

For a Benign Hartal

The outlook for the hartals of February 14 and 15 can well be imagined even by those that would rather these weren't there. Not for nothing the later of these has been given the new name of *gano curfew*. The polls have already been reduced to a non-event. It must be given to the nation that it had with considerable forbearance gone along with the innumerable hartals called by the opposition.

This cannot be said that opposition had always been mindful of the suffering these hartals entailed for the ordinary citizens in their going about the day's usual chores. They have so long taken these in their stride. But because of the approaching Eid, a copybook hartal would stand to jeopardise much that is inseparably connected with the biggest festival of this nation. Let the hartal be there and the Eid eclat remain unharmed along.

We appeal therefore that Wednesday's hartal be lifted at 5 in the afternoon to allow all to go Eid shopping and visiting friends and relatives. In the evening of the next day, i.e. Thursday, the 'curfew' may be lifted for similar reasons. This suggestion very evidently would not detract from the effectiveness of the two-day hartal.

When will this nation take a course that would obviate the compulsion for such hartals as we have been consistently urging these dozens of months? And will not the sacrifices — individual and collective, personal and national — as entailed in the hartals achieve anything for the nation? If it all proves sterile, leaderships on both sides of the fence would be responsible for eroding much that binds and keeps the nation. Who will live if the nation doesn't?

The Old Bogey Again

Prime Minister Begum Khaleda Zia overplayed her India card, to a point of both desperation and naivete, while lambasting the opposition in an election campaign speech at Sirajganj on Sunday.

The three opposition political parties, according to her, have banded together and boycotted the polls 'at the dictates of their mentors abroad'. The reference to 'external directives' and 'money from their masters' is not so oblique after all when one can see the peg she is hanging her hat on: 'they were up to creating a constitutional crisis' aimed at 'renewal' of the 25-year 'slavery' treaty (with India). The obvious implication is that the opposition political parties were preventing the BNP from winning the uncontested election so that the treaty could be renewed by them. Whatever may be the stated public position of the Awami League on the subject hardly matters here. Nor is the mixed composition of the opposition any variable to the supposed renewal of the treaty.

We have a very straightforward question to ask: if Khaleda Zia government had felt so strongly about the enslavement by the 25-year treaty with India, why did it not try to scrape it at any point of time during its five-year tenure? Leave alone scrape it, no attempt was made to amend it either. Had they done so the BNP would have carried more conviction than it is doing now. For a party to be in power for five years and then blame the opposition for a "slavery treaty" boggles the mind, to say the least. It is the water sharing issue that primarily stands in the way of good, even normal, relations between Bangladesh and India. There has been, and will be, strident criticism of India on that score so long as the problem remains. But to drag India's name in a convoluted defence of an unrepresentative election in our country is playing on cheap sentiments totally un mindful of bilateral relations with our most important neighbour.

This impression is even more reinforced with the Prime Minister, in her Sirajganj speech, reportedly raising the bogey of a possible war by an external enemy if the polls were not held. If this is her election platform, it is bankrupt to the core.

Towards SAFTA

We welcome India's decision to offer tariff concessions on 1000 items to her SAARC partners at the inter-governmental meeting in Colombo next month. Under the SAFTA which has been in operation since December, 1995, we have an across-the-board tariff cut of 10 per cent on 226 items in the region. India's offer means that we are likely to have a much wider list coming under the preferential trading arrangement.

There cannot be any second opinion that if we are to establish the South Asian Free Trade Area (SAFTA) by 2000 AD, as intended in the last SAARC summit, the phasing out of the tariff and non-tariff barriers should be according to an acceleration plan set out on a year-to-year basis. We are now grappling with numbers of items and percentages of tariff reduction at the moment. The non-tariff side is yet to be taken up in sufficient detail. Besides, we are yet to come on top of the dilemma facing us in regard to reconciling our external trade with that being carried out in the region. Such issues can be sorted out to the reasonable satisfaction of all concerned if the principle of complementarity comes in vogue.

India as the strongest economy in South Asia is expected to lead the way towards the conversion of SAFTA into SAFTA. Her offer of fresh tariff concessions can be regarded as a very good initiative in the right direction.

Single Market, Single Currency

The Restored La Fenice may Parallel the Reinvention of the Flagging European Spirit in Torino

The forthcoming inter-governmental meeting on March 29 in Torino is likely to be a watershed in the gradual progress towards the EU and MU. The present revolving presidency, coming on the shoulder of the Italian government, which is in the midst of a fractious political situation should give the government a chance to bring forth its best diplomatic talent and Latin innovativeness towards giving a proper direction in reaching the desired objective.

