

Apprehend the outlaws

Trace the leaders and close the chapter

THE killing of outlaws following gun battles with the members of the law enforcing agencies continues to hit the media headlines. It is with a touch of disquiet we note that the more the activists of certain outlawed factions in the northern and south-western regions of the country are killed, the more they seem to materialise from nowhere, only to be eliminated by the police or the RAB. We wonder how long this never-ending cat and mouse game will continue.

The latest incident took place in Pabna district in which 11 outlaws supposedly belonging to Janajuddho faction of Purba Banglar Communist Party (PBCP) were brought down by a contingent of RAB and police after a fierce gun battle. The encounter continued for over two and a half hours with both sides trading bullets at random. The area where the fight took place is known to be infamous for harbouring the cadres of PBCP, who often swoop down on the villagers to loot and plunder.

Since the attention of the administration is presently focused on apprehending the leaders and activists of the banned Islamist militant groups, the activists of PBCP and similar other factions seemingly have been reinforcing their strength. It is alarming piece of information that as many as 50 PBCP armed cadres had gathered in the area to carry out unlawful activities of enormous proportion, which has been successfully foiled by the police.

The incident of Thursday amply suggests that these elements remain very much armed and active in the pursuit of their agenda, the details of which are not clear to the citizens as a whole. We strongly feel law enforcing and intelligence agencies of the country ought to go deeper into the malaise that has manifested in the shape of Janajuddho and give full effort to trace their leaders and close the chapter once and for all. This outfit and some other smaller factions operating in the remote areas in the northern region cannot go on creating law and order situation for ever.

Water logging in DND area

Remedial measures brook no delay

WATER logging through waste dumping or otherwise has been going on within the city and its adjoining areas for long. Of late it is taking a serious turn in the low-lying Dhaka-Narayanganj-Demra (DND) area threatening the environment and living of people in a vast swathe of land.

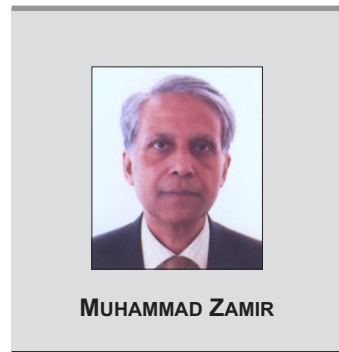
In the meantime, officials of Narayanganj district administration, Dhaka City Corporation and Narayanganj municipality have clearly stated that waste disposal of the localities is not their responsibility. WASA and WDB engineers have already warned that the area will face permanent water logging soon as clusters of small plots are developed with low cost housing or other structural projects.

Apparently an attempt was made some five years ago under the Dhaka Metropolitan Development Plan for proper development of the area, but in the face of stiff resistance from hundreds of private landowners, the initiative had to be abandoned.

Water logging in the DND area can still be tackled by installing suitable pumping devices for draining out stagnant waters. Experts maintain that proper and effective measures should be taken without any further loss of time lest the entire place is filled with concrete structures. It is also observed that if timely action is not taken the rise in the water level might breach the dyke.

As much as the filling up of various lakes and water bodies within the city limits remains a grave concern it must be said that the magnitude and consequences of water logging for the DND area are far too formidable to be dealt with in a casual manner. It should also be remembered that the people of the locality belong to a comparatively poorer segment of the population in contrast to city dwellers living in and around Gulshan/Baridhara Lake and other areas of the metropolitan city. We therefore strongly urge the various agencies of the government to combine all their resources and do all that must be done to save the people of DND area from an impending disaster.

EU's efforts to curb Islamophobia in Europe



MUHAMMAD ZAMIR

THE latest round of anti-terrorism efforts in London and the subsequent release of two practicing British young Muslim men from police custody have raised anxiety among the Muslim population in Europe. Since then, several workshops have been convened and rounds of discussion held among community leaders to try to understand the causes for possible suspicion and how to bring greater understanding between the host and the Islamic community.

One such seminar was held in Brussels by the European Policy Centre. A critical review tried to ascertain whether Muslims were able to live quietly and practice their religion without external threats. This analysis was undertaken against the background of existing EU anti-discrimination and racism laws. The effort was positive in nature and tried to discover least common denominators whereby Muslims and non-Muslims could be brought together to discuss relevant issues.

