



Mercury Convention "Must be brought to life"

THE New International Convention on the Highly Toxic Metal Mercury could, despite some flaws, be a huge step forward in protecting the right to health. Last week, more than 140 governments agreed on the text for a new legally binding convention on mercury, a highly toxic metal. It has taken three years and many compromises to get here. What often seemed like a dry and bureaucratic process delegates arguing over nuance during long night sessions has very real implications for millions of people around the globe.

Mercury attacks the central nervous system and is particularly harmful to children. It is used in various sectors, including in the production of a type of plastic, polyvinyl chloride, and is emitted by coal-fired power plants. The largest sector for mercury use and emissions is artisanal and small-scale gold mining.

At least 13 million people in Africa, Asia, and Latin America work in small-scale gold mining, relying on mercury to separate gold from the rock ore. Miners, including children, mix the mercury into the crushed ore to attract the gold and burn the amalgam, releasing toxic mercury vapors. This can cause permanent mental disability and a range of other conditions. Human Rights Watch research has found that many miners do not know about these risks. One doctor in Papua New Guinea told us how some miners with mercury poisoning were "star(ing) blankly at the wall" and "did not recover".

Under the new treaty, governments are obligated to draw up action plans on artisanal and small-scale gold mining. Under these plans, governments must



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ban the most harmful forms of mercury use, such as the burning of amalgam in residential areas, a practice we have documented in several countries. Governments also have to promote methods to reduce mercury use in mining, seek to improve the

health of miners, and take steps to protect children and women of childbearing age from exposure to mercury used in mining.

This is good news. Governments are finally getting a signal that they are responsible for ensuring their people and environment does not get poisoned. And for the first time, an environmental treaty recognises the importance of health strategies by including provisions on health prevention and treatment of mercury-related conditions. But there is bad news too. The convention lacks teeth in many key areas. It does not set an end-date for the use of mercury in small-scale gold mining, nor does it include a clear plan on how to phase it out. While the treaty calls for protection of children, it does not explicitly address the critical and widespread problem of child labour in small-scale mining. In the end the one article in the convention, which provides specific provisions for health, became voluntary after days of tough talks during which the European Union, Canada, and the United States rejected mandatory language on this.

Despite these flaws, the agreement of this new treaty is a positive development. The new Minamata Convention on mercury named after a mercury poisoning disaster that killed more than 1,700 people in Japan half a century ago has to be brought to life now. Governments should sign it, ratify it, and implement it. If they do that, the convention will be a huge step forward in protecting the right to health.

Source: Human Rights Watch. (<http://www.hrw.org/news>)



FOR YOUR INFORMATION

Complexity in Custom: Needs simplicity

MD. ASHRAFUL ALAM

IN the last week, 26th January has been observed as the International Custom day in all over the world under the dedication of the World Customs Organization (WCO) with a view to facilitate free trade through mutual cooperation among the global trade partners. International Customs Day is a wonderful reminder of important role played by customs bodies in the world. Bangladesh is also celebrating the day with a new aspiration of modern customised code to strengthen national custom administration. But a question always arises as to the uniformity and transparency in custom administration due to the loopholes of related laws and regulation in Bangladesh. Procedural complexity always creates unexpected harassment and forced illegal payment in Bangladesh. Bangladesh custom administration is governed through several national policies and laws. The main laws governing custom in Bangladesh are the Imports and Exports (Control) Act 1950, Customs Act 1969, Customs Valuation Rules 2000, Foreign Exchange Regulation Act 1947, Foreign Private Investment (Promotion and Protection) Act 1980, Bangladesh Export Processing Zone Authority Act 1980, and Bangladesh Private Export Processing Zone Act 1996, all as amended. These acts have been supplemented by various rules and regulations. But the existing laws are never become good enough to ensure uniform application of the modern Customs Code.

