

Resurgent Garcia, purged Deng and comeback politics

SYED BADRUL AHSAN

ALAN Garcia's resurgence in Peruvian politics raises once more the old question of politics coming full circle, in certain circumstances. The last time Garcia was president of Peru, and that was from 1985 to 1990, the country was an absolute mess. Garcia was young, idealistic and sincere about providing good, strong leadership in Lima. None of those qualities, or call them features of political charisma, worked. There were many who thought Garcia was Latin America's version of the Spaniard Felipe Gonzalez. That quite did not help. And when Garcia left in 1990, to be replaced by the Japanese-Peruvian Alberto Fujimori, no one shed a tear. No one had any reason to. The economy was in a shambles, politics was in free fall and the guerrillas of the Sendero Luminoso were threatening the foundations of civil order.

Alan Garcia left the country in fear that he might be charged with crime and brought to trial. It would not be quite a while before he would return, declare his willingness to be president once more and in actuality regain the old office. To all intents and purposes, the restoration of the Garcia presidency has been a remarkable feat. Whether the feat at the ballot box translates into coruscating performance in office is a question the future will deal with.

When you think of Garcia's comeback, you cannot but dwell at leisure on all or some of the other men who have in our times made it back to popular acceptability in their own political ambience. The most glittering instance of a dramatic comeback remains, of course, that of Richard Nixon. He lost the presidency to John Kennedy narrowly in 1960 (there are people who will remind you even today that the Kennedys had Chicago Mayor Richard Daley steal the election for JFK and so deprived Nixon of an office that should rightfully have been his). Nixon was young, only forty seven, which in essence meant he could not be expected to walk away into the sunset. Which is when he decided to take the first important step to a return by challenging California governor Edmund 'Pat' Brown at the gubernatorial election in 1962. It was an election few expected Nixon to lose, but he did lose in what was clearly a shock victory for Brown. A bitter Nixon then informed newsmen that they would not have him to 'kick around any more' because that was his 'last press conference'.

In the event, that press conference was to be followed by many more press conferences over the subsequent four years. Nixon went around the world dispensing wisdom to politicians and statesmen all the way from Asia to Europe. He wrote on foreign policy for prestigious journals. And at the 1966

On the scale of disbelief, the rise and fall and rise of China's Deng Xiaoping has been unprecedented, at least up to this point in time. Denounced as a capitalist roader in the course of the Cultural Revolution set in motion in 1966, Deng was purged by Mao Zedong. Rehabilitated with the obvious support of his mentor Zhou En-lai, Deng was soon purged a second time. He re-emerged as a political force in the late 1970s, to send Hua Guo-feng and the so-called Gang of Four packing and assume full authority over the state.



Alan Garcia: To govern a changed Peru

Congressional elections, he campaigned long and hard for Republican nominees for office, work that was soon rewarded through the gains his party made in the Senate and House of Representatives. That Nixon could not be written off came through in Charles de Gaulle's belief in a future for the former American vice president. By 1968, Nixon had

declared his availability for the White House once more, beat then front runner George Romney at the New Hampshire primary and then went on to clobber Hubert Humphrey at the presidential election in November.

Closer home, the inevitable drama that comes with politicians trying to recapture the spotlight was nowhere felt more acutely than in Indira Gandhi's determined, calculated upset of the Janata cart in 1980. When she and her party lost power in 1977, following a troubled period of emergency rule, characterised again by the notoriety achieved in the process by her son Sanjay, everyone knew she was gone for good. The government of Morarji Desai, however, ensured through its follies and the tantrums of the gerontocracy running the show that Gandhi came back to office sooner than anyone expected her to. Desai and his colleagues went out of their way to humiliate the fallen prime minister, hauled her before the Shah Commission and gave the country to understand the vindictive streak

working in them. They simply could not comprehend the shrewdness with which Indira Gandhi was considering it all, even if the price she was paying was high. Desai fell soon enough, to be supplanted by Chaudhry Charan Singh. His ministry collapsed when Indira's people pulled the rug from under him in Parliament, prompting him to quit office. It was a resurgent Indira Gandhi who reclaimed the prime ministerial prize in 1980.

