

## Garment Sector's Loss

The garment sector's annual loss of Tk 1200 crore in the export earnings due to shipment failures, and the documentation flaws detected by 'whimsical' buyers to reject consignments, seems rather avoidable.

Some apparel manufacturers in a strident articulation of their difficulties before a Daily Star correspondent, who duly put these together in a front-page report on January 23, suggested what can be done about the snags. The first point in their list is a home-truth: lengthy procedures followed by the customs department and the banks. These need to be shortened for reducing the physical load at the ports.

There is a thinking that perhaps the banks could help in streamlining matters with the buyers who are either much too demanding about the necessary papers or downright whimsical in rejecting consignments on minor technicalities. Can the banks' supervisory writ extend to overseas buyers? It cannot. What, however, sounds desirable, and feasible as well is that they put things in the right perspective at the buyers' end in terms of their contractual obligations. Basically, there should be an adequate legal cover for the exporters to seek remedies against breaches of contracts abroad. The BGMEA will have to take an initiative, alongside the chamber bodies, to strengthen, broaden and update our business laws.

Our diplomatic missions are perhaps required to put the BGMEA members on the tracks of genuine businessmen in the countries of their representation. If need be, they can also act as trouble-shooters. As the economic wings of our missions are refurbished in view of their expanding roles, modalities need to be evolved between them and the private sector bodies in the country for durable and result-oriented contacts. Needless to say, things are taken up on approach, not by mere airing of grievances.

The garment exporters' dependence on buying houses has not quite been an unmixed blessing. In fact, it is alleged that they have been badly exploited by many of these outfits of middlemen. Echoing the advice of the EPB Vice-Chairman Anisul Haq we urge the garment exporters to keep in direct touch with the importers.

## Seasonal Plundering

The *lathials* raided a *char* at Dashmina in Patuakhali for the second consecutive day with the purpose of looting paddy. Forcible harvesting of paddy in the charlands of the country's south has been an annual feature. Not that the local administrations are unaware of the problem. What has been lacking is a comprehensive assertion of the rule of law. In the case of Dashmina Char where a baby got killed and many were injured, the cultivators were constrained by some legal complexities so that they could not go for the harvest.

Clearly, the authority had failed to act timely; and on the day the farmers obtained permission to take their crop home the *lathials* struck. Now it is known that there was no police camp on the char. So, the administrative inaction and neglect were somewhat predictable. We had argued earlier through this column in favour of setting up police camps in char areas this time of the year. Our plea has gone unheeded.

It is not easy to bring order and discipline in potentially danger zones like the coastal chars. But that does not mean things cannot be managed better at least during a particular season of the year. The fact that the *lathials* and their mentors rarely contest a claim on the land at the time of cultivation shows they are only interested to cash in on others' toil in a viciously primitive manner. They really pose a strong challenge to laws of the land and civilised society. Access to some of the chars may be very difficult but that should not be an excuse to leave them to the mercy of a savage force.

A well-armed and better equipped police force is needed to be deployed in the char areas.

## Iodised Salt

The sale of non-iodised salt is liable to punishment but who cares? A report from Brahmanbaria says that traders are selling this type of salt as it gives them a better margin of profit. This is not a problem of Brahmanbaria alone, it goes on in other parts of the country, save perhaps the cities and some towns.

There are some down-to-earth compulsions in this case. A kilogram of non-iodised salt sells at Tk eight as against Tk 12 for the same amount of iodised salt. For consumers with a thin purse and unaware of the substance's efficacy in terms of human health, cheaper variety is the natural choice. Moreover, we are talking about a change in the habit of people who have been accustomed to using non-iodised salt for generations.

Still it is one of those things that is basically doable.

A campaign — a consistent one at that — for iodised salt, highlighting the various health disorders caused by lack of iodine in salt has to be mounted at the village level. Secondly, serious efforts are necessary for bringing down the price of iodised salt. This is a task that must be taken up even if it involves a temporary price support. For, the benefit will be huge through the avoidance of goitre and IQ deficiency.

