LATE S. M. ALI

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## Abide by the Supreme Court verdict

This is what the people would expect

HE highest court of the country has spoken in Khaleda Zia case pertaining to Dhaka Cantonment residence since vacated by her. The Supreme Court has dismissed the 'leave-to-appeal' petition filed by her challenging the HC verdict that declared valid the government notice asking her to leave the house in question. Moreover, her other petitions for staying the High Court order and seeking status quo over the house issue have also been turned down by the three-member Appellate Division of the SC headed by Chief Justice ABM Khairul Haque.

As it turned out, Khaleda Zia's lawyers did not move the leave-to-appeal petition within 90 minutes of the court's opening in accord with the laid down serial and the procedure. They wanted the last item on the list, that is contempt of court petition to be heard first to which the court said that it could not deviate from the serial in which the petitions have been itemised. The judges held the view that the legal process impels them not to make a departure from the standard procedure. So, it asked for submission of the leave-to-appeal petition first which Khaleda's lawyers were not evidently prepared to do.

We are strongly of the view that once the BNP has taken recourse to the court it should have seen to the last exhausting all legal avenues without what clearly amounted to dictating terms to the court and pressuring it to give a hearing to something out of turn.

Now that the court has spoken it is of fundamental necessity for a democratic political party to respect its verdict and abide by it.

It's also important to realise for the BNP that after the court has spoken the hartal appears to be against the verdict. If God forbids, it leads to violence and loss of innocent lives it will be held against the BNP.

As we have written before, we do it again, to say we feel that the government should have kept from taking a precipitate action on the cantonment residence without waiting to see the notice period of a month elapse and the court process completed. Having said that, we would urge the BNP to respect the verdict of the Supreme Court by all means.

## Letting off alleged murderers

Where is the rule of law?

T is bald-faced miscarriage of justice -- and we hang our head in shame for the way political partisanship has been allowed to influence legal procedures and distort the rule of law in the country.

A report carried in a national Bangla daily informs us that in view of the withdrawal of a much talked about murder case involving the murder of a businessman of Dhaka in 2005, 19 leading criminals, including two who are also accused in several dozen other murder cases, and who are also absconding and believed to have taken shelter across the border, have been set scot-free.

The murder case was withdrawn under a dispensation called the 'withdrawal of politically motivated cases' installed by the AL government after it came to power, to review the cases that were instituted, supposedly on political considerations to harass the AL party men, by the erstwhile four-party alliance government.

There is no doubt that every regime has used the process of law to harass political opponents, and in this very column we had warned about exercising the greatest of discretion in reviewing such cases, and of the dangers of political prejudice distorting the legal process, when the present AL alliance government thought about reexamining the cases. Unfortunately, brazen political consideration has come in the way of the judicial process, the rule of law and administration of justice.

The very idea of review in itself is flawed since it seeks to circumvent the process by having a supralegal body adjudicating the merit of the case, and the committee set up at the district level as well as the national committee for this purpose, virtually becoming a court in themselves. We had recommended that the legal process should be allowed to run its course.

It is difficult to accept the statement of the state minister for law that this perhaps was a mistake since the case does not merit being withdrawn, that there are six thousand cases and it is not possible to attend each one of them individually, and that the recommendations were made by the district committee. It is they that have taken up so many cases and their argument is unacceptable. We also find it hard to believe that the sitting MP of the AL recommended the withdrawal and indeed he now says that his recommendation was in respect of somebody else. And may we ask if the court that accepted the recommendation was not aware that some of the accused were absconding and therefore not eligible for consideration?

Regrettably, the matter smacks of partisanship, of an effort to subvert to process of law. And this is something that one who is committed to the rule of law cannot feel comfortable with. This strikes at the very fundamental of good governance, which demands upholding the principle of rule of law at all costs.



## Human resources development in Bangladesh

Priority should, therefore, be given to the disadvantaged, including the rural and urban poor, women, youth and ethnic minorities, who generate the highest social rate of return on human resources development investment.

