

Let's take a stand for a change

Dr Yunus, you are one of the very few who can speak your mind without a lot of people questioning your motive. Why not please use it to help us out of this impasse? While it's nice to listen to wishful thinking about clean candidates and "festival elections," without specifics on how to implement them, frankly speaking, with all the chaos around, these "let-them-eat-cake" type of solutions are getting a bit annoying.

ASIF SALEH

CAN we be non-partisan and still take a stand on an issue? It's a sign of political maturity when one can indifferently judge the facts and based on sound reasoning, can come up with a clear stand on any given issue. Some times it may favour one party, some times the other party. But as long as one can defend their position, there should not be any reason, why we should be afraid of taking a stand.

Over the past few days, with endless chattering about Bangladeshi politics, some have decided to do exactly that, whereas some important elements of the society have decided to be vague about their position in the fear of being labelled partisan.

As the political crisis in Bangladesh moves on to extra time, I think it is time that each of us clearly understand what's at stake, why we are where we are, and what is the cost we are willing to pay. Based on this understanding, each of us has a responsibility to take a stand -- a moral stand on the current crisis -- and be ready to fight for it. Below are some observations on the different influential elements of the society and how they are doing on taking a stand.

Role of business community

There is not one single day when I don't see the business community leader Mir Nasir Hossain express his concern about the on-going political stalemate. He repeatedly requests and meets the political leaders to "take steps" to resolve the crisis and stalemate and remove the uncertainty that will help their business. Today Mr Fazlul Huq of BGMEA "urged" the political parties to resolve the crisis. Yet, I find it hard to fathom that why they never ever state exactly how the crisis can be resolved. Why is it so difficult to take an objective stand for these various groups?

Do they think a credible election can happen as things are now? If not, why not? If so, why? They need to say it clearly that steps A, B, C should happen and political parties need to agree to go to the election after that. But that has not happened. We never see any specifics or any concrete statements from anyone from the business community. Since they are getting hurt quite badly with all the uncertainty, I find it very perplexing that they never move beyond making endless meaningless empty statements.

Role of Dr Yunus

I was going to term this section as

the role of Sushil Samaj (civil society) but I figured the man of the moment deserves a special section. Dr Yunus is known for his can do approach. He is known for specific implementation plan and making things happen. He is known for delivery. I would have nothing to say if he never wanted to comment about partisan political matters. But since he is such an influential figure and he is making political statements, his comments deserve discussion.

It seems that in the fear being labelled a partisan, Dr Yunus has decided that he will give very simplistic type of solution to our political problem. If not, then how can we explain his comments about his desire of going to "election in a festive mood" with all the crisis around regarding the election. When Dr Iajuddin unceremoniously decides to take over the government, in tead of saying anything about it, he gives him an A+ for his good start?

Or even how do we explain Dr Yunus's giving the president a blank check to be stern about implementing what he thinks is best for the country when the very question of the president's neutrality has been suspect with the chequered track record of his unconstitutional mode of assum-

ing the office of the caretaker advisor. I can't explain it.

But I suggest, Dr Yunus offers us some specifics for a change. I expect him to take a moral stand on what's right rather than what's diplomatic. Dr Yunus, why don't you please give an interview and tell your exact opinion about a way out of this impasse? Why don't you tell us if CEC Aziz is capable of delivering a fair election? If you have an opinion about the specifics, why not share it with the public?

With your integrity, we know the stand you take will be a stand that is based on reason, logic, and good moral standing -- not partisanship or self interest. If you give your objective opinion on the specifics, this will influence the public opinion tremendously and hopefully will push one of the political parties to back down.

Dr Yunus, you are one of the very few who can speak your mind without a lot of people questioning your motive. Why not please use it to help us out of this impasse? While it's nice to listen to wishful thinking about clean candidates and "festival elections," without specifics on how to implement them, frankly speaking, with all the chaos around, these "let-them-eat-cake" type of solutions are getting a bit annoying.

