

Saga of Negotiations and its Aftermath

by M M Rezaul Karim

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PM Treats it Lightly

The Prime Minister surprised nobody. In her address to the nation on radio and television she went to great lengths to reiterate her position as the Prime Minister as well as her party's stand on holding the election which is being boycotted by the main opposition parties. She has tried to show how intransigent the opposition parties were and the concessions her party made. What is, however, missing is the seriousness in her speech to recognise the gravity of the situation — one that is fraught with dangers of all kinds. The fear is that she is taking along with her the whole nation to an area where angels fear to tread.

Yet the prime minister expressed her optimism that the coming polls would create an atmosphere "to ensure the participation of all political parties in the future elections". So, should we take it as an indirect reference to yet another election soon? Even that requires a semblance of peace in holding the election at hand. We are apprehensive that the inflexible attitudes of both the ruling party and the opposition — one determined to have the election as scheduled, come what may; and the other to resist it, the cost notwithstanding — will lead them on to a deeper confrontational course in the coming days.

On the eve of her visit to Sylhet the activists of the ruling party and those of the Jamaat and the Awami League were engaged in a serious clash there. In the city the opposition went on a rampage, protesting the PM's address to the nation. These incidents seem to be indicative of what is to come as the election date approaches. It is becoming increasingly unclear how the election can be conducted without clashes, violence and tragic incidents on a large scale. Even if such consequences can somehow be minimised, there is hardly any possibility of ensuring that this election would be any different from the discredited polls in the past.

It is exactly at this point that we sound a note of caution: please don't, for God's sake, become hell-bent on your own ways where there is the slightest possibility of loss of life and property. Don't sacrifice common people's lives as a fodder to your political canons. Let the people decide whether they want to participate in the election or not. Your imposition notwithstanding, people's will must triumph — ultimately.

A Dangerous Patient

Din Muhammad is 38 and is a confirmed AIDS patient. And he is at large. An intelligent guess is he is fleeing from possible isolation and will be hard to be found. Unless his urge to live proves more powerful than his imagined compulsions to beat identification, that is, for, without going to the highest medical authorities he cannot hope to get any reasonable treatment. Or, it may be that having had considerable foreign exposure — that is where he picked up his HIV virus — he knows that no treatment anywhere in the world — not to speak of Bangladesh — can help him now.

One may be all sympathy for the death-bound Din Muhammad. But the disquieting truth is that he is a danger to society. When Din Muhammad went first to a renowned private hospital complex in the city with his complaints, their investigations confirmed him to be an AIDS patient. What did they do then? They advised to report himself to the authorities. When Din Muhammad didn't respond to the advice, the hospital's act veered from foolish to neglectful.

Another chance to get hold of him came when he went to a private clinic in Cox's Bazar. Knowing from his papers that he was carrying HIV virus, the attending doctor did the right thing: sent him to the local government hospital and informed the district and medical authorities of his dangerous affliction. The authorities did not respond seriously enough and rather than detaining Nur Muhammad, asked him to come back the next day. Which, of course, Din Muhammad was no fool to obey.

The current elaborate campaign against AIDS is one of the costliest of such programmes. What use is this when a confirmed AIDS patient is helped to go about freely posing a very serious danger to society? Din Muhammad must be found out and offered such attention as would encourage other such patients to volunteer to surface.

The Netaji Centenary

This year marks the birth anniversary of Netaji Subhas Chandra Bose. In Bangladesh a year-long commemorative functions have been planned. On Tuesday the first of those was held with speeches and discussions. The closing function will be held on January 23, 1997.

Two leaders from outside the community of Bengali Muslims became very acceptable to them. Chittaranjan Das and Subhas Chandra Bose appealed to the Bengalees of all shades for quite different reasons. But both were very successful in projecting themselves as rising truly above communal considerations and addressing the whole of the Bengali people in whatever they preached and practised.

