

Quotas are a Respite Only

Bangladesh has won back the derogation of rules of origin under the GSP to avail herself of a 12.5 per cent duty rebate for her export of woven and knit products to the European market. If full advantage is taken of this renewed facility our export-earning from the EU would register a growth of 40 per cent at the year-end instead of the 22 per cent it has slumped to. A credibility stream almost going moribund with a slur on the face slapped by the complication over flawed certification of origin has been resorted to life. This has happened by virtue of adroit and transparent handling of the affair by the Commerce and Industries Minister To-fael Ahmed who, by his own admission, drew substantially upon the consultation he had with garment sector leaders and top chamber functionaries. The minister went to the EU headquarters with such a 'consensus solution' that the latter could not but be amenable to it. The goodwill so assiduously revived puts a premium on maintaining it at any cost in the future.

On the credibility note, Bangladesh's garments sector has, of its own volition, entered into an agreement with the UNICEF and ILO which has been lauded as a model of an accord, whereby the problem about the use of child labour has been squarely addressed.

In this overall scenario, the US quota curbs on our RMG imports should go. The sense of loss at the continuation of these restrictions is simply overwhelming when Bangladesh ranked as the fifth largest apparel supplier to the US market.

These preferential quotas are not going to last long. In fact, the GSP itself falls due for renewal at the end of 1998. This is set against an overall perspective in which all quota facilities stand phased out in the year 2005 under WTO stipulation. We have to face open competition in the apparel export business with the rest of the world. While we make the most of the withering quotas we must be focused at the same time on developing backward linkage to the industry to add competitive value to our products by way of meeting the eventuality after 2005 AD.

Topic: Tear Gas

BNP chief Begum Khaleda Zia this week has been a classic study in vindication of an eternal wisdom: knowledge comes only after suffering. To our mind, however, it is absolutely immaterial whether the particular brand of tear gas shells she is so distraught with were brought during the BNP regime or not. The point that needs to be driven home is that the gas is not only taking toll on lachrymal duct but it is causing serious irritation to the eyes; sufferers' impression is that the present type of the gas is different in the sense that the burning tear-producing effect does not go with the application of water as it used to be in the past. Heat works better in attenuating the impact of today's tear gas — a fact that is capable of inspiring people to draw the inference that perhaps there is more to it than the standard variety.

Although authorities have dismissed the suggestion of any change in the chemical composition of the gas shells, the fact remains that the tendency among the law enforcing agency to lob tear gas shells at the simplest provocation is on a rise. It is a relatively easier option for the men in uniform: no blood shedding, no direct confrontation or casualties. But this, we are afraid, cannot be swept under the carpet as another insuperable irritant of our modern existence. Given the nature of our politics and the number of clashes, the health and environmental impact of such uses has to be minimised.

We urge the leaders of the ruling party and the opposition to give a positive direction emanating from the controversy over the use of tear gas. Why in a civilised country government and the opposition have to be at the loggerheads so much so that one will try to quieten the other at the cost of considerations vital to public health and environment?

Environment Courts

A law for setting up one or more environment courts in every division of the country is in its final stage of enactment. Whatever bits of the proposed law have come out so far hearten us. The first important thing is that these would be criminal courts. And the courts would be bound to dispose of a case in six months. Appeals can be preferred but with the High Court alone. Interim orders by the environment courts cannot be challenged even at the High Court.

All this is very evidently designed to yield result. The courts now can act as a benign instrument to protect and preserve our environment and discard whatever is violating it. This the courts will do by punishing violators of environment and mitigating pollution and degeneration of the same. A very good thing it has been to take the environment cases out of the criminal courts with a backlog of tens of thousands of cases pending disposal there. And the six-month time-bar would doubly ensure early verdict in all cases going before the environment courts having no backlog at all.

But the laws under which the cases at these courts would be tried — are they adequate and comprehensive? How do you restrain a man from polluting air through his black-smoke spewing car, bus or truck? Not by fining him Tk 200. First the condemned vehicle must go off the road. Second the punishment must be such as would not encourage the owner risk another punishment.

The key question, however, is who will do the prosecuting? Ordinarily our people would not want to embroil themselves in lengthy court procedures. The police, as such — and health and environment inspectors etc. have to bear the burden of prosecuting.

We propose that environment activist groups be encouraged by funds and whatever to join this task of prosecution. Of course, the cost of all such cases would be borne by the government until the verdict is reached. The courts then can order the convicted respondents to pay the cost of litigation.