ONE of its oldest opera houses in Venice, La Fenice (Phoenix) was burnt very badly in a recent fire. Opera, an essentially Italian phrase, meaning opera in musica (work in music), a form of art and entertainment, was developed and nurtured in Italy. A musical spectacular, supported by Florentine intellectuals, patronised by grise eminence like Pope Urban VIII, and inspired by such Baroque architects as Bernini, this art form became a part of Italian national life. Alessandro Scarlatti (1659-1725) introduced aria, recitativo and oratorio. It was only natural therefore that the pioneering opera houses like Sarcassiano and La Fenice had been built in Venice.

The destruction of the 17th century opera house drew immediate sympathetic response from the music lovers from all over the world. Maestros like Luciano Pavarotti of Italy and Placido Domingo of Spain spontaneously offered to hold concerts in raising funds for restoring La Fenice. This Italian tenor had once told me about his wish to give a concert in Bangladesh. I didn't have the opportunity to follow it up.

Unexpected fires, accidental or otherwise, have gone hand in hand in various stages of the development of civilisation. While the Romans burnt the library in Alexandria, the Goths destroyed rare works of classical literature in Rome itself before the monks in the monasteries could barely run away with many invaluable manuscripts. Samuel Pepys vividly describing the horrors of the great London fire of 1666, created a new art form, Diary. A politician more known for his diary than politics even suffered imprisonment for his *Stuart Sympathy*. Dayden immortalised the London fire through his poem *Annus Mirabilis* (Year of Wonders). Sir Christopher

Wren inspired the reconstruction of important monuments including St Paul's Cathedral. His good work was rewarded: he was buried under the choir of St Paul's still bearing the Latin inscription 'St Monumentum Requiritur Circumspice'. (If thou seekest a monument, gaze around!). Human ingenuity has always found a way to rebuild such magnificent creations of innovativeness. La Fenice will no doubt be rebuilt and will continue to entertain music lovers for many years to come. We have not yet forgotten the bombings of La Scala in Milano in 1943, and the destruction of the best opera house in Napoli during the World War II, built by the Bourbons. Arturo Toscanini's great symphonic concert in the reconstructed La Scala, in 1946 almost pre-saged the revival of a Europe maimed and mangled by human cruelty. The annual summer extravaganza in the Roman Bath, Terme Di Caracalla of Aida is but a reminder of the emotive impact of past Italian spectacles. With a cast of hundreds already on the stage, the vast expanse has room for a 4-horse chariot!

The Germans and the French, the two nations which fought wars over the centuries for dominance and hegemony wanted to avoid another Verdun or Monte Casino. The French fear of the Germans is visceral. The Gauls tried to find liberation of their spirit in creative work — creation of symbols. Thus the 'Liberty' of Eugene Delacroix in the Louvre and the Statue of Liberty

in the mouth of New York harbour, are both French creations, the former signalling liberty in Europe and the latter welcoming immigrants in search of liberty.

The joint efforts of the two countries, therefore, produced the Treaty of Rome in 1957. Today the 15-country Union is determined to move ahead in giving a new meaning and dimension to their co-operation. They proceeded towards the construction of a European architecture through the Maastricht treaty signed in

political will demonstrated at Maastricht for monetary Union by 1999, differences started emerging about the ability of all the countries to meet certain fiscal and budgetary requirements envisaged in the treaty. There was even a talk of two-speed Union — Germany, France and Benelux countries forming the core and keeping the timetable while Italy, Spain, England and others joining later on. In the UK of course problem was of another kind. The Euro-sceptics in the ruling conservative party suc-

ceeded in slowing down UK's movement towards monetary Union. Their basic concern is the 'Surrender' of the sovereignty of the British parliament in the event of MU. But the crises gripping both France and most recently Germany is bringing the whole question of meeting the cut-off date into a big question-mark. Sluggish economic growth in some countries and the required restructuring in others are generating vibrations of different kinds. Even Germany is worried that with over 10 per cent of unemployment, whether they can afford to meet the target of 1999.

It is now widely accepted by political and business leaders that 1999 target may be an impossibility. While the leaders formally agreed to the cut-off date, the common people, by and large, do not yet believe that a single economy will bring them the benefit their leaders tell them. According to knowledgeable sources the establishment of Euro-zone through a single currency may be possible not before the twenty-first century. The same source believes that a single currency Union may not necessarily lend the kind of economic dynamism in the 350-million people economy which will enable it to face the challenge of the yen-zone headed by Japan Inc. In support of their position, they cite the example of the South East and Far East economies, which, with the present rate of growth rate, will overtake the economies of both the Euro-zone and dollar-zone in the next 50 years or so! The Japanese business leaders also believe that Japan with its state-of-the-art technology, lower cost of production and management capacity, can easily take on the Euro-zone economy without much ado.

