

### Lawyers clash

Totally uncalled for

POLITICAL divisiveness among lawyers took an ugly turn on Saturday on the Dhaka Bar Association premises. The pro-BNP lawyers and Jubo Dal activists assisted by police reportedly swooped on the lawyers with an Awami League leaning, inflicting injuries on at least 50 of them. It was law-breaking on the part of lawyers themselves.

It is no secret that sharp political divisions exist among the lawyers. It is also known that these raucous divisions do not revolve around competing visions of better professionalism. But nobody ever thought that these would be carried to a point where two rival groups would be locked in a bloody brawl.

The trouble started when the AL supporters among the lawyers, wearing black badges, planned to greet Prime Minister Khaleda Zia with black flags when she arrived in front of the Bar building to lay the foundation stone of the annex building of the district sessions judge's court—a programme that the lawyers loyal to the BNP opposed vehemently. However, reports also say that the pro-AL lawyers were only protesting their being not invited to the foundation stone laying ceremony.

Whatever might have been the 'background of violence', the attack was absolutely unjustifiable as long as the demonstrators remained peaceful. The gates of the place were closed by the attackers before they assaulted their rivals. No less outrageous was the rampaging of some rooms of the Bar building and trampling of the portrait of Bangabandhu Sheikh Mujibur Rahman.

Even the on-duty journalists performing their professional duties were not spared. At least 10 photojournalists and two court correspondents of some leading dailies sustained injuries as they were beaten up by the pro-government lawyers.

We strongly condemn the attack on the press, particularly because it came from people supposed to protect the rights of citizens from the hands of unruly elements.

The incident took place at a time when lawlessness of a rabid kind is threatening to destabilise society in many ways. The lawyers have also voiced their concern time and again over the worsening crime scenario. But what recourse will people have when the lawyers themselves are found in the unlikely role of muscle-flexing attackers unable to see anything beyond demolishing opposition?

### Abbas says quits

A blow to the road map

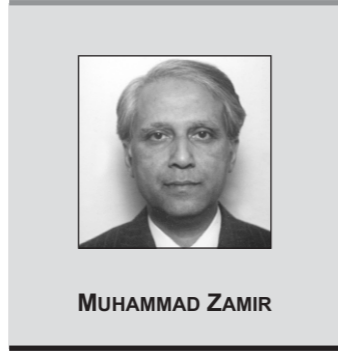
BARELY four months into Palestinian premiership, Mahmoud Abbas, the negotiating partner of the United States and Israel, has had to resign. His resignation has been accepted by President Yasser Arafat. In effect, the latter has pulled off a success in the internal power struggle against the former. But the world may not have quite seen the last of Abbas, because he is the Western-Israeli gambit to take the road map forward.

He is trying to withdraw from the scene, more perhaps out of a sense of untenability as far as the vocal Palestinians go than in an outright huff. As a matter of fact, he has resigned just ahead of a confidence vote in parliament next week which might have gone against him. The road map that he vanguarded was semi-comatose following a complete breakdown of the truce between Israeli and Palestinian hardliners and the consequent spiraling violence. Now, with him pushed on to the exit course by Arafat loyalists, the US-initiated peace plan has been thrown completely off-gear.

The wrangling between him and Arafat came to a head lately over control of security forces. Abbas, backed by the US, demanded full command over all men under arms. Arafat wouldn't simply relinquish authority over four of the eight security branches. Clearly, if Abbas were to get full control of the security forces, his hands would have been strengthened in negotiating with Hamas, Islamic Jihad and renegades from his Fatah movement. This prospect was not looked kindly on by Abbas detractors.

Any internal vindication of Arafat's position as against Mahmoud Abbas is likely to invite the wrath of the US-Jewish entente. The US and Israel are opposed to Arafat's taking full control of the Palestinian authority. So far as the initial reaction of Israeli leaders to Abbas' resignation goes, the defence minister wants Arafat sent into exile and the cabinet minister Danny Naveha called for his ouster. Such an extreme positioning against Arafat is bound to prove counter-productive in the end for the simple reason that he remains a factor in the Palestinian psyche, let alone his electoral standing with his people.

