

FOCUS

Sheikh Hasina's AL Government: An Expatriate Citizen's Evaluation

by R H Khandker

The positive aspects of Sheikh Hasina's Awami League government outweigh the negative aspects. While it performed splendidly well in crucial policy areas, it failed in insuring an improvement in overall management.

On the morning of 12 June 1996, I barely recovered from the anaesthesia given for an open-heart surgery three days ago in a hospital in the New York city. Tied by several wires coming through several parts of the body, and hooked to the heart monitor, I could not rise from the bed, but I was conscious that the morning in New York was the evening in Dhaka on the same day by which time the election of the Bangladesh National Assembly would have been completed. I anxiously waited for the arrival of the newsman hoping that the morning paper might give some indication of the election results. As soon as the newsman arrived, I bought a copy of The New York Times and with difficulty looked into an inside page to read that the election in Bangladesh passed peacefully. The news item was a report from Dhaka describing the election but there was no indication of results.

I was hoping for an Awami League victory. I had the misfortune of watching firsthand the 15 February election of that year run by BNP alone. The events before and after that election and some matters of principles made me wish an Awami League victory in the June election. For me it was not an easy matter to be an Awami League supporter. Most of my near relatives are more anti-Awami League than they are pro-BNP or Jamaat minded. I am a minority of one among many; have to debate alone against a horde of opposite contenders.

Eager to get news on the election results, I phoned Syed Muhammadullah, the editor of the weekly journal *Probashi* published from New York, who told me that the Awami League was leading by a narrow margin. After a couple of days it became clear that Awami League would be able to form a government with the aid of Jatiya Party and the election of women MPs. This turned into a reality after another few days.

Sheikh Hasina's Awami League has now completed about two years of its rule. I have undertaken to write this piece to assess what has been achieved by Sheikh Hasina's government against what I had expected. Before I do that I have to make certain confessions. Despite being Awami League's well-wisher, I had some qualms about it. Some strategies and statements of this party, especially of the chief, when it was in the opposition appeared to me generally negative. I was also not too sure about the depth of appreciation by this

party of the various economic and social problems that beset this country, nor was I too sanguine about the capacity of this party to meet these challenges. Nevertheless, I considered the Awami League better disposed to achieving the national objectives which I cherished personally, for which reason I wished Awami League government's success.

For any five-year term government, achieving long term national objectives will certainly be limited; therefore, the performance of Sheikh Hasina's Awami League government should be evaluated by its achievement of short and medium term objectives. To my mind there were six crucial short and medium term objectives ahead of Sheikh Hasina's government when it came to power in 1996. These are: first, to repeal the Indemnity Ordinance; second, to insure the availability of the flow of Ganges water through a long term treaty with India; third, to restore peace in Chittagong Hill Tracts through an accord with the tribal people; fourth, to provide autonomy to the electronic media viz. the Radio and Television; fifth, to separate the judiciary from the general administration of the government; and sixth, to make a marked improvement in the overall law and order situation.

Let me now assess the success or failure of this government in light of these six objectives. Before attempting a relatively detailed evaluation in respect of each of the six objectives, I may summarize my conclusions: Sheikh Hasina's Awami League government has achieved extraordinary successes in the first three objectives, failed dismally in the fourth objective, suffered from procrastination in respect of the fifth objective and achieved some mixed results in the sixth objective. There were some legal obstacles in respect of repealing the Indemnity Ordinance, but Sheikh Hasina's government was able to remove those obstacles and repeal the Ordinance in the minimum possible time of four months, and by doing this liberated the nation of a grave guilt conscience. To execute within six months a long term treaty with the Indian government on an equitable sharing of the Ganges water and to accomplish a treaty with the hill tribes to cease hostilities permanently in Chittagong Hill Tracts are short of miracles. However, the government failed to make any tangible progress in providing autonomy to the Radio and Television, and likewise in sep-

temberating the judiciary from the general administration. In a way these are regrettable failures.

