

After the rallies

Compromise is the only option left

WITH the two major political parties holding mammoth public meetings in the city, it is evident that both sides enjoy great popularity. They were able to mobilize a huge number of people and gave an impressive demonstration of their political strength.

There is a lesson to be learned from the huge rallies. The two big parties should now be pretty much convinced that they are up against formidable opposition and also that they cannot cancel out each other's presence by pretending that the other does not exist.

The AL and the BNP shoulder the responsibility of resolving the on-going political crisis through shunning the path of violence and destruction and thus ensure a bright future for all of us. The two parties have to assess the situation carefully and avoid the pitfalls of pressing too hard for political mileage that may only push the country towards civil disorder. The reality today is that the two parties are the key players in the political arena and they have to live up to the popular expectation.

As things stand now, the BNP has taken a firm stand on the question of adhering to the constitution insofar as holding the election is concerned. We do agree that the constitution is not something that can be trivialised or violated. But then the issues raised by the AL, particularly its claim that valuable time has been lost, cannot be dismissed lightly either. The AL, for its part, is also expected to play a constructive role in keeping the constitutional process alive.

The options open to the two sides are not many. They have to work out a compromise formula and bring back normalcy to the political arena. The nation is passing through a chaotic situation and the top two political parties cannot disassociate themselves from the overall goings-on, nor can they disown, though the responsibility may vary from event to event, what has already happened. Now they have to work together in the mission of salvaging democracy.

Welcome Prof Yunus

The nation deeply honoured

PROF Muhammad Yunus returned home on Tuesday with the world's most prestigious award, the Nobel Peace Prize. On his arrival while replying to the questions of the waiting journalists he told them that there is no alternative to holding peaceful election in the country which must be participated by all parties to be credible and generally acceptable. He warned that political unrest in the country would adversely affect the economy of the country.

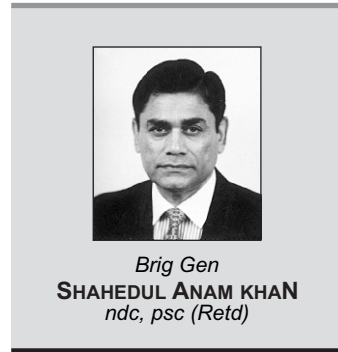
Prof Yunus has had the rare distinction and honour of being the first ever Nobel prize winner to receive the prize in presence of the Norwegian Royalty. President Jacques Chirac of France also hosted a reception in his honour while Tony Blair of Britain and his wife received Yunus and his delegation with great warmth.

The reception that Dr Yunus received in a foreign land was unique in more ways than one. It was also significant for the fact that for the first time the culture of Bangladesh was presented in the presence of an audience that is globally respected and recognised. To add to it Yunus spoke in Bangla to intersperse with his main speech delivered in English.

At the backdrop of all this we are somewhat saddened by the fact that Dr Yunus' triumphant return could have been better celebrated and shared by the nation and the people at large had there not been the tumultuous politics that we have been witnessing in our midst. This has been a distraction. That the welcome ceremony was organised by Grameen Bank and not on a bigger scale, in a way bore testimony to this fact.

We must learn to pay our respects and express our gratitude to our national hero. We owe it to ourselves.

We are under threat of sorts



Brig Gen
SHAHEDUL ANAM KHAN
ndc, psc (Retd)

I chose the title of the article deliberately. It was not to sound alarmist by suggesting that we are under threat of physical aggression. Neither could one be least concerned about the abridgment of one's sovereignty by the comments and possible actions in the future of our friends, far and near.

However, the reactions from some international quarters and comments of certain foreign envoys based in our country, although limited only to articulation of their views for the moment that stem from the recent political developments in the country, cannot but engage our attention.

While one doesn't mind friendly comments here and there, comments have poured out from some of the envoys in viceregal tone on our internal matters quite regularly. It is time our leaders, past, present and future, took note of the implications of such comments and activities.

