

Why I petitioned for Dr Yunus to be in politics

ASIF SALEH

TWO days after Dr Yunus got the award, I started a world-wide collection of signatures, asking political parties and Dr Yunus to accept a formula whereby he could be the caretaker government chief to avert the country from immediate crisis.

While the signature campaign got momentum fairly quickly, criticisms were plenty against that move. For better or worse, it generated a lot of passionate and intense debate. One thing that came out of that discussion quite clearly was that Dr Yunus is now considered a national treasure that all of us, regardless of our affiliation, now want to fiercely protect. Because such treasures are so rare in this country, we are arguing on how and where to use his leadership skills. This article will try to address some of the concerns raised in that criticism and at the same time offer some thoughts for the future.

Before addressing that criticism, a bit of background information on the petition. Before writing it, I had a discussion and debate with a few about the merits of it. Initially, I was not for getting Dr Yunus into the political arena for the same selfish reason of protecting him. I thought the best role for Yunus would be an Ayatollah-esque role in the country - the much needed moral authority who would remain above the fray but could have a very influential effect on our policy making. After some intense discussion, however, I was convinced that we desperately need him in politics. In fact, I decided to aggressively pursue a petition campaign hoping to influence the ongoing dialogue between the two parties.

The long-term goal of the petition was getting Dr Yunus involved in Bangladeshi politics. However, we figured that if we asked him to join politics now, leaving the stature and the laurel of the Nobel, it would be asking too much of a sacrifice for him. We needed a way for him to show his political acumen in the shortest span of time with a limited set of goals.

Serving as the head of the caretaker government chief (assuming

that the ex-judges were embarrassed to take the responsibility and the parties nominated him) served multiple purposes towards that aim. It would have solved the current impasse and it would have given, for better or worse, a glimpse towards a future Yunus administration. This would have given both him and the public an idea of how effective he would be in government.

From the hundreds of reactions I got from the petition, the people who complained to me about the petition, have mainly shown three reasons for their position against it. They are stated below, followed by my commentary.

Politics is dirty: Most people said that the politics in Bangladesh is dirty and a clean person like Yunus has no business in it. In a perverse sort of way, this means accepting the current state of politics as our destiny. Carrying this logic further on, it means politics in Bangladesh should be done by thugs and thieves and the most corrupt so that the good guys remain busy in eradicating poverty and cleaning up their mess in a "non-political" sort of way.

But, while certain apprehension about losing our precious gem in the mud is understandable, to realise any country's true potential, good governance is an absolute necessity. While politics in Bangladesh has not evolved and has become bankrupt, it is no fault of politics itself -- but of the politicians. It is imperative for any country to sustain a politics of good governance for growth.

Dr Yunus himself saw the need for it back in April with his "clean candidate" speech. So, in essence, the most trusted, sincere, non-controversial person is willing to take on the problem head on. With his can-do approach, I for one would be fully willing to lend him a helping hand in this.

It is fruitless to keep him on a pedestal and worship him if he cannot implement any of his visions. The need of the hour is an inspirational leader who can inspire people to think differently and who can clean up our politics as usual. We are very fortunate that the leader has arrived and more importantly he

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is willing to lead. Let's try to keep him away from partisan politics and bickering, but let's get him into the retail politics where people's voices are heard.

Keep him non-controversial: It was said that it is very important for Yunus to remain "non-controversial." The argument is that since he is one of the only few remaining people in Bangladesh today who is beyond controversy, why subject him to the vicious vitriol of politics. Often comparison was drawn to Justice Shahabuddin to show how his name was made controversial by the Awami League.

The proponents of this argument assume that the Bangladesh's

average citizen is ill-informed and takes the word of the political parties as gospel. If the recent Nazim Kamran Choudhury statistics are any guide, the sum of the core base of the two parties has come down to about 40% of the voting population. The well informed voters of today are disenchanted with politics as usual and the acceptability of Dr Yunus is much larger than that of the current political parties. So controversy created by the interest groups or political parties will not hold much water unless it has substance.

Not in caretaker: The third argument was against his role in the short-term government. It was said

that it would be impossible for him to change anything in three months being a caretaker head. The head of the caretaker has no power because most of the fixes in the administration have already taken place and unless the Election Commission is strengthened, the head of caretaker government cannot turn things around that much. Also, the problems in Bangladesh are so deep and the institutions are so weak that it is impossible for one person to change things around so quickly.

Of the three arguments mentioned, this one definitely has the most credibility and weight in the present scenario. There is a lot of

house cleaning to do and institutions to be rebuilt. Dr Yunus needs much longer time and strength for that. Neither did I think that it was possible for him to do it in three months. But I figured that in taking up this duty, he could get his hands wet in politics, he could defuse the current political crisis, and he could also plant the seed for any future political movement that he wants to start. An efficient Yunus administration in action would be the best way to advertise any future movement of a new kind of politics in Bangladesh.