Role of educated middle class and elites

Today NTV reported that the general public is very weary of violence and chaos. We all are. There is nothing new about it. However, what would have been new was to

find out what the general public thought about how this crisis could be resolved. How come no one is asking the public's opinion about some specifics? Do people perceive the caretaker government to be neutral? Do people feel that a free election is possible under the current scenarios? Do people have confidence in the Election Commission? Do they think it is even important to have an election?

Some members of our educated elites are either responding with a shrug, saying they don't care about the dirty, petty politics as if they are much holier than that. I find it also very disturbing that some people are saying: "Let's just resolve this -- one way or the other. It doesn't really matter." Is it really the case? Does it not matter whether there is a good election? Does it not matter whether there is some accountability of the government? Are we really happy with any election or are we looking for accountability and a fair election?

These questions can automatically lead the public conversation in the logical direction of finding a solution. More importantly, even if these conversations are taking place, are we hearing those conversation in the media? Instead, we are made to hear endless statements and demands from people about an abstract magic peaceful solution to the existing problem. As much as the opposition has failed to connect the current movement to the daily issues of common people, the educated middle class need to clearly understand what's at stake in this election.

They need to understand clearly

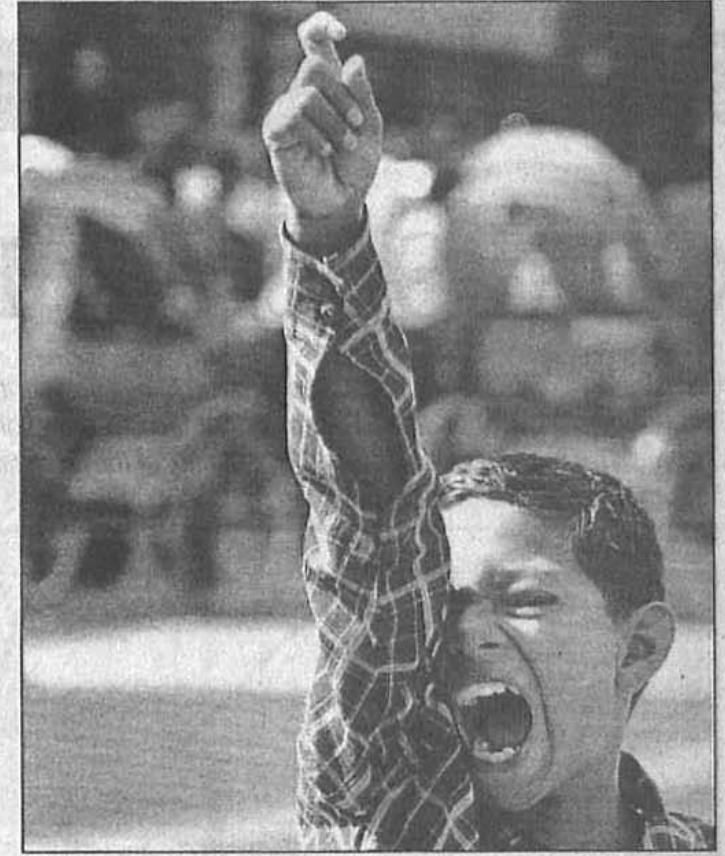
what's the consequence of not holding our representatives in the government accountable by not having a fair election. Based on that judgement, they need to clearly take a stand on this issue and prepare for the price they are willing to pay to attain the goal of that stand. Similarly, regardless of what the skeptics say, they need to stop that shrug and realize that politics affects each of them, and, without taking a stand, they will not be able to address the core issues that are plaguing us on our day to day lives.

Amid all the darkness, there is light

For a change, some "budhdhijibis" have moved on from giving press statements to hands-on actions. I have found the role of some in the civil society extremely commendable in this crisis. In particular, the Nagorik committee and Shujan are taking clear stands on the issues and they are providing clear guidelines on how the current crisis can be resolved.

