

The Daily Star

FOUNDER EDITOR
LATE S. M. ALI

DHAKA FRIDAY AUGUST 20, 2021, BHADRA 5, 1428 BS

Any law on data protection must respect data privacy

Such laws must not be used to infringe on individual rights

THE protection of personal data in the modern world is a complicated and contentious issue, especially when there is increasing evidence not just of spyware and surveillance technology accessing our data in the most insidious ways, but of big tech companies collecting and mining user data and potentially having the power to store more personal information of a country's citizens than their own government. After the 2018 Cambridge Analytica data scandal, there has been a growing debate on how much information is too much, and what governments can do to ensure they are able to protect the personal data of their citizens.

Against this backdrop, it is safe to say that there is a strong logic behind countries playing a more involved role in the protection of data generated within its borders and preserving data sovereignty. However, the best way to go about it is still being debated, and there are still questions of whether this is even realistic—given the nature of big data—and whether it would be ethical for governments to have more control over the personal data of its citizens either.

Now that Bangladesh is drafting a new data protection act, these differing views must be taken into account with the utmost seriousness. According to the minister of post and telecommunication, this law will address three major gaps—it will allow the authorities to take action against social media companies, fulfil the need for a law on data protection, and enable the protection of people's privacy. Given that Bangladesh is one of the 25 countries in the world with no laws on data privacy and protection (according to the United Nations Conference on Trade and Development's tracker), experts have recognised the need for legislation in this area.

However, experts and rights activists have also expressed concerns that the new law will focus less on data protection, and instead be used more as a tool of surveillance on social media. In India, we have already seen the authorities use similar data protection laws to infringe on individual rights—for example, by suspending Twitter accounts of journalists, media outlets, and politicians during the country's farmer protests, and blocking hundreds of pro-farmer tweets that were deemed "controversial" by the government. What safeguards will be in place in Bangladesh to ensure that the same does not occur, especially when the draconian Digital Security Act has already been wielded by the authorities to suppress dissent?

There is definitely a lot of merit in formulating data protection laws, but there is a lot of scope for misinterpretation and misuse as well. Any such laws created in the country must have the ultimate goal of protecting the privacy and data of users from anyone, including state actors. The precedent set so far in this regard is not an encouraging one—according to experts, the existing Data Privacy and Protection Regulation 2019 does not provide enough checks and balances to protect data from state actors. We must remember that personal data of any individual is personal property that cannot be misused by private companies or by the state. Whatever steps Bangladesh takes, our government must guarantee individual rights are not infringed upon, as guaranteed by the Constitution of Bangladesh.

Migrant workers forced into quandary over flight home

Why the dire lack of coordination between different organs of the state?

AS if migrant workers are not already suffering enough due to unemployment and underpayment/non-payment of salaries during the pandemic, those in Malaysia have now been put in the middle of a brand new dilemma—that too by the Civil Aviation Authority of Bangladesh (CAAB) and the Bangladesh High Commission in Kuala Lumpur. CAAB, as reported in this daily, had issued a circular on August 16 stating that "Bangladeshi citizens have to be fully vaccinated against the novel coronavirus 14 days before the travel date for their return home by flights." It also said that those who were not fully vaccinated would need special authorisation from the Bangladesh foreign ministry in order to be allowed to fly back home.

Naturally, this caused migrants in Malaysia to crowd the Bangladesh High Commission offices. However, once there, they were reportedly turned away by officials who claimed that the travellers would not need any special approvals to fly back to Bangladesh. Some officials even said that the CAAB circular had been withdrawn. But when Bangladesh's deputy high commissioner in Malaysia was contacted by *The Daily Star*, he contradicted this claim, saying the circular remains effective, and that there must have been some miscommunication about it.

The deputy high commissioner has since assured us that an announcement would be made clarifying that migrant workers will need to be fully vaccinated before they can travel to Bangladesh. However, we must ask why and how the misinformation—about migrants being allowed to substitute a special approval from the foreign ministry for full vaccination—came to be placed in the CAAB's circular.

Do instances such as these not signal to the neglect with which issues of Bangladeshi migrants abroad are handled by the authorities here? Because of this lack of coordination between the CAAB and Bangladesh High Commission in Kuala Lumpur, our migrants in Malaysia, who have been waiting for months to come home (many of whom have lost their jobs or work permits recently, or just come out of jail) are now facing unnecessary hassles. Some are having to spend money on hotel stays as the process of returning to Bangladesh has been made so complicated.

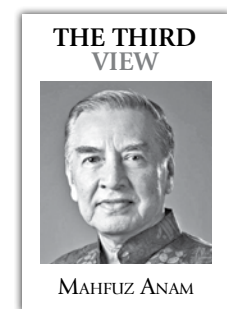
We would urge the authorities at home and in Malaysia to coordinate with each other before issuing such notices, so that migrants do not get caught in the middle of such confusions. We would also ask them to make it easier for Bangladeshis to return home, perhaps by reverting to the previous process of undergoing PCR tests to detect Covid-19 and obtaining a negative certificate and then quarantining for 14 days once they are in Bangladesh.