But it is not the foreign envoys alone that are to be blamed for the transgressions. Our politicians are also largely to be blamed for the rope that has been given to some

STRATEGICALLY SPEAKING

Yes, there is everything wrong with our politics, and, yes, we have been not well served by our politicians, and, yes, we all understand that the army must not be used to reap political benefits for any particular political party. But we don't need a foreign envoy sermonizing in public how he or she thinks the people should go about sorting out problems that are ours exclusively and for us to solve. However, it is for the political parties and our leadership to see that their actions do not provide the slightest excuse for our foreign friends to meddle in our internal affairs.

of the envoys that has made them a party to the political bickering and inter-party discord. By seeking their intercession in our politics, regrettably, our politicians have legitimized the role of the envoys, even if that went beyond a diplomat's duties under the Vienna Convention.

Some of our private organizations and institutions have gone overboard in providing them the space, quite out of our tradition of hospitality and deference to our guests. Unfortunately, what has been done out of deference has caused us to be taken for granted by envoys who seem to have forgotten the very first lesson imparted in schools of diplomacy: that to say nothing, especially when speaking, is half the art of diplomacy. Having been a soldier-diplomat once in command of a very sensitive UN peacekeeping mission, I remember being told that a diplomat was a man who always thought twice before saying nothing and that a distinguished diplomat could hold his tongue in ten languages.

If you are still wondering about

what and whom I am talking, I am referring to the comments that have been made by the US ambassador in her recent speech at the American Centre, on the deployment of the army, and on the caretaker government. I am also referring to the recent motion passed by the European Parliament, also on the deployment of the military.

One could hardly take issue with anything that Ms Buetenis has said in her speech about our politics. In fact, her concern about our distorted political ethos and our destructive road that it is leading the country to, and her suggestions, echo that of the majority of the people. However, my concern is caused not by the impropriety of the statements; coming as they do from an ambassador, and relating to an internal matter of the host country, her statements are not only in gross violation of the convention under which a diplomat conducts herself or himself in the country of accreditation (Article 41 of the Vienna Convention states: "They also have a duty not to interfere in the internal affairs of

that State"), she has perhaps not realized the grave implications of her comments about the chief advisor and about the neutrality of the caretaker government, particularly at a time of political flux, and given the political parties' penchant for seeking legitimacy of their actions or the validity of their position on political issues, in the comments of foreign envoys and the development partners.

And the wording of the resolution adopted by the EU Parliament must be seen for what it is, a veiled threat of action that might prove uncomfortable and embarrassing for us, if the president did not reconsider his decision of deploying the army.

Let us take the comments of the US envoy first. She passed a value judgment when she remarked that the CA's resignation was an impractical proposition. She is entitled to her opinion, and she may have her rationale for such a view, and it can be conveyed to whomsoever she wishes in private.

However, if it is related to a political issue, it no longer remains

a matter of private opinion but has direct influence on the political issue at hand, because that is exactly the demand of the 14-party alliance, and a foreign envoy has no business to be judgmental on the issue in public.

I am not aware that our ambassador to the US had ever passed any comment, for example, on the issue of racial profiling in the US that has become more pervasive after 9/11 and is seen as discriminating against a particular religious group.

The US ambassador also chose to be judgmental on the caretaker government when she said that it had not been neutral in addressing the political impasse. How well that must have gone down with the 14-party alliance -- because it is exactly the CA's neutrality that they have questioned all along and this was what they based their demand on when calling for the CA's resignation. Thus, the ambassador has not only contradicted herself, she has added to the compounding impasse also.

As for the EU, the threat conveyed by it must not be lost on the current leadership. One fails to see how the "use of the armed forces on a national level" can be "inconsistent with Bangladesh's participation in international peace operations" as stated by the vice-president of the EU Parliament in her letter to the president, expressing its concern at the deployment of the army.

One fails to see the relation between the two. While there may be disagreement on the timing of the deployment, the army has been employed at national level

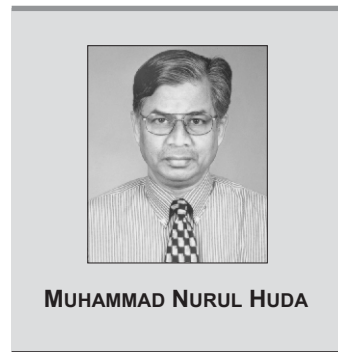
and on election duty before. And it is a task that has the sanction of our statutes. And it is the sovereign right of the president to call upon the military. May one ask if similar apprehensions have been expressed by the EU Parliament to countries that have employed and continue to employ their military in aid of civil power, and whether similar veiled threats to cut off their peacekeeping engagements have been conveyed to these countries?