Praise worthily, papers like The Daily Star and Prothom Alo are also taking a clear position and highlighting the work of civil society. They have now provided quite a number of ways on how the issue of level playing field in the election can be addressed. They all agreed that the Election Commission needs reform and they have given clear guidelines about how the reforms can be made and how the commission can be made effective. But till this date, there has not been any visible move on the government's side in implementing them.

I believe going forward this group can have a tremendous role



in ensuring transparency in the coming election and a lead by example in showing that one can be non-partisan, without being afraid to take a stand on the right side of an issue. If we have the best interest of our country in mind, then regardless of which side is benefited by our stand on one issue, we should not be afraid to express it.

Consistency in this matter in the future will earn us credibility which we will be able to use on any major crisis in the future. So, please, next

time, you go in front of the TV camera to say: "We want a peaceful solution to the crisis?" maybe you, too, can stop and think whether that statement, an obvious one, is adding any value to resolve the crisis. Rather take a stand on the right side of the issue and help shape the public opinion to push the parties to settle for the just solution. We owe it to our country.

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Thank you, America!

LETTER FROM AMERICA

Americans should be able to breathe a little easier at home. A much harder task awaits America abroad. The neo-con-triggered wars have made "America" a dirty word in the rest of the world. It may take a generation for America's image to recover from the damage inflicted by the Bush cabal. It will be years before America is regarded as highly abroad as it was during the Clinton presidency.

DR FAKHRUDDIN AHMED writes from Princeton

IF the American voters had returned the Republicans to power in the congressional elections of last Tuesday, I would have lost confidence in the American people. I would have concluded that the American psyche had been corrupted so irreversibly by the notorious Bush-Cheney-Karl Rove fear-mongering machine that the average American could now be duped and deceived into voting for the Republicans regularly.

Instead, the America voters demonstrated that they cannot be fooled a third time in a row, and that the self-corrective process is alive and well in American democracy. The American voters handed Bush, his catastrophic domestic

and foreign policies, and the docile, rubberstamping Republican House of Representatives and Senate a "thumping" defeat by returning the Democrats to power. Bravo, America!

Hate has been the main staple served by the Bush coterie and their right-wing enablers on the Fox News channel and the right-wing hosts of radio talk shows. The Fox News channel and the haranguing of the "liberals" by right-wing radio talk show hosts such as, Rush Limbaugh, Sean Hannity, Bob Grant, and the semi-lunatic Michael Savage are nothing more than days-long free commercials for the right-wing Republican agenda.

Anyone who disagreed with Bush's disastrous Iraq policy and the illegal surveillance of average Americans on these shows was

labeled "unpatriotic" at best, and a "traitor" at worst. The "Decider" himself, President Bush, went to Georgia before the November 7 elections and told a gathering that a vote against the Republicans would amount to a vote for the terrorists; meaning a vote for the Democrats is a vote for the terrorists! This from the president of the US!

Republicans took negative campaigns to new depths in the gutter. With little to show for the last six years, the Republican campaign ads ran along the following lines: "I may be a scoundrel, but my Democratic opponent is worse; he is a friend of the terrorists!"

Then there was appeal to raw racism. A Republican National Committee ad in Tennessee showed a half-naked white woman cooing: "Call me, Harold," suggest-

ing intimacy between her and the 36-year old, handsome bachelor, Democratic Senatorial candidate, African-American Harold Ford, Jr. That baseless innuendo was enough to turn a tied race into a 10-point lead for the Republican candidate.

Karl Rove's deceit machine may not know how to govern America; it certainly knows how to win elections. Republicans would frame the most extreme position as the mainstream. For instance, in support of the illegal surveillance and wiretapping of average Americans, their argument was: "If al-Qaeda is calling you, we would like to know why." As though anyone in America had a problem with al-Qaeda phone calls being monitored. Americans was complaining about why the Iraq war opponent Joe's phone call to Iraq war opponent Cindy was being illegally tapped.