# Political Crisis: Does it Need a Caesarean Operation?

by A M M Shahabuddin

*The handful of elite can't be fool all the people for all time, although they may sway some people for some time. They are now mature enough to see through the 'gimmicks' and 'antics' of our leaders*

THE wolves are smiling," screamed the bold headline of Mr Mahfuz Anam's commentary on the latest political situation in Bangladesh. I am tempted to add that "hayenas are laughing" to discern a good feast ahead. A very apt quotation he put to rightly evaluate the situation. It needs repetition here:

"Seldom, if ever, has so much damage been done, to so many, by so few," taking a gem-like piece from wartime British Prime Minister Churchill's statement on RAF men's proud performance. But here, tragically, the 'performance' is devastating, although the quotation aptly fits in for our national performers.

In fact, "a handful of people" from the ruling and the opposition parties have held this country and its people hostage "in a blind and reckless ambition" for power. Yes, it seems, nothing but power. Perhaps here a quotation from Pakistan's former Chief Justice Munir's famous 'Munir Report' on Punjab disturbances of the fifties won't be out of context. He said: "But if democracy means the subordination of law and order to political ends — then Allah knoweth best..." Our leaders seem to be bent on having more agitation, more hartals, more destruction, non-cooperation, creating a dangerous law and

order situation. Should we drift, just invoking mercy from Allah?

During the last two years, we have seen nothing but a ceaseless 'tug of war' for power. It, in fact, has become a 'Kissa Kursika' (story of the chair) to borrow the title from a much controversial Indian film on politicians. The leaders from both sides are fighting like proverbial 'Kilkenny Cats' for this much-coveted Kursi (chair), making the country a laughing stock before the world. But who cares? They talk of democracy, fundamental rights, and also shed crocodile tears for the teeming millions of the country. But in practice, they encourage 'mobocracy', knowingly or unknowingly. As you sow, so you reap, the adage says.

The opposition may have to face its boomerang effects when they will be in 'position'. Today we are not ashamed when a young man, going to his place of work on a hartal day, is stripped naked in broad day-light. And why? For establishing democracy! Democracy has become a sort of mantra for

our leaders to achieve their political ends. During British Raj, it was a popular saying that 'what Bengal thinks today, India thinks tomorrow'. Where is that *psyche* or mental make-up for *sobro* thinking? Today what we think, others shudder to emulate. What a fall, my countrymen! With the leaders, every one of us seems to have fallen!

Every day the newspapers are coming up with 'accusations' and 'counter-accusations' of each other, to give the impression that everybody is a fool, except the leaders. But where you can draw the dividing line? Who will decide who is wrong and who is right? A 'criminal' on the dock will always plead not guilty. That doesn't mean he would go scot-free from the charges. It is for the judge to decide what verdict is to be given. We forget, rather pretend to forget, that the main powerhouse of democracy is the people — that multitude of individuals, that judge who has the last say. They can't be ignored altogether. The handful of elite can't be fool all the people for all time, although they may

sway some people for some time. They are now mature enough to see through the 'gimmicks' and 'antics' of our leaders. These leaders today stand 'guilty in the People's Court' as said the *Star* editorial of 20.1.96.

In parliamentary democracy the opposition has a bigger role, a greater responsibility in taming the democratic process. But the nation has witnessed that our opposition leaders have totally failed in this bigger role. They should have realised by this time that politics of *bhag chur* doesn't pay in the long run, except some immediate gains. The *Star* editorial (17.1.96) has rightly said: "The opposition will take a long time sloughing off the effects of their not putting the ultimate trust in the public for demanding justice against rigged election, if there would be one."

This lack of 'trust in the public' has made the role of the opposition more ridiculous. This has exposed their childish behaviour in the name of establishing democratic rights. Even a section of the Indian press had to

advise our opposition to give up their negative politics in the interest of democracy.

During the flamboyant days of our politics of more than last 22 months, even international mediators have come and gone. They couldn't hold on the 'crease' for long. They returned to the pavilion, being 'bowled out' thus. The Commonwealth Secretary-General and his able representative, Sir Stephen Ninan had had to take leave of us. Formulas after formulas have been evolved. Series of discussions, back-stage and front-stage, have been held. But all in vain. No ice was broken. The show must continue.

