

The struggle within

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HAMEEDA HOSSAIN

WOMEN'S struggles cannot be compressed into a monolithic, homogenous movement, because our lives are caught within a complex mosaic of religious, ethnic, caste hierarchies and class interests. While our first experience of subordination is in the family, gender relations of power are mirrored in communities, labour markets, political and legal systems. As in the rest of South Asia, women in Bangladesh have engaged with populist movements for independence and democracy with some expectation that the promise of freedom and equality would extend to gender relations. But the reformist agenda of the newly independent state, despite its commitment to constitutional rights, failed to challenge entrenched relations of power within the family and the community. By the mid-seventies women's lives were conditioned by contradictory pressures of an official Islamisation, compulsions of a market economy and the international women's movement. Some glimpses down memory lane reveal the course of women's struggle for freedom and justice and their modes of resistance against the obstacles they faced.

Seeds of a progressive, non-communal movement

Within the larger struggle women began to script an alternative world view. Since early days when Roqaiya Sultana made women's seclusion an issue of public debate, progressive women have challenged the controls imposed by communal politics and religious fundamentalism. Secular democracy was viewed as promising more space for women's voices.

In the communal divide that convulsed India in 1947 urban, middle class women such as Lila Nag, Ashalata Sen and other mem-

bers of neighbourhood samitis formed in Dhaka during the civil disobedience movement crossed the religious divide and worked together with Sufia Kamal and others who had migrated from Calcutta. Together in Dhaka they sheltered Hindu victims of communal violence, set up a secular school and campaigned for communal harmony.

In the sixties, as the language movement was reinforced by a growing consciousness of economic exploitation and political disenfranchisement in East Bengal, women activists challenged the government ban on broadcasting Tagore songs on TV and radio and women newscasters from wearing a traditional teep on the forehead. Government suppression of the right to a national language, to their culture, to their land was reason enough to engage with the growing political resistance but women also saw the bans as a denial of their personal autonomy.

Women came into secular, progressive movements from separate streams. Cultural activists, older members of urban, neighbourhood samitis from politically conscious, educated bhadrolak families and women students mainly from the left, Marxist groups came together to form the Mohila Parishad, which was backed by the Communist Party. The kinship links of its members contributed to its ideological moorings, which were anchored within secular, progressive politics. Women were also active in peasant movements, Ila Mitra and Hena Das led the Tebhaghia movement in North West Bengal and tea garden workers in Sylhet. They worked at the grass roots and had to face prison sentences along with their male colleagues. If the "woman question" surfaced in their internal discourse, a conscious reference to gender oppression and gendered politics did not enter the public debate until later. So that in public

accounts or in public statements by women leaders the subjective remained invisible.

Justice for war crimes

The issue of rape as a war crime and victimhood has recurred in feminist debates, with early concerns for women's welfare, family honour and state protection giving way later to concerns with sexual violence, women's autonomy. In 1971, rape as a weapon of war was justified by Pakistani soldiers as a victory for Islam. The survivors found little freedom in the aftermath, as economic insecurity, social stigma and family rejection served to emphasize their dependency and exclusion. State prescribed abortions and state patronized marriages were offered as compensation to women survivors, while their victim hood served the cause of national martyrdom. The Parliament needed to be nudged by two of its members Nurjehan Murshed and Badrunnessa Ahmed to acknowledge women who had fought in the war, or become victims because of the war. At the time, women activists, such as Nilima Ibrahim, Bashanti Guhathakurta and Naushaba Sharafi scoured the countryside offering comfort and hope to rape victims and widows. While many informal groups offered welfare, the war-torn economy gave little hope of cultural and institutional change. It is only recently that women survivors have found the courage to recall their experiences in the war, their personal pain and loss, their economic dislocation and sense of isolation. The issue of justice remained suspended until Jahanara Imam took a leading role in demanding a trial of war criminals in the nineties. Her leadership was particularly critical as political parties that had collaborated with the Pakistan army in war crimes, had surreptitiously made a come back through official patronage.

