

The Daily Star

Founder-Editor: Late S. M. Ali
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A Deadweight on Civil Rights

IF there is one piece of legislation we have opposed tooth and nail from the beginning till the end, and in direct proportion to the government party's hell-bent attitude to push it through, then it has to be the Public Safety (Special Provision) Act. When it was first floated we deprecated it as a black, draconian, politically vindictive, historically senseless and a totally unnecessary law. We called it black because it was the product of a dark mental process. We dubbed it politically motivated because the offences sought to be dealt with smacked of a retaliatory approach to the opposition's intensified agitational programmes. It appeared historically senseless to us as it was clearly illustrative of shamefully unlearning the lesson from the BNP-vintage anti-terrorism act which had been thrown into the dustbin of history.

We also maintained that the PSA idea was thoroughly redundant and unnecessary in view of the expert legal opinion that the Penal Code with certain modifications could have served the purpose, and incontrovertibly, too. From the time the bill was presented before the Parliament through its passage out of it to its submission before the President for his signature, we kept counselling the government to withdraw it. And when the President of the Republic assented to it, subject to an understanding with the Prime Minister that the 'objectionable clauses' in it would be removed, we took a pause only to say that even after the deletion of such clauses strict monitoring of the law's application would have to be ensured. Then when the government chose to amend the law through the parliament and it was reported that the safeguard about criminal prosecution against wrong-doing police investigators might be dropped we voiced our deeply felt concern over losing the safety-valve.

Stone-deaf to the best advice of the jurist community, members of the civil society and independent media, the government party pushed the law through with brute force completely bludgeoned to the repercussions it would have on our criminal justice system. As if it was not already riddled with the Special Powers Act and Section 54 of the Criminal Procedure Code comes now the reinforced deadweight on civil liberties.

The government has clearly put itself in the dock, not the least because of its forgetting how the nation has suffered through the Special Powers Act. Before being elected to power each of the two major political parties had promised to rescind the SPA but once they formed government they turned out to be its staunch advocate. While successive governments applied the SPA to harass their political opponents people's dislike for it only grew. And there lies the long term implication of an Act like the PSA.

The ruling party enacted the final trickery of stuffing the law with the changes they wanted inserted by taking undue advantage of the Presidential demand for amendment. Now they have to fix their antenna against possible police excesses and unfair acts under close public scrutiny and watchful eye of the civil rights groups.

The AL top brass not only bulldozed the Bill through the Parliament they did not even feel it necessary to discuss it at the district, central or other levels before its adoption. It was the product of a coterie in the party leadership and the Cabinet. Even within the AL party, therefore, it was forced down the gullet.

We cannot be charitable to the Opposition either. They have made it a habit of absenting themselves from the Parliament when their presence was most needed there in terms of issues on the table. They waxed indignant over the CHT Accord or Ganges Water Agreement but only from outside the Parliament never caring to pin the ruling party down on the floor of the House with their forceful arguments on such issues. The same happened with the PSA. The Opposition BNP has also let us down.

Friday Mailbox

PM please... withdraw PSA

Sir, The DS 'News analysis' and 'Editorial' (4 April, 2000) on bad laws, are well judged ones. In the news analysis, Mr. Mahfuz Anam has taken immense pains to delve the nit-picky-gritty of slips and flaws in the laws and in today's law-related society. We appreciate DS for enlightening us on that in many ways. By a defective measuring scale, the weightage is bound to be faulty. Legal action is always a life and death matter for everyone. For that, at any stage, a "Blindfolded Representative of God" holds the "Scale of Judgement", where all legal provisions have to be impartially flawless to weigh an accused and to redress a victim accordingly, by an undistorted justice.

Traffic laws in the UK and USA are not tougher than what we have. But certainly, each of their cop is a tough and upright person, meticulous in applying the existing laws. They are upright, because they are well chosen and well prepared 'Servant of the State' and never a servant of any particular political party. Any lapse, in any one of them, is a matter of concern for both the position and opposition in the House. Because, they are the people's representatives to ensure the state's servants' efficient performance, with the power vested on them. So there, the law enforcer acts and reacts meticulously by the rule of law and cannot have unholy alliance with any party.

