

## Making national elections meaningful

The responsibility devolves on all parties

ALTHOUGH he has stated the obvious, we welcome the remarks of the Chief Election Commissioner (CEC) that the next general election would be meaningless without BNP's participation. We want all political parties to participate in the election. However, beyond stating the obvious, the office of the EC will have to play a crucial role in the upcoming polls in that it must ensure the holding of a free and fair election by ensuring a level playing field. Confidence will have to be generated in all political parties by the EC, by deeds and not words.

However, as the matter stands now, the BNP chairpersons has put forward six conditions for participating in the election which have added a new twist in the current discourse on election. It could well be a tactic and these demands could be used as bargaining chips. Whatever it may be, the BNP should not forget the outcome of such demands in the past and what political dividends it got.

We hope that BNP will learn from the mistake it made then. By boycotting the elections on the issue of a non-partisan caretaker government, it had abdicated the responsibility that falls on it as a political party to represent a significant portion of the electorate in the parliament, thus depriving them of their right to vote. And that had done nothing to serve the cause of democracy in the country.

For its part the AL must realise that an election such as of 2014 will lack moral grounding. It must also help in generating confidence in the opposition by providing political space to the BNP to congregate and hold rallies, which is not the case now. As the ruling party, the primary responsibility falls on the AL to ensure conducive conditions for a participatory election.

## UNSC should visit Rakhine

If not now, when?

WE are not surprised to learn that Myanmar has asked the UN Security Council to not visit its conflict-ravaged Rakhine state this February because it was "not the right time." While Myanmar did not entirely reject the proposed visit, it wants it delayed to March or April. We wonder, if not now, when is the time right for global inspections into the crimes committed in the area? To Myanmar's government and military, the time is perhaps right only when all the evidence of its pogrom against the Rohingyas is already buried too deep to be unearthed.

The fact that Myanmar is hesitant to allow the international diplomatic corps to visit Rakhine state should reinforce and reaffirm the widely believed notion that the state forces of Myanmar were directly involved in the genocidal activities against the ethnic minority and, thus, the country is now trying to hide the traces of its misdeeds. That is all the more reason for the UNSC to visit the area.

The UNSC should not only visit the affected region but also pressurise Myanmar to hasten the Rohingya refugee repatriation process, and the repatriated refugees should be accorded full citizenship rights. In particular, the concentration camps it has built for returnee Rohingyas in Rakhine should be visited by the UNSC to see for itself the government's actual plans for the minority community.

## LETTERS TO THE EDITOR

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### Save Hatirjheel

The deteriorating quality of water in Hatirjheel is quite alarming. This project was supposed to be an entertainment site for the Dhakaites. Instead, it is beginning to embrace the fate of Buriganga River with its water getting dirtier and polluted, repulsing the visitors.

The authorities concerned should identify the causes of pollution and find ways to stop it. One of the major causes of pollution is that the water gets mixed with sewage. The authorities should look into this matter as soon as possible. At the same time, they should impose fines on throwing waste and directing sewage in the water. A task force should be created to maintain the lakes in Dhaka city.

Shafkat Rahman, By e-mail

### Safe blood transfusion

Recently, some newspapers have reported that many public hospitals around the country operate the blood transfusion process without the required medical tests. Such a practice is obviously unsafe and constitutes a grave threat to pregnant mothers and newborns.

According to the World Health Organisation, at least five tests are required for a safe blood transfusion. Receiving blood into one's body without having conducted these tests could be life threatening for the recipient. Therefore, such a practice is not acceptable at all. The authorities should take steps to ensure that all public and private hospitals strictly follow WHO's procedure while conducting blood transfusions.

Md Tarek Aziz Bappi, By e-mail

# FREEDOM OF THE SEAS

## A cornerstone of economic growth

Special Advisor to the Prime Minister of Japan, Kentaro Sonoura, recently visited Bangladesh to attend the inauguration of the construction work of a coal-fired power plant at Matarbari on January 28. In an exclusive interview with The Daily Star's Rezaul Karim, he talks about the Free and Open Indo-Pacific Strategy and its implications for the region.

**What is the philosophy behind the Free and Open Indo-Pacific Strategy?**

First of all, we are talking about the freedom of the seas, that is to say, anyone can have access to the seas. I believe this is a cornerstone of economic growth and is a view widely shared and recognised by the international community. No one can claim a sea or an ocean as their own, but matters pertaining to them must be handled through the rule of law.

