

Founder-Editor: Late S. M. Ali

Dhaka, Tuesday, December 31, 1996

Of Central Importance

A state manifests its authority and powers through three channels. It also derives its powers and authority from the selfsame three aspects of a state's being. The Executive manifestation touches upon the life of the whole population of a state and as such only persons chosen by the people are entitled to the exercise of powers over all in a state. The Legislative makes the laws according to which those powers should be exercised. This is the first limiting factor to the Executive's wielding of absolute power. But as the Executive are but persons from the Legislative — the limiting factor is not quite up to that. Judiciary or the legal system is the only truly limiting factor to the omnipotence that the Executive-Legislative duo can and do achieve generally. But this is a merit only negatively effected, if at all. Judiciary and nothing but judiciary validates and justifies governance on its positive side. The state has no authority unless its exercise is approved as just by the judiciary.

This accepted scheme of governance in a modern state has a very bad record of being undermined and even thoroughly sabotaged by the power-duo or the governing parts of the state. A dependent Judiciary is one that cannot, can never deliver justice. And a state, any state with justice unensured to all in it, is downright tyranny qualifying eminently to be thrown overboard.

The power-duo has a standard device for sabotaging judiciary, which is ideally a tough impediment to unquestioned power. Not manning it to the size needed for delivering justice in time and not funding it enough to keep its members well.

A sickly judiciary is the vilest enemy to its own self. It becomes sluggish and its supervisory and monitoring mechanisms, if there be any, dwindle in effectiveness. As apathy sets in, the backlog of undecided cases pile up. In Bangladesh there may be more than 400 thousand criminal cases waiting to be disposed of.

On Sunday, the SAARCLAW conference of the most eminent jurists in the region concluded after a series of fruitful sessions. All the right chords rang from the divergent nations. Quick and cheap delivery of justice was the universal concern. Hopefully, the jurists didn't cringe from self-criticism which can help heal certain malaise without recourse to a benign relaxing of the tethers held by the governing duo.

Better Tested in JS

It is difficult to sound full-throated with the news that winter session of the Jatiya Sangsad has been summoned on January 15. The subdued greeting is because nothing of substance seems to have emerged since the opposition boycott of the second session of parliament in early November to suggest that its shadow has been removed from the third session due in mid-January. Seriously concerned over the spectre, we are anxious to see that the two weeks before the session will be fully utilised to turn a corner rather than spent on ego-servicing as democracy and Constitution are rendered virtually moth-eaten in practice.

It is understood that the BNP's ten conditions to the ruling party for rejoining the parliament have been reduced to three: end repression on BNP people, change the Speaker or 'make him neutral,' and give full coverage of opposition news and views over BTV.

On alleged repression of BNP party leaders and workers, we reiterate our earlier stand that the opposition must forthwith furnish a list of their followers to the government who purportedly have been prey to ruling party persecution or harassment as claimed. So long as the BNP dithers on responding to this challenge thrown to them by the government party quite a while ago, a question-mark is bound to dangle on their sincerity to come back to parliament, let alone their credibility as an opposition party serious at all to mean business.

The Speaker's neutrality is such an operative and functional necessity and it is so very much inherent to the Constitution and the Rules of Procedure that a political party needs hardly make an issue of it in the open. How would the non-partisan role of a speaker be put to test or even guaranteed, if the opposition persists in staying out of it altogether giving the ruling party a wholesale walk-over and the nation a raw deal?

Just a few days back, the Prime Minister has assured the opposition of full electronic media coverage. Let her government issue an executive order to the radio and television authorities requiring of them to fulfil her promise in letter and spirit.

The winter session of parliament has an important list of agenda with the ratification of the water treaty at the centre of it. We urge the BNP to feel morally, democratically and constitutionally bound to return to parliament following ruling party assurances which can only be tested within the four walls of Jatiya Sangsad.

Umbilical

One has heard of new-borns being lifted out of hospital wards or plainly swapped by the sleight of hands in cohorts with insiders. Such disappearances could only be the hand-maiden of thugs bereft of conscience which perhaps never pricked them while rearing up the children in complete denial of the natural right of biological parents to be doing so. Most unconscionable acts can be salved one way or the other but this variety of crime can never be made up for.