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excited about his willingness to form a political party. It is commendable that he has realised that it is not possible to fix politics with a top-down approach. He needs to be in the system and work from the grass-roots to make a change. While he said the preparation for the possible new party is a long-term process, I would still encourage him to choose at least five seats in the coming election and nominate independent candidates endorsed by him to capitalise on the new excitement and tidal wave of good publicity that he is getting. I can tell that the existing parties would have every reason to be nervous about this movement. However, what we worry about is his security and safety. He will indeed be in the bad books of a lot of interest groups and the religious right. Will they let him live in peace?

If you are a Bangladeshi, regardless of which part of the world you are in, you know the recent excitement among us is palpable. While we are worried about the current political climate, the Yunus "marka" light at the end of tunnel is giving us a lot of hope. Suddenly everyone is working an extra bit harder for Bangladesh.

A few weeks ago, when Saber Hossain Chowdhury was beaten up by the police, I wrote that the good guys were taking it lying down in Bangladesh while the bad guys were having an all you can eat feast. Just one announcement from Oslo changed a lot of this. Good guys now are vindicated and have a role model. Talking about the real people is in vogue again and there are fantastic debates on the future direction of Bangladesh that are taking place. What a welcome change it is!

Let's celebrate this win but celebrate it with a resolve to do our own bit in making a difference, just like Dr Yunus did. I would like to finish with a note from an inspired friend who talked about her dreams that just a few weeks ago were impossible to think about.

Imagine these headlines from *The Daily Star*, 15 years from now in 2021.

• Bangladesh has been named the best performer for improvement in

the human development index.

• Independent Anti-Corruption Commission has charged finance minister with graft and the minister has resigned with disgrace.

• After successfully tackling corruption and poverty, the Yunus led Grameen Jote administration has declared improving healthcare as their biggest priority for the next two years.

• When asked what they would like to do in the future, a surprising number of students this year have said they would like to join politics after graduation.

• For the fifth year in a row, Bangladesh's standing in the most corrupted country list has improved dramatically.

• In a lively exchange in the parliament yesterday opposition leader and shadow prime minister Saber Hossain Chowdhury passionately appealed for a change in policy regarding decentralization of administration and appealed for common sense approach. Some ruling party members express unhappiness and are planning on voting with the opposition on this bill.

Can you picture this wonderful image of that newspaper edition? Do you see now the need for decent people returning to Bangladesh politics again? A wake-up call to the existing political parties: adopt, update your politics, or perish. Stars have aligned, the timing is right and we are ready for you, Dr Yunus.

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Discussion on this issue can be found at <http://www.dristipat.org/blog/2006/10/16/should-yunus-be-in-politics/>.

Should Justice Hasan express embarrassment?

MAS MOLLA

JUSTICE KM Hasan is our last retired chief justice. I have full respect for him because he has a good track record in the judiciary and has so far been widely acclaimed. Nobody cast doubts on the appropriateness of his legal proceedings. He was a very successful interpreter of law while serving as a Supreme Court judge, and successfully completed his highest office in our judiciary.

I have no question about his reliability or neutrality in performing the duty as the chief adviser to the caretaker government (CTG), if appointed as such in a few days. I supported him in my article, captioned "No to the CEC's Emphatic No," in the *Bangladesh Observer* published on June 8, where I wrote: "The major opposition has reservations regarding the sincerity of Justice KM Hasan, and the government parties hope that the

new chief adviser will help them win. But I request both the groups to recall Justice Latifur Rahman, whom the AL trusted before he reshuffled the top administration, for holding a reliable election."

I noticed that Justice Hasan felt "embarrassed" at hearing the Bangabandhu murder case simply because one of the accused was a relative of his. That was significant evidence of his neutrality. According to Article 58C (3) of the Constitution of the People's Republic of Bangladesh, the president will appoint him the chief adviser on or after October 27. As I said before, I have full personal trust in his honesty and ability.

I realize that serving as the chief adviser is a very respectable job. Although the CTG is not an elected body, its popularity is much more than our elected governments. My assumption can be tested by a sample poll, or even by a referendum! The

general mass would be very happy if any of the CTGs was leading the nation, even for a full five year term. The position of chief adviser is Justice Hasan's constitutional privilege (maybe liability as well), and is of high esteem, even if not a lucrative one financially.

However, the major opposition 14-party combine's reservation has, by now, transformed into their number one demand: he should not be the chief adviser. Their allegation is that Justice Hasan was a BNP man in 1979, and has been rewarded by that party in some way or the other. Therefore, my personal trust in him is now insignificant.

