

Myanmar must change tack on Rohingyas

Despicable performance of state banks

So has been the regulators' response

AS we have repeatedly warned in this column, irregularities, mismanagement and corruption have left the banking sector in an awful mess. Despite the government injecting Tk 9,639 crore into state-owned banks over the last four years, it has again set aside Tk 2,000 crore this fiscal year to "recapitalize" ailing banks.

Total defaulted loans of the six state-owned banks stood at Tk 34,581 crore, which was 27 percent of their total loans, whereas, the average rate in the sector was just 10.13 percent. What this indicates is that the performance of state-owned banks has been much worse, the responsibility for which must also fall on the government and its regulatory agencies for failing to curb corruption and mismanagement in the sector.

Meanwhile, as this newspaper reported yesterday, the top 20 defaulters—owing Tk 11,579 crore as of June 2017—accounted for one-third of the state banks' total defaulted loans in the first half of this year. This amount, according to the finance ministry, made up 33.48 percent of the lenders' total defaulted loans, lending credence to allegations that the primary reason for the banking sectors' woes has been defaults by big borrowers who were given loans based on partisanship.

In a statement made on Saturday, the finance minister said that he felt "ashamed" at the poor performance of state banks, and he well might. While we appreciate his remorse, belated as it may be, what is needed is substantive action and for such detrimental performance not to be repeated. In the case of previous financial scandals, government regulatory agencies had all failed to act, blaming each other while the public coffers were looted. The government should make a full hearted effort to recover these lost amounts and punish those responsible for allowing such looting to happen.

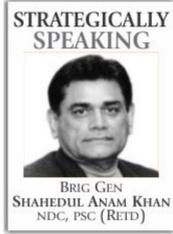
Can money compensate for rape?

Correct the legal aberrations

A thirteen year old school girl was raped in Faridpur and the alleged rapists were asked to "compensate" the victim with Tk 3.5 lakh. Under section 376 of the Penal Code, the maximum punishment for committing the offense of rape is life imprisonment. In contrast, the measly "compensation" was settled because of pressure from local influentials. The uncle of the victim mentioned that they were confused about two people whose names mysteriously appeared on the list of accused.

This case speaks volumes about the culture of impunity and corruption that surrounds rape cases. Out of court settlements, especially, in cases of rape and abuse is a menace that sets the justice system back by decades. While much of this is societal, there are aspects of the legal system that are also problematic. The Bangladesh Penal Code 1872, for instance, enables evidence of sexual history of women and girls who were complainants in rape cases to be put in as evidence. This shifts the burden of proof to the victim and makes them, and their families, reluctant to file cases. In this particular case, the victim was a minor, not married to any of the perpetrators and there were no grey areas about consent.

However, where the legal system gives so much leeway to the perpetrator and holds the victim accountable for so much, it becomes difficult to see sexual violence as the criminal offence that it is. A culture of zero tolerance, legally and socially, must be bred with regard to attacks on human dignity and human lives, which is what rape is.



BRIG GEN SHAHEDUL ANAM KHAN NDC, PSC (RETD)

STRATEGICALLY SPEAKING
 THE very fact that Myanmar has termed the recent militant attack on its security forces as being the work of "extremist Bengali insurgents" underlines the very crux of the problem. It restates their position on the Rohingyas, their unwillingness to accept the ethnic minority for what they are. Rohingyas, who happen to be Muslims, are as Bengali as Americans are English. And this attitude of rejecting one of its own has underpinned Myanmar's policy regarding the Rohingyas.

It bears restating that the Rohingyas have been living in Arakan, now Rakhine State of Myanmar, for centuries. Regrettably, it was with one stroke of pen that a minority group, an integral part of the Burmese culture and society, being its citizen, was made stateless by the Burmese strongman and dictator Gen Ne Win. That, we understand, was his reaction to his abortive attempt to force the Rohingyas out of the western province into Bangladesh permanently. He managed to push out nearly one third of the total Rohingya in Arakan, a good 300,000 of them, by a military operation codenamed "Operation King Dragon" ostensibly for the purpose of checking illegal immigrants, in 1978. And this was by an anti-Rohingyan character. But strong international reaction against the ethnic purge forced him to take back most of those from Bangladesh. That policy of expulsion having failed, he resorted to a legal expedient—the Citizenship Law of 1982.

History must be recounted to put a perspective to the issue. The current spate of violence that was started last October is a strategy that Myanmar has used and continues to use to clear its territory of one of its ethnic minorities, made stateless by a government fiat. The Rohingyas have been described as the most persecuted stateless people in the world. That the Rohingyas are ghettoised and have had their movement restricted is nothing new. Their movement has been controlled since 1964 through a law which restricted the movement of the Muslims of Arakan especially prohibiting the movement out of Akyab District towards east. Thus, the Rohingyas were put into a sort of



A BGB soldier stands guard near some Rohingya refugees at Ghumdhum in Naikhyangchhari upazila of Bandarban on August 27, 2017.

