

## Reforms in Banking Laws

After a clumsy start, about two years back, to rein in the so-called defaulters, the government is now reportedly going for a drastic change in the legal framework to tackle the problems of people who do not return bank loans. We consider it to be a step in the right direction. Though better late than never, yet we cannot but raise the question as to why so much time has been allowed to lapse in this matter.

The banking circle's view that 35 per cent of the total loans are technically 'defaulting', leaves little to be said. This is a serious situation. With such chaos and anarchy in the financial sector, the economy cannot be expected to show the type of growth and dynamism that is critical for our future.

Let us first be very sure in our mind as to what it is, that we want. The government can be said to have blown hot and cold in this matter. First it went public, and published a long list of bank borrowers, without discriminating between genuine and the willful defaulters. Subsequently, about a year back, the finance ministry provided an opportunity to them to settle account with their respective banks. But most of the cases remain undecided to date. And now, the move for an all out drive with new laws. So, the government must first clearly spell out its own policy in this matter. As far as we are concerned, the aim of the new laws should be to create the necessary 'facilitating legal framework' in which the deserving entrepreneurs receive the necessary financial backing so that they can start their productive ventures in the shortest possible time, and with the least amount of bother.

If we go back to see how the so-called 'defaulting culture' began and later settled in, it will be clear, that one of the major reasons was, of course, the political interference with the operation of the nationalised commercial banks, the so-called NCBs, and influence peddling in the private banks. The clear message here is that non-financial considerations were used to interfere with the decisions of the professionals in the banking field. There are also instances — thankfully, not that many — of private banks doling out credit to their own directors, or the 'favoured few', without ensuring the guarantees for return. So the first task is to protect the banks from outside interference, and allow professionalism to have sway.

What is really of concern, and what prompted the government to go for new laws, is the view of the bankers that "most defaulters do not repay their loans deliberately." Taking advantage of the legal loop-holes, unscrupulous people damage the system for the whole nation. It is this group, a small one that has played havoc with our financial system, and given such a bad image of our business community.

The new law, we hope, will help to sufficiently tighten the credit mechanism to ward off the fake businessman. At the same time, it will be more liberal, more forthcoming and more supportive of the genuine ones. The reason why this distinction is vital is, because in the market economy, towards which we are striving, the chances of some loans turning bad always exists. In fact 'risk taking' is central to the ethos of open economy, and makes the private sector as dynamic and vibrant as it is the world over. We must not only recognize the 'risk-taking' element in private sector, but in fact encourage it, within the realm of feasibility, projection and reasonable uncertainty factor.

So, as we welcome this, rather belated, but necessary legal reform to streamline the operation of our banks, we caution our law makers not to "throw out the baby along with the bathwater." At the same time, we would like to appeal to our business community to devise its own voluntary self disciplining mechanism so that 'one-rotten apple' does not spoil the image of the whole pack. At a time when macro-economic reforms are in place, and the nation is waiting for the private sector to take the lead, the proposed banking laws, we hope will help improve our banking system, and contribute to accelerating our economic growth.

## Congratulation to Art Biennale

Prime Minister Begum Khaleda Zia today opens the Sixth Asian Art Biennale Bangladesh 1993 at the Osmani Memorial Hall. This is indeed a great cultural event on our calendar. There are not many areas in which Bangladesh has achieved a focal position in as vast an array of nations as Asia denotes. The two-yearly festival of Asian art held in Dhaka since 1981 is one event that places this nation very securely on the cultural map of Asia.

Painting has been a lively pursuit of the Bengali people for ages. Bengal statuary, cut out of stones not locally available, made its mark of distinction in the millennia old world of subcontinental art. Our people specially excelled in terra cotta. The high watermark of painting achieved in the Pala dynasty manuscripts were nearly matched centuries later by the Tagore brothers Abanindranath, Gaganendranath and Samarendranath and their disciples in Nandalal Bose, A R Chughtal, Asit Halder etc. It was a big crop of painters and sculptors that the pioneers raised in the late nineteenth century.

Dhaka became a centre for the pursuit of visual and plastic arts only after the partition of India. This nation will remain ever grateful to Zainul Abedin, a product of the Calcutta-based art movement, and his students turned later into colleagues for laying the foundation of cultivation of art in this country. Ever since the inception of the first Institute of Arts and Crafts, led by Zainul, art has played a central role in the unfolding of this nation's cultural and political strivings. As a matter of proud distinction, the products of this institution who constitute almost the whole of Bangladesh's world of artists, have all along demonstrated an abiding commitment to the society alongside their commitment to art.