The watershed moment of this mid-term election came on Monday, October 30. A tired looking John Kerry, the 2004 Democratic presidential candidate, was speaking at an education conference in California. Attempting to crack a joke about Bush's poor intelligence, Kerry said that if students did not study hard, they may end up getting stuck in

Iraq (he meant to say, "get us stuck in Iraq," as Bush did).

From President Bush on down, every Republican jumped all over Kerry, accusing Kerry of insulting the Americans troops in Iraq, demanding an apology, adding that if this is the attitude of the 2004 Democratic presidential nominee towards our "brave troops," this clearly is the position of the Democratic Party. Kerry was forced to apologize for something he had not said.

This incident encapsulates what has gone wrong with America for the last six years under Bush. To think that John Kerry, a Vietnam War hero, who put his life on the line for his country and won several medals for his bravery, would criticize the troops is laughable.

Kerry's accusers, who forced him to apologize -- President Bush, Cheney, Rumsfeld, Karl Rove -- and their amen corner on Fox News and radio talk shows -- Rush Limbaugh, Sean Hannity, Bill O'Reilly, Bob Grant, and Michael Savage -- had used all their political and economic clout to successfully avoid going to fight in Vietnam. In the ultimate Orwellian convolution, these draft-dodgers now call themselves "super patriots," and war heroes like John Kerry are now branded as "traitors."

Such hypocrisy was too much for *The New York Times* and its columnist Thomas Friedman. They blasted Bush, Rove and the Republican Party. Entitled "The Great Divider," *The Times*' editorial on November 22 began: "As President Bush throws himself into the final days of a particularly nasty campaign season, he's settled into a familiar pattern of ugly behaviour. Since he can't defend the real world created by his policies and his decisions, Mr. Bush is inventing a fantasy world in which to campaign on phony issues against fake enemies."

Tom Friedman was more specific on November 3: "George Bush, Dick Cheney and Don Rumsfeld think you are stupid. Yes, they do. They think they can take a mangled quip about President Bush and Iraq by John Kerry -- a man who is not even running for office but who, unlike Bush and Cheney, never ran away from combat service -- and get you to vote against all Democrats in this election."

Friedman adds: "Please, please, for our country's health, prove [Karl Rove] wrong this time. Let Karl know that you think this is a critical election, because you know as a citizen that if Bush team can behave with the level of deadly

incompetence it has exhibited in Iraq -- and then get away with it by holding on to the House and the Senate -- it means our country has become a banana republic. It means our democracy is in tatters because it is so gerrymandered, so polluted by money, and so divided by professional political hacks that we can no longer hold the ruling party to account."

Fortunately the American people listened. They handed both the Senate and the House over to the Democrats. Things are going to change. The Republican-controlled House and Senate were probably the most irresponsible in history. There was no oversight whatsoever. Bush got everything he wanted, to the detriment of the country. Now there are going to be hearings on what went wrong in Iraq, why America is spending one billion dollars a week for the Iraqi quagmire, and why so many right-wing judges are being confirmed.

The biggest losers are the neo-conservatives, the semi-fascists who are mostly, among other things, virulent supporters of Israel. According to neo-con Richard Perle, when he met George Bush for the first, was stunned by how little Bush knew. The neo-cons sensed a golden opportunity. Bush had no agenda; the neo-cons

handed him one, which called for the US invasion and destruction of Israel's enemies in the Middle East, especially Iraq and Iran.

The readers of this column may remember that long before America invaded Iraq in March, 2003, neo-con John Bolton (who on November 11 vetoed the latest UN Security Council resolution condemning the Israeli massacre in Gaza), went to Israel and publicly assured the Israelis that the US would indeed invade Iraq.

Hats off to the American people for seeing through the Republican-Neo-con charade! Even the voters in Tennessee repudiated the overt racism peddled by the Republican Party and came within three percentage points of electing the first African-American Senator from the south since Reconstruction.

Americans should be able to breathe a little easier at home. A much harder task awaits America abroad. The neo-con-triggered wars have made "America" a dirty word in the rest of the world. It may take a generation for America's image to recover from the damage inflicted by the Bush cabal. It will be years before America is regarded as highly abroad as it was during the Clinton presidency.

