

FOCUS

Information Technology in Bangladesh The Legal Implications

by Gemini Wahhaj

INFORMATION technology has arrived in Bangladesh. Fax machines, CD-ROM drives, internet, and satellite TV have all been put to good use, while Bangladeshi programmers are flirting with the most sophisticated software. But with all this excitement about, there is considerable chaos also. Software is copied indiscriminately, and security breach of online systems has already become an issue. All the legal problems faced in the west 20 years ago are only starting to surface in Bangladesh.

In an effort to address the issue of information control, The Center for Development Dialogue (CDD) held a seminar in Dhaka entitled "Information Technology and Law: in the Context of Bangladesh." The objective was to properly define existing and anticipated legal issues posed by information technology, and then to put in place the laws to address these issues.

Hasnat Kabir Kolloi of CDD broke down the dialogue into four considerations: copyright protection of intellectual property, hardware patent laws, computer fraud, and data security.

The most obvious issue in Bangladesh is the lack of copyright protection. Pirated software — copyright software copied and sold without license — is rampant. Less than five per cent of the software in use is licensed. Although Bangladesh Computer Council (BCC) passed an act in 1974 to protect all computer programs, no such law has ever been enforced.

Not only is software pirating illegal in the international context (China faced bitter US condemnation for selling US games software without license), but also pirating local software means that many young Bangladeshi program-

mers are robbed of their property rights.

Several speakers called to immediately enforce copyright laws in Bangladesh. But Dr Jamhur Reza Chowdhury, Professor of Civil Engineering at BUET, pointed out that other Asian countries such as Thailand and Hong Kong only recently enforced the copyright act, and even then, under intense pressure from the US. In Bangladesh, a significant fraction of developmental work is dependent on foreign software (Microsoft Word, Excel, FoxPro, and AutoCad are some essential packages that come to mind). It would take local programmers years to write software of the sophistication needed for our use.

But it is impossible for a poor country like Bangladesh to buy all this software legally.

Therefore we may enforce copyright laws as swiftly as we please, but will they benefit us? Eventually, unified world laws like GATT will force all countries, including Bangladesh, to follow international IT laws.

But at present, it is more pertinent to provide protection only to local programmers, through the enforcement of copyright laws for local software only.

Chief guest Abdul Moyeen Khan, State Minister for Planning, also condoned computer piracy, since "we need the programmes that are required to do essential work, to move forward... but are economically not in a position to buy them legally." He cited Japan as a hi-tech country where all technology was originally copied.

