

# Transition to Democracy: The Unique Bangladesh Case

by Tafazzal Hussain

## And Now a Contest for the Presidency

Suddenly there is renewed interest in the election for the President. Following the ruling party's declaration of Mr Abdur Rahman Biswas being its nominee for the post of the titular President, the main opposition party announced their own choice of Justice Badrul Haider Chowdhury for the same. From one point of view it would perhaps have been preferable if the choice of the President would have been based on consensus — following on the example set during the adoption of the 12th Constitutional Amendment Bill. A discussion — or at least a semblance of it — between the two leading parties and also with the other parties and groups having representation in the parliament would have set a good precedence. This would have given the public the impression that the spirit of consensus continues to prevail among our politicians. That however may have been expecting too much. The reality of our politics — especially the way it has been going for the last few months — made it almost certain that there would not be a consensus candidate for the presidency. Short of that, the AL's fielding of a candidate is a far better move than the one they had earlier adopted of not participating in it at all. Hence we welcome the AL's decision.

There is an unfortunate impression that the post of the President is worth next to nothing as it carries no real power. The position may not carry much political or administrative clout but it is of immense symbolic value. The President in a way stands for national solidarity and unity. It is in that office that much of nation's dignity is reposed. It is the most exalted office in the land, which stands at the very top of our constitutional edifice. Whoever be our next President, he will have to symbolise in his person (there is no likelihood of a 'she' this time round) the best of the democratic tradition and values. For him the Constitution and the law of the land will be first and only consideration. It is not only by adhering to these values, but also by publicly demonstrating to be so doing that our next President will do justice to this exalted office.

There is, however, another role that we expect our next President to play. The role of the supreme motivator in our development work. Without taking on party programmes, the President can become the moving spirit behind such national concerns as universal primary education and public health. Mass education and 'health for all' are programmes supported by all political parties. Imagine a scenario where the President becomes the chief patron and the most active spirit in movements for rural development and the spread of science and technology at the grassroots level. The post of the President does not have to be one of ribbon cutting and inaugurating this ceremony or the other. This the President can do, making sure that his actions are above and beyond politics and does not compromise the dignity of his office.

Given the fact that BNP has absolute majority in the parliament, it is perhaps a foregone conclusion that Mr Biswas will win the presidency. However, Justice Chowdhury is also a highly qualified person, whose distinguished career as a jurist and a man of high principles makes him a worthy candidate. His participation in the run adds colour to the contest.

## No Junkets

According to reports published in this and other papers yesterday, the government of India has decided to ban ministers from taking spouses along on foreign trips. The decision came after the media joined opposition politicians in describing ministerial trips abroad as wasteful. While that is taking things a little too far, since no government could expect to have an effective foreign relations without regular exchanges of visits, the decision to ban spouses is certainly a sound one. India, like most developing countries, is going through a severe cashflow crisis and the last thing New Delhi needs is to turn important official trips into junkets. This is something Bangladesh would do well to consider.

While we can expect an elected and accountable government to be more watchful of expenditures, particularly those that could be categorised as wasteful, there is absolutely no guarantee that such wastages will automatically become a thing of the past. Accountability is yet to prove itself to be a magic wand by which all corruption and wasteful practices of past regimes could be swept away. What is needed, therefore, is an unequivocal and publicly-announced decision not to allow any unnecessary personnel on foreign trips, including spouses of officials and ministers (unless invited, of course).

Even more important perhaps is the composition of official delegations. For one thing, the decision-making process by which people are chosen to represent the country abroad must be shifted away from the centralisation of the past. If it is a ministerial trip, then the minister concerned should take the decision on the personnel he would require, while composition of other official delegations could be decided at the level of the secretary or head of related government department.

Foreign trips have often been viewed in the past as junkets, but that image has to be eradicated as most trips are critical for the country's foreign relations as well as development efforts. The public must be satisfied that people going abroad at state expense possess the qualifications that would be required at a given conference, seminar or round of negotiation. In other words, the tax-payers must not feel they are paying for somebody else's holiday or shopping trip.

The number of people travelling as ministerial entourage must also be kept to a minimum. There is a tendency in this country to take along a large group of people on foreign trips. This practice needs to be curbed if the government is to prove its sincerity about cutting unnecessary expenditure.