## Wider Europe



MUHAMMAD ZAMIR

THE enlargement process currently taking place within the European Union is continuing to be a source of interest for political commentators. Recently, the matter came under special focus in a special meeting convened for this purpose in Brussels. This was organised after the referendum carried out in Poland.

European Commissioner Gunter Verheugen, responsible for enlargement, commenting on the current enlargement process, congratulated Poland on its excellent turnout in the referendum and pointed out that its affirmative vote was most encouraging for the Union as a whole. This approach was interesting and underlined the expectation that the newly acceding countries would strongly support a long-term and coherent strategy for a wider European policy. "Accession does not mean eradicating a dividing line in the heart of Europe just to create a new dividing line toward Belarus and Ukraine," Mr. Verheugen added. Within this context, Bulgaria and Romania were also praised for the strength of their reform efforts and the Commission hoped that this would help them to conclude the process of negotiation before the end of its mandate to avoid uncertainties. Such an attitude indicates the seriousness of the European Commission but one wonders about Turkey.

It may be recalled that Turkey is trying to meet the political criteria by the end of 2003, allowing for the Commission to take its legislative progress into account when it reevaluates Turkey's progress. Here comes the catch. The powers that be within the EU are not really satisfied,

and are quick to point out that Turkey's efforts must also be reflected in the "reality on the ground." It would appear from this that the greatest challenge for Turkey today is ensuring that implementation is following through on all levels. European analysts feel that anti-European forces in bureaucracy and public services are apparently still at work and threaten to weaken the Turkish government's efforts substantially.

It is this that is the cause for anxiety. Turkey, one feels should not

made accessible and serve as goals for all bordering countries, a differentiated approach may be taken toward the new neighbours. Eventually, the EU might be ready to share everything with these countries (e.g. offer them full membership). In the meantime the Union strategy could be to reach preferential agreements on a broad range of domains giving neighbouring countries the prospect of enjoying the four freedoms.

'Neighbourhood agreements' under this matrix could focus on facilitating market access, coopera-

signals will only create difficulties for a Wider Europe.

It would be also important here to reflect a bit on the issue of Cyprus and a united Cyprus joining the EU on 1 May 2004. It is understood that the European Commission wants to maintain momentum in this process. Mr. Verheugen is expected to visit the island in the near-future and present a good-will package to the Turkish leadership in Cyprus which would allow for the Turkish economy on the island to make strides in catching up with the Greek part. The

It would also be appropriate here to refer to Ukraine and its future within the new wider Europe. Its leadership appears to be seriously concerned about the gradual opening of markets, the eventual creation of a free trade zone and an individualised policy for all the countries in the larger European neighbourhood. Ukraine at some point wants to become a Union member. Ukraine has a particular importance in the sector of trading in Caspian oil, but at the same time acknowledges its lack of experience

sooner than later as Moldova believes that there exists a necessity of signing an Association Pact with the EU before the accession of Bulgaria and Romania.

The possibility of a wider Europe is also being watched with great care by Egypt and other Mediterranean countries in the southern rim. It is being underlined that the EU and Mediterranean countries have shared interests in peace, security, stability and economic cooperation. It is also being pointed out that there needs to be greater mutual understanding if the enlarged Union is expected to play a greater role in Mediterranean affairs.

It is being suggested by these countries that the Barcelona process has not worked as expected and that differences are growing, not narrowing, e.g. on south-south trade. EU aid and investment is also alleged as being insufficient. Some are also critical about lack of access for agriculture. These are also growing concerns about 'Fortress Europe', especially when it comes to immigration.

The European Commission, in principle has accepted that there was an imbalance in the Union's approach towards East and South but this has been explained as being partly due to the historical imperative of reuniting the continent; and partly due to the more favourable investment conditions in the East. The Commission, while strongly supporting the Agadir process, also agrees that agriculture has been a difficult area.

