

Escalating violence and press freedom

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IN recent times, journalism is viewed to be a risky profession. The risks associated with journalism include threats, harassment, violence and even death. The recently concluded visit to Bangladesh by a New York-based Committee to Protect Journalists (CPJ) has led to the finding that Bangladesh is 'a terrible place for journalists'. It is the most violent country in Asia for journalists. CPJ called for an end to a long 'cycle of violence' against the media and for the creation of a safe environment for reporters. At least two major English Dailies have come up with editorials on the issue.

The scale and magnitude of risks

It may be said that Bangladesh is not the only country in which journalism as a profession is risky. However, evidence to date indicates that Bangladesh is perhaps the most risky of all other countries. The 2004 News Alert by CPJ thus refers to the attack in Pakistan, on a private sector electronic media known as Geo Television on March 2, 2004. It further refers to the harassment of Rebecca Santana, the Cox Newspapers Moscow correspondent. Santana was reporting on Chechnya's refugees and the disappearance of civilians and profiling the lives of students.

Compared to these incidents, the chronicle of violent acts, illegal detention, threats and murder of journalists far surpasses those of other countries. It is necessary to have a look at this chronicle of events.

Findings of reporters sans frontier (RSF)

RSF Network Mission Report of June 2002 provides an elaborate analytical account of the state of insecurity under which the journalists in Bangladesh work. Funded by European Commission (EC), this report was prepared by RSF with the cooperation of the Bangladesh Centre for Development Journalism and Communication, which is a member of RSF Network.

The report refers to the fact that scarcely over a period of eight months, 145 journalists assaulted or targeted with death threats, one reporter murdered, 16 newsrooms or press clubs brutally attacked and four journalists detained by the authorities. These events led a

Dhaka-based European diplomat to affirm, "The issue of safety in general has now reached dramatic heights". The report also affirms that the politics of criminalisation and/or criminalisation of politics have led to the loss of lives of about 280 people in the month of February 2002. The report concludes: "Nothing seems to be able to stop the attacks especially against members of the press. They are even influencing the way in which the national and local press are treating issues of critical importance to the country, such as corruption, collusion among politicians, organised crime, and inter-faith crimes".

operate in Bangladesh. The point that is noted here is "Escalating violence threatens press freedom". Consequently, as the report rightly argues, the journalists are forced to impose self-censorship mainly due to the brutalities committed against members of the press. More attacks on March 2, 2004 have been reported on at least two journalists covering a student demonstration at Dhaka University.

Gagging the press: The legal instruments

It is said that there are 20 odd laws designed to repress freedom of expression. The RSF report has not, however, provided any list of such

It is felt that the question of security in terms of making the working environment secure for the journalists should not be seen in isolation. It should be seen in the overall context of security for all citizens. To the extent that security of the life and property of all citizens is ensured, it will also include the journalists. At the same time, it is also to be recognised that the violent attacks on the journalists is a recent phenomenon which needs special attention as much as the general sliding down of the law and order situation.

The track record of the Awami League (AL)

The report also provides the track record of AL. It affirms that the 'last six months of the Awami League regime have proven to be a very trying period in terms of press freedom and, above all, journalists' safety'. This assertion is based on a number of cases involving attacks on journalists. These include the violent attack on journalist Tipu Sultan by the henchmen of Joyal Hazari, a Member of Parliament. Another case is the murder attempt on *Dainik Janakontho* reporter Prabir Shikder. The post-election incident referred to is the assault on Khondokar Mahboobur Rahman, a correspondent of a Bengali daily. The conclusion drawn is that the AL 'in no way can claim to have a positive track record in terms of defending journalists, freedom and safety'.

Not a balance sheet

The foregoing account should in no way be construed to be a balance sheet of the major political parties. It should rather be construed to be an assessment of the highly insecure environment in which the journalists

laws. It is perhaps necessary to distinguish between laws that are specifically applicable to the press and the restraints that they impose on freedom of expression and those laws that are universally applicable to all citizens. Article 39 (2) of Bangladesh Constitution guarantees (a) the right of every citizen to freedom of speech and expression and (b) freedom of the press.

Reasonable restrictions

The above rights are, however, subject to reasonable restrictions that may be imposed by law. The specific areas of such restrictions relate to the security of the State, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. There are two authorities to judge the reasonableness or otherwise of the restrictions to be imposed by law. First, the Parliament. It is the primary responsibility of the law-makers to decide about the reasonableness of restrictions. Second, the higher judiciary, that is, the Supreme Court (the High Court Division in the first instance).

Seeking remedy from the higher judiciary involves time as well as money. The answer lies in the law-makers behaving rationally. That will certainly eliminate the time-consuming and costly process involved in litigation.