There is still a very big gap between painting as it is done today and popular appreciation. Shows such as the great one that will be on today for the whole of November will help bridge that gap very effectively.

We congratulate the local organisers of the great feast of art as we welcome the artist-delegates of the participating countries to a creative and joyful sojourn of this ancient land of arts.

THOSE were relatively civilised days, though I am speaking of a time when Ayub Khan was ruling in Pindi, Monem Khan, his lieutenant, in Dhaka, and N. S. F., a student organisation consisting mostly of musclemen and set up by the authorities with the express purpose of controlling the university campuses, was proving itself troublesome on our campus, too, at Rajshahi.

Jinnah Hall — since renamed Sher-e-Bangla Hall — was having its annual dinner. I, as the Provost of the Hall, had invited Professor Abu Hena to be our chief guest. Prof Hena had retired from active service but was rendering services to Dhaka University in various positions of responsibility, one succeeding the other, — Inspector of Colleges, Provost, Salmullah Muslim Hall, and finally, Treasurer of the University. At that time, protocol-wise, the Treasurer came next of the Vice-Chancellor. Professor Hena was known to be a fine teacher and a witty speaker. He stayed with me at Rajshahi, and one of the first things he wanted to be assured of was about the language of his speech. I had some hesitation in suggesting that though he was free to choose but our preference was for Bangla. How would he take the suggestion, I wondered. But he agreed readily.

Professor Hena was used to speaking in English. This we knew. But once he started in

## Funerals and Festivals: Fact and Challenge

Bangla, the smoothness, the assurance, the wit, — everything was there. The whole speech was finely structured and beautifully delivered. I was very much impressed since I had not heard him before. In fact I hardly knew him, and his eagerness to accept our invitation I partly attributed to a personal consideration: I happened to be the son of a college friend.

There was one surprise in his speech. The day he left Dhaka, he had seen something which had moved him profoundly: In his immediate neighbourhood, there was a death and there was a wedding. He had seen the funeral preparations and the wedding party arriving, the two contrasting sights juxtaposing. It was as if the meaning of life, the chain of life, had forced itself into his consciousness, the entrance and the exit. Was he contemplating on this theme and transposing it to a smaller and an immediate context, in terms of the bright young faces at the dinner and an old man, a frail figure with a small voice — himself — facing them, youth and age at a moment of conjunction? At a point of confluence?

Quite banal, quite an ordinary observation, one might object. But in actual fact, in the manner it was presented, it was not. I can say this because this is the one thing about that re-

markable speech I remember. And the other thing I remember is that despite this digression, this intrusion of a solemn note, the speech itself was what one might expect of an after-dinner speech, a beautiful combination of sense and humour. How I wish I had the whole speech tape-recorded.

FUNERALS and festivals. The other day I had to face the fact and to accept the challenge. It is true that it is a daily phenomenon.

The coincidence of the two events posed a problem for a while. There was no question as to the relative importance of the two. The Qul was a must. I am told on good authorities that the Qul, particularly in the form it is observed, invariably within the conventional frame-work of a *milad*, has no religious sanctions behind it. But the convention is a strong one, almost inviolable. I have seen but one departure so far from this social custom: It was a Qul without a *milad*, recitations from the Quran and orations on the man

with orations on the dead as the main feature, within a religious frame of recitals and a prayer. — The idea deserves serious consideration. It will not find easy acceptance in a society which is custom-bound to the point of being stifled and stunted, but the one instance of departure I have quoted makes me believe that the changed format can be given a trial.

In S M Ali's case, I will admit, the format I have advocated, would have posed a formidable problem for the family. — the problem of choosing the speakers. At least fifty people would have liked to say a few words and not every body could be accommodated. A spate of obituary notes — and not in The Daily Star only — and in Memoriams that have followed Ali's death would indicate that the system of orations, of paying personal tributes in Qul may need a framing of rules, limiting the number of speakers being one of them.

While pleading for orations I have not lost sight of the fact that we now live in a world of prints, and that orations were things of days when the spoken word ruled supreme. Today, we have both, and though the printed word has its own importance, the spoken word remains the mode for all ceremonies, religious or secular.