Analysis of the current situation suggests that extending the Single Market will be a huge challenge for both sides, particularly because few non-EU countries will be able to respect the rules. It will be necessary to raise standards and establish what policies and programmes could be opened to third countries. Migration, it appears, will remain a sensitive issue.

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## POST BREAKFAST

The possibility of a wider Europe is also being watched with great care by Egypt and other Mediterranean countries in the southern rim. It is being underlined that the EU and Mediterranean countries have shared interests in peace, security, stability and economic cooperation. It is also being pointed out that there needs to be greater mutual understanding if the enlarged Union is expected to play a greater role in Mediterranean affairs.

be sent mixed signals: the country's eligibility for membership in the Union was decided in 1999 at Helsinki and reaffirmed in Copenhagen. The question is now whether and when Turkey would be able to meet the agreed criteria. Given the current situation in the post-Iraq period, it would be to the great advantage for Europe, if it could integrate a predominantly Muslim country, with 'European' political structures and active civil society within its Union to serve as a 'bridge' to the Islamic world.

It is important that instead of a package deal for the Balkans, each country in that zone should be assessed on its individual merits for membership. It appears quite clear now that while the eastern countries have an implicit membership offer, this does not extend to the southern countries. However, a 'Wider Europe' strategy could resolve this perceived inequality of status. The report of former Dutch Prime Minister Wim Kok addressed these issues and underlined the necessity for the EU to "create a wing of stability and safety around us" on all sides of the border. Quite correctly, while the four fundamental freedoms should be

tion in crisis management, access to energy and telecommunications markets and the possible creation of a research area to stimulate the promulgation of Human Rights and civic dialogue. These types of advances should be agreed upon in a focused action plan with a set object, time-frame, procedure and monitoring mechanisms. Europe now needs to use its social, economic, political and administrative capacity to ensure that the ambitions and abilities of these individual countries are adequately met. One-size-fits-all solutions will not work. EU must commit itself to using various systems and approaches. Successful implementation of EU's agenda will depend on a differentiated approach and a strategy with true depth.

Wider Europe will also require internal reforms of the current Union strategies. The current instruments of the Common Foreign and Security Policy (CFSP) will have to be re-examined as part of a larger strategy. It must be ensured that EU has the institutional processes in place that will allow it to pursue a coherent policy towards its neighbours. They have to speak with one voice. Mixed

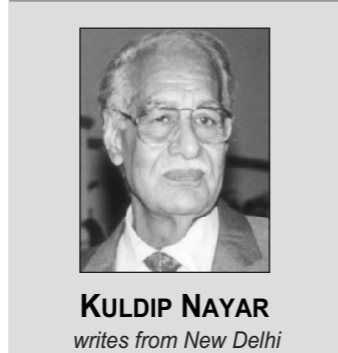
relief of trade restrictions in the northern part of the island is of particular concern to the Commission at this time. Mr. Verheugen apparently believes that a feasible, peaceful solution for the island cannot only be found, but that the Turkish side will realise, that reunification will ease their security concerns and help to stabilise their relations with Greece. The question is whether Turkey will agree.

Another area which continues to dominate thinking within EU is its relations with Russia. In this regard, senior officials within the EU framework appear to think that the four freedoms would be helpful, as the country currently still focuses largely on free movement of people and free access, although visa-free travel would still require a large effort from the Russian side. It is also generally agreed that political cooperation with Russia must cover a wide range of issues, but in the overall 'Wider Europe' scenario Russia remains a special case. It is also admitted that a holistic approach to the neighbouring regions might have to be accompanied by restructuring efforts within the Commission itself.

with full-fledged democracy and widespread freedom of expression. For the first time its government appears to be willing to overcome these drawbacks. It is also trying to extract itself from the "orbit of difficulties" in Russia and build an honest and pragmatic relationship. In this regard, Ukraine is now trying to project itself as being on the side of the Western-style democracies. It was this approach that promoted Ukraine to support the US in its military action against Iraq.

