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ICJ's fresh hearings into Rohingya case

The world must come together for the cause

WE welcome the International Court of Justice's initiative to start a fresh round of hearings into the Rohingya genocide case filed by the Gambia over two years ago. The hearings will be held in two rounds starting from today. The Gambia, on behalf of the Organisation of Islamic Cooperation (OIC), filed the case in November 2019 with an aim to bring Myanmar to account for its genocidal actions against the Rohingya. The court, after holding a preliminary hearing, found the claims to be substantial and ordered Myanmar to take provisional measures to prevent further acts of genocide in the Rakhine State. Two years have passed since then, but Myanmar has not taken any such measures yet. It has not taken any initiative to grant citizenship or ensure other basic rights of the Rohingya.

According to Fortify Rights, in October 2016 and in August and September 2017, the Myanmar military deployed more than 11,000 soldiers who, along with police and civilian perpetrators, systematically massacred Rohingya men, women and children, raped Rohingya women and razed several hundred villages in all three townships of northern Rakhine. In August and September 2017 alone, some 750,000 Rohingyas fled to Bangladesh and joined some 300,000 others who had fled waves of violence since the 1980s in Rakhine. The UN Independent Fact-Finding Mission also made a confidential list of more than 100 individuals suspected of being involved in genocide, crimes against humanity, and war crimes. However, the UN Security Council failed to take any actions against Myanmar.

Against this backdrop, the case filed by the Gambia was seen as a big achievement. But the proceedings could not get momentum due to various reasons. The Suu Kyi-led government in Myanmar had raised objections early last year over the eligibility of the Gambia in filing the case. But later, after the country's military seized power, the National Unity Government led by Suu Kyi withdrew all preliminary objections to the case and accepted the jurisdiction of the ICJ for hearing the allegations. In fact, the NUG is now trying to gain international recognition by cooperating with the ICJ. Reportedly, it has many secret documents proving the military junta's genocidal intent, which can establish the genocide case in the ICJ.

Therefore, the start of fresh hearings into the case gives us hope for justice. According to experts, the Myanmar military is now under serious international pressure, and even the ASEAN is not including it in its meetings. So, we think this is the right time for the international community to work together for the case of Rohingya justice, their citizenship and repatriation.

Lifting Covid restrictions doesn't mean lowering our guards

We urge caution and clarity

THE government's decision to lift all Covid-19 restrictions, however poorly implemented, comes as a relief as it means resuming, with greater confidence, what has been a frequently halted journey back to normalcy. After two years of living with varied degrees of restrictions—like maintaining social distancing, no congregation, no school or college, no public train/bus service, work from home, and so on—people are set to feel the taste of unrestricted life. However, the rule of wearing masks outside home will remain as a safety precaution.

The government decision comes following a steady decline in coronavirus transmission, with a 7.82 percent positivity rate recorded on Sunday. We're hopefully seeing an end to the Omicron scare which saw cases shoot up since early last month. It makes sense then that instructions have been given to reopen schools (secondary and higher) from today and primary schools on March 1. Understandably, all higher educational institutions will follow suit and all offices, both public and private, will go back to their pre-restriction routine. This will provide the citizens with the opportunity to rebuild their economy and education sectors, the two worst affected areas after public health.

True, there has been widespread criticism over the government's handling of the Covid crisis since its outbreak in early 2020, but its response after the emergence of the Omicron variant, especially the ramping up of the vaccination drive, has been largely satisfactory. So far, 10.25 crore people, or around 86 percent of the target population, have been vaccinated with the first dose. The government has already introduced booster doses, initially for senior citizens and frontline workers, and is mulling vaccinating children under 12. The latter move, once underway, will help pre-teen students get back to their classrooms.

The danger, however, is not over, far from it actually. Although the positivity rate has fallen, people are still vulnerable to infections and attendant health challenges. A total of 21 Covid patients died in the 24 hours till 8 am on Sunday, raising the total number of Covid fatalities to 28,965. This is a time when we, all of us, need to be careful to make sure the declining positivity rate is not turned around. The media must play its role to increase vaccine awareness. The public must continue to wear masks and follow other health guidelines with due seriousness. And equally importantly, the government must bring all citizens under the vaccination coverage as soon as possible—thereby increasing the immunisation rate—and send a clear message about the importance of continued mask-wearing and social distancing. Letting our guards down before the virus is fully eliminated may prove to be perilous.

Can ACC salvage its self-inflicted reputational damage?



