

## Explosive Jerusalem

Situation in East Jerusalem could not be more explosive over Israeli Prime Minister Benjamin Netanyahu's decision to go ahead with the 6,500-home Har Homa project. There are widespread apprehensions — and for genuine reasons — that the move for building Israeli settlements in Har Homa might spark off worse violence than the one that accounted for 80 lives when Israel opened an archaeological tunnel near Muslim holy sites in September last. Netanyahu is determined to press ahead with the settlement plan even if that means jeopardising the peace process put on course at great pains by two of his immediate predecessors and the Palestinian leaders. Given Netanyahu's political background, however, nothing different could be expected. Already a series of diplomatic forays from Washington had to be carried out to ensure that the Israeli premier refrain from anything preposterous to bring a premature end to the agreement reached between former Israeli premier Yitzhak Rabin and Palestinian National Authority President Yasser Arafat in Washington, courtesy of US mediation.

Clearly, ever since he came to power, Netanyahu has been on the offensive as regards his country's policy towards the proposed Palestinian state. The issue of East Jerusalem's status was unaddressed in the accord signed between the two parties. But the understanding was that the holy sites' status quo would be maintained. The incumbent Israeli premier however feels unconstrained by the agreement to tamper with the geographic location of the disputed parts of Jerusalem. But any unilateral move to annex parts or whole of it by any party is a blatant disregard for other religions and communities. We condemn this unashamed move by Netanyahu.

The Israeli prime minister has, however, shown interest in meeting Arafat before finally the bulldozers move to the construction site. But this looks more as an attempt to convince Arafat that the responsibility of the violence that everyone is apprehensive of lies solely on the Palestinian leader's shoulders. No wonder Yasser Arafat has refused to meet this man who expects concessions but is rigid on fundamentals.

Netanyahu may still exploit the nationalistic passion and be in power defying the new international order of peaceful co-existence. But history is sure to pronounce its correct judgment on a man who failed to build on a good work done by his predecessors — Rabin and Peres.

## Sycophantic Miniscreen

The Prime Minister has expressed her displeasure at the performance of BTV. She has reportedly told the Cabinet in its Tuesday meeting that 'we did not come to power to over-advertise ourselves and we want that TV becomes acceptable to people.'

Is our nation pleased with her better-late-than-never huff. No. Running exactly counter to the expectations the new government gave rise to, television has in seven months come very close to what it was under the BNP regime — all partline propaganda and a wee little of what suits the medium and what it is there for. No one would believe the slide occurred unbeknown to the Prime Minister. She did not need to wait till mid-march and a cabinet meeting to get across the signal that television was getting intolerably uninteresting and at the cost of the good name of the party. We would have faulted the government for this. Now that she has got the point we want to fault the Prime Minister herself.

The commission charged with working out the shape and content and modality of the autonomy promised for the electronic media is taking time and we don't know if anyone anywhere is monitoring its progress. The commission can take all the time it wants provided some effective interim measures are taken to set the organisation and its programmes irreversibly on a course towards neutrality in political terms and creative brilliance in terms of quality.

There are reasons to suspect that this is not the result of a drift set in by creative bankruptcy and absence of enlightened political direction. The present obnoxious state of the programmes could very well have been deliberately designed to please superiors in the ministry. Sheikh Hasina's disgust would be meaningful not only when the slide is stopped and a reverse course is taken effectively but also when people sending down wrong signals are dealt with duly.

## Watch Out

General Ershad took the grandstand again at the Manik Miah Avenue on Tuesday — exactly 2310 days after he last did so. It takes tenacity to have done this after being thrown out of a throne by sheer popular rejection. It is sad that the spectacle he wanted to make of his return to addressing the capital's populace was marred by the use of fistcuffs on his deputy prime minister on the royal dais itself and in the full view of the public. Politicians are known to take in their stride banquets this day and brickbats the next. Ershad, the soldier, has beaten the politicians, very hilariously. He is now sermonising the politicians, the Prime Minister in particular, about political virtue — which is both infinitely funny and terribly cynical.