Another country that is closely following the widening European scenario is Moldova. Its identity is anchored to its geographical location in South-Eastern Europe. The Stabilisation and Association Pact framework has brought it new internal dynamism and an increased willingness to work with the EU. It also wants to benefit from the implications of the four freedoms, and preferential market access to limit asymmetrical developments. Conflict prevention and crisis management assistance through a permanent OSCE role (in negotiating conflicts in the region) has also given it aspirations. They have to be addressed by the European Union

## An experiment to watch



KULDEEP NAYYAR  
writes from New Delhi

IT is an experiment of sorts in Uttar Pradesh -- India's most populated state. It assumes significance because the election for the next Lok Sabha is round the corner. All political parties, minus the BJP, have joined hands to support a coalition government after Chief Minister Mayawati's and her partner, the BJP, quitted.

Whether and how the non-BJP front will work is what makes it an interesting exercise to watch. Future alignments of parties may depend on the lesson they learn in the state. The UP pattern may come to be adopted for all India purposes, that is, the composition of another assorted front on the lines of the ruling National Democratic Alliance (NDA) of 24 parties.

Without doubt, the Congress will be the one to decide whether such a front comes into being and in what form. The party counts because it has support in UP and elsewhere in the country. However, the party's dilemma is how far it can travel with Mayawati Singh, who heads the coalition. He is the same person who deflected Congress president Sonia Gandhi's claim to form the govern-

ment at the centre five years ago.

When asked by the President of India to give the names of her supporters, Sonia Gandhi could not produce the magic figure of 272 in the 545-member Lok Sabha. Mayawati Singh did not support her at that time although he had assured the CPI (M) to deliver the votes of his Samajwadi Party to the Congress. He wanted a share in the government. It looked like asking for the pound of flesh when Sonia Gandhi was only a few steps from the oath-taking rostrum.

Delhi. In fact, the change is in the Congress' thinking. It has come to realise that a coalition of parties alone can have a majority in the Lok Sabha. The support to Mayawati Singh is the first indication of its inference that the party cannot go it alone. Probably it is testing waters of an overall understanding among the non-BJP parties before taking the plunge. The Congress believes that Mayawati Singh in UP, Laloo Yadav in Bihar and possibly the DMK in Tamil Nadu, along with the communists, can

Singh. She had reportedly offered 48 seats to the BJP when she, as its ally, had discussed an alliance for the Lok Sabha polls. Her BSP is the only party which can transfer the dalit vote to any candidate in most states in northern India.

The UP experiment also suggests that political parties, however small, can be wooed. Take the NDA itself. Some of its constituents are secular in their thinking but have joined the BJP-led government because they want to be in power. Samata Party's George Fernandes, who was pres-

released Raja Bhaiyya, a person with a criminal past. Mayawati Singh also rolled out the red carpet for Akhilesh Singh, carrying a reward of Rs.10,000 on his head. Another absentee, Yeshwant Singh, is Mayawati's man on the strategy to win more MLAs.

But then the BSP-BJP government has no face to criticise Mayawati Singh because it was as thick as thieves with unsocial elements of the worst type. It was no secret that Mayawati's government

came to know that about the clinching evidence against her, she broke the alliance with the BJP, a party of upper castes, as she puts it.

The BJP is the worst sufferer. It will take it long to rehabilitate itself. Never before has a political party lost so much for so little. This realisation may have been one reason why it did not want the dissolution of the state assembly, although the central government was waiting for the green signal. It would have meant immediate elections for which the party is not prepared yet. The BJP wanted Mayawati Singh's rule for another reason: it believed that the contradictions of the alliance would bring it down.

The BJP does not regret so much the absence of power as the loss of alliance with Mayawati. Her BSP averages 20 per cent votes in most Hindi-speaking states. The BJP is constantly tormented over the prospect of losing the dalit vote, first in Rajasthan, Madhya Pradesh, Chattisgarh and Delhi and then in the Lok Sabha next year.