Attempt at unreasonable restrictions

It is said that a private members' Bill called 'Special Privileges and Powers Act 2002' was introduced in the Parliament. The Bill, if translated into Act, "would make it possible to sentence any journalist found guilty of committing libel against any Member of Parliament to a severe prison term". The proposed Bill is more or less modeled on 'Contempt of Court' concept. The RSF report finds it "an alarming testimony to how opposed the government majority is to uncensored coverage of its activities. Proclamation of such a law would be a major blow against the freedom of the Press". The areas of restrictions contemplated in the Constitution do not have anything called 'Contempt of Parliament'. Viewed in this context, the move taken by a ruling party Member of Parliament appears unreasonable.

Conclusion

What then are the remedies? RSF report has suggested some actions. These include (a) deliberate effort on the part of the government and the political parties, (b) emergency hotline that can be accessed by the journalists who are threatened and (c) active support to those who are threatened. The government, however, had rejected CPJ's findings. The Ministry of Information said that 'the blanket blame of CPJ was one sided and entirely motivated as it had not collected data from other Asian countries' (*The Independent*, March 7, 2004). The government did not come up with such statistics either. RSF report, as stated earlier, was prepared in cooperation with a Bangladeshi institution. RSF News Alert 2004 does provide specific statistics. If Bangladeshi institutions initiate and maintain a data bank for attacks on journalists and make it public, it will be useful for the citizens to make their own judgments.

It is felt that the question of security in terms of making the working environment secure for the journalists should not be seen in isolation. It should be seen in the overall context of security for all citizens. To the extent that security of the life and property of all citizens is ensured, it will also include the journalists. At the same time, it is also to be recognised that the violent attacks on the journalists is a recent phenomenon which needs special attention as much as the general sliding down of the law and order situation. For instance, the increasing cases of businessmen held for ransom and in some cases killed later, of children abducted or killed, women raped and killed, government officials threatened by hoodlums involved in public purchases and policemen killed while on duty are all part of the same phenomenon. As long as the processes of politics of criminalisation and/or criminalisation of politics, politicisation of the state machinery and educational institutions are not reversed, security of citizens, in particular journalists, appear to be a remote possibility.

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How much justifiable is coercion in democracy?

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WITH more than two-thirds majority in parliament why a party should feel so nervous and shaky from a simple voice of dissent is incomprehensible. Why a democratic government should aim at destroying some of the fundamental norms of democracy? President Zia had the honour of reestablishing multiparty democracy in Bangladesh. Should we assume that this party has degenerated into a party aiming at establishing a dictatorial regime? Whatever has happened to A Q M Badruddoza, Mahi Chowdhury or Major (ret'd) Mannan will certainly not brighten the image of BNP. It may be a folly to overlook the fact that the people of Bangladesh have faced many a military and autocratic regime and fought for the simple right to 'dissent'. One may conclude that the prime minister has perhaps been wrongly advised that opposition can be repressed and the voices of dissent can be silenced and public support can be gained through 'other' means. Whatever may be the thinking of the stalwarts of BNP the political scenario appears to be awesome.

Democracy is indeed a process of 'accommodation' involving a combination of 'conflicts'. The vast majority of citizens in a democracy must have no doubt or mental reservations as to which political community they belong to. Democracy is a system of rule by temporary majorities. In order that rulers and policies may freely change, the boundaries must endure, the composition of the citizenry be continuous. In an age of modernisation people are unlikely to feel a preponderant sense of loyalty except to a political community large enough to achieve some considerable degree of modernity in its social and economic life.

The dynamic process of democratisation itself is set off by a prolonged and inconclusive political struggle. In Sweden at the turn of the century it was struggle first of farmers and then of an urban lower-middle and working class against a conservative alliance of bureaucracies, large land owners and industrialists and the issues were tariffs, taxation, military service and suffrage. In Turkey it was mainly a contest of countryside versus city, of large and middling farmers against the heirs of bureaucratic-military establishment, the central issue being industrialisation versus agricultural development. In Sweden intense economic development created new political tensions. In Turkey the demand for rural development resulted in the beginning of democratisation.

No two existing democracies have gone through a struggle between the very same forces over the same issues and with the same institutional outcome. It seems unlikely that any future democracy will follow in the precise footsteps of its predecessors. Some economists (e.g. Hirschman) have argued that a country can best launch into a phase of growth not by slavishly imitating the example of nations already industrialised but rather by making the most of its particular natural and human resources and fitting these accurately into the international division of labour. Similarly a country is likely to attain democracy not by copying the constitutional law or parliamentary practices of some previous democracy, but rather by honestly facing up to its particular conflicts and by devising or adopting effective procedures for their accommodation. Serious and prolonged nature of struggle is likely to force the protagonists to rally around two banners. The fight may go on and on till the protagonists are weary and the issues fade away without the emergence of any democratic solution along the way. Or one group may find a way of crushing the opponents after all. In these and other ways an apparent evolution may be deflected, and at no time more easily than during the preparatory phase.