Moreover as said in the news analysis, if our President did not suggest all amendments, those tabled who then are trying to put the gun on his shoulder again! It is certainly the duty of the PM to identify them and firmly remind them the dire consequences.

I hope, the DS editor's impartial pleading (in fact the public conscience) to the PM, has drawn her attention and she has the impartial mind to comprehend it and smell the stink which might have far-reaching public wrath.

A Star Gazer
Dhaka.

Commendable analysis

Sir, I profoundly appreciate the DS editor's thoughtful and courageous 'News analysis' published on 4 April, 2000 regarding the PSA. The previous day, the DS had published a long article on PSA explaining every details. And next day the news analysis indicated that though little amendment have been made still the act retains some loopholes that have every possibility to be abused.

Anyway, we hope good sense will prevail upon the government and they will act with wisdom and farsightedness. I again want to thank the DS editor for his wise and thoughtful write-up.

Regards, Nima Haq
Mirpur Road, Dhaka

How hygienic are our restaurants?

Sir, A couple of days back, all of a sudden our whole family got sick with nausea, vomiting, mild fever and diarrhoea. We were very surprised—why all of us fell sick at the same time? Then we remembered that we had dined out, but that in a posh restaurant of Banani I would skip mentioning the name of the restaurant as I believe other restaurants or diners are not much different from this one, even though how much posh and glossy it may appear for there is no hygiene maintenance or inspection whatsoever

of the kitchens and of the cooking staff of any eating place. They may keep the place nice and prim outside but for the eaters and diners the kitchen and staff's hygiene is far more important than the shiny exterior and decoration. Are all the kitchen staff healthy with no stomach ailments? Do they have any skin disease or any infected wounds in their hands? Is the crockery washed with hot water and detergents? Who is supposed to look into all these? Not our restaurant managers! They just watch the maintenance of the posh exterior. But what about the Department of Public Health Engineering (DPHE)? Don't they have any responsibility to look after the health and hygiene of the consumers?

In this respect, I would like to advise the people never to eat uncooked food outside. Salads are the main culprits, including the salad inside the burgers and in the coleslaw as it is eaten raw. Roadside restaurants should also be avoided as there is no running water which means that the cutlery are not washed properly. Food handlers in our bakeries should use cutlery to pick up cakes and biscuits or wear disposable gloves as used in other countries. Food sold outside should be covered to protect it from flies and dust. And who is supposed to watch the hawkers' hygiene?

Considering all these, we should watch out when we plan to eat out next time.

Dr. Sabrina Rashid,
Dhaka Cantonment

"DMP's one-way move..."

Sir, The news item captioned "DMP's one-way move to turn some city roads one way" on March 29 and the editorial on the same topic caught my attention. However, I did not find the mention of the name of all the roads recently converted exclusively for one-way traffic.

I live in Wari, and on my entry and exit points from and to the new part of the capital city were through Jol Kali Mandir Road and Hatkhola Road. Both these roads have of late been marked off for one-way traffic, and coming from the new part of the city, one has now to enter Wari, and its densely populated hinterland from the Ittefaq roundabout through Hatkhola Road by circumambulating Rajdhani Super Market (where Hardeo Glass Factory was formerly located). Under the new directive of DMP, there is simply no alternative of ingress to or egress from Wari.

After detouring Rajdhani Super Market there are only two points of entry into Wari: one is along the intersection of the Dhaka-Chittagong highway and Hatkhola Road leading to Tipu Sultan Road, with the Christian cemetery on the left and Baldah Garden on the right, and the other is along Folder Street.

The small strip of Folder Street between the crossing of Hatkhola Road and Hare Street, barely 50 yards in length, is less than 30 yards from the western gate of the office of the Deputy Commissioner of Police (East), DMP, Dhaka, but this strip is occupied illegally by traders.