The first instance of com-

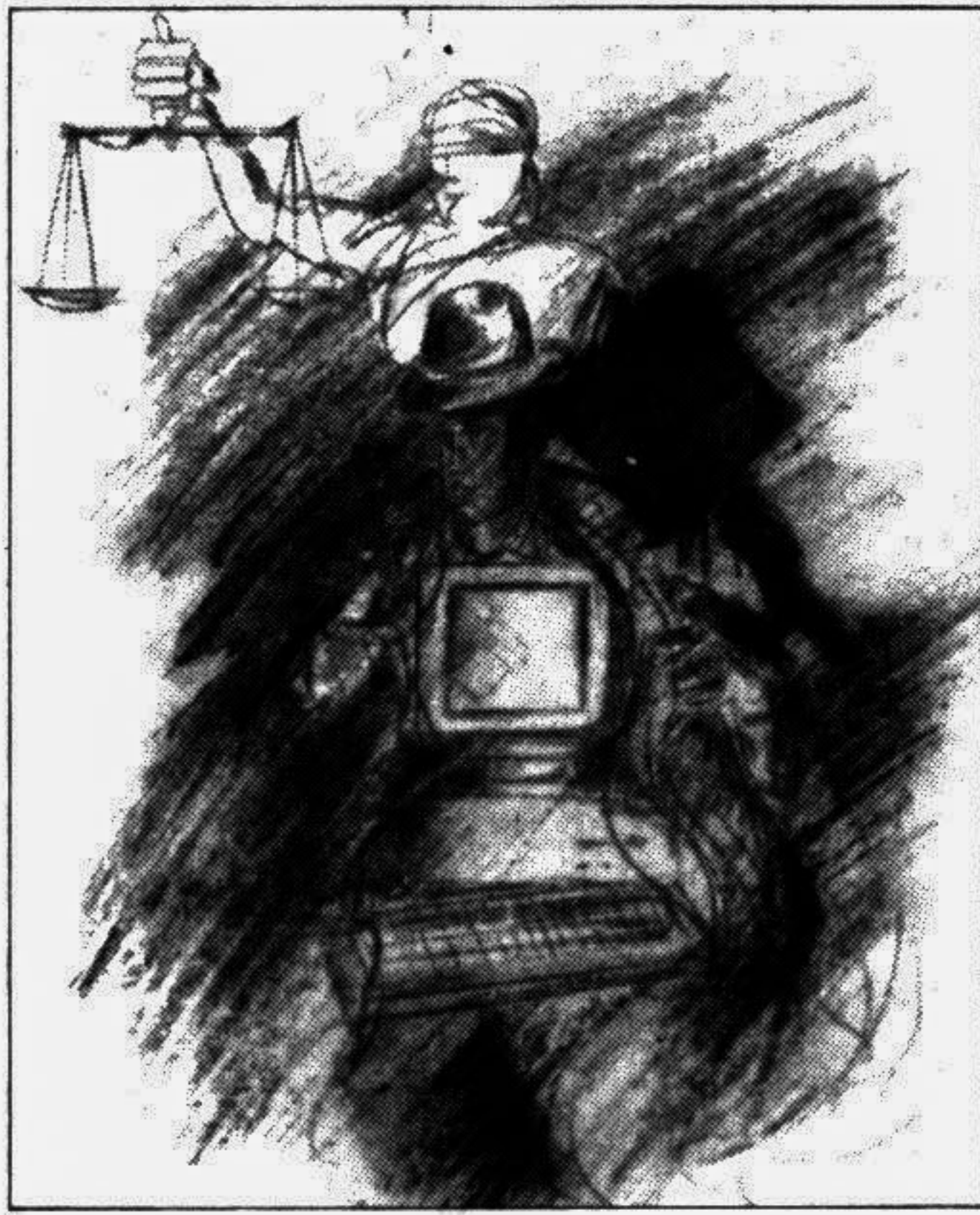
puter fraud in Bangladesh was a share allotment program that did not give the right results. With the increase of electronic data transfer such as electronic fund transfer, computer fraud will become a major issue.

Barrister Anirul Islam stressed the need to understand and define each issue properly before creating a new law. "You must first ask for whom is the law, for whose benefit?" he said. A law must be clear enough in its definition, because "a vague law may easily be abused," and written with enough foresight so that it does not become invalid in a few years. This is specially difficult to achieve in information technology, since development in the field has been so rapid and chaotic.

Another problem with trying to update Bangladeshi law to accommodate the current information technology is that it is extremely difficult to change laws in Bangladesh. Many existing laws are not in context. For example, it is still illegal to connect a FAX machine to a telephone line.

An interesting twist to the topic was the suggestion of using information technology to expedite the dispensing of law by using computers for case analyses and keeping of legal records.

While most dialogue about information technology in Bangladesh still centres around computer programs, the elements of more enormous implications are already here. How does one censor satellite TV? As the first ATM machines have already arrived in Bangladesh, how does one stop fraud transactions? If a building designed by a computer program collapses due to faulty construction, should the programmer be used? We need clear and specific laws to address each issue — laws which are valid in the context of Bangladesh, and world wide.



Yasmeen, the Press Note and the Post Mortem Report An Apology Needed

by Farida Akhter

FINALLY the post mortem report of Yasmeen's dead body revealed the truth. Yasmeen was raped and murdered. Needless to say, that the police in the van were responsible for this. The report of the post mortem was only known to us through newspapers on 5th September, whereas the actual incident happened on 26th August. Much more lives had to be lost to come to this stage of knowing the truth. Seven people were killed, while protesting against this killing. Instead of taking actions against the police the administration wanted to prove that Yasmeen was a "bad girl" — a prostitute and that she was lunatic. They said that her name was Banu, who is a prostitute. Later on, it was also revealed that Banu was alive, so this dead body could not be of Banu.