In this context, Professor Jocelyne Cesari, Research Fellow, National Scientific Research Centre, Paris and Harvard University, referred to the research carried out

POST BREAKFAST

The most important issue that needs immediate attention is the creation of a level playing field. In this context, we must not forget that more than one person involved in recent rioting in British and French cities mentioned that "Muslims don't want special treatment, they just want equal treatment". In this regard, it might also be useful to consider whether positive discrimination should concentrate on ending negative discrimination at the grassroots, not pushing for changes 'at the top' of society.

by the Euro-Islam Challenge programme into 'the myriad discrimination facing Islam and Muslims in Europe.' The research looked at four particular aspects of the problem:

(a) Muslims as immigrants and outsiders in Europe;

(b) Muslims as an underclass which lags behind other social groups in employment, housing and education;

(c) 'Islam' as a heterogeneous group, covering diverse religious practices, ethnic groups and cultures, and spanning many continents and practices. This aspect also included some practices, such as forced marriages or honour killings, though they are not part of the religious doctrine of Islam; and

(d) The constraints placed on Muslims integrating into European society by the 'war on terror' and the fact that they are kept under close scrutiny as potential 'foreign enemies.'

The study found four areas, because of which, discrimination might possibly occur:

(a) The legitimacy of Muslim culture and religious practice is now under careful scrutiny. Since 9/11, the UK, the Netherlands and certain Scandinavian countries have

replaced their multicultural policies based on diversity, with an approach that emphasises the importance of retaining Europe's 'core values'. This study also found that the clash between different values occurred at the 'lifestyle' level – in relation, for example, to issues such as homosexual rights or freedom of expression – rather than the political level.

(b) Muslims are facing particular problems during the immigration and naturalisation process. The study felt that new policies were now limiting the numbers of Muslims being allowed into Europe. In addition, many countries were introducing immigrant entry tests, which were being interpreted as being 'geared to keeping out immigrants from Muslim countries.'

(c) The ongoing 'public discourse' about Islam had revealed that anti-Muslim policies were being advocated not just by right-wing political parties but also by mainstream political parties.

(d) The research also looked at the role that European intellectuals play in propagating Islamophobia, and concluded that writers like Michel Houellebecq and Oriana Fallaci had actively contributed in this regard.

I must admit that I was not very surprised with the conclusions of the report.

Analyses of the criticisms leveled at Muslims today suggest that they are almost similar to some of the unfortunate allegations made against Jews in the 1930s in Europe. In contemporary Europe, Muslims today in many countries, appear to be at the receiving end of false accusations by extremist parties of double loyalty and "double-talk" and of pitting their commitment to their country against their religion.

From this point of view it is heartening to note that efforts now appear to be underway within the EU to try to face this growing problem with a sociological lens.

This approach is important and needs to be undertaken with seriousness. There are legitimate issues that need to be addressed. The significant among them are:

(a) Europe's policies for pursuing the 'war on terror' must not demonise Muslims as "the enemy" or leave them feeling alienated;

(b) The problems that some Muslims face in integrating into European society are often the result of socio-economic factors. This should not be misinterpreted as

being due to their religious beliefs;

(c) European policymakers agree with the presence of Muslim immigrants to fill skill-shortages, but are not willing to accept the natural consequential loss of European values within the community. This has been reflected in the clash over cultural norms that have since been transformed into religious icons. Wearing headscarves and the possible clash of values (the Danish cartoons) should not be used as a pretext to exaggerate the differences between Muslims and non-Muslims or to accuse Muslims of thinking differently.

I believe that the Europeans need to move from a revolution of fear to a revolution of trust. It is only this, which will enable the Europeans from the host community to come together with the 'new' Europeans, and to discuss with them freely and with an open mind the reality of Islamic ideas and practices.

There is no doubt in my mind that Islamophobia is incompatible with European values. There has always been keen interest in Islam in Europe. The interaction between Christianity and Islam, and their associated cultural and sociological values have been the subject of research for many centuries.

Today much of the work required in the EU's fight against Islamophobia is carried out by the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna. In fact, they are presently preparing a report on Islamophobia in Europe. This will hopefully be published later this year. It is anticipated that this will be followed up with a number of initiatives subsequently next year.

On paper, the EU has also agreed on a range of directives designed to prevent Islamophobia. This includes

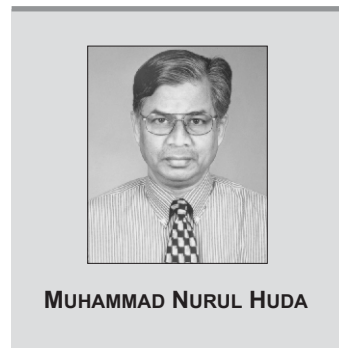
measures to combat discrimination in employment, ban on incitement to racism in European television programmes and also a directive designed to protect people against legal injustice and racist crime. To facilitate this process, and to underline its determination to fight Islamophobia, the EU has decided to make 2007 the 'European Year of Equal Opportunities for All' and 2008 the 'European Year of Multicultural Dialogue'.