**T**RANSITION to democracy in the Bangladesh context is an unique experience for a third world country. Bangladesh won its independence from Pakistan through a bloody war in 1971. The people sighed a relief. A constitution enshrining parliamentary democracy was framed in 1972. But unfortunately real democracy remained elusive and by January, 1975, the little that was left of true democracy was destroyed and a one-party rule was imposed on the people. However, after the blood-stained change-over that took place on the 15th August, 1975, an uncertain interim period continued till 7th November, 1975, when Late Genl. Ziaur Rahman came to power by the force of existing circumstances. A freedom fighter, Zia was a believer in democracy. Gradually, he took steps that led to a multiparty democratic system in the country through the Fifth Amendment of the Constitution. He launched a new political party, the Bangladesh Nationalist Party (BNP). Constitutional experts know it for certain that true democracy can be enjoyed as much in a 'Parliamentary' system as in a 'Presidential' form of government. In fact parliamentary system of the Westminster type, as in Britain, has no inherent guarantee for ensuring true democracy in a Third World country like Bangladesh. This was evident from the state of things that existed during the period from 1972 to 1975. During that time the Constitution provided for parliamentary democracy, but in

fact, it was a one-man rule, purely dependent on majority of the then ruling party. Of course, the personal charisma of the party boss largely contributed to this position. Virtually, this was an autocratic regime and, regrettably, it was given an institutional character by overnight conversion of the parliamentary system to one-party presidential system of government, with all powers vested in the President.

Subsequently, what Ziaur Rahman wanted was to revert to a multiparty system with freedom of press, retaining the presidential type. He gave a fair trial to this type of presidential form of government. The trial worked well with people regaining a democratic system in the country. But the nation got a big jolt when all of a sudden on 24th March, 1982 a military coup under Ershad, the Army Chief of Staff, seized power and clamped Martial Law in the country. The national parliament was dissolved and Constitution suspended. Ershad declared himself as the Chief Martial Law Administrator and in no time became the President of Bangladesh through fake elections. His only objective was to hold on to power under the garb of a presidential form of government and he took measures for concentration of all

executive powers of the state in the hands of the President, without following the usual norms of democratic practices contained in a presidential system. For instance, he turned 'elections' in to a farcical institution, manipulated voting system and resorted to massive rigging through corrupt officials and hired musclemen. In the process, the bureaucratic machinery was largely corrupted, and so-called elected MPs turned into handpicked lackeys of the President. The leader of the opposition and his group was widely known as the 'loyal' opposition. It was so arranged that the ruling party of the President was always the 'majority' party in the parliament. Ministers were chosen and dismissed at the sweet will of the President and they were turned into nothing but his propagandists. Corruption was rampant at all levels of the administration.

In this manner, the presidential system of government as left by President Zia was converted into a thoroughly corrupt one-man show. People in general were disgusted with this state of affairs and signs of revolt were visible everywhere among all sections of the people — political activists, students and

men in the streets. All combined were ready to launch a vigorous movement to oust the autocratic regime. But, unfortunately, political parties failed to come in one platform on a common issue until 1990, when student organisations in all fronts joined hands together and persuaded the major political parties to unite for the common cause.

The illegal autocratic regime of Ershad fell to pieces on December 6, 1990. Mr Justice Shahabuddin Ahmed was installed as Acting President. The elections were held peacefully on the 27th February, 1991. For the first time in the history of Bangladesh, the people were able to give their verdict freely and fairly. A national parliament was elected with Bangladesh Nationalist Party (BNP) as the single largest party. This election was held under the provisions of the existing Constitution. So, although a sovereign parliament (Sangsad) was elected, the full executive powers still remained with the Acting President. But the latter took a very wise and pragmatic step in dismissing his Council of Advisers and choosing, in its place, a cabinet consisting of

members of the majority party in the national parliament, as nominated by the leader of the majority party as the newly appointed Prime Minister. The Acting President allowed this cabinet to function freely with the new Prime Minister as its head. The Prime Minister had thus a free hand to work as the de facto head of government. This was indeed a true democratic norm followed by the Acting President Justice Shahabuddin, for which he deserves the full credit of laying the foundation of a true parliamentary democracy. Some may have termed it as a 'diarchy' in the sense that de jure powers rested with the Acting President, while his cabinet exercised real power. It was, of course, a rare instance of practising true democratic spirit.

