng's words to justify his government's soft approach towards China on the contentious South China Sea issue, during a conversation with Asean journalists in Manila recently.

The stance taken by the Philippines under the leadership of President Rodrigo Duterte these days, is totally different from what Aquino's son Benigno Aquino III did against China, when he was running the country from 2010-2016.

While Aquino III took the conflict to a Hague-based arbitral tribunal constituted under the UN Convention on the Law of the Sea and won an award in July last year, his successor Duterte, who took office only a few weeks after that ruling, said he would keep the award and might use it when it is necessary. But, for now, he employs a different approach while dealing with China on a bilateral basis.

Under Duterte, a tentative fishing agreement has been put up, "so Filipino fishermen are allowed to fish in the area where we believe is our traditional fishing area," Cayetano said.

In areas where they have to protect the environment, both Chinese and the Philippine coastguards are jointly overseeing the area, making sure there is no overfishing or illegal activities, he added.

Scarborough shoal. So, we believe the current strategy—without judging the past strategy—is now working," he said.

The Philippines and China, as proposed by Chinese Foreign Minister Wang Yi during his visit to Manila recently, agreed to conduct joint exploration for oil and gas in the contentious sea.

"We have to do this, I mean (if we continue the old approach) we might be fighting over nothing in terms of natural resources, but if we find a way to look at how much resources are there, maybe our generation is wiser to say this is better than no one can benefit from this and confront each other," he said.

Members of Asean, including Vietnam, Malaysia and Brunei, have been at loggerheads with China over territorial

importance of completing a binding code of conduct, based on international law, including the tribunal's award.

While analysts have noted the active role of Vietnam in mobilising Asean leaders to balance the Chinese influence on the matter, the outcome of the ministerial meeting last week on the South China Sea was not so impressive due to the soft approach of Philippines, which holds the Asean Chair at the moment, and counterproductive moves by some members.

The joint communiqué issued a bit late after the meeting refrained from using any "strong" word on the militarisation in the contentious sea. It simply says "we emphasised the importance of non-militarisation and self-restraint in the conduct of all activities by claimants and all other states."



disputes for decades.

While China has consistently insisted on dealing with contesting parties on a bilateral basis, many Asean members, notably Vietnam, want the group to speak on the issue in one voice, although they realise that territorial disputes can never be solved multilaterally.

Vietnam, which is not a party to the arbitral award although many officials in Hanoi have said that they have thought about having one, wanted to see Philippines implement the award which rejects China's historical right over the disputed areas.

Prior to a ministerial meeting in Manila, Vietnam urged Asean countries to unite in the settlement of disputes in the South China Sea, emphasising the

Without unity among Asean members, however, analysts doubt whether the code of conduct, if indeed it is agreed upon in future, will be meaningful in resolving conflicts. Indeed, Asean and China signed in 2002 a non-binding Declaration on the Conduct of Parties in the South China Sea (DOC). But the document failed to prevent conflicts ...

For the Philippines, China and many diplomats, such a statement is enough given the fact that foreign ministers of the group and China on August 6 adopted a framework for the code of conduct in the South China Sea.

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Indeed, Asean and China signed in 2002 a non-binding Declaration on the Conduct of Parties in the South China Sea (DOC). But the document failed to prevent conflicts, as most of the claimants, notably China, built facilities on islands and features in the sea, which facilitated militarisation.

The framework of the code of conduct

as leaked to media addressed nothing different from the general principle seen in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which the Asean DOC also referred to.

While many Asean members, including the Philippines and Vietnam, wished to see a legally binding code of conduct to control the behaviour of countries in the sea, the difference between binding and non-binding is not clear.

Non-binding could become binding if contracting parties are willing to implement such an agreement, while a binding pact could become a non-binding one if parties do not enforce it.

Similar anomalies exist elsewhere. Take the UNCLOS for example. The United States has not signed in the convention but now champions it. While

China, which ratified it in 1996, acts like it does not exist. The Philippines won the arbitral award but shelve it while Vietnam, which is not a party in the case, actively calls all parties to comply.

A major challenge for the group, which adopted with China a framework to establish the code of conduct last Sunday in Manila, is how to make the new document relevant.

If the history of DOC is a guide, officials will begin, in November, to waste their time in drafting the text of the code for nothing.

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This is a series of columns on global affairs written by top editors and columnists from members of the Asia News Network and published in newspapers and websites across the region.