Contending with sectarian controls

Sectarian and communal politics were super scripted over secular and democratic constitutional principles, following a military coup in the mid seventies. Between 1977 and 1987 when fundamental constitutional amendments were imposed by two military dictators (General Ershad) religion became a weapon of political control. Official patronage paved the way for mosque led political propaganda, resurrection of a communal leadership and a proliferation of madrassahs, whose students became ready foot soldiers in political and communal conflicts. The threat of Islamisation prompted many women's groups, along with religious minorities and liberal groups into street protests and to seek justice in the court. While women joined the protests in large numbers, Nari Pokkhyo, a small women's group, filed a class action in the High Court against the Eight Constitutional Amendment because it denied constitutional guarantees of equality. The question has been evaded as hearings were never held. An attempt to introduce Arabic in educational curriculums met with strong resistance from students who were supported by progressive women's groups.

Market driven development

While religion became an arbiter of social and gender controls, women's labour became critical to Bangladesh's entry into global markets in the eighties. Strategies for micro-credit and contraceptive technologies were eagerly taken on by governments and disseminated through a mushrooming of internationally funded, NGOs, to poor women. At the same time their role as drivers of an export led economy created a scope for proletarianization of women workers.

Bangladesh interpreted the international discourse on women's integration into development through a hierarchical, male dominated government bureaucracy.

The first UN Conference on Women in 1975 had identified under-development with the invisibility of women's economic contribution, while at the second UN Conference in Nairobi in 1985 third world women critiqued the effects of structural adjustments and the market economy on their lives. In Bangladesh, women's labour made a major contribution to two major foreign exchange earners-garments and shrimp exports. But there entry into the market offered no improvement in the quality of their life nor in the security of their livelihood. On the contrary, salination of the South West due to shrimp enclosures endangered traditional livelihoods threatened the appropriation of farm lands. A strong resistance of village women who had carried out subsistence agriculture on Polder 22 of Herinkhola in Paikgachha led to a direct conflict with the shrimp lord. Korunomoyee, a woman farmer, was brutally killed on November 7, 1989 by armed gangs, employed by the shrimp lord as she led the procession. She became the symbol of resistance to the ravaging of the environment by an export economy and her death anniversary is commemorated by villagers in front of a mural dedicated to her courage.

Politics of violence against women

Media reportage of violence against women within the household and outside, around the mid-eighties, politicized the issue, women activists were able to articulate a human rights perspective. Women friendly legal aid and human rights organizations mobilized around legal reform, law enforcement to make women conscious of their rights. They then protected women's interests in marital disputes by intervening in traditional mediation councils. Their efforts were directed to persuading traditional village leadership to accept gender equality in relations of marriage, property and inheritance rather than turn to unfair customary or religious practices, of hilla marriage, or dowry. Since the early seventies Mahila Parishad had proposed reform of personal laws and political participation, demands that



have now become near universal amongst women's groups.

The courts became the site for redressing gender injustice. Sensational cases of domestic violence such as Rima's murder by her husband (in a well known middle class family) forced feminists to evaluate the deep rooted causes of violence in the politics of gender imbalance. Growing evidence of violence in the public sphere and in the work place, or violence against political rivals provoked us to question the role of the state in perpetuating gender hierarchies. Women's protests became more focused on issues of security and rights and led to the formation of the Oikkyo Boddho Nari Samaj. Campaigns for a uniform family code and laws to criminalize dowry, polygamy gained ground. The government responded with cosmetic changes in an anti-dowry law that failed to address the economic and social basis of inequality. Inability to understand the reality of women's lives allowed for the persistence of archaic, discriminatory inheritance laws. A similar short sighted approach has led governments to criminalizing the symptoms rather than addressing it as a consequence of social, legal and economic injustice.

Negotiating the democratic space

With the end of Ershad's military rule women began to see in the impending transition to civilian rule an opportunity to conceptualize a gendering of citizen state relations. A small group of women after opinion surveys and intensive discussions in 1989 and 1990 drafted a charter for establishing women's rights within the family

and the community and for their participation as citizens in a democratic framework. But in the rough and tumble of electoral politics, the "woman question" was side lined, and even staunch women party activists were pushed out of the running for electoral nominations.

The confrontational culture of polarized politics in the nineties has encouraged the proliferation of regressive dogmas. In 1993-94 the media reported on incidents of fatwa instigated violence, which led to torture and deaths of women in different villages of Bangladesh, their humiliation or social ostracisation. Fatwas ordered women not to work outside their homes, to close down NGO rural schools. Law agencies did little to curb these anarchic tendencies as progressive writers and poets were declared murtads, leading to social censorship and fear. Investigations showed that small groups formed under different appellations but allegedly backed by leading extremist political parties were responsible as the government looked away.

