

## Election disputes

*A quick-serving mechanism needed*

**A**DJUDICATION by the High Court Division of 13 dispute cases of the 2001 elections has not been complete with only two months remaining before the present government hands over power to a caretaker administration, thus ending the tenure of the parliament.

The provision of an Election Commission tribunal handling such cases was dispensed with in 2001 and these are now referred directly to the High Court Division.

The slow pace of adjudication of election disputes has a certain fallout. There are disputed results that seem set to outlive the tenure of a parliament! Thus the legal provision becomes ineffective for all practical purposes. It encourages, or at least fails to discourage, malpractice and irregularities in the elections. The point is particularly relevant when the clout of black money and muscle power is deemed to be a major obstacle on the way to holding free and fair elections.

The court, of course, has its own limitations as it is overburdened with a huge number of cases of different kinds. Nevertheless, considering the grave importance of settling election disputes expeditiously -- the prime objective of which is to curb unfair activities during elections -- there should be some special arrangement for hearing and adjudicating election-related cases. The whole task better be accomplished within the time limit of a maximum of one year. The court may think in terms of evolving a mechanism to quickly dispose of the cases.

That the dispute resolution system has not been very effective is proved by the fact that no member of parliament has so far been unseated following adjudication.

The legal protection provided to the candidates on the receiving end of election irregularities has to have practical application. The long-drawn process of resolving the cases must be transformed into a quick-serving system in order that the wrong doers are made to pay for their misdeeds.

## Leading the LDCs in WTO

*Bangladesh must rise to the occasion*

**O**N the heels of our rather lacklustre performance at the Hong Kong WTO round, it is a highly welcome tidying that the mantle of leadership of the least developed countries (LDCs) has fallen on Bangladesh. With the baton of leadership passing from Gambia to Bangladesh, for the next six months through a consensual nod of 49 LDCs, onerous responsibilities devolve on our country for steering the cause of the least developed world to collective fruition.

We are no stranger to the job though, because we held the gavel once before. So, we know the ropes, but we have to learn to avoid the past pitfalls to provide dynamic leadership to the LDCs in their most crucial phase of gaining some leverage on the bargaining counter vis-a-vis the advanced countries.

Bangladesh's access to the 'greenroom' where last-minute differences are ironed out in a retreat from the plenary, through skilful negotiations with the developed world, should be guaranteed now.

Broadly speaking, Bangladesh's interests are similar to those of other LDCs but there are differences in the pattern of emphases. For instance, some of the African and Caribbean countries have got 100 per cent access for their garments to the US market. Bangladesh has yet to get it.

At the Hong Kong round, 97 per cent duty-free access has been accorded to LDC goods. The modalities for obtaining the access and the timeframe within which this is sought to be materialised are yet to be determined. This is one area in which Bangladesh has to provide its leadership input.

Then the developed world has given us to understand at the Hong Kong round that the 97 per cent duty-free access will be gradually increased to 100 per cent. How this goal will be achieved and within what timeframe are matters that cry out for early resolution. Bangladesh in its own enlightened interest should be playing a vital role in this particular area.

## Killing with a smile



Brig Gen  
SHAHEDUL ANAM KHAN  
ndc, psc (Retd)

**S**MILE is supposed to endear one to the beholder. But if there was one smile that has not been surpassed in its contemptuous ugliness in recent times, it is the one that the US Secretary of State wore in Tel Aviv, while posing for the press photographers, shaking hands with the Israeli Prime Minister during her most recent trip to the region. Her smile was made even more poignant meted out to the people of Lebanon.

It was made even more poignant by the fact that, while she was, through her now familiar argument of Israel's right to self defence, negating the possibility of peace, scores of innocent Lebanese non-combatants, mostly children, were dying from wanton Israeli bombardment, that made no distinction between a soldier and a civilian. One wonders if Condoleezza Rice has seen the gory pictures coming out of Lebanon since the Israel aggression started in July.

Perhaps not, because, her

## STRATEGICALLY SPEAKING

The need for an unconditional ceasefire and complete cessation of killings is here and now. That is the precondition of a long-term solution, which is possible only if the root causes are gone into. And that includes Palestine also. But in that equation the US has lost all moral right to be a peace broker, since it has itself become a party to the problem.

primary source is the US electronic media, whose policy of self-censorship and sanitization of the images, may have kept the real horror in the Middle East from reaching her.