In the meantime, the new parliament in showing due respect to the national objectives of the agreed blueprint, came to an unanimous decision to revert to parliamentary democracy after 16 years of presidential rule. A Bill was accordingly introduced in parliament and passed in a jointly acceptable form. However, under the provisions of the existing Constitution, a referendum was held to confirm the big change, and the 12th

Amendment of the Constitution was enacted.

Under the new order, the old cabinet of the Acting President, which had the de jure character of an Advisory Council, resigned and a new cabinet with Prime Minister Begum Khaleda Zia as the Chief Executive has just been installed. The Acting President, who was so long the depository of all executive powers has now become a ceremonial head of state. He will continue as such until a new President of the same character is elected by the members of parliament under a newly adopted law.

The Acting President, Justice Shahabuddin Ahmed, was the Chief Justice of the country's Supreme Court before he took over his temporary assignment. But he made it sure that after his assignment is completed, he would go back to his old position, for which a special Constitutional Amendment was passed unanimously. This scenario was unthinkable in previous times. Mr Justice Shahabuddin Ahmed has set a unique example of honesty and sincerity of purpose, selflessness and maturity of a true statesman. Incidentally, he has enhanced the prestige of judiciary.

Bangladesh has done it and can offer this case as an example for emulation by all freedom loving people in Third World. All Bangladeshis are certainly proud of this unique case of peaceful transition to democracy through sheer people power.

The writer is a former Secretary of the Government of Bangladesh.

# Media Freedom Row Erupts over Rabuka

David Robie writes from Auckland

*Fiji strongman Major-General Sitiveni Rabuka is now the co-deputy Prime Minister in the civilian interim government. As leader of the 1987 coup he closed newspapers and jailed journalists. Now an invitation for him to address a media convention in New Zealand has stirred bitter controversy.*

**A**N invitation to Fiji coup leader Major-General Sitiveni Rabuka to give the keynote speech at a media convention in New Zealand in October has plunged the South Pacific media in to a row over ethics and press freedom.

Rabuka, whose military coup in 1987 deposed the newly elected government of Dr Timoci Bavadra at gunpoint and abrogated the country's constitution, recently quit the military and was appointed to the interim government as co-deputy Prime Minister and Minister of Home Affairs.

Fiji is due to have a general election early next year under a new republican constitution — condemned by opponents as racist and unjust — but intense bitterness in the region remains about the dramatic events of 1987, when the government was overthrown only a month after winning the election.

That bitterness rapidly surfaced when the Pacific Islands News Association (PINA), a regional organisation of media editors and broadcasters, invited Rabuka to speak at its annual conference in Auckland in early October.

Although the previous Labour government twice blocked attempts by Rabuka to visit New Zealand, the present National government has signalled warmer relations between New Zealand and Fiji.

New Zealand officials now regard the coup leader as a civilian politician and have declared there would be no opposition to a formal visa application from him. Foreign Minister Don McKinnon said that if Rabuka visited New Zealand he would be offered "the courtesies normally extended a deputy prime minister."

Pro-democracy Fijian expatriates living in New Zealand and the anti-apartheid group

Hart are among movements that have protested against the planned visit. They threaten to mount demonstrations against Rabuka.

Leading Newspapers and journalists organisations have also harshly criticised the invitation. The influential Dominion newspaper published a scathing editorial accusing PINA of "abysmal judgement" and "ignorance".

The New Zealand Journalists and Graphic Process Union said it was ironic that PINA had invited Rabuka when he represented a regime that had jailed, intimidated and harassed journalists in Fiji and arbitrarily restricted the entry of foreign journalists.

Frank Senge, a Papua New Guinea journalist who is President of the Pacific Journalists Association (PJA) — representing working journalists throughout the region — said the invitation showed "remarkable naivety" and would inevitably give credibility to the coup leader.

The PJA, founded two years ago, is supported by the Brussels-based International Federation of Journalists, which represents 150,000 journalists worldwide.

The Suva-based PINA defended its decision, saying it was ludicrous to infer that it was in any way expressing approval of Rabuka's role in the coup.