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SINCE its creation in 2004, the Anti-Corruption Commission (ACC) has always faced trust and credibility issues. The key question is whether it can genuinely and consistently deliver its legally and institutionally entrusted mandate of effectively controlling corruption—going beyond chasing petty corruption of the small fries to hold accountable the “big fish” behind grand corruption. While the ACC may have become used to its credibility deficit by now, never before has it taken as deep a nosedive in its self-image as around the dismissal of one of its own investigation officers, Deputy Assistant Director Sharif Uddin, on February 16, 2022.

According to the media and other trustworthy sources, Sharif Uddin took upon himself the challenge of investigating and taking legally entrusted actions against some key perpetrators of grand corruption within his Chattogram and Cox's Bazar jurisdiction. He has been efficiently and courageously involved as a key person in investigating and taking action against some very powerful corrupt syndicates. He brought into his net dozens of corruption cases in which syndicates of politically influential people—including public representatives and mid-to-senior-level public officials including members of the law enforcement agencies—were involved as key actors. The amount of money estimated to have been illegally usurped runs into thousands of crores of taka.

His actions, unsurprisingly, made him a target of vengeance of these powerful groups, some of whom not only lodged motivated complaints against him to the ACC but also threatened his job and life. Such risks for conducting a genuine investigation into grand corruption are not unusual in Bangladesh, but what has shocked everyone is that the duty that Sharif was discharging—as per his job description, and with courage, commitment and professionalism—apparently also made his employer itself so uncomfortable that he had to be dismissed.

Instead of acting against the threats against him and ensuring his safety, the ACC opted to apply a controversial provision of its service rules whereby his appointment was terminated without any reason shown. The issue of the

legality of the provision 54(2) of the ACC service rules 2008 is pending in the court. Even if one assumes, for the sake of argument, that the court verdict goes in favour of ACC's jurisdiction to retain such a provision, whether or not this can be applied to Sharif's case will remain debatable. The underlying justification and

“grievances” of those investigated by him, which is, clearly, an issue of conflict of interest.

Be that as it may, no one is above unaccountability, and hence, as efficient and courageous as he may be, if Sharif is found guilty of misconduct in the due process, he should face disciplinary action proportionate to the offence, if established in the due credible and unbiased process. The question is: since the ACC claims it to be a disciplinary issue, why did he have to be dismissed without being allowed the mandatory right to self-defence?

According to credible sources, Sharif Uddin's annual performance assessment was consistently of high-grade. But this took a U-turn when his investigations raised eyebrows within the ACC, which also raises the question whether it was part of a design to victimise Sharif and whether there are vested quarters at the higher management level in ACC who are amongst the protectors of the politically and administratively linked sections of the corruption syndicate whose impunity Sharif proceeded to challenge.

A sense of job insecurity among a large section of the ACC staff following Sharif's dismissal led to an unprecedented act of protest which has subsequently taken the course of organising themselves to establish their job-related rights. This speaks volumes about the extent of management weaknesses within the ACC—a matter of grave concern for the organisational effectiveness of this organisation.

The dismissal comes as an acid test for the commission. A critical question that ACC needs to ask itself is what it means by “reputational damage”. Even if all the reported allegations against Sharif were proved valid, and actions duly taken, any potential harm thus caused would be peanuts compared to the huge reputational gain that the ACC could have achieved if it could take action on the basis of the progress he made towards holding to account the powerful syndicates of grand corruption.

What the people would like to know is, while it was expected of the ACC to stand by Sharif and ensure his full protection in the discharge of his duties, why has the commission taken the course of outright dismissal and thereby put at risk their reputation and credibility in the eyes of the public? Was the ACC afraid that if it didn't get rid of Sharif, and if it allowed the accountability process against the said powerful syndicate to continue, the higher-ups in the ACC could also be a target of vengeance of the same powerful forces within or outside the ACC?

It remains to be seen if and how the ACC tries to salvage its self-inflicted reputational damage.



Corruption will be harder to combat if ACC officials are not empowered to do their job.

ILLUSTRATION: COLLECTED

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standard organisational practice of such a provision of termination, without the mandatory requirement of issuing show cause, are that it can be applicable on a “no foul, no harm” basis usually warranted by compulsions like budgetary constraints or organisational restructuring causing the redundancy of the relevant position of the staff. The ACC has not given any indication that such factors could be in play.