But the rest of the world, through other channels, has been exposed to the real barbarity being perpetrated on the helpless Lebanese by one of the most militarised nations in the world, egged on by the world's most powerful country that is given to the most warmongering proclivity seen in recent times. All this destruction for the release of two Israeli soldiers kidnapped by Hezbollah?

The gruesome pictures and several statements that have emerged of and from the conflict have some very disquieting connotations for peace and the international order that might eventuate from the policy of aggression, as has been done by Israel on the plea of right to self defence, an argument that has been used much too often and carried much too far.

One photograph was particu-

larly horrendous, not because it showed the disfigured bodies of dead Lebanese children and women. It was shocking to see Israeli children, no more than ten years old, inscribing hate messages on canon shells that were being readied for launch into Lebanon. What level of depravity have nations sunk to where the malleable hearts of the young are being readied for hate for the neighbour? It was heartrending to see in other pictures those bombs wreaking death on the innocent children of Lebanon.

Very distressing was the picture, as much as it was shocking in its portrayal, as was the perverted psyche that worked behind the composition of the photographs. If that is the state of mind that modulates the actions of the Israelis, and if that is the mindset that the future generation is going to grow up with, then one is afraid that Rice's call for a long lasting solution to the problem before a ceasefire could even be contemplated, will indeed be very long in coming.

It was not very hard, though, to cull the underlying meanings of the several comments made from the capitals of the western world during the initial stages of the Israeli aggression.

Secretary Rice's comments, at the height of the Israeli bombings of Lebanon and Gaza last month, that it was "the birth pangs of democracy" in the region that the world was witnessing, thereby suggesting that the death and killings in these two countries were only natural phenomena, provoked one commentator to describe her, very aptly, as the "midwife from hell."

If innocent lives are to be sacrificed at the altar of democracy then the world would much rather be without it. When US talks of democracy one must remain wary of its intentions, given its record of the many democracies it helped to topple or prevent from maturing.

Bush's call to "change crisis into opportunity" conveys much more than what the four-word sentence suggests. While it is an attempt to lace the comment with a states-

man's vision, it conveys very clearly the long-term design of the US for the area. One could ask whether it is an opportunity to permanently make Lebanon dysfunctional? Is it an opportunity to carry forward the US-Israeli strategic objective of the control of the entire Middle East? Is it an opportunity to subdue the nationalist forces in the region and turn it into a US-Israeli fiefdom?

But of all the policy statements that we heard emanate from the US establishment, nothing is more distressing than the call for a "long term solution" to the crisis. It is not very difficult to make out the very subtle use of subterfuge that allows for more time to the Israeli war machine to perpetrate more havoc on Lebanon and Gaza.

And what are the real implications for a "long term solution"? The crisis has been festering with what a commentator terms as the "planting of the carcinoma" in the heart of the Arab world in 1948. It has continued to provoke disaster after disaster in the last forty-eight years. Do we wait for another forty-eight before Israel calls a halt to its butchery in Lebanon?

The underlying aim of according time to Israel is to see the end of Hezbollah in Lebanon. Is Israel having its way? It is almost three times longer than what Israel took to subdue the Arabs in 1967, and yet Hezbollah has not been eradicated. And even the two more weeks that Olmert feels he requires to neutralise the resistance group may not be enough,

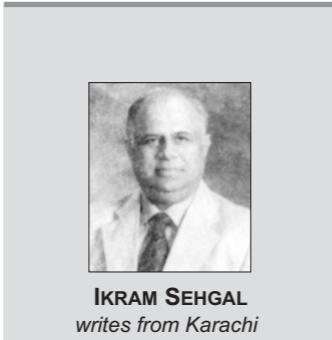
although Wednesday's helicopter assault on a Hezbollah stronghold, 100 kilometers inside Lebanon, suggests that it is in a hurry to finish the job. Fighting a resistance movement is not the same as fighting a traditional army. Prolonging the Israeli offensive in search for Hezbollah will result in more Qanas.

While the US's and the West's comments have been loaded, the silence of the Arab and the Muslim world, beyond meek expressions of muted resentment, has been deafening. That the Muslim countries in the region with some degree of influence, either because of their relations with Israel or their association with the US, appear to have been neutered, is understood clearly from the comments of Javier Solana, that the Saudis have offered money for the rebuilding of Lebanon, "when it is all over," (read, when the destruction of Lebanon is complete). Even the influential Arab countries have taken Lebanon's demolition as a fait accompli.