We are in show-biz. The war of words continues, creating more confusion and chaos. Then entered the scene six gladiators — the six noble Ambassadors, including the US Ambassador in Bangladesh, to try their hands. But their exit was more frustrating, because it was the 'last-ditch' efforts to salvage the sinking ship. They couldn't bring about the much-hoped for 'ceasefire' among the 'warring factions' and restore peace. Perhaps

they had realised that restoration of peace here is much harder than that in Bosnia! There, the mighty diplomacy of America and NATO's air-power succeeded in bringing together the 'warring' leaders for peace. Here the six Ambassadors failed to bring about any tangible results. We have proved to be made of sterner stuff!

What we are doing today in the name of democracy deserves an honourable mention in G's Book of Records of world events. It is perhaps "the greatest show on earth" on democracy, ever enjoyed by the world. But how long will we continue to entertain the world audience making a fool of us? Everything has a limit. The drama must end.

Actually, we are suffering from a 'desperate disease'. And as the saying goes, "desperate diseases need desperate remedies." So we need a desperate remedy. What shape that "desperate" remedy would take, it is difficult to visualise. The situation is tense and undoubtedly volatile. Perhaps to meet such a situation, we urgently need a 'caesarean operation' to save the baby — our nascent democracy. The smiling wolves and the crying hayenas are roaming around to have their day. Let our leaders wake up and realise where they are pushing the country to quench their ever-increasing thirst for power.

## Why the Talks Failed

by A Hasib

IN the article under the above heading 'Why the Talks Failed' carried in the issue of *The Daily Star* on Jan. 21, 1996 Mr Kibria blamed BNP for failure of the talks. But naturally all the readers of *The Daily Star* may not fully share the various views expressed therein. Among the many reasons some readers may like to share one reason or the other and reject the rest for failure of the talks. I do not agree with many of his views but would like to share fully the one or two observations of Mr. Kibria which relate to constitution. His observation that "The Prime Minister's wish to uphold the constitution is utterly hypocritical" is in my opinion, justified for more than one reason. In fact, the Khaleda Zia government's history of five years is replete with a number of constitutional violations. The Prime Minister and her colleagues in the Cabinet (and many outside it) failed to live up to the oath they solemnly took to protect the constitution.

Now let us see the short history of BNP's misuse and/or violation of our constitution:

After coming to power BNP amended the constitution with a view to divesting the President of all power with the result, which acting President Chief Justice Shahabuddin Ahmed observed, that the President has no function except to be an attendant in the funeral. Now BNP government wants the same President to be the Head and exercise the same executive power in a neutral caretaker government. And the talks mainly failed on this. Thus Mr Kibria rightly observed "when it suits the BNP they are ready to break the constitution and when it does not suit then they become its staunchest defenders!"

Art. 152 provides and defines that the President shall be elected under this constitution which is supreme under Art. 7 and any law which violates the constitution is void to that extent. But the President's Election Act, 1991 was passed in violation of law and provided for open voting for election of the President through all elections according to the respective laws were and still are held secretly. Thus elec-

tion of Union, Upazila, Zila, Municipality, City Corporation, three hundred members and thirty women members of Parliament are all elected secretly. But BNP, in order to have its own party man as President, passed the Act in one minute after mid night without any discussion in the absence of all opposition members who walked out in protest. Here BNP violated Articles 48 (1), 119 and 152. Readers will please note that under Article 119, you can not hold MP's election in one manner and President's election in a different manner, for that will hit the golden rule of interpretation of statute.

147 members of Parliament absented for 90 days and also resigned but their seats were not declared vacant as per Art. 67. On the other hand, one member of Parliament was not even allowed to sit in the Parliament for one day in 5 years

**This is the third article we are publishing on the subject, following the piece by S. A. M. S. Kibria. Given the importance of the issue, we invite all our valued readers to send in their views on "Why the Talks Failed."**

— Editor

nor his seat was declared vacant for his alleged conviction and allow some one else to represent the constituency. This is apparent violation of human rights and democracy as enshrined in Article 11 providing for democracy in which effective participation by the people through their elected representatives is ensured.

