

## A day that only highlights our inaction

### Promises to protect our rivers remain unkept

IT is a great shame for us that, while observing another International Day of Action for Rivers, we have so little meaningful action to show for as far as the conservation of our rivers is concerned. A photo showing the pitch black water of the Shitalakkhya River and its distributary, the Balu, published in this newspaper on March 14, 2022 to mark the occasion, bears witness to how calls for preventing the unscrupulous dumping of untreated effluent from upstream industrial plants into the river have fallen on deaf ears.

Unfortunately, this apathy by the authorities seems constant in regards to most of the rivers in Bangladesh, despite an array of High Court orders directed at them to devise a strategy to protect our rivers. For example, according to a report in this daily, nearly 100 acres along the two banks of the Buriganga River remain filled up even after the installation of boundary pillars. Although sporadic drives by the Bangladesh Inland Water Transport Authority (BIWTA) have managed to remove some of the structures constructed on the encroached land, influential people continue to occupy significant portions of the riverbed. Additionally, there are around 90 shipyards along the Buriganga, all of which were set up filling the river mainly between 2015 and 2020.

Since 2009, the High Court has repeatedly directed the authorities to demarcate the original territory of the Buriganga—as well as the Turag, Balu and Shitalakkhya—and restore them to their original state, and protect them against encroachment and pollution. And in a 2016 verdict, the court termed river-grabbing a criminal offence. Why is it that according to the National River Conservation Commission (NRCC), there are more than 50,000 river grabbers in the country? The only explanation is that the authorities have not taken any significant deterrent action against encroachers—particularly against those who are powerful—to set a strong enough precedent.

And thus we return full circle to the crux of the matter. Despite repeated calls by the High Court, environmentalists and people in general, the authorities concerned have failed for decades to take necessary action to protect our rivers. Time and again, we have seen different state bodies shift blame from one another for such failures, even though all of them are at least partially responsible. Therefore, we reiterate our call to the government to come up with a concrete plan of action to protect our rivers—including a realistic timeline of action—and hold the authorities concerned responsible for their failure to follow through.

## Human lives matter little to bus drivers

### And to the law enforcers who turn a blind eye in exchange for bribes

THE sight of a bus taking sharp turns on a busy road to get ahead of another bus to pick up passengers is common in Dhaka. It matters little to the first bus driver if a pedestrian comes under the wheels of his vehicle and gets killed in their mad rush.

What triggers these bus drivers to behave in such a reckless manner on the roads, where lives of the pedestrians are in question? On the one hand, underpaid and overworked as they are, these drivers know they have to earn enough to pay the owners of the buses—otherwise they may lose their jobs. They also have to pay their assistants from their cuts, to say nothing of the law enforcement personnel whose palms have to be greased regularly.

A report published in this daily says that around 5,500 passenger buses under 110 companies operate in and around Dhaka. The owners claim they pay on average Tk 1.8 crore in bribes every month to those who manage the city traffic. Emboldened by the corrupt practices, drivers ignore traffic rules and engage in overtaking one another to pick up as many passengers as they can to maximise profits. According to Bangladesh Jatri Kalyan Samity, about 54 percent of the crashes in Dhaka last year involved buses being driven dangerously, and 5.33 percent of the crashes in Dhaka take place due to rash driving.

We believe a great deal has been reported on road accidents in all forms of media over the past decade, with the hope that the recommendations put forward by experts would be taken into cognisance, and a proper action plan would be put in place by the road safety authorities. But the relevant authorities fail to arrest rogue drivers and seize the unfit vehicles as the owners have already paid a “package” to them. Our report mentions a former assistant commissioner (traffic) of Dhaka Metropolitan Police, who admitted that the bus companies bribe the police because most buses don't have valid documents, and many drivers don't have valid driving licences. But, surprisingly—or perhaps, unsurprisingly—some current bosses of the DMP said they never found any evidence supporting such allegations.

Road accidents in Bangladesh see deaths of nearly a dozen people every day because of reckless driving. This cannot go on forever. We urge the government to investigate the allegations of corruption in the law enforcement and take exemplary action against them. It's high time we started holding the stakeholders accountable for the deaths on the roads.

# Kudos to Information Commission

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SHAMSUL BARI and RUHI NAZ

THE Information Commission of Bangladesh delivered a much-awaited decision on March 8, 2022, and a much-needed shot in the arm of the right to information (RTI) regime in Bangladesh. The commission displayed objectivity in applying a key aspect of the law—that which pertains to the government's legitimate need to exclude some sensitive information from disclosure to the public.