MOHAMMED ABUL KALAM

HE concern for policy and action planning guideline for human resources development in Bangladesh stems from the recognition that the economic progress of the past several decades, notable as it has been, has not led to the eradication of widespread poverty in the country. This is due, in part, to the limited attention paid to human resources as a crucial means as well as the ultimate end of development.

The concept of human resources development emphasises the integration of human capital and human needs aspects of human resources in development. The various components of development -health, education, environment, employment, manpower development, and science and technology -- are not new. What is new is their combination in a unified approach to development policy making and planning that focuses on the role of human beings as both a critical input to, and the ultimate beneficiaries of, the development process.

In Bangladesh, development programmes touch on virtually all aspects of human resource development, but the integrated approach has not yet been generally adopted. There has been a tendency to emphasise either economicdominated or social welfare-dominated strategy -- the human capital approach or the human needs approach. In several cases, a strong commitment to social development concerns has encountered serious budget constraints associated with disappointing performance. Where there has been a strong human capital orientation, failure to address the critical qualityof-life issues have contributed to manpower bottlenecks, low productivity growth and social instability.

Few national development plans currently include any explicit human resource development. Human resource development is dealt with sectorally in separate sections of national planning documents and typically implemented by several agencies. There is currently no single unified policy or plan for the development of human resources. Thus, the essential element of integration is generally absent at the conceptual stage of policy making and planning.

A central goal of development should be to effect an equitable distribution of human resources development opportunities and benefits. At the same time, priority should be given to those population groups

which could benefit most from such opportunities by virtue of either the emergency of their needs or their ability to put them to best use, not only for themselves but for the development of priority sectors.

Bringing the concerns for equitable distribution opportunities for the fullest possible development of individual potential into balance would be an important strategic challenge in human resource development policy and planning. Priority should, therefore, be given to the disadvantaged, including the rural and urban poor, women, youth and ethnic minorities, who generate the highest social rate of return on human resources development investment.

Human resources development strategy changes would be appropriate at given stages of socio-cultural and economic development. Human resources development programmes based on different strategies would bear fruit at different points in time, and their impact over time would vary. For example, narrowly focused skills development programmes might serve certain immediate development objectives, but such skills could quickly become obsolete.

On the other hand, programmes designed to develop basic and selfregenerating capabilities would be effective over a longer period of time and their human resources development impact might be wider ranging and longer lasting.

While the participation of public and private institutions in human resources development overlaps in Bangladesh context, non-market human resources needs (for example health, education, housing) falls primarily within the public domain. If human resources development policy and plans were to be effective, they would need to incorporate a carefully thought-out role distribution between the two sectors and their respective subsectors, as well as a method of coordination between them.

Human resources development activities were recognised to be most effective in the following types of social environment: (i) when the impulse for individual or collective self-development received stimulation under a favourable social estimate, such as in the aftermath of the war; (ii) when the national leadership was responsive to the majority needs; and (iii) when the interest of various sectors converge with overall development needs.

Given the social environment a human resources development strategy could take either an active or a passive stance. In the



She needs help to go further.

former case, creating the social conditions favouring the attainment of desired human resources development goals could be an important aspect of a human resources development strategy. In the latter case, existing social condition might be taken as given and the best possible use might be made of them.

Top-down rather than bottom-up development policy and planning appeared to continue to be the general rule, rather than the exception. For a human resources development strategy to be effective, direct participation of a broad cross-section of the people in the formulation of the pertinent policies and plans will be necessary. The people should, therefore, be provided every opportunity to participate in human resources development policy and programming decisions as well as in the feedback processes.

The quality of human resources in Bangladesh remained very low despite the fact that policy and planning infrastructures existed and certain facilities were available. That suggested the necessity for a demand-oriented human development strategy. It was necessary to ensure that the socio-cultural constraints on human resources demand, particularly among disadvantaged population groups, be removed. The question also arose whether capabilities development should always be subject to available employment opportunities, which tended to turn servants of employers.