One wonders what the reaction of the EU would be if, for example, our parliament were to take up the issue of Turkey's entry into the Union and conveyed to it our apprehensions that tougher conditions being put on it were deliberate ploy to keep a Muslim country from joining what was a predominantly a Christian union.

Yes, there is everything wrong with our politics, and, yes, we have been not well served by our politicians, and, yes, we all understand that the army must not be used to reap political benefits for any particular political party. But we don't need a foreign envoy sermonizing in public how he or she thinks the people should go about sorting out problems that are ours exclusively and for us to solve. However, it is for the political parties and our leadership to see that their actions do not provide the slightest excuse for our foreign friends to meddle in our internal affairs.

The author is Editor, Defence and Strategic Affairs, The Daily Star.

Trouble at the top



MUHAMMAD NURUL HUDA

THE nation now is in the grip of very serious problems and, undoubtedly, we need serious people to solve them. There is, however, sadly, a preponderance of preposterous actions. The armed forces have been deployed but nobody can authoritatively and satisfactorily explain the reasons behind their withdrawal from winter training exercises for internal security duties, or the legal rationale for a clearly premature engagement. The half-hearted justifications of such deployment proffered by a soft-spoken substitute adviser merit no discussion, for nobody has taken any cognizance of those.

According to media reports, the Election Commission has expressed its inability to defray the expenses of the premature armed forces deployment by saying that it had not asked for such engagement. The Ministry of Home Affairs, which, it appears, would have to bear the expenses, does not have budgetary arrangement to meet the contingencies and, therefore, a request for extra resources in addition to the anticipated ones for the upcoming

general election has to be made. The extra expenditure to be incurred, for apparently no justifiable reasons, at a time characterized by a shortfall in revenue receipts should be cause for concern.

Too many people are loudly proclaiming the supremacy of the rule of law and the inviolability of our constitution. The same people are oblivious to the fact that rule of law represents a challenge to state authority and power, and that exercise of power has to be according to the law. "According to law" means both according to the legal rules and something over and above purely formal legality, and includes the concepts of legitimacy and constitutionality. This legitimacy implies rightness or morality of law.

The law is not autonomous but rests upon the support of those it governs; the law is the servant of the sense of rightness in the community. While the rule of law places law above every individual, irrespective of rank and station, it remains, paradoxically, subject to the ultimate judgment of the people.

The holding of general election within ninety days of the dissolu-

tion of the parliament is being held as sacrosanct by some quarters. But curiously enough not much note is taken of the obstinacy of the chief adviser that has been the contributing factor toward losing 45 (Forty Five) days out of the 90 (Ninety) days within which election has to be held.

The fourteen party combine and other parties have demanded that, in order to compensate for the aforementioned loss of time, the election has to be deferred for 45 days. The prescribed period of ninety days, according to expert opinion, can be extended after taking into account the great purposes of the constitution and overriding national imperatives.

It has been wisely said that elections are the heartbeat of a democracy. If the heartbeats occur in an irregular manner then democracy is liable to collapse. The fate of our democracy will depend on our conscious choice. We have to decide whether we shall accord supremacy to the law or the will of the people, and if we should constitute a moral association maintained by duty or a physical one kept together by force.

Many amongst us are insisting on acting according to the consti-

partisan character of the lajuddin led government. He is clearly a political appointee, as opposed to the preceding chief advisers, and, as such, his actions are suspect. He has assumed the charges of the office of chief adviser without clearly exhausting the available constitutional options. His subsequent actions have validated his detractor's accusations of partiality and of carrying out the wishes of his patrons.

The issues of paucity of time to correct the voter's list and the constitutional compulsion to hold election within 90 days have to be considered against the background of the present politico-administrative reality. A prominent adviser of last caretaker government has already commented that the law and order situation is not stable and within control. Such a statement assumes heightened significance when one witnesses the more-than-sporadic armed clashes between political activists at several places of the country, with no assurance that such incidents will not occur in the run-up to the election.

The question, therefore, is whether election with a manifestly defective voters list will be acceptable, and whether such election can be held in a peaceful atmosphere? Alternately, will the skies fall if the election schedule is deferred to ensure a relatively correct voters list and, thus, a credible election?