This we realised once the

### PASSING CLOUDS

Zillur Rahman Siddiqui

But sometimes, once in a while, it will come with a personal message. The Qul of my friend, S M Ali and the sixty-fifth birthday of another friend, Shamsur Rahman, the celebrated poet, fell on the same day and almost at the same hour. The Qul had attracted relations, friends and admirers; in every respect it was a most noteworthy congregation, one of the most representative gatherings I have seen in recent years. The other event was exceptional, festive but not in a conventional way. It combined the concept of a birthday with that of doing honour to a poet for his achievements.

who has died. A *milad*, as we all know, puts the Prophet (SM) at the centre, and pushes every other thing into the periphery. In other words, it impersonalises the particular death, and emphasises Death and Mortality as immutable facts of life. I do not seriously object to that; may only objection is to the exclusion of orations about the man. Any man who has died is an apt subject for friends and relations' to say a few good things about. And we all do it invariably though informally. Only we have clung to the idea of a *milad* as enough and sufficient even for a Qul.

A reformed version of Qul.

## West has Politicised Human Rights

by Luis Fernando Jaramillo

The West has failed to apply the concept of human rights in a manner which is consistent with its universality and indivisibility, contends the Colombian ambassador to the United Nations. Its selective treatment of human rights violations is a result of the politicisation of the concept.

world to emphasise a defence and promotion of human rights, understood as political and civil rights, while ignoring the other side of the coin. There is an attempt within this narrow and biased view to condemn States for violating human rights and to intervene in the internal affairs of other countries as part of a new strategy of 'accused and accusers', as if their violation were not an evil that afflicts the whole of humanity, and all States.

The majority of the developing countries consider that a guarantee of human rights is the obligation of every State and the right of every individual. It is part of the concept that peace, democracy, development and social well-being are indispensable to the full enjoyment of human rights.

### The Right to Development

It is indispensable that broad, international cooperation not be selective or discriminatory. This would permit the countries in the South to reach a level of development that would guarantee minimal levels of subsistence in order to attain the effective enjoyment of fundamental rights. I refer here to the 'Right to Development' which is an inalienable right, as established in the declaration approved by the United Nations in 1986.

Despite the multilateral acceptance of this concept, however, its application has been precarious until now. The International Monetary Fund, in a report presented to the United Nations, complains of

the low level of official development aid and the difficulties in assisting the countries that are undergoing fundamental adjustments in their economies. The direct consequence is lower and lower rates of growth in the developing countries, which leads to a vicious circle of poverty, where a realisation of basic rights is impossible.

In order to guarantee the effective enjoyment of economic, social and cultural rights it is necessary to have resources for development, which come primarily from trade and, of course, from international cooperation for development. All the countries of the world have a measure of responsibility for the process and many of them have not yet seriously faced this obligation. It is not a matter of begging for resources but of complying with shared obligations that have been acquired multilaterally and voluntarily on many occasions.

### Intervention for Humanitarian Reasons

The United Nations system is debating over the search for efficient mechanisms for ending the massive violations of human rights, to protect those persons who are displaced inside their own territories and, on the other hand, to respond to natural catastrophes.

During the last few years the thesis of intervention for humanitarian reasons has been accepted under the French doctrine of Professor Bettati and Dr Kouchner, known as the 'duty to intervene'. Under this doctrine in 1988 a resolution was passed in the United

Nations denominated 'Humanitarian Assistance for Victims of Natural Disasters and Similar Emergency Situations'. In 1990 the concept is broadened with the establishment of humanitarian aid corridors.

In 1991 the 'duty to intervene' is incorporated by the Security Council, which approves Resolution 688 to protect the Kurds in Iraq, Resolution 733 in January 1992 authorising intervention in Somalia, and finally, measures regarding the conflict in former Yugoslavia. These acts of intervention for humanitarian reasons were based on the need to protect displaced civilian populations in their own territories and the massive violations of human rights.

Without condemning or approving said actions, it is necessary to watch very closely in order to avoid generalisations that could lead to intervention in the internal affairs of States.

The politicisation of the humanitarian assistance and the promotion of human rights has been a matter of concern not only for developing countries, but also for senior international officials. The United Nations Children's Fund (UNICEF), in a recent report presented to the Executive Committee, stresses that its humanitarian aid has been limited and seriously hampered by a number of political factors. And the president of the International Red Cross in the past General Assembly expressed his preoccupation and said that 'by tying the humanitarian to politics we run the risk of rejecting the humanitarian in the name of politics.'

