

Gram Sarkar

Wider national deliberation would have helped the process

THE government has begun the process of forming Gram Sarkar (village government) as an auxiliary to the elected Union Parishad, the lowest tier of the local government, in 40,392 wards of 4,448 Union Parishads in 64 districts. It is pushing ahead its plan of installing Gram Sarkar committees, though the High Court is expected to hear a writ petition challenging the legality of the Gram Sarkar Act, 2003 today or tomorrow as the scheduled hearing did not take place on Saturday.

Legal intricacies apart, the decision to revive Gram Sarkar has been taken without, in our view, sufficient deliberation involving civil society leaders, development planners and local government experts, let alone the Opposition. They could have added substance to the scheme of strengthening the local government system which is apparently the objective of Gram Sarkar -- a supportive subsystem to the Union Parishad. The side-tracking of the experts who could have critically examined the plan of extending the local government apparatus at the bottom might lead many to conclude that politically decided plan is being imposed on the system of elected local government.

So the apprehension, given our political culture, that it will only represent the ruling party's point of view insofar as functioning of the local government at the lowest level is concerned, might not be easy to dispel.

We do not, however, want to make any value judgement on something that is still in a state of formation. Nevertheless, the Gram Sarkar is marking a beginning characterised by lack of transparency, openness and a broad consensus among the stakeholders, irrespective of their political affiliations.

If history is anything to go by, when something is initiated unilaterally it is unlikely to have a smooth, rewarding sailing in the long run. The Act was passed hurriedly through the parliament. Thus a major decision having ramifications for the local government structure at a very important level was taken without allowing it to become the subject of detailed public discussion and wider debate. The impression that we may have started on a wrong footing there, cannot be shrugged off.

UN move for Liberia laudable

But lacunae abound

AFTER weeks of hard work, UN Secretary General Kofi Annan has managed to get the Security Council to approve a resolution to send multinational forces in Liberia. The resolution was passed with 12-0 votes on Saturday. The regional forces will include troops from Nigeria (1,500), Ghana, Senegal and Mali (each 250). The vanguard element will arrive in Monrovia on Monday. It, however, remained undecided whether US forces now cruising over the Liberian shores would join the regional forces. Or, the US forces will wait for the passing of another resolution in the Security Council authorising multinational peacekeepers.

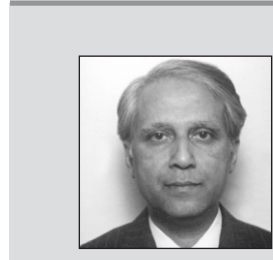
Outwardly, the US is a party to the conflict, and so are some of the regional members of the Economic Council of West African States (ECOWAS) whose troops are moving as the vanguard of the regional force. Another major irritation is the indictment of Charles Taylor as a war crime accused. It will be difficult for him to enjoy a safe haven out of his country from August 11, something Taylor himself promised on Saturday to other regional leaders. The power vacuum is likely to be filled in constitutionally--either by the vice president or the speaker of the parliament, both of whom are known as Taylor loyalists.

Due to Taylor's siding with the US (and the guarantee of US protection to him), the rebel LURD (Liberian United for Reconciliation and Democracy) forces are unlikely to agree with the power transfer formula as well as with the US troops' involvement in the conflict. Hence, one might reasonably expect more trouble in Liberia in the coming days and weeks.

The US had seized the initiative to sponsor the latest UN resolution mandating the dispatch of regional forces in the war-torn nation. The initiative paid off the US by inserting a 'special clause' in the resolution that exempted US troops from prosecution by the International Criminal Court (ICC). Despite an instant protest from France, Germany and Mexico who decided to abstain from voting due to the special clause's insertion, the US is likely to face the same opposition again as the Security Council adopts another resolution soon; mandating dispatch of multinational peacekeepers in Liberia as a long term goal to pull the tormented nation from the brink.

Given that the US had earlier refused to sign and ratify the international agreement empowering the constitution of the International Criminal Court, one wonders whether it has the moral and legal authority to be an integral part of a multinational peacekeeping force without being a signatory to the ICC?

