

# The global attitude survey and our fourth estate

ZIAUDDIN M. CHOUDHURY

EARLY in December the Washington DC based Pew Research Centre for the People and the Press released its survey on GlobalAttitudes. This survey, "What the World Thinks in 2002" measures the attitudes of more than 38,000 people from 44 countries around the globe toward a number of critical issues such as global conditions, disease, education, culture and America's role in the world. The survey also explores in detail how these people perceive problems in their country, and their national institutions. The Pew Research Centre is headed by Madeline Albright, former US Secretary of State (under President Clinton), and Princeton Survey Research Associates, which has two decades of international research experience, conducted the research. The survey was undertaken in July-September 2002 in each country on a representative sample population.

In the US, the media focused only on those aspects of the survey that reflect global gloom, and growing discontent with the US, particularly in the Middle East and some parts of Asia. I am not aware if either the report or any aspect of the survey results featured in any discussion in Bangladesh. I wish the survey had received the attention it deserves in Bangladesh, particularly of our national leaders, for Bangladesh is among the 44 countries that the Pew research covered. It reveals a good deal of current Bangladeshi thinking - on the country, its top problems and future prospects, the country's institutions, and of course, on the US's global role. The gamut of survey questions and results is huge, but I want to surface only two sets of results that I found very topical and timely.

First, the top national problems.

Three problems that received top rating from Bangladesh were crime, corruption of political leaders, and terrorism from a list of ten problems that also included health, drinking water, and education. Nine out of ten people surveyed in Bangladesh rated the three as the worst plagues affecting the nation. To the Bangladeshi respondents these issues were way high in the scale, more than health, education or any other economic issues. No other coun-

and religious leaders.

To the question which among these institutions have a good influence in the country, eight out of ten people surveyed in Bangladesh rated our news media (TV/Newspapers) at the top? followed by national government, military, and religious leaders, in that order. The survey places Bangladesh among a select group of countries where the news media is held in high esteem. The survey sample may be small - all

age, self-sacrifice, and spirit of public service shown by individual journalists over the years.

Unfortunately a survey is not like a Delphi Oracle that can be asked whether our news media - as an institution - will be able to demonstrate the same courage and spirit of public service in the future. The question becomes more pertinent considering the events of last couple of years. In not too distant a past a journalist was bludgeoned to near death in a rural district only because he had dared to unveil the criminality of a parliamentarian at that time. A year down the road a popular TV station was illegalized on grounds of 'irregular' licencing process. More recently, a few journalists have been prosecuted criminally for their alleged roles in "tarnishing the image of the country". Others are being chased out of jobs for non-transparent reasons.

These do not augur well for a country that has deservedly earned a reputation for its relatively free press. A silver lining in the doom and gloom of the Global Attitude Survey that emerges from Bangladesh is people's perception of progress made in the country in last five years, and their hope for the future. While about half the people surveyed concurred that Bangladesh made progress in the last five years, six out of ten now hold a positive view for the future of Bangladesh. They think that the country will make further progress in next five years. Nearly as many also think that their children will be better off in the future. But this optimism will be of no avail if we fail to arrest crime and political corruption, and protect forcefully the free press that we fought so hard to attain.

Ziauddin M. Choudhury, a former civil servant in Bangladesh, works for an international organization in the US.

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try among the forty-four surveyed (except South Africa for crime) rated these problems so high in their estimation. I am not surprised by these statistics on our national problems, and I think most others in Bangladesh will also not be exactly overwhelmed by these hometruths either. The survey sample in Bangladesh merely mirrored what is the daily reality in the country. The respondents voiced only what the common man demands: give us safe streets, save us from corrupt political leaders, and protect our life and property from the terrorists that roam in our midst.

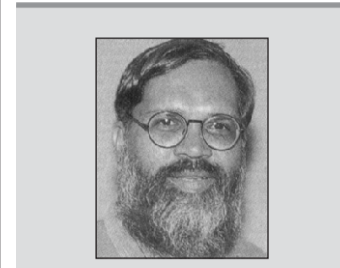
What grabbed my interest as well as of others who have read the report is a second set of survey results on rating national institutions such as national governments, military, the news media,

random surveys are by nature small - but the result indicates the respect that our media has secured in people's mind over the past years. It reflects the trust and confidence the news media have earned more than any other institution in the country. It reveals that people believe that our fourth estate is not a cacophony of political views and partisan slogans. It is a catalyst for formulating public opinion, and a medium for voicing people's rights and choices.