Decidedly Netaji Subhas was the more charismatic of the two, appealing specially to the younger generation with his firebrand speeches and militant postures and his many escapades. Of true value from among a crammed trove of legends is Netaji's stupendous patriotism. His joining the axis powers is difficult to justify specially for the campaign of terror and mass murder those powers mounted but no one has ever questioned his patriotic spirit behind it.

THE grim political crisis that has been facing the nation for the past year and a half has now entered a new phase. The phase is grimmer still. With the collapse of negotiations between the government and the opposition, the last hope for a compromise has been dashed to the grounds. The election scheduled to be held on the 15th February can no longer be altered by constitutional means.

The die is therefore cast. The brief experiment of our political democracy is put to acid test. The people are not only askance but deeply concerned and most apprehensive about the possibility of a horrid scenario of what may be in store for them in the immediate future. Unless some good sense, imbued with true patriotism and genuine love for democracy, prevails, the country may plunge into an irretrievable catastrophe.

Let us briefly dwell upon this scenario and attempt to analyse as to how we failed miserably and landed ourselves in an abyss of despair and despondency.

It is understood that, in the final stage, the ruling party and the opposition came almost to the brink of an agreement on the 16th instant when they were to meet with the hope of making a breakthrough. The meeting, which had been arranged at the behest of the leading diplomat of a friendly country, was cancelled by the opposition only a few minutes before the scheduled time of 6 PM. No reason was assigned nor any suggestion for a subsequent meeting later on the next day made.

It was mentioned later that the meeting was clashing with or coming close to a meeting with some Ambassadors and another with opposition party leaders themselves. Neither of these two explanations appeared to hold good. In matters of pri-

orities, national interests supersede party and all other interests. After all, the meeting between the ruling and the opposition parties had been already agreed to by both sides and also takes precedence over the meeting with Ambassadors who were, in fact, acting as facilitators for such meetings.

Again, it was argued subsequently that the insistence of the BNP negotiators not to extend the date of election was the principal cause for the collapse of the talks. It may be recalled that only recently the Awami League President, in reply to a question in a meeting with OCAB journalists, accepted the possibility of holding the election within the mandatory period of ninety days following dissolution of the parliament. One may further contend, if the opposition had agreed to the President exercising the executive authority as head of a Council of Advisers, the question of the deferment of the date being the only principal contentious issue left to be solved, could perhaps have been resolved through discussions in the aborted meeting, while seeking possible legal redresses for it. One, therefore, is left with little doubt as to who was sincere and acted in good faith and who did not.

The last date for submission of nomination papers to the Election Commission on the 17th thus expired without EC receiving any request for further postponement of the date from anyone. Previously, at least on two occasions, the EC had deferred on receipt of written and verbal requests from the opposition parties. Thus the

scope for time framework for further negotiations became exhausted. So, the failure, even for a hairbreadth difference, sounded a dismal failure.

To trace back a little, during the backstage parleys between leaders of the two sides, the opposition contention was that a partisan government would be prone to influencing the process of election. The BNP side agreed to the formula of an interim (caretaker) government composed of an equal number of non-partisan members in an advisory council to be nominated by either side and headed by the President, who would be vested with executive authority. The President may exercise this authority under provision 48 (2) of the constitution and/or through a reference to the Appellate Division of the Supreme Court. The Prime Minister would obviously step down.

There was also possibility of seeking legal redresses by way of invoking the doctrine of necessity, residual powers of the President, etc. that our accomplished lawyers and learned judges could contemplate.

It was the opposition who proposed to make a reference to the Supreme Court. The BNP agreed and suggested that the two sides should jointly draft and finalise the text of the reference and that the ruling or opinion of the Supreme Court should be made binding on both sides. The opposition refused and negotiations came to a halt.