A region's reconstruction



MUHAMMAD ZAMIR

AFGHANISTAN, nearly two years after becoming the focal point of the West's War on Terror, remains a troubled, disorderly, half-ruined land perennially on the brink of chaos. The little infrastructure it once had has been smashed by decades of war and civil war. Roads, electricity and water are as rare as jobs for the two million refugees that have returned home. Pro-Taleb guerrilla forces, according to international journalists still prowling many parts of the country, hunted by thousands of US and other western troops.

Eisewhere, powerful regional governors and warlords openly ignore the current Afghan government's demands for taxes. Opium poppies are still being planted, sometimes in fields never before used for illegal drug crops. This is indeed sad and disappointing.

It may be recalled that as the war ended, in January, 2002, a multinational conference held in Tokyo to kick-start Afghan reconstruction heard World Bank estimates that the bill might reach \$12 billion over five years and \$18 billion over a decade. However, only about \$5 billion was actually pledged by World Bank, European Union and national donors. Of that, so far, according to available reports, only -- \$1.8 billion has actually trickled in, with delays. Most of this has evaporated in meeting emergency needs-- medicine,

vents and firewood.

President Karzai of Afghanistan is presently carrying out a sensitive task. He has less than one year to go to put together a constitution and hold elections. This, for obvious reasons is proving to be difficult. He has already recently been to London seeking more foreign troops. He also wants his friends to arrange for his government more powers, so that he can operate freely across more of his country. He correctly believes that this needs to be the first step to bring forth security that is required for reconstruction.

International Herald Tribune has made some observations. He has pointed out that 'in the wake of the war in Iraq, the world is learning once again that it is easier to destroy a regime with military might than to build a new state out of the bomb craters'.

The situation in Iraq is also a cause for concern. Thomas L. Frideman, commenting also in the same newspaper raises a few interesting questions. He reflects on the state of affairs existing in this region and says -- "the right reason for this war was the need to partner with the Iraqis,

building a different Iraq. We must not forget that.

There have been some steps forward. According to reports coming out of Iraq, some areas of Iraq have about 20 hours of electricity a day, nearly ten hospitals are now functioning on a rudimentary basis and more than 8,000 policemen are assisting in the process of restoring law and order. Improvements are taking place in bits and pieces, but probably need to be expedited.

The US Administrator in Iraq, L. Paul Bremer, has been entrusted with sensitive aspects of gover-

"mother of all nation-building." For the sake of peace and stability in the region, international efforts have to succeed.

The world has witnessed in the past few decades of successes and failures in nation-building, be it in Haiti, Kosovo or East Timor. Bringing normality back in Bosnia has also been an ongoing operation for many years. It was initially believed that nation-building would be completed in Bosnia in a year. Six years later, under the stewardship of the fourth High Representative, matters are still far from satisfactory. These were the

particular, a constitutional role needs to be identified that will unite Arabs, Kurds, Turkoman and Assyrians. In addition, an equation needs to be agreed upon regarding representation of the different sects and faiths on a mutually acceptable basis. Jurists, both secular and Islamic could assist in this process. The Organisation of the Islamic Conference, based in Jeddah, the Al-Azhar University in Cairo and other Institutions in Iraq, Syria, Lebanon, Saudi Arabia, Jordan, Iran, Malaysia and Pakistan may also be able to help; and --

- While it would be important to focus on the humanitarian aspects, that should not pre-dominate over long-term issues. Several significant aspects related to the re-emergence of Iraq and Afghanistan are still not being addressed with priority and that should take place. This includes economic questions like currency, customs, taxation systems, commercial law, banking, debt restructuring and accessing international capital markets. If these factors can be brought in place, it will lead not only to job creation but also to the emergence of a middle class, the key to long term stability.

There will, in all probability be disagreement over the state-building process. There will be opposition from within the vested quarters in Iraq. It might be useful therefore to associate the United Nations in this regard. Some form of UN framework might help. It normally does, but is not always a guarantee. In peace, the coalition after all has to be broader than during the time of war.