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ernment a chance to bring forth its best diplomatic talent and Latin innovativeness towards giving a proper direction in reaching the desired objective. When the treaty of Rome was signed in 1957, sceptics were gleefully giving wrong signals. But the negotiations in Campidoglio the world's oldest municipal building, proved them wrong. The room where Petrarch was honoured as the first Renaissance man for his monumental creation heralding the advent of Renaissance, inspired the six European leaders to defy the cynics and establish the basis for the European common market. The Torino meeting is likely to be a pathfinder for the European leaders. Spain, the president for July-December 1995, in its transmittal letter to Italy invoked Dante and said, 'now the pain is yours'. Italy replied, 'we will accept it with modesty and care!'

Susanna Agnelli, the sister of Fiat Magnate, now senator Giovanni Agnelli, gave a good start to Italy's presidency. Assisted by such able diplomats as Luigi Cavalcini, Boris Baccinchi, Emmanuelle Scamaccia and Bruno Bottai, Italy is determined to give a fresh direction to the Community. Prime Minister-designate Antonio Meccanico, a political insider, if endorsed by the Italian law-makers could lend more clout to the presidency.

'Once did she (Venice) hold that gorgeous East in fee, and was the safeguard of the West...'. The eventual restoration of La Fenice (Phoenix) in Venice will symbolise more than architectural accomplishment. It will signify the renewal of the world's fifth-largest economy. It will help the Italian politicians reinvest political idealism.

Will the rebirth of the phoenix from its ashes parallel the renewal of political determination of the European leaders in reaching its desired objectives in post-Torino days?

ENCHIRIDION

Waliur Rahman



1990. The same treaty providing for Union also required the countries to have monetary union. The Brussels Levy — than, the EU secretariat, zealously strives to control and harmonise everything, from the size of condoms to making canembert cheese — to British sausage-fangers. The dilemma of all member-countries to a common strategy is, perhaps, most clearly expressed in the noisy demonstration of some British visitors some years ago before the EU secretariat, when they chanted, 'Hands off bangers. We like them lousy!'

In spite of the professed

prevention of floor crossing alone by members is not the real motive. Again the matter as to how a member can be expelled from any party is not within the jurisdiction of any specific law. The suggested involvement of Election Commission and the Speaker in party disputes is not desirable either. Provisions for regulating the party activities can be incorporated.

If we are thinking of parliamentary democracy with such provisions, this is liable to turn into a party dictatorship soon, which shall be more dangerous than common dictatorship.

It would be expected of the members concerned with the amendment of the Constitution to repeal Article 70 all together for the sake of proper representation of diversified views of the people in the parliament.

However, for discipline in the parliament the seats could be conditioned by regular attendance, proper behaviour and so on by modifying the Article.

Limitation of Candidacy to Two Constituencies (Article 71 (2))

For the sake of reducing the extra expenditure for unnecessary re-election, it may be advisable that the words 'two or more' be substituted by 'two' in Article 71 (2).

Obligation of and Restraint on the Members of Parliament

Article 70 may be replaced by different provisions mentioned herein, or they may be put under any other relevant articles (some of these are also in the Constitution of other countries):

- (1) Any parliament member shall vacate his seat if he ceases to be resident of the constituency he represents and he does not live there at least half of the time when the parliament is not in session every year.
- (2) All members of par-

liament shall, upon assumption of office, make a full disclosure of their financial and business interest. They shall notify the parliament any potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

(3) No parliament member may hold any other office or employment in the government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during this term without forfeiting his seat.

Neither shall he be appointed to any office which may have been created or the emoluments thereof increased during the term for which he was elected.

(4) No parliament member may personally appear as counsel before any court of

justice or before the Electoral Tribunals, or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office.

Tomorrow: Power and Function of the President

Thoughts on Constitution of Bangladesh — VI

Parliament and its Members

Conscience (Repeal of Article 70)

From the apprehension that ruling party may lose loyalty of some of their members in the parliament, particularly when its popularity declines, it tries to find a way to force members to remain under its control. The opposition parties also usually feel safe if they can keep their elected members loyal to the party against the allurements from the ruling party. This mutual suspicion prompted the introduction of this Article 70 which reads: 'A person elected as a member of parliament at an election at which he was nominated as a candidate by a political party shall vacate his seat if he resigns from the party or votes in parliament against that party...'. This provision virtually holds the party members hostage at the hands of the party boss. This provision may clearly abridge the fundamental human rights guaranteed as per Article 39 (1) which reads, 'Freedom of thought and conscience is guaranteed.' Again, the right of the voters to express their opinion through their elected representative is also betrayed. To any sensible person, this is humiliating also.

Explanations — If a member of parliament... (a) being present in parliament abstains from voting or (b) absents himself from any sitting of parliament, ignoring the direction of the party which nominated him at the election as a candidate not to do so, he shall be deemed to have voted against that party.