To accomplish treaties with either the Indian government or the tribal people required the will not only of the Bangladesh Government but also of the opposite parties. Sheikh Hasina's government accomplished such treaties insuring the cooperation of the opposite parties in a remarkably short period of time before a change of government by election in India which could complicate the matters. On the other hand, the government failed to accomplish the objectives which depended only on its own will forgetting its election pledges.

After this overall sketch, we may come to the evaluation of the individual objectives specified above. The six objectives are not noted in any order of relative importance but to me personally the repeal of the Indemnity Ordinance was the most important one and that was more for moral reason than material consequence.

The amended constitution of Bangladesh approved murder, though selectively, which is the most heinous of all crimes. The constitution of a country reflects the national character, so the Indemnity Ordinance had rendered our national character into that of a murderer. For the years this Ordinance was in force all the citizens of Bangladesh suffered from a painful guilt conscience.

Sheikh Hasina's Awami League government removed this national guilt and shame by repealing the Indemnity Ordinance. This is a great moral deliverance for Bangladeshi citizens. The repeal of this Ordinance from the constitution has also made it possible to try the murderers in a court of law. A trial of the criminals is of course essential but more essential is to reveal the truth of the crime for a psychological reconciliation of the nation. That was the objective of President Nelson Mandela of South Africa in instituting a Truth and Reconciliation Council headed by Nobel laureate Archbishop Desmond Tutu. While revealing the truth its consequences should also be ensured. Sheikh Hasina's Awami League government has done that.

However, in my judgment, another more serious guilt or

shame still hangs on the conscience of the nation. That is the murder of four national leaders inside the jail. No step has been taken to reveal the truth of this crime. In a sense, this crime is more grievous than the murder of the head of state, because in a change of government through a coup, the head of the state often gets killed and the world opinion reluctantly accepts it though killing of an entire family is never accepted. The killing of the four leaders in the jail in the custody of the state, perhaps at its indication, is absolutely unacceptable. If Sheikh Hasina stops at revealing the truth of the murder of father of the nation and does not reveal the truth of the murder of the four national leaders in the jail, her task will remain seriously incomplete.

Secondly, the treaty with India on the sharing of the Ganges water; its significance hardly needs an explanation.

Ever since the construction of the Farakka barrage by India this issue has troubled the minds of all Bangladeshis. The importance of the completed treaty lies in the fact that, for over two decades no government in Bangladesh succeeded in coming to a long term agreement with India on the sharing of the Ganges water. The last BNP government failed even to engage the Indian government in a discussion on this issue owing to its cold relationship with that government. Sheikh Hasina's Awami League government succeeded to improve its relationship with the Indian government and settle the Ganges water problem satisfactorily within six months of coming to power. It is a very praiseworthy accomplishment for which the nation will remain indebted.

There is no doubt that the signed treaty is fair and equitable. Those who oppose it do that out of the frustration of their own failure. There is of course some doubt in the minds of some about the actual availability of water according to the treaty, but the treaty provides for settling such problems through mutual discussion. In the absence of an agreement nothing could be done if no water was made available by India.

The most significant aspect of this treaty is the improvement in our political relation with India which is very

much in our national interest.

Thirdly, the Chittagong Hill Tracts peace treaty: before this the tribal citizens of the area were engaged in a bloody armed conflict with the state of Bangladesh. This was one of our most serious national problems which defied a solution for many decades. In a sense, this problem was more serious than that of the Ganges water. The tribal people of the hills are also the residents and citizens of Bangladesh. A small part of our population thought it necessary to take arms against the large majority and the government to preserve what they thought their rights. And to solve this internal conflict the armed forces were to be deployed but without much success.

All those who were killed on both sides were the citizens of Bangladesh. The tribal people of the hills consider themselves ethnically distinct from the rest of the population and they are determined to preserve this distinction as well as the rights they enjoyed traditionally. With a good relationship between this minority tribal people and the majority population of the plains depends the overall economic development of Bangladesh, since this region is much richer in natural resources.