Contrast her return to high office with the attempts made by Zulfikar Ali Bhutto to reclaim power in Pakistan after he was ousted in the Ziaul Haq coup of July 1977. When the deposed prime minister was freed by the army in what was ostensibly a condition towards the beginning of an election campaign, it quickly became obvious that Bhutto and his Pakistan People's Party were back on the road to office. The discontent and hate generated toward Bhutto in the aftermath of the rigged elections of March that year were seen to be giving way to a renewal of sympathy for the man. It

was at this point that General Zia had a change of mind. A Bhutto return could spell danger for him, for he had through his coup committed a treasonable offence punishable by death. It was thus a matter of the general's neck, or Bhutto's. He decided to save his and then have Bhutto's snap on the gallows. That was in April 1979. Pakistan, always a sad country, turned into a lugubrious place.

Sure, in later and more banal times, Bhutto's daughter Benazir, as also Nawaz Sharif, gained power, lost it and then got it back, only to lose it all again. But the drama, the sheer excitement which has often touched the lives of other politicians as they have tried to plough their way back to high ground was missing in these two instances. You might entertain similar sentiments about Jean-Bertrand Aristide's return to presidential office in Haiti or Reza Pahlavi's recapture of the throne in Tehran because both men saw their comeback engineered by the Americans. The perspectives, though, were different. The Eisenhower administration restored an unpopular mon-

arch in Iran by simply throwing out a nationalist prime minister. In Haiti, it was a popular president who got back his position once the usurper Raoul Cedras had been ejected by the Clinton White House. Be that as it may, the process of political return, whenever it has taken place (and it does not always or often happen that way), has been characterised by the peculiarity of conditions in a given place at a given time.

The liberation of France in the 1940s catapulted De Gaulle to political leadership and then threatened to clip his wings through the razor sharpness of the squabbling, divisive Fourth Republic. He quit, retreated to Colombes les deux Eglises, and decided to bide his time until France called him again. A decade later, in 1958, the call came. An authoritative De Gaulle took charge, made sweeping changes in the constitution, established the Fifth Republic and generally dealt with the world in his own way. His vision of French grandeur, bolstered by the urbanity of such men as Andre Malraux and the sexiness of such women as Brigitte Bardot, is an idea Frenchmen have never let go of. Even Jacques Chirac is obsessed by it.

In our troubled times, Juan Domingo Peron took over Argentina in the 1940s, lost it in the mid 1950s and then saw it fall into his lap again in the early 1970s. When he died, his second wife Isabel took his place as president,

quickly made a chaos of it and then was deposed in a coup by a military that felt no guilt in murdering and 'disappearing' political dissidents. But Peronism, in its variations of meaning and necessary adjustments to circumstances, has survived as political faith. President Nestor Kirchner is a devoted Peronist today.

On the scale of disbelief, the rise and fall and rise of China's Deng Xiaoping has been unprecedented, at least up to this point in time. Denounced as a capitalist roader in the course of the Cultural Revolution set in motion in 1966, Deng was purged by Mao Zedong. He had earlier made it known that it mattered little whether or not a cat was black or white as long as it caught mice. Rehabilitated with the obvious support of his mentor Zhou En-lai, Deng was soon purged a second time. He re-emerged as a political force in the late 1970s, to send Hua Guo-feng and the so-called Gang of Four packing and assume full authority over the state. Clearly the last of the great Chinese revolutionaries, Deng Xiaoping died in February 1997. His economic legacy continues to sustain his successors.

Alan Garcia's legacy, this time around, will need to be different. It is a changed country he will govern. Not even the once popular Alejandro Toledo could make Peru a nation of happy people.

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The trio and their Election 'subversion' ploy?

FROM PAGE 1

A most severe blow to the CEC's credibility came from no less an institution than the Supreme Court itself. Its verdict, rejecting his decision to go for a fresh voter list, eroded whatever moral authority this holder of a constitutional post enjoyed. One expected that out of his own sense of self respect he would resign since the highest court of the country judged him to be wrong. However, he ruled out any such action by himself. A question has now been raised as to how a person can continue in such an exalted position as the CEC when the highest court of the country found his most important decision not only to be wrong, but wrapped in mischief, illegality and even immorality. Justice Aziz does not seem to realise that public confidence in his ability to conduct a free and fair election has eroded enormously after the Supreme Court verdict.