(c) If a person, after being elected a member of parliament as an independent candidate, joins any political party, he shall, for the purpose of this Article, be deemed to have been elected as a nominee of that 'party'.

This is also unreasonable in that the party which is given so much power is not subject to regulation by any provision of the Constitution. The section (4) allowing independent members to join a political party indicates that

this must not be misinterpreted. The fact is that the people do not oppose such undemocratic activities, because they have been taken as hostages by the opposition. Their active participation, therefore, must not be considered as their support to the opposition.

On the other hand, we, the people, expected the BNP Government to govern the country firmly, based on the people's mandate given to them in 1991 election, which they have miserably failed. I, do hereby, hold them equally responsible for failing to protect democracy and security of the people's lives and properties.

May I, therefore, suggest that the opposition immediately withdraws all their provocative statements and planned demonstrations, in order to relieve the people of sufferings; and the Government to

immediately resign, in order to put an end to the anarchy, which they have failed to control.

As the situation has now gone beyond control, perhaps there is no better way out, but to let the President form an interim Government, preferably in consultation, with all the major political parties, and ensure free and fair election, participated by all.

May I, at the same time, urge the voters to identify and elect the candidates, irrespective of their party affiliations, whom they consider honest and democratic, i.e. transparent & accountable, because what actually matters in the politics of Bangladesh, unfortunately though, is not the parties, but rather the individual personalities!

Karim Md Iqbal Dhanmondi, Dhaka

An open letter to the PM and opposition leaders

Sir, I am concerned that a total anarchy, in the name of democracy, is becoming deeply rooted in the country. The democratic process has been seriously undermined, and the people, the sufferers are losing trust in politics.

I, a private citizen and a voter, do hereby express my grave concern to the opposition political parties and their leaderships, in particular, that the immense sufferings inflicted on the people by hartals, blockades, violence, damage of properties, etc., have proved that the opposition has grossly violated fundamental ethics of democracy. People's participation in such activities has been absent. The people, however, do not oppose; but

OPINION

"Why the Talks Failed"

Md Mahtab Uddin

money and so on. If the President does not agree to their proposal they will again go to the street with the demand for the resignation of President himself. Thus the President will be compelled to form such a caretaker government as will act upon the dictation of the Opposition. What they will get to do is what Mr Kibria has suggested in his article: (i) the re-organisation of the Election Commission, (ii) the revision of the electoral roll and (iii) de-politicising (or re-politicising) the administration. Everything will be done on AL line.

Now I have some suggestions for BNP also. Please try to understand that the demand for caretaker government has become a reality. Though it is unconstitutional and undemocratic and general people did not lend their support to it, all the Opposition parties are united now on the issue. It is not possible for BNP alone to defy their demand for longer period. Mysterious silence and procrastination in taking decision has caused so much bitter feeling in the minds of the general people that BNP supporters are also going to lose temper and patience. Popular BNP must not be turned as unpopular as JP was before removal from power.

Under the prevailing circumstances, though it is unwise to advise our politicians as they are blind to their own views only, I dare to put some suggestions for their kind consideration.

1. Let the election pass off peacefully to meet the constitutional obligation and clear the path for next election to be participated by all political parties as the PM has already hinted in her national address over Radio and TV. Now the PM may declare that the next election will be held within six months from the date of publication of result of the coming election.

2. In the next parliament BNP will pass a caretaker government Bill in which the Chief Justice or any other

person who has taken oath publicly under the Constitution will be head of the caretaker government. There will be other 10 nominees, out of which five will come from the ruling party, three from the 2nd largest, and one each from the 3rd and 4th largest parties represented in the parliament.

3. The caretaker government will be empowered to conduct internal affairs of the country, but as regards external affairs, they may advise the President.

4. Since caretaker government is not an elected one, it should not be at the helm of State affairs for a longer period. Its tenure should be as short as possible, say, one month.

5. The Opposition will abstain from making the Election Commission, Judiciary, the Police, the Army etc disputed by criticising their role in the State. Because these will create further chaos, confusion and suspicion. Since caretaker government is there, it is well assumed that the government machinery will act neutrally.

6. Caretaker government will finish preparing voters' list and issuing ID cards, if possible.

7. Caretaker government will ensure all parties participation in the election giving them equal chance of using government media for election campaign. They will not frame any charge against political leaders except on criminal or disciplinary cases. And they will not put into jail any political leader and worker of the ruling party for their misconduct, if any, committed while they were in power. The government which will come into power, will try such leaders or workers of the ruling party if they find any fault with them.

Last but not the least, the ruling party and the Opposition both are equally responsible for the present political crisis. It is the outcome of hatred, suspicion, and lust for power. Unless you begin to respect and trust each other, this crisis cannot be overcome for good.