Newspapers in Fiji also rallied to the defence of PINA. The Daily Post said that if Rabuka formally accepted the invitation "it will be a coup in itself for PINA. It will also

demonstrate his courage in standing up for what he believes in."

After Rabuka seized power on May 14, 1987, troops were ordered into the offices of Fiji's two daily newspapers and their journalists were put under house arrest. Foreign journalists were harassed and detained, their hotel rooms raided, tapes and notes seized. Radio broadcasts were censored.

The papers were closed again after the second coup four months later. One, the Hongkong and New Zealand-owned Fiji Sun, refused to publish again under censorship and closed.

Since then Fiji journalists have faced being jailed without charge, been threatened with government licensing of newspapers, and harassed by a zealous Minister of Information, Ratu Inoke Kubuabola. Reports by the PJA, Amnesty International and other organisations have cited examples of harassment and intimidation.

In 1988 the now retired editor of the Fiji Times, Vijendra Kumar, was arrested by soldiers and detained over a typographical error which upset Rabuka. A chief reporter of the paper was also jailed without charge.

Last month charges of "malicious fabrication" against the publisher of the Daily Post, Taniela Bolea, and two staff journalists were finally dropped. The journalists were accused last October of publishing a news report about plans by students to burn

copies of the republican constitution following the kidnapping of Suva academic Dr Anirudh Singh by Fijian soldiers.

In July a leading Tongan journalist, Peal Fonua, the Matangi Tonga editor, was briefly detained in Fiji while travelling to Tanga from Vanuatu. This followed the two-day detention of an Australian Broadcasting Corporation television crew invited by the Fiji Rugby Union to broadcast an international match between the touring England team and Fiji.

PINA has played a role in defending press freedoms and in recent times the harassment has been less marked.

The Dominion, target of a \$1 million libel lawsuit following an article harshly critical of Rabuka and written by wealthy businessman Sir Robert Jones, has often published outspoken

editorials condemning the regime in Fiji.

The paper, in a scathing editorial, mocked a PINA official who defended the Rabuka invitation as being in line with the association's tradition of asking outstanding Pacific leaders to speak.

The paper said: "Rabuka is outstanding first and foremost in being the first Pacific islander to have overthrown a democratically elected government. Perhaps PINA believes it is time to acknowledge the achievement of the man who led his gun-toting, gasmasked soldiers into Fiji's parliament in May, 1987, and frogmarched the lawful government off into custody."

Patterson Mac, the PINA president, said Rabuka had been invited because he "obviously is a controversial person whose actions had a profound, lasting impact on

modern Pacific island affairs. Only blinkered people could fail to see that."

Fiji Times acting editor Moresa Vella said PINA's stand was based on the "classic Voltaire defence of freedom of speech — 'I may not agree with what you say, but I'll defend to the death your right to say it.'"

Vella added in an editorial that it was unfortunate the condemnation came from "so-called democratic forces, people you'd think would be the first to man the barricades against the enemies of free speech."

Many Fiji journalists disagree with that view. Richard Naidu, a former senior Fiji Times journalist, said the controversy should never have arisen. The New Zealand media had every right to condemn and invitation to the man who had barred New Zealand journalists from Fiji.

And in any case, he added, "leopards don't change their spots."

DAVID ROBIE is a New Zealand journalist specialising in Pacific and development issues. He has worked on newspapers in Australia, Africa and France.

## OPINION

### Servants are Human beings

Dhaka Day by Day item "Where have All the Servants Flown" published on the 3rd page of 11 August issue of The Daily Star has drawn my attention.

It points out the great difficulties householders today face due to a change in mentality of hired household helpers. Some forty years ago a servant was very obedient, dutiful, loyal, and could be depended on to remain in and serve the family. But today many household helpers gain experience working at a home, then leave and get jobs in the middle east, garment factories, foreign guest house, etc.

We often are drawn by the pitiable pictures and the story of the working women and children, how hard their lives are sometimes, how cruelly they are used by the employers. They are also human beings. Due to many factors behind their present life, they are forced to take up such jobs, but none can guarantee that today's servants or working women were so ever before. We read in the dailies about the child workers at home treated inhumanly. They came to this job to earn their livelihood and are not begging. They work hard from dawn to dusk and with no respite, no weekend, no holiday.