Arguments were advanced by some quarters to the effect that the acceptance of a

government under President with executive authority would tantamount to the negation of parliamentary democracy and introduction of a Presidential form of government. This argument is not only false but borders on absurdity. How could a transitory government with a short life span of a few weeks would alter the fundamental character and form of our parliamentary democracy to achieve which the BNP had demonstrated political acumen and extended cooperative hands to its arch political rival, the Awami League?

Aspersions were also cast on the Hon'ble President as a BNP man, imparting impairment of impartiality of his judgement and action. In most Parliamentary democracies having the institution of an elected Head of State, this is an accepted principle that immediately on assumption of office, the President divests himself of his partisanship. This is so in our land also and this is sanctioned by the constitution. As a matter of fact the President had been voted to office not merely by the BNP but also by the Jamaat-e-Islami and independent members of parliament. Besides, the principal state functions of maintenance of law and order, administration and transfer of officials, impartiality of government media and such other activities having a close bearing on the election process are to be generally controlled by the Election Commission during the period following the announcement of election schedule till after the election. The President, as head of government, would then enjoy minimal or at best

marginal authorities in these spheres.

The interesting point to ponder is that on the 10th January last year the Awami League President himself had been good enough to announce her acceptance of the President as head of government composed of a council of advisers. No condition was attached for appointment of another head or enjoyment of executive authority by anyone other than the President himself. Although a good deal of time has elapsed and re-cremations exchanged, neither the office of the President so far as his authority and functions are concerned has changed nor the President as a person has undergone any change. In that case, the Awami League chief would have earned nation's gratitude by maintaining the same stance of accepting a government under President with executive powers, in greater national interest.

The government party has made persistent efforts to bring about a solution through dialogue. Unfortunately the precondition of acceptance of their fundamental demand imposed by the opposition prior to the holding of a meeting had taken up a lot of valuable time. However, the recent backstage parleys generated much hope. But much of some more crucial time for negotiations before the 9th of this month was lost, as the opposition leaders failed to turn up for negotiation on various pleas, such as non-availability of authorisation, absence of their leader in Tongipara, need for securing mandate from the party and involvement in hartals on the 8th and 9th.

The positive attitude of the ruling party could be gauged by the fact that they have been most cooperative with those who had tried to bring about a solution through their sincere efforts, be that the facilitatory role of Sir Ninian, the sincere endeavour of our group of eminent citizens or the clandestine perseverance of diplomats of friendly countries. BNP accepted the formula of Sir Ninian but this was rejected by the opposition. On other forums also, its cooperative attitude was less than reciprocated by the other side.

Having been unable to effect a reasonable compromise, the government was left with no alternative to the holding of elections within the stipulated period, for reasons of compulsion to vindicate and uphold constitution. In this, none can claim that the legal and constitutional action taken by the government is not justified. The ideal situation, no doubt, would have been a multi-party participation in the election. The avenues for understanding, however, remains open still within the bounds of constitution and laws.

Let us hope and pray that compassion and understanding would prevail upon the evil forces of mistrust and violence. To exercise the right of franchise freely and openly is enjoined as fundamental rights in our constitution. Let no one intimidate us and try to deprive us of this cherished right forcibly. After all, it would be a tautology of the highest degree to try to take away the right to vote in order to establish the right to vote. One can only appeal to the good sense, patriotism and democratic spirit of our people.

(The author, a former diplomat, is a member of BNP's Advisory Council)

Privatising National Security

On paper more than 50 per cent ownership of a couple of foreign private security companies operating in Pakistan is in the hands of Pakistanis, that is a gross misrepresentation which is detrimental to national security.

PAKISTAN has an unenviable record of extremes and excesses. The nationalisation trend in the early 70s launched by late Zulfikar Ali Bhutto nationalised everything in sight: "Bundoo Khan, the Kabab specialist, was lucky to escape the bureaucratic sweep. In the privatisation bing that was initiated by Mian Nawaz Sharif and has been continued with some gusto by the late PM's daughter, Ms Benazir Bhutto in utter negation of her party's original socialist credo, everything including the kitchen sink seems to be on sale.