This is going to be a hot, long summer in Iraq. Amidst all of this a new Iraqi authority has to be created, and sooner the better. Only this will enable the Coalition to avoid a campaign that could be prolonged, and in which progress is not as linear as the expeditious march toward Baghdad.

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POST BREAKFAST

The world has witnessed in the past few decades of successes and failures in nation-building, be it in Haiti, Kosovo or East Timor. Bringing normality back in Bosnia has also been an ongoing operation for many years. These were the easy cases, simple compared to Afghanistan and Iraq. Yet, given care and co-operation, the task can be achieved.

We must remember that Karzai has both a symbolic as well as a practical role. To those who are opposed to forces of reaction and intolerance, his success is vital. If he fails, the whole Afghan project would be in serious trouble. It is in this aspect which needs to be remembered. In this context, it would be equally useful to seriously consider the question of US troops joining forces with international peacekeepers in expanding stabilisation operations across the country when NATO takes charge in August. Mr Karzai also needs additional funds and that should be made available. Disbursement of such funds may also be expedited and the process made simpler.

Nation-building and reconstruction is not as easy as many think. It is a complicated, complex process which has its own dynamics. The inter-action of the many factors need to be carefully handled.

Carl Bildt, the former Prime Minister of Sweden, writing recently in the

post Saddam, to build a progressive Arab regime. Because the real weapons of mass destruction that threaten America were never Saddam's missiles. The real weapons are the growing number of angry, humiliated young Arabs and Muslims, who are produced by failed or failing Arab states -- young people who hate America more than they love life. Helping to build a decent Iraq as a model for others and solving the Israeli-Palestinian conflict are the necessary steps for defusing the ideas of mass destruction, which are what really threaten America."

The points raised by the eminent journalist are important. The war is now over and we have seen many mass graves. The stated reason of the presence of WMD has now been buttressed with moral reasons. Nevertheless, on the eventual rebuilding of Iraq will depend whether terrorism can be done away with. In a manner of speaking, the future of the Middle East, rides on the 'Coalition'

He is supposed to assist the Iraqis in convening a constitutional conference and also work out an exit strategy. In this regard, he will help to determine how long the United States will retain a significant presence in Iraq. This, one presumes, will depend on how fast the Iraqis can write a constitution and get it ratified by the Iraqi people. It will possibly also be influenced by how soon elections can be held in Iraq.

Then too, there is the question of the great percentage of the Iraqis being unemployed. This is a ticking bomb and needs to be tackled with determination. Creating a small Iraqi army might resolve the problem only partially. It is the educated section, who need to be brought into the system and here flexibility needs to be the operative word. Past political affiliations might have been due to duress and so should not always be the bar to future employment in the new system.

What we have in Iraq today is the

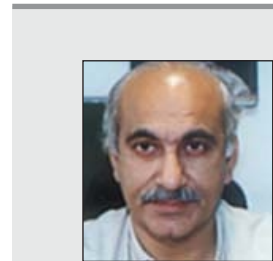
easy cases, simple compared to Afghanistan and Iraq. Yet, given care and co-operation, the task can be achieved.

The following measures may be considered in this regard:

- The question of limiting the international security presence of Kabul deserves second thought. As long as the gun remains the fastest way to power and property, there simply will not be room for democratic politics and entrepreneurship. With national police in disarray, there is no alternative to using soldiers and armies to keep order for the moment;

- It must be remembered that the central challenge is not just reconstruction but also nation-building. It is imperative that the physical scars of war have to be removed. This is costly and will take time. However, building a political infrastructure is the key. This alone can unite and bring order. It in turn will create a suitable infrastructure for economic governance, growth and jobs. In Iraq in

How personal is the law?