One must recognize however, that this high accolade given to our news media was not earned overnight. The respectability and public trust it has received is a dividend of years of a high degree of professional work of the media reporters, television stations, and newspapers. It is a product of significant and outstanding cour-

# Fighting terror, upholding law

## The centrality of human rights



PRAFUL BIDWAI writes from New Delhi

IT is a coincidence that the judicial accountability issue hit the headlines through alleged scandals in the Punjab and Karnataka High Courts in the same fortnight when India's first trial under the Prevention of Terrorism Act (POTA) concluded. This itself coincided with International Human Rights Day.

This is a good occasion to look at issues concerning terrorism, crime and human rights, and the crisis of India's justice-delivery system.

India has seen a steady increase in the incidence of crime over the past two decades - despite draconian laws and tough police measures. The National Crime Records Bureau reports a 20 percent-plus rise in crime over the past decade - despite growing spending on the police, including a fivefold rise in the Central police budget.

The police increasingly fail to prevent or punish crime and pursue criminals. Hostage Nagappa's killing, filing of faulty chargesheets in the Quattrocchi and Abu Salem cases, and the turning hostile of witnesses in the Bharat Shah trial, all speak of police ineptitude.

Criminalisation of the police, through corruption, bad leadership, and political interference, is growing. This affects not just crime control, but the maintenance of law and order. Atrocities by the security forces have grown 800 percent over a decade.

The failure of India's justice delivery-system is legendary. The burden of 30 million-plus cases is unmanageable for the High Courts. Then, there is the higher judiciary's

alleged involvement in questionable deals - e.g. Justice Rama-swamy's case. This is especially galling because India's higher judiciary is self-appointing.

Something is seriously wrong. When a former Chief Justice of India (S.P. Bharucha) says a fifth of all judges are corrupt, when jurists like Fali S. Nariman publicly advocate getting rid of "black sheep", and when High Court lawyers have to strike work to protest the imposition of allegedly corrupt judges, we must admit the crisis is grim.

which eradicate mass-scale poverty, and promote equality, transparency, probity and social solidarity - as well as in better justice delivery and policing. But what's being officially advocated is greater coercion.

This approach is promoted in the name of fighting "terrorism" - as if that can be separated from more basic social causes. Thus, former Law Minister Arun Jaitley wants laws even more draconian than POTA. Mr Advani, with his *thanedar* mentality, also demands this.

**Terrorism cannot be combated except by enforcing the rule of law, adhering to human rights, and promoting dialogue to resolve conflicts... President Bush's anti-terrorism "war" isn't working - because his approach is blind to human rights and calculated to escalate state-driven violence. India must not repeat this terrible error, as it did in Kashmir and the Northeast.**

*Even fire-fighting does not work anymore.* Thanks to grotesquely long judicial delays, three-fourths of our prisoners are undertrial! Crime rates are rising not so much because the quality of policing is falling (which it is), but because we fail to address the root-causes of crime.

Our social scientists have analysed these causes well. They lie in wide income and regional disparities, and creation of a huge underclass without a future. Equally important are the examples set by the privileged and powerful with their ill-gotten wealth and their monumental corruption.

When there is no rule of law for the powerful, it is absurd to demand it should apply to the weak. "Lawful behaviour" or conformity can only be imposed upon them by force. This turns the police into a partisan force practising *privatised coercion*.

A corrupt police cannot deter crime. It only further fuels the cycle of violence-crime-more violence.

The cure for this lies in policies

The government has set up the Malimath committee, headed by a former High Court judge, with a broad mandate to "examine the fundamental principles of criminal jurisprudence, including the constitutional provisions relating to criminal jurisprudence", and suggest amendments.

The committee's questionnaire asks: Should we dispense with proof of guilt beyond reasonable doubt? Should we not abolish the rights of the accused to silence and against self-incrimination?

A 'yes' answer will permit the government to radically revise all criminal laws, and the Constitutional itself.

The basis of criminal justice in the civilised world is to put the onus of proof upon the prosecution, not the accused - or else, the presumption of innocence would be violated and the accused treated as guilty before trial. It is equally important to protect the accused against forced confession.

These guarantees are required

by the International Covenant on Civil and Political Rights to which India is a signatory. Article 14 reads: "Everyone charged with a criminal offence shall have the right to be presumed to be innocent until proved guilty according to law".