The government press note published in the newspapers on 29th August stated that "the girl jumped from the vehicle and was injured. The police stopped the vehicle and lifted the wounded girl into the van but she died on the way to Dinajpur. Afterwards, the press note said, the police left the body on the road side and accordingly informed the police station about the incident. It is unbelievable that the gov-

ernment press note could deny a truth in such a foolish language! Perhaps they thought that if they can somehow establish the fact that she was a bad girl the society would not bother. Why the girl jumped from the van? Why they left the body instead of taking her to hospital?

Her dead body was given to Anjuman-e-Mofidul Islam, where dead bodies having no guardians are given for funeral and burying. Yasmeen was known to people yet her body was given as an unidentified body. At the Anjuman-e-Mofidul Islam, they must keep a body for at least three days so that the guardians (if any) can find the body. But in this case, the body was buried within one day. The people of Dinajpur protested against the vulgar expression of the police and administration against Yasmeen, while people could easily understand that it was nothing but a case of rape and murder. This is, they believe, the fate of many young girls remaining in the custody of police. All of them may not be killed but many of them are believably raped. The people protested when they tried to prove that Yasmeen was a prostitute. They also tried to identify her by other prostitutes of the area. This was even more barbaric. People could not

tolerate this barbarism of the administration also because the alleged police got the support of the higher authorities to prove that the police did not commit any crime, it was the fault of the bad girl.

Now what would the administration's reply to this post mortem report? Will they say that the report is false? If it is not false, then will the administration please withdraw the press note by apologizing to the people of Dinajpur and to Sharifa Begum, mother of Yasmeen? It is beyond the imagination of any sensible human being that the rapists termed Yasmeen as a prostitute! We demand an apology from the Ministry of Home Affairs.

Before the Prime Minister left Dhaka for Beijing to attend the Fourth World Conference on Women, few of us requested her to declare her commitment to take actions against those responsible for the incident of Dinajpur. Unfortunately, our Prime Minister did not care to respond to this demand of the women activists of her country. She left for Beijing and spoke of the inaugural session of the conference. We were rather ashamed to see this on the TV because in our eyes we could only see the dead body of Yasmeen overriding that.

Yasmeen was not killed by her family members.

Yasmeen was not raped by a masted or a roadside goon. Yasmeen did not get on the police van on her own initiative, she was asked by the people coming back from mosque very early in the morning. These good hearted people felt that she would reach her destiny safely. But her dead body was found on the road side after a while. And when people protested against her killing the police called her a prostitute. We are appalled that the Prime Minister did not call up any meeting, before she left for Beijing, to look into the matter more carefully. We know that she is preoccupied. But what could have been more important task than to save the image of the country by simply showing her commitment towards the interest of women before attending a world conference on women's rights? The participation of the government in the FWCW appears to have lost the meaning when they could not guarantee justice for a case of rape and murder by her own administration. It is a commonly held belief that women are not usually safe in the hands of the police. There were, reportedly, incidents of rapes in the police custody in the past. Even women, who were rescued from the traffickers, often became victims of rape in the police custody, they say. Therefore, it was not a new information for the higher authorities to investigate into.

If they were committed to the cause of women, then they would respect the dignity of any woman in the country. Whether Yasmeen is a poor, unknown woman, does not matter. We all feel to be at danger, if this is the attitude of the administration towards women. How could the police call Yasmeen a prostitute when they have already raped her. Even if, supposedly, she was a prostitute, do they have the right to rape and kill her? Why did they left her dead body on the road side? Because she was a prostitute? We do not know, if the Prime Minister, after her return from Beijing, does anything. Even if she does, perhaps it is too late to repair the damage already done to the cause of women. However, an apology from the Ministry of Home Affairs seems urgently necessary after the last post mortem report. And another press note to explain the situation.

The writer is a renowned woman activist.