Women's defence lay in constitutional guarantees of equality and international commitments to human rights made by the state. In the first case of a fatwa that led to the death of Nurjehan in Mouli Bazar, a Maulana and his seven accomplices were convicted. Women organizations played mobilized wide support for their public campaign against fundamentalist attacks throughout the country and in international networks. Several years later two High Court judges issued a suo motu rule against 'fatwas' that prescribed hilla marriage. Although an appeal was filed by an extremist political organization

against the rule, women have relied upon it to resist maulanas' decrees in some places.

Women are now on the frontline in resisting the state's complicity in gendered oppression. Our legal battles have led to the conviction of four policemen for the rape and killing of Yasmin, a minor domestic worker in 1995. The Sammito Nari Samaj inspired a country wide movement that challenged the (a) impunity of state agencies, (b) patriarchal tolerance of violence (c) insecurity of women workers and oppression of child labour. University women students came together to form a platform against sexual violence in Jahangirnagar and Dhaka Universities to break the silence on sexual violence in academic institutions. But we need to recognize that we need to move beyond technical legal remedies, towards a transformative struggle for peace and tolerance of differences. We need to transcend the limits set by political allegiances and recognize in the kidnapping and disappearance of Kalpana Chakmas in 1996, allegedly by military officers, a commonality with the violence against women in 1971. We need to recognize that when the rights of women workers are violated or when minority women are threatened, it is equivalent to an attack on our collective struggle for autonomy. Our resistance to gendered power and violence would make for a meaningful change if we were to transcend the limitations of our class, ethnicity and particularly our political affiliation.

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Time to face reality on Iran



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THE huffing and puffing in Washington is so strong these days, it could start a gale. High officials warn Iran not to continue work on its nuclear program. Politicians on both sides of the aisle firmly concur. Pundits bellow louder still. Everyone agrees that Iran must be stopped. But how? That's when the silence sets in. No one has a serious plan that has much chance of success.

There are those who claim to have a solution -- American military strikes against Iran's nuclear facilities. For some this is a stand, taken in the full expectation that the policy will never be adopted. In the 1950s some Republicans wanted to outflank the Truman administration, and argued for a military rollback of the Soviet Union. Others genuinely believe it to be possible. But bombing is not a serious option.

At best a strike would set back Iran's program by a few years. But it would inflame public opinion there and unify the nation in its determination to go nuclear. It is a substantial country -- with three times the population of Iraq, for example -- that has a powerful sense of national pride. Sanctions will not work. Iran is the world's second largest oil exporter, with tens of billions of dollars in surplus cash these days. If we have few sticks, we also have few carrots. It is probably worth offering a package of real benefits -- mostly as a signal to the Iranian people that we want good relations with them in return for cooperation on nukes -- but I have no illusions that it would be accepted.

Washington and its allies need to come to grips with reality and switch course, coming up with a new set of goals and a path to attain them. Otherwise we risk not just failure, but a very public humiliation and the further erosion of our limited credibility -- in Washington, the "West" and the "international community."

The current regime does not want good relations with the West. It knows that more trade, contact and collaboration only undermine its grip on its society.

American policy toward Iran needs a fundamental rethink. We have a worthy goal: trying to stop Tehran from building nuclear weapons. We have gone about this in a sensible way, using allies, multilateral organizations and international agreements to pressure Tehran. But the policy simply isn't going to work. Washington and its allies need to come to grips with reality and switch course, coming up with a new set of goals and a path to attain them. Otherwise we risk not just failure, but a very public humiliation and the further erosion of our limited credibility -- in Washington, the "West" and the "international community."

The United States should begin the construction of an alliance to contain Iran. Our goals should be to prevent or massively slow down the weaponization of Iran's nuclear program, and to frustrate its meddling in the region, support for terrorism and opposition to a peaceful settlement of the Israeli-Palestinian conflict.

This is not a best-case outcome, but it has its virtues. The existence of a clear and present danger in Iran will keep the international community galvanized. Already, the Western alliance has been strengthened in response to Iran's belligerence, and cooperation with India, Russia and China seems a stronger possibility than ever before.