The major opposition 14-party combine is so adamant that they are reluctant to talk on other points before the 4-party alliance makes a move for Justice Hasan's forgoing the chief advisership. Justice Hasan surely knows that justice should not only be done, but it should also be seen to be done.

It is now time for him to prove again his neutrality and honour as our respected last retired chief justice. How can he do that? The majority of people think that he can say no to serving as the chief adviser. The latest news (still unconfirmed) is that the leaders of the 4-party alliance and the 14-party combine (that would be on equal footing from October 28) both would request him to say no to serving as the chief adviser. So why doesn't he simply say no before the leaders request him?

However, the question that arises is that since the president has not yet invited him to serve as the chief adviser, how can he say that he is not interested in serving? If this question is in Justice Hasan's mind, then he is very right. If he has made up his mind that he will regret when (maybe on October 27 or 28) the president invites him, then it is a good decision.

But still there is a problem in that. The people are very anx-

ious to see the stalemate broken, and the problem solved before October 27, preferably October 23, the day fixed for the next dialogue between the two general secretaries (or will that be between the two chief leaders?).

If he says no on October 27, finding the next person, according to Article 58C (3) second paragraph or Article 58C (4) or 58C (5) of the Constitution, may be delayed, and the blame for this delay has to be shared by both Justice Hasan and the BNP.

So what's the way out? The way the two major groups of political parties are pulling and pushing Justice Hasan, I think he is feeling embarrassed at heart. Therefore, the way is to get out! Justice Hasan can just express the embarrassment that is very much in his heart.

Expressing embarrassment does not require invitation from the president. If he can do this boldly, the political ball will automatically reach the politicians'

court. Then they can play with it in their way. However, the time is now such that they would not be able to play a foul game anyway.

If Justice Hasan fails to show courage in expressing the feeling inside him, then there is a chance that many will see his embarrassment in hearing the Bangabandhu murder case as being politically motivated, just to delay the process of justice in that case. Thus, he would lose the honour that, so far, seems deserved. The 4-party alliance's sticking to the point so firmly may then appear to the public eye as a tactic to have some edge over its competitor in the ensuing election.

The Constitution would not be disregarded if the chief adviser is appointed according to Article 58C (3) second paragraph, or Article 58C (4), or 58C (5) in place of 58C (3) first paragraph.

MAS Molla writes on social issues.

Error in the new electoral arithmetic

WALIUL HAQUE KHONDKER

I usually read *The Daily Star* on the internet, and the other day I was attracted to the article: "A New Arithmetic" by Nazim Kamran Chowdhury while I was going through the post-editorial of Zafar Sobhan on the same article the following week.

The very first thing that startled me was that the author was predicting this result under a perceived caretaker government headed by Justice KM Hasan and Justice Aziz with his three "lieutenants" in the Election Commission and the highly politicized (pro-BNP) polling officers conducting the Election 2007.

To top it all, the same very "uninformed" people who hospitalize peaceful and composed politicians like Saber Chowdhury and Asaduzzaman Noor will act as the "atondro prohori" of the nation-wide polling centers.

In other words, Mannan Bhuiyan and Abdul Jalil are just wasting their time by conducting dialogues day after day, and by default, wasting our time too.

What the article "A New Arithmetic" didn't explain is the basis for such an astounding figure of 53 percent "undecided" voters. Referring to a survey result is not good enough. The survey result must have its causes and reasons as well. A figure of 53 percent of "undecided" voters exceeds the total number of party-based voting. Factually, a margin of undecided voters should not go beyond 20 percent.

The author rules out the possibility of "election engineering" and rigging in any election under caretaker governments (He however grants a patent right to Gen Ershad in these matters).

But it is common knowledge that the election of 2001 generated a minimum of 2 percent of additional votes through rigging and election engineering. This happened mainly due to mass transfer and postings of pro-AL administration officials of the districts and replacing them with those of pro-BNP Alliance camp.

But let bygones be bygones. Let us return to the arithmetic. Voters in the villages, the home of the majority, are highly polarized between BNP and AL camps. Hence, after deducting 2 percent of engineered/rigged votes, the net vote percentage of the BNP-JI alliance in 2001 was 45 percent, of which a

maximum of 3 percent may swing outward.

It is in fact the bulk of 20 percent of new voters who have suffered the woes of mis-governance during the last five years would go against the four-party combine. Then again, the theory of polarization may divide them into 12 percent and 8 percent in favour of AL and BNP alliances respectively.

Under a reformed caretaker government and election commission, the AL alliance is expected to bag about 46.5 percent of popular votes against a reduced total of about 41 percent of four-party combine headed by BNP whose parliamentary seats may come down to a little over 100.