His latest decision to prepare a voter list for the upcoming election by not sending enumerators from door to door is a clear attempt to create a new controversy and further deepen doubts about his intentions. Instead of going to their homes to enlist voters, he has asked the people to come to the election offices, whose lowest tier is located at the Upazilla level, to register as voters. There can be no better way to ensure that millions of voters are left out from the electoral roll than to ask them to travel (most probably on foot) miles from their homes to get registered. Given the heavy load of work, rural roads, general apathy about national

elections (as compared to local ones) and the monsoon season (the CEC fixed the month of July for registration) it is anybody's guess how many villagers will come to register.

So the question is: why has the CEC taken such a decision? We are forced to question as to whether he really wants a good election or he is trying to subvert it. Let's look at his track record.

He assumed office on May 23, 2005. In July he held a so-called dialogue with the political parties to decide whether or not to go for a fresh voter list or update the one from the last election in 2001. This is where the mischief starts. The EC does not need to talk to anybody in preparing the voter list, leave alone the political parties. In fact, the High Court in its verdict reprimanded the EC for doing it. The CEC called in 116 political parties, most of whom have no support base at all. The AL, all the left parties and many others boycotted the dialogue on the ground that parties that exist only in name were given the same status as the big ones. In fact, the CEC did so only to create a justification for his already arrived plan to go for a new voter list.

On August 6, he held a meeting with his two commissioners AK Mohammed Ali and M Monsef Ali. Not being able to persuade the two commissioners to go for a new voter list he himself decided to do it, saying that there was no need for "consensus" in the working of the Election Commission.

On December 12, 2005, the AL filed a writ petition with the High Court challenging the legality of the CEC's move for a fresh voter

list instead of updating the existing one. On January 4, the High Court gave a verdict against the CEC not to go for a fresh voter list. However, from January 1, the EC started the fieldwork for the new voter list. After the verdict, the CEC suddenly fell ill and refrained from attending office. No step was taken to implement the HC verdict nor the work of preparing the new voter list stopped. On January 16, the government quite unexpectedly appointed two new election commissioners namely SM Zakaria and Justice (retd) Mahfuzur Rahman, the former until his new appointment was the secretary of the EC secretariat, which is under the prime minister's office. While in that position he was renowned for his loyalty to the regime.

The mindset of the two new commissioners can easily be gauged by their comment on January 17, 2006, the day following their appointment by the government. About the High Court verdict Mahfuzur Rahman raised doubts whether the EC was obliged to comply with it. "It is absolutely (self) contradictory and beyond its (HC's) jurisdiction," Rahman said. "If the High Court had issued a rule and if that rule became absolute only then it could be called a directive and only then it would be mandatory for the EC to comply. Since the judgment is not lawful the question of compliance does not arise." Mr. SM Zakaria, talking to the EC staff after becoming commissioner lashed out against the two other election commissioners who opposed the CEC's plan for the new voter list, saying

"They (Monsef and Moahammed) know nothing. They are illiterate. They have tarnished the image of the election commission by talking nonsense, which must be stopped right away."

Empowered by the appointment of the two new commissioners (now he has a majority of three in a EC of five members) the CEC suddenly felt well and held a meeting on January 19, 2006, a full 15 days after the HC verdict. The meeting decided to appeal against the verdict. Knowing fully well that appealing in the Supreme Court against the verdict of the High Court does not automatically empower him to go against the verdict, the CEC and the two supporting commissioners carried on the task of preparing a new voter list, spending, as it is being found out now, an amount of more than Tk 35 crore.

On May 23, the Supreme Court rejected the CEC's appeal and upheld the High Court's verdict with amendments that made the verdict even stronger against him. He refused to take note of the Supreme Court's verdict on the plea that he has not received its certified copy, which he got on June 7. After five days of receiving it, the CEC held a meeting in which he decided to update the voter list, as directed by the High Court and upheld by the Supreme Court, but he will do so by not sending his enumerators from door to door.

We beg the readers' indulgence in going through this rather long narration of the CEC's activities only to provide the following:

1. He decided to go for the new voter list purely on his own against all legal and other advices.

2. When his decision was termed illegal by the High Court he feigned illness, stayed out of office and took no action to implement the verdict.