It is democracy he is taking advantage of. Democracy that he excised from Bangladesh's system. And it is in deference to the interests of a growing democracy that our people, ourselves included, would unwaveringly uphold his rights of running a party and specifying to his last of breath. But it would be foolish and dangerous and gravely imperilling our posterity to forget his records.

Lt General H M Ershad seized political power, an act that was not put on trial. He made our patriotic army to go along and made use of thus pushing it further down to the dregs of degeneration. How did he use his illegitimate power? He modelled his performances on a stereotype of the feudal king with all its vices. More than that he forced our nation to live with impossible lies.

The smooth talking soldier having poetic pretensions built us important roads in Dhaka and gave us Rajanigandha and in fact the regenerated flower culture in this part. These and some other so-called good points are but hardly hidden gifts thrown out to the crowd by a king-emperor. He aspired to give us almost a culture albeit only a poseur's but at a very high individual and national cost.

We have no way of ignoring him. We can, however, watch out.

## COMMONWEALTH AND BANGLADESH

# A Relationship Forged by a Shared Perception of Values

*Unlike many international organisations and financial institutions, the Commonwealth does not impart tangible material benefits in a substantial manner to its members. Its commitment to the establishment and sustenance of democratic values, rule of law, and high moral and ethical standards are among its important heritage and pride.*

founding of the Commonwealth Secretariate, I had the opportunity of attending almost all important meetings there as representative of a member country, Pakistan and later Bangladesh, till 1972. I had the privilege of seeing him operate from close quarters.

Following his historic maiden voyage to freedom in London after having spent nine months in Pakistani jail, Bangabandhu discussed, inter alia, the matter of Bangladesh's admission to the Commonwealth with Arnold Smith, who called on him at the Claridges on the 8th January, 1972. The two agreed about the desirability and need for Bangladesh to be a member of the Commonwealth. This could evidently been done only after a great many countries, including Britain, recognised Bangladesh as a sovereign independent nation. The Sheikh asked for his cooperation in this regard and this was readily pledged. He asked me to follow up which I gladly did.

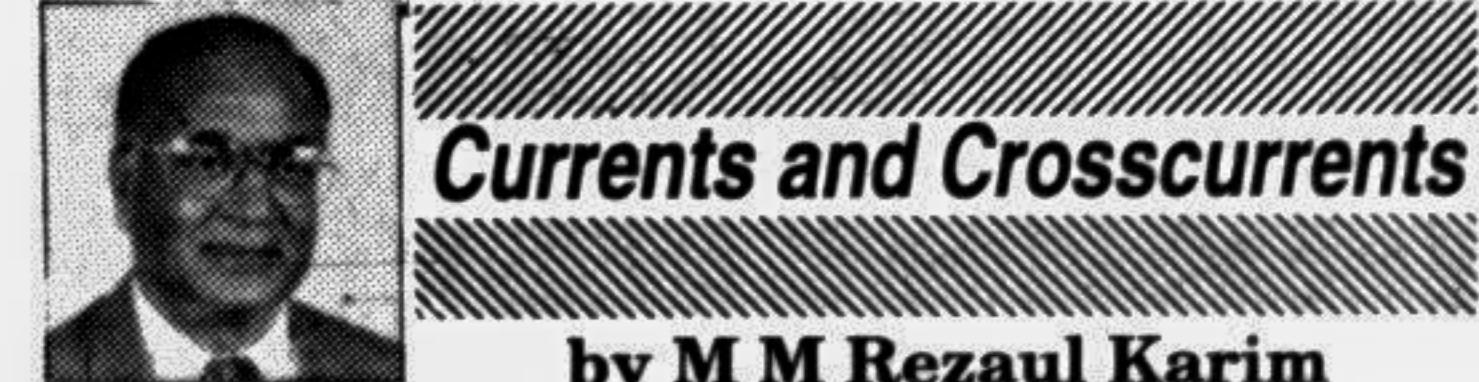
This followed a series of hard negotiations. Great Britain and the rest of the members of the Commonwealth, who are represented by their High Commissioners in London, were generally sympathetic towards Bangladesh and recommended to their respective governments in favour of recognition. The Bangladesh Mission, the highly politically motivated and super active

Bangladeshi community as well as the sympathetic people and organisations in Britain, individually and collectively, all worked selflessly towards attaining this goal. As Providence would have it, I witnessed, may became a part of the events during this crucial period of our diplomatic history, first as the Acting Head of Mission and then, technically, as the first Acting High Commissioner of Bangladesh in London.