If this small strip is made free from the illegal occupants, it would ease the flow of traffic into Wari properly. Moreover, the strip of Folder Street this cleared could be turned into a taxi-cab stand, authorised by the traffic department of DMP, to cater to the residents of the area and also of regions to the south of Wari.

A Resident of Wari
Dhaka

Seeking Strength in Values

by Delwar Hossain

The civil society organizations in the Asia Pacific region are rarely seen to rally behind the Asian political elites in promoting "Asian values". Rather they are concerned about the misrule, abuses of power, and socio-cultural issues in different countries of Asia... the problem lies in the politicization of 'values' aimed at cherishing the notion of 'cultural hegemony' or resisting democratic movements within the country or defying external pressures.

ing the political leaders, decision-makers, intellectuals to express their ideas in a relatively free environment. However, on the question of motivation, a few arguments can be made. First, it is simply the ambition of Asian leaders to upgrade the position of 'Asia' in the world arena. The economic clout of this region provides great reasons for confidence and self-assurance. Moreover, the colonial and neo-colonial experiences at the hands of European and American powers give more psychological impetus to pursue this path.

Second, many Western critics of this thesis argue that it is basically to justify the non-democracies prevailing in most of the Asian countries for decades. Ironically, the economic success came amid the practices of authoritarian political systems in many Asian countries. Now, the Asian political leaders are making deliberate attempts to construct the thesis of 'Asian values' in order to legitimize authoritarianism. Alan Dupont argues in more sophisticated way that what is being propounded in Asia as 'Asian values' is an attempt to establish culture as a political instrument. Third, Garry Rodan implies that the underlying motive behind this idea is to resist global pressures with regard to human rights and labour conditions in Asia. So, it may be seen as the response to the Western pressure particularly by the US to promote their own values following the demise of the Soviet Union. Needless to mention that during the early

1990s, democratization and the promotion of human rights were figured prominently in US foreign policy. In my view, it has to be seen as a reflection of reality, because there is a real difference between the overall value systems of the two regions in terms of thought process and social norms and customs.

However, the issue of 'Asian values' is also criticized on conceptual grounds, particularly by the Western commentators and scholars. The first drawback of 'Asian values' argument is that it doesn't cover whole Asia. Whose 'values' are called 'Asian'? Is it 'East Asian' or 'Chinese' or 'Confucian' or 'Asian' values? Does it encompass all the schools of thought in Asia? As a South Asian citizen, I find that there is negligence on the part of the adherents of 'Asian values' for their failure to consider the South Asian view about cultural values. The issue of cultural diversity in Asia has not been addressed in the whole deliberations of 'Asian values'.

Also, as argued specifically by the Western scholars, most of the Asian values are self-contradictory. It creates ambiguity in understanding the relationships between consensus in decision-making and aspirations for a strong state; between family and social cohesion; and between the enthusiasm for market and apathy for individual rights. Patten maintains that Confucius was not disinterested about individual rights and the resistance to authoritarian rule in the society. Even the staunch supporter like Mahathir agrees that these "Asian values" were

once also "Western values." Thus, the propagation of 'Asian values' is misled up due to conceptual limitations and ill motives of authoritarian rulers.

Despite some similarities or overlapping of Asian and Western values, Asia is significantly different from the West. It is evident at three levels - political, sociological, and philosophical. The political Asia is marked by three different phases of its modern history, which are colonial, neo-colonial and post-Gold War periods. In Asia there has been observed a unique similarity between the Gandhi-Nehru-Sukarno and the Mahathir-Lee-Ishihara generations in the political struggle against the West. For example, presently the issue of human rights is a major cause of difference between these two regions. In the 1940s and 1950s, Now, many Asian countries share almost similar views about human rights.

It is worth noting that the regional institutionalism experience through Asia Pacific Economic Cooperation (APEC) provides further evidence to understand the difference between these two regions. Precisely, the debate between 'Asian way' and 'Western way' has virtually paralyzed APEC. While the Western members of APEC emphasized treaty-binding institutional framework, the Asian members stressed consensus and institutional flexibility. The salience of the issue can also be understood from the declaration of Yohei Kono, the Japanese Foreign

Minister about the 'Asian perspective' in the wake of coming G-8 Summit to be held in Okinawa.