The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment totally outlaws intimidation, coercion, infliction of pain or suffering, whether mental or physical, for securing information.

This has been upheld by India's Supreme Court as a fundamental right under Article 21 of the Constitution. This cannot be amended, being part of the Basic Structure.

Then there is Article 359, which says that even during a State of Emergency, the right to move a Court to enforce fundamental rights may be temporarily suspended, but *Articles 20 and 21 cannot be*.

Article 21 concerns the right to life, and Article 20 says "no person... shall be compelled to be a witness against himself," nor be prosecuted "for the same offence more than once". The right of an accused to silence, not to incriminate himself/herself, is *absolute*.

It would thus be a violation of the Constitution to transfer the burden of proof or permit extra-judicial confession. To cite "war against terrorism" in support of this is particularly pernicious.

*Terrorism is a crime.* The word "war" dignifies the terrorist as an "enemy" instead of a criminal. It polarises the world between "us" and "them", which is just what the terrorist wants! It inflicts further violence on innocent people.

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# Local Government in Bangladesh

## Some suggestions

GROUP CAPTAIN (RETD) SYED FARHAT AHMAD ROOMY, PSC

IT may be time for us to take a hard look at the system of governance that we have chosen for ourselves. If people are considered to be source of all power then people's representatives should rule at all levels of govt. from the central to village. While people's representatives do rule at the centre (i.e. Govt. of Bangladesh), it is DC/SPs and TNO/OCs who rule at districts and upazilas, respectively. There is no people's rule at the district or upazila levels. Govt. officers ruling at districts and upazilas do not have to report to any people's representatives.

Newspaper reports indicate that the present cabinet is somewhat divided on the election of the upazila chairmen. Some are apprehensive of division among party cadres while others say this would rehabilitate many local leaders. However, it appears that there is a general consensus on the necessity of local government. Apparently no body wants to do away with the upazila system and would perhaps like to maintain it.

Presently the central government is overburdened with too much of responsibilities. It has to oversee all levels of administration from national to Gram Sarkar through the bureaucratic machinery. It is not uncommon to find in the press people from the remotest of villages appeal to the ministers for justice. This happens because the people's representatives at the lower levels of administration have practically no power - even at District and Thana levels. The Ministers often give directives to district and Thana administration. But unfortunately these directives are not found as obligatory! It is only the bureaucratic machinery that has any control over District and Thana administrations.

In order to reduce the heavy burden of responsibilities on the central govt. some of the powers and responsibilities would have to be delegated to the local govt. under elected representatives of the people. This will also make it possible for the central govt. to divert attention towards more important national issues. We already have some local govt. setup in the form of union councils, municipalities and city corporations. But they have very limited powers. In order for them to be more effective and efficient, they have to be given additional powers and responsibilities. It may be both appropriate and possible to have another two levels of local govt. without much of hassles and without any drastic changes in the rules of business and perhaps even without the necessity of any act of parliament.

This may be done in two phases. In the first phase, local MP may be made the ex-officio chairman of the upazila keeping the upazila structure intact. This will also end the present controversy regarding election of upazila chairman. In addition to the original responsibilities of the upazila chairman the MP should also be responsible for law and order in the upazila. So, the officer-in-charge of the Thana would have to report to the ex-officio upazila chairman. In the second phase, we could think of local govt. at district level. Now every district already has a minister/state minister-in-charge. These ministers could be more intensely involved in the administration of the district. Both SP and DC could report to him. We have secretaries reporting to the ministers and there is no problem. Therefore DCs and SPs should not have any problem reporting to the elected representative of the people i.e. minister-in-charge of the district.

An MP would carry on with his normal duties in the parliament. Additionally, in his capacity as upazila chairman would report to the state-minister-in-charge of the district. The state-minister-in-charge of the district would report to the Prime Minister through the cabinet. These changes, if brought in, are likely to result in much improvement in general administration and law and order situation. This will considerably reduce the burden of responsibilities on the central govt. and thus enable the central govt. to attend to more important affairs of the state.

The arrangement could be introduced on a trial basis for a few years to find out if it suits us at all. Obviously, various modalities have to be worked out and some loose ends may have to be tied up. The suggestions given may sound too simplistic. But a simple solution often turns out to be the best solution.