Unfortunately there is very little public outcry over compromises in the realm of national security, mainly because there is very little public knowledge about the consequences of handing over control over sensitive sectors to multi-nationals (MNCs), who by definition have no loyalty to any one nation but only fiduciary loyalty to their shareholders in theory.

In actual practice every one of the MNCs has some focus of control, in most cases in Europe and the USA. Technically, IT & T is an MNC, everyone knows it is as American as mother's apple pie; similarly Philips may be an MNC, but it is very clearly of Netherlands origin! Financiers of murky origin whose loyalties are seldom known lurk in the background; this element of doubt alone should be a matter of deep concern for those responsible for safeguarding our national security.

The Government of Pakistan (GOP) is running budget deficits; we cannot have a garage sale of our strategic assets, that also to pay for liquidity shortages or for debt servicing. By law, the proceeds of sales of nationalised assets should be only used for debt retirement.

Other than the defence sector, control cannot be allowed in foreign hands in any circumstances in areas such as communications, en-

ergy, finance and law enforcement. Even in the first world, there are parameters and restrictions because of national security considerations that override the requirements of free enterprise. Foreigners are banned from having controlling interest in any such enterprise.

In the citadel of free enterprise, the US government has a monopoly for "strategic security considerations" over 250 items of raw materials that include minerals, petrocarbons, etc while maintaining Federal control over energy, communications, finance and law enforcement. The US Federal Communications Commission (FCC) will hardly allow a foreign "strategic investor" to get hold of any of the new companies formed after the disassembling of AT & T like we are planning for PTC in Pakistan.

There is great sensitivity in the west at the power of drug money purchasing their way into some "secure" sectors. While some MNCs do own the odd oil and gas fields, product distribution is strictly regulated.

The President of Pakistan has recently intervened in the sale of the assets of Pakistan Petroleum Limited (PPL), ostensibly to Sadruddin Hashwani, owner of two Marriott Hotels (Karachi and Islamabad) and the five Pearl Continental (Karachi, Lahore, Pindi, Peshawar and Bhurban). According to Choudhry Nisar Ali, former Petroleum Minister and Special Assistant to the PM in the Mian Nawaz Sharif regime, this is a "loot" sale of the country's strategic interests as the real buyer is Broken Hill Proprietary (BHP) Ltd of Australia for whom Hashwani is simply fronting.

Not so, says Sadruddin Hashwani; he says his "Zaver Petroleum" which bought

over Occidental Petroleum's interests in Pakistan, is the first Pakistani company in oil-field exploration and his bid for PPL is simply an extension of that proposition to include Pakistani management in existing gas-fields. Choudhry Nisar Ali says that Pakistani management has been alive and doing well in PPL for quite some time, why not have an employee's budget? Hashwani is known to have close links to the Establishment even before his first hotel came onto line (Holiday Inn, Karachi, now Marriott) in the 70s. With the monopoly of having the only five-star hotel in Islamabad (Holiday Inn, now Marriott), he consolidated his hold on the Establishment,

company (BOC) and then gradually privatise the company by selling blocks of shares in phases to the general public. Can we afford to take such a 'debatable risk of foreign ownership with our oil and gas reserves? Is there any guarantee that the fabulously rich billionaire Sindhi Hindu family, the Hinduja (of "Bofors" fame) now settled in UK and Switzerland as MNCs, who are rumoured to have influential contacts among their ethnic cousins in Pakistan, are not behind the purchase? And would they have this country's best interests at heart?

At the moment, controversy is raging over the shortlisting of only two Saudi-based bidders for

foreign ownership?

To circumvent US safeguards, late Agha Hassan Abedi made an abortive bid to take over control of First American Bank by misrepresenting his American "proxies" as owners, the US Justice Department took over the Bank on that pretext alone. If the US can be wary of allowing foreign ownership of financial institutions, why cannot we exercise the same caution? If such control by foreigners were allowed in the US, would our rich Arab brothers ever look at UBL and the like? Conversely, do our Arab friends allow Pakistanis to own their financial institutions in their countries?