President's Speech at FEMA Workshop

How about Introduction of Public Financing for Parliamentary Elections?

If money is allowed to play a free hand in elections, then it is more likely than not that the election outcomes will reflect the amount of money spent in campaigns than the real mandate of the people.

PRESIDENT Justice Shahabuddin Ahmed captured newspaper headlines once again. This time his focus was on the election laws of the country and he did, indeed, hit the nail on the head. Addressing a workshop — organised by Fair Election Monitoring Alliance (FEMA) in the city last week — the President accused the country's parliamentarians for violating the election laws glaringly and admonished the Election Commission for not enforcing those strictly.

The President was most critical of the dominant role of money — both black and white — in the country's elections and he underlined the need for an amendment to the election laws requiring every candidate in a parliamentary election to submit a statement of election expenses — from the date of acceptance of nomination to the date of conclusion of the polls. He called for "automatic cancellation" of the election result for non-compliance to the law, on top of long-term imprisonment for the election offence.

Obviously, the President was referring to the current spending limit of Taka three lakh per candidate for parliamentary elections in the country. Not only the President, the Election Commission as well as every elected member of the Parliament and every conscious citizen of the country knows — beyond and shred of doubt — that most MPs showed complete disregard to the law and none of them is ashamed of it. It is not surprising that the legal machinery of the land — that enjoys unquestionable notoriety for discriminatory application of law — maintained a near-complete silence about it.

Money and Election Outcomes

Bangladesh, however, is not an exception when it comes to unbridled use or abuse of black

or white money to buy up people's mandate. As elections are being institutionalised as a primary vehicle for choosing people's representatives in a democratic system, unscrupulous elements are also inventing newer devices to cripple the system both from within and outside. The more these elements — such as black-marketers, mafias, terrorists, extortionists, drug-traffickers, bank defaulters, murders, and other criminals and untoward elements — make inroads in a democratic system, the more the system degenerates, the more it fails to uphold the democratic values.

Most democratic nations are therefore concerned about campaign financing — to them the source of income of a candidate and how he/she finances election is no less important than any other political issue of the country. After all, if money is allowed to play a free hand in elections, then it is more likely than not that the election outcomes will reflect the amount of money spent in campaigns than the real mandate of the people.

Besides, how can a democratic system guarantee equality of opportunity to all if money decides the fate of candidates in elections?

Campaign Financing around the World

Of course, there are some countries who don't care much about the source of campaign financing or income of candidates. Sweden, for example, believes that disclosure of the names of the contributors violate the principle of secrecy of ballot. Even a country like the United Kingdom does not require its political parties to disclose their source of funding,

neither has it imposed any spending ceiling for elections at national or constituency levels.

The United States, on the other hand, has put in place rather stringent rules to regulate campaign financing. It requires all its political parties to disclose sources and amounts of campaign contributions and all election expenditures — both during and after the elections. Right now the records of President Clinton's campaign financing is being investigated by the Attorney General of his own administration. Moreover, the US government imposes spending limits as a condition for acceptance of government grants for campaign financing.

The standards for measuring such representation, however, vary from country to country. Sweden, for example, extends financial support to all political parties that receive certain percentage of support at a general election, whether they have seats in the legislature or not. On the other hand, Denmark, on the other hand, takes into account the number of seats won by each political party. Italy goes by the formula of a fixed sum for all political parties plus a proportionate amount for parties that have seats in the legislatures.