# Bank management: Directors' relationship with CEO and staff

KAZI ABDUL MAZID

FEW forces in a bank are more powerful than the feelings that emanate from the boardroom, primarily to the CEO and through him to the senior officers, the employees and the customers.

No intangible asset of a bank is stronger than the conviction by staff, customers and the society that the board is competent, diligent, fair and caring. When that feeling is there, many other things fall into place and the CEO and staff can proceed knowing they are in good hands. The negatives can be equally powerful and are devastating.

As between the board and staff, there are several things that should not happen, but sometimes do. No doubt, sensitive issues must be discussed in the boardroom. This includes the handling of the larger loan issues, personnel performance, and promotion for senior officers. Comments made within those walls should stay there! That is easier said than done.

The best attitude, of course, is to use some care about what we say in board meetings. That goes for the CEO as well as directors, especially as it applies to the performance and career of bank officers. If the board has concerns or criticisms of any officer's work, the conversation should be directed in a proper way to the CEO. Probably he was responsible for everything in the bank when the problems under discussion evolved. It is likely that the CEO hired the officers who handled the transactions or supervised those who did, and had opportunity for training or reassignment or even firing.

### Levels of relationships

Relationships of directors with the CEO may be at three levels: one-on-one, through communication in meetings, or with the chairman or other official representative. None is more important than the one-on-one association. What does a director do when he has real concerns about the management of the bank? What does he do when he hears rumours at a cocktail party or at his club? It is too easy to say that he should brush these aside. Sometimes in hindsight the director will see that rumours were the only thing that he had that indicated problems were developing.

There are a great many subjects on which a director may want to talk to the CEO. He is entitled to do it and get a complete and honest answer. The CEO should know his survival probably depends upon his acceptance by the entire board. No doubt in any institution some directors are more influential than others, but by any effort by the CEO to play to groups or to be with one versus the other will probably end in his demise. Few companies do so well year after year that there is no ground for criticism of management but when bad times come the CEO will find that every director has a voice and a

vote. These private conversations between the directors and CEO are especially necessary when you consider that on any board there are a number of reticent members who have a lot to offer but who will not do it in a board meeting, especially if the board is large.

And the CEO may need to acquaint certain directors with issues that are arising, and to apply their knowledge or expertise. The CEO should present any issue to the board with the information they need so that the board can feel free to discuss it to the extent necessary. Presentation of matters to the board as a forgone conclusion is eventually going to be bad business, whether done by management or a director or a committee. Of course, the ability to discuss issues objectively without the attitude that this is "mine" or "yours" is an art that needs to be practiced by management and directors alike.

Where does the CEO's honesty with the director (and vice versa) end and the forbidden ground begin

another job. There are better ways to approach even the directors' most serious concerns than a harangue in the boardroom. A board should be able to get any reasonably important problems out on the table in a constructive way without discouragement from management or the Chairman and get full answers.

One CEO has compared the relationships of the board with the CEO to an hourglass. The top is the board, the bottom is the bank, and the narrow middle is the CEO. The board needs to pour in whatever it can into the bank through the CEO. On the other hand, there are exceptions to putting everything through the management. If you are starting a new bank and the directors are bringing in their friends and employees for automobile loans, they need to know who else in the bank can handle them. Otherwise, a year from now when they are looking for the opportunity to talk to that CEO, he will still be working with these particular small credits.

Both the director and officers should be prepared properly to

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that can only be settled by the director and CEO themselves? To be sure, certain subjects are delicate. The CEO cannot be seen as "taking sides," especially in criticism of a director or group of board members, and it would be highly desirable for both CEO and director if most of these matters could be approached "through channels." It is here that the chairman of the board can be most useful. In the end, almost any conversation between the CEO and director that is undertaken in honesty and for the good of the bank can be considered better than having the director's interest squelched, or the CEO put in a position of not being able to talk to anyone.

Criticism leveled at the CEO in meetings needs to be avoided; generally, there are alternatives. The board can exert its direction without anything being said that seems to downgrade the chief, especially in the presence of his officers. Usually, issues can be approached in such a way that avoids confrontation. If it is sensed that a clash is coming, it is better for someone in a leadership role to suggest that this subject be studied further. A division on the board centring around the CEO needs to be avoided. But if there is serious concern that justifies a clash it is better to have the confrontation than to ignore it. In all these, the CEO has a vital part, especially to listen and consider when directors make suggestions. Many a CEO has walked out of a particularly discouraging board meeting to look for

handle customers referred by directors, which can be easily done. We expect directors to develop business for the bank, certainly including loan business. But the director may feel that if he refers the loan to the bank and it turns bad, it is his responsibility. The officer may feel that if he does not make the loan the director is going to be unhappy with him. This, I think, the reason why in my experience there have been very few really effective director/officer teams which have worked. But it need not be so. The Directors may team up with knowledgeable employees and produce good business for the Bank.