Moreover, culturally Asian and Western countries demonstrate differences in some respects. The differences are basically related to philosophical roots of knowledge in human society - liberalism and conservatism. The most remarkable difference between Asia and the West in their cultural orientations lies in philosophical understanding and practices of individualism. The Western society is grounded on liberal ideas, which emphasize the liking and disliking of every member of the society. In many countries of the West, particularly in the USA, the paramount goal of the state is to ensure the well-being of the individual. On the other hand, religious teachings and conservative traditions heavily influenced Asian cultural values. So, family values and group-loyalty dominate in the cultural manifestations of Asian countries. Another important difference is related to the openness of the society. The Western countries encourage and ensure such a social environment, where people can express their ideas freely, choose their lifestyles as they wish and enjoy freedom of movement. In contrast, the Asian society is conservative. Life is more or less constrained by the intervention of different social and religious norms, and in some cases by the regulations of the state. The last but not the least significant area of difference is the perception of the people towards the

government or the state. The people of the Western countries do not rely much on the state, for which they prefer lesser degree of intervention. On the other hand, the people of the Asian countries are more dependent on the state. This perception is important, because it influences people's attitude towards human rights.

The preceding analysis reveals a complex reality to grasp the debate on 'Asian values'. On the one hand, there exists the logic of vested interest as a consequence of politicization of the cultural differences between Asia and the West. It is quite paradoxical that the advocacy for 'Asian values' continues more at state-to-state level than at people-to-people level. The civil society organizations in the Asia Pacific region are rarely seen to rally behind the Asian political elites in promoting 'Asian values'. Rather they are concerned about the misrule, abuses of power, and socio-cultural issues in different countries of Asia. Nevertheless, as mentioned earlier that the phenomenon of cultural uniqueness of Asia in some areas is out of question. The changed context of global politics associated with the stunning economic success provides a good opportunity for the Asian countries to construct a new pattern of identities and interests in the family of nations. But the problem lies in the politicization of 'values' aimed at cherishing the notion of 'cultural hegemony' or resisting democratic movements within the country or defying external pressures. Now the question is what is the significance of this difference? Is it for 'clash' or reconciliation? More importantly, the debate on 'Asian values' would certainly contribute to the better understanding of the state behaviour in the Asia Pacific region.

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Summiteers Try to Claw Back Power

Leaders of developing countries are to meet in Cuba to discuss ways of making the most of globalisation and enhancing economic development. It will not be easy to turn talk into action but, as John Hilary of Gemini News Service reports, the meeting could provide a new vision for this century

United they stand



Group of 77

FIRST SUMMIT:
Havana, Cuba
Q10-14 April

Main summit themes:

- Globalisation
- North-South relations
- South-South cooperation
- Knowledge
- Technology

- Formed: 1964, by 77 developing countries
- Membership now: 133 countries
- Aims: To promote the economic interests of Third World countries, improve their negotiating capacity in the UN, foster economic and technical cooperation among developing countries

Globally, however, South-South co-operation has been scaled down over the past two decades as many poorer countries have struggled to maintain their own domestic services. Structural adjustment programmes (World Bank-sponsored economic reforms) and the debt burden have forced developing countries to cut spending on basic health and education still further.

In such circumstances the harsh realities of survival can make exporting expertise seem a low priority. Yet the sharing of skills and experience could bring great benefits to the countries of the South, and Third World solidarity remains an important rallying cry. Chief Arthur Mbanefo, Nigeria's UN Ambassador and current chairman of the G77, puts it more starkly: "The member countries of the Group of 77 recognise that no-one will do for them what they are not prepared to do for themselves."

South-South co-operation could also help many of the world's poorest communities gain access to the new skills and technologies which are increasingly important in today's world - especially in countries such as India and Malaysia, develop their own high-tech industries.