The rift between the BJP and the BSP helps Mayawati Singh. But this advantage can go away if MLAs with criminal background are seen in the government or other positions. Mayawati Singh may still have the government but can lose the people, who want a break from past corrupt administration. Can he hold the flock together without dangling the carrot?

Kuldeep Nayyar is an eminent Indian columnist.

## BETWEEN THE LINES

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Where does Mayawati Singh stand now? Is he deferent to the Congress because he needs its support? Has he accepted its leadership in the next Lok Sabha? Or is he expecting to emerge as a key factor? These are the reasons why the UP experiment assumes importance.

When the Congress allowed Mayawati Singh to include its members to prove his majority to the governor, the party seemed to indicate that it was willing to forgive him for what he did. Still it is obvious that Mayawati Singh has promised something in return. It may be his party's support to the Congress if and when Sonia Gandhi lays her claim to form the government at New

Delhi. It looks as if the parties will fight elections on their own symbol and may coalesce after the results.

The real predicament of the Congress is how to keep its lines with Mayawati open. It apprehends problems with Mayawati Singh because he will go hammer and tongs after her. Personal feuds between the two have made UP an arena of crime and corruption. He, like Mayawati, may use the government machinery to settle personal scores.

Many in the Congress have a feeling that it can capture a majority of the Lok Sabha seats in the state if they prefer Mayawati to Mayawati

ent at the oath-taking ceremony of Mayawati Singh, is one example. Ram Manohar Lohia, his leader of Socialist Party days, used to tell him: George, your problem was that you could not live without power.

Another thought tormenting the Congress is the message the alliance with Mayawati Singh will send. Togetherness cannot be at the expense of everything else. So say Kamal Nath and Salman Khurshid, the two Congress leaders. They have warned Sonia Gandhi that the support to Mayawati Singh may criminalise politics to the hilt.

Mayawati Singh's response can be judged from the first order he gave after being sworn in. He

was oozing with corruption. She had a machine, like in banks, to count currency notes. But her politics was confined to the dalits. Criminals from the upper castes presented no problem because they were grist to her mill.

Unfortunately the Indian politics is so caste-ridden that Mayawati may get away with her corruption and crudeness. All that she has to do is to play with the emotions of dalits while heaping the blame on the upper castes. She has already begun doing that. To the CBI, which questioned her on the Taj Heritage corridor, she reportedly said that the bureaucracy controlled by the upper castes had framed her. Once she

# Netrakona-3 by-election and foreign observers: The nation needs answers

DR. AREF CHOWDHURY

THE recently concluded by-election in Netrakona-3 on August 21, 2003 leaves certain questions unanswered and, thus, confusion in the minds of many about the electoral process. In particular, there appears to be an inconsistency between the official voter turnout and that estimated by journalists and other observers in Netrakona on the day of the election. Since the issue of voter turnout is something quantitative rather than qualitative, there should be little or no scope for discrepancy on this number. In the past, we have unfortunately had elections such as the infamous by-election in Magura-2 in 1993 and the February 1996 general election where we witnessed events such as capturing polling centers and having more ballots cast than the number of registered voters in certain centers or constituencies. We would hope that as we continue to practice democracy in Bangladesh, the electoral process is free from such farcical issues.

lawmaker, passed away a few months ago. The two main contenders for the seat were Khadija Amin (widow of late Nurul Amin Talukdar) from the Four-Party Alliance and M. Jubed Ali from Awami League. Both were seen as strong candidates since Khadija Amin would surely receive a certain number of sympathy votes while M. Jubed Ali was a legislator from that constituency in the past. Netrakona-3 encompasses an area of approximately 500 square kilometers and consists of the upazilas of Alpara and Kendua with 124 polling centers. The number of registered voters for the election was 273,471, with almost half of them being female. On the day of the election, the ground statistics were as follows: over 3,000 police, BDR and Ansar personnel deployed, an unspecified number of Army personnel patrolling the constituency, six mobile courts and a magistrate in every centre, vehicular transportation only permitted for security personnel, magistrates, polling officials, newsmen and observers, cellular network disabled during voting hours in the constituency, about