We can consider the following issues in guiding policies and planning for human resources development: (a) sequential and long-term approach; (b) assessment of the efficacy of formal and non-formal approaches; (c) strengthening of political and administrative infrastructure for promoting and supporting popular participation; and (d) ensuring adequate levels of resources.

Public awareness concerning the peo-

ple's participation as an aspect of human resources development is relatively new in Bangladesh. Almost all government and non-government agencies operating in the social development sector are currently organising people at the grassroots and even competing in their effort to enhance their delivery of service. This competition is not necessarily promoting the people's welfare or self-reliance.

This calls for a policy decision as to whether or not to lodge the responsibility over capability building for popular anticipation with a single parent agency. An important consideration in this respect is that community organisation requires specialised skills. As such, the question is raised about whether the agencies which are manned by staff with the necessary specialisations and which are basically concerned with the socially disadvantaged sections of society should be turned to as the "natural" implementation of this  $aspect of human \, resources \, development.$ 

In Bangladesh, most of the development projects are financed through external assistance, so the role of international support for human resources development is significant in terms of both funding and of introduction of new ideas and strategies. Internal human resources development has already made an important contribution to national capacity in realising the potentials of human resources.

Significant opportunities exist for further expansion of this contribution. However, the implications of the role of international support for integrated, participatory and multifaceted nature for human resources development need to be carefully considered and incorporated into future programmes of international assistance.

Mohammed Abul Kalam, PhD, is Principal Scientific Officer and Head, Department of Medical Sociology, Institute of Epidemiology, Disease Control and Research (IEDCR). E-mail: makalam@btcl.net.bd

## Can China afford to confront the world?

Depicting China as an enemy may be an attractive electoral gambit for an administration that feels need to display its muscles. Beijing will respond in kind. High-level and dispassionate statesmanship is required, with each party giving some ground and trying to scale down the currency rhetoric while engaging in serious discussion on common approaches to environmental measures.

**JONATHAN FENBY** 

FTER he launched China on to a market-led course in 1978, Deng ▲ Xiaoping counseled caution in international relations. China should, he advised, keep a low profile while enriching itself and not alarm the countries whose markets for its exports would replace deficient domestic demand.

Hu Jintao and his leadership colleagues must have decided that the time has come to shed such caution. China not only adopts a higher global profile, it is also increasingly ready to take positions that earn the world's disapproval, be it on the valuation of its currency or its support for regimes in Sudan, Iran and Myanmar. And now that more muscular approach by Beijing confronts the Obama administration's drive to reassert Washington's interest in Asia.

This could provide a testing experience for both sides of the so-called G2, a concept that has never really taken off if only because of the rocky path of Sino-US relations since President Obama's visit to the People's Republic a year ago. The flashpoints are evident. Hillary Clinton's assertion that freedom of navigation in the South China Sea runs straight up against China's claim to sovereignty over the waters to its south.

Washington's growing closeness to India, including backing New Delhi's claim to a permanent seat on the UN Security Council, is not to Beijing's taste. The US-Japan relationship remains a constant source of concern for China. The same goes for US-South Korean links. US arms sales to Taiwan rile Chinese leaders who insist that the island is part of the People's Republic.

During three months just spent in

Beijing, I was struck repeatedly by the sharp tone adopted towards the US not only by ideologues and media propagandists, but also by senior economists who insist that failure of American economic policy is responsible for the world's ills. The fact that the US Federal Reserve's new bout of quantitative easing, or QE2, went down like a lead balloon at the G20 summit in Seoul showed that China is not short of

A researcher with a think tank attached to the Commerce Ministry, Mei Xinyu, summed up the dismissive Chinese view of the US in China Daily this month: "The US's top financial officials need to shift their people's attention from the country's struggling economy to cover up their incompetence and blame China for everything that is going wrong in their country."

Moving into conspiracy theory, the oped article concluded that, by attacking China, finance officials in Washington foster speculative opportunities for Wall Street firms, which then offer them big jobs after they leave government office.

Ahead of the G20 meeting, China rejected the US plan as harking back to the days of planned economies -- nice irony coming from the last major state ruled by a Communist Party, one that just unveiled its latest Five-Year Plan. At a Beijing conference, the governor of China's Central Bank, Zhou Xiaochuan, spoke of being ready to deal with the wash of money unleashed by QE2 as if he were a doctor preparing for a troublesome affliction.

Vice-Minister of Finance Zhu Guangyao used a pre-G20 briefing to say that China would query renewed US quantitative easing in Seoul, adding: "We hope the US can realise its responsibility and duty on the revival of the global economy." China's

line of currency defense goes as follows: If one adds the 3% appreciation China is ready to allow and its consumer price index, exceeding 4% at a time of zero inflation in the West, the real appreciation is significant and as much as can be expected while the nation faces manifold domestic challenges.

Cooperation over global warming seems at a dead end. China still values investments by companies such as Intel, yet promotion of domestic companies in its stimulus package and an increasingly tough regulatory climate for foreign firms complicate a business relationship that has flourished since the 1980s. As the mainland moves up the technological and value chain under its next Five-Year Plan, trade tensions are set to rise.

China trade was once all about cheap exports. But if Chinese development goes to plan, import substitution for big-ticket items will become the order of the day. In a little noticed development this month, China unveiled a prototype of a 150-seat airliner due to go into service by 2016, complicating Boeing's sales to the world's second biggest market for commercial aircraft, not to mention the impact on Airbus.

On the other side of the Pacific, tougher rhetoric from the White House and Treasury as the US finds itself under political pressure at home and increasingly bereft of economic allies abroad does not point to a benign future with Washington and Beijing working together for the benefit of the world at large. Speaking at a European Central bank conference in Frankfurt on November 19, US Federal Reserve Chairman Ben Bernanke hit back at Chinese criticism, noting that "currency undervaluation by surplus countries is inhibiting needed international adjustment and creating spillover effects that would not exist if exchange rates better reflected market fundamentals."

Hu's visit to Washington in January will be the touchstone. In an interview with The Australian newspaper, Secretary of State Clinton said that China's current policies in the region were designed to test other nations and insisted that Beijing should abide by international law. The problem is that the law is extremely vague on key points of conflict, notably the sovereignty

of rocky islands that may sit on top of large energy reserves.

The US-China spat has greater resonance because of the way Washington backed Japan in the row over the detained Chinese trawler and the flurry over China's decision to halt exports of rare-earth minerals to Japan. A survey by the Japanese newspaper Yomiuri Shimbun published in mid-November found that 87% considered China to be untrustworthy and that 90% thought relations between the two countries were bad.

A simultaneous poll by China's Oriental Outlook Weekly, run by the state news agency, found similar figures on views of Japan held by Chinese. On top of this Vietnam, with US approval, declared its port at Cam Ranh Bay open for foreign naval ships and, to Beijing's displeasure, hosted the US aircraft carrier George Washington.

If the relationship continues its downward spiral, Hu's visit risks turning into a confrontation. If only for domestic political reasons, Obama may well feel he must show that he can stand up to China for instance, by slapping duties on selected imports, resisting Beijing's maritime claims goods or holding China to account on its environmental record. Hu, due to stand down as Chinese leader in late 2012, has no wish to leave office remembered as the man who caved in to the US.

Such a stand-off is dangerous for both countries -- and the world. It could lead to damaging protectionism. Depicting China as an enemy may be an attractive electoral gambit for an administration that feels need to display its muscles. Beijing will respond in kind. High-level and dispassionate statesmanship is required, with each party giving some ground and trying to scale down the currency rhetoric while engaging in serious discussion on common approaches to environmental measures. Whether either party has the wherewithal remains in question. On their performances so far, one can only remain pessimistic.

Jonathan Fenby is China director of the research service Trusted Sources and author of the Penguin History of Modern China.

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