The Taliban victory proves, if proof was at all necessary, how the presence of foreign troops is hated everywhere in the world.

PHOTO: AFP

Taliban takeover of Afghanistan: Its meaning and implications



THE THIRD VIEW

MAHFUZ ANAM

HISTORY unfolds in ways that may appear to be totally incomprehensible to us. It may not fit into our logic, may appear to be contrary to the facts that are at hand and our own analysis, which, often guided by our prejudice, may have indicated a different outcome. But as the dust settles and we understand things better, the outcome looks quite inevitable. That is how the Taliban takeover looks as we unearth more and more facts—inevitable. It is up to us now to understand the meaning of their victory, its regional and global significance, its ideological impact on the short term and the long term and what implications it has for us in Bangladesh.

Two fundamental realities must guide our present thinking: The importance of the Taliban victory and how the US, a superpower, will digest this humiliation and defeat and what course of action it will take.

Let me address the second aspect first. Let us not forget that the US is a superpower and in some ways the only one for the moment. For them, it is very hard to live with the fact that a rustic, village-based community, with a backward economy in every sense, with little training in modern-day warfare, with no airpower, no latest weaponry, no tank, no laser-guided missiles, no night-vision equipment, no drones, no helicopters, and wearing only slippers and their traditional dress and carrying powerful automatic rifles—the only signs of modern weaponry—sent the US and NATO armies packing, invoking the memory of the US' ignominious flight from Saigon 46 years ago. It is very hard to digest this reality, especially for a superpower like the US, that lives with a daily diet of "we are the best" slogan.

I mention this first because I anticipate that the immediate post-Taliban period will see efforts by the US and its Western allies to make the Taliban takeover look as bad as possible. They will try to highlight every flaw and shortcoming in the Taliban operation, notwithstanding the fact that so far six days of takeover have passed without much violence or law and order issues, which are inevitable in case of a shifting of power of this magnitude. This they will do—the CIA, starting from the 50s, has 70 years of experience in that—to justify their 20-year presence in Afghanistan. The fundamental weakness of the Afghan society is its ethnic divide which every external power tried to exploit over the centuries. Hopefully, the new Taliban regime will be extremely conscious of that vulnerability and act accordingly.

From the US perspective, the 20-years narrative of "caring" for the Afghan people and "helping" them to modernise and build a society of freedom and democracy cannot be allowed to just vanish into the thin air. Otherwise, the whole architecture of the "white man's burden" in its modern-day version loses credibility, especially for its, God forbid, future use.

The decision to invade Afghanistan was taken by George W Bush following the bombings of New York's Twin Tower and Pentagon by Al-Qaeda. Though there was not a single Afghan in the 19-member squad that led to the 9/11 attacks (in September 2001)—there were 15 Saudi

men led by an Egyptian among them—yet, the Bush administration decided to invade and occupy Afghanistan because it refused to hand over Osama Bin Laden to the Americans. US and UK military began bombing the country in October, 2001.

It was more like "how dare the US has been attacked"—that too in its mainland, something that had never happened before, and so someone and the country that supports or shelters them have to pay. The man—Osama Bin Laden—was the self-proclaimed perpetrator and the country, Afghanistan, the shelter-giver to Bin Laden, became the recipient of US' wrath and thus the invasion of a country began. Bin Laden escaped to Pakistan and was later killed by the US forces in 2011.

The quick victory over the Taliban and its removal from power gave the Americans a premature feeling of having prevailed. The Taliban withdrew and returned to fight another day and win.

What the Americans would now find harder to digest, more than the Taliban takeover—as that was being discussed in Doha for the last few years—is the manner of the takeover and collapsing of the edifice—the Afghan army—that the US military built over a 20-year period spending nearly a USD 100 billion to train and equip. No country, leave alone a superpower, can take defeat well. The Americans are especially vulnerable in

millions of dollars for doing what the regular army was supposed to do, without any of the motivations and institutional disciplines that military institutions usually are known to have.

The vanishing Afghan army speaks more of the American training than of the Afghan soldiers. How can it be that as soldiers in the army under US training they disappear without any fighting and the same Afghans under the Taliban take on the mighty US and fight like lions for 20 years or less? As the US leaders search for an answer for the debacle, they should focus their attention internally, to their very institutions and investigate the US army itself, how it worked in Afghanistan, what were the role of the private companies, who were paid what and how.

Let none of us lose sight of the enormity of this event. After Vietnam, this is the first time that the Americans have been defeated in the battlefield by a guerrilla force. And unlike the Vietnamese, who were helped by the Russians and the Chinese, the Afghans did not have such generous patrons.

A rustic army comprising of tribal people got together and defeated the mightiest power in the world over a period of 20 years. The US had everything—money, power, literally the whole of the Western world behind it, not to speak of the latest technology, the most

world. Every country, in whatever stage of development, hates foreign domination. However it be packaged and whatsoever be the narrative of "helping", "assisting", "caring", etc. the presence of foreign troops generates resentment which develops into hatred and finally into a desire to resist, and if compelled, through force. Each time the US air force flew sorties, each time a drone destroyed a house, each time US troops fired at an Afghan, it became a recruitment event for the Taliban.

