

Martyred Intellectuals Day

Where is the list of their names?

YESTERDAY, on Martyred Intellectuals Day, we mourned the brutal murders of many of our brightest and most enlightened men and women of this land at the hands of the Pakistani Army and their collaborators during the Liberation War of 1971. It is a day of national mourning because the void left by so many intellectuals, individuals dedicated to their respective fields and also devoted to their motherland, can never be filled no matter how much time has passed. It started from the black night of March 25th when the Pakistani Army unleashed a reign of terror on the people, indiscriminately killing unarmed men, women and children in a campaign of genocide. The occupying forces, with the help of local collaborators, decided to clamp down on the spirit of the people by annihilating one of their most precious possessions—their intelligentsia who were also clearly committed to the Liberation movement. Yet what is most shocking is that after 48 years we still do not have an official list of martyred intellectuals at the Ministry of Liberation War Affairs. Is it so hard for us to find out the names of these precious individuals? Are they not Freedom Fighters?

On March 25 the Pakistani Army targeted the university hostels and staff quarters, rounding up students and teachers, mercilessly torturing and killing them. Throughout the war, this was the strategy taken by the Pakistani forces and between December 10-15, only a few days before they would have to surrender to the allied forces marking the birth of Bangladesh, our Victory Day, another spree of killing took place, during which countless number of intellectuals were abducted, tortured, killed and their bodies dumped in various places, many of them in Rayerbazar. Those martyred intellectuals included teachers, writers, singers, journalists, doctors, etc., people who would have been invaluable to a brand-new nation ready to fulfil the dreams of its liberated people. Can we even imagine what we have lost? Can we even fathom the contribution these individuals would have made in our nation's overall development? That seems to have been the intention behind this mindless carnage—to make sure that we remain crippled forever, so that we never stand tall.

While we have managed to get back on our feet and made remarkable progress, we cannot deny that had those lives not been cut short so early, Bangladesh would have gone even further ahead. The first step to honour these individuals is to know who they were, what they did and find their families and give what is due to them. Apart from more well-known names, many of the intellectual martyrs remain unnamed. It is time we went beyond the ceremonial commemorations and truly honour those who have sacrificed their lives for freedom. It is time to make a list of our martyred intellectuals who are also Freedom Fighters and honour each and every one of them.

Keraniganj fire shows we've learned nothing

Improving workplace safety should be a top priority

AFTER the 2013 Rana Plaza collapse, considered the world's worst garment factory disaster, it was expected that the global scrutiny would lead to improved labour conditions in Bangladesh. Yet as the fires in Chawkbazar (claiming 70 lives) and, most recently, in Keraniganj show, workplace dangers persist despite the initiatives taken to make factories safer. There are still unauthorised and overheated factories operating in unsafe buildings. The fire at the Prime Plate and Plastic Industries Ltd factory in Keraniganj on Wednesday killed at least 14 workers. The number may rise as many are still in critical condition. The fire was ostensibly caused by a gas cylinder explosion. Worryingly, reports on how the building housing the factory was "primed" for a disaster tell us that the lack of oversight responsible for previous factory disasters was also there, and all warnings were similarly ignored.

We note with discomfort the similarities between the contributing factors of past and present disasters. In case of the Keraniganj fire, not only was the plastic factory unauthorised and non-compliant, it was also located in a densely populated area. The said building had a prison-life structure, with only one gate as opposed to six large rooms inside and no fire exits whatsoever. Survivors told *The Daily Star* that it was difficult to get out of the building as smoke engulfed all the rooms and it was nearly impossible to see and breathe in there, which they blamed for the high number of casualties. Moreover, a fire service team had inspected the factory in June and gave three months' time to the factory management to install safety measures but no follow-up inspection was made to ensure compliance.

The failure of the concerned authorities to take preventive measures—even after the factory had witnessed two other fire incidents this year alone—proves that it is still business-as-usual for them. This is totally unacceptable. A continuation of this approach at the expense of the lives of general workers makes them not just complicit, but also culpable. We urge the government to hold to account those greedy businessmen exploiting the workers and officials in charge of ensuring building and workplace safety, so that the safety codes are followed properly and no lives are lost under such unfortunate circumstances.

LETTERS TO THE EDITOR

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Martyred intellectuals

December 14 is a dark day in our history as countless individuals ranging from scholars, teachers, artists and journalists among other bright minds of the nation were abducted, tortured and murdered in the most gruesome manner by the Pakistani army and their henchmen.