Fourthly, about providing autonomy to the electronic media, the radio and television. Sheikh Hasina's Awami League government must be freed from the influence of the general government. My own conception in this regard was clear but it has become somewhat confused recently after reading in the press about the performance of both the general administration and the judiciary. The press has recently reported the arrest of a number of violent criminals which testifies to a partial success of the police. However, the same report also mentioned that some of these criminals were arrested before but were granted bail by the courts, after which they again committed similar violent crimes. Apparently, the courts impeded the law and order situation by rejecting the submissions of the prosecution, or the prosecution failed to present its case properly, or the penal codes are themselves flawed and ineffective. Whichever of these three causes may be correct, it does not help keep violent crimes from happening.

In order to appreciate the importance of the peace treaty in the Chittagong Hill Tracts one has to remember that such ethnic conflicts have eluded a solution in many parts of the world. A small province Chechnya of the erstwhile Soviet Union rebelled against a former superpower for the autonomy of this ethnically different society. The mighty governing power Russia has failed to solve this ethnic conflict both in the battle field and in peace negotiation. Similar is the history of the Tamil conflict in Sri Lanka, Kashmir and North-east conflict in India and the Mohajir-Beluch-Pakhtun conflicts in Pakistan. The religious conflict in Northern Ireland defied a solution for decades and only a few weeks ago a solution could be reached through a negotiation process that lasted over two years. In light of all these, finding a solution to the ethnic conflict in the Chittagong Hill Tracts by Sheikh Hasina's Awami League government within eighteen months of its rule can be considered as a miraculous success.

Unless the distinction of a society is recognized and some special rights are granted, a solution of such conflict cannot

be achieved. The French Canadians of the Quebec province have been constitutionally recognized as a "distinct society" and Quebec's prior approval is required in order for the federal Canadian government to consider any application for immigration intending to settle in that province. Yet, the age old problem with the French Canadians has remained basically unresolved. In light of this, granting some minor rights to the tribal people of the Hill Tracts in order to solve this grave national problem should be considered ingenious. A condition that solidifies different cultures within a nation cannot weaken national sovereignty.

Fifthly, although a bill has been introduced in the parliament for separating the judiciary from the general administration of the government, there has been little progress since then. Sheikh Hasina's government seems to suffer from procrastination in this pledge of their own. There prevails a consensus that to establish the rule of law the judiciary must be freed from the influence of the general government.

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In another news item the press reported that, after an investigation into the accusation of manipulation by some business men in the stock market last year, the government went to the court against the accused, but the court rejected the cases against some of the influential defendants on technical grounds. Such news would naturally raise questions in the minds of the people about the role of the courts in establishing the rule of law. It was also reported in the press that, in a seminar, the eminent jurist Dr Kamal Hossain expressed the view that, in some of the cases against bank loan defaulters, the verdicts of the court in favour of the accused were "unlawful". After stating this view, he challenged to face a contempt of court accusation against him, but no such accusation against him has been reported by the press. If on the basis of press reports the readers conclude that the courts are afraid of violent criminals or wealthy businessmen or influential lawyers, they may be wrong but doubts will linger in their minds. Such reports in the

press should make the government especially the judiciary concerned about its image. On the other hand, the bold press is playing a very positive role by highlighting vexing issues and building pressures of public opinion.

My purpose was to criticize the government for procrastination in detaching the judiciary from the general administration. Though I have discussed from this to raise some issues on the roles of the judiciary and the general administration, my criticism remains valid.

Finally, in providing the people with security of life and property there is little visible sign of improvement under Sheikh Hasina's Awami League government. Campus terrorism, daily occurrences of murder, political violence and the recent epidemic in child rape point to a failure of the government in a vital area of public concern.

However, during the current administration some violent criminals have been arrested including Chhatra League leaders, which can be taken as a sign of political will of the government in providing public security. Nevertheless, the public remains apprehensive of threats to life and property as before. If there is no visible improvement in the foreseeable future, the conclusion that Sheikh Hasina's government has failed in this critical area will be inescapable.

In balance, the positive aspects of Sheikh Hasina's Awami League government outweigh the negative aspects.