These decisions are very encouraging. However, the most important issue that needs immediate attention is the creation of a level playing field. In this context, we must not forget that more than one person involved in recent rioting in British and French cities mentioned that "Muslims don't want special treatment, they just want equal treatment". In this regard, it might also be useful to consider whether positive discrimination should concentrate on ending negative discrimination at the grassroots, not pushing for changes 'at the top' of society.

This discussion would not be complete without reference to the role to be played by Muslim intellectuals in the environment of Europe. They should engage themselves in evaluating the evolving attitudes within the community. This will facilitate the removal of negative perceptions and encourage broad understanding. They should not be afraid to ask questions and should pursue the option of building mutual respect on the basis of universal principles and shared universal values.

Muhammad Zamir is a former Secretary and Ambassador who can be reached at mzamir@dhaka.net

Constitutionalism, watchdogs and all that



MUHAMMAD NURUL HUDA

ALL sane citizens would perhaps agree that in Bangladesh there is a pressing need to recast the shape of the main institutions. No citizen may dispute the accomplishment of the prime objective of providing a stable government, tackling corruption and protecting basic human rights effectively. It thus follows that to achieve these goals, the importance of having firm and capable watchdog organisations would not be a matter of debate.

Understanding constitutionalism

A democratic society would need the services of the watchdog organisations if it is committed to ensure constitutionalism. To start with, there is the paramount necessity of building awareness about the essentials of constitutionalism as part of a democratic system of government. We have to be sure if we want to break with the unsatisfactory practices of the present and the immediate past and may be before that and anchor certain principles that could be strictly enforced. Do we, at least theoretically, want to ensure that reversion to corrupt habits become difficult?

The pragmatic but unpleasant information is that political power residing in people, in actual practice might turn out to be potentially dangerous and destructive especially in a third-world scenario. The expectation of substantial confor-

STRAIGHT LINE

Constitutionalism is actually a degree of self-imposed restraint which should operate beyond the text of the constitution, especially on the part of practicing politicians and public officials. We can establish real constitutionalism when political behaviour is actually restricted within certain boundaries. The moot point is that both government and opposition must be equally committed to shared principles of constitutionalism.

my with the rules is a massive challenge. Let us not forget that the rule of law was the fruit of political conflict stretching over many centuries. Therefore, constitutionalism would require that any exercise of political power shall be bounded by a system of higher order rules.

The aforementioned higher order rules would determine the validity of legislative and executive action by prescribing the procedure, according to which it must be performed, or by delimiting its permissible contents. These rules, in situations like ours, need to be in the form of directions/prohibitions incorporated in a basic constitutional instrument, disregard of which may be pronounced ineffectual by a Court of Law. Constitutionalism becomes meaningful when institutions acquire sufficient teeth to curb arbitrariness of discretion and are respected by wielders of political power. It is also manifestly facilitating when there are forbidden zones upon which authority may not trespass and there are visible enjoyment of human liberty.

In Bangladesh, it is time that we seek to establish different forms of accountability not simply through a system of elected government but by placing restrictions on the power of the majority. We need to think of constitutional court to set legal limits on the exercise of public power and formal financial accountability in public affairs. We should frame rules that embody a defensible constitu-

tional morality which accords with principles of good governance.

Watchdogs and cultural dimension

In Bangladesh, patron-client relations have come to embody a deeply ingrained set of complementary values. In fact, the stability of our society has not been largely dependent on questioning the authority of those further up the hierarchy. In our situation, the effectiveness of watchdogs headed by a government appointee has been called into question. Once in post, rather than insisting on performing statutory obligations to investigate and prosecute ministers and officials, the person in question has been alleged to be inclined to defer to superior authority, deriving from the patronage of the government.

It has been alleged that we have a relationship pattern that unites politics and economics. To be specific, on the part of the patron, political influence or power ensures access to wealth and the client providing the services that contribute to the patron's wealth. The client has his share in the proceeds. It is a symbiotic relationship where each needs the other to obtain the benefits that both receive.

The above informal relationship that requires associates paying each other in kind for favours rendered essentially runs counter to the traditional and formal concepts of constitutionalism. In our election

system it is not unusual to come across situations where votes have been cast in exchange for a personal commitment arising from financial reward. It would not be a travesty of truth to comment that many Bangladeshis do not have the opportunity to vote to secure the achievement of wider community goals due to the securing of calculated gain at election time in the form of cash hand outs.