M.J. AKBAR

about this evil. Verse 275 of the second Surah, Al Baqarah, begins: "Those who devour usury will not stand except as stands one whom the Evil One by his touch hath driven to madness." The next verse is equally specific: "Allah will deprive usury of all blessing, but will give increase for deeds of charity, for He loveth not creatures ungrateful and wicked." The translation is by Abdullah Yusuf Ali, who points out in a note: "Usury is condemned and prohibited in the strongest possible terms. There can be no question about

public interest rule that theft can be curbed in the twenty-first century without recourse to slicing off hands. The social purpose of law is to curb the evil, not torture the individual. This is not the way the All-India Muslim Personal Law Board, which has become the first and last word in Muslim affairs, sees either law or life. But before we proceed, where did it come from? What sanction does it have? Do its members get elected by any forum or by the Indian Muslim community? On what basis does it call itself representa-

but it would be fair to say that this has been its broad thrust, as can only be expected of a body so heavily weighted by the influence of the clergy. Its attitude towards social reform is best summed by the position it took on family planning. It is interesting that political parties ideologically close to the Board, like the Muslim League, supported the imposition of the Emergency by Mrs Indira Gandhi in 1975. But what might be called the "Muslim Parivar" changed tack when Mrs Gandhi used the Emergency to push

to mullahs. They have thereby expanded a tendency into a pervasive fact. It is a travesty to treat Indian Muslims as single-dimension voters. As in so much else, this was first done by the Congress; but the non-Congress parties have been no better. The Personal Law Board became a serious political player after Shah Bano. This continued with the Babri Mosque dispute, where it continues to dictate on behalf of the Muslims without any democratic reference to what Muslims might

desire it to be. When is the law called an ass? When is legal reasoning on its side, but is bereft of consensus, judgement, equity and public interest. When a horrendous case of injustice is perpetrated in the name of law, as in the Shah Bano case, then you know that the time has come for reform. But equally, it is the duty of society's leaders to build consensus around reform. Of course when those in authority are not leaders then this becomes difficult. Sir W.H. Sleeman is the much-vaunted British Raj officer who allegedly eliminated thugs from central India. I do not recommend his memoirs (Rambles and Recollections of an Indian Official) to those with high blood pressure; Sleeman is only another pompous windbag when it comes to "natives". But he is extraordinarily perceptive about the subtleties of administration.

He tells the story of Charles Harding, of the Bengal Civil Service, who in 1806 prevented the widow of a Brahmin from committing suttee. But a year later, her family prevailed and she was placed on a funeral pyre at Ramnagar, some two miles upstream from Benaras. As soon as the fire was lit, she jumped into the river; her clothes kept her afloat, and the current took her to the city where she was rescued by a police boat. Benaras was in uproar, and all the worthies suggested that the young officer return the widow to the pyre if he wanted to preserve the peace. Harding exhausted all the rational arguments, in vain. The crowd still bayed for suttee. Suddenly he had an inspiration. He had not saved the widow, he told the crowd; Mother Ganges had saved her. How else could she have survived without knowing how to swim? Her sacrifice on the pyre was obviously unaccepted to the river, or the Ganges would have received her. The point was unanswerable. The widow survived.

There is no substitute for persuasion. In 1826 Lord Amherst asked for the views of seven European district magistrates of central India on whether a ban on suttee would be acceptable to the people. All seven said it would not. But when Lord William Bentinck did ban suttee a few years later, not a murmur was heard. The British Raj clearly had a motto: Just do it.

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BYLINE

All communities are as reform-sensitive as Muslims, particularly where tradition has generated vested interests. Hindu law itself is not as uniform as some reformists would desire it to be. When is the law called an ass? When is legal reasoning on its side, but is bereft of consensus, judgement, equity and public interest. When a horrendous case of injustice is perpetrated in the name of law, as in the Shah Bano case, then you know that the time has come for reform.

the prohibition. When we come to definition of usury there is room for difference of opinion." It is this "difference of opinion" that has enabled all but a thin fringe of Muslims to take interest from banks without feeling that they have defied a Quranic injunction.

Then there is verse 38 of the fifth Surah, Al Maidah, on theft: "As to the thief, male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime..." In the time of Jesus, it will be remembered, thieves were crucified; and even as late as in the nineteenth century in Britain, you could be hanged for theft. No one in the Islamic world today insists on cutting off thieves' hands. Time has created imprecision even in Saudi Arabia. If there can be reasonable reform without sacrifice of principle, then there can be reform in marriage and divorce situations as well.

