

# 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 blindfolded 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 in nature.

The advocacy of 'Asian values' in its recent phase was set in motion during the early 1990s. The time is an important factor here. Internally, this period was connected with the dazzling economic dynamism of East Asian countries. Externally, the demise of the Cold War and the collapse of the Soviet Union had great impact on this region by way of facilitating

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 deline the nitty-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 reduce 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.

RECENTLY, the debate on "Asian values" is considered to be a critical issue in the broader spectrum of Asia Pacific international relations, which draws considerable attention both from the East and the West, although, it is not much discussed in South Asia. In fact, it has become a political ideology in the world arena struggling against other political ideologies. It may be mentioned that the advocacy of 'Asian values' is associated with the criticisms of Western society against the backdrop of recent moral decadence prevailing in many countries of the West. The discourse on 'Asian values' can be identified with a comprehensive list of values or socio-cultural features, which are relentlessly advocated by Asian scholars and statesmen. First, family is considered to be the basic unit of social organization and support. The focal point of social organization and loyalty is neither the state nor the individual but the family, and it is the family that provides the model for the organization of authority and responsibility within the political system. Second, the advocates of 'Asian values' argue that Asian societies prefer collective obligations to individual rights. To them individualism is a threat to prosperity of community, be it a business organization or a political group, or the nation as a whole. Individual rights and freedoms are considered subservient to community interests. Third, Asian countries strive to build consensus in decision-making in all areas ranging from interpersonal to transnational issues. Fourth, respect for authority is considered to be an important cultural feature of East Asian people as part of the Confucian tradition, and later ascribed to Asian values. Fifth, the proponents also attach more importance to social order and political stability than human rights and democracy. They argue that social harmony is the key concept that can be achieved through moral principles and strong government. Sixth, it is argued that the Asian countries strongly emphasize education, saving and hard work, which contributed enormously to their economic success. Seventh, most of the Asian countries witness low level of crimes in the society. Lastly, in consonance with the above-mentioned 'values' the social norms, customs and institutions are rather conservative in nature.

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# 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 greater national resilience, 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 mired 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-Cold 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 as the issues of colonialism and neo-colonialism were 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 view' 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 understandings 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. . . 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.

The author, an Assistant Professor of International Relations, University of Dhaka, is currently pursuing higher studies in Japan.

## 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  
10-14 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**

### OPINION

## A Second Look, Please

Navine Murshid

Arrest of Mohiuddin Murad, a correspondent of *Dainik Janakantha* in Lakshminipur (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 madrasah in Lakshminipur, 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 *Dainik Manabzamin* and general secretary of the press club in Karimganj, Kishoreganj, was kidnapped on March 28.

"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 harrassment 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.

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 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

A Resident of Wari  
Dhaka

How hygienic are our restaurants?

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Views expressed in this column are the writers' own. The Editor may or may not subscribe to those views. The Editor reserves the right to decide which letters should be published.