Threats usually have the effect of sobering up the neighbourhood. If Saudi Arabia, Egypt and other countries see that they face a serious problem in Iran, they might recognize that they could use outside allies. American influence

in the region could become stronger and be used to push for cooperation on other foreign-policy issues, as well as economic and political reform. Notice how the rise of China has Japan and India moving closer to the United States. The Soviet threat brought Western Europe closer to the United States. It's not inconceivable that a similar dynamic could work in the Middle East.

Properly handled, Iran's threat might even improve the situation in Iraq. One of the grave problems facing Iraq is the rampant and destabilizing Iranian influence in its politics and government. If Iran continues down a nuclear path, politicians in Iraq -- of all stripes -- will begin to view this as a threat to their national security. It's tough to say that Iran is just a friendly neighbour helping out if it is actively pursuing the military capacity to obliterate you.

This does not mean accepting a nuclear-armed Iran. Tehran is many years away from nuclear weapons. Its program is not that sophisticated, and moving to a serious weapons capability isn't that easy, particularly if there is a concerted global effort to slow it down. The regime in Iran is not stable and the fissures in Iran will only grow. Regime change, however, is not going to take place at our will and on our timetable. Outside forces can help. But we will slow change in Iran if we feed the feeling that America is humiliating it. Let us not believe one more time that people in a foreign country will welcome American bombs with sweets and flowers.

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The case for neutrality of PSC



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IT was reported in the media last week that Mr. Abdus Shahid and Mr. AKM Jahangir Hossain, the main opposition AL lawmakers in the parliamentary standing committee on the establishment ministry, opposed in writing the proposal for salary hike of the chairman and members of Public Service Commission (PSC), alleging that they were not fulfilling their constitutional obligations with honesty and neutrality.

In the meeting of the standing committee held on January 30, the AL lawmakers charged the present PSC chairman and the members for leaking question papers of BCS examinations to allow the candidates of the alliance government to pass the competitive examinations for government jobs. They also made allegation that Professor Mafuzur Rahman, a member of the PSC, had already declared in his constituency that he would contest the next parliamentary election.

I am not in favour of opposing the salary hike of the chairman and members of the PSC when the government recently raised the salaries of the President, Prime Minister, Speaker, Deputy Speaker, Ministers, State Ministers, Deputy Ministers, and Members of Parliament by almost 50 percent.

We all know about the politicisation of the administration during the last 14 plus years' rule of the BNP and the AL. Even the two constitutional bodies, namely the Election Commission (EC) and the PSC have not been spared from the curse of politicisation. In my article published in The Daily Star on January 21, I made an attempt to explain how, in the absence of an Act of Parliament to regulate the appointments of the Chief Election Commissioner (CEC) and the Election Commissioners (ECs), the succeeding governments appointed persons loyal to them as CEC and ECs. I also tried to explain how the recent appointment of two

BARE FACTS

The need for enacting a law to help appoint competent and non-partisan persons as chairman and members of the PSC for the selection of suitable persons for appointment to the service of the Republic can hardly be over-emphasised. The alliance government, the main opposition AL, and other political parties having representation in Parliament should seriously consider the issue in the greater national interest.

ECs on political consideration coupled with some other factors has made the political situation in the country highly volatile.

According to the Constitution of Bangladesh, the PSC is responsible: (a) for conducting tests and examinations to select suitable persons for appointment to the service of the republic; (b) for advising the President on any matter on which the commission is consulted or on any matter connected with its functions which is referred to the commission; and (c) such other functions as may be prescribed by law.

Democracy has not only not taken as yet a deep root in Bangladesh, but the confrontational politics of the two major political parties, the BNP and the AL that have been ruling the country in succession for the past 14 plus years, has put the nascent democracy at stake. Such an unhappy situation makes heavy demands on the civil servants for the execution of policies embodied in the existing legislation, formulation of new policy, formulation and execution of development programmes, fiscal management including collection of revenue, management of international relations, wide range of research on commercial and other economic policies etc. Recruitment of brilliant boys and girls in the service of the Republic can help build an efficient civil service to cater to the needs of the country. Here lies the importance for a non-partisan and effective PSC.

