

Public Interest Ruling

In recent years, the frequency of hartals called by political parties has become a major worry for the public in general. Until recently, the debate over hartals had been confined largely to political parties themselves, and followed ritualistic patterns. That is, the ruling party always regarded hartals as anti-development, while those in opposition termed the strikes as expression of people's democratic will. More recently, other opinions, not driven by partisan interests, have become more pronounced, as the level of violence associated with hartals has increased manifold. Under such circumstances, the decision by a High Court bench on Monday to issue a *suo moto* ruling on leaders of both the Awami League and BNP on their respective hartal-related activities acquires a special significance.

The ruling has asked the AL and BNP to show cause as to why their actions to enforce and resist hartals would not be regarded as criminal offences. This means, the court is not questioning the legality of the hartal itself. The judges are no doubt aware that the issue of hartal would best be resolved through the political process. But the intimidation and violence that are now integral to hartals certainly have more to do with criminal laws and individual's fundamental rights, than mere politics. That is why the High Court's action is likely to touch the right chord in millions of hearts across the country.

It is not within the jurisdiction of this paper to foretell what response the AL or BNP would make, or what ruling the High Court bench may issue. But what this paper can do is to reflect the view of the silent majority, which has been stifled under the barrage of pro-hartal and anti-hartal propaganda. This paper believes the court has acted in public interest, while taking care not to step on heavy political grounds. It is certainly the responsibility of parties calling and resisting hartals to ensure that the public are not intimidated or threatened in any manner. That is what the rule of law would warrant anyway. The court has acted to uphold the rule of law. It remains to be seen how the political parties themselves view their hartal-related activities.

What's Wrong in CHT?

Two contradictory signals from the CHT are catching our antenna. While the PCJSS leader Shantu Larma is engaged in talks with the government in the capital city, incidents of abduction and murder of elements supportive of and inimical to the peace accord have been reported from Khagrachhari and Rangamati. From Khagrachhari eight persons had been abducted in the past few weeks of which six were found dead in a jungle. The four who were kidnapped in Rangamati remain untraceable along with the two from Khagrachhari. The casualties seem greater on the pro-accord side.

Not only has tension in the two district towns mounted over the dead bodies and the missing compatriots this has also raised the spectre of retaliatory swipes from the rivalling groups.

This is an extremely unfortunate situation set as it is against the backdrop of the PCJSS- Government direct talks in Dhaka to clear the deck for an accelerated implementation of the one-year-old peace accord. There is an overwhelming support for the peace accord within the tribal community, but it seems that a wing of the United People's Democratic Front, called the Hill Students Council (Prashit) Group is up against it calling for 'complete autonomy'. The PCJSS has been vocally critical of the vicious activities of certain quarters to subvert the implementation of the peace accord. It is time, they used their clout to neutralise the small minority of dissenters.

It is a pity that extortionist activities are on the rise somewhat reminding one of the nightmarish law and order pressures of the past. As we urge the PCJSS leadership once again to try and set the tribal house in order, the local administrations are requested simultaneously to put a brake on abduction, murder and illegal toll collection.

Defiling Pavements

What are the pavements meant for? The instant reaction may be: is it a question to ask? But in Dhaka, or for that matter in Bangladesh, it is. And to illustrate this unusual question a leading Bangla daily has published a collage of four-colour photographs on its front page Tuesday. May be such photos with elaborate captions had appeared in almost all important newspapers in the past and scathing stories about lack of civic sense and the spawning of public nuisance and health hazards were carried by them. But no effort was too strong or convincing for the responsible quarters to move into action. Footpaths in this metropolis are being misused by all and sundry and specially by organised gangs with a passion for extortion. Apart from putting up make-shift shops on these pavements along important city thoroughfares, large areas have also been illegally occupied for construction of shanties for renting these out to low income groups. The surrounding areas, as a result, stink. In some areas, pavements are used as toilets and in others as urinals. Even there are places where the pavements are being used as space for storing used tyres and various other materials to the great discomfort of pedestrians.