The Commonwealth Secre-

tinch from his stand and literally carried out his threat following admission of Bangladesh to the Commonwealth. He took the unprecedented move ever taken by a Commonwealth member by withdrawing his country from its membership. It took Bhutto's successors over two decades to work successfully for the return of the prodigal son back into the fold of the Commonwealth.

The Commonwealth as an institution evolved itself in



### Currents and Crosscurrents

by M M Rezaul Karim

tariate played a significant role during this time. Its primary task was to work behind the scene and to slowly and gradually ward off the obstacles to recognition. It was no mean task. Pakistani lobby was strong, well-organised and formidable. The sceptre of the finally aborted secessionist attempt of Biafra in the federal set-up of Nigeria was advanced as a strong point in the argument to deter recognition. Arnold Smith dashed to Islamabad and tried his utmost to convince Prime Minister Zulfikar Ali Bhutto, but to no avail. Bhutto did not budge an

stages, predominantly since the two world wars. It passed through phases, initially from being an old colonial club of white men and later by the intake of brown and finally black people. Substantively also, there has been transformation of the nature of its functions, from talking as if over tea through a forum of meaningful discussions and now to a full-fledged platform for serious deliberations on global and regional matters of common interest. The Commonwealth now comprises 53 nations and represent all the continents.

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organisations and financial institutions, the Commonwealth does not impart tangible material benefits in a substantial manner to its members. Its commitment to the establishment and sustenance of democratic values, rule of law, and high moral and ethical standards are among its important heritage and pride.

Anyaku's love for shared beliefs and values of the Commonwealth was vividly manifested, beside others, by his unflinching role in suspending his own country, Nigeria, from the family of Commonwealth. This happened when autocratic leadership of this largest nation in Africa trampled democracy in total defiance of all advice and entreaties. The decision was taken two years ago at the Commonwealth Summit in New Zealand.

The theme of the Commonwealth this year is "Talking To One Another." Let us hope that he succeeds in getting the reluctant people to talk to one another in a spirit of understanding, accommodation and mutual respect. That would be the highest tribute one can pay to the Commonwealth and its visiting Secretary General today.

## Rule Of Law in 'The Other Half'

by Fazlul Kabir

*So long as it will not dawn upon a vast majority of the developing countries' populace that it ultimately pays to submit to law, law cannot 'rule' to the desirable extent in these countries.*

One diction or the other, the concept lies enshrined in almost all constitutions. That all are equal before law, that none is above law and that none is to be treated except in accordance with law are clichés of fundamental rights, guaranteed by the constitutions of all the modern states developed or developing.

Not can it be fairly said that, in the DCs, this concept adorns state books only and that the governments of these countries, by differential applications of the same law, make a mockery of this concept. For, apart from other factors such as fear of public agitation and loss of face abroad, the governments of most of these countries, like those of the developed ones, have that watchdog of the fundamental rights — the judiciary — to reckon with.

But why the illustrious political scientist omitted to see the contemporaneous scenarios, mainly in the USA and France, beats comprehension. Why, for example, the proverbial French penchant for arguing things to their legal extremes should have escaped his view is baffling.

Nevertheless, to one thing the late professor's perception still remains pertinent. Rule of law is yet to strike roots in the globe's other half — the far bigger half, consisting of what are called, considerably euphemistically, developing countries (DCs) including both their less and least developed varieties.

Some may tend to go further and argue that differential applications of laws are rather a rule with governance in these countries.

The question is: Is this perception fair?

Theoretically speaking, there is hardly any country in the modern world that does not profess to hold high this time-honoured concept. Couched in

ity of them are not only law-abiding but also an aide to the law-enforcing agencies — that they not only desist from breaking laws but also help the law-enforcing agencies prevent breach of laws.