Unfortunately, appointment of ruling party sympathisers as chairmen and members of the PSC since the return of parliamentary system of government in the early nineties has influenced recruitment of activists and sympathisers of the ruling party/parties, depriving meritorious candidates. The situation is going from bad to worse. Recent recruitment of 150 or so activists of the Jatiyabadi Chhatra

Dal (JCD), the student wing of the ruling BNP, as upazila election officers (UEO) is a case in point. Leaking of question papers of various examinations has become a regular phenomenon. Such mismanagement and partisan activities have led to the loss of public confidence in the neutrality and efficiency of the PSC.

The Constitution of Bangladesh says that provision shall be made by law for establishing one or more PSCs for Bangladesh, each of which shall consist of a chairman and such other members as shall be prescribed by law. The PSC Ordinance LVII of 1977 replaced the PSC Ordinance VIII of 1977 (providing for the establishment of two PSCs) and provided for establishing one PSC and fixing the number of the members of the PSC, including the chairman, between six and fifteen.

Neither the Constitution nor the Ordinance referred to above has prescribed detailed procedure and/or specific qualifications for selection of persons for appointment as chairman and members of the PSC except stating that the chairman and members shall be appointed by the President and not less than one-half of the members shall be persons who have held office for twenty years or more in the service of the government. In the absence of detailed procedure to regulate the appointments of the chairman and members of the PSC, their appointments are at the pleasure of the party in power. As a result, the succeeding governments appointed persons loyal to them as chairmen and members of the PSC.

Now the question is: How to depoliticise the appointments of the chairman and members of the PSC to make this constitutional body really neutral and effective? In order to find an answer to this question, let me describe the legal provisions and procedures that exist in some countries for selec-

tion of persons for appointment as chairman and members of the PSC.

The Constitution of South Africa provides that the PSC shall consist of 14 commissioners appointed by the President. The approval of the President is preceded by the following procedure:

a. Five commissioners approved by the National Assembly on the recommendation of a committee composed of members of all parties represented in the Assembly; and

b. one commissioner from each province approved by the Provincial Legislature on the recommendation of a committee that is proportionally composed of all parties represented in the Legislature.

A commissioner is appointed for a term of five years, which is renewable for one additional term only, and must be a person who is: (a) a South African citizen; and (b) has the knowledge of, or experience in, administration, management or the provision of public services.

An Act of Parliament is to regulate the procedure for the appointment of commissioners.

The National Public Service Commission (NPSC) of Sri Lanka consists of not more than seven members appointed by the President on the recommendation of the Constitutional Council and the President appoints one of the members of the commission to be its chairperson.

A person shall not be appointed or continue as a member of the NPSC if the person is a member of Parliament or of a regional council.

Democracy in Nepal is at stake now. But the 1990 Constitution of Nepal is the product of people's struggle for democracy. The Constitution provides that: (1) There shall be a PSC consisting of a chairman and such number of other members as may be required. (2) His Majesty shall, on the recommendation of the Constitutional

Council headed by the Prime Minister and consisting of the Chief Justice, the Speaker of the House of Representatives, the Chairman of the National Assembly, and the Leader of the Opposition in the House of Representatives as members, appoint the chairman and other members of the PSC. (3) At least fifty percent of the total number of the members of the PSC shall be appointed from persons who have worked for ten or more than ten years in any government office, and the rest of the members shall be appointed from persons, who have done research, investigation, teaching or any other significant work in such as like science, art, literature, law or any other sphere of national life and who hold a high reputation.

A person shall be eligible for appointment as the chairman or a member of the PSC if he: (a) holds a post graduate degree from a university recognised by His Majesty's Government;

(b) is not a member of any political party immediately before appointment; and

(c) has attained the age of forty five.

The above references have been made to emphasise the need for adopting legal measures for freeing the PSC of Bangladesh from the influence and interference of the party/parties in power, so that it can discharge its constitutional functions neutrally and effectively.

This may be done by enacting a law that will, inter alia, prescribe specific qualifications for the posts of chairman and members and provide detailed procedure for selection of persons to be appointed chairman and members of the PSC. Instance cited above may be examined by all concerned to see whether the persons approved by Parliament may be appointed chairman or members of the PSC by the President.

To conclude, the need for enacting a law to help appoint competent and non-partisan persons as chairman and members of the PSC for the selection of suitable persons for appointment to the service of the Republic can hardly be over-emphasised. The alliance government, the main opposition AL, and other political parties having representation in Parliament should seriously consider the issue in the greater national interest.

M. Abdul Latif Mondal is a former Secretary to the Government.