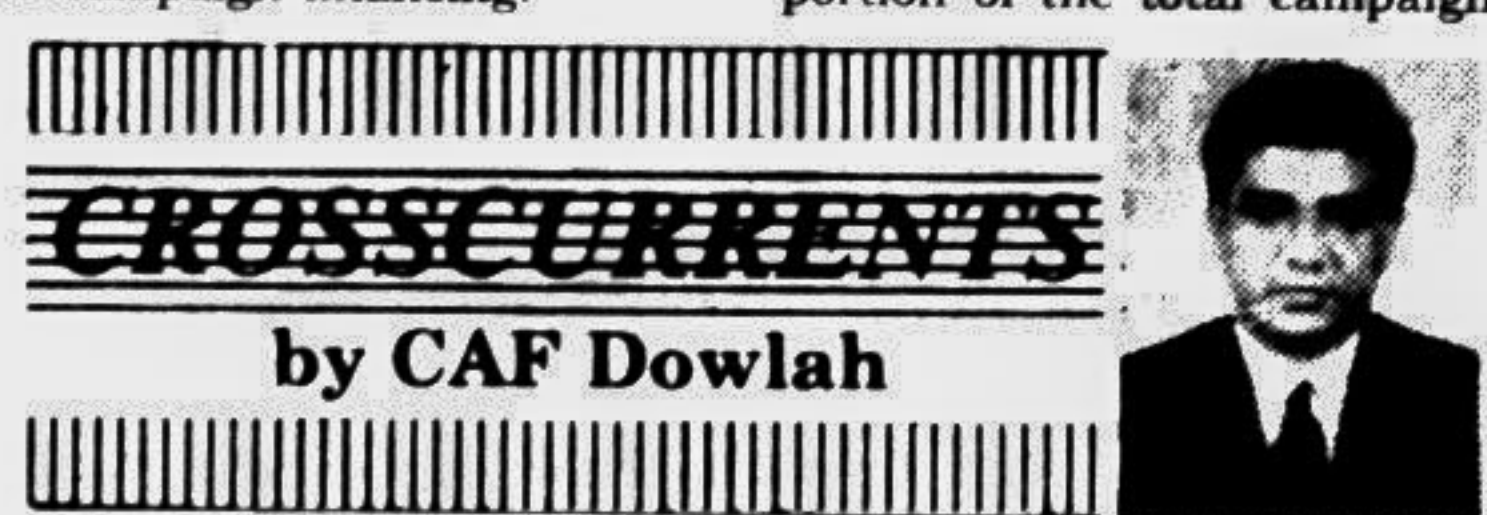
Some governments provide cash advance or reimburse a portion of the total campaign

the country. It is not at all surprising that the nation lacks a well-developed or well-functioning institutional structure or legal framework to conduct fair elections. Otherwise, a large number of unscrupulous elements — bank defaulters, telephone defrauders, verified criminals and other untoward elements — could not have made inroads into the Parliament.

Therefore, the President is right, the country's electoral laws need amendments. Of course, amendments to the election laws — incorporation of provisions requiring statements of election expenses, as suggested by him — may improve the situation a little bit. But what is the guarantee that the country's legislators — most of whom so far gave a damn to the spending limits imposed by the Election Commission — will make themselves submissive to the new laws that they might be making again?

Perhaps, it is time to think about the whole issue of campaign financing a little bit more thoroughly. Perhaps, the Election Commission itself should be reorganised — in terms of structure, composition, power as well as functions. Perhaps, it is time for the nation to encourage public financing of campaigns — as done in many countries both in the developed and the developing world.

Given the current limit of Taka 3 lakh per candidate, such a public financing programme will cost the nation about Taka 18 crore if the government finances two candidates or Taka 27 crore if three candidates are financed in a parliamentary election. Even if it costs Taka 100 crores, depending on the formula to be used for this purpose, spending such an amount



by CAF Dowlah

In fact over the years, scores of mechanisms have evolved throughout the world for subsidising campaign expenses and financing party activities from the public exchequer. Most countries determine the matrix of campaign financing on the basis of size factor, representation in legislative bodies, or the percentage to votes received in the last general election. In countries like Argentina, Austria, Israel, Italy, Norway and Sweden, the governments make annual grants for regular organisational expenses of political parties. In all these countries, however, a political party receiving organisational support must have some kind of representation.

expenses to qualifying parties and candidates. Germany, for example, reimburses campaign expenses for political parties that receive 0.5 per cent of votes in a general election. Puerto Rico reimburses campaign spending for parties that receive 10 per cent of the votes cast in Governor election, present candidates in each district and win representation in the legislature. In Canada, candidates who receive at least 15 per cent of total votes cast in their constituencies are entitled for reimbursement of a portion of their election expenses.

The Case of Bangladesh

Given the rudimentary stage of democratic development of

BANGABANDHU MURDER CASE

Verbatim Text of Cross Examinations of Twenty-fifth Prosecution Witness

Cross examination of PW-25, Naik (retired) M. Yasin, in Bangabandhu murder case began when the court resumed on Monday.

Following are the excerpts from examination by advocate Fariduddin Ahmed, state defence counsel for absconding accused Major (retired) Rashed Chowdhury:

Q: You were a technical assistant. The Tas are not given regular army training.

A: No, they are given regular training.

Q: What kind of training you were given?

A: All the trainings which the ordinary soldiers are imparted.

Q: Where is the Lancer unit situated?