After the Supreme Court gave its opinion the same seats were declared vacant but no election was held in the vacant seats as per the constitution on the ground of serious flood although there was no flood in many constituencies where election could be easily held. Later, specific dates were announced by our election commission but no one knows whether the election commission said anything about the cancellation of these dates. May be it was also an Act of good.

BNP set up yet another example of flagrant violation of Art. 74 (6) of the constitution when it allowed the

Speaker and the Deputy Speaker to contest in the election when they are still holding office of profit. The constitution has become a spider's web where the weak are caught but the strong get through!

It is a little late to raise another example of violation of the constitution. But it is better late than never. Under Art. 72 the President can dissolve the parliament on advice from the Prime Minister and under Art. 57 (2) Prime Minister can advise and President can dissolve the parliament on condition of the Prime Minister losing support of majority members and the President is satisfied that no other member commands majority support in the parliament. In the present case, neither the Prime Minister lost majority support nor the President ascertained if anybody else had a majority support. The opposition was happy over the dis-

solution of the parliament and so they did not raise the question of legality. They wanted the Prime Minister resign. To them, after resignation of 147 members the parliament was automatically dead as it could not legislate or bring motion in the parliament for impeachment of President for any misconduct and hence the dissolution is a clever device of the BNP. I urge the readers to opine through *The Daily Star* as to whether the Parliament can be said to be still in existence and if so, can election be held before 4th April 1996 when its tenure expires under the constitution. If so, it can save us from a catastrophe and a constitutional crisis. The alternative lies with the President. Under Art. 48(5) the President can suggest to the cabinet that the present problem is a domestic policy matter and the cabinet may consider and empower him to form a Care Taker Government with executive power to it. This can be, if necessary, done by an

ordinance also under Art. 93 and ratified later on like in 1991. This is the last resort to prevent constitutional crisis.

Mr Kibria has concluded his article by posing a question: "Could the Highest Court of Justice of the country ignore a national consensus to resolve a political crisis which is threatening to thrust the nation towards conformation and conflict?" It is wrong to say that there is any consensus. Moreover such a question though important, is difficult to answer unless the judiciary is strong, independent and watching to safeguard and protect the constitution in the event of any assault on it from any quarter without any risk of losing the job. It is appreciated that BNP is rigid in their stand on the preservation of the sanctity of the constitution. But it is hypocritical to be flexible to change/amend it when it does not served their purpose. The bill for separation of judiciary, though brought by Awami League in the beginning of the 5th Parliament, has not even been discussed. Non-confirmation, supersession of sitting judges and appointment in different posts after their retirement is still going on, harming the independence of the judiciary and the relationship of judges inter se. This apart, why should the highest court feel aggrieved suo moto and do the politician's duty? One or two judges might have become controversial by their action but we do not want our judiciary to become controversial as an institution. Hence my opinion against appointment of any kind after retirement of the judges. It simply does not beat.

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## Art Buchwald's COLUMN

### No Pay for Congress

THE big battle in Washington over the budget really turned nasty when government employees were defined as "essential" and "nonessential" personnel. The workers who had been declared nonessential took it to heart because they had always told their families that it was not possible to have a free society without their input.

To make matters worse the essential people lorded it over their nonworking friends. Some went so far as to ask the nonessential employees if they would shovel the snow off the essential persons' sidewalk.

Finally a committee was formed to clarify the essentiality of all government workers. It came to some surprising conclusions that could affect the next shutdown.

The report said, "The most unessential people in Washington are members of the US congress. They make no worthwhile contribution to this society and could easily be furloughed when the government closes. In addition the committee strongly feels that the nation's legislators should also forgo any salary payments during a government shutdown."

The report went on to cite why people on Capitol Hill should be sent home:

"1. They are now responsible for two government work stoppages and must be made to realize how much pain and suffering they have caused the good people who serve their country.