Nevertheless, most new technologies continue to be concentrated in industrialised countries and, as Chief Mbanefo admits, gaining access requires technology and skills transfer from the North: "The North has all the advances in the field of electronic business and we have to catch up at some point, so we must be prepared to take advantage of what they have to offer."

The G77 also needs to reassert its own authority as the political voice of the developing world. A product of the more idealistic, post-independence 1960s, the G77 is based within the UN system and operates through the major UN development agencies. Its strength stems from the democratic procedures of the UN institutions in which it works.

Its weakness is that these fora are increasingly bypassed in the brave new world of international decision-making.

The G77 could thus find itself sidelined, too. Developing countries need to explore new ways of increasing their collective negotiating power. In March, trade ministers from Egypt, Nigeria and South Africa set up a new Third World grouping at the WTO designed to strengthen the position of developing countries at that forum. Brazil and India are expected to join shortly.

The South Summit offers the G77 an excellent opportunity to reassert its importance at the opening of the new millennium. It will produce two major documents: a declaration embodying the South's vision for a fairer world, and a platform for action which will detail the specific measures needed to bring about change.

With the UN Millennium Summit coming up in September, this declaration of vision and values will act as a focal point for campaigners and activists in the world over, and stand as an alternative Southern agenda for the new age.

Gemini News

The author specialises in international trade and human rights issues

OPINION

A Second Look, Please

Navine Murshid

Arrest of Mohiuddin Murad, a correspondent of *Dainik Janakantha* in Lakshimpur (Noakhali district), has created a lot of hue and cry in all arenas. Reactions range from lambasting the government and the Public Safety Act 2000 to supporting it and saying that this was the right thing to do.

On 19 March, Mohiuddin Murad was charged with "incitement to violence and rebellion". Police accused Mohiuddin Murad, who was covering the annual exams at a madrassah in Lakshimpur, of inciting students to attack policemen when a security agent entered the school to identify students who were cheating.

According to the journalist's colleagues, he never called for violence, but only protested against the security agents' 'misconduct' at examination centres.

In another incident, Nur Muhammed, a correspondent of *Daily Manabzamin* and general secretary of the press club in Karingonj, Kishoregonj, was kidnapped on March 28. The story behind this is reportedly a news report by Nur Muhammed in *Manabzamin* on March 26. He wrote about how a female student was insulted by a male classmate in the class-

room. Apparently, the boy was black-listed by the school.

On the evening of 28 March, the boy and two of his friends kidnapped Nur Muhammed at gunpoint from in front of the local press club and locked him in an abandoned warehouse. They, reportedly, tried to shoot him, but the local people rushed to the scene and rescued the journalist. A case was filed at the local police station and two of the guilty individuals were arrested.

Both news items received a lot of attention causing widespread concern among people. Although opinions differed widely, the general tendency was towards blaming the government for such occurrences. People feel that if journalists are threatened then the general people are unsafe as well. Such feelings were expressed by Mohammad Jahangir, a rickshaw-puller.

"How can we be safe when even the journalists are not safe?" he questioned.

Yet, it is true that the only reason that the masses have come to know about these isolated events on the outskirts of Dhaka is because the victims were journalists. Such incidents are almost an everyday issue, and such issues are

hardly addressed when ordinary people are the victims. It is only when people with some power are attacked that people take note.

There are many an unreported incident of extortion, assault, robbery and public humiliation all around the country. Those issues have to be raised as well.

Before condemning the government for arresting Mohiuddin Murad under the Public Safety Act, facts have to be laid straight. We, sitting in Dhaka, cannot merely speculate about what happened and judge accordingly. It is only too easy to blame someone. The reason the second incident mentioned above did not receive much attention is primarily because the culprits were arrested. Is it right that we do not think twice before condemning the government when something goes wrong, but do not appreciate its good deeds with equal enthusiasm?

In our bid to curb violence and disorder, we must not take lessons from the 'people who matter' only. The ordinary people need a platform too. In our bid to progress, we must not devote all our time to criticise those in power, but help them to take us into the future.