Transition to democracy is a slow and complex process. However, it does not rule out suffrage or freedom of opposition as conscious goals in the preparatory struggle. Nor does it suggest that a country ever becomes a democracy in a fit of absent-mindedness. On the contrary, what concludes the preparatory phase is a deliberate decision on the part of the political leaders to accept the existence of diversity in unity and to that end to institutionalise some crucial aspect of democratic procedure. Democracy is acquired by a process of conscious decision at least on the part of the top political leadership. Politicians are specialists in power, and a fundamental power shift (such as from oligarchy to democracy) will not escape their notice.

Democracy is a competitive process, and this competition gives an edge to those who can rationalise their commitment to it, and an even greater edge to those who sincerely believe in it. "The process of democracy", says Rustow, "institutes a double process of Darwinian selectivity in favour of convinced democrats; one among parties in general elections and the other among politicians vying for leadership within these parties." (DA Rustow, Transition to democracy: Towards a dynamic model).

Politics consists not only of competition for office, it is also a process for solving conflicts within

human groups. A new political regime is a novel prescription for taking joint chances on the unknown. With its basic practice of multilateral debate, democracy, in particular, involves a process of trial and error, a joint learning experience. It has been observed that the difference between social and economic issues, rather than issues of the community can be handled easily in democracy. The difficulty the democracy finds in resolving issues of community emphasises the importance of national unity as the background condition of democratisation process.

The transition to democracy may require some common attitudes and some distinct attitudes on the part of the politician and the common citizen. The distinction is clearly evident during the habituation phase. Three sorts of process are at work at this stage. They are (a) politicians and citizens learn from the successful resolution of some issues to their faith in the new rules and apply them to new issues, (b) experience with democratic practices and competitive recruitment will confirm the politicians in their democratic practices and beliefs, and (c) the population at large will become firmly fitted into new structure by forging of effective links of party organisation that connect the politicians in the capital with the mass electorate throughout the country. The parliamentary parties will seek support from the constituency organisations to insure a steady supply of members for their group in future parliaments.

There is some serious misunderstanding about popular government that they do not employ coercion. However, they cannot do so effectively unless violators are few in number and lack support and sympathy among population at large. An attempt at coercing a large number of people, even short of a majority is unusually difficult in a polyarchy. Extensive coercion places a strain on any political system, even a dictatorship, but popular governments find it most difficult of all. If civil disobedience on a grand scale, or even civil war, is to be avoided a government engaged in coercing large minorities needs to have at its disposal an imposing array of coercive forces such as a centralised and disciplined police system, a secret police, a compliant judiciary, military and bureaucratic establishments ready to obey the government when "duty" requires coercion of large numbers of fellow citizens, and a body of law, constitu-

tional doctrine, and practices that permit the government to employ the forces. Thus no sane element would suggest for heavy reliance on coercion so far as Bangladesh is concerned.

In general the conditions that decrease the need for coercion and increase the prospects for peaceful adjustment are also favourable to popular government. The larger the area of agreement among different actors on what would constitute a desirable solution, the better the chances for a peaceful adjustment.

Individuals vary in their psychological dispositions toward peaceful adjustment, deadlock, and coercion. The likelihood of peaceful adjustment depends on the personality characteristics of the individuals who influence the decisions of the various parties to a conflict. Immutability lowers the chances for peaceful adjustment. It may be stated in this regard that there are two polar types in political systems - the agitator and the negotiator. An agitator places high value on the emotional response of the public. He is notoriously contentious and undisciplined. He is willing to subordinate personal consider-

ations to the superior claims of principle. He sees "unworthy" motives where others see the just claims of friendship. By contrast the negotiator is a compromiser. He is more concerned with an acceptable solution to a conflict than a just or perfect solution.

The pragmatic politician and the agitator both may contribute to the stability of a popular government. The former wants to know what public opinion is; he does not much care what it ought to be. The agitator is interested in what public is only so that he can change it to what it ought to be.

Democratic stability requires a commitment to democratic values or rules not among the electorate at large but among the professional politicians. If our leading politicians accept heavy coercion, certainly our development effort in a highly corrupt society with explosive law and order situation may be frustrated and there may be negative growth in investment. If simple resignation of two members from a party which represents more than two-thirds majority in the parliament results in such a fury, destruction and obstruction, if the minority

communities cannot be assured of adequate security, if our entrepreneurs are to live in constant fear and tension, how there can be any hope for democratic stability? It is indeed extremely doubtful that our limping democracy may survive if present political situation does not improve quickly and substantially.

Whatever has happened to Major (ret'd) Mannan during the last few days indicate how much intolerant has become the party whose founder fought valiantly for democracy and sacrificed even his life. Is the party now led by people suffering from paranoid delusion or 'agitator' political leaders derive pleasure from anti-adult antics? Bangladesh is regarded as the only moderate democratic country among Islamic states. Are we going to lose this good name? We sincerely wish for prevailing of good sense upon the leaders of the four-party alliance government. They must not overlook the fact that attaining democracy in a poor and least developed country like Bangladesh is extremely difficult though destruction is very easy.

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