The region encompassing ASEAN, Bangladesh, India, all the way up to the Middle East and also including Africa, hosts half of the world's population. In the 21st century, economic growth will mostly be driven by the countries of this region. The Free and Open Indo-Pacific Strategy (FOIP) is a basic strategy that we hope will maximise the economic prosperity of this region in the days to come.

The strategy has three core components. First, the freedom of navigation, as well as the rule of law related to that freedom, which must be recognised and respected by everyone. Second, it is to increase regional connectivity through the development of ports, harbours, roads as well as railways to enhance economic prosperity. And third, it is to address obstacles to prosperity such as natural disasters, piracy, etc.

We want to provide greater assistance to enhance the region's disaster response capacity and also improve its maritime security and capability. By extending all our support, we believe it would be possible to maintain peace and stability in the oceans of the Indo-Pacific.

**How does Japan view Bangladesh's role in the FOIP?**

When we look at the region that Bangladesh is a part of, you have China, which is the most populous country in the world, you have ASEAN, which is the growth centre of Asia, and you also have India, which is slated to become the country with the largest population in the future. Bangladesh is right at the centre of this whole region. So, you have an advantage in terms of the existing geopolitical situation.

Not only in geopolitics, you are now trying to pursue the Big-B initiative, which I believe is the concept shared by both Japan and Bangladesh. I believe both of us would utilise the sea or the ocean so that we will be able to see further growth moving forward. We will share the same values in that regard.

As I have been told, Chittagong port is in full capacity, which means your economy is very vigorous and revitalised. Just today (January 28), I have attended a ceremony inaugurating the construction work of the



Kentaro Sonoura

Matarbari Ultra Super Critical Coal fired power project. Matarbari is a wonderful initiative. And we wish to develop a port in Matarbari, so that we will be able to see further growth in the region. The port will become a major hub in that regard.

Furthermore, what is most important is that Bangladesh has already a track record of having resolved maritime boundary issues with India as well as with Myanmar through international institutions or tribunals, which means that amongst all the other things, Bangladesh places the greatest importance on the concept of the rule of law. Thus, we believe that Bangladesh can be one of our most important partners.

**How does Bangladesh benefit from participating in the FOIP?**

Let me ask you a question in return. Would you say that to build a big port will be advantageous to Bangladesh so that you will be able to further revitalise your trade? What do you think?

**Yes, that will be highly beneficial to the people and the country.**

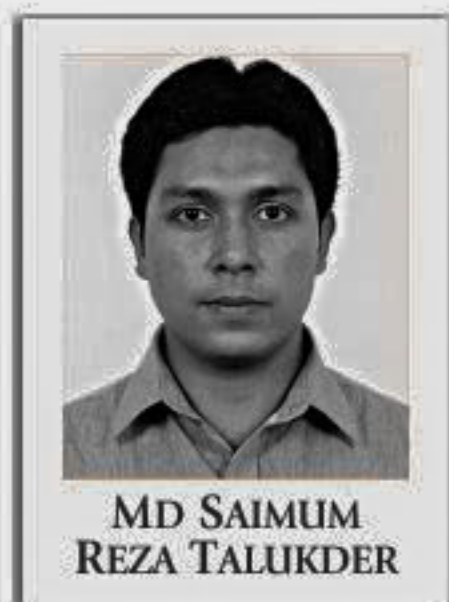
So, that will be the answer. As the economy becomes bigger, naturally you would need more electricity. And you have already started to import gas. So you would

have to import gas as well... meaning that if you are to bring in natural resources from outside and further bring prosperity to your economy... What has been produced in Bangladesh—you now need to export to the outside market. In order to make these things happen, you definitely need the three concepts I have just described. You need to have the rule of law based on the sea or the ocean that you will be able to utilise and everybody will be able to navigate on such a sea; and you will be able to have connectivity with different countries and markets in the world; and you need to be protected from obstacles such as acts of piracy, so that you will be able to have a free and open sea that you will be able to utilise for yourself. Wouldn't that be an advantage for Bangladesh?

I do feel the potential of Bangladesh. And because the people of Bangladesh are very friendly towards Japan and the Japanese people, I believe those are the reasons why we see an increase in investment by the Japanese businesses into Bangladesh these days. Although we did have a sad incident recently, Japan will never give in to terrorism. I hope that we will be able to closely work together to see further security and prosperity.