Islamic law is based on the injunctions of the Quran, and the practice of the Prophet, who was both a messenger of Allah and a ruler of men. But this canon has been subject to seven yardsticks: ijma (consensus), ijthad (judgement), qiyas (analogy), istihsan (equity), istislah (public interest), urf (custom) and istidlal (legal reasoning). Each of these is a parameter of change, without sacrifice of any basic principle.

The principle is that theft should be punished, but both judgement and

some overdue social programmes like family planning. At an extraordinary meeting held on 17-18 April 1976 the Board declared that sterilisation (nabandni) was haram or prohibited. In all matters of family law the Board has taken a male-oriented view. Its most dramatic success was the blackmail of an inexperienced Rajiv Gandhi over the Supreme Court decision in the Shah Bano case.

The Board mobilised Muslims and forced Rajiv Gandhi to deny a poor, ageing divorcee minimal maintenance from her estranged husband. I dare say that if among Muslims only women for some reason were thieves, the Board would have demanded that their hands be cut off. However, the Board has not suggested that Muslim thieves should be awarded the Quranic punishment irrespective of how Indian law treats non-Muslim thieves. It accepts reform for thieves, but not for divorcees. I find it appalling. You would not of course expect India's political class to point out any such inconsistency. That would be detrimental to its electoral interests.

One of the great tragedies of Indian democracy has been the manner in which secular parties -- and I do not place sarcastic quotation marks around secular, because they are genuinely secular -- have insulted Indian Muslims by handing them over

actually feel. It is perfectly possible that the overwhelming majority of Muslims might agree with the hardliners in the executive body of the Board, but there is no methodology to determine this. In fact, the problem with this dispute now is that it is in the clutches of the Board and organisations like the Vishwa Hindu Parishad (not to mention social arsonists like Parveen Togadia) who are determined to shape the future only on the basis of their limited agenda. India is under siege from their veto.

The tension between change, reform, tradition and law is a familiar dynamic of the last two centuries; it is a process that long precedes the arrival of democracy. Justice Khare's judgment on the need for a common civil code reaffirms a principle laid down in the Constitution, but falters when it ignores the complexities of social change. At one level the Court has not forgotten the scars of Shah Bano, and nor should it. The success of fundamentalists in blocking reform in Muslim personal law is another instigation. But there are other issues that need consideration before the demand for an immediate uniform civil code becomes a battle cry.

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OPINION

Microfilm preservation: Why blame nature?

JAHANGIR SELIM

MICROFILM is a wonderful invention to preserve archival documents, manuscripts, books, any records for indefinite period. It is easily accessible for retrieving documents, easy to read with a reader, and also easy to make hard copies from. But, we were surprised to see the news published in The Daily Star on July 20, 2003 that some portion of the processed microfilm of Central Library of Dhaka University was damaged within two decades of preservation. As claimed by the library authority, humidity was the main culprit for these damages. How far is it true? Is humidity an unmanageable factor in microfilm preservation? If so, how much?

In the third world countries like Bangladesh, it is always experienced that although technology comes rapidly but technical knowhow is hardly disseminated. This is perhaps one of the business policies of the multi-national companies. This is equally true for donors. Under aid

agreements, both sophisticated and/or outdated equipment come to our country. This process is often accelerated by so called experts, consultants, commission/local agents. Foreign consultants are assigned for some time and huge amount of money paid for installation. Often a non-technical person (maybe head of the department/organisation) visits abroad to make the deal. As a result, in many cases, we face the same trouble.

Microfilming was introduced in our country some four decades ago. But no plan-wise documentation has been done and it is still going on without proper need assessment from the national point of view. After independence and till date, in the name of development millions of Taka is spent, but development goals in most cases have hardly been achieved. Politicians, bureaucrats, planners, implementers and others seem to be much interested in infrastructure development, but in many cases our human resource development is not as much not addressed. As a result

new technology is hardly utilised to its optimum strength.