3. He waited for two new election commissioners to be appointed, then came to office and decided to appeal.

4. When he lost the appeal he wasted time on the plea that he had not received the certified copy of the verdict.

5. When he got it, he waited another five days to hold the meeting of the EC.

6. Then in the meeting he decided to update the voter list by not sending his enumerators from door to door to the voters.

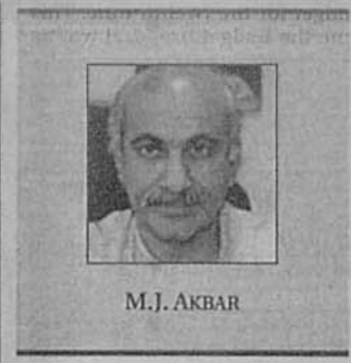
Given the above track record of the CEC and his two fellow conniving commissioners it becomes clear that there is a persistent attempt by this "Gang of Three" not only to create all sorts of obstacles to holding a free and fair election but also to subvert it.

We are now convinced more than ever that there cannot be any credible election under this CEC and the two commissioners. The current political agitation is more and more focused on them. If a large section of the voters -- remember the AL itself got 41 per cent of votes in the last election and now there is a bigger 14-party alliance -- feel a lack of trust on the election commission and especially on its chief, then the only honourable thing for the CEC to do is to relinquish this task and let the nation move on. The question is does the CEC and the two commissioners have the same sense of "Honour" as the rest of us have?

A Damascus diary

BYLINE

There is a hint of Byzantine in the dominant mosque of the city, built by the Omayyad rulers 13 centuries ago, surrounded by a warren of bazaars, hamams and seminaries that could have hosted a million tourists if George Bush was not in constant search of enemies. The steeped walls and dome of the prayer hall inherit the city's past, when it was a jewel in the dominions of the Christian Byzantine empire of Constantinople. Damascus fell to the brilliant thrust of Muslim Arabs in the seventh century, but has never rejected its history.



M.J. AKBAR

THE sun rises at 4.30. It is already high by 7.30 and will fade only at 7.45 in the evening. The sun puts in a 15-hour day, but Amman begins to take it easy after a latish lunch. Government offices wrap up by three, having wrapped in at eight. The one exception is the border between Jordan and Syria, which works through the night. There is Friday freedom on the highways as we race from Amman to Damascus in the clean sharp light of the morning.

Tourism begins at the border. Can a queue be fat instead of lean, plural instead of singular, jostling instead of obedient? Yes. The Jordanian officials are patient. Everyone is nice; they might even be well-meaning. The older Arab women, many in a chador, make excellent use of lament, passports clutched in hands extended in supplication, eager to finish formalities. The younger women wear T-shirts and smiles, and chat at nearby tables while their documents are processed: they are young, and time is on their side. The young men loiter, trying to look busy. I am lucky. The counter for foreigners is empty. Unfortunately, it is empty on both sides. A supervisor recognises my helplessness, stretches a hand across a seated officer's head, takes my passport. "Hindwi?" Hindwi. The common signature of a hundred governments thuds into the booklet: the ubiquitous rubber stamp, invented, believe it or not, by a British ICS Sahib posted to Hooghly district in Bengal in the nineteenth century, who forgot to patent his invention. I get my passport back with a smile. Arabs, everywhere, are gracious hosts.

THE Syrian check-posts are more military, but immigration is more laid-back. The travellers do not care very much about the delineation of counters; everyone owns the shortest queue. The face of a young man in uniform wanders between semi-laughter and semi-exasperation at the periodic tantrums of his computer. A swarthy traveller who forgot to shave a fortnight back, and forgot to bathe that morning, shoves me aside and opens a conversation which does not stop till it is complete. A second man slides up. He

is more polite, possibly because he has a piece of paper instead of a passport. The ranking immigration officer, who is lounging on his feet, takes a look at the paper with the resigned air of a professional facilitator. He is clearly a man of experience, weight and power: the experience is in his eyes, the weight in his stomach and the power in his demeanour. The paper goes into his pocket. My turn comes, and the passport is returned quickly, politely. The room is filling up with families. Three young women chat away the waiting minutes. One has a T-shirt suggesting that diamonds are her best friends. Her friends have less garrulous clothes. Other girls are in long skirts or jeans. No one wears a veil. A friend in Amman later explains that the veil is part of Persian culture, a fashion that spread east rather than west, until the thin gauze of Iran coagulated into the dark cowl of Afghanistan and the tribal frontier of Pakistan.