While it performed splendidly well in crucial policy areas, it failed in insuring an improvement in overall management. Reaching a treaty with India on the issue of Ganges water or on achieving internal peace in the Chittagong Hill Tracts are indeed very creditable, any government can be proud of achieving any of these two goals. And liberating the national conscience by repealing the Indemnity Ordinance is a great contribution.

After concluding the main essay, I wish to add a comment on the role of Sheikh Hasina's government on the issue of secularism. In this I had expected that her government would make some advancement, but little has been achieved. However, I cannot accuse her of breaking any political promise, because during her election campaign she publicly abandoned secularism as a political agenda. I should blame myself for entertaining a false hope. Nevertheless, the present situation in respect of secularism is a shade better than it was at the time of Zia-Ershad-Khafed. And that is a small consolation.

Multilateral Trading System

Need for a Coherent Position for the DCs and the LDCs

by Khalilur Rahman

While LDCs should support the stance to be taken by the developing countries, they should underscore the necessity of carrying forward the momentum built on LDC issues and should emphasize on the implementation of the decisions of the Singapore Ministerial Conference and of the High-Level Meeting on the Integrated Initiative for LDCs' Trade Development.

THE Second WTO Ministerial Conference and the 50th Anniversary Commemoration of the Multilateral Trading System will be held in Geneva from 18 to 20 May 1998. Implementation of the WTO Work Programme and Future Activities of the WTO are the twin agenda items of this ministerial conference.

The upcoming Ministerial would see an intense debate on the above two items. The developed countries are unlikely to shed more lights on the item — implementation of the WTO work programme; rather they would be more interested in highlighting the need for inclusion of new issues in the discussion of the item — future activities of WTO.

These new issues may include multilateral framework of investment, environment, labour standards and even the issue like global electronic commerce.

As opposed to their developed counterparts, the developing countries would stress on the effective implementation of the WTO work programmes that favour them. Moreover, they would try to include a positive agenda in WTO's future activities — which may include trade liberalisation in both agricultural and industrial products; built-in agenda like review of anti-dumping rules, services; and regional trading arrangements (RTAs).

With regard to trade liberalisation in agricultural products, the developing countries should address the issues of high tariffs, export subsidies, domestic support measures and the effective operation of the relevant provisions of Sanitary and Phytosanitary (SPS) Agreement, that take into account development concerns, for improved market access.

It is also necessary for them to ensure their effective participation in international standard setting bodies so that they can frustrate any move by the developed countries to use any new standard that can go against their trade interests. They need to devise appropriate

strategy to address tariff peaks and tariff escalation for industrial products.

For review of anti-dumping rules, developing countries have to ensure that these rules are neutral in order to preclude their misuse as instruments of protection. In services sector, they should identify sectors of interest and beneficial to them along with quick finalisation of safeguards rules. With regard to RTAs, developing countries have to ensure that non-member developing countries have access to market in the RTAs and that they benefit from trade liberalisation resulting from the operation of RTAs.

The issue of harmonisation of preferential rules of origin should also be highlighted by them. In reply to the developed countries' attempt to introduce multilateral framework of investment, the developing countries should strongly advocate for such investment regime that can provide pro-development elements.

Agreeing to the inclusion of issues like multilateral framework of investment, environment, labour standards and global electronic commerce in the future activities of WTO, will have far reaching implications for the developing countries. The attempt by the developed countries to include these issues in the future activities of WTO, could perhaps, be thwarted by proposing issues like WTO rules relating to trade and financial flows and trade and immigration, binding of internal taxes on gasoline and tropical products, replacement of anti-dumping laws by competition policy, widening the scope for movement of natural persons etc., for inclusion in the future activities of WTO. Developing countries should be firm on the contention that issues like labour standards are being tackled in ILO.

While LDCs should support the stance to be taken by the developing countries at the Ministerial, they should underscore the necessity of carrying forward the momentum built on LDC issues and should emphasize on the implementation of the decisions of the Singapore Ministerial.