The need for an unconditional ceasefire and complete cessation of killings is here and now. That is the precondition of a long-term solution, which is possible only if the root causes are gone into. And that includes Palestine also. But in that equation the US has lost all moral right to be a peace broker, since it has itself become a party to the problem.

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## The unkindest cut of all



IKRUM SEHGAL  
writes from Karachi

**D**ECLARING "no confidence" in the chief minister of Sindh, Arbab Ghulam Rahim, MQM's provincial ministers handed over mass resignations. For good measure, their federal ministers also resigned from PM Shaukat Aziz's cabinet. Everyone and his uncle knows that the MQM is posturing and will withdraw their threatened exit from government.

The timing of their protest is of some consequence. Synchronising with a well orchestrated western media attack against Musharraf and Pakistan, it gives the impression that they are ganging up with forces inimical to Musharraf and Pakistan, at worst, and at best being opportunists in taking advantage of the crisis. Musharraf and Pakistan face, both internationally and internally.

The Alliance for the Restoration of Democracy (ARD) has been joined by Muttahida Majlis-e-Amal (MMA) in giving an ultimatum to the president and PM to quit by July 31. That date has since passed. Realistically speaking, there is very little chance of a vote of "no confidence" (against the PM) in the National Assembly (NA) succeeding.

## AS I SEE IT

In matters of state, friends with ability and integrity are a great asset, those without such qualities are disasters incarnate when occupying seats of responsibility. The silver lining for some of his former "friends" signing the letter in question is that it will cause Musharraf to look at his associates that more closely, to distinguish friends from opportunists. Maybe he will also show the incompetent and inefficient the door.

Given the circumstances of Pervez Musharraf's sole ruler status since 1999, their opposition has more to do with his personality rather any disagreement of consequence on national issues. They have belatedly discovered Musharraf's illegality after taking the benefits of Parliament for nearly four years without resigning "on principle."

Musharraf has tried both delegation of authority and sharing of power since November 2002, a potent combination he derives, viz (1) from the post of COAS, (2) his own personality, (3) his penchant for taking important national decisions on his own, and (4) for trouble-shooting whenever our politicians need his services as a "referee."

Public perception being more potent than real fact one can forgive Musharraf for being somewhat surprised at the open letter protest by the 18 dignitaries for "democracy." Like in any democracy there is a parliament. The federal and provincial cabinets do function but, except for NWFP, they do not seem to do so quite so independently. His status as the arbiter of last resort, and the mass public belief that no decision can be taken and/or implemented without his sanction, makes him into what he does not want to be seen as, a dictator.

On the other hand, the PPP/PML(N) "Charter of Democracy," signed in London, reminds one of the ongoing drama in Bangladesh, an indicator of the shifting sands in politics. Two decades ago Gen Ershad shed his uniform in Bangladesh and entered politics full time. He ruled as a civilian president for over five years. Begums Khaleda Zia and Hasina Wajed then combined to oust the him from power and than jail him in turn.

Fifteen years later both are going at each other hammer and tongs while wooing him for the next elections. Whoever he supports will come to power, will the presidency be his reward for being the "queen-maker"?

The National Accountability Bureau (NAB) has done excellent work. If it had not been selective, Musharraf's rather benign rule would have easily escaped the label of persecution. There is hope yet, one former Lt Gen has been brought to book for his shenanigans at WAPDA. What about his cousin, a Maj Gen, to whom he favoured enormous tracts of land as adjutant general, particularly in Morgah?

His tenure has been quite benign, a free media has been functioning from the beginning of his rule, and the electronic media

has proliferated where previous "democratic" governments flatly refused to give permission. Media provides accountability, and that a military regime subscribed to it is refreshing. One feels much more at ease, in writing and speaking freely, than one did under the "democratic" political governments.

Explicit warnings have certainly been delivered from time to time, but they did not emanate from Musharraf. His "more loyal than the king" aides can be more vindictive. Remember Beckett, and what happened to him, at the hands of Henry II's knights, when he lamented, "who will rid me of this meddling priest?"

Perhaps the open letter, signed by distinguished citizens, could have been more neutral by mentioning in their dispatches, (1) the rampant corruption and nepotism seen during our "democratic" period from 1988 to 1999, and (2) with PPP in power PML (N) leaders faced persecution of the worst kind, whenever PML (N) acquired power they reciprocated in kind.