THE searing brown of the desert, already softening in north Jordan, suddenly gives way to green and yellow, the colours of agriculture. Rivers have replaced rock and sand. The land of Euphrates has grass and wheat farms. The media-nurtured image of Syria as an impoverished nation, perhaps a necessary adjunct of the axis-of-evil syndrome, is an exaggeration. This isn't El Dorado, but it isn't Starvation Valley either. The economy has solid roots in food, oil and natural resources. The cars on the streets of Damascus are a mix of old and new, and thin dust seems to hang over the urban infrastructure but the shops are full and the kebabs in restaurants exquisite. We drive to the top of a hill for a bird's-eye view of one of the oldest cities of the world, and it lies before us like a becalmed eagle, its outstretched wings forming the boundaries of an ever-growing metropolis. Silence, punctuated by the urban rattle, is the mood on Fridays. Damascus takes its holidays seriously. Around noon, the call of the muezzins wakes up a string of mosques.

THERE is a hint of Byzantine in the dominant mosque of the city, built by the Omayyad rulers 13 centuries ago, surrounded by a warren of bazaars, hamams and seminaries that could have hosted a million tourists if George Bush was not in constant search of enemies. The steeped walls and dome of the prayer hall inherit the city's past, when it was a jewel in the dominions of the Christian Byzantine empire of Constantinople. Damascus fell to the brilliant thrust of Muslim Arabs in the seventh century, but has never rejected its history. The Patriarch of the Syrian Christian Church still lives in the city, and

the services of his church have never stopped. Through the difficult centuries of the Crusades, Damascus was a constant target of Europe's princes. Damascus often tottered, but never fell.

A mufti in black turban and flowing robes addresses an eager gathering of women in black, interspersed by a few women, in a corner of the courtyard as I enter the mosque. The scene could belong to any of the 14 centuries of the Islamic calendar. The huge, even awesome, prayer hall is stitched together by carpets and lit by chandeliers. Smack in the middle, to the left of the minbar from where the imam leads the prayer, is a shrine protected by golden bars. This is the grave of Hazrat Yahya, more familiar to the Christian world as John the Baptist. Hundreds of photographs, passport-size and passport-face, are strewn around the grave, calling cards of young men who have sought the intercession of the Prophet in their prayers to Allah. There is nothing surprising, or remarkable about this. It is on this land, from Mecca and Medina to Jerusalem and Galilee and the Dead Sea and Damascus, that the Prophets have preached their message to Jews, Christians and Muslims.

THE sun is hard but not harsh, hot but not humid, as I return to the courtyard. I walk a brief way while in the shade of the corridor before the eye is arrested by a sign on a simple, unadorned door. The simplicity is deceptive. This is the second shrine of Imam Husayn, the martyred son of Hazrat Ali, cousin and son-in-law of the Prophet Muhammad, the great poet-warrior who became the first Caliph of the Shias and the fourth Caliph of the Sunnis after the death of the Prophet Muhammad. Husayn was killed, and his small band of followers massacred, by the forces of the Omayyad kings, who built this mosque, on the desert-flood of Kerbala in Iraq. It is a sin commemorated each year during the month of Mohurram by Muslims of all persuasions. Pilgrims flock to the splendid Husayn shrine at Kerbala in Iraq, where his body is buried. This is literally true. Husayn's head was decapitated and brought to the court in Damascus as a trophy for the tyrannical Omayyad king, Yazid. This head was buried on the premises of this mosque.

A chant from the soul rises from the women clasping to the marble of the small mausoleum, their tears indistinguishable from their prayers. Yazid, who claimed victory in 780, has been eaten by worms, lost even to the desolation of archives. Husayn lives on, powerful, unforgettable. A martyr never dies.

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EC's another appallingly illegal step

FROM PAGE 1

of the former High Court judge about the EC move:

The electoral rolls are prepared and revised under the Electoral Rolls Ordinance, 1982, and the Electoral Rolls Rules, 1982, as amended from time to time. Section 7 of the Electoral Rolls Ordinance, 1982, mandates the Election Commission to prepare electoral rolls, by making provisions in as many as eight sub-sections thereof.