PHOTO: ANISUR RAHMAN

incarceration since 1964. The latest extremist attack of August 25, which merits the strongest contempt, is also a cause for concern for Bangladesh. Recall the fact that it was the killing of several Myanmar security personnel by the militants that triggered the violence wreaked on the Rohingyas in the name of fighting insurgency in October 2016. That action came in for criticism from the local head of UN refugee agency who went so far as to characterise the killings as ethnic cleansing.

For Bangladesh, the Rohingya problem has cast it between the devil and the deep sea or a Catch 22 situation if you like. While on one hand it cannot officially open its doors to the persecuted Rohingyas, it can neither forcefully turn them back into uncertainty. Strategic compulsions preclude the former stance, it being very unadvisable since that would encourage the Myanmar government to continue to create conditions to leverage all the Rohingyas permanently out of their homeland, and fulfil its longstanding aim. But hosting a

large number of refugees will impose, and it already has, adverse security as well as socio-economic consequence on Bangladesh. Although Bangladesh is not a party to the 1951 Refugee Convention or its 1967 Protocol, it has acted under the obligation of the customary international law and the principle of non-refoulement not to reject asylum seekers at its border when they are escaping persecution in their homeland and trying to seek security from threats to their lives and liberty. Technicalities cannot be impediments to humane behaviour.

It has been our position that since the situation is of Myanmar's own making, it should be for it to resolve it. But that Bangladesh cannot remain an impassive neighbour because it has been directly affected by the developments in the State of Rakhine has been demonstrated by the government's expressed position on the issue.

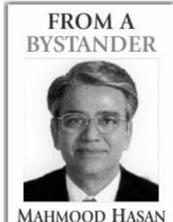
Amidst all the killings in one part of her country, the silence of Su Kyi was very deafening and all that she could say about the atrocities of the security forces

was that they were working as per "the law". However, a redeeming feature in the entire pathetic situation was the setting up of the Annan Commission in August last year to "find a sustainable solution on the complicated issues in Rakhine State." And if it was not a ruse by Su Kyi to placate international opinion of Myanmar's Rohingya policy, then the government of Myanmar should recognise the merit of the recommendations of the Commission which was handed over to its President on August 24 and act on it.

It is about time Myanmar realised the error of its Rohingya policy. If anything it has festered extremism among the younger members of the Rohingya community. This cannot be allowed to happen. We must make it abundantly clear that our stake in the region is not only humanitarian. If it is allowed to simmer it would adversely affect us in equal measure. And that we cannot allow to happen.

Brig Gen Shahedul Anam Khan ndc, psc (Retd) is Associate Editor, The Daily Star.

Trump puts Iran nuclear deal in jeopardy



MAHMOOD HASAN

FROM A BYSTANDER
 DURING his presidential campaign, Donald Trump repeatedly declared that the Iran nuclear deal, known as "Joint Comprehensive Plan of Action" (JCPOA), was the worst agreement the US has ever signed, and his first priority as president would be to "tear up" the deal. JCPOA has limited Iran's nuclear programme in exchange for removal of all sanctions imposed by the West and the United Nations.

Trump administration is required to certify to the Congress every 90 days that Iran is complying with JCPOA. On April 18, 2017 the first certificate on Iran's compliance was given by Trump grudgingly. The second certification was due in mid-July 2017, when an acrimonious debate ensued in the White House over whether to certify or decertify Iran on following JCPOA. However, on July 17, 2017, Trump agreed to certify that Iran is complying with the deal. The next day Trump imposed new sanctions on Iran.

The sanctions were against 18 Iranian individuals, groups and networks for non-nuclear behaviour, freezing any assets that the targets may have in the US and preventing Americans from doing business with them. Imposing new sanctions right after providing the certification is definitely an absurd, illogical policy.

Trump's contempt for Iran is well known and Iran still is in the US State Department's list of state sponsors of terrorism. What will be Trump's decision in mid-October 2017, when the next certification is due, will be something to note. Trump might be heartened by the fact that the Congress on July 25, 2017 overwhelmingly endorsed a harsh bill to impose new sanctions on Iran, Russia and North Korea.

Interestingly, the sanctions were not directed at Iran for any breach of the nuclear deal but for developing missiles.

Iran had tested ballistic missile on January 29, 2017, and on July 27, launched an advanced satellite-carrying rocket into space. These tests have angered Trump that provoked the sanctions. Incidentally, the latest International Atomic Energy Agency (IAEA) report published on June 2, 2017 did not mention any breach of JCPOA by Iran.