It is surely commendable that many of the perpetrators were charged for their crimes against humanity and tried at the International Crimes Tribunal. But sadly, even after nearly half a century, the nation does not have a complete official list of our martyred intellectuals.

Early in 2014, Liberation War Affairs Minister AKM Mozammel Huq informed parliament that a complete list would be published by June. Lest we forget, we are yet to receive that list.

Md Habibur Haque, Dhaka

Law needs RTI-defenders

SHAMSUL BARI and RUHI NAZ

THE global excitement about Right to Information (RTI) appears to be on the wane. Instead of facilitating citizens' role to monitor public work by accessing official documents, governments are resorting to procedural and other hurdles to curtail the reach of the law. RTI enthusiasts and scholars who saw the law as an "impressive display of policy innovation at a global level", now see it more as "democratic window dressing." Secretive governance is striving to return.

Unless citizens appreciate the dangers confronting their RTI regimes seriously, the law is likely to end up as a paper tiger. We must recognise that since the primary objective of the law is to empower citizens against the state, we play the key role to safeguard its operations. We must also remember that governments have a legitimate interest to hide certain information from the public in the larger public interest and hence a normal tendency to resort to secrecy. We must, however, ensure that the limit set by the law is respected.

So, what are the angles through which we can fight a return to secretive governance?

Substantive provisions of the law. A constant tug of war exists in all administrative systems between public authorities and citizens as to what official information citizens must have access to. A basic principle is: "transparency is the rule and secrecy the exception." Openness, however, varies between states. Where the law does not meet the standards, citizens have the responsibility to strive for them and fight for their safeguard.

RTI laws vary in several respects. One, the ambit of the law is of crucial importance. In most countries, only entities that use public funds are included. Others include private bodies, e.g. businesses and corporations, if they serve public interest and are regulated by public laws and policies. Two, we should be clear as to the definition of the term "information". Greater clarity makes it easier for citizens to know what to seek. Three, we should understand the status of RTI law over other legislations. Does RTI law prevail over other laws, in case of conflict? Four, the range and extent of the "exemption clause", which provides for exemptions or exclusions of information from disclosure, is the heart of the law. RTI/FOI laws are best assessed by the limits they set on citizen's right to access information through exceptions. Bangladesh's law has one of the longest list of exemptions. Five, the quality and standing of the adjudicatory body, i.e., the Information Commission, the process of selection of its members and the independence it enjoys are of crucial importance.

To rank the quality of RTI/FOI laws globally, the Center for Law and

Democracy, a Canadian NGO, has come up with indicators based on the above criteria. Among 122 countries it ranked, South Asian countries fare rather well. Afghanistan's law tops the list globally, with Sri Lanka in 4th position, India 7th, Maldives 16th, Nepal 21st, Bangladesh 26th and Pakistan 31st.

Bangladesh fared badly largely because of its long list of exemptions. There is clearly a need for improvement here which can be achieved only if more citizens discover the deficiencies through practice and seek their removal. For that to happen, the category of users must include educated and socially aware classes, which is not the case yet in Bangladesh.

Procedural aspects of the law: Even a generous law may be difficult to implement because of unwieldy procedures. Failure to follow them allow public authorities to reject requests. The law in Bangladesh requires RTI requests

properly, the Commission is required to apply the law in a manner that helps citizens fulfil their responsibilities under the law and to help the government safeguard its legitimate interest to keep certain information under the lid for greater public interest. But often Commissions fail to balance the two.

As seen above, the strict adherence of Bangladesh's Information Commission to cumbersome rules and its penchant for narrow interpretation of the law often frustrate the resolve of the users. By their actions, decisions and pronouncements, Information Commissions normally make their position on the law known to public officials and citizens alike. In Bangladesh, RTI users often complain about the indulgence of the Commission towards recalcitrant public officials and its disinterest to impose the prescribed penalty. From 2010 to 2018, only 1.6 percent of the errant officials have been penalised.

35 percent of RTI requests in Bangladesh are denied on the basis of Section 7 of the Act, which contains the exemptions. In some countries, Information Commissions are more likely to accommodate a request than to deny it, if it serves public interest. In many countries, however, the Commissions tend to resort to restrictive practices to deny disclosure.