The decision related to a complaint case dealt with by the Information Commission earlier in the year. It arose from an RTI request of a Bangladesh national to the police authority for some statistics on the application of the Digital Security Act (DSA). The police denied the request, arguing that disclosure of the requested information would obstruct enforcement of law, incite offence, endanger public security, impede judicial process, and affect investigation. Provisions of Section 7 of the Right to Information (RTI) Act, which provided for such exemptions to public authorities, were cited.

The complainant challenged this contention and argued that the exemptions did not apply to his request, as he had simply asked for official statistics, much of which was already available in the public domain. In its decision on March 8, the Information Commission concurred with his position.

We cited the case in our last column (*The Daily Star*, February 15, 2022) when the commission's decision was still pending. As we await the release of the full text now, we fervently hope that it lays out the respective arguments of the two sides, provides an in-depth analysis of the legal issues raised by them, and explains the reasoning behind the commission's decision. Such an exposition will be immensely helpful to inform the public about different aspects of the non-disclosure provisions of the law, and how their misuse could undermine its fundamental objectives.

The need for such understanding applies to all sides. It must be realised that the RTI Act makes a clear distinction between two categories of information available with the public authorities. The first category includes



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those that are important to assess transparency and accountability in their work, and the second comprises those that are exempted from disclosure under Section 7 of the RTI Act to safeguard public interest.

Obviously, RTI users are more inclined to see most information available with public bodies as belonging to the first category. On the contrary, the designated officers of public bodies dealing with RTI requests are naturally inclined to see them as belonging to the second category, and thus susceptible to refusal. It is important, therefore, for the two sides to understand the extent, scope and rationale of the exemption clauses provided under the law, and avoid any possible impasse.

To facilitate such understanding, it may be best to group the 20 subsections of the law's Section 7 into broad categories, based on the objectives they seek to safeguard. Here is our take: i) Information related to national security, integrity and sovereignty; ii) Information related to foreign policy and relations with other countries; iii) Information related to the national economic interest and other relevant issues; iv) Information related to law enforcement and judicial processes; v) Information related to trade secrets

## Deciphering Dhaka's stance on Ukraine

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BANGLADESH has once again found itself as a target for Western ire, following its abstention from voting on a resolution condemning Russian military aggression in Ukraine, during a rare emergency session of the UN General Assembly that took place on March 2, 2021. Considering Bangladesh's persistent abstention at the UN sessions following the 2008 Russian military action in Georgia and the 2014 annexation of Crimea, and previously on Bosnia and Kosovo issues, Dhaka's latest policy posture should not have come as a surprise. However, within hours after the voting occurred, former Soviet state—and now enthusiastic NATO member—Lithuania reversed its decision to donate half a million Pfizer Covid-19 vaccines to Bangladesh—a move deemed by many as retaliation.

The sudden intensification of bloc politics has left smaller states unprepared and has shrunk the space for their policy autonomy, bringing their moves under the scrutiny of great powers. But, upon closer inspection of some of Dhaka's most recent foreign policy manoeuvres, this is not the first time it has defied Western expectations.

#### No bridges to be burnt

Bangladesh's “sitting-on-the-fence” policy can be traced back to its constitutional principle of “friendship to all, malice to none” and its Non-Aligned lineage. The country's becoming a member of the Non-Aligned Movement (NAM) in 1973 and the Father of the Nation's participation in the historic 1974 Algiers Summit are deemed as watershed moments that continue to shape Dhaka's global outlook. These foundational principles are still reflected in Dhaka's decision-making.

Last year, Dhaka surprised the world at least twice with diplomatic gestures towards its Southeastern neighbour, Myanmar. Despite mounting controversies following the junta's crackdown on anti-coup protests, Bangladesh was one of eight countries to send delegations to Myanmar's Armed Forces Day parade. In June 2021, Bangladesh also decided to abstain from condemning Myanmar on a

UNGA resolution.

A historical understanding of Bangladesh's foreign policy would explain that such abstention is a continuation of, rather than deviation from, the country's adherence to non-interference policy and aversion to side-choosing. Despite having a persistent rift with Naypyidaw on the Rohingya issue, Bangladesh decided not to burn the bridges towards dialogue with its voting partner, which are mostly of symbolic value.

#### Dhaka's gamble

There are other pragmatic calculations which made Dhaka's decision to abstain from voting a relatively safe bet. In the first seven months of FY 2021-22, Bangladesh's export earnings rose by 30.34 percent to USD 29.55 billion, of which nearly USD 24 billion came from the country's apparel industry. The US, the EU and the UK—the forerunners of the anti-Russian front—have respectively been the top three destinations of Bangladesh's RMG exports. A spectre that has long been haunting Dhaka is that its foreign policy autonomy and differences with the West may spill over between its trade ties. However, looking at the list of top RMG exporters (China, Vietnam and Bangladesh in that order, all of which abstained), it might have seemed that such repercussions, at least for now, would be unlikely.

