

A repackaged DSA brings renewed worries

Govt must address concerns expressed by the media, rights defenders

This could have been a moment to celebrate for human rights defenders, a moment when a law that has done so much damage to civil liberties is finally done away with. Instead, a rebranded, or rather repackaged, Digital Security Act (DSA) has only sparked scepticism. The cabinet's approval on Monday of a "transformed" and "modernised" version of the law – henceforth renamed Cyber Security Act, and to be likely passed in parliament in September – brings to mind how, years ago, the erstwhile Section 57 of the ICT Act was struck off only to introduce harsher and broader restrictions on freedom of speech with the DSA.

There are enough reasons to be sceptical of this new (version of the) law. For one, the cabinet's refusal to make its draft public until it is placed in the form of a bill before parliament is suspicious. As per available information, however, none of the offences from the DSA has been decriminalised. Some offences that were previously non-bailable are now eligible for bail, while jail terms for some were either reduced or excluded, albeit retaining the option of fines. In other words, there has been little change beyond a cursory redistribution of punishment. The cabinet secretary has all but acknowledged it when he said that while the DSA is more focused on punitive prison sentences, the Cyber Security Act puts more emphasis on financial penalties. But what about the so-called offences?

Ever since the enactment of the DSA, we have continuously objected to not just the severity of the punishment but its very characterisation of what constitutes an offence. But the government's stubborn refusal to amend or repeal those nine vague, controversial provisions means that people facing charges under the DSA will continue to do so under the new version. Equally troubling is the unresolved fate of those already in jail. What will happen to these people? All the trauma and harassment that the victims have faced will likely continue. As well as the lack of clarity on the future of those facing charges, detention or jail time, there is also no word on whether they will receive compensation for their troubles, which they very much deserve.

Moreover, the new version may be as vulnerable to abuse as the one before it. This is why its approval has been met with guarded optimism at best, and outright rejection at worst. We also don't know how journalist-friendly it will be. There was at least a pretence of interacting with the media leaders before the DSA was formulated, even though their concerns were not addressed. The government has foregone any such pretence this time. So while we appreciate the effort to finally respond to years of complaints against the DSA, we feel that the government should engage with the media and other stakeholders before proceeding any further. Any reform to the law must respect human rights and the freedom of the press for it to be acceptable to us.

Bandarban needs urgent attention

Govt must immediately deploy resources, personnel to help the flood-affected people there

We are extremely concerned with the situation in Bandarban hill district. Following six days of heavy rains and mountain runoff from upstream, the two roads connecting Bandarban to Chattogram and Rangamati have been completely flooded. As a result, the district has been totally cut off from the rest of the country. And due to its only power substation also getting flooded, people there have been without power since Sunday. On top of that, the mobile network in the district has gone down in most places, effectively cutting off communications.

Rescuers are literally having to go from place to place in search of people stranded by the flood. It is unclear how many people are stuck and in danger. As of writing this editorial, 90 percent of Bandarban city is said to be under water. In most places, the water has not receded for days, while chances of further rain mean that the suffering of residents will continue unabated. One doesn't need a reminder as to what catastrophe may unfold in the remote reaches of this border district in the prolonged absence of basic facilities like electricity, food, shelter or any security guarantee. Therefore, the government must launch an all-out effort to rescue and rehabilitate those in danger. All necessary resources and administrative personnel need to be deployed immediately to that end, and to prevent any loss of lives and mitigate the damage.

On the other hand, it needs to be understood why the district, which did not go under water during heavier rainfalls 15 or so years ago, has been so heavily affected this time around. And the main reason for that has been the environmental damage that has been done in the district. The continuous cutting of hills and removal of stones to pave the way for development have caused the soil to soften and break down. The removal of trees is another massive factor. These have created a situation where flooding has become inevitable. Meanwhile, the lack of dredging and elevation of riverbanks allow river water to easily overflow. And since influential quarters have occupied different canals that are part of the district's drainage system, the overflowed water cannot easily escape.

All of these did not happen overnight. The authorities have, for years, overlooked these facts, which makes them culpable for what is presently happening. Therefore, after tackling this emergency, the authorities need to make substantial changes in Bandarban so that such a disastrous situation does not occur again.

ROHINGYA REPATRIATION

Easier said than done



A CLOSER LOOK

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TASNEEM TAYEB

The recent indication by Chinese Special Envoy for Asian Affairs, Deng Xijun, that the Rohingya may be taken back to their own villages should come as a welcome news for both the one million or so Rohingya refugees in Bangladesh and for the host country itself. The majority of the refugees have been stranded here since the 2017 attacks by Myanmar's state forces which led to the killing of more than 24,000 Rohingya Muslims and exodus of more than 700,000 victims.