To avoid such tendencies, some RTI laws provide for a "public interest override" clause. Under this provision, Commissions may side for disclosure if they think that public interest would thereby be served, even if the law may permit denial. Some laws also provide for a "harm test" which allows disclosure of the requested information if it is unlikely to cause any harm to any protected interest under the law.

Unfortunately the Bangladesh law does not provide for such possibilities. And added to this deficiency, both public officials and the Information Commission



to be addressed to specifically named designated information officers. Problems arise frequently when the officer is not appointed or has been transferred and not replaced. Other procedural impediments compound the problem.

Statistics show that our Information Commission disposes off 48 percent of the complaints it receives without any hearing because of various deficiencies in the application process. On the other hand, 38 percent of all applications and complaints are rejected because of procedural lapses. Unless these impediments are removed, the potential of the law cannot be fully achieved.

Adjudicatory mechanism: The responsibility to resolve disputes between citizens and public authorities on the application of RTI law normally bestows upon independent bodies like the Information Commission. To play its role

The lack of mechanism to follow-up on the decisions of the Commission can be another matter of serious concern. This is the case in Bangladesh too. Statistics show that in 17 percent of positive decisions of the Information Commission for disclosure, the complainants had to reapply, as the decisions were ignored. Unless social elites and civil society leaders lend their voice, ordinary citizens, who are the main users of the law today, can do very little to change the situation.

Restrictive practices and interpretation of the law: The long list of exemptions from disclosure is not the only factor that diminishes the quality of the law in Bangladesh. An added problem is broader or narrower interpretation, as the case may be, of the exemption clauses and other provisions of the law by public authorities and the Information Commission alike.

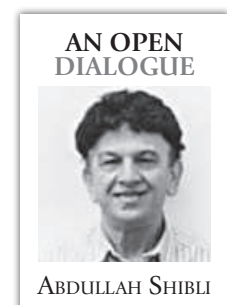
are known to use the exemption clauses at ease to deny disclosure.

Role of the judiciary: One way to get some help to ensure proper application of the law would be to seek the help of the judiciary. In a few cases brought to the attention of the Bangladesh High Court, under its writ jurisdiction, the court has generally resorted to a pro-people interpretation of the RTI Act. Unfortunately, here too due to lack of attention from more empowered tiers of society, not many cases are being brought to it or a few that have been lodged are vigorously followed up.

There is a clear need for defenders of RTI law in Bangladesh.

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Boris Johnson's victory: What it means for the British economy



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THE outcome of Britain's recent parliamentary elections should not come as a surprise to anyone. The British Prime Minister Boris Johnson and the Conservative Party had sought a clear mandate from the people to "get Brexit done". With 364 seats, they got it. Hopefully now, cooler heads should prevail—and do a stock-taking of what the economic cost of this vote will add up to. As one would expect, there will be some short-term costs which could be justified by countervailing long-term benefits.

The margin of the Tory victory was a surprise, though. While all polls leading up to the vote were indicating that the pro-Brexit ruling party was ahead of the Labour Party by 10-12 points, the quantitative extent was not anticipated. Britain's effort to get out of EU was handicapped by the slim majority that the Conservative Party won in 2015 under David Cameron. The majority then disappeared in the 2017 election, which the next PM Theresa May had called in the hope of increasing the lead in the House of Commons. Since Margaret Thatcher's 1987 victory with 376 seats, which was termed a landslide, the Tories never attained the same level of popularity until now.

What does all this mean for the British economy? Barring a major revolt or a palace coup in the victorious Conservative Party, UK will leave EU on January 31, 2020. Between today and the new Brexit Day, we might see three immediate impacts. The British pound will get stronger against the euro and could attain the 1.20 level against it, a benchmark reached immediately after the 2016 referendum. Consumer confidence during the Christmas season will lead to a major boost in retail sales. Finally, one should not be surprised if trade talks between UK and non-EU countries get a jump start.

A beneficial fallout for the British economy is the significant reduction in uncertainty in the short run, i.e., until December 31, 2020. The Brexit uncertainty was crippling the British economy. In the medium-term, there will still be a degree of leftover uncertainty driven by the need to work out a trade deal with EU before the transition period ends on December 31, 2020. Knowledgeable authorities are sceptical about the PM's contention that

there is "absolutely zero" prospect of the UK being forced to leave without a trade deal with EU in 11 months. Our experience with trade talks indicates that these often drag on for years. UK also will now embark on trade negotiations with the rest of the world, and there might be uncertainty there too. Progress in negotiations with the USA, China, UAE, Japan and South Korea may depend on Britain's long-term relationship with the EU, and they "may want to wait to see what that looks like before spending a lot of time and effort on negotiating with the UK".