Bangladesh is now in the throes of major socio-economic transformation. Hence, a balanced economic diplomacy and development cooperation has always been the primary driving force of its foreign policy. The western markets are major export destinations for Bangladesh's thriving RMG industry, while Beijing has been a source of funds for vital and ambitious infrastructure projects. Therefore, the intensification of geopolitical rivalry has Dhaka walking along a tightrope.

In a rare, frank expression, Foreign Minister AK Abdul Momen laid bare Dhaka's dilemma during the 2022 Munich Security Conference: “While India had offered Lines of Credit and Japan had also helped with infrastructure financing, incoming loans have been declining, and it is China that has come forward with a basket of money and aggressive, affordable proposals.” Momen highlighted the need for financial assistance and investment with fewer strings attached and lamented the failure of rival blocs to place counter offers addressing the developmental needs of developing nations. Such frank expression clarifies that the key to Dhaka's heart is easy and affordable development

and commercial confidentiality; vi) Information related to the privacy of individuals; and vii) Information related to the cabinet decisions and similar other documents. There are, of course, many sub-layers within these categories.

However, little effort has been made so far by the civil society or the Information Commission to help users unpeel the various layers of the subsections. Closer attention would reveal, *inter alia*, an intrinsic mechanism to apply a “harm test” for their application. They require public officials to consider whether any public interest may be harmed through the disclosure of a requested information. If not, there should be no bar to its disclosure. Some exemptions are also qualified and not absolute. The designated officers must bear all these in mind while making a decision on an RTI request.

It is important to underline that the RTI Act is one of the most valuable laws of the land for promoting active engagement of citizens in the affairs of the state. However, so far, participation has been limited, with a few exceptions, to the less privileged sections of our population. This must change. There are many aspects of the law that call for a more mature understanding, which are often beyond the grasp of less trained citizens.

Hopefully, the publicity surrounding the case under consideration will draw the attention of our civil society leaders. There is a particular need for social and political science scholars and researchers to assess the progress of the RTI Act in Bangladesh, with a more specific focus on the challenges faced. A particular challenge relates to the application of Section 7 of the RTI Act.

A good beginning would be to undertake research on the application of the exemption clauses over the years to deny disclosure of information, and assess their justification. It would call for close cooperation between the civil society and the Information Commission. The latter has paved the way with its recent decision, which will enhance its image in the eyes of RTI users, inculcate greater introspection among public officials, and contribute to an increased confidence in the law.

finance. Bangladesh doesn't want to be a “pawn” in great powers' tussles. Instead, it wants to be the “jewel” of the emerging economies.

#### A tale of 'historic ties'

The former Soviet Union, vetoed—at least twice—US-backed resolutions to intervene in Bangladesh's war of independence against Pakistan in 1971. Since then, Bangladesh has shared “historical ties” with Russia—the largest nuclear arsenal state with a permanent seat on the UNSC, and with whom it has no significant area of conflicts and disagreements.

Trade ties between Bangladesh and Russia have been on the rise, and reached a record USD 2.4 billion milestone even during the Covid-19 pandemic. In November 2021, both countries formed an Intergovernmental Commission (IGC) on trade, economic, scientific and technical cooperation. Taking sides on the Ukraine issue will have a direct impact on Bangladesh's lookout for new markets and new investment to avoid the Dutch Disease.

The jewel in the crown of the cooperation between these two countries is the Rooppur Nuclear Power Plant (RNPP), the first such plant in Bangladesh and the largest infrastructure project in the country's history. Ninety percent of the USD 13 billion project is being funded by Russia through state credit.

Russia is also an integral part of Bangladesh's military modernisation effort. Dhaka tends to balance out its reliance on Chinese military hardware by procuring combat jets and other defence equipment from Russia. Given these geopolitical and economic imperatives, it is quite understandable why Dhaka did not “fall in the lines” of the Western powers by abandoning and condemning a “revanchist” Russia on the UN platform.

By choosing to abstain, along with regional players of similar interests (China, India, Pakistan and Sri Lanka), Bangladesh showed the world that it prioritises union in the neighbourhood over being vocal about the war in a distant land. Dhaka's carefully-constructed statement, that says, “Wars are not of anyone's interests,” and that they contradict the core aspiration of developing economies like Bangladesh, manifest “pragmatism,” if not realpolitik, in Dhaka's outlook while navigating its great power rivalries. Thus, Bangladesh told the world that “this is not my war,” and that it will “avoid choosing sides” in others' war(s) amid the intensified triangular, if not binary, distribution of power in the global politics between and among the “rising East” and the “declining West.”