Today global market is shaped on free trade open for all. Free trade means free flow of goods and services from one state to another state without any restriction. If there is any restriction, it is called barrier to free trade. Barrier to free trade is of two types. They are tariff barrier and non-tariff barrier. Non-tariff barriers are of three types. They are barrier as to quality or standard, barrier as to quantity and barrier as to procedure. Custom and Administrative Entry Procedures may be in the top of non-tariff barrier by procedure. Bureaucratic delays at customs have become a common phenomenon in custom sector of Bangladesh. Both exporter and importer always are of envied due to procedural harassment in custom. These include ambiguity and delay in valuation systems, tariff classifications, documentation requirements and determination of charges on imports. Bangladesh government may get persuasion from European Union. European Union has initiated some innovative process to avoid procedural complexity among European countries. They are- Common transit system, Community transit and export procedure. The common transit procedure may be used for the movement of goods within the states entered in any special bilateral trade commitment. The community transit system may be used for customs transit operations among regional countries in general applicable to the movement of non-Community goods for which customs duties and

other charges at import are at stake. The export procedure may be taken as obligatory for Community goods leaving the country having neither bilateral nor regional trade commitment. This is due to the fact that this procedure must ensure the correct application of all export measures, e.g.: export restrictions and surveillance measures.

The world custom organization has formulated some common standard of principles for more effective and flexible procedures to be followed by custom administration. Bangladesh has a commitment to the aforesaid organization. Bangladesh government may take initiative to transform these principles. The principles are- Firstly, a simplified procedure to be used in allocating custom. An export declaration will be made on the Single Administrative Document (SAD) or its



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electronic equivalent. An oral (or sometimes implicit) declaration may also be made (at the customs office of exit) in certain circumstances. However, neither an oral nor an implicit declaration may be made for goods in respect of which export refund or repayment of duties is claimed or which are subject to restrictions or other special formalities. Secondly, the customs office to which the goods and the export declaration have been presented releases the goods for export on condition that they leave the customs territory in the same condition as when the declaration was accepted. Thirdly, when the goods and a copy of the export declaration are presented to the customs office of exit which satisfies itself that the goods presented correspond to those declared and supervise their physical departure will be discharged. Fourthly, the custom authority should arrange a custom Trade Consultation with representatives of industrial association. A trade contact group (TCG) may provide a platform for such a regular consultation with trade

representatives who have their contacts and knowledge on the operational logistical processes. The Trade Information and Consultation Processes as agreed in the terms of reference will provide a structure for ensuring that the involvement of trade in the strategic as well as operational part of Community Customs initiatives takes place in a coordinated and appropriate way.

Now I would like to show the interrelation between custom and facilitation of trade. Trade facilitation is a key policy for customs. Trade facilitation brings benefits to both the national economy and the economies of our trading enterprises. Custom plays a major role at all levels to facilitate trade in three ways. They are- helping to define policy space, drawing up the framework and rules of implementation, and then putting into place the tools and processes at operational level. In general sense trade facilitation means the simplification and harmonisation of international trade procedures including import and export procedures. Trade facilitation includes simplification of requirements and formalities in respect of the release and clearance of goods, including, to the extent possible, collaboration on the development of procedures enabling the submission of import or export data to a single agency. Bangladesh government may appoint a commission which will unify the existing rules and regulations relating to custom administration. The Commission shall be responsible for Taxation and the Customs Union to provide advice on technical assistance and capacity building projects and programmes. This include the preparation of conceptual blueprints based on in-depth experience in the design and management of customs and tax administrations, and also includes resources for consultation, advice, planning, and coordination of actions in this field. The commission may consider the following recommendations. It is imminent to improve the working methods and ensure transparency and efficiency of customs operations system. The government should ensure reduction, simplification and standardisation of data in the documentation required by customs administration. Application of modern customs techniques, including risk assessment, simplified procedures for entry and release of goods, post release controls, and company audit methods should ensured. Provisions should be made to facilitate the importation of goods through the use of simplified or pre-arrival customs procedures and processes. It is a crying need for Bangladesh to introduce a proper security controls to ensure the protection of the internal market and, in close cooperation with major trading partners in the world, the securing of international supply chains.