Emergence of contracting state

Bangladesh is slowly but steadily moving towards a type of 'Contracting State'. Such movement attempts to reduce the size of public sector and also by privatisation of State run industries. The objective is to improve the efficiency of delivery of such services to the citizen by exposure to market forces. This process of contract making expands the interface between bureaucratic organs of the State and elected politicians on one hand and private sector organisations on the other. Such developments increase the potential for conflicts of interest to arise in the award of such contracts. This is problematic because elected politicians in the government have strong business connection and involvement. In such a situation the task of designing effective constitutional accountability mechanisms are rendered more complex.

Independence of

watchdog bodies

In Bangladesh, unfortunately, the efficiency and integrity of constitutional bodies have been questioned. Some quarters have raised serious reservations about the selection procedure to such bodies. The allegations, accusations, innuendoes and insinuations, whatever one may call cannot perhaps be ruled out or summarily dismissed for reasons better left unsaid.

Our political establishment may not be very sensitive about the not-very-justifiable criticisms leveled against the constitutional bodies and as such may not react positively but the compulsions of a true democratic polity dictate that we turn such bodies into truly credible institutions worthy of drawing respect from the people. Consequently, we can think of appointing the Election Commissioners through a selection committee representing the judiciary, representatives of political parties, nominees of the President of the Republic, distinguished academics and eminent citizens, to start with? The procedure of submitting nominations and selection through voting by the members of the aforementioned selection committee may be sorted out through consultation. The final appointments may be confirmed by the Chief Justice of the Supreme Court or by the President of the Republic. Similar arrangements may be made for selecting members of the Anti-Corruption Commission and the proposed Human Rights Commission.

If we are desirous of an orderly and accountable democratic polity then the watchdog bodies have to be headed and presided over by suitably qualified and well respected individuals of integrity and thus there should be very stringent criteria that are required to be fulfilled by potential candidates for consideration to all constitutional posts.

To secure the independence of the watchdog bodies their funding allocation and organisational structure deserve special consideration.

The setting up of each watchdog body should necessitate the establishment of distinct office and administration which is not dependent on any part of the executive through a government department. The bodies should be institutions in their own right and should form a unique structure to enable it to perform its statutory duties. There should be autonomy in the way the body organises its personnel, administration and budget. Such bodies should report to the Parliament on the results of their activities.

The above bodies have to operate within a budget limit that will be approved by the Parliament. If such working parameters are worked out, then the constitutional bodies will have the scope to determine their organisational structure, the conditions of service and salary of the staff including the Commissioners. Constitutionalism is actually a degree of self-imposed restraint which should operate beyond the text of the constitution, especially on the part of practicing politicians and public officials. We can establish real constitutionalism when political behaviour is actually restricted within certain boundaries. The moot point is that both government and opposition must be equally committed to shared principles of constitutionalism.

If we do not want violent street protests to precipitate a constitutional crisis then our politicians have to be genuinely committed to structural reform and wealth redistribution in our distressingly unequal society. Unfortunately, our democratic process has precious little to offer to the overwhelming majority of voters apart from the scattered pay outs at election time. The compounding tragedy is that politics is a means of livelihood for many here and the rich and the powerful do not face the threat of being sidelined from the political process, as yet.

Muhammad Nurul Huda is a former secretary and IGP.

OPINION

What we say we do not really mean

KAZI ALAUDDIN AHMED

NO man can, for any considerable time, wear one face to himself, and another to the multitude, without finally getting bewildered as to which is the true one." This was how Nathaniel Hawthorne (1804-1864), one of the most distinguished novelists that America has produced, described the typical feature of a hypocrite. This thought-provoking reflection has indeed been a universal yardstick for measuring personal integrity of any individual. In our perspective the import of Hawthorne's description of a hypocrite is more than conspicuously evident. Exceptions to this incongruous rule are of course there. But they are unfortunately in a microscopic minority.

By the way, it may be pertinent to note here that the word 'hypocrite' is a derivative from 'hypocrisy'. They are mutually complimentary signifying deceit. Perhaps it was in the Greek mythology this intriguing character 'hypocrite' was a man

who stole the livery of the court of heaven to serve the devil' (Pollock). Whatever it was, for centuries now the human race continues to be both in the role of witness and perpetrator of many a deceitful act.

Misleading the lesser ones by deception and tricks, either by words or by acts, has been a favourite pastime of a fairly large number of our politicians. It has turned out to be an almost perpetual malady with many of them to make impulsive remarks about their political adversaries and promises to their respective constituency during election campaign for cheap popularity. Many of such pledges remain unfulfilled or totally forgotten. Instantly, we have one of such example of unredeemed promise to the primary teachers made by none other than the incumbent chief executive. We have the reminder from the teachers in movement in the city streets.