There are organisations and employees responsible for providing and maintaining minimum amenities to the city-dwellers. Then there are the law enforcing agencies who can challenge anyone committing such public nuisance. If these organisations wake up to their responsibilities the city can be a better place to live in. Unfortunately that is not the case. In any civilized society such inaction and apathy to public health hazards would have been treated with utmost abhorrence and disgust.

Tofail Stance on Kafco Makes Dhaka Stand Taller

The government at the time probably felt it necessary to be cautious, because Bangladesh had gone through a major political transformation and needed all the support it could muster. This meant accepting the Kafco deal virtually as the previous government had signed it. But the furore also meant that Kafco would remain in the public eye.

FINALLY, the Bangladesh government seems to have gathered enough moral courage to stand up to a major donor. Minister for Industry and Commerce Tofail Ahmed's blunt refusal to approve commercial settlement of the Karmaphuli Fertiliser Company (Kafco) may have shocked the government of Japan, but it has made Bangladesh stand a few feet taller.

By all indications Tofail Ahmed is pretty chagrined over the manner in which the Overseas Economic Cooperation Fund (OECF), a Japan government lending agency, had sought to pressurise Bangladesh into accepting the Kafco settlement proposal. But, despite Japan being the country's largest development 'partner', Tofail rightly saw it fit to stand his ground and refuse to endorse the Kafco plant as supplied by Marubeni and Chiyoda, two Japanese corporations who are the General Contractor for the project.

By doing so, Tofail may have drawn the ire of the officials of OECF who take many important decisions on allocation of Japan's considerable aid money. But he has also served notice that settlement a corporate dispute, as Kafco certainly is, cannot be imposed on a developing country through political pressure.

Evidence suggests that Marubeni and Chiyoda have failed to supply a plant according to provisions of their contract, leading to massive losses for Kafco. This means the government of Bangladesh, as the largest shareholder of Kafco, has the right to refuse acceptance of the plant and insist on holding the General Contractor liable for maximum compensation.

What the OECF has tried to do is to apply thinly-veiled political pressure to get the government to accept a laughable settlement proposal. This is little short of flexing of political muscles by a financial giant, in order to force a developing nation into accepting a corporate deal that would be laughed out of court in any developed nation (including Japan).

A recent letter sent to the industry minister by the OECF carried a reference to Japan's assistance in other areas and an expression of hope that they would be able to continue these. In no-so-diplomatic parlance, this could be interpreted to mean that the government's failure to accept the Kafco settlement could affect Japanese assistance in other areas. The OECF had also tried to tag another issue to force Bangladesh to accept the settlement, which Tofail feels to be against the interest of the country.

Back in 1992, Japan had successfully twisted Bangladesh's arm to become the guarantor of Kafco's \$ 280 million export credit from the Exim Bank of Japan. This meant that the government would be forced to pick up the bills if Kafco for some reason defaulted on its obligations. This happened on Feb 1 this year, when Kafco failed to repay a \$21.5 million in principal amount to Exim Bank. The fertiliser company had requested for a waiver, but Exim had refused and suggested that the Bangladesh government pay the amount as the guarantor.

The OECF, which is part of a consortium owning 31.29 per cent of Kafco, then moved in with its own game plan. The Fund suggested that, if the government approved the plant settlement as proposed by the General Contractor, then OECF could carry out financial restructuring of Kafco and tie over the repayment problems. The target, quite clearly, was not so much the debt to Exim, but getting the General Contractor off the hook through government acceptance of the plant.

equity, stands to lose enormously unless the plant operates efficiently and makes profits.

After the plant was constructed, loud complaints were heard about the inferior quality of the machinery. Soon, the complaints became a cacophony.

According to a former managing director of Kafco quoted in a recent report in this paper, the contractors did not supply a plant in accordance with provisions of the contract. He said

it had done in 1992.

However, Tofail Ahmed was strengthened by the knowledge that the previous government had also refused to approve the plant after its commissioning. He said that the previous government was also pressured to accept the plant. He feared that the plant might shut down by mechanical problems.