But when the story of child-stealing ends on a note of the mother dying from the shock of it all, what we have is not just a family ruination but a degenerated society of animals with a human exterior.

Marjina wishing to see her new-born girl at Khulna General Hospital on convalescence had the shock of her life when she was told that it had been stolen. Failing to absorb the hurtful news she falls ill and then subsequently dies.

She had to pay the price for her new-found hygiene consciousness that she ought to travel from her village home to far-away Khulna town to give birth to her child in conditions of relative safety. This message must be noted by the hospital authorities everywhere in the country. It points to the sores that infest hospital administrations. Marjina has fallen martyr to the cause of new-borns all over the country.

Only when the facts will be uncovered in such a test-case that we have any chance of defending the umbilical child right.

Winning the Competitive Battle

Winning the competitive battle would imply establishing a firm foothold on a segment of the market for a particular good or service.

al market is like a 100 meter sprint with a certain difference. Those who complete the run within a specified time limit are the winners. There is no single winner but the fastest runner gets major share of the prize money and in descending order, all winners get a share of the pie.

Now imagine the pie as the market. The best performer secures the single largest share of the market. If there is a single supplier, it becomes a monopoly market without any competition. It is like a single runner completing the race within the allotted time and marching off with the entire prize money in the so-called competitive markets, it has been seen that many enter the race and many fail to complete the run and the prize or the market gets divided among the few. In real life, competition, unlike the run is always imperfect and the extent of such imperfection determines the number of surviving business enterprises.

Winning the competitive battle would imply establishing a firm foothold on a segment of the market for a particular good or service. How it can be done? The best runner who does win must be enjoying certain advantage in terms of his health, vigour and endurance which have not been bestowed on him by nature but acquired through years of hard training and everyday practice. It is not just the luck. Similarly in the global market place, for each product and service, we should try to identify the advantages which we should be in a position to eventually acquire through years of hard work, experience and trial.

A general assumption that we are a poor country and the labour is cheap; so we should manufacture labour-intensive goods and services for export is not enough and we cannot win

the competitive battle in the in Bangladesh, embroidery global market on the basis of skills are well-known and constitute a basic advantage on such superficial considerations. There are countries which we should try to build on. where labour is not only cheap. We should focus on that segthey are better nourished as ment of the garment market well as literate — even the un where such skills play a signifiskilled workers possess the bacant role. sic writing and reading skills. The adaptation of Grameen We cannot beat them even in the garments manufacture beyond a certain point. The proof of it is borne out by the fact that the rate of expansion of the indus-

tages can be secured.

A real-life example will clar-

ify the point further. Carpentry

is all labour. However, an Aus-

tralian expatriate in Bangkok

got all his household carpentry

work done by one single carpen-

ter from Sydney since he found

it cheaper than employing local

intensely skilled and highly ef-

ficient Sydney carpenter fin-

ished the job within 10 days

while it would have taken five

local carpenters one month to

do the very same work. It is,

therefore, not the wage rate but

the productivity of labour

which determines the competi-

tive advantage. Low wage also

means low productivity. Some-

times, a better wage or even im-

proved working conditions en-

hance performance of workers.

If garment factories are located

close to where workers live and

they do not have to walk 4 to 5

kilometres to reach the work

places, then the energy saved

should improve work quality.

was told that provision of lunch

enable garment workers to

work better and for longer

hours so that the additional

cost is overshadowed by gains

in productivity.

carpenters for the same job. One

Check as an exportable textile is another example of how traditional local skills can be put to good use in winning the competitive battle. We have the potry is less than what it was betential to export half a billion fore - growth rate of garment dollar worth of such check fabindustry is already on the derics. Flannel is another export cline. We have to proceed tofabric where outputs from our wards more skill-based produchand looms can be adapted to tion and it is through applicaproduce according to market tion of skill on a fairly grand scale that competitive advan-

but not sufficient. Immediately we must focus on developing new skills on a very large-scale. Leather tanning and manufacture of shoes can be explored since the prospect of labour substitution in that industry is limited. However the skill base, particularly for quality leather production, is very poor at present; while, access to high quality tanning technology is still very difficult The strategy therefore should be to attract well-known brand names to set up their own factories or encourage local manufacture through licensing arrangements and/or longterm orders. Here quality con-



Window on Asia

Shahed Latif

demand. Perhaps, we should move on to power looms for ef ficiency gains and corner a larger share of the world mar ket. There could be other examples within the textile-garment sector itself. The point is producing simple shirts including T-shirts, is not enough. We should move into more skill intensive segments of the gar ment/textile market so that we are recognised as one of the global winners of the race combining low wage and high or unique skill, resulting in fairly differentiated products for which the global demand is high or have the potential to be high in the near future.