During the period notable success has been achieved in the field of photography without any support from government or others. This has been possible by the photographers themselves through devotion, integrity, relentless efforts, learning by doing etc. Photography is a vast subject and has hundreds of use and applications. Microrecording system is one of the branches of photography. A micrographer (microfilm) should have sound/practical knowledge of B/W photography. Like in other fields, a micrographer needs special orientation/training for recording on microfilm, processing, preservation, maintenance and others. However, there is not a single institution here to teach or to impart knowledge on the subject. In spite of that a number of government institutions/organisations procured microrecording equipment. Again, as mentioned earlier, most of these were hardly used. It is seen that a few institutes/organisations are using the system without properly

trained persons. They are somehow managing the routine work as they have some idea of photography. They never tried to find out experts to get proper advice.

Not only in the case of Dhaka University Library but the situation is also true for other institutions. A reliable source says that some processed microfilms of Press Institute of Bangladesh have also been damaged. Some glass plates (negatives) of the archeological sites of the then East Bengal, donated by the government of India after 1947 have also been damaged due to inadequate care and maintenance. Loss of these irreplaceable items is loss of national history and heritage. All these happened due to lack of proper knowledge or care on the part of micrographer and the head(s) of the institution as well. It is observed that institution/departamental head(s) seldom try to understand how to manage/handle post production microfilms.

The authorities hardly think to develop the skill and knowledge of the

technicians. As a result, expertise has not developed as much, although some have been working in this particular field for a long time. It is worth mentioning here that universities offer graduation and masters courses on information science/technology and library management. Later on these students work as librarians. But they are hardly aware of post production operation of microrecording system. Most of the university library teams are headed by a professor. Managing the library, quite naturally, seldom gets first priority to him and also he is not supposed to be aware of the technical aspects. The statement by the Professor/Chief Librarian of Dhaka University blaming only humidity for damage of the films is unfortunate. We are all aware of the presence of humidity in the atmosphere. It is natural to us. Humidity creates problems for so many things. But it is overcome with application of technology.

There are other reasons that may damage the films. Films are manufactured with light-sensitive materials --

silver halide is placed on celluloid with the help of gelatin. After exposing, the film is processed through developer-water-fixer-water. The last stage is very much important. The fixer (sodium thio sulfate, hypo) must be removed from the film through washing by running water at least for an hour and followed by proper drying. Then there would be no chance of decay. Presence of hypo in processed film will damage the film. If it is damaged by humidity then it can be detected easily as the fungus will be visible. It is possible to remove fungus, if it is not stuck while in roll. Too much humidity, damp/closed room or non use within 3-5 years or no routine checking at least once a quarter of year -- may lead to sticking of films. Then the emulsion/imagery on the film may be gone forever.

In most of the cases in our country proper storage is not done. Sometimes the worst place is selected for storage, even for films. Certain low temperature is necessary. But even without cold temperature the films/microfilms can be preserved for

long time with proper care. Nowadays, there are some foreign made special file cabinets available which can protect to a certain extent against humidity and are also fire proof. A file cabinet can contain millions of pages in the form of micro-recording. Even a dehumidifier can protect a room from moisture. Using dehumidifier means the room condition is always dry with mildly warm temperature, which is good for keeping processed films. There are even some air-conditioners built with dehumidifier. If either air-conditioner or dehumidifier is not provided in that case the microfilms should be checked from one end to another manually or by film inspector once in every three-four months. This process also will be helpful for long time preservation.

Another important aspect is that the master negative should not be used frequently by readers and others. While the master negative is used, special care should be taken. During the time of handling, there is possibility of scratching on film. Normally positive microfilms are allowed for use by the

reader. Producing microfilm negative is costly while at the same cost, several positives can be obtained. These are preserved in different places, not in one place. By chance if one is damaged then other copies can be made available.

Unrest in politics, involvement of students and also teachers in politics, political appointment of VC's and teachers and influence of ruling party on the university management have damaged the educational atmosphere on the campus, not to speak of proper care in preservation of microfilm. Even after more than 30 years of independence, this question still comes to mind again and again: How would researchers/students collect knowledge/information if the situation on the campus remains bereft of academic atmosphere?

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