There will be some hard bargaining between UK and EU in three areas: trade, migration and regulatory alignment. Brussels' chief Brexit negotiator Michel Barnier has already voiced concerns, indicating that UK-EU negotiations could last "maybe two, three, four years for some areas to rebuild everything that is having to be unpicked as a result of the desire of those who wanted Brexit".

The long-term prospects for Boris Johnson's dream of reshaping the UK economy into a low-regulation "Singapore-Thames" will depend on how accommodating the European leaders are. In this regard, there are already signs of discomfort in European capitals including Paris and The Hague. Barnier has privately voiced fears about Johnson's desire to undercut the EU's "level playing field" in state aid and tax regulations—a move that would hinder any tariff-free trade agreement.

However, UK's economy which grew at its slowest annual pace in nearly seven years in October, will get a shot in the arm. The Tory election manifesto made a swath of promises to convince the voters that a new era will emerge if Johnson gets the votes he sought. A few of these were part of his "Brexit roadmap" and others to broaden the electoral base for the party. For example, he assured the electorate that he will promote a "Buy British" campaign once UK was unbound from EU rules. That will obviously be a direct benefit of Brexit. Another spill-over effect from Brexit is the possibility of helping out struggling British industries.

To boost domestic demand, post-Brexit UK can freely adjust fiscal and monetary policy including rate cuts, quantitative easing, benefits under social programmes, additional capital spending and reduction in VAT. Samuel Tombs, an economist with Pantheon Macroeconomics, opined that even though the economy was growing more slowly than expected, the promises of looser fiscal policy by the main political

parties would reduce the need for lower interest rates.

The Tory party, in a break with the past, has offered a programme to channel money for expanded public services and investment for infrastructure projects outside London to narrow the divide between the northern and southern regions. This is a major departure from its own creed of Thatcherism. Under the Conservatives, Britain has cut its budget deficit from 10 percent of the gross domestic product (GDP) in 2010 to about 2 percent now.

Johnson's hope that Brexit will "unleash

that cannot compete must be allowed to close or regain competitiveness on its own.

Johnson announced that he will change state aid rules to "make it faster and easier for the government to intervene to protect jobs when an industry is in trouble." Other changes in the offing are lower VAT on fuel, stricter immigration rules, and tax cuts for construction and research industries.

Incidentally, it is not clear what the impact of reduced immigration from EU might be. The Director General of Confederation of British Industry has warned that Johnson's plans to reduce immigration risk a skills shortage.



An arrangement of UK daily newspapers on December 13, 2019 shows front-page headlines reporting on the projected election result

PHOTO: DANIEL SORABJI/AFP

a great tide of investment" into Britain may take a little while to materialise. But Liam Fox, the international trade secretary, declared, "My department will continue to promote the strengths of the UK as a great inward investment destination, with an open, liberal economy, world-class talent and business friendly environment."

Boris Johnson has pitched two ideas to support British agriculture and industry. One of them is to provide incentives to buy British agricultural products. He also pledged to use Brexit to introduce new state aid rules, change state purchasing policies and reform farming so that public bodies aim to "buy British" goods. The second policy reversal for Johnson is the promise to come to the aid of industries in trouble. This is a clear break from long-held Thatcherian policy to let the ill and sick industries die.

Under EU rules, a subsidy to a failing industry is considered unlawful, since the free-market principle implies that factories

What are the risk factors affecting the cheery picture I painted above? There are four: i) The failure to reach a deal with EU by the end of 2020; ii) The inflationary effects of the burgeoning public debt; iii) Stalled negotiations with the rest of the world on trade, technology and climate change; and iv) Lower GDP growth due to global uncertainty and slowing economic growth.

As an American newspaper, the *Washington Post*, cautioned the victorious PM, "Untangling 45 years of integration with Europe—not only on trade, finance, migration and manufacturing but also on security, intelligence, aviation, fishing, medicine patents and data sharing—will take another year or more of hard-fought negotiations with Europe and will almost certainly dominate headlines and consume the agenda in Westminster."

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