To give some credit to the Americans, they seem to have understood this reality some time back, and hence started talking to the Taliban, initiating the Doha talks which reached its highest level in 2019 with US special envoy Zalmay Khalilzad and top Taliban leader Mullah Abdul Ghani Baradar leading their respective sides, reaching an "agreement in principle" when former President Trump, quite inexplicably called off the peace talks and cancelled a secret meeting at Camp David with Afghan President Ashraf Ghani. In February 2020, a "Path to Peace" agreement was signed and the first peace talks between the Taliban and Afghan government in 20 years was held in Doha. In April 2021, Biden declared complete troops withdrawal by September 2021.

Well, the world didn't have to wait till then. The US's longest war in recent history ended as the Taliban took control of Kabul without any resistance.

The Taliban victory has tremendous significance for our region. It will definitely have Pakistan and India competing intensely for their attention. Here Pakistan may appear to have an edge, but India's considerable presence in infrastructure building in Afghanistan will not be something that the new rulers will ignore. Pakistan will focus on expeditious return of the three million refugees that have been living in Pakistan ever since the Soviet invasion of 1979 when their 10 year occupation began. India will keep a keen eye on how the Kashmir situation is handled by the Taliban, who have declared that they will not let their territory be used to meddle in other countries' affairs. They have assured the Chinese about their total non-interference about the Uyghurs. The Russians have their concerns about the Chechens, and here also, the Taliban appears to have calmed their nerves. It is too early to predict, but so far the dealings have been matured.

As for Bangladesh, we need to observe the situation carefully and move as it unfolds. About recognising them, we should go slow but definitely not close our mind to doing so, especially if they are able to form an inclusive government, taking in the other ethnic groups that inhabit their land. Their internal and external policies will definitely be a strong guiding factor for our actions in Bangladesh.

The thing to remember is that the external factors behind the Taliban coming to power are different this time around than in 1996, especially the part played by Saudi Arabia and its brand of Wahhabi Islam. In fact, Saudi Arabia itself has undergone changes.

The Taliban appears to have learnt a lot in the last 20 years since they were last in power. They are a far more nationalistic force than they were in 1996, and we should expect them to focus more on their own development than meddling in other people's affairs.

What Vietnam proved 46 years ago to the US—after fighting there from the late fifties till 1975—Afghanistan proved again in 2021, that with all the sophisticated technology and limitless resources in hand, one cannot suppress the human spirit. It was Afghan nationalism, expressed through faith, that prevailed over unthinking arrogance, disdain for a people's way of life, very low impression of another people's culture and tradition.

these situations. "It can't be their fault", and so a scapegoat will have to be found.

Questions are being raised about who the Americans were training, and what level of efficiency, commitment and loyalty they were generating in these soldiers. Though the Americans are now trying to say that the Afghan national army did not want to fight to defend their country and were not committed, the real story is that the US trainers just did not see the writing on the wall. The government that these soldiers were supposed to defend did not enjoy public confidence, and the leaders for whom they were supposed to lay down their lives were corrupt to the core, many holding foreign passports and having their families living abroad. Nothing could depict the bankruptcy of the government leaders more than its head, President Ashraf Ghani, fleeing the country with a helicopter full of foreign currency—which he later denied. I think this one incident says it all.

It had been frequently reported that at the grassroots level, the ordinary soldiers were ill-paid if at all, not regularly given ration, and most often served under corrupt seniors. Didn't the US trainers know that? If not, then how come? And if yes, then what did they do about it. What was the role of the intelligence bodies? Were the trainers from the US army, or were they outsourced to private mercenary groups like the Blackwater who made

sophisticated communication systems, the extensive network of satellites to monitor the Taliban's every move. With the addition of drones, the Americans, to kill the "enemy", had only to press a button, sitting in an air-conditioned room in any part of the world, most probably in the US, and not having to take the trouble of going to the war-zone. This press a button warfare led to indiscriminate killings of Afghan civilians, including women and children, especially when the rules for air strikes were relaxed.

What Vietnam proved 46 years ago to the US—after fighting there from the late fifties till 1975—Afghanistan proved again in 2021, that with all the sophisticated technology and limitless resources in hand, one cannot suppress the human spirit. It was Afghan nationalism, expressed through faith, that prevailed over unthinking arrogance, disdain for a people's way of life, very low impression of another people's culture and tradition. Not that everything about culture needs to be preserved, nor every aspect of tradition to be eulogised, but whatever change that needs to be brought about—and change must come in tune with the process of modernisation—cannot be done through imposition and foreign occupation. All changes must come from within, through a nation's own experiences and thinking.

The Taliban victory also proves, if proof was at all necessary, how the presence of foreign troops is hated everywhere in the

.....
Mahfuz Anam is Editor and Publisher, *The Daily Star*.