"2. The budget is not a government problem but a political one. If members of Congress are deprived of their salaries, the issue becomes a fiscal problem, and it would force them to come to an agreement without blaming the other party."

One of the holdups seems to be the timetable for achieving a balanced budget. If the Hill doesn't get paid, perhaps it will give new meaning to the term "balanced budget." By the way, the President's salary will be held in escrow unless he agrees to a balanced budget in seven years — which both sides know is impossible to achieve.

There are some people who say that politicians are necessary to govern a nation. Perhaps they serve some purpose, but it's not necessarily an essential one. They can't do anything that couldn't be done just as well by 100 pothole inspectors.

The committee report is now being circulated for voter approval. Taxpayers can decide whether senators and congressmen should be paid or not during the next shutdown by checking off a box on their income-tax returns. If the legislators' pay is withheld, the IRS will have the right to foreclose on their homes.

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## Newsletter from USA

# Vice-President Gore at the National Issues Convention

S. Bari writes from Austin, Texas

THE National Issues Convention ended Sunday night here on the campus of The University of Texas at Austin. Delegates for the experiment in participatory democracy came from all over the country: Teachers, beauticians, farmers, store clerks, mechanics. They spent the weekend reading about and discussing the issues that face the nation.

The convention is the brainchild of James Fishkin, Professor of Government at the university, and has been six years in the making. In an attempt to find out what effect information and deliberation would have on people's views, a national random sample of US citizens from around the country was first polled on their opinions on the three selected issues of the day: The role of the US in the post-cold war world, the family, and the economy. The delegates were then flown to Austin for the event. The 484 citizens then took part in the deliberative part of the poll, which is designed to sample public opinion toward specific issues both before and after people have had the opportunity to learn about and discuss those issues.

During the day, participants broke up into small groups and deliberated on the issues. Though views on such topics as single parents, foreign aid and taxes differed widely, participants told journalists here that they were pleasantly surprised by the courteous atmosphere of the discussions. In the evenings, delegates asked questions of

academic and diplomatic experts, the Republican candidates for the Presidency, and vice-president Al Gore. The extended dialogue was carried live on national television.

Questions that weighed most widely on the minds of delegates regarded the tax structure, the breakdown of the family, and what was seen as disproportionate amounts of foreign aid to poorer countries. The candidates and the vice-president were also repeatedly asked about the involvement of US troops overseas.

Citizens regard the structure as unfair, and cited statistics showing that the average worker paid one dollar of every four earned to the government. Some were worried about the increasing rates for the rich, which many feel penalize those who succeed. Others wondered whose role it would be to care for the poor if the role of the federal government was pared down. The Republican candidates favored cutting taxes and allocating money to local governments to handle their own welfare and health care. Vice-President Gore reiterated the present administration's stand on taxes, which involves fewer tax cuts for the rich.

On the issue of foreign aid, delegates obviously saw-sawed between sending their troops into situations such as that in Bosnia and the inherent humanitarian need to do so. Experts outlined the strategic interest the US has in maintaining peace in Europe.

Many candidates believe the US spends more on foreign aid than it is capable of, and asked why that money is not allocated to problems of poverty on the domestic front. Expert Donald McHenry, former Ambassador to the United Nations, explained that foreign aid helped the US as it created more stable nations, and that much of the money came back to the US in the form of trade and services.

The event was co-sponsored by the University of Texas at Austin and the nation's Presidential Libraries. Major funding and in-kind support were provided by Freddie Mac (Federal Home Loan Mortgage Corporation), the Annie E. Casey Foundation, Southwestern Bell, American Airlines, and the City of Austin. The Public Broadcasting Service is underwriting television coverage.

The delegates will be polled during the coming week to see what impact, if any, this deliberation and direct interaction with political leaders has had on their views, and the results will be announced Friday, the 26th. Participants leaving for home after the event expressed satisfaction and told reporters that they found most of them shared a common vision for the future but simply had different ideas on how to actualize it. When asked if their views had indeed been affected by dialogue, some delegates said they had learned more from talking to each other than to the political candidates.