We must not be oblivious to the delicate situation that has arisen following the honorable chief justice's last minute stalling of the issuance of rule pertaining to the writ petitions that challenged the legality of the president's assump-

tion of the office of chief adviser, and the maintainability of an apparently flawed voters list.

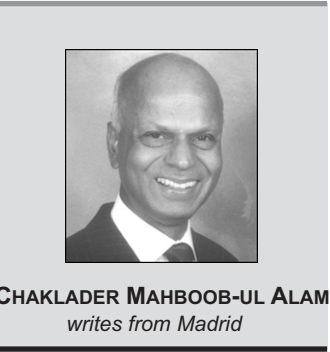
In a contentious situation like this where the principal actors and the institutions responsible for overseeing the election are entangled in a legal dispute awaiting urgent resolution, will a hastily arranged polls only to satisfy the so-called constitutional deadline be logical? Is not there something like a doctrine of state necessity under irreversible circumstances? Is not the current situation very appropriate for warranting a reference to the Supreme Court by the honorable president, as envisaged in Article 106 of the constitution?

The eleventh amendment of the constitution was effected only to validate a legally unacceptable action, and to accede to people's wishes at historically determining times. In view of the present deadlock, a reference to the apex court for examining the probable extension of the election schedule in public interest would be deemed as a pragmatic act of a thinking establishment.

The peril of political promiscuity is writ large on the body politic. Let us not rush for short-term gain, as that will ensure long-term pain. The stultification at the apex has been embarrassing, but we may not have reached the precipice. Hope lies in the possibility that the advisory council, which is steered by the president, can still venture out of its somnolence to convincingly demonstrate that it is not a sinecure entity.

Muhammad Nurul Huda is a former Secretary and IGP.

Cyprus, Turkey and the EU



CHAKLADER MAHBOOB-UL ALAM
writes from Madrid

AT a summit meeting held on December 14, the European Union (EU) endorsed an earlier decision of its foreign ministers to suspend talks on 8 of the 35 chapters under negotiation with Turkey for its possible entry into the EU. These chapters cannot now be reopened without the approval of Cyprus (the Greek-Cypriot part), because a unanimous decision of all EU members is needed for such an action.

The official explanation for this drastic measure was that the EU could not negotiate accession requirements with a country, which refuses to open its ports and airports to a full member of the Union, i.e. Cyprus. But according to many observers the real explanation is much simpler. They feel that the EU as a smokescreen in the debate is using the Cyprus

LETTER FROM EUROPE

The EU was born to eliminate the age-old Franco-German rivalry, which led to two World Wars in the last century alone with disastrous consequences, and to give new meaning to the term civilization. So, instead of insisting on petty differences -- some real and some imaginary -- why not be true visionaries and make the EU a meeting place where "civilizations can harmonize" and work together for peace, stability and prosperity?

dispute over whether Turkey should be allowed to join the EU. Cyprus, it seems, is quite happy to play this strange role of being used as the judge, the jury and the accuser in this dispute. Most Turkish-Cypriots and mainland Turks believe that the EU's objective in putting the Greek-Cypriots in such a powerful position is to humiliate them and to force them to abandon the negotiating table. In this context, they also point out that if Turkey is being accused of not trading with the Greek part of the island, the EU can also be blamed for not fulfilling its 2004 pledge to end its trade embargo on the Turkish part of the island.

The conflict between the Greek and Turkish-Cypriots is an old one. In 1571, the Ottoman Turks conquered the island of Cyprus, which was then mainly populated by the descendants of Greek-

speaking settlers from the Peloponnese. The Turkish-Cypriots are the descendants of immigrants from Anatolia and the Turkish soldiers who settled in the island. The British wrested control of the island from the Turks during the First World War and later, in 1924, converted it into a crown colony.

Initially, the Greek Cypriots, who constitute the majority, welcomed the British rule because they felt that eventually Britain would help them fulfil their long-held ambition to unite with Greece (enosis). But the Turkish Cypriots, who constitute a significant minority, opposed this plan. They wanted the British to return the island to Turkey or to partition it. The demand for "enosis and only enosis" by the Greek Cypriots led first to riots and then to widespread terrorist activities against

the British and the Turkish Cypriots, which finally ended in 1960 when, under the treaties signed by the Greek and Turkish Cypriots, Cyprus became an independent republic. Greece, Turkey and Britain guaranteed the integrity of the new country.