Solving the EC conundrum

BURHANUDDIN AHMED

THE Election Commission is a constitutional body. It consists of the chief election commissioner and such number of election commissioners as the president may from time to time direct. The appointment of the chief and other election commissioners is made by the president on the advice of the prime minister for a term of five years and they cannot be removed from the office except in like manner and on the like grounds as a judge of the Supreme Court. Because of this constitutional safeguard, the present incumbent election commissioners cannot be removed from their office by the president without undergoing the procedures prescribed in Article 96 of the constitution.

As per provision of this article, an election commissioner can be removed from his office by the president if he is unable to perform his functions properly by reason of physical or mental incapacity or is guilty of gross misconduct. But before the removal of an election commissioner from his office on such grounds, it is obligatory on the part of the president to refer the issue to the Supreme Judicial Council constituted with the chief justice and the two next most senior judges for enquiry into the capacity or conduct of an election commissioner. The duty of the council is to investigate into the allegation against a commissioner

and report its findings to the president. If the allegation or the charge against commissioner is proved, the president shall by order, remove him from his office.

In view of the aforementioned constitutional provisions, none of the incumbent commissioners can be unsaddled by the president unless an allegation or charge against him is proved in the course of inquiry by the Supreme Judicial Council.

Despite this position, the 14-party alliance is waging almost a war for the reconstitution of the Election Commission dropping the existing chief and other election commissioners because they think that they will further the cause of the alliance that installed them in office. Their apprehension may have or may not have any foundation, but they have openly declared that they will not participate in the ensuing election if it is held under the supervision and guidance of the incumbent chief election commissioner.

This uncompromising stand of the 14-party alliance has created an insurmountable problem for the president and chief advisor. As removal of an election commissioner from his office cannot be effected by the president without undergoing the time consuming process prescribed by the constitution, the president in his endeavour to meet the demand of the advisors to the chief election commissioner to persuade him to resign, but he did not agree to

vacate his office.

Now, the only course is perhaps left to the president for appointment four new election commissioners to establish checks and balances in the working system of the commission. This can be done by the president without violation of the constitutional provision.

The proposed arrangement will, no doubt, enhance the establishment cost of the commission, but it will offer an opportunity for the utilization of the services of the commissioners profitably for the resolution of the election disputes within a limited time as in the case of Philippines. In Philippines, the election petitions (disputes) filed by the aggrieved parties are tried and disposed of by the election commissioners and time for such disposal only three months. Our law entrust this responsibility to the High Court Division and many of the petitions cannot be disposed of by that court, in some cases, during the entire term of the parliament because of its pre-occupation.

The responsibility of resolution of the election petition within 3 to 6 months can be entrusted to the election commissioners by amending the existing provision of the Representation of the People Order, 1972. To meet the immediate requirement, the president may make the amendment of the existing provision of the law in this behalf by an ordinance.

The appointment of the chief election commissioner and other election commissioners by the

president on the advice of the prime minister always creates problems. We should, therefore, switch over a procedure for appointing the chief and other election commissioners which may make the commissioners equally acceptable to all irrespective of their political belief and political affiliation.

To make the appointment of the chief and other election commissioners more acceptable, a minor amendment will be needed in the constitution permitting creation of a council with the following:

- The Speaker
- The Prime Minister
- Leader of the Opposition in Parliament
- Two Senior Most Judges of the Appellate Division of the Supreme Court
- Chairman of the Anti-Corruption Commission
- Two eminent non-partisan leaders of civil society.

The chief and other election commissioners can be appointed by the president on the recommendation of this council. The recommendation can ordinarily be made by the council on the basis of consensus and in a case where the council cannot reach a consensus, the views of the majority of the counselors would prevail.

The author is the Executive Director of FEMA and a former Deputy Secretary, Election Commission. The contents of this article are based on his personal experience and have no bearing with his present official position.