Those who were once part of the Musharraf regime do not have the same moral freedom as the others who signed the letter have. The same thing could have been said in private, or else individually. To align themselves with

Musharraf's opponents was neither called for, nor expected, from these good men who once served Musharraf "loyally."

To quote Shakespeare's Marc Anthony, during his funeral oration describing the ultimate dagger thrust into Julius Caesar by best friend Brutus, "this was the unkindest cut of all." Friends who are not really loyal will desert the ship when it is about to sink. Their timing is usually impeccable, they know when to start distancing themselves.

Do Gen Musharraf's former "loyalists" happen to know something that we don't? Destiny aside, and with apologies to Mark Twain, the rumours of Musharraf's imminent departure are greatly exaggerated. To secure their own objectives, the west may light any number of fires under his feet, but they need him for the foreseeable future, at least for the next five years!

Most friendships are formed during one's early years, usually without any motivation. As one becomes more affluent and/or powerful, acquaintances proliferate, but very few equal the quality of friendships of the early years. Musharraf's strongest qualities are also a great source of weakness for him. Given known indiscretions, and/or ineptitude, on the friend's part, he will very rarely turn away from a friend. His friendship is lasting.

Sometimes Pervez Musharraf errs in this, to his own detriment, and to that of the state. The principle of good governance enjoins a leader to select the best, even at the cost of loyalty to himself personally, as long as the person has integrity and is loyal to the state. The headiness of power must not prevent sifting of sycophants from loyal friends. Most

acquaintances have motivation and expectation, and as long as you satisfy those, or are in a position to do, so they remain "loyal." In matters of state, friends with ability and integrity are a great asset, those without such qualities are disasters incarnate when occupying seats of responsibility. The silver lining for some of his former "friends" signing the letter in question is that it will cause Musharraf to look at his associates that more closely, to distinguish friends from opportunists. Maybe he will also show the incompetent and inefficient the door.

My good friend, Kamran Shafi, has asked me to comment on the atrocious incident involving Brig (Retd) Mohammad Taj (SJ&Bar), my commanding officer during the 1971 war. Without any intercession on my part, the powers-that-be quickly recognised that immediate, and unqualified, apologies were mandatory. This was done without any reservations.

A higher calling prevents us from castigating the uniform that we once wore with great pride. Brig Taj was satisfied that his self-respect and honour were both redeemed and there was no need for overkill. The brave people who roughed up Brig Taj had never heard a shot being fired in anger.

Just imagine what could happen if such people came to power and we did not have someone like Musharraf around to rope them in! Mark my words, there will be military rule in Pakistan in the future. If some of us who are 60 plus are still around, we will all then collectively miss Musharraf.

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## Moment of truth for former president

**He is not anymore a deposed, or humiliated, president but is the uncle of the nation's future politicians, a would-be partner of the erstwhile foes and, above all, the newly found member of the so-called retired military family. In his prime age, General Zia regarded HM as a trusted and loyal man, and rewarded the repatriated general with the post of chief of staff. Now, Zia's son, with the consent of his mother, finds HM trustworthy again, and is considering him as the next president of the republic.**

DR MOAZZEM HOSSAIN

**T**HE way national politics has been unfolding, November 2006 onward is getting more and more uncertain and cloudy. No one dares to predict what kind of government we are going to have after next January. All eyes are now on former President HM Ershad.

It appears that he will return to the BNP-Jamaat coalition which he had abandoned immediately before the last general election. I would, however, like to pose a question to our readers in the beginning, how many of you realised, in 1990, that HM Ershad would be back in politics with the desire of becoming president again?

I did not. I presume that even the former president was not sure

about his meteoric rise in recent months. There is no point in dwelling on why this is the case, but the truth is that HM Ershad is here, and it looks like he is going to be here for some time to come (of course all depends on his health conditions since he is approaching 80) thanks to Begum Zia's generosity.

HM Ershad, when he forcefully captured power from an elected government in 1982 (BNP government led by Justice Sattar), was in the prime of his life and had just crossed fifty. He ruled the nation for nine years. Bangalees' appetite for liberal democracy threw him out of power in late 1990.

Liberal democracy, after fifteen years, still remains a dream for the nation. This time it is not his military might which has brought

him back to the spot light, but the politicians who had so ardently brought him down almost fifteen years back.

He is not anymore a deposed, or humiliated, president but is the uncle of the nation's future politicians, a would-be partner of the erstwhile foes and, above all, the newly found member of the so-called retired military family.