On paper more than 50 per cent ownership of a couple of foreign private security companies operating in Pakistan is in the hands of Pakistanis, that is a gross misrepresentation which is detrimental to our national security. Since all domestic private security companies are quite rightly being subjected to stringent security clearances, it is only reasonable to suppose that the same exacting standards will be applied for foreigners. In fact it should be an interesting exercise to see how what criteria our investigating agencies set to verify antecedents while carrying out background checks of their owners and senior executives, almost all of whom have served their respective countries in senior intelligence appointments.

The most important sector is communications. In the opening up of the information highway very little control can be pragmatically exercised. Sorry experience in cellular communications has shown that in the wrong hands it can be extremely dangerous for our society. The communications network of Karachi's urban terrorists was broken through

the extreme step of stopping all cellular services in Karachi (and Hyderabad), similarly GOP had to place restrictions on cellular phone services in Sialkot and parts of Lahore adjacent to the border areas because of national security considerations. If that were not bad enough, why are we looking for a "strategic investor" for Pakistan Telecommunication Corporation (PTC) when it would be far better to gradually privatise the shares to domestic investors?

Conceivably a foreign investor/operation would be able to lap, monitor, override any conversation or any communication to the detriment of Pakistan. Would even a suspicion of Libyan or Iranian involvement be acceptable to the US or for that matter in any of the other citadels of free enterprise? Control over communications would permit entities to break into computers, jam electronics including radars, intercept command channels, monitor all transmissions, etc.

It may not be the intention of the Bhutto regime to sell off the entire family silver but whether the proceeds will be used for debt retirement is another story. The government is increasingly looking like over-enthusiastic commission agents, ready to sell anything that can be sold at any price, as long as somebody can get a commission. To manipulate the merit process in sale/purchase may matter to an extent but in areas of national security, it becomes of vital importance.

The President seems to be on a roll as far as correcting wrongs are concerned, he needs to establish his writ over areas of national security without any ambiguity. Where are the men and women of conscience within GOP who should resist this penchant in conception? Notation on this earth has privatised its national security, the only motivation that propels us towards this apocalypse seems to be money for lining privileged pockets.

AS I SEE IT

Ikram Sehgal writes from Karachi

translating into the purchase of the five Intercontinentals by the simple expedient of transfer of majority shares of PSL (Pakistan Services Ltd, the holding company) in the mid-80s during PM Junejo's tenure for a price that still generates controversy for being exceedingly low. Some people thought the demise of his good friend, the late Gen Asif Nawaz Janjua, would rein in the consummate wheeler-dealer but obviously he has "new mentors"; obviously he also failed to calculate the President's nuisance value.

Profit/loss aside, it seems BHP would then acquire the best position to take over Qadirpur gas-field, giving ownership of strategic reserves to foreign tutelage. To end this anomaly, the government must purchase shares of Burmah Oil Com-

United Bank Limited (UBL). Faysal Bank has now formally notified Government of Pakistan (GOP) that they intend to pull out, qualifying the only one bidder to take over almost 1500 branches within Pakistan and dozens abroad for a pittance and a song. UBL is considered a tremendous buy despite its bad recent performance. If somebody really wanted to tap into the economic information network (and be paid money for doing so instead of paying out money for getting it) then there is no better front than a financial institution having a lot of branches in every nook and corner of country. Muslim Commercial Bank (MCB) and Allied Bank Limited (ABL) and both are functioning extremely well, why not go the same domestic route of privatisation instead of inviting

To the Editor

Appreciation

Sir, This is a letter of appreciation for the way The Daily Star has achieved such a good name in a relatively short time. I appreciate the bold commentaries of Mahfuz Anam, the editorials which are strong and neutral on the present situation and the correct journalism reflected in the paper.