Dr Iajuddin is not Hercules

M SHAFIULLAH

THE honourable president, without exhausting all the means provided in the constitution, surprised the nation by assuming himself the duties of the chief adviser to the caretaker government.

Before that, he was to act as advised by the prime minister. Now, he has assumed direct responsibility for eleven vital ministries/divisions, including the Election Commission. He retains his original assignment as head of state and supreme commander of the defence forces.

After successful open-heart surgery, from which he is still recouping, Dr Iajuddin, close to eighty, appears to be the strongest man in Bangladesh today! In terms of responsibility and assignment, he has surpassed the mythological figure of Hercules.

The mythological hero Hercules was man of "great strength, great courage, and great appetites" who killed his wife and children in a fit of rage. After coming to his senses, he wanted to cleanse his conscience.

The gods made him perform twelve great tasks, The Twelve Labours of Hercules, which ranged from killing dangerous monsters to cleansing the fabled Augean Stable in a single day. Those were extraordinary tasks far beyond human

capacity, yet Hercules accepted the challenging assignments to redeem his conscience.

Out of the Twelve Labours, one was to clean King Augeas's stables. The king owned more cattle than anyone in Greece. Every night shepherds drove thousands of animals to the stables. For years (something like the four-party alliance rule of the last half a decade?) there was no cleaning of the stables. Filth piled up which took mountainous proportions and Hercules was to clean those in a single day!

The mythological hero tore a big opening in the wall of the cattle-yard where the stables were. Next, he made another opening in the wall on the opposite side of the yard. Then Hercules dug wide trenches to two rivers which flowed nearby. He turned the course of the rivers into the yard. The rivers rushed through the stables, flushing the mountain of filth out and all the mess of the past years flowed out of the hole in the wall on the other side of the yard.

Fourteen-party alliance placed 11 major tasks before the president/chief adviser to perform to ensure a free and fair election. BNP did not lag far behind and quickly "retaliated" by submitting 10 point demands. Jamaat, in a similar vein, handed down its own agenda.

Newly formed Liberal Democratic Party made a strong case to investi-

gate massive corruption and fraud committed by the Begum Khaleda Zia's regime. Criminal case-ridden HM Ershad followed suit with another list.

All in all, the president and chief adviser had to clean the proverbial Augean Stable, not even in months, seemingly in a week or so, to establish his credentials as a neutral chief adviser. To achieve the Herculean feat, Dr Iajuddin needed to dig out a link canal joining the Buriganga and Turag rivers to flush out the filth of politics piled up over the years.

But is he equal to the Herculean task?

Hercules could do so as he was the son of Jupiter and grandson of Zeus and was elevated to the rank of the gods. Unlike the mythological figure of Hercules, a professor of soil science, Dr Iajuddin is an ordinary mortal with a frail health who has assumed tasks harder than those faced by the legendary hero.

But why the president took the unprecedented step to enter the political quagmire while the country had already been clearly divided into two during the five years misrule of the four-party alliance? Can't he take a bold decision to relinquish the post of chief adviser and appoint the one due according to the constitution?

Why is he not taking a firm decision to remove or immobilize the most discredited and dubious

CEC and his coterie from the corridors of the Election Commission? Why is he not heading the advice offered by no less than the Nobel laureate Dr Yunus to be "tough and firm" in equal measure to all in presenting the nation with a free and fair election?

Just months back when he was about to be removed from the presidency by the immediate past Prime Minister Khaleda Zia, the entire nation, except the ruling clique of the four-party alliance, rallied behind him.

Now he owes it to the nation that he must not be perceived to have been used as a Trojan horse to implement the agenda of the four-party alliance for the coming election. The honourable president should allay this apprehension from public perception while he still enjoys the good will of the common people.

As the latest recipient of the Nobel Peace Prize, Bangladesh has assumed a new responsibility to spread the message of peace in the comity of nations. But at home for how long will the people of Bangladesh be without peace, victim to unnatural death and destruction? Honourable president, will you be the Hercules of the nation today? History is knocking at your door.

The writer is a former Ambassador.