The same occurs with 'conditional cooperation'. It could be lost and not reach the beneficiaries which, in general, are the most vulnerable populations, since States prefer not to receive it rather than accept the intervention in their internal affairs.

### The Universality of Human Rights

Returning to the matter of the conceptualisation of human rights, I would like to talk about universality. When we speak of the universality of human rights we refer to the need to approach all those phenomena that afflict humanity without distinction or bias. Human rights violations is not a phenomenon only of the South. Recent manifestations of systematic and flagrant violations of human rights in some countries in the North, such as the alarming intolerance, racial discrimination, xenophobia, neo-Nazism, ethnic cleansing and abuses of migrant populations, are crimes against humanity. Discrimination is the absolute negation of the United Nations charter and a violation of the liberties and most elemental rights proclaimed in the Universal Declaration, the international pacts and specific accords on the fight against discrimination.

The panorama at present is worrying. Despite the greater awareness of the international community in relation to the principles of dignity and equality inherent in all human beings, and aside from the law and the rhetoric, new expressions of racism and discrimination are seriously altering social harmony, and threatening the validity of human rights and respect for them.

Europe's profile is changing very fast. The end of the bipolar confrontation destroyed the mechanisms of control that existed and thawed the ethnic, religious and political conflicts that were latent for many years. We are witness to a resurgence of a modern xenophobia that accompanies the new nationalisms.

The reappearance of this common enemy perpetuates poverty and underdevelopment, and the discrimination of immigrants from the Third World. We do not hesitate to signal this as the new 'apartheid' of the 1990s. A pitiless and brutal apartheid.

In a recent study presented at an International Labour Organisation (ILO) and the Human Rights Commission seminar, Mr Leandro Despouy stated that the 'extreme poverty and deprivation, with the resulting social and economic exclusion, are potential factors of population exodus just as dictatorships and persecutions were in the past'. He added, 'Far from that, the total exclusion which every day more and more men, women, and especially children, suffer in our sub-continent, are often the most graphic expression of the absolute negation of their economic, social and cultural rights which, in turn, not only has a negative impact but generally prevents or hampers the true exercise of civil and political rights. Hence the dramatic question posed with more frequency and urgency on the continent, day by day: How much misery can democracy endure?'

Any doctrine of differentiation is morally wrong and so-

cially unjust, and contravenes all the international instruments in this matter, and in the last instance, seriously affects the individual. We member States of the United Nations need to materialise our efforts in the fight against discrimination and we need to make human dignity a reality that is tangible, concrete and upon which it will be possible to establish responsibilities.

Although the international community has initiated actions to counter the most cruel of the manifestations of the 'ethnic cleansing', these have not come quickly enough. The industrialised countries have been timid in their condemnations and the actions have not been taken in time. Conflicting interests are impeding effective actions to avoid the massacres of today. The Security Council, which in the case of other political and humanitarian crisis in the South, has not economised with efforts or with time and has been 'efficient', in this case has refrained from taking timely action, permitting a repetition of massacres that cost millions of lives in World War II.

'Any form of discrimination against human beings for motives of race, religion, colour or ethnic origin, are actions that threaten and violate the fundamental rights of man.'

Another form of violation of human rights, no less important, is the traffic of children, child prostitution and the use of children in pornography, a phenomenon that has come about in several countries. As with the situation of street children, these are matters that demand strong action, since they destroy human dignity.

We do not understand why these problems appear to be secondary in the human rights commissions and why action to counter them is not a priority. This behaviour is a clear example of the selective treatment that has been given to human rights. It is an example of politicisation. The debate has been polarised between the accused and the accusers, when the responsibility to promote and protect human rights is the universal responsibility of all the States and a universal right of all individuals.

### Conclusions

Human rights need to be addressed seriously. The World Conference needs to do an exhaustive review of the manner in which the fundamental concepts of human rights are being applied today as well as of the system and the instruments for improving the efficiency of their implementation. It is not a matter of creating new instruments, but of using those that already exist. The proliferation of extraordinary and ad hoc mechanisms should be avoided, since it has been demonstrated that they are largely ineffective. The mandate of the different regional systems needs to be clearly delimited.