Winning the competitive battle has several other ramifications. In order to graduate into an emerging (tiger, or a cat, does not matter) economy, it is not enough to become "the Tailor of the World". It is necessary trol is the key and skill development will set the pace of the growth of the industry.

There are many other indus-

tries where it is not necessary to be favoured with the desired preconditions. If quality goods and services can be produced and offered at attractive prices. global market is open to us in view of increasing liberalisa tion anticipated for the future. Wining virtues in the competi tion will be the uniqueness of design and other features which quickly build up widespread consumer preference — strongly influenced by the media and trend setters in the market. For example, ceramic industry, in spite of the fact that both technology and raw materials are all imported, new manufactur ers from Bangladesh managed to enter the world market. How ever, it would be difficult for such enterprises to become

market leaders. Still it is a good strategy to create a welldiversified base of manufacturing where domestic demand is large while products also get sold in international markets.

At least 100,000 different items enter the world market for manufactured goods with the approximate size of three trillion US dollars.

lf we can enter world markets and secure only one per cent market share of one per cent of these goods and services, our total merchandise exports would amount to \$ 200 per capita (of the projected year 2000 population) which is almost equal to the present per capita income of the country. Definitely, we would then be rated as an emerging economy given such dramatic export performance.

However, difficulties are many which we must overcome before we achieve such a welldiversified export manufacturing base. Skill development is the key to success and the backlog in this respect may be too big to overcome within a short while. Winning the export battle through this strategy should be feasible in the long run, although it would make life easy in the market and might ease the pressure to win the 100 metre sprint of the competitive race of any particular market. One per cent share is too little but the constraints are internal which we must overcome first.

Therefore, let us focus on the domestic market first. There are 1.5 million TV sets in the country now and the demand is growing at 20 per cent per annum. It is a big enough market to promote manufacturing where subtle protection may be provided through easy consumer credit for purchase of Bangladeshi TVs as well other consumer durable. There are

protective devices which are not outright tariff protection and other emerging tigers have successfully exploited such devices to promote domestic manufacturing in the past and we can do the same now. With a population of 150 million in the year 2000 and 15 to 20 per cent in the category of middle-class who can afford consumer durable. the domestic market is going to be fairly large - if present trends persist well into the future. Therefore, another effective strategy may be to start off with manufacturing for the domestic market and then expand and get into the world stage where a one per cent share is big enough - provided a widespread, well diversified manufacturing base can be created first.

It is very difficult to clearly identify the particular world market where we shall definitely win. We must try and keep on trying at several markets with various products. At the same time, strengthen our manufacturing as well as marketing capacity within the country. The success of economic growth in the emerging economies was not due to production for export only. Korean cars, electronics, ships and textile industries did first concentrate in the domestic market achieved high quality and low cost of production before venturing out into the world markets. The pattern have been similar in other emerging economies except Hong Kong and Singapore

With 150 million people in the year 2000, we are not a small country even in terms of market size and definitely not in terms of our potential export capacity. Like the Olympic runners, we need intense preparation by means of hard sustained work. Even then we may not get the gold medal but should be able to complete the race within the acceptable time range so that we could be recognised as the next tiger (not a cat anymore) of Asia and the Pacific.

State of Human Rights: Global and Bangladesh Perspectives ORTY EIGHT years ago It is in everybody's interest to outlaw the use of force, preserve peace and set in motion a morality and militate against

process of sustainable growth to enable us to build the foundation of a safer, securer and

on 10 December, 1948, the United Nations adopted the Universal Declaration of Human Rights which is acknowledged as the magnacarta of all mankind. Underlying the declaration is the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world" as enshrined in the preamble to