To summarise, this section lays down, in its various sub-sections, that the Election Commission shall at first prepare in the "prescribed manner", a draft voters' list or more technically, a draft electoral rolls, containing several particulars as to the prospective voter's name, citizenship, place of residence, age, etc. as provided in clauses (a) to (d) of sub-section (1) of section 7 of the Ordinance, publish the draft electoral rolls so prepared, invite claims and objections to the draft electoral rolls (See rule 7 of the Electoral Rolls Rules, 1982) and after disposal of the claims and objections filed, if any, after, correct or amend the draft voters' list or more technically, the draft electoral rolls, and finally publish it in Form-1

appended to the above Rules (See rule 18 of the Electoral Rolls Rules, 1982) After final publication, the electoral rolls become final for the purpose of holding the election of the members of parliament.

Section 11 of the Electoral Rolls Ordinance, 1982 mandates the Election Commission to revise the existing electoral rolls already prepared under section 7 of the Electoral Rolls Ordinance, 1982, before every general election held on account of dissolution of parliament on the expiry of its term of five years or is dissolved by the President under article 72 of the Constitution, "unless otherwise directed by the Commission," simply authorises the Commission to decide whether to revise the existing electoral rolls or not to revise it, but, the expression by no means authorises the Election Commission to prepare a fresh electoral rolls by canceling in toto the existing electoral rolls already prepared under section 7 of the Electoral Rolls Ordinance, 1982.

There may be an exceptional

circumstance in which a revision may not be necessary. Supposing that at the very first session of parliament, a no-confidence motion against the government is passed and the President dissolves parliament and directs a fresh election of the members of parliament in exercise of the powers vested in him by article 72 of the Constitution, the revision of the electoral rolls made only a few months back just before the general election held on the expiration of the term of parliament, may be unnecessary and in such circumstance, the Election Commission has been given the power not to revise the electoral rolls by the expression, "unless otherwise directed by the Commission." The expression has not given the Election Commission the power to cancel the electoral rolls once prepared under section 7 of the Electoral Rolls Ordinance, 1982, in toto and prepare a new electoral rolls again under section 7 of the Ordinance.

The detailed procedures of preparation and revision of the electoral rolls are provided in the Electoral Rolls Rules 1982.

Section 21 of the above Rules

clearly lays down in sub-rule (1) thereof that when revision starts, a draft of the revised electoral rolls shall be published under rule 6 of the Rules as in the case of preparation of the electoral rolls under section 7 of the Electoral Rolls Ordinance, 1982, and thereafter, rules 7 to 18 of the above Rules shall apply in the same way as during the preparation of the electoral rolls under section 7 of the Electoral Rolls Ordinance, 1982. In other words, the procedures for preparation and revision of the electoral rolls are the same. Now, in order to prepare and publish the draft revised electoral rolls the procedures laid down in rules 3 to 5 of the Electoral Rolls Rules, 1982 must be followed.

Sub-rule (3) of rule 4 of the above Rules provides as follows: "Each statement shall contain a certificate from the authorised person in Form 2 to the effect that the statement made under sub-rule (1) has been obtained after a personal visit to the house and also a certificate by the supervisor to the effect that the entries therein have been verified or corrected after a house to house visit."

Form No.2 referred to sub-rule (1) and in sub-rule (3) of the above mentioned rule 4 of the Electoral Rolls Rules, 1982, would contain the particulars of the prospective eligible voters.

I am at a loss to understand as to how the Election Commission took the decision as reported in various newspapers including The Daily Star that the revision of the electoral rolls or rather revision of the voters' list in compliance to the order of the Supreme Court can, in the face of the above legal provisions, be made without house to house visit and house to house verification of the eligible voters by the officials of the Election Commission. Such revision as is reported to have been decided by the Election Commission will, therefore, be absolutely illegal being in flagrant contravention of the above mandatory statutory rules and will certainly give rise to further legal complications in holding the general election apart from giving rise to further political turmoil in the country which has become a captive of political manipulations in various vital organs and institutions of the country, the Election Commission included."