Zonta International celebrated "Literacy Week" from 5th Sept to 11th Sept 95. To commemorate this event Zonta Club III of Dhaka had organised programmes to teach destitute women to sign their names and gave them health awareness lessons. The week's programme was concluded with a musical afternoon which was participated by the students and mothers of the Zonta Literacy School at the premises of Dhanmondi Tutorial. Photo shows four destitute girls performing a dance which they taught themselves.

What We Protect



A report on the links between rapid Human Population Growth and the loss of global natural resources.

by Tarequl Islam Munna

BIOLOGISTS have catalogued 1.7 million species and cannot even estimate how many species remain to be documented. The total could be 5 million, 30 or even more. Yet, we are driving thousands of species yearly to extinction through thoughtless destruction of habitat.

A survey conducted recently in Australia, Asia and the Americas, by the International Union for Conservation of Nature and Natural Resources (IUCN), found that loss of living space affected 76 per cent of all mammal species. Expansion of settlements threatened 56 per cent of mammal species, while expansion of ranching affected 33 per cent. Logging and plantations affected 26 per cent.

IUCN has declared human population growth the number one cause of extinctions. The 10 nations with the worst habitat destruction house an average of 189 people per square kilometer (250 acres), while the 10 that retain the most original habitat stand at only 29 people per square kilometer.

Future population growth poses a serious threat to wildlife habitat. Every new person needs space for housing, food, travel, work and other needs. Human needs very widely from place to place, but a UN survey found that the average person requires about 0.056 hectares (a hectare is a standard unit of land measurement equal to about 2.47 acres) of nonfarm land for daily living. To this

must be added land for food production. This varies with land quality and available technologies, but each newborn person probably will need at least 0.2 hectares of cropland, unless food production per acre increases in the future. This will require the conversion of more and more woodland into cropland. In East Asia, for example, the amount of irrigated, high-yield cropland per person is already near the 0.2 hectare limit.

UN consultant and author Paul Harrison estimates, very conservatively, that each new person will need at least a quarter of a hectare. Thus, every billion people that we add to the planet in the years ahead will require 250 million hectares more of agricultural land. Most of this land will have to come from what is currently wildlife habitat. The UN's projected population of 11.2 billion by 2100 would require the creation of roughly 20 million square kilometres (8 million square miles) of new cropland-equivalent to more than 80 per cent of all forest and woodland in developing countries today.

Conversion of natural habitat for human use can even reduce the value of remaining wild areas for wildlife. When development chops wild lands into fragments, native species often decline simply because the small remnants do not meet their biological needs. For example, studies of US forest birds indicate that species that prefer to nest in forest interiors are

more subject to predation and lay fewer eggs when habitat fragmentation forces them to nest along forest edges. A study in southern California indicated that most canyons lose about half of native bird species dependent on chaparral habitat within 20 to 40 years after the canyons become isolated by development, even though the chaparral brush remains. Biologist William Newmark's 1987 study of 14 Canadian and US national parks showed that 13 of the parks had lost some of their mammal species, at least in part because the animals could not adapt to confinement within parks surrounded by developed land.

Habitat loss in North America and in Latin American tropics has caused

declines in many bird species that migrate between those regions. The Breeding Bird Survey, a volunteer group that evaluates nesting birds each June, found that 70 per cent of neotropical migrant species monitored in the eastern United States declined from 1978 to 1987. As did 69 per cent of monitored neotropical migrants that nest in prairie regions. Declining species include such familiar songbirds as wood thrushes and warblers. As human population growth continues to push development into wild areas, fragmentation will increase and its effects on wildlife survival will intensify.