Experiences of the last three elections indicate that Ershad may not be as weak as the author may think. His votes are neither anti-AL nor pro-BNP -- these are exclusively Ershad votes. He can safely be counted with 20 seats, with or without any alliance.

The B Chowdhury, Col Wali, and other rebel factors, which will be visible only after the nominations are over, may cost the BNP-JI combine another 25-30 seats. So with Ershad seats and without rebel seats the four-party combine will still hover around 100 seats.

But the fact remains that the law of averages does not work in general elections. Conditionality of each parliamentary constituency is unique. Mass upsurge, election-engineering/rigging, intra-party feuds, and faulty selection of party candidates may render all calculations void.

What we all need today is a guarantee that all eligible voters will be able to vote and their votes will be counted and the results will be reflected correctly without addition of any ghost votes! To achieve this, we may think of some new ideas:

- Use transparent ballot box with engraved box number.
- Deploy observer in each polling center with a cell phone.
- Display "SMS" messages of the observers on a wide screen at the EC office.
- Assign the responsibility of poll observations to Dr Yunus and Grameen Bank.

Whose court the ball lies in

SINHA MA SAYEED

In appointing the chief adviser to the non-party, neutral caretaker government, the hands of the head of state of the People's Republic of Bangladesh are tied by the constitutional provisions contained in Article 58C (3), (4), (5), and (6).

It is the president, not a political party/parties, who will take the initiative to appoint such constitutional nominee; the president further cannot go beyond the four walls of Article 58C (7) (a), (b), (c), and (d) while deciding the qualification of such head of the CTG.

The most important and leading question involves Article 58C (7) (b) and while deciding the neutrality, in particular, political neutrality of this very constitutional choice, the president may have the following courses to embrace:

• Suring rod, an accepted consensus formula of interpretation of Article 58C (7) (b) of the political parties, both ruling and opposition;

• Or he may apply his own conscience to decide the political neutrality of such constitutional choice, and to avoid any kind of criticism, political or otherwise, he may seek a reference for interpretation of Article 58C (7) (b) to the Supreme Court of Bangladesh.

Dr Kamal Hossain, chief architect of the constitution of Bangladesh, in an article captioned "President Should Resume Dialogue" published in *The Daily Star* on March 20, 1996, opined that under the circumstances of political or constitutional crisis, the president's seeking reference to Supreme Court of Bangladesh was not outside the boundary of the constitution.

Against the backdrop of the

ongoing political landscapes in the country, it is a legitimate expectation of the people from all walks of life, that our political parties, now mainly involved in dialogues for discovering a common acceptable formula of Article 58C (7) (b), will not disappoint us.

Justice Hasan, the probable constitutional choice for heading the upcoming CTG, has three options before him:

- He may assume the coveted august office; or
- He may outright decline to assume the same considering the consequence of the political turmoil after his assumption to the same office;
- He may assume the office following the invitation from the president, and then he may voluntarily resign, showing due respect to the legitimate expectation of the people.

Which one is best for him it is up to him to decide taking into account the whole stock of the

political scenario in the country. The ball seems to be very much in the court of Justice Hasan.

Another drama may crop up in the political firmament of Bangladesh if the sitting chief justice, Justice JR Modasser resigns, becoming the immediate past chief justice of Bangladesh. If this happens, then Justice Modasser shall be constitutional nominee pursuant to Article 58C (3) and the president shall have accordingly no choice but to appoint him as chief adviser.

Now the question is: is there any constitutional or legal bar to such constitutional nominee for his voluntary resignation with a view to catching the office of the chief adviser? It does not appear so, and in that case the ball is definitely and conspicuously in the court of Justice JR Modasser.

Justice JR Modasser's formal appearance on the scene would further put an end to the slowly growing debate and controversy

concerning the interpretations of Article 58C (3): "Provided that if such retired Chief Justice is not available or he is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the Chief Justices of Bangladesh retired next before the last Chief Justice."

In fact, what does "the person who among the Chief Justices of Bangladesh retired next before the last Chief Justice" convey? According to the interpretation already put forward by AL and its allies, the sentence goes from the last to the first retired chief justice provided he is alive and willing to hold the office. BNP and its allies take the view that it is only confined to the second immediate past chief justice.

If this is so, then another big crisis shall crop up because the next last retired chief justice, Mainoor Reza Chowdhury, is already dead and therefore

constitutional option for the office goes to the immediate past retired judge of the Appellate Division of the Supreme Court, now the sitting chief election commissioner, Justice MA Aziz.

Then, constitutionally, the ball shall go to Justice Aziz's court. What will happen next?

Again, because of the opposing approaches to the concept of "next before the last Chief Justice" here also consensus approach of both the parties is a pre-condition to put it into practice.

If there is no consensus politically, then the president has no choice but to go for a judicial interpretation of it in the form of a reference to the Supreme Court.

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