After an initial reluctance to disclose why the dismissal took place, when the ACC decided to do so in the face of media pressure and public expectations, it moved the goal post and conveyed the message that there were complaints against Sharif that could cause reputational damage to the ACC. But again, it didn't disclose any specifics nor the process adopted to address those complaints, and whether Sharif was given his right to self-defence. Note that while the ACC may not need to allow the right to self-defence if clause 54(2) is applied, it does become mandatory under 40(6) of the same service rules if the dismissal occurs on the ground of accusations brought against him. By ACC's own admission, the claim that the termination took place under 54(2) was thus made untenable, because it is no longer a case of 54(2) but one of disciplinary action on unsubstantiated grounds.

By the time the ACC was constrained to further open up on this, over a dozen complaints were mentioned on each of which, according to media reports, Sharif had specific grounds of self-defence which were not heard. In addition, many of the allegations against Sharif were reportedly drawn upon the

Unlearning helplessness



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THERE was little cause for geopolitical optimism in 2021, and this grim trend has continued at the start of 2022. Almost every month over the last couple of years, a fresh emergency has dominated the news, contributing to a sense of a mounting tide of crises that threatens to overwhelm us.

The world is struggling to cope simultaneously with the seemingly endless COVID-19 pandemic, the rise of illiberal forces in many countries, the failure of international interventions that were supposed to stabilise conflict-ridden regions, rising great-power tensions, and military buildups in key territories. Beyond these immediate concerns, the impact of climate change, a major long-term threat to humanity, has become all too tangible—and political leaders have yet to mount a sufficiently forceful response. Who could be blamed for feeling overwhelmed?

In the eyes of many citizens, politicians seem far from getting a grip on today's urgent problems and steering the world away from catastrophe. And the seemingly endless series of crises threatens to erode the public's confidence that they and their political leaders can shape a better future.

The current malaise arguably resembles “learned helplessness,” a phenomenon first described by the psychologists Martin Seligman of the University of Pennsylvania and Steven Maier of the University of Colorado in the 1960s. In an experiment, Seligman and Maier were surprised to find that

dogs that were conditioned to expect an electric shock after hearing a tone did not try to escape it, even when, in a later setting, they could do so by jumping over a small barrier. The animals, the psychologists reasoned, had learned that no matter what they did, they could not control their fate. So, they just gave up—despite having the chance to escape.

Seligman and his colleagues compared the dogs' behaviour to the symptoms exhibited by depressed people, and suspected that clinical depression results from a real or perceived lack of control over the outcome of a situation. The same may be true of groups. Smaller or larger groups of people, and perhaps even whole societies, may collectively come to believe that they are unable to effect positive change and, as a result, stop trying.

If so, the recent sequence of crises, and political leaders' apparent inability to cope with them, may be fostering a form of collective learned helplessness. According to new data from the Munich Security Index 2022, based on public-opinion surveys in the G7 countries and the BRICS (Brazil, Russia, India, China, and South Africa), those who agree with the statement that they feel helpless in the face of global events constitute the largest group in all the countries polled. In the democracies surveyed, the “helpless” are in the majority: 57 percent of respondents agree with the statement, while only 12 percent disagree. China is the only country among the 12 in which more than a quarter of respondents (27 percent) disagree with the statement. Similarly, although the figures are in general slightly lower, majorities or pluralities of respondents in all 12 countries agree that their countries have no control over global events.

Of course, one might ask why anyone should believe that they or their countries can steer global events. But the promise of control, even if an illusion, has been a

crucial element of politics in the modern age, when human beings, rather than God or fate, are supposed to be pulling the strings.

This helps to explain why the widespread perception of a loss of control, and a longing to regain it, are key political themes of our time. Slogans such as “take back control,” “America first,” “strategic autonomy,” and “European sovereignty” all reflect the same underlying impulse.

The danger is that a widespread feeling of collective helplessness risks preventing the world from addressing the most important crises until it is too late. Societies overwhelmed by a wave of emergencies may end up meekly accepting what happens to them, even though they have the tools and resources to change it. In many countries, for example, people do not believe that the international community can successfully mitigate climate change, or do not trust others to do their fair share.

But while today's challenges are huge, our ability to cope with them will depend to a significant degree on our self-perception. Do we really believe that we are collectively helpless? Or are we willing to use our collective resources and intensify international cooperation because we believe we can turn the tide?

Above all, political leaders need to show that we can collectively “unlearn helplessness.” Despite—or perhaps because of—the challenges liberal democracy faces, leaders need to inspire a new sense of confidence at home and abroad that they can tackle the crises in front of us.

And there is a silver lining. Notwithstanding all the angst about the future of democracy, Munich Security Index data also show that people still think democracies are better able than undemocratic countries to solve the problems of the future. Now they need to prove it.

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