In the DCs with low levels of general awareness about civic obligations, these features are mostly conspicuous by their absence. Even with educated citizens in these countries factors conducive to the rule of law do not weigh expectantly heavily. First, many of them are not simply aware of their respective lands' laws governing civic life. Secondly, those of them who are aware of these laws or at least some of these laws, scarcely grow into the habit of showing regard for them. The result is that in most such countries rule of law largely remains an ideal only — an ideal to be reckoned with.

But why the fact remains that, in the downright practical sense, law often can not 'rule' in the DCs.

Does this mean, one asks, that DCs are all dark pits of law breakers? What the answer to this question will be depends on what one means by the term 'law breakers'. If one means only those who commit murder, dacoity, rape, arson or such other major crimes, the answer will obviously be in the negative. But if the term is taken in its literal sense, the answer will unfortunately be in the affirmative.

The following paragraphs will make the point clear.

A law is a law, irrespective of the nature of punishment its violation is supposed to entail. From academic point of view, it is immaterial whether a law prescribes a heavy punishment or a light one for its violators.

What is material is that it is a law and demands compliance by those it encompasses and that if it is not complied with, it stands violated. Whether such

an offence is so major as to call for capital punishment or so minor as to entail 'keeping seated till the rising of the court' is a different matter.

And viewed from this angle, many minor laws continue to be broken as, so to speak, a matter of routine in the DCs.

In these countries people generally desist from committing offences less because laws bid them than because they think such acts to have been tabooed by religion or society.

Since reason and general acceptability are the bases of every sane law and this applies, in material context, to the religious and social injunctions, customs etc. as well, religious and social taboos are, oftener than not, found to be quite in agreement with what have been declared culpable by laws. If, therefore, an offence is found to be rarely committed in these countries, credit is due more to the relevant social and religious injunction than to the pertinent law.

To give an example, if, in such a country, a master of average education refrains from keeping his errant page locked in a room, he does so primarily because he thinks the act to be cruel from all points of view he is aware of — religious, social and moral. That such an act falls under the mischief of a law as well forms no part of his consciousness. 'Wrongful confinement' is a term he is innocent of. Even if he is aware of such a law, this awareness constitutes none of the factors responsible for his abstention from such an act.

It matters, wherein religious and social injunctions are not apparently involved, the average people of such countries adopt a blissfully neutral attitude.

Police trying to round up, in a railway station, persons who are not enlisted as porters

but who minister to passengers' port needs and the latter looking on nonchalantly are a common sight in these countries.

At times, passengers even seek to prevent the police from doing their duty. What is, after all, wrong with it, they tend to argue, these poor people earning their livelihood with the sweat of their brows?

That several factors had gone into the enactment of the law debarring persons, not enlisted as porters, from entering to passengers' portage needs and that each and every factor was duly weighed are facts they are prone to refuse to appreciate.

Bother-up of the recent police efforts to cleanse this city's footpaths of the encroaching hawkers, that is an instance in point. Spontaneous public cooperation with the police was glaringly absent.

Although law tends to be backed by religious and moral sanctions, social customs etc., the latter are not necessarily the sole ingredients of a law. Law makers take into consideration several factors, of which religious and moral sanctions, social customs, usages etc. are ones and, in actuality, the cardinal ones. But the two are, by no means, identical. In those DCs, where religious bigotry, obscurantism and prejudice reign supreme, there lurks the possibility of a law being violated to the extent it is not backed by religious injunctions and social customs etc. and, therefore, of the rule of law being proportionately vitiated.

The legislatures of these countries, therefore, go all out to ensure or, at least, to make it so appear that the laws, framed by them, are essentially backed by religious injunctions and social customs. This veneer of religious and social sanction is

a necessity to ensure as wide an acceptance of the law as possible. This being the case, laws which have no religious injunctions to be backed by or no social customs to prop against but which originate from the sheer necessity of ensuring a smooth and rapid social and economic progress, are in perpetual danger of being violated willy-nilly — the tremendous obstacles the British rule in this subcontinent had to encounter in enforcing the law banning *suicide* are in point — and to that extent rule of law remains chimerical in these countries.