While Bangladesh has tried its best to shelter the vulnerable and unprotected refugees, their living conditions in the sprawling camps in Cox's Bazar have not been ideal. Starting from unhygienic sanitation conditions, to lack of economic opportunities forcing some refugees into illegal activities (including prostitution), to subpar security measures resulting in regular infighting between groups and killings of Rohingya leaders (including the brutal assassination of Mohib Ullah by criminals linked to the Arakan Rohingya Salvation Army), the Rohingya have been surviving in dire conditions. To add to this, the recent monthly food aid slash by the World Food Programme (WFP), first from \$12 to \$10 per person in March 2023, and then from \$10 to \$8 (effective from June 1), has made life even more difficult for the refugees. On its part, the WFP has cited declining global aid for refugees. Indeed, foreign aid for the Rohingya has dwindled over time.

Between 2017 and 2019, international humanitarian assistance accounted for 73 percent, 72 percent, and 75 percent, respectively, of the funds needed to sustain the Rohingya. In 2022, this plummeted to 49 percent of the amount required. As of June 2023, against a yearly Joint Response Plan appeal of \$876 million, only 24 percent could be assured. This has added pressure on Bangladesh and, coupled with its ongoing economic ailments, made it difficult for the country to support the lives and livelihoods of the million refugees.

The Rohingya are also desperate to escape these squalid living conditions and the restrained life of the camps. Every year, an increasing number of hopeless Rohingya refugees are paying human traffickers in search of livelihood opportunities abroad. And, inevitably, many of them are perishing in the merciless seas. According to the United Nations, in 2022 alone, more than 348 Rohingya refugees fell victim to deadly sea voyages. In fact, out of desperation, many of the refugees are now willing to go back to Myanmar even without any assurances from the Myanmar junta of their safety. To this end, demonstrations have also been taking place. According to an Al Jazeera report, one placard read: "No more refugee life. No verification.



PHOTO: REUTERS

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No scrutiny. No interview. We want quick repatriation through UNHCR data cards. We want to go back to our motherland." The same report also quoted a protester as saying that they will have to "steal food for survival" if things keep going south.

But the question remains: even if they go back to their homeland, what exactly is awaiting them there? Most of their villages have been razed to the ground by the Myanmar military, even before the military takeover in 2021. As early as 2019, it was reported by the BBC that the villages were being cleared to make space for military and government infrastructure. Since 2017, more than 400 villages have reportedly been cleared. In the process, the Myanmar military has also renamed some of the places to remove any trace of the Rohingya belonging there.

The issue of the Rohingya's citizenship also remains disputed. While the Rohingya – as people of Myanmar – should be given citizenship, the Myanmar regime is still suggesting that they will only be provided with a National Verification Card (NVC), at least for now.

To put the Rohingya's citizenship issue into context: for decades, the predominantly Buddhist Myanmar population has nurtured an exclusionist approach towards the Muslim Rohingya and other minority groups. This surfaced prominently after General Ne Win grabbed power in 1962. After the coup, all attempts previously made

to recognise Rohingya's citizenship, including official documents and any such guideline to make citizenship inclusive in the 1948 constitution, were rejected by the regime, resulting in the Rohingya's statelessness.

Later, in the 1974 Myanmar constitution, the ethnic groups lost their recognition. And the Citizenship Law of 1982 ensured that the Rohingya

refugees.

As Bangladesh had suggested in 2017, to stop the ethnic cleansing and genocide of the Rohingya population and other minority groups, UN-monitored "safe zones" could be created in Myanmar. Perhaps even UN peacekeepers, consisting of troops from neighbouring countries – Bangladesh, India, and China who

lost all claim to Myanmar citizenship, in any form (full, associate, or naturalised), although their existence in Myanmar could be traced back to before 1823. The 1982 law stated that only children of the "national races" will be considered full citizens of the country, and the Rohingya certainly did not fall under the category. Now, citing this infamous and controversial law, Myanmar is trying to deny the Rohingya their right to citizenship in their motherland.

There is also the unresolved issue of guaranteeing the safety of Rohingya once they go back to their country. One might recall how the 1978 military operation against the Rohingya, termed Operation Dragon King, forced more than 200,000 Rohingya to flee Myanmar. Ever since then, thousands of Rohingya have fallen victim to the nefarious genocidal and ethnic cleansing drives of the Myanmar military, even during the so-called democratic regime of Aung San Suu Kyi.