A: At Balurghat in Dhaka Cantonment.

Q: Did you take ammunition with written issuance on that day?

A: The situation was different on that day. Ammunition were not given with written document.

Q: Did you know that the situation was different when you received the ammunition?

A: I didn't know what was going on.

Q: Can the dismissed officers move with the officers in service together?

A: Officers know.

Q: Did you see Rab Serniabat was killed by you Tasas.

A: This is not true.

Examination by advocate Belayet Hossain, state defence counsel for absconding accused Captain (retired) MA Majed:

Q: Who did coordinate after the troops were divided in different sections?

A: CO saheb.

Q: Joint fall-in of Artillery and Lancer are never taken place.

A: It didn't take place in previous time. But it occurred on that day.

Q: You had taken 20 bullets. How many you returned?

A: All the 20 bullets.

Q: You told the IO that you entered the house of Serniabat with opening fire. So, you didn't return the bullets.

A: I told him that Major Rashed Chowdhury and other officers entered the house opening fire. I didn't say I opened fire.

Examination by advocate A Wahed, state defence counsel for

absconding accused Major (retired) Shariful Haq Dalim:

Q: How long you served the 2 Field Artillery?

A: From January 10, 1974 to December, 1997.

Q: Who are responsible to look after the movement of troops, and others inside the cantonment?

A: I don't know.

Q: None of you stayed after the killing at Serniabat's house.

A: I don't know whether anyone stayed or not.

Q: You told the IO that you had taken 15 to 20 rounds of bullet.

A: I can't remember.

Examination by advocate Gazi Zillur Rahman, state defence counsel for absconding accused Lt Col (dismissed) Khandakar Abdur Rashid:

Q: CO saheb had inspected the night parade as per the rule.

A: Yes.

Q: You didn't see him later.

A: I saw him at the Lancer unit.

Q: When did you start from there?

A: Approximately at 4 am.

Q: You fired at the house of Rab Serniabat.

A: This is not true.

Q: You were directly involved in the killing.

A: I was not involved directly.

Examination by advocate Abdur Razzaq Khan, defence counsel for accused Lt Col (retired) Sultan Shahriyar Rashid Khan:

Q: When did you come to Dhaka for giving witness to the court?

A: On October 13 after being notified by the IO.

Q: Since then, you maintained a regular contact with him.

A: Yes, but I had no contact with him earlier.

Q: You came to the court for the first time on October 16.

A: Yes.

Q: Did all return their ammunition to the same place?

A: To their respective batteries and units.

Q: None could make a tally of the ammunition.

A: I don't know.

Q: You are an accused in this case. You have no capability to make witness.

A: This is not true.

Q: You have given false statement hiding the truth.

A: Not true.

Examination by advocate TM Akbar, defence counsel for accused Lt Col (LPR) Muihuddin:

Q: Are you a foolish or you have common sense and conscience?

A: I have common sense and conscience.

Q: In how many sections you were divided?

A: Four.

Q: Each includes...

A: 40 to 50.

Q: Did all the four sections march together?

A: One after another.

Q: When did you reach the New Airport?

A: At about 10 pm.

Q: Was there any security measure on the way to fend off any attack on you?

A: Section incharge knew it. We had arms for our personal security.

(Judge: Were the arms for your personal security?)

Q: Prosecution lawyer Mosharrar Hossain Kajal: they were inside the cantonment. Why the question of security would come? All the questions should not be recorded.

Judge: Court will decide it.

A: We were going through the cantonment. No security was needed inside the cantonment. Security measures were taken after we reached the airport.

Q: What was the distance in between the airport and the place where the cantonment area ends?

A: About one mile.

Q: You were carrying SLR for security on that distance?

A: There was no security measure on the road. Some personnel were posted at various points with security duty. They might have been with loaded arms or not.

Q: Were your arms visible?

A: Yes.

Q: What kinds of weapons you were carrying?

A: Several types. The sepoys were carrying SLR, JCOs and NCOs stenguns while the officers stenguns and pistols.

Q: You were divided into sections in Lancer unit. How many soldiers a section included?

A: Half of our soldiers were taken away from the airport. The Lancer and the rest of us came dividing into six sections.

(Judge: All of you didn't come to the Lancer unit?)

A: Half.

(Judge: You were divided into sections after coming to the Lancer unit?)

A: Yes.

Q: How many personnel were there in each section?

A: 40 to 50.

Q: From where you took the 20 round bullets?