What, then, is the way out? How to secure rule of law in the DCs?

On the face of it, it may appear that with the increase in literacy in these countries, respect for law will proportionately increase. But although education goes the longest possible way in instilling a sense of respect for law, yet it is an unfortunate fact that increases in the two directions do not always take place in tandem. For, submission to law is more a matter of habit — almost a reflex action — than that of formal education. Respect for law is a tradition, growing slowly and gradually through perseverance extending over several generations, the realisation for example, that one forestalls the theft of one's own property by abstaining from stealing others' forming the base of this tradition.

And so long as it will not dawn upon a vast majority of the DCs' populace that it ultimately pays to submit to law, law cannot 'rule' to the desirable extent in these countries. How much time this realisation will take to dawn upon them depends on how quickly the minds of these peoples are purged of the age-old superstitions, fanaticism, obscurantism and such other vices as make their intellectual entities impervious to the light of reason.

The writer is an Additional Secretary to the Government, now on LPR.

## To the Editor...

### Students and universities

Sir, I am musing after going through the views of two professors of DU on campus politics (by the teachers, the students, the state and the government).

Student/academic life or time-period is limited and busy. The concentration should be on studies, not active, participatory politics linked to political parties. Studying political theories in the class is not doing politics. Student politics take up a lot of time of the academic man-hours. No exam, credit on this 'practical' work? Why not?

If our outside political leadership and climate are exemplary, no additional group support is necessary from non-political areas (such as the students). Weak leadership needs reinforcements for structural support. Our current standard of national politics has an eroded infrastructure due to discontinuity from 1975-90.

"Politicians, heal thyself!" Why the concentration of the genuine students should be diverted from studies prematurely, when they have not entered the world? Revolutions do not come every decade or generation. Why the political parties are 'scared' without campus support? Why spoil the formative years?

The smooth talking soldier having poetic pretensions built us important roads in Dhaka and gave us Rajanigandha and in fact the regenerated flower culture in this part. These and some other so-called good points are but hardly hidden gifts thrown out to the crowd by a king-emperor. He aspired to give us almost a culture albeit only a poseur's but at a very high individual and national cost.

### Work stoppage at Chittagong Port

Sir, On 16th April, 1996 a letter from this writer captioned "Straddle Carriers" was published in your esteemed daily. At that time introduction of four straddle carriers belonging to private sector to ease congestion at the Chittagong Port was resisted by the Workers' Union. The same saga has been repeated in Chittagong Port during the last 2-3 days (Mar 15-16) and work at the port has stood at standstill.

Echoing the sentiment expressed in the last letter it is again reiterated that everything in this country belongs to the 12 crore people of Bangladesh and no sectoral interest should jeopardise it. It is not understood that when there is scarcity of equipment of cargo handling at Chittagong Port, ships are getting abnormally delayed and instances are not rare that shipping agent/stevedores representative even visit the residence of the

operator of equipments of the port authority to ensure timely discharge from the vessel, then why should the CBA oppose the introduction of private equipment which will ease congestion in the port.

No one has a right to create artificial shortage of facilities and thereby keep the port users as hostage. The principle on which every Port Authority functions anywhere in the world is based on the theory of "quickest discharge of cargo and shortest turn round of vessel." In achieving this target whatsoever is necessary should be introduced by the government and in doing so if a sectoral interest is affected this should go unheeded.

AK Khan  
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### The Central Bank

Sir, This refers to a two-part article written by Mr A K N Ahmed, Ex-Governor of Bangladesh Bank titled "Central Bank autonomy — Why, what and how" published in *The Daily Star* on February 7 and 8. As a student of economics, I feel we should follow the following guidelines for our future economic development by the Central Bank.

1) The Governor should have full confidence as the head to work without fear and favour.

2) There should be crucial decisions in exchange rate, demonetisation of high currency, credit control, bank credit to state-enterprises, break