100 legislators from BNP and AL, about 100 journalists from the local and national media, and last but not least, 18 foreign observers from the European Union, British High Commission, United States Embassy, French Embassy, Australian High Commission and National Democratic Institute (NDI)

which Awami League was participating. However, reports of events that transpired during the day of the election leave much to be desired. The Awami League has repeated that the election was marred by widespread voter intimidation, particularly supporters and activists of Awami League and the

age. Reports from various media organisations through their journalists and photographers estimated that about 25-30 per cent of votes were cast while others used terms such as a "thin" voter turnout. In fact, numerous polling centers were virtually empty throughout the afternoon as

to know the statistical methodology employed that leads to the concluding figure. What was the sampling technique and how many centers were sampled are just some of the relevant statistical questions that need to be answered. The people give great importance to media reports and,

appeared to be a thin voter turnout.

To the best of my knowledge, the one community that we have not heard from about the election is that of the foreign observers. A significant amount of financial resources, time and effort have been expended by or for these foreign observers and we need to know from them, be it through reports or press conferences, what they thought of the election. We also need to know more than whether the election was fair or unfair. The foreign observers should clearly elaborate the methods they use in determining the fairness of an election and in particular, what they observed firsthand in Netrakona-3. If they detected any flaws or violations in the election code of conduct, there should be suggestions on how to rectify them or take preventive measures in the future. Did they estimate the voter turnout or did they check to see if there was any sign of voter intimidation? The observations of the foreign observers should be made transparent to us because they lend credibility to an election by serving in an unbiased capacity. Thus, we eagerly await their report, hopefully in the

coming days, so that the people may confirm or dispel any doubts in their minds.

The victor of the Netrakona-3 election itself has no immediate impact on the ruling party or opposition -- the Four-Party Alliance will continue to enjoy its parliament majority either way. However, this and future by-elections will serve as reference points and indicators of what we can expect in terms of fairness and impartiality in the coming general election. In the meantime, the Awami League candidate should seek recourse of the law; the very act of initiating legal proceedings will strengthen Awami League's position both nationally and internationally. As a final point to ponder, albeit an unfortunate one, we do not trust a party in power in conducting the general elections, which is why we have the system of a non-party caretaker government; therefore, can we really trust the party in power to conduct a free and fair by-election?

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and 55 local observers. By any standards, this was an impressive security arrangement as was evidenced by the relative calm and lack of violent outbreaks on the election day, which most of us were relieved to hear. The Chief Election Commissioner even made a surprise impromptu visit to the constituency, which was a wise decision as his visit was a prior request of the major Opposition party.

The stage was thus set for what we had hoped a good showdown in the first by-election since 2001 in

minority community, as well as their agents being driven out of the polling centers by BNP. An impartial election does not only mean that a voter's vote is correctly registered for his or her desired candidate, but also means that a voter is free to go and cast his or her vote without fear of persecution. As such, if the Awami League allegations are true the election was by no means free or fair.

If the issue of voter intimidation were not enough, an even more disturbing development is the issue of the voter turnout percent-

reported by the same media organisations. With these numbers in mind, it was quite confusing when the Election Commission unofficially announced that Khadija Amin received 95,251 votes while her nearest rival M. Jubed Ali polled 69,966 votes with a total voter turnout of 62.88 per cent. The numbers indicated that about every one in two voters were not noticed by the media! One, however, has to look at these numbers from a statistical point of view. For any organisation stating an estimate of the voter turnout, we need

therefore, we expect them to perform their job with diligence and a high standard of accuracy. Nonetheless, no organisation has stated that there was a heavy voter turnout. In fact, if we make the approximations that the votes were cast uniformly during the eight-hour voting period and that the votes were uniformly distributed among the centres, a simple calculation reveals that a vote was cast just less than every 21 seconds in each centre throughout the voting time period. It is slightly difficult to comprehend why this visually