To conclude, I want to affirm emphatically that in the world today there is not a universal culture of human rights that incorporates interdependence, universality, objectivity, impartiality and non-selectivity. The responsibility of States in complying with their obligations, under the commitment to defend human rights, should be framed with respect for the principles of self-determination and non-intervention.

If all countries had the honesty to recognise this lack of commitment and if all of us were willing to accept the integral nature of human rights, I can say to you today that we would be sowing the seeds for a lasting peace founded on respect for human rights.

— Third World Network Features

### To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

### News starvation

Sir, The Administration's information service to the general public through the press media does not appear to be systematic.

The current mode of releasing information on the government's activities, policies, and policy changes is via the Ministers at the public speeches, seminars, opening ceremonies and receptions. This is one-way communication, and that too with restrictions: It is incomplete in the sense that the official decides what to say, and what not to say; and secondly, there is no feedback, or scope for asking questions to get new or additional information. There is no interview and question-and-answer opportunity (it may be for five minutes only if pressed for time). Where are the regular meet-the-Press sessions?

Therefore it might be a good idea if each Minister were to meet the press at regular intervals, to keep the public informed. The journalists are trained to ask questions on behalf of the readers of the newspapers. At present, some additional information is available when the JS is in session, but that too is scanty, and of the defensive sort.

Priority has to be accorded to

public information services, to discourage circulation of rumours and inaccurate news, discourage the yellow press, and help towards formation of correct opinion. To achieve the latter objective, there must be more input of data and factual information. Opinions based on half truths are dangerous, and harmful to the society, now at a very sensitive stage of development. More correct news is not harmful, but lack of news or information may be potentially damaging.

A Mawaz Dhaka

### Who is accountable?

Sir, The Postmaster-in-charge, Savings Department of General Post Office (GPO) asked me to deposit the Post Office Savings Bank pass books so that up-to-date interests could be entered therein. After a week the relevant official informed me that the interest calculation upto June 30, 1989 had been finalised only, and they were not sure when the interest calculations for the years ending 30th June '90, 30th June '91, 30th June '92 and 30th June '93, would be completed. Under the above backdrop, who is really accountable?

In the context of accountability, as often uttered by top barons of the administration, I wonder whether the Finance Minister or Postmaster General or Auditor General or the poor ledger clerks are accountable? I am tempted to request the authorities to do those interest calculations using computers while there is Computer Council owned by Government.

Sadiq Abeer Maghbazar, Dhaka

### "The endless beggars"

Sir, I have just read the piece written by Parveen Anam about tabloids (Dhaka day by day, 4-10-93). I couldn't agree more with the writer on the issue of the evil caused by these 'uncontrolled' release of tabloids.

In one line the writer states how she is harassed by the hawkers in the city road intersections and — the 'endless beggars' embarrassing her every now and then. The latter term has rather shocked me!

Before attributing such terms one must think why are these 'endless beggars' disrupting one's peace in the city intersections? Is it out of greed or something else, — something known as poverty, which strips humans of their merest social dignity?

If we aren't doing anything to change the system — at least let us show some respect for these people and be a bit more tolerant.

A S Saleh Faculty of Architecture BUET

### S M Ali Road

Sir, This has a reference to the Star reader's letter (30th Oct) proposing renaming of the Tophkana Road to S. M. Ali Road. There could be no better way of paying tribute to a great journalist of an international stature. Syed Mohammed Ali served this nation with great distinction and was a trail blazer for others to follow.

There can be many constructive ways in which we can both remember him and, at the same time, bring forth the best in the budding journalists. There could be an S. M. Ali Foundation, which could assist the Departments of Journalism in Dhaka, Chittagong, Rajshahi and Khulna Universities by creating S. M. Ali professorships.

The proposed Foundation can develop a memorial library in the office of The Daily Star itself, which is a dire need already.

Here I would like to end on a personal note. The 16th of September morning was the last time that I met S. M. Ali in his office. In reply to my query, he replied that all was not well with his health. But with a faint smile he added, "I can still handle a typewriter, Mahtab".

Being an activist of the Bangladesh Cancer Society, I know how excruciatingly painful an ailment could be. But like a brave soldier, Syed Mohammed Ali went on with his writing till the very end. May his soul rest in peace.

Shahabuddin Mahtab Siddheswari Road, Dhaka.