For the last several months the 14-party alliance led by Awami League are also in the streets with

demand for reform of the caretaker government and the Election Commission. In the latter case, there has been a persistent demand for removing the present Chief Election Commissioner and the Election Commissioners who have been caught off-foot for their unwholesome and controversial activities. Things have very rapidly come to such a pass that even some of the senior ministers of the present government expressed their concern endorsing the demand of the opposition for their immediate removal.

The reform proposal thus launched by the AL-led 14-party alliance very soon received support of the Supreme Court Bar Association, representative bodies of the civil society, many other professional organizations and members of the general public. In the face of a brewing commotion over the reform proposal it was good to see the Prime Minister making an apparently unambiguous statement in the parliament during its recently concluded session wel-

coming a dialogue between the government and the opposition. The envisaged dialogue was proposed to be held by a committee representing the two entities. Yet it couldn't take place because of opposition refusal to sit with anti-liberation war criminals forming a part of the committee representing the government. Still then, the initial promise of the PM to resolve the issue was taken for a good augury.

Truth is stranger than fiction. So goes the universally acknowledged dictum. Notwithstanding the present rift over the composition of the committee representing the government, the statements of the Prime Minister subsequently in public meetings have been conveying an altogether different message. In her public meetings she keeps on telling her listeners that the reform proposal of the opposition is nothing but a hoax to preempt their ultimate defeat in the 2007 election. She adds that the opposition 14-party alliance led by Awami League, having realised

that they have no ground beneath their feet and that the whole nation has already rejected them, are taking to meaningless protest. Their reform proposal, she tells her listeners is an unnecessary play at creating disaffection among the people.

Concurrently, she keeps on harping on the old tune, giving out a host of over-used stale rhetorics. She tells us very frequently that the opposition (with pointed reference to Awami League) is constantly conspiring against the country and is all out persistently to undo the tremendous achievements of her government. That her government has ushered in a deluge of development and out of sheer jealousy the Awami League is creating chaos and law and order situation to mislead the people. At times, she even alludes to some alien force, without specifying any one, who, in her considered opinion, is working in collusion with Awami League to grab power.

One has to believe that she very strictly adheres to truth. That very

point makes it both morally and legally obligatory on her part to substantiate the allegations with universally acceptable evidence and proof. If she cannot, it shall be wise for her to refrain from such untenable castigations against her political adversaries. That will elevate her image all the more than she can now imagine. This is, in my estimation, an irreversible lesson applicable to all. Sheikh Hasina, the leader of the opposition is also not excepted from rigidly adhering to this sacred dictum to be truthful.

Finance and Planning Minister M Saifur Rahman, coming by the heels of his leader in the cabinet has indeed a good sense of humour. The nation-wide glamour against the highly controversial role being played by the CEC MA Aziz most surprisingly provoked resentment of quite a few senior ministers. Mr Saifur Rahman has been one of them. Among others, he expressed his annoyance with the manner of spending public money by the CEC on voter list preparation. He added that no additional

fund could be given before he was satisfied with the statement of expenditures, their genuineness etc. The CEC, in his reaction, practically challenged the observation of the minister and very emphatically said that he was not asking for fund from any individual and that the government was 'bound' to provide the required fund. On return from Tehran the Finance Minister was seen to have lost all his steam and confirmed that the required fund was being provided to the CEC. The secretary of the Election Commission spoke to the press about the difficulties experienced by the EC due to fund constraints and that the Election Commission might even go to court to obtain release of necessary fund.

Besides, three other ministers, namely Abdul Mannan Bhuiyan, Barrister Nazmul Huda and Barrister Moudud Ahmed expressed, almost simultaneously, their reservation about the queer role being played by the CEC. Barrister Nazmul Huda was very clear in his

suggestion that the CEC could do better to step down voluntarily in view of the massive demand of the people. But now they are all in grim silence about what they felt yesterday. Words coming out from their lips now are again spectacular examples of retracting, evidently under compulsion from the top. On this, we have had already express corroboration from two other ministers, MK Anwar and Barrister Aminul Haque, after they visited the CEC recently. Both of them were of the opinion that CEC was doing his job in the 'right' direction (!)

The prospect and possibility of any dialogue on the reform proposal of the 14-party alliance, as envisaged by the prime minister herself in the JS can thus be treated as closed sine die. It is confirmed again that what we say we do not really mean. Let us now prepare ourselves for an irreversible crisis.

Kazi Alauddin Ahmed is a management consultant.