the declaration. While remarkable progress has been attained in enforcing and preserving some fundamental rights in pursuit of this momentous declaration widespread violations, infringement and denial of human rights persist unabated, often with impunity and ruthlessness all over the world These violations are an affront and disgrace to the entire humanity and civilisation. Although the possibility of a world war has receded into the background and appears remoter than ever before, to the horrors of localised battles and strifes stalk in many flashpoints across the world costing thousands of lives and inflict ing heavy casualties, leaving a trail of incalculable human sufferings. Human rights are on trial in these troubled spots. while in the majority of cases unable to act, the UN is pushed to the sideline as helpless by-

stander

In Rawanda-Burundi region alone, the bloody tribal conflict between Tutsis and Hutus has so far claimed the lives of over one million people during the last few years in one of the worst exterminations of human race known to history. Apart from the dead and the injured, wars and ethnic conflicts around the world have left more than 30 million people homeless, turning them into refugees who have been forced to lead a sub-human life in makeshift, ramshackle, overcrowded camps. Throughout the world minorities, indigenous people and aboriginal like Kashmiris, Chechnians, Kurds, Moros and others are denied of their human rights as they are subjected to varying degrees of torture, persecution, repression including deaths by the oppressive majority. Palestinians' dream for peace remains an illusive goal with the entire peace process in jeopardy. The fractured peace at Bosnia has been won at an enormous cost after a long drawn out war of attrition.

freer world for the posterity, writes Amanullah Khan
wholesale massacre and the so- ing teenagers and children age of dem

The spectre of nuclear warfare still looms large, as more and more countries are joining the nuclear club and conducting nuclear tests. This poses a grave threat to the environment as well. Some countries still reportedly hold large stocks of ethal biological and chemical weapons in contravention of international treaties. Tens of thousands of innocent victims were killed or maimed by the landmines which continue to be a danger until cleared. The build up of deadly arsenals and the arms race go apace casting a dark shadow over our fragile planet. Tragically, the annual trade in arms amounts to a staggering 1,000 billion US dollars even after the end of the

called ethnic cleansing.

The scourge of poverty. hunger and deprivation continue to haunt a large section of the world population. Of the total world population of 5.7 billion, about 1.3 billion subsist below the poverty line. The poorest of these poor live in the developing nations. Bangladesh such poor account for more than 50 per cent of its population who have been held down by an illiteracy rate of about 70 per cent with an unemployment rate of over 50 per cent of its work force. Caught up in a vicious circle, basic human rights like food, clothing, housing and education remain out of reach of the majority of our people. To make human rights really meaningful, people should be free from the fear of economic insecurity and be able to enjoy a reasonable standard

of living. Women's and children's rights in our country remain a far cry notwithstanding some recent significant steps forward particularly following the Beiing conference. Women's liberation and empowerment in our country still face serious challenges from male domination. social and cultural barriers. Despite the passage of the Prevention of Women and Children's Oppression Act 1995 and the constitution of Women's Oppression Resistance Cells in each district headed by the Deputy Commissioner, reports of violations of women's rights are not uncommon. A huge number of our women, including teenagers and children among the poor, are being smuggled out of the country. Most of them end up in brothels

abroad. As far as children's rights are concerned, though important breakthrough has been ini tiated in the garment sector. bonded child labour in other felds and abusing children in general are still prevalent. At present there are about 250 million child labourers in the world most of whom reside in the developing nations. Proper enforcement of law and the creation of social awareness may prevent child abuse which represents a form of slavery handed down from our medieval past

There is also a thriving illicit and illegal trade in human organs which violates the sanc tity of human lives. A large number of our citizens are lured or forcibly taken to the neighbouring states and are compelled to sell their organs, specially kidneys. India has already enacted a law banning such illegal transplantation of human organs. We should also take steps to adopt a similar law and apply it stringently to prevent the commercial use of human organs.

It is an irony that while we talk loudly about the rule and the supremacy of law and the ideals of democracy and liberalism, we still cling to the blackest of the black laws, the Special Powers Act which allows a person, including prisoners of conscience and journalists, to be detained by the state without charge or trial for an indefinite period. Hundreds of people are detained under this Act many of whom are later released as no cases can be established against them. Since adequate laws exist in the country to bring the criminals and delinquents to justice, this law should be repealed from our statute book in order to correct the incongruity, lend credibility and respectability to democracy in Bangladesh and to concede full liberty to our citizens to which they are entitled by the Constitution. Cases of police brutalities, deaths in custody/prison cells and extra judicial executions are common in Bangladesh. Such contemptuous treatments of human

age of democracy and should not be allowed to happen in a democratically ruled Bangladesh. Terrorism and violence appear to have become endemic and almost a way of life here. This bane should be stamped out from our body politic so that the rule of law prevails. The separation of Judiciary from the executive function and the quick dispensation of justice are also prerequisites for establishing the