### Handling director's loan referrals

When a director brings a loan to the bank he should tell the officer what he knows about the customer and then leave the banking judgment to the banker. The banker should take full responsibility and certainly tell the director whether he has been able to make the loan as requested, or on a different basis, or had to decline it altogether and why. After all, the director may run into the person at a later time only to be embarrassed by not having the vaguest idea what happened with the loan. The most experienced and capable bank officers know how to handle this situation. On the other hand, if a director comes in the bank and is "pushy" about getting a loan approved, even though he shows no enthusiasm for guaranteeing it, then he will probably find the officers rushing for the exits when they see

him coming. The director should never get in the position of suggesting to the prospective customer that he can "get him" the loan because he is a director. Also, the board member should note that it is not *his* loan, and hence if turned down, not a reflection on the director. All this can be assuaged if the board member gets a timely explanation of why the loan could not be made.

### The director and staff

In a small bank the director probably has many personal relationships and friends on the bank staff. This may be important to both. Also, it is almost inevitable that top officers will handle the bank's loans to the directors or their relatives. Sometimes a Director may desire that Bank purchases various items or takes services from the companies owned by him or by his friends. How do these situations affect the ability of that director to perform his sworn duties which include appraisal, selection, and promotion, especially to the top position in the bank? Here,

involved in the appraisal of the chief executive, in whatever rewards to management may be forthcoming, and in countless introductions to groups and individuals. In all of this he will be making important impressions. If the relationship becomes too close, he will seek to shelter the CEO from criticism, and this, in the end, will do him more harm than good. If he is too distant he will deprive the CEO of one of the things that most executives need, "just someone to talk to." Obviously, much depends upon how the Chairman and CEO get along and the confidence they have in each other, because few things are as important in the life and happiness of any top executive as the feeling of good standing and good communication with the board. Often that communication is through the chairman.

The chairman can play a wonderfully lubricating role. If a director has been alerted to possible weaknesses in the bank he could discuss it with the chairman. Also, the CEO may feel some of the activities of the board or individual directors are a

new CEO needs his support and counsel when asked, but must not cast his shadow over him, and that he must finally get out at the appropriate time.

### Facing up to poor performance

Now suppose we really need to replace the CEO for another reason - lack of performance. Some banks seem to do a good job of setting goals for the CEO and of appraising the CEO against those established goals. When this is being done in an accurate and thoughtful way, the CEO who is not having success will quickly realize that. If he is young enough he will move on. If he is too well paid to find a similar situation, early retirement (even at considerable cost to the bank) may be the solution.

Suppose there is no organized performance appraisal, and there has been no provision for candid input in which directors can express dissatisfaction if the CEO is doing a poor job. Then what happens? Probably a few directors become dissatisfied and agitated. Unless the CEO perceives this situation and begins to improve situation, it will spread. Then at some point the dam will burst.

I am sure all directors and CEOs would wish that there had been a structured organization for candid, well-thought-out, and regular appraisal, and a vehicle within the board, in which directors' real and legitimate concerns could be faced early and within the formal channels of the organization.

### What to do about mediocre performance

There is also that gray area in which the management is not really performing, but neither is it fouling up to a glaring degree. Here boards find the most trouble and much headway and many years of opportunities are lost. If the board has set goals, standards, limits, or targets of any kind, there is at least a basis on which to say, "We achieved it", or, "We didn't." The board can also raise the standards and insist on comparisons to neighbouring banks and comparable ones in similar markets.

Without some formal basis on which to review performance, what happens? The CEO is often judged on a myriad of inconsequential details, each of which appeals to a particular director. Then at the end of an especially frustrating meeting in which everything was discussed except important achievements, the whole thing seems to go sour.

When things are going well, the board needs to remember that nothing is more important in the life of the CEO than his relations with the board. Nothing should impair that. Smooth relationships are essential and their achievement is a two-way process.

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