# Uncertainties Abound

## What the Digital Security Act leaves unsaid



BEING a visionary of Digital Bangladesh since 2008, our current government has achieved much success and overcome digital divides in order to ensure access to internet at the upazila/thana level in the country. With Robot Sophia's tour to Bangladesh, the upcoming launch of Bangabandhu satellite, the under-construction Bangabandhu Hi-tech Park, and emergence of app-based services like Uber and Pathao, the government is trying to keep pace with a growing tech-

approved the draft for the DSA. The use of the word "security" in the name of the law itself reminds us of the term "neoliberal legality" which includes enacting laws that enhance militarisation and securitisation in the online space by nation states in the post-9/11 era.

It remains unclear as to whose security the DSA is concerned about. Because the definition of "security" itself is not comprehensive in the draft of DSA (published in 2017). I could not find the latest draft online which has been approved by the Cabinet (or am I missing something?). After having browsed through different national daily newspapers, I got the idea that this draft is based on the one published in 2017.

Why this secrecy? Why keep citizens

Cybersecurity Strategy of Bangladesh (enacted in 2014).

One major loophole of Section 4 of the proposed DSA is that it might not have clearly defined the jurisdictional issues. Take for example, Mr X, a resident of Brazil, who has gained unauthorised access to the website of a British resident called Mr Y. X gained remote access to Y's web server through a hacked computer in South Africa while using a VPN service in Greece. Y hosts his website at a hosting provider in the Netherlands. X hacked the website in order to spread ransomware to computers that are vulnerable to a particular trait of Adobe software. Now imagine that the ransomware has infected the computers of thousands of people in Bangladesh,

addressed these core issues which are integral to our fundamental freedoms and right to privacy in the digital sphere. On the one hand, we are hosting fancy conferences in the presence of AI robots like Sophia, and on the other hand, we are not even ready to realise the benefits of technological development due to lack of updated and integrated national policies, strategies and guidelines.

According to the United Nations Human Rights Council (Resolution No. 68/167), all the rights ensured offline must also be ensured online. And one of the important aspects in ensuring these rights offline is "due process." Due process says that established laws and principles must be followed during any official act to ensure that the individual's rights are not infringed upon. The same well-established principle of law is also applicable online, which is known as "digital due process." But the DSA does not address this crucial aspect. For example, there is no mention of purpose specification, purpose limitation, privacy by design, safety of cloud storage, etc. These are essential elements needed to protect the privacy of communication and associated data, while allowing surveillance by government agencies to enforce the laws, respond to emergency circumstances and protect citizens.

The DSA is also silent about the principle of necessity, principle of legality and principle of legitimate aim which the judiciary can invoke while reviewing restrictions on freedom of expression online put in place by the state. Moreover, the law seems totally absent of the issues of politics of algorithm, digital divide, net neutrality, etc., which are some of the burning issues in a post-Brexit and post-Trump world. The proposed law also seems to be unaware of the sovereignty of nation states in the internet—which is a recent topic of debate around the world.

I hope that the government takes into serious consideration making the draft available online so that citizens can read, scrutinise and share their thoughts on the draft. I also hope that the government accommodates constructive suggestions in this proposed law in order to make it a rights-based, inclusive and comprehensive statute.

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savvy world in which Artificial Intelligence and Big Data are some of the core aspects of the Fourth Industrial Revolution.

But the government also seems interested in capitalising, regulating and securitising the online space more and more which might lead to curtailing of fundamental freedoms of citizens online. At a time when debate on the problematic Section 57 of the ICT Act hasn't yet died down, the proposed (and Cabinet-approved) Digital Security Act (DSA) is the latest addition to this controversy.

One wonders why the government despite having a similar law—ICT Act 2006 (amended in 2009 and 2013)—has

in the dark? "Security" is a strong word which has social, political, economic, cultural, historical and technical aspects which, in view of human security, seem to be missing from the DSA.

DSA also lacks a comprehensive definition of the words "cybersecurity" and "cybercrime." It also does not include non-legal taxonomies of cybercrime which are cyberpiracy, cybertrespass, cybervandalism, sextortion, sexting, cyber-based violence against women, etc. So how can we expect that the DSA will protect citizens and the government from multidimensional cyber threats? Moreover, it is still not clear how far the DSA is aligned with the National

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the US and Germany. Infected computers connect through Tor to a command-and-control server which has been hosted at a hosting provider in Bulgaria. And X himself connects to his server through his VPN server in Greece. Now, in a situation that is so highly complex, which law will apply? Bangladesh's laws or the laws of those countries? The DSA remains unclear on such issues.

The Fourth Industrial Revolution is the age of intelligent machines and networks. Artificial intelligence, virtual and augmented reality, Internet of Things (IoT), machine learning, Big Data and net neutrality are some things that no nation can overlook in this era. The DSA, however, seems to not have