Instances of encroachment upon freedom of expression and speech also occurred in the past. Some time back editors of a leading newspaper were arrested, convicted and sentenced to imprisonment for publishing an article that expressed views considered offensive and repugnant. A book titled "Nari" authored by a university prolessor was proscribed by the authority after it had been in circulation for several years on the plea that it contained remarks calculated to insult and offend womenfolk. Such cases of onslaught on freedom of expression and dissent are contrary to and inconsistent with writers and editors have the right to articulate their opinion, so should the readers have the right to accept or reject any ideas carried in books or newspapers as they are the best judges to decide for themselves what is good and what is bad.

It is unfortunate that some developed countries of the world by virtue of their dominant position occasionally resort to acts that are interpreted by developing nations as exploiting them and as such considered unjustifiable and unacceptable to them. Dumping toxic wastes and hazardous materials in or near the territorial waters of the developing states causes environmental degradation, export of harmful pesticides and unsafe drugs banned in their own countries, dictating terms of trade unfavourable to the developing countries, a tendency to withhold transfer of technology and the sale of plant and equipment which do not always conform to the stringent safety standards in force in their own countries are examples of such acts. These wrongful acts perpetrated on the developing nations transgress the boundaries of

morality and militate against the objectives of equality, fairplay and justice governing the relations between states. They should cease in the interest of sound and stable international partnership and cooperation free from all domination and intimidation.

It is in everybody's interest to outlaw the use of force, preserve peace and set in motion a process of sustainable growth to enable us to build the foundation of a safer, securer and freer world for our posterity. In order to translate the cherished dream of peace, democracy and progress into reality, we need more than pay mere lip-service and take refuge behind rhetorics. What we need is an affirmation of faith, a profound conviction born of a consuming desire for peace and a political will to act and to venture. Let us firmly resolve to make a beginning in the right earnest in the guest for peace and institutional democracy which has

The author is the Chairman of Issues and Policies Research Centre (IPRC). The article is the abridged version of an address delivered recently at a national seminar organised by Bangladesh Human Rights Commission to observe the 48th Year of the Universal Declaration of Human Rights.

proved illusive for so long

OPINION

democratic values. Just as the

Recently, one day I was to

The Traffic Sergeant and I

Having left my work place (located around road eight in the Dhanmondi Residential Area). I instructed my driver to pick up my wife and daughter from our residence at Central Road near the Hatirpool and proceed towards Banani and advised him to wait in front of the BARC Complex at Farmgate and that I would walk down and join them at an appointed time.

It was about 6:30 pm when arrived at the appointed place. noticed from a distance that my chauffeur was engaged in what appeared to be some kind of arguments with a Police Sergeant (Traffic). As I approached them I found that the Sergeant was engaged in writing a traffic violation ticket and that my chauffeur was trying to impress upon him that this was not fair and that it was his first violation of this kind. Incidentally the ticket was related to wrong parking. At this stage I too intervened and mildly appealed for clemency saying that the fault was not his but mine since he had parked the vehicle at that place at my instruction. Nothing seemed to dampen the spirit of the Sergeant. On the contrary he tried to impress upon me the fact that matters were different now with the coming of the new government and that matters like these will henceforth be en-

forced more vigorously. This had a profound effect on me and my attitude took a ninety degree turn all too suddenly. I was happy to note that at long last we are about to witness real enforcement of laws and our streets will soon be disciplined. I immediately expressed my regret to the Sergeant about my attitude refleeted thus far, congratulated and wished him well. However. as I was about to leave the scene of occurrence, suddenly something attracted my attention - I saw a series of threewheelers and a number of cars

lay parked in front of the Aolad

Shamsher A Chowdhury
Hossain Market almost exactly opposite to the place where my car was parked. Not only that the vehicles were parked in a most haphazard way, a few of them were even parked right under the sign post "No Parking". As you can well a imagine I was rather disturbed. I returned to the Sergeant again and