In the novel "Roots", a film version of which was shown by BTV, we found that the same problem existed in the USA in the last century. The homes in some plantations were governed by very kind and understanding masters and mistresses.

They were very kind to their slaves, supplying all their necessities even affection. Still some of them would run away. The masters and mistresses were heart broken by such ingratitude. And how could they manage their house without the assistance of those competent and faithful servants?

Most families give their children love, affection, education and everything that they think is for their best interest. Still many children can hardly wait to leave home and get off on their own.

The fact is that all people are individuals, even the poor, uneducated household helpers. Among the things that they value most in life are their independence, their right to live their own lives. But many do not have such an opportunity.

In past ages many were bound by slavery, which continued for centuries hereditarily. Today many are bound by economic slavery, they attach themselves to a family in order to survive. Inherited poverty force them to lead this life. But most will take the first opportunity to free themselves from that bonded situation. Because in many cases these household helpers, for their work and duties are used as slaves but for their rights and needs, their minimum requirement is not met. They are controlled for food and other necessities.

I heard one of my close friends saying, "The servants in my house, who cook for the family and serve us at table... how can we not give them what they prepare and serve? If we do not treat them well, they are sure to steal food and other necessities because where shall they get them?"

So it is our obligation to give them their needs as because we want that they should be faithful, docile and sincere. So when some household helpers steal or run away, it should not be a matter of surprise or considered as being an ingratitude; we could surely have done the same under similar circumstance.

In a country as poor as ours, we, who belong to the materially privileged class, should be very thankful for the help given to us by our household helpers. We should treat them as members of the family. We should do everything we can to give them a chance to learn, to become self sufficient. When one of them finds a means to

break loose from this "bondage" and go off on his/her own, we should rejoice... the same way a parent rejoices when his/her son/daughter advances in life.

We, who can afford to hire household helpers have a wonderful opportunity to help these poor people to become competent and independent members of our society. How many small children who work in city homes are given time to attend school? Many of us can easily afford to keep more than one such helper so that one can take the turn of work while the other is off at school. How many of the adult household helpers earn enough income and get sufficient holiday time that they are able to maintain their own families, send their children to school, take care of their medical problems? Are these things that which are reserved to our middle and upper class families? Are not these basic rights that which all people should share?

I agree with the author of the article that it might be better to mechanize our homes and find ways to do without the help of household helpers. If we have the means and are willing to give them chance to live in dignity, then we do not have the right to keep them in our homes and exploit them. Most will say that they are better off working in homes than starving in the village. But if that is the case, why do the servants flee?

But it would be far better for us to take the opportunity to invite helpful persons into our homes and share with them many of the opportunities we have in abundance. If we do, many will stay, while others will flee with our blessings. In doing this our Creator will surely bless both them and us.

Ms R Costa  
Commission for Justice and Peace, Dhaka.

## To the Editor

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

### 'Cruelty to children must stop'

Sir, I was encouraged to read the feature story captioned 'The Mystery of the Missing Children'. It was all the more heart warming to see an editorial comment on the same issue published in The Daily Star the next morning (15 Sept). It was painful to know everything that had happened to the kids who used to sell flowers at the traffic island in front of hotel Sheraton.

The United Nations Convention on the Rights of the Child is the magna carta that states, elaborates, defends and also suggests ways to standardize the rights of the child in the global context so that their implementation could be pursued and monitored. The convention is the best safeguard for children living in difficult circumstances which include children at war, children subjected to force, cruelty and many other illegal practices.

The consciousness of the rights of the child is relatively

low because it is so new. We agree that newspapers play a pioneering role in popularizing the concept of the rights of the child. Your newspaper has already taken the leadership in this field.

We look forward to continuing reading of The Daily Star.

Cole P Dodge  
Representative  
UNICEF Bangladesh

### Ministers and responsibilities

Sir, We're surprised and shocked to note that none of the frontline leaders of the opposition attended the recent swearing-in ceremony of the new cabinet which marked the country's switchover to the parliamentary democracy on the basis of national consensus. The members of the opposition had also voted in favour of the parliamentary democracy.

Some political leaders are not in favour of a big cabinet. Well, I think, in a highly populated country like ours, there should be a minister for each and every discipline of public