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Legalising surveillance?

Amend the unconstitutional provisions in data protection bill right away

WE are deeply disturbed that the Information and Communication Technology Division has finalised the draft of the Personal Data Protection Bill, while retaining some key features that have been criticised by human rights advocates as they would infringe upon people’s right to privacy—which goes against the very spirit of the law.

The bill gives all citizens the right to know when their personal information is being collected, how it will be used or processed, for how long, and where it will be stored—a move which is, no doubt, forward-thinking in an increasingly digitised era. However, what is concerning is that it gives sweeping authority to the government to authorise any national security, intelligence or law enforcement agency to “intercept, record or collect information” of any person on national security or public order grounds. What constitutes “national security” or “public order grounds” is open to interpretation. Moreover, there are no requirements to actually notify citizens before their data is accessed or processed for any purpose.

The bill also exempts the director general of the Digital Security Agency—who will be investigating violations, levying fines and ensuring overall compliance—as well as the employees of the data protection office for potential violations. It also has a provision that will enable the government to officially exempt certain data controllers from having to follow any provision of the law.

Equally troubling is the requirement to store user data locally—even data about citizens collected by major global tech companies such as Google and Facebook—which, coupled with the exceptions outlined above, means that a broad range of actors can legally snoop through our most private emails, chats, photos or videos. Given the likelihood of the concentration of large amounts of data with poor security, it won’t just be government agencies which can access our data—hackers and other malicious actors can easily gain unauthorised access.

Given these deeply problematic “exemptions” to data protection, one cannot help but wonder if the law will actually protect citizens’ right to privacy. In a context where the controversial Digital Security Act is used indiscriminately to target, harass and jail writers, dissenters and activists, such sweeping authority to security agencies may erode whatever little remains of our constitutionally guaranteed rights to freedom of expression and privacy.

A law that poses such incredible dangers to citizen’s privacy cannot purport to claim to be one about data protection. We urge the government to take into cognisance the concerns of citizen groups and human rights bodies, and to amend the unconstitutional provisions in the draft. Any law that goes against the constitution so brazenly cannot be passed in a country that claims to be democratic.

Dhaka airport now has a vegetable problem

It must fix scanner to clear vegetable export

IT is quite worrying that Bangladesh faces the risk of losing its European market for vegetables because the Explosive Detecting System (EDS) machine—used for scanning agricultural exports—at Hazrat Shahjalal International Airport (HSIA) in Dhaka has been inoperative for over two weeks. As a result, local traders have been unable to export vegetables, thereby incurring huge financial losses. Since vegetables scanned by any device other than EDS scanners are not allowed to enter the UK and European markets, some have been forced to get them scanned in a third country, which is not only very expensive, but also time-consuming, harming the business prospect of such perishable items.

We can’t help but wonder why the airport authorities would allow the situation to deteriorate to a stage where agricultural exports would come to a complete halt. The EDS machine shouldn’t have been difficult to fix. If new parts are all that the machine requires to work, as the airport authorities claimed, why weren’t they brought in sooner? We’re told that there was another machine at the cargo village of the airport, but that has been out of order for two years. The current situation is hard to accept as the lone scanner reportedly broke down thrice over the last six months, which should have been enough for the authorities to initiate a contingency plan for quick repairs and even purchasing new machines (using part of the fees they charge for scanning outgoing vegetables).

The danger of this situation dragging on indefinitely shouldn’t be lost on the airport authorities. Bangladeshi exporters of vegetables and other perishable items will lose their position and competitive edge in the European market, while exporters from countries such as India, Sri Lanka, Thailand, and Malaysia will take advantage of the situation. According to the Bangladesh Fruits, Vegetables and Allied Products Exporters Association, about 120 tonnes of agricultural products and perishable items are exported to different countries daily, of which 80 percent goes to the UK. About 82,510 tonnes of fruits and vegetables worth Tk 1,419 crore were exported from Bangladesh in FY2019-20, and Tk 1,029 crores’ worth in the following year. Europe is a big market for us; we can’t be deemed as unprepared or, worse, unfit for the opportunity that it provides.

We urge the Dhaka airport authorities to realise the cost of their inaction or inability to deliver a quick solution to the vegetable export problem. They must fix the EDS scanner urgently and bring in new machines so that such vital exports are never disrupted.