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Percentage of existing parks and reserves subject to agricultural encroachment and other human disruption : 33

Percentage of all species likely to become extinct within the next 30 years : 25

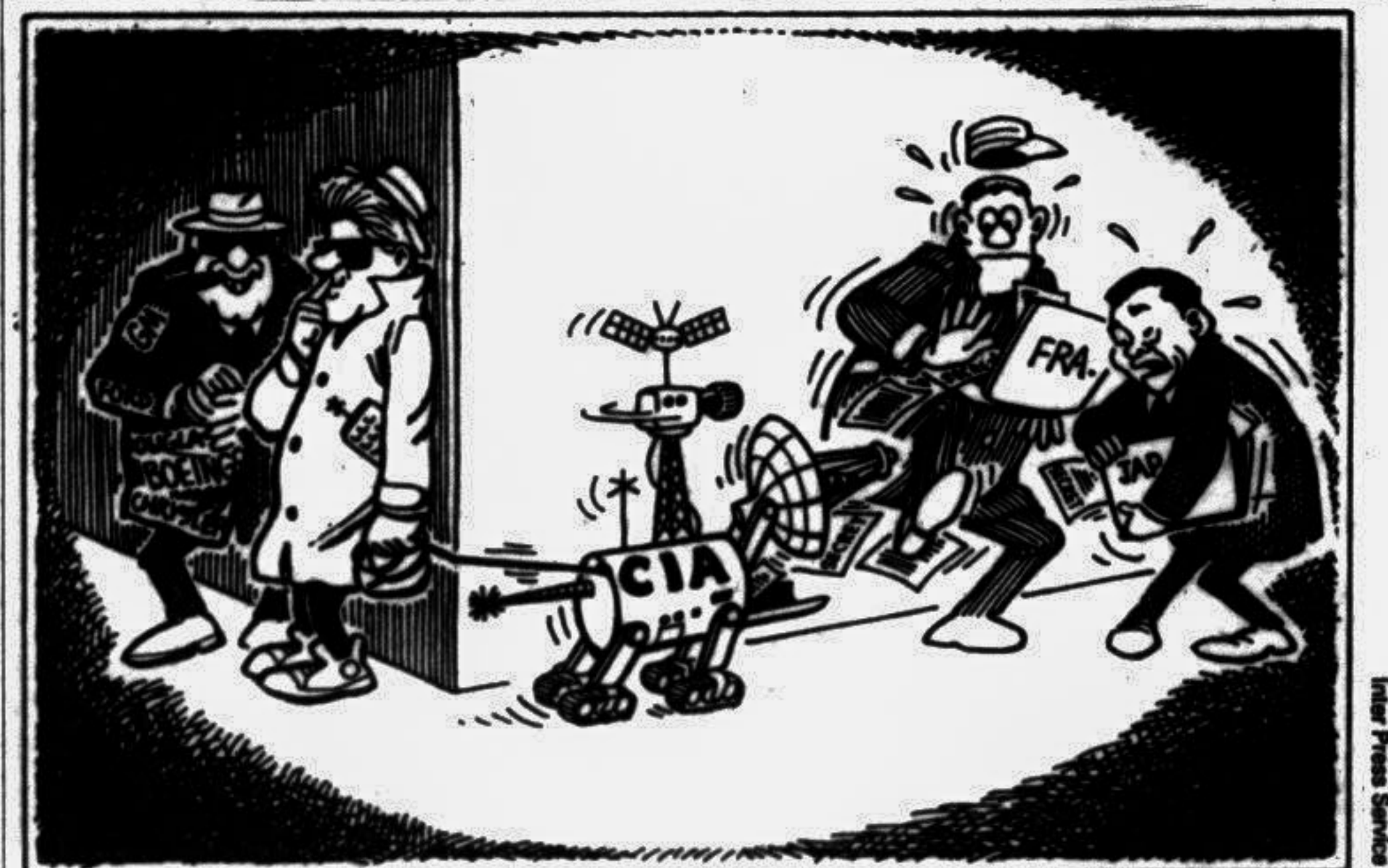
Number of lives saved yearly in the united states by plant-derived anticancer drugs : 30,000

Number of plant species used by southeast Asian herbalists for medicinal purposes : 6,500

Number of edible fruit species found in rainforests : 2,450

Cloak-and-Dagger Business

The United States is putting its spies to profitable use by getting them to help sell cars, energy, planes and save the rainforests. But as Pratap Chatterjee of Inter Press Service reports, some people are less than pleased.