sought his opinion about these

wrong parking. At this the

Sergeant appeared to be rather annoved I dwelt at length with the Sergeant on a number of the related issues, I enquired from him as to what the government was doing as far as his knowledge goes regarding the hundreds of unfit motor vehicles moving in the streets of Dhaka and elsewhere emitting danger ous chemicals extremely harm ful for the lives of the people, and continually polluting the environment. I also asked if what, at all, being done by him or his colleagues in arresting these dangerous elements who are making the roads unsafe for the general members of the public at large — the Tempo and the Bus drivers. I asked him if he was aware as to how these vehicles and their drivers ob tain their registrations and the licenses. Asked him if he was aware as to why these are not being withdrawn from the streets, far from it they are not even fined. Having argued yet for a while I left the scene of this unhealthy occurrence with

feeling angry, frustrated and helpless at this prevailing inequality of treatment and unfair application of justice.

the feeling of utmost frustra-

old and out of date formulated by the British some two centuries ago or even earlier. Be that as it may, the way laws are enforced here no amount of modernisation or revision would change the scenario. Nothing jeopardizes the cause of law and its systems more than the inequality of their application.

One of my close friends, an

ardent supporter and advocate of the present regime, came to see me the other day all excited and said. "Look Shamsher now that forces of Liberation have made a comeback you will see things will continually turn for better. "I wish I could be as enthusiastic as he was. I was tempted to ask him as to what he really meant by this and then thought better of it! What forces was he talking about? With our minds, our thoughts and attitudes still at their primitive stages, are we indeed able to understand the true meaning, essence and the values of independence of any kind whether earned through the blood and sweat of our brethren or our forefathers or handed down in a platter. What we need today is a thorough soul-searching, honesty of commitment and the realities of accountability. No more selfindulgence or self-aggrandizement. We must rise quickly and make conscious efforts without fear of consequence, or else none can help us. Finally, I would like to con-

clude quoting a few verses from a famous Urdu Poet which in English reads as "Although the defenders of the Faith (Islam) have built the Mosque overnight yet with years of efforts I failed to transform my sinful soul and enter to say prayers."

Way back in 1975 an ex-US-AID veteran, a former boos of mine, one-day made two pungent remarks after he had already worked in the country for nearly six years — which are still fresh in my memory. He said, "Look Shamsher the trouble with you Bengalees is this that most of you are so busy keeping your job that you cannot do your job." The other remark was, "Your problems are people problems i.e. your problems are people problems i.e. your problems are you."

Cause of unnatural death

Sir, The bright star of the country's filmdom, Salman Shah, breathed his last few months ago. There was much hue and cry about his unnatural premature death. But actual reason of his death still remains unearthed. If the reason of death of such an extra-ordinary person remains mysterious, it is doubtful whether justice be applied in case of a common man's unnatural death.

We hope, the authority concerned should be serious to expose the real cause of such unnatural death of whoever he or she is.

she is. Afsana Chowdhury Emy S S Road, Strajganj

Ganges water

Sir, Of late, we are proud to take serious decisions. Reaching decision on sharing of

Ganges water is a tremendous achievement for Awami League government. After a long period Awami League has taken over the responsibility of government and took it as the first issue to solve the Ganges water problems.

During the past 21 years

there was no achievement in this regard. Previous governments tried to make lobbies here and there, so that the problem could be shoed internationally. But physically we found nothing remarkable had been done. However, we request the present government to sort out unsettled issues with India through diplomatic process between the two countries, and reach favourable decisions at the earliest as has been done in case of Ganges water.

We must also express our gratitude to Mr. Jyoti Basu, the chief minister of West Bengal. He has played a vital role in sharing of Ganges water in

while, the American government and other international community have appreciated the treaty. We think if this process continued then other problems would also be solved within a short time on mutual interest.

We also like to add here that

rights do not fit in with the im-

favour of Bangladesh. Mean-

We also like to add here that before election the Awami League committed so many things.

It is time to meet the commitments one after another as soon as possible. Then people's regard for the Awami League government will keep on increasing. Then the government and the people with it, will be able to fully materialise the dream of Bangabandhu—Sonar Bangla—without fail.

e Obaidul Kabir Chowdhury

1. Asstt Vice President

1. National Bank Limited

1. Head Office, Dhaka