51 YEARS OF BANGLADESH’S INDEPENDENCE

Fragmented thoughts on Independence Day



BLOWIN’ IN THE WIND

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SHAMSAD MORTUZA

WHEN was the last time you looked at the face of the rickshaw-puller who gave you a ride? Or the guard who opened the door for you at a mall? Or the cleaner who was sweeping the streets you walked along? Did you exchange glances? A smile, let alone pleasantries? Chances are you did not even see them. Yet, these are the invisible people representing 80-90 percent of the labour force on whom the informal sector of our economy depends. They include wage labourers, self-employed individuals, unpaid family labourers, seasonal workers and other hired labourers. With too much focus on the leading faces, the initiators, and the ideation process, we often forget the “ordinary” implementers and their “extraordinary” contributions not only to our economic growth, but also to our very existence.

Today, as we celebrate the nation’s independence, it is important to recall the valour and sacrifice of the marginal groups and remind ourselves of our duties towards them for a sustainable growth.

After the massacre on the night of March 25, 1971, these invisible men and women from the social sidelines were catapulted to the political centre. The Pakistan Army’s Operation Searchlight clicked the images of the bullet-ridden body of a rickshaw-puller lying on his mode of livelihood, the body of a street vendor being dragged by stray dogs, the body of a student sleeping in his dorm, the body of a policeman who was killed even before he could react. These corpses highlighted the indiscriminate nature of the military mayhem. The social body was dispersed. The political body regrouped. They worked as one to form antibodies against the occupying force, and ultimately defeated it after a nine-month-long guerrilla warfare. The violence that erupted in the capital was dispatched to every part of the country. Ordinary men and women resisted. Their resilience expedited our freedom. Yet, after 51 years, the part of the body that suffered the most remains inflicted as ever.

The urban-based power base that has emerged as the centre of economy has little sympathy for the margin that has its roots in our villages. According to a report, 50 percent of Dhaka’s population is invisible to the city’s policy and planning



COLLAGE: SUSHMITA S PREETHA

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frameworks. The city sees the inflow of about 300,000-400,000 internally displaced population each year. Many of them are seasonal migrants who look for jobs in the city during the lean seasons. Many others come seeking upward social mobility. And for many of these people, the slums become the landing ground. Some of them join institutions of higher education to gradually move up the social

my eyes. The trip advisors suggested not going to these floating sex workers in fear of STDs, just like they suggested not giving alms to any street beggars. “They’d gang up for more and tear you into pieces like in Hitchcock’s movie *The Bird*,” one comment said.

I felt ashamed to be introduced to the underbelly of the city in which I travel from one place to another with my

ladder. A 2007 UNDP report estimated about 3.4 million living in Dhaka’s slums. Surely, the number has risen since then. The lack of record-keeping shows the systematic process of exclusion. Public surveys mostly focus on the residents of formal households. The slums remain a niche area of interest for development agencies or NGOs—not so much for city planners. Their basic needs for water, sanitation or power are provided through an “informal” patronage system. These men and women residing outside the official frame rely on local syndicates or political nexus for their existence. They are fed into partisan politics for their basic sustenance, including jobs, with no civic rights or public entitlements. For them, freedom is a far cry.

I was browsing through a trip advisory blog where visitors were commenting on Dhaka city. The suggestions there made me think of the invisible side of our visible city. For instance, one commentator mentioned that finding a female companion in Dhaka was relatively easy as many college-going students were engaged in escort services. There was another blog mentioning that one could buy intimacy with a woman for as little as Tk 100. A video interview of a woman, who had to sleep with 20-25 men a day for her livelihood, brought tears to

upper-middle-class privileges. The man who ferries me throughout the city would get two annual leaves. There are so many like him with biological needs, who allow the informal system of prostitution, for instance, to grow. The house rents would force many of these working men and women to live in a city where their needs are not catered to. The same goes for many migrant workers who work abroad to contribute to our wage earners’ scheme. The money they send often gives rise to social problems that we are not ready to acknowledge. Adultery is often reported as a cause for murder or kidnapping. We benefit from the informal economy without doing anything significant for the invisible men and women. Fifty percent of the city dwellers take care of the other 50 percent in a symbiotic, if not a parasitic, relationship. The existence is far from healthy.

When the clarion call for freedom was made, we wanted independence from all forms of oppression. We wanted to be free in our thoughts and in our actions. It is about time our policymakers bridged up the formal-informal divide and outlined a healthier alternative. Freedom is not only about getting rid of the chains of the oppressors, but also about providing the rights to live with dignity and mutual respect.

Pakistan still owes Bangladesh an apology

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HUSSAIN SHAZZAD

AT the height of the Cold War, half a century ago, Bangladesh triumphed over Pakistan in a nine-month war for independence in 1971. The war is marked by a violent series of atrocities and massacres that met with mass resistance from ordinary Bangladeshis, which drew considerable global attention. As of today, Pakistan has not officially apologised to Bangladesh for the genocide committed during the war. Last year, Husain Haqqani, a former Pakistani diplomat, said, “The people of Pakistan should urge their government to offer a formal apology to the people of Bangladesh for the genocide committed against the Bengalis by its military in 1971.” This raises an enduring question, like old wine in a new bottle: Should Pakistan formally issue an apology to Bangladesh?