SOME agents of the US Central Intelligence Agency (CIA) may still be battling warriors of the Evil Empire in their nightmares, but many of them perform more practical chores in their waking hours. Indeed, US spies now spend more and more time making it easier to clinch deals for the country's businessmen abroad — with just the right amount of push from Washington.

Last year, for instance, the Massachusetts-based Raytheon won a US\$1.4 billion contract from Brazil to set up a satellite surveillance system to monitor the destruction of the rainforest.

The deal was struck after President Bill Clinton made a special appeal on behalf of the manufacturer to the Brazilian government. US officials also helpfully pointed out that French-owned Thompson CSF, Raytheon's main rival in the bid, had allegedly bribed local officials. "Our agents were tipped off about the bribes. We don't think that bribery is a fair way to do business, especially because our laws don't allow us to do that," William Colby, a former Central Intelligence Agency (CIA) chief, told IPS. Earlier that year, the

French were also butsmarted in their bid to win a US\$6 billion deal to modernise Saudia, the Saudia Arabian airline, by the same combination: CIA information on French bribes followed up by a personal letter from Clinton.

In March 1994, the Saudi government awarded the contract to the US consortium of McDonnell Douglas and Boeing. The French-led Airbus consortium was left out in the cold.

This July, the Los Angeles Times, quoting anonymous CIA sources, announced that CIA helps for US business was now official policy.

This is in keeping with the priority the administration has placed on helping US business abroad. It also benefits the CIA, which has been trying to justify its post-Cold War existence.

Clinton, according to the Times article, was particularly pleased with the role of the CIA in putting together a daily tip sheet for the US National Economic Council about the Japanese negotiating position in the recent US-Japan spat over cars.

Other examples have appeared in media, although never confirmed. In September 1993, Clinton re-

portedly asked the CIA to spy on Japanese plans to build a zero-emission vehicle and provide its intelligence to the Big Three US car manufacturers, Chrysler, Ford and General Motors.

Some people — notably the French — have been less than happy with this trend. In February, France struck back, accusing five US citizens of trying to bribe French government and corporate officials to obtain French technology and trade secrets.

French Interior Minister Charles Pasqua summoned US Ambassador to France Pamela Harriman to his office for a reprimand. And four of the suspects were asked to leave the country. (By then the fifth had already left.)

But this apparently did little to deter the CIA. The same month, the New York Times described how agency officers supplied information to the Department of Commerce to help Enron, the largest natural gas company in the United States, win a contract to build a power plant in Dhabol, India.

Enron itself is displeased with this publicity. Says Joseph Hillings, Enron vice-president for federal government affairs: "We cringed when we saw the article that

described the CIA's role. They never gave us any information. For the most part, we have always had more information than the US government."

That may be so, but the CIA seems far from being anxious to keep its business-related activities a confidential matter. At recent Congressional hearings, for instance, the agency claimed, it has helped US businesses win US\$30 billion in contracts. This figure is quoted by US foreign service officers, who are enthusiastic about the programme.

The thinking now is that our ambassadors should be able to request the local station chief to get information on key contracts — information about possible competitors, about any illegal activities such as bribery," said a State Department insider.

Some of those who defend the use of the CIA to help US businesses say the French did it first. In the 1970s, for example, the French themselves used their intelligence services to obtain US and Soviet plans to sell fighter aircraft to India. Armed with this information, Mirage of France won a huge contract from India.

But the CIA's "commercial" missions are not new at all. In 1954, the agency orchestrated the overthrow of the democratically elected Guatemalan government led by Jacobo Arbenz to help United Fruit, a family-owned US business, protect its interests in the Central American nation.

In 1953, it moved successfully against Iranian Prime Minister Mohammed Mossadeq when he threatened to nationalise British and US oil investments.

The CIA also worked unsuccessfully with telecommunications giant ITT to try to prevent the election of Chilean President Salvador Allende Gossens in 1970.

US companies have also assisted the CIA in the past, sometimes by permitting it to plant agents among its personnel abroad and volunteering briefings to the CIA's National Collection Division on information collected overseas.

Still, old CIA hands are not very enthusiastic about the agency's "business dealings."