What guarantee is there that the Rohingya will not be subjected to slow, covert killing by the same military junta, after their return to Myanmar? Without legislative measures or a formal written guarantee – to Bangladesh and international bodies such as the UN and other global players with influence over the Myanmar junta – ensuring the security of the Rohingya post-repatriation, it would be highly irresponsible on the host country's part to agree to the repatriation of the

are well aware of geopolitical realities and the historical sensitivities involved – could be deployed to protect the minority civilians in these safe zones. They could be tasked with monitoring and observing peace processes in post-conflict areas, providing security to civilians and UN personnel, apart from other responsibilities. As per standard international protocol, the UN Office of the High Commissioner for Refugees should be given free access to the returnees and the repatriation document outlining every essential detail should be reviewed and signed by the UNHCR.

China deserves thanks for assuming a leadership role in driving the repatriation discussion with Myanmar, and the Bangladesh government's positive response in this matter should also be appreciated. However, we urge the Chinese and Bangladeshi governments to ensure the rights and security of the Rohingya population in Myanmar before their repatriation. And any such repatriation should be conducted under complete international monitoring and as per standard protocol. Myanmar's ruling junta must also be urged to be considerate of the current realities and give the Rohingya their right to citizenship and a dignified life in Myanmar.

It is in the interest of the greater Asian region that the Rohingya be helped to return to their homeland, where they belong. And all of us must work together to ensure this.

What our new climate envoy can do for Bangladesh



POLITICS OF CLIMATE CHANGE

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SALEEMUL HUQ

Last month the PM Sheikh Hasina appointed Saber Hossain Chowdhury, member of parliament, as her climate envoy. This is excellent news as many countries have climate envoys and Bangladesh could really use one too.

Climate change has become a part of daily life and climate-relevant international meetings are being held around the world every week. This is where the climate envoy can step in. While the Minister of Environment, Forest and Climate Change leads the Bangladesh delegation to the annual Conference of Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC), this event is not the only important one anymore when it comes to taking global-level decisions on climate change. The government needs a full-

time climate envoy to represent the country at many relevant events.

For example, soon after he was named climate envoy, Chowdhury headed to Paris, France to attend a major climate finance summit. There, I had the good fortune of joining our climate envoy during a number of the events. Before the COP28, to be held in Dubai in December, there will be the NYC Climate Week, which the MP Chowdhury will need to attend.

In addition to his role at the global level, Chowdhury is also the chair of the parliamentary standing committee on the Ministry of Environment, Forest and Climate Change (MOEFCC), from which capacity he successfully passed a unanimous parliamentary resolution declaring a "planetary emergency" a few years ago. He is also in a position

to provide guidance to the different ministries and agencies involved in tackling climate change in Bangladesh.

I would like to take this opportunity to offer him some advice and also my strong support for his endeavours on behalf of Bangladesh and the LDC Group at COP.

The first order of business I would recommend for him is to convene all the relevant ministries and agencies, including MOEFCC, the planning ministry, the foreign ministry, and the finance ministry to ensure that they work with each other in a whole-of-government manner. This can focus on comparing and mapping the different activities across our climate change plans, such as the National Adaptation Plan, the Nationally Determined Contributions, the Mujib Climate Prosperity Plan, and the Delta Plan so that any duplication of efforts can be avoided and synergies synced. This process would also allow devising a prioritisation plan for short-, medium- and long-term projects.

The second aspect for the climate envoy to focus on would be to enhance our access to global funds, such as the Green Climate Fund, the Adaptation Fund, and future Loss and Damage

Funds. This needs a more concerted and focused effort, engaging the most relevant Bangladeshi experts to submit well-thought-out funding proposals to the global funds.

The third issue MP Chowdhury should focus on is improving the Monitoring, Evaluation, and Learning (MEL) of existing national climate change funds, including the Bangladesh Climate Change Trust Fund, the annual climate budget, and even donor funds. Unless it can be proven that we were able to extract credible, positive results from the funds we received in the past, it will be difficult for Bangladesh to attract more climate funds in the future.

Finally, our new climate envoy should opt for a whole-of-society approach in changing the brand of Bangladesh, from that of a vulnerable country to one that is resilient. Our expertise in terms of climate change should also be brought to light. As part of foreign policy work, we can start sharing our knowledge with other countries. Ultimately, Bangladesh should be branded as a global leader when it comes to tackling climate change.