Developments since then suggest that it would have been prudent for the government to have taken a tougher stance in 1991-92. But it is easy to be wise with hindsight. The government at the time probably felt it necessary to be cautious, because Bangladesh had gone through a major political transformation and needed all the support it could muster. This meant accepting the Kafco deal virtually as the previous government had signed it. But the furore also meant that Kafco would remain in the public eye.

posed to be detrimental to the national interest of Bangladesh. The government of Prime Minister Khaleda Zia, which came to power on Mar 19, 1991 was able to rewrite some aspects of the terms of the project in the face of strong political pressure from Japan. But, it was felt that if the Kafco deal was cancelled or drastically altered, then other foreign investors would feel unsure about the stability of government decisions and continuity of policies and projects.

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The only question remaining now is whether the government would be able to stand its ground. Politically, it should feel strong enough, because there is a general consensus over the need to stand firm on this issue. But the real weak link may be the bureaucracy whose performance to date over Kafco has been anything but glorious. It would require great deal of tenacity on the part of the industry minister to keep the bureaucracy focused on the national interest, and insist on allowing corporate affairs to be resolved according to general business practices around the world.



The Outside Story

BY SABIR MUSTAFA

The real problem of the Kafco deal came to light with the commissioning of the plant in 1995. Marubeni and Chiyoda, two Japanese firms which are investors in Kafco, were also awarded the general contract for the construction of the plant. The total investment of these two companies would be roughly \$ 35 million. But their General Contract award was in the region of \$ 300 million. This had raised some eyebrows, because this meant the two companies would be able to recoup their investment and more from the contract work, and thus have little stake in the profitability of the plant. But the Bangladesh government which holds 43 per cent of the

the problems with the plant are related to 'poor engineering design, unreliable and substandard equipment' etc. These shortcomings caused the plant to cease production 37 times over the past four years, leading to an accumulated loss of \$120 million.

The settlement being peddled by OECF would let the General Contractor off the hook. The settlement promises \$16 million cash to Kafco, without any obligation to fix the plant or pay compensation that matches the losses sustained by the company as a result of the poor construction of the plant. It appears that the OECF had thought the government would cave in this time as well, just as

LETTER FROM AMERICA

Behind the Majesty of King Hussein

Dr Fakhruddin Ahmed writes from Princeton

King Abdullah has said: "Peace with Israel, I believe, is the best thing Jordan could have done." Perhaps. But there is something profoundly disturbing when Israel calls King Hussein its "favourite King," and no other Muslim nation does.

Transjordan out of Syria in the back of a cab in 1921. Britain agreed to finance the emirate with a subsidy and gave Abdullah to rule it under a British mandate. In 1946, Transjordan became independent. Abdullah became King and named his country the Hashemite Kingdom of Jordan.

In the aftermath of World War I, Abdullah supported the Balfour Declaration that stipulated a homeland for the Jews in Palestine, earning the lifelong enmity of the Palestinians. Contacts between Abdullah and the Zionists began in 1926, and in 1946 Abdullah assured the Jewish leaders that he would not oppose the creation of a Jewish state in Palestine. The decision was deadly. On July 20, 1951, when Hussein was 15, King Abdullah was gunned down by a Palestinian nationalist as he was about to enter Al Aqsa mosque in Jerusalem. The future king learned a valuable lesson from his grandfather's assassination: he witnessed how the people who were supposed to protect King Abdullah fled for their dear lives just as the shots rang out. Hussein vowed never to trust anyone.

Prince Talal, who suffered from schizophrenia, succeeded King Abdullah on the throne. When his attacks worsened, the Parliament removed him on August 11, 1952, less than a month after Gamal Abdel Nasser toppled King Farouk in Egypt. At 16, Hussein was proclaimed Jordan's King. Although democracy brought him to power, Hussein gradually stifled Jordan's democracy, replacing it with autocracy. The new King himself would survive at least 17 more murder attempts, coup plots and army insurrections. Many a cat died in

the royal palace ingesting the poison meant for the royal palate! Repeated brush with death is what gave the King the famous fatalism. What really saved the King was his forgiving nature. In a neighbourhood known for an eye for an eye, the King never executed anyone caught trying to kill him!

The young king, a superb dancer and party animