

The poor priced out of criminal justice system

UNDP report should be an eye-opener

THE United Nations Development Programme (UNDP) report on human security in Bangladesh and its conclusion that the country's criminal justice system is "anti-poor" having a "more harmful effect on the poor and disadvantaged" have struck a responsive chord in us. We are also basically in agreement with UNDP Resident Representative Jorgen Lissner's remark that it is "not the crisis of any political party but the crisis of a nation". However, we would like to add that although the crisis is not of the political parties, they have actually given rise to it by their action or inaction.

Since the country's independence successive governments have only talked of equitable justice system never actually trying to reach out to the poor with the benefit of law. What's worse, they have resorted to abuse and misuse of law to further their political interest and invariably the poor and the disadvantaged section of the society has paid the price. Repressive laws were enacted such as the Special Powers Act and the Public Safety Act on the plea of enhancing citizens' security but employed only to harass political opponents and innocent people. As avoidable and motivated lawsuits piled up and put pressure on the judicial system, the delay in dispensation of justice became generally endemic. All of this not only made the justice system largely irrelevant but also put it beyond the affordability range of the majority. Courtesy imprudence of leading political parties, the laws 'dealing with human security' turned out to be "hostile to the poor and the disadvantaged sections of the society".

Therefore, it is not merely the legal and judicial systems but attitudes of the political parties that need changing, too. Yes, there are laws that should be amended or repealed, but the attitudinal questions arose when we did not allow the better part of the corpus of laws to function and made matters even worse by delaying law reform that would have alleviated the plight of the poor. Unless the judiciary is separated from the executive, the legal system, which at the lower end of judiciary touches majority of the people horizontally, will continue to elude the poor and the disadvantaged.

Iraq should allow UN weapons inspectors

A global consensus has emerged which provides a way out of war

A dramatic policy shift Saudi Arabia said that it might allow the use of its territory for any attack against Iraq if the UN sanctions the use of force. Till the other day Saudi Arabia had refused to be dragged into an attack against Iraq. This is the most significant shift of policy by a major Arab power. There is now evidence all around that President Bush is ready to launch his attack with or without the global community's support. The only thing that can prevent such an attack is the return of the UN weapons inspectors into Iraq, the opening for which has been created following the speech of the US President to the UN.

People of Bangladesh like most people everywhere, including the people of the US, are extremely worried at the prospect of outbreak of another war in the Middle East. We are worried about the way the option of war is being pushed forward by the US. We are worried by the fact that war is likely to create more problems than solve and that the world may become a more dangerous place to live as a result. We are also worried that extremist forces may become the recipient of an onrush of public sympathy which an attack on Iraq may suddenly generate.

On the other hand we cannot understand why Iraq should refuse the return of the weapons inspectors. If it really does not possess weapons of mass destruction then why should it not permit UN inspection and let the world see where the truth lies. Continued refusal by Iraq gives greater credence to the US accusations and makes the opponents of any war weaker. Considering everything we think Iraq should allow UN inspectors immediately. This will allow the international community to judge for itself how far the US fears are true. If after a satisfactory search no weapons are found then the peace lobby can stand stronger against the US push for attack. We can understand that even after the inspectors find nothing in Iraq -- assuming that is the case -- US may still pursue its own policy. The difference then will be that there will be no UN sanction in that action and the US will appear to be a unilateralist. We strongly urge our government to echo the views of the Arab League and convey to Saddam Hussain that he should allow the inspectors back. That is the best course of action for the moment.

The terror-hunt in Pakistan's forbidden zone



M ABDUL HAFIZ

PAKISTAN'S worst fear came true when its war on terror led by the United States had to be fought within the boundaries of the country -- something President Musharraf wanted to avoid from the outset. Now as the al-Qaida and Taliban men are believed to be hiding in Pakistan's tribal areas adjacent to Durand Lines since their defeat in Afghanistan there was no way that Pakistan could avoid it anymore. Because, Pakistan in its collective responsibility as a coalition partner is obliged to detect and hand them over to the Americans hinged to whose good-will are Musharraf's own future, the rejuvenation of the country's wobbly economy and the prospect of the

resolution of horny Kashmir problem in Pakistan's favour. However the job to be done is unpleasant, involves frequent clashes with AQT (al-Qaida/Taliban) men and has to be done much to the chagrin of its own people.

An uneasy calm prevails in the tribal belt following the killing of ten Pakistani soldiers by suspected al-Qaida fighters in a first ever direct

shoot out with the armed forces of Pakistan now operating in the area in its war on terror in Afghanistan. According to eye witnesses from South Waziristan Agency, as many as thirty-five suspected AQT men had taken shelter in a complex of mud houses belonging to one Abdul Khaliq of Sarkhikhul subtribe of Ahmadzai Wazirs. American and Pakistani helicopters and reconnaissance planes continue to hover

over Kazha Panga, the trouble spot while Pakistani soldiers aided by FBI agents and personnel of the American special forces search for the remnants of the AQT men in the wilderness of the mountainous area. So far, the operations have not yielded encouraging results and the Americans failed to lay hand on any al-Qaida suspects. Two of the suspected al-Qaida fighters

still fresh when a similar incident took place near Kohat city only days later. According to officials and eyewitnesses four Chechen and two personnel of security agencies including a policeman and an official of a secret agency were killed in the shoot-out. The Chechens were proceeding to Peshwar in a van carrying weapons and grenades when they were attacked by police-

ing six security guards from Khasadar force and eleven Arab nationalists were gunned down in an earlier shootout in Kurram Agency in January last. The suspected AQT fighters had fled from Tora Bora, former base of Osama bin Laden.

The shifter was given to suspected AQT fighters in South Waziristan out of deeply religious-

refuge. The officials say that such incidents are bound to push Pakistan into trouble as the hunt for the wanted men would continue to intensify. It could invite even more violent reactions from the armed tribesmen. Official sources hinted that a major operation covering the entire tribal belt was on card especially after violent exchanges in South Waziristan and Kohat. Hundreds of soldiers and thousands of paramilitary troopers aided by the US armed forces are currently combing the difficult mountainous terrain in North and South Waziristan for elusive al-Qaida members. The hunt has now extended even to other tribal agencies. Pakistani troops and personnel from US forces have been dispatched to Khyber, Mohmand and Bajaur agencies also. But belying the claims of western intelligence that Osama bin Laden and Mullah Omar are hiding in Pakistan's tribal area -- a claim persistently rejected by Islamabad -- neither Laden nor Mullah Omar nor any top leader of AQT has been spotted in the tribal belt so far.

Brig (ret'd) Hafiz is former DG of BIISS.

PERSPECTIVES

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believed to be Chechens were however killed. The heavy presence of Pakistan Army in areas like Terah and other parts of Khyber Agency and remotest areas in South and North Waziristan Agencies has been a matter of concern for the independent minded untamed tribal people. The memories of the tragic event that sent ripples both through the Agencies and the government were

men at Jarmapul, three kilometers east of Kohat killing all the four occupants of the van. This was the third incident when suspected AQT fighters in South Waziristan clashed with Pakistan security personnel. The three incidents have left at least thirty five dead including eighteen Pakistanis working for law-enforcing agencies and seventeen al-Qaida fighters. As many as seventeen people includ-

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Privatisation hits a roadblock

Keep the core sector public!

PRAFUL BIDWAI

THE Cabinet's decision to postpone the sell-off of public sector undertakings (PSUs) in oil by three months offers a welcome respite from privatisation's merciless march. This is the right time for a serious debate on the management of PSUs, their performance vis-à-vis private companies, and the wisdom of disinvestment.

The Cabinet should immediately publish a White Paper on this. Instead, it is thinking of speeding up the sale of Shipping Corporation, Engineers India, State Trading Corporation, and National Aluminium (Nalco).

A false alarm is being raised over this year's Rs. 12,000-crore disinvestment target being missed. It is more worrisome that India misses its poverty-reduction targets by wider margins! Yet, disinvestment minister Arun Shourie wants to promote neo-liberal "reform" with the urgency of a man whose hair is on fire.

The oil sell-off postponement was not driven by merits, but by shifts in power balances. After Mr George Fernandes asserted himself, Mr Shourie got increasingly isolated, although backed by powerful corporates like Shell and Reliance.

Mr Fernandes won over Messrs Jaswant Singh, Ram Naik, Pramod Mahajan and Shahnawaz Hussain - and most important, the RSS, by selling the "security" angle. In the

end, that's what mattered.

Power games apart, there is a compelling economic argument for keeping core-sector PSUs public -- in petroleum, minerals, metals, electricity, and in services like railways and water.

The public sector is not inherently less efficient than private enterprise; it can be made more

In India, more than 200 of the 246 Central PSUs are profitable. The chronically loss-making PSUs are units like National Textile Corporation and Scooters India, which were milked dry by private owners, and nationalised to save jobs.

Collectively, the public sector's profit-after-tax-to-net-worth ratio is a respectable 8 to 10 percent and the gross-profits-to-capital ratio, 14

has been a major key to development. During the West's "Golden Age of Capitalism" (1945-73), it accounted for 40 percent or more of GDP. Even in the US, the world's most private economy, most infrastructure has been public -- e.g. electricity (60 percent).

In the "Asian Tigers", it is the state's role, not the market's, that

explains fast growth; economist Robert Wade called this phenomenon "Governing the Market".

Britain and France are now discovering the virtues of re-nationalising the railways, water and telecom. Public-funded Airbus Industrie has stood its ground against Boeing, private companies haven't.

The argument for keeping PSUs public applies with special force to ONGC, Oil India, BPCL, HPCL, and IndianOil.

Petroleum is a strategically vital, fast-depleting raw material. Oil has triggered dozens of wars -- has anyone heard of a "chocolate war"? --, including the Gulf War, and the New Great Game being played from

the Caspian, through Afghanistan, to the Gulf.

The US' plans to invade Iraq are inseparable from oil. The RAND Corporation recently described Saudi Arabia, the world's largest oil producer, as the "kernel of evil". This has impelled powerful US oil companies -- called "Seven Sisters" -- to try to grab Iraq's reserves.

by ONGC, the Indian economy would have collapsed. Indigenous oil has saved India the equivalent of three times the cumulative FDI flow!

It is because of oil's importance that India's policy-makers nationalised Burmah-Shell, Esso and Caltex after the 1971 war, during which they proved uncooperative. The NDA wants to liquidate all these painstakingly made gains. There is no economic rationale for this. Our oil companies are competitive by international standards. BPCL, HPCL and IndianOil have respectively beaten Shell, Esso and Caltex hollow in selling lubricants. ONGC wins international contracts against MNCs.

India's governments have discriminated against public oil companies, paying them a fifth of the international price, interfering with their working, and selling oilfields discovered by them (e.g. Mukta and Panna) to private companies. NDA plans for oil disinvestment are misconceived, the kind that led former World Bank chief economist Joseph Stiglitz to term privatisation "robberisation".

Core-sector PSUs must be reformed and granted full autonomy. Their employees should be sold shares.

Selling PSUs off is especially obscene, when the aim is to create a bonanza for private tycoons and sell the Family Silver to Pay the Butler.

Praful Bidwai is an eminent Indian columnist.

profitable. It can pivotally direct investment into desirable areas. For a Third World country like India, with its uneven development and poverty, the public sector is irreplaceable.

There is a widespread misconception, namely, that Indian PSUs are loss-making, while the private sector is profitable. This springs from the neo-liberal premise: all that's public is bad; all that's private is good. This voodoo economics assumes that markets always work "perfectly".

It is laughable to make this assertion today when "free-market" policies have produced the biggest crisis of global capitalism since the 1920s.

to 16 percent.

Indian PSUs have raised 60 percent of their capital from their own resources and given the government a 138 percent return over three years. By contrast, no fewer than three lakh private sector companies lie closed, with Rs 100,000 crores of public loans unpaid.

A case can be made for selling loss-making PSUs or hotels, but none for selling profitable, well-managed, technologically sound PSUs, whose efficiency coefficient is 15 percent higher than Indian private companies'. Even stronger is the argument against selling the 50 top PSUs which beat the 50 top private companies in profitability.

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OPINION

Body blow to our seafarers

CAPT. ZAKI AHAD

ONE of the tragic developments following the events of 11th September 2001 has been the restrictions and delays imposed on our citizens in obtaining visas. Perhaps, no other nation in the world is suffering more from this than Bangladesh and possibly no other state is so unconcerned about its citizens.

Recent reports indicated that our country is very close to the bottom in human resources development. Thanks to democracy but for whom does it stand. If it is not for the people, it cannot be by the people or of the people. Urgent intervention by the government is required if the career of thousands of Bangladeshi seafarers is to be saved if not developed.

Not very long ago, it was traditional that our seafarers could enter with the ship they are serving on

'crew list visa' to U.S.. This meant prior visa was not required to be individually procured, rather a crew list the name, nationality, date of birth etc. would be posted to the U.S. immigration authorities from the ship's agent at the departing port prior to sailing for U.S. and a visa could be obtained for the ship's crew without much difficulty.

Next came the recent hard requirement for C1D visa for all ship's crew. It is specified such visa should be obtained from the country of origin. This disallowed the earlier flexibility of obtaining crew list U.S. visa by our seafarers from foreign ports through their overseas employer. Failure to obtain C1D visa could prevent the seafarer to go ashore and would in addition result in employment of armed guards to prevent such persons landing ashore at the cost of the shipowner which could be as high as US\$ 2500 for 24 hours stay in port.

After the events of September 11th the Immigration authorities empowered the United States Coast Guard to prevent any ship from entering the U.S. waters if there were crew members on board without valid U.S. visa or if allowed would require the services of armed guards to prevent 'aliens' landing.

As of 16th August this year, additional requirement is that our seafarers would require a C1D visa from the U.S. consulate in Bangladesh. This is by no means easy. An affluent member of the society cannot get it easily even after showing his wealth in the form of bank statements etc. How can one expect a poor seaman to show such statements. Seafarers who had obtained visa in the past were being refused new visa after their existing visa expired. Even senior officers are being refused.

With a small national fleet, more than 90 percent of our seafarers

work in foreign vessels. Employment of our seafarers is mainly carried out through local manning agents. The United States is the largest trading nation and it is only natural that a ship would call U.S. ports on voyages throughout the year.

No foreign flag shipowner is interested in employing our seafarer at additional expense of armed guards and with the risk that the ship may not be allowed into the U.S. waters. Apart from losing business due to delays arising from having on board Bangladeshi seafarers without valid visa, the reputation of the shipping company would be at stake. Foreign employers have already expressed their intention of changing their entire crew with other nationalities who can obtain U.S. visa without hassle or delay. At least two Japanese shipping companies have expressed such intention and few Bangladeshi seafarers already

been deported before completion of their contract period, from the ships where they were serving.

In other words, it would mean that if a seafarer has a U.S. visa, he has a job, otherwise not. How does it sound with "globalization"? Neighbouring states are beefing up their efforts to replace Bangladeshis in this sphere.

The question now is can our government afford to lose fifty million U.S. dollars, which is the sum remitted by our seafarers? If the answer is 'yes', we are headless. If we do nothing about it we are headless.

It is time that our concerned ministries in consultation with local manning agents take up the matter with the U.S. government to improve the process of obtaining visa in the interest of our economy and the livelihood of thousands of seafarers and their dependents.

There is another similar issue for

Singapore visa. At present no matter what, it takes at least 15 days to get Singapore visa. This imposes a similar embargo on the poor seafarers of our country. Previously they could join any vessel plying in Singapore waters with a "visa on arrival" system. This was a very useful economical scenario for crew replacement and was highly preferred by the foreign ship owners. Singapore being only four hours away by flight any crew could have joined a vessel even in emergency. But now due to Singapore's new regulation on visa procedures, another death blow has been imparted to our seafarer's job prospects. The foreign ship owners are continuously being pushed to look elsewhere for "hassle free" seafarers. The position of Bangladeshi seafarers is being continuously shaken and the time has come for the ultimate "shake off".

TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR

Crossing Quota Limit

First of all, I must say that *The Daily Star* has been quite tardy in reporting this fiasco.

There are 126,000 dozens of cotton trousers at US ports that cannot be released.

For this disaster, the Commerce Ministry, the BGMEA and the EPB are responsible. It is so typical of Bangladeshis to think that just because in the past the Americans allowed us to export 120% we'd be allowed to do so again this time. It was this irresponsible thinking on the part of the BGMEA that led to the Commerce Ministry to order excess Visa issuance by the EPB.

The disaster is not only financial, more importantly the negative publicity among US customers cannot be exaggerated. For any

foreign buyer, Bangladesh is a country characterised by red tape, a horrible air port and worse traffic, frequent strikes even during the BATEXPO, floods and generally most of the ills of the world. Now add to that the risk that your garments ordered four months in advance now may not be delivered.

Do you honestly think Wal-Mart, Gap or Levis will come back and again risk their profits and sales?

There is an American customer who has been buying from Bangladesh since 1984. He is now switching all his production to South Africa. Apart from the advantages due to the African Trade Development Act, in his words, it is a pleasure to visit Johannesburg but torture to come to Dhaka.

Emile Dhaka

"Legalising hundi"

A thought provoking and extremely essential article was written by one of your contributors Mr. Abdul Alim, businessman and Jt. Secretary General of BAIRA.

In these days of global economy and free market environment, we wonder why many old rules, which prohibited businesses should not be freed. We find the word "black marketing" only in the sub-continent, as several legal businesses were not allowed by the Govt.

Hundi is an exchange business. Hence, the Govt should attract such hundi businessmen to channel their funds through banks and official channels by offering three per cent incentives at least (two per cent suggested by the learned writer may

not, in my humble opinion, attract the hundi traders and will not really be an incentive). Since the Govt is working on floating rate of exchange from Nov/02, this is an opportune moment to legalise hundi business also by opening it up and inviting those people involved in this trade to channel same through official banks as suggested by the learned writer.

Hundi business developed in our country, in my opinion, among other things, due to Govt not allowing adequate foreign currencies to importers. Hence the importers under-value the invoices and open L/Cs and pay the remaining value of goods through foreign channels and hundi. If Govt allows imports, why shouldn't it allow funds for such import? Since no funds were allowed, businessmen resorted to transact business through hundi. To

check useless imports, to allow local industry to flourish, and to create funds for capital imports required for the development of country, the gov't should make funds available to businessmen so that hundi find no use of their foreign currency abroad but is forced to channel it to Bangladesh through banks. Will the Govt please regularise this long standing business hurdle and stop harassing people who are serving the poor remitters through a trusted service, as elucidated by your learned writer?

Qamruddin Chowdhury Dhaka

Increasing pollution!

12,500 two-stroke auto-rickshaws went off the city road from the first day of September. These vehicles

have been banned from the city roads but been allowed to ply on the roads of different mofassil and other green rural areas.

It seems that these polluting automobiles have been permitted to pollute the comparatively less polluted areas of the country. Aren't victimising the greener parts of our country only to keep the capital city pollution free?

Sayed Shakir Dhaka

Ban on two-stroke auto-rickshaw

It is indeed a commendable step on the part of the government to ban the polluting two-stroke auto-rickshaws from Dhaka roads. And in the first phase they have withdrawn almost 12,000 auto-rickshaws.

But there are thousands of people who live on these vehicles. Then there are the passengers who are very much dependent on these auto-rickshaws. The government should seriously consider about the unemployment problem and also try to minimise the sufferings of the passengers.

Though government has arranged 5000 four-stroke auto-rickshaws through BRTC for the affected owners/drivers (August 12 report), it is not sufficient enough to meet the demand of both the owners/drivers and the passengers.

Abdus Salam Central Jail, Mymensingh

From jamboora to grapefruit

There is a large supply of jamboora

(shaddock) in Dhaka market. But the quality is not good--they are neither juicy nor sour-sweet. Inedible portion of jamboora is much higher than edible part besides having numerous seeds.

Our agriculture scientists at Bangladesh Agriculture Research Institute & Bangladesh Agriculture University may try and develop this jamboora into grapefruit produced in California (USA). This grapefruit is very juicy, thin skinned and seedless. It has the size of a softball and very similar to our jamboora. Our agriculture scientists have given us improved quality banana, pineapple, guava, radish and many other improved varieties of fruits. I am sure they will succeed in giving us grapefruits if they try.

QSAhmed Mirpur, Dhaka