JCPOA was a deal signed by Iran with the five permanent members of UN Security Council and Germany (P5+1) on July 14, 2015. The deal coordinated by EU was endorsed by the UN Security Council and its implementation began on January 16, 2016. Donald Trump was

European companies are happy that Trump has restricted American firms from doing business with Iran, meaning they are not in competition. French motor companies have signed a USD 778 million contract to produce 150,000 cars in Iran. French oil giant Total SA and Chinese Oil Company signed a USD 5 billion agreement to develop the offshore gas fields of Iran. China and Iran agreed to increase trade to USD 600 billion in the next 10 years.

German exports to Iran rose by 26 percent in 2016 and are expected to reach USD 5 billion by 2018. Russian exports to Iran rose 80 percent during 2016, and with Russian state loans, the

Paris Global Climate Change Accord, has already created a distance between himself and other world leaders rejecting Trump's idea to renegotiate JCPOA. By unilaterally slapping sanctions and restricting US firms from doing business with Iran, Trump has landed himself in a Catch 22 situation. He is undermining his "America first" dictum.

Tehran is determined to preserve JCPOA as it has allowed Iran to come out of isolation and export its oil freely. Iran's oil revenues reached USD 41 billion in the fiscal year ending March 20, 2017, which is helping in expanding the economy. Tehran condemned the sanctions as "contemptible and worthless". Foreign Minister Javad Zarif said the sanctions aim to "poison the atmosphere" and violate the "spirit" of the nuclear agreement. Tehran vowed to continue with its missile programme as it was not part of JCPOA.

The sanctions, though will not significantly harm Iran, have come at a time when President Hassan Rouhani, re-elected for a second term in May 2017, is facing increasing demands to rebuild the economy.

Washington has to realise that abrogating JCPOA will entail some dangers. Hassan Rouhani is seen as a pragmatist, one willing to normalise relations with the West. US sanctions and pressures on Rouhani will only encourage Iranian hardliners, making it difficult for Rouhani to continue abiding by JCPOA. Rouhani may be compelled to throw away the deal and restart the nuclear programme with vengeance.

Many Republicans and advisers have urged Donald Trump not to abandon the agreement. Trump needs to be reminded that JCPOA has sobered Iran and sanctions did not stop Tehran from developing its nuclear-fuel enrichment in the past. Trump would do well to maintain the status quo and not jeopardise JCPOA. With his presidency in disarray and no clear foreign policy, Trump has more pressing problems at hand—threats from North Korea.

Mahmood Hasan is a former ambassador and secretary.



UN Security Council members vote on the Iran resolution at the UN headquarters in New York on July 20, 2015.

PHOTO: JEWEL SAMAD/AFP

at odds with leaders of the other permanent members (UK, France, Germany, Russia and China) when at the G20 summit in Hamburg (July 7-8) he tried to persuade them to stop normalising economic and commercial relations with Iran.

Trump cannot walk out of the deal as JCPOA is a multilateral agreement endorsed by UN. Trump can neither change nor scuttle it unilaterally. Even if he takes US out of the agreement, the other five members will not terminate their relations with Tehran, as there are tremendous economic benefits to be reaped from a sanction-free Iran.

figure is expected to reach USD 10 billion. British banks and firms are likely to invest substantially in Iran's expanding rail network. European consortium Airbus has already delivered planes worth USD 19 billion in 2016. There are more in the pipeline.

The United States is the only one lagging behind with only USD 258 million in exports to Iran in 2016. Intriguingly, Boeing's contract with Iran Air worth USD 16.6 billion for 80 jetliners, and another USD 3 billion with Iran Aseman, haven't been affected by Trump's sanctions. Trump, after withdrawing from the

LETTERS TO THE EDITOR

letters@thedailystar.net

Building in a well planned way

Agricultural land in our country is relatively scarce when compared to our gigantic population. Data provided by the Bangladesh Bureau of Statistics show that we are losing whatever little agricultural land we have at the rate of one percent per year.

People are increasingly building more and more houses and other structure using agricultural land.

If this continues, buildings and other structures will occupy agricultural land more and more and we may face problems in the future in feeding our massive population. Dhaka and other cities are becoming more and more ecologically imbalanced as their population sizes increase on a daily basis. It is high time for the authorities to come up with better plans and make sure that ecological balance, population size, etc are taken into consideration when granting permission for building new structures. Sumon Kumar Paul, By E-mail

Have we done enough?

According to a UN report, 17 percent of Bangladesh's land could potentially be submerged under water. Irregularities and corruption in the construction of dams and barrages are largely responsible, to some extent, for the current severity of the flood situation.

Also, powerful people have grabbed land adjacent to rivers, causing flood water to spread throughout localities. While we may not have much say over nature, we can at least mitigate the consequences of natural disasters when they occur and try to not make things even worse. Mohammad Dider, Jahangirnagar University