A: From the Tank Bahini unit.

Q: Who was the incharge for the ammunition?

A: I can't say. We took the ammunition at the order of Lancer CO.

Q: Hadn't you sign while receiving the ammunition?

A: No. A huge quantity of ammunition were stockpiled in front of the Lancer store. I had never seen such a dreadful situation earlier. Tank Bahini CO Major Farooq saheb ordered us to pick up ammunition from there. Following the order, I picked up 20 bullets.

Q: From which unit the truck you boarded was taken?

A: It was not known to me.

Q: How many soldiers were in the truck that went along with your truck?

A: Like us.

Q: Did you, from the two trucks, get down at the same place?

A: Yes, we were asked to get down at the same place.

Q: Did you take the IO "after getting down from the trucks, we proceeded with opening fire?"

A: I didn't say it. I told him Major Rashed Chowdhury and

other officers entered the house with opening fire.

Q: You didn't tell the IO that the officers fired further.

A: I can't recall.

Q: Didn't you tell the IO "I realised that the officers committed the killings bluffing the sepoys?"

A: I told him.

Q: You committed the killings by the 20 bullets that you had carried.

A: This is not true.

Examination by advocate Khan Saifur Rahman, defence counsel for accused Lt Col (dismissed) Syed Farooqur Rahman:

Q: Can a bullet of one arms be used by another type of weapon?

A: I don't know it.

Q: What kind of weapons you operated in your army life?

A: SLR and G-3 Rifle.

Q: Can a bullet of one of the two be used by another one?

A: I used G-3 Rifle while I was in Pakistan. I didn't use the rifle in Bangladesh. So, I don't know it.

Q: Did you return to Dhaka Cantonment after completing your duty at the radio station in the month of September, 1975?

A: Yes.

Q: How long you were at Dhaka Cantonment after your return?

A: Upto December of that year.

Q: Do you know that sepoys killed officers in November, 1975?

A: Such incident did not take place in Artillery. I heard later that such incident took place in other units. Major Muihuddin sir is here. He will also say it.

Q: It means no officer killing took place in the 2 Field Artillery?

A: No anti-disciplinary incident took place in my unit.

Q: Officers maintained the discipline.

A: Both the officers and sepoys. Officers gave orders and sepoys carried out those.

Q: The high standard of discipline was also maintained since August 14, 1975 evening until you went to the radio station the following morning.

A: No personal liberty is allowed in army. I abode by the orders made by my officers.

Q: Being a soldier, you also have respect for discipline in your personal life. Correct?

A: Correct. My senior officers can say whether I was a disciplined armyman or not.

Q: You are not a relevant witness in the witness for which you have come.

A: This is not true. (Later, the witness said: please repeat the question, I could not realise).

Q: Did you come for give witness for the incident of Serniabat's house?

A: I have come for giving witness for Bangabandhu murder case.

Q: You have come to give witness for the incident that took place at Serniabat's house on August 15 morning. Correct?

A: I don't know.

Q: Had you any joint task with infantry during your service life?

A: No.

— UNB

Further texts of cross examination will be published as and when received.

every fifth year should be a peanut for this nation that sucks at least Taka 2500 every year from the national exchequer for salvaging its perennially loss-making public enterprise.

Overall benefit of public financing of parliamentary elections will be monumental and far-reaching for the nation. It will ensure equality of opportunity to every citizen to participate in the election processes and access of all contestants to the electorate for election purposes. It will help in refraining candidates from depending on questionable contributions from economic and business interests and national and international vested quarters. The candidates will be able to maintain a distance from corrupt campaign practices and non-transparent electioneering. It may encourage educated and enlightened people — who normally lack money — to contest in the parliamentary elections.

The benefit of the people will be even more striking. The parliamentarians will know that the people have not only elected them, they have also financed their campaigns. It is likely that those who will be elected with the help of public financing will be more inclined to develop a better sense of personal commitment to national interest. At least, his/her obligation to questionable interests and entities will be less compelling. Moreover, the candidates receiving public funds must disclose all sources of their income and all details of their election expenditures. All these public documents, in turn, would serve as an effective deterrent on their temptation to get rich quickly. The question is: will the policy makers agree on such an issue that will most certainly brighten chances for political, social and financial accountability of the parliamentarians?

of this case?

A: The incidents that took place from 4 am on August 15, 1975.

(The Judge again explained).

Q: You didn't see the incident of Bangabandhu's house. You only heard about it.