Ministerial Conference and of the High-Level Meeting (HLM) on the Integrated Initiative for LDCs' Trade Development.

The HLM, pushed the concerns of the LDCs high on the world trade agenda mainly with the launching of the integrated framework for trade-related technical assistance, including for human and institutional capacity-building, to support LDCs in their trade and trade-related activities and with the announcement of enhanced market access measures by some potential WTO members including EU and the US.

The HLM also decided to set up a small administrative unit of six agencies namely IMF, ITC, UNCTAD, UNDP, World Bank and WTO and to form an Inter-Agency Working Group comprising staff from each of the six agencies for the coordination of their contribution under the integrated framework.

The follow-up to the work initiated at the HLM has now

from the process.

Now it has been agreed among the six agencies that the administrative unit would be located in ITC, though its details are yet to be finalised. In order for effective follow-up to the implementation of the integrated framework, this unit should be operational urgently.

At the ensuing Ministerial, LDCs should ask these agencies to speed up their coordination process to this effect.

The Trade Ministers of the LDCs, participating in the Ministerial, may wish to come up with a kind of "Joint Declaration" which could be included in the report of the Ministerial.

They may also try to include some "positive measures" favouring LDCs in the Declaration of the Second Ministerial, in line with the Singapore Ministerial Declaration.

They may also propose the Second Ministerial to mandate WTO to organise a follow-up HLM on the LDCs, in collaboration with other five involved agencies, before the finalised rules of the Millennium Round of WTO Negotiations in 2000.

The 50th Anniversary of the Multilateral Trading System (GATT) is going to be commemorated at a time when majority of the global population remain in the morass of absolute poverty and outside the scope of the benefits of this trading system. The developed countries have reasons to cheer on this occasion. On the contrary, the developing countries and the LDCs in particular, who have been marginalised by the process of Multilateralism, would only be a witness to this celebration.

Their marginalisation will not strengthen the multilateral trading system at all. It is rather, other way round. There is an urgent need for successful integration of these countries into this system. This integration can only be effected if appropriate supportive measures are taken in favour of these countries by their developed partners. And only then, the celebration of the 50th Anniversary of the Multilateral Trading System would be meaningful for everybody.

Despite their meager surpluses, LDCs maintain a manageable lifestyle. Their supporters bring her plenty of food and water and her arms get a

high in a Redwood Tree, Humboldt County, Calif

fair amount of exercise as she hauls these sundries up to her platform by a supply rope.

Hill maintains an active schedule, reading books, writing poetry and answering the letters she gets from around the country. She also cooks, and those who visit her at mealtime say her vegetarian cuisine is among the best they have tasted.

Hill is the latest in a long line of battles fought over the fate of the last few old-growth groves of what may be the most majestic tree on Earth. An epic struggle, it pits timber companies seeking to harvest the precious wood against rabid, ragtag environmental activists from the Earth First group.

Since she began her tree sit on Dec 10, Hill has braved a wicked rash of El Nino storms, endured taunts from angry lumberjacks and bathed just five times — all from a bed-sized plywood tree platform 180 feet (60 metres) above the ground.

"I've gotten tired a lot. I'm a human, I'm not Superwoman. I've been beat to hell and back on more than one occasion," Hill told a high-climbing reporter as she sat under the wind-whipped plastic tarp that covers her six-by-eight-foot (almost two-by-three-metre) platform.

"But as long as I'm up here, it's a playing card for us. Because it's become such a big media event. Pacific Lumber's really starting to watch their Ps and Qs," she said. "As long as we keep it in the media it's leverage for us to try and give them that little extra nudge to save the grove."

"Things were so intense that I didn't realize until after the conversation was over that I actually heard her in words for the first time — that it wasn't just an innate sense," Hill said.

"Because of her action and similar protests we have almost 300 people who are on curtailed work schedules — they've either been laid off or they're working four days a week," company spokeswoman Mary Bullwinkel said.

Although some Pacific Lumber employees have openly called Hill crazy, Bullwinkel says she will not