In his prime age, General Zia regarded HM as a trusted and loyal man, and rewarded the repatriated general with the post of chief of staff. Now, Zia's son, with the consent of his mother, finds HM trustworthy again, and is considering him as the next president of the republic. Indeed, what a star the former president is blooming into!

If the readers look closely at the newspaper reports, nowa-

days, they will notice that many commentators have already made HM president (without giving a serious thought), as if BNP-Jamaat-JP together will certainly win the next election. However, it is certain that HM will bargain for the position of president if they win. Do you think Begum Zia would like to work under Ershad? As they say, there is no last word in politics and, maybe, for the sake of the power, she might do so. If she does that it will be the last nail in BNP's coffin.

As we have seen, during the last five years, she has been at odds with Jamaat at times. Jamaat-e-Islami has gained more political ground over the last five years than the BNP would like. Many commentators argue that to face Jamaat in the cabinet the next time (if she wins) she needs additional force, and that force must be drawn from all the splinter groups of the original JP.

In doing so, she must also be mindful about her son's future in politics. In recent days, HM denies the allegation that he had something to do with the killing of late President Zia, but the fact is that he cannot deny that he failed

to save Zia. On top of that, HM captured power from a trusted man of President Zia. If President Sattar had the opportunity to complete his term, history would have been written differently. Of course, Begum Zia knows that very well.

Why is HM so desperate to become president again?

HM Ershad, although a retired general, loves to connect with the ordinary people in plain language. We do not recall any harsh words from him, either towards Khaleda Zia or Sheikh Hasina, in the last fourteen and a half years even though both the leaders had put him (on-again-off-again) in jail during their successive regimes.

However, in the past, one can recall that HM has been unkind towards the former president, Justice Shahabuddin Ahmed. Everyone knows why HM dislikes Justice Shahabuddin. It is Justice Shahabuddin who took over power from Ershad to form the caretaker government in 1990. HM's last wish to the winning leader would be to get back his lost position. One wonders, how can Khaleda Zia ignore such a desire of the newly found

partner?

Having said that, one can see clearly that our two leaders (former president and sitting prime minister) are faced with a huge dilemma to solve the puzzle surrounding the JP (Ershad) joining four party coalition.

Taking first the dilemma of the PM. Practically, it would be very hard for her to share power with the former president if she wins again. If the last five years are a guide, her reputation as an uncompromising leader has been damaged, not only among the ordinary voters, but also among her own party men and women after she extended too many concessions to Jamaat-e-Islami from 2001 onwards.

She cannot afford to risk damaging her image further by providing concessions to her erstwhile formidable foe for the long term interest of the party. Besides, Jamaat and JP (Ershad) do not get on well as partners, as was seen earlier (it does not matter what the BNP secretary general says to cover this up). Ultimately, what Khaleda Zia does this time remains to be seen. In the past she had made lots of U-turns as far as the JP

(Ershad) is concerned.

In the case of the former president, the dilemma is even greater. How is it possible for HM to trust his enemies of thirty years who have been extending the hand of friendship only during the election time. Begum Zia did not keep her word during her two terms. We know that the former president is indeed a formidable opponent. He is almost the only person, in the history of deposed presidents/prime ministers of the world, who was brave enough to refuse exile and stay back home, knowing well the risks involved.

It is true that many of his close aides had abandoned him over the years, but he had the courage (he claims he is a soldier) to face the consequences. Unfortunately, this time HM is no longer young. If he ends up in jail again it will break his heart to the extent that he might not be able to recover again. If he joins BNP-led coalition and does not win, the winning party will not hesitate to put him in jail again, against the court cases that are still undecided. It is indeed a huge dilemma for the former president whether to join, or not to join, the BNP-led coalition.

From an outsider's point of view, the former president should work towards a legacy during whatever time he has left. Now is the opportunity for him to show the nation that he is genuinely sorry, and beg for mercy from the Almighty for his deeds during the nine years of his presidency.

It is needless to say that every politician would like to leave behind a legacy for the next generation. What legacy for HM Ershad? A ruthless dictator, or something else? The moment of truth has arrived for the former president, whether to become a puppet president, or to stand tall behind millions of his followers to propagate their causes further?

Finally, it is now certain that Begum Zia and HM Ershad have become politically bankrupt. By all means, to see the game unfolding in such fashion is too painful for two new generation politicians: Tareque Zia and GM Quader MP. Certainly, both Khaleda Zia and HM Ershad have spoiled their dinner.

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