What happened in the nine months of the Liberation War speaks of a horror tale of gruesome killing and mayhem. The war ended with the surrender of the Pakistani occupational forces on December 16 1971, with a death toll of three million people, hundreds of thousands of girls and women raped, and almost 10 million displaced, fleeing to India as refugees. It is to be noted that the number of people killed by the Pakistani military is the highest in such a short span of time. Though Pakistan recognised Bangladesh as a sovereign nation-state in 1974 under tremendous world pressure, Bangladesh is yet to overcome its traumatic past.

Pakistan has indirectly apologised to Bangladesh several times. The first acknowledgement of the crimes committed came during a tripartite accord signed among Bangladesh, Pakistan and

The war crimes committed by the Pakistani occupation forces against Bangladeshis are as clear as daylight, which Pakistan should not even dare to ignore or simply dub as a mistake. The genocide of 1971 is one of the worst that the world witnessed in the 20th century, which Pakistan can’t recall, but Bangladesh can’t forget.

India, when the Pakistan side said, “(The) Pakistani government condemned and deeply regretted any crimes that may have been committed.” The second indirect apology came in 2002 when then Pakistan President General Pervez Musharraf visited Bangladesh and wrote in the official visitors’ book, “Your brothers and sisters in Pakistan share the pains of the events of 1971. The excesses committed during the unfortunate period are regrettable.” Though these statements are close to offering an apology, they are obviously neither formal nor enough to overcome the troubling past.

There are at least three concrete reasons why Pakistan should formally apologise to Bangladesh. First, a formal apology will relieve the Pakistanis’ burden by creating space for compunction and fostering the healing process for the Bangladeshis. After all, ordinary citizens are the key drivers of a fruitful bilateral relation. Offering an apology will not belittle Pakistan; rather, it will brighten its image in the world at a time when the country is encountering an increasing isolation on the global stage. Also, a dignified remorse would help Pakistan to avoid permanent embarrassment, and would open an avenue for a new partnership with a rising regional player. That Germany officially apologised to Namibia for the genocide committed by the German colonisers between 1904 and 1908 should serve as an example for Pakistan.

Second, Bangladesh and Pakistan, the two South Asian Muslim majority countries, have common membership in almost all regional and global platforms—e.g. Saarc, D8, OIC, Commonwealth, etc— which resonate with common interests. There is a huge market and untapped trade potential between these countries. Neither can reap the fullest economic and strategic benefits until Pakistan decides to remove the thorn stuck in its throat. Most critically, the convergence in mutual geostrategic outlook should incentivise Pakistan to mend the fence by offering a formal apology to Bangladesh.

Third, apart from an outstanding unconditional apology, there are some long-pending issues acting as major stumbling blocks to a healthy bilateral relation. According to Bangladesh, Pakistan holds at least USD 4.5 billion of its assets, including money in Pakistani banks, frozen after the war. Besides, the repatriation of the stranded Pakistanis in Bangladesh remains a distant reality, mainly because of Islamabad’s reluctance to take them back. A formal apology from Pakistan will not only normalise the relations, but could also act as a catalyst to redress the aforementioned complexities.

The war crimes committed by the Pakistani occupation forces against Bangladeshis are as clear as daylight, which Pakistan should not even dare to ignore or simply dub as a mistake. Pakistan should remember that no nation can move forward without confronting its dark past. The genocide of 1971 is one of the worst that the world witnessed in the 20th century, which Pakistan can’t recall, but Bangladesh can’t forget. The genocide of Bangladesh reminds us of William Gladstone’s quote, “Justice delayed is justice denied.”

Undoubtedly, unconditional public apology is the most courteous thing that could have been done with minimal efforts from Pakistan. But we are actually stuck with the wrong question. Rather, the question should be: Should Bangladesh forgive Pakistan if they seek unconditional apology? Recent efforts—lifting visa restrictions for Bangladeshis, telephone dialogue with Bangladesh, etc—demonstrate that Pakistan is interested in turning the page of this strained relationship. If Islamabad genuinely wants to defrost its ties with Dhaka, it should take credible action on the Hamoodur Rahman Commission report and apologise officially to Dhaka. Only then could Dhaka consider forgiving Islamabad for its bitter past. Not to mention, a country with minimal respect for established international laws and norms would not find it difficult to offer a heartfelt apology for the genocide it perpetrated.