The articles appearing on the post editorial page are of a very good standard. I particularly appreciate and enjoy "Enrichment" every week, written by Waliur Rahman. It is not only informative, but makes me stimulated to do further reading, especially into history. Every article is indeed an encyclopaedia on the subject.

The Save Dhaka movement is also worthy of praise, as is the movement against medical malpractice in the ICH.

Thank you, The Daily Star. Sekandar Ali Gopitbag, Dhaka

'Noise'

Sir, By churning out consistently minuscule articles containing nothing but a few observations only, and that again fixed in the setting of our culture and society, Nicoden Tuinder has established himself as a by-word of the Living page of The Daily Star (January 5, 1996). However delighted you may be with his productions as is obvious from the frequency of their appearance, I, as a reader, find them below standard as far as content, elaboration of idea and sense of humour that he tries so laboriously to express, are concerned.

Although he keeps on enumerating some facts, yet if he had the least intention of writing an article, he could have reflected, analysed and seen them in the broad spectrum of the culture of the society thus turning them into pieces of anthropological work in their psycho-sociocultural aspects which nevertheless would require one to study quite intensively. What-

ever he managed to get printed so far required little intelligence since his only purpose was to be derisive. Moreover, an alien better not be ghoulish in a society that comprises good things as well as that one may not like to see.

Also the corresponding illustration was in pathetically bad taste as it made a mockery of a physical handicap. Nazma Yeasmeen Haque Uttara, Dhaka

NGO movement in Bangladesh

Sir, There was very much in your special supplement (30 Dec) on Non-Government Organisations (Leading the World). But there is also another side.

Perhaps you or your readers know that a study by Mr Mike Douse was published in the 1993 International Co-operative Yearbook. He writes: "There are many thousands of NGOs in Bangladesh. A few are branches of well-known international groups (such as

OXFAM, Save the Children, CARE, Caritas, Enfants du Monde, and Freedom from Hunger) and a set of no more than 200 or 300 others manifest both competence and integrity." He continues: "This is not to suggest that none of the remainder is legitimate — there is a vast number of small NGOs that could go either way. Many of the further legions of NGOs are but small businesses masquerading as charities." Md Iqbal Hossain House 31, Road 7 Dhanmondi R/A, Dhaka-1209

Protector of the Two Harams?

Sir, Mr Arshad-uz Zaman, in his article under the caption "Change of Guard in Riyadh" published in The Daily Star on January 16, 1996, stated, among other things, that at the entrance of the new wing of the Mosque around the Holy Kaaba was inscribed the name of King Fahd with the title of "Protector of the two

Harams". I believe the title mentioned above is in Arabic. Apparently it has not been correctly translated into English. No human being can call himself as "Protector of the two Holy Harams". Only Allah is their Protector.

It is mentioned in other books, etc that King Fahd and others Saudi Kings called themselves as Khademat Haramine Sharifine which can be translated as "Custodian of the two Holy Harams".

Mohammad Yusuf 4/2 Zikatala, Dhaka

Akhter Hamid Khan

Sir, Recently as a part of our agricultural extension field trip I visited the Bangladesh Academy for Rural Development (BARD), Cotbari, Comilla along with two of my colleagues and Part-II BSc. Ag. students. The BARD which was established by the great personality Mr Akhter Hamid Khan has been contributing effectively in the country's

rural and agricultural development through its internationally acclaimed two-tier cooperative system. The officials of BARD who briefed us on the activities and achievements of the Academy recalled the glorious contributions of Mr Akhter Hamid Khan whose strenuous efforts had helped the rural poor of the area in changing their socio-economic status and in bringing their own welfare and development through concerted efforts and united action.

Meanwhile Mr Akhter Hamid Khan has yet to receive a national level recognition for the independent Bangladesh. It is sincerely expected that the Government of Bangladesh will take necessary steps to properly evaluate the works and contribution of Mr Akhter Hamid Khan and give him a national level award.

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