Unfortunately, peace between the two communities did not last long. Fighting broke out in 1963, and continued off and on until 1974, during which the Turkish community suffered significant territorial losses. Actually the Turkish controlled area was reduced to only a few enclaves. During the course of the conflict, Turkey had become concerned about the role played by the Greek army in Cyprus and had threatened full-scale invasion of the island to protect the Turkish-Cypriots.

In July 1974 the situation came

to a head. With the objective of demonstrating that the annexation of Cyprus was a fait accompli, officers of the ruling military junta in Athens overthrew the government of Cyprus and installed a puppet regime under the leadership of a fanatic enosis supporter. Turkey immediately responded by invading the island.

Despite fierce resistance, in a about a month's time, Turkey took control of the northern 37% of the island. From 1975 to 1983 the Turkish-Cypriots negotiated without success to have a federal government with two autonomous regions. In 1983 an independent Turkish Republic of Northern Cyprus was proclaimed, which has so far been recognised only by Turkey. Turkey also maintains a fairly large contingent of soldiers on the island.

The relationship between the two communities still remains very hostile. With the help of the EU, the Greek part of the island has prospered economically but because of the trade embargo imposed by the EU the economic situation in the Turkish part has deteriorated gradually over the years.

In 2004, after months of ground-work, the United Nations submitted a plan to unify the island, which was overwhelmingly accepted by the Turkish-Cypriots but rejected by the Greek-

Cypriots. In spite of this rejection the EU soon gave full membership to the Greek part of the island, thus empowering the Greek-Cypriots to exercise veto power over Turkish accession.

The EU to bar Turkish membership could also interpret this decision as a pre-emptive action. But why are so many Europeans hostile to the idea of Turkey's accession to full membership? What are their fears and misgivings? Are these fears and misgivings justified?

One of the reasons put forward by some European politicians is that geographically, Turkey does not belong to Europe. Turkey has been a member of the NATO since 1952 (even a few years before the European Economic Community itself was founded), militarily defending the eastern flank of Europe against the Soviet Union, and it has been a member of the Council of Europe since its inception. No one, then, bothered to mention that Turkey was not European. Again, geographically, if Turkey is not considered to be European, how can Cyprus and Malta be considered to be part of Europe and the EU?

The fact that Turkey is big often held against it. Many Europeans fear that, given Turkey's high birth rate, by 2030 it will become the most populous member of the club and, thus, will

be able to control the decision-making process. This fear is unfounded because, under the double majority voting system, Turkey alone will be unable to influence the decision making process in a club with close to 30 members.

There is also a fair bit of hypocrisy and prejudice in this fear. After all, no such fear was demonstrated in 1990 when East Germany joined the EU as part of reunified Germany, thus converting Germany into the most populous country of the Union with maximum representation.

There are, of course, other excuses like its backward agricultural economy and immigration. The way Turkish economy is currently growing, and the amount of foreign investment that is flowing into the country, should make Turkey an attractive market for EU goods and services in the near future.

If allowed in, Turkey might repeat Ireland's performance as a member of the EU. As far as immigration is concerned, instead of being a burden, Turkey's mostly young population may prove to be a boon to the sustainability of Europe's economic growth. After all, everybody knows that Europe's aging population is a major problem for its future economic growth.

The possibility of joining the EU

has induced Turkey to make "near revolutionary changes" in the fields of human rights, women's rights and freedom of expression. The judicial system has undergone major reforms, and death penalty has been abolished. The Turkish government has given assurances that it will continue to work hard in these fields to meet the EU requirements.

The real reason why many Europeans are against Turkey's membership is the fact that Turkey is a predominantly Muslim country. They tend to forget that it has a secular constitution. Although the EU constitution provides for religious freedom, unfortunately, many Europeans consider the EU as a Christian club, and not as a "community of values" as the current Spanish and Turkish prime ministers would like it to be.

The EU was born to eliminate the age-old Franco-German rivalry, which led to two World Wars in the last century alone with disastrous consequences, and to give new meaning to the term civilization. So, instead of insisting on petty differences -- some real and some imaginary -- why not be true visionaries and make the EU a meeting place where "civilizations can harmonize" and work together for peace, stability and prosperity?

The writer is a columnist of The Daily Star.