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Khaleda's Case

Indictment hearing deferred till March 3

A Dhaka court on January 31 deferred until March 3 the hearing on charge framing against BNP Chairperson Khaleda Zia and three others in the Zia Charitable Trust graft case. Judge Md Zahirul Haque of the Senior Special Judge's Court passed the order after Khaleda's lawyer submitted a petition seeking adjournment on the hearing. In the petition, Mahbub Uddin Khokon, Khaleda's lawyer, told the court that the BNP chairperson could not appear before it as she is busy with parliament session. The court also extended bail period of two others accused in the case till March 3. Earlier on January 15, the court accepted the charge sheet submitted against Khaleda and three others. The Anti-Corruption Commission on August 8, 2011, filed the case with Tejgaon Police Station, accusing the four of abusing power to raise funds in the trust's name. - *The Daily Star February 1 2013.*

Contempt of Court

HC summons expatriates' welfare secretary

The High Court (HC) on January 30 summoned Expatriates' Welfare and Overseas Employment Secretary Dr Zafar Ahmed Khan before it on February 18 in connection with a contempt of court rule for not implementing its verdict. On August 24, 2010, the court had issued the rule following a contempt of court petition filed by Atahiya-Bin Khuda, an official of a project of Bureau of Manpower Employment and Training (BMET). Earlier on October 8, 2009, the court, in a verdict, directed the secretary to absorb 50 officials and workers of a project BMET to the revenue sector in two months. - *The Daily Star January 31 2013.*

HC to explain policy to stop private coaching

The High Court on January 29 asked the government to explain in four weeks why its policy to stop "coaching business" should not be declared illegal. The government on June 20 last year announced a policy to stop the "coaching business" of teachers by preventing them from giving private tuition to students of their own institutions. The "Policy-2012 to stop teachers from doing coaching business in educational institutions" also prohibits teachers of government and non-government schools, colleges and madrasas from giving private tuition during school hours. On January 29, a HC bench came up with the following a writ petition jointly filed by five guardians of some students challenging the legality of the policy. The petition was filed on January 27 saying that by formulating the policy, the government has forced them to send their children to commercial centres and to unregulated, untrained and less qualified teachers. - *The Daily Star January 30 2013.*

Tribunal asks for Mobarak charges

Feb 12

International Crimes Tribunal-1 on January 24 asked prosecution to submit formal charges against Mobarak Hossain before it on February 12 for his alleged crimes against humanity committed during the country's Liberation War in 1971. Mobarak was the organising secretary of a union unit of Awami League in Akhaura upazila of Brahmanbaria for 16 years. Prosecutor Sahidur Rahman told the court that the investigation agency, probing the war crimes allegations against the suspects, has already submitted its investigation report to the prosecution, but they need some time to scrutinise it before submission, he said. Later, the three-member panel of the ICT-1 led by its chief ATM Fazle Kabir set the date. The ICT-1 also extended bail of Mobarak till February 12 after he appeared before the court and sought for it. - *The Daily star online edition January 24 2013.*

Acid Attack on Eden Girl

HC gives 48hrs more to arrest culprits

The High Court on January 23 gave the police 48 more hours to arrest Monir Uddin and Masum for their involvement in throwing acid on Sharmin Akter Ankhi. Following a writ petition, the court on January 20 ordered the police to arrest the two within 48 hours and bring them to trial, which they failed to do. Monir, 28, forcibly took Ankhi, a student of Eden College, to a marriage registrar's office in the capital on January 15. As she refused to marry Monir, he threw a bottle of acid on her face and then stabbed her with a knife, Ankhi told *The Daily Star*. Monir's friend Masum was also present at the scene. They went into hiding after the attack. Ankhi's brother Mohiuddin filed a case against the two with Bangladesh Police Station. Ankhi is now undergoing treatment at Dhaka Medical College Hospital with 12-13 percent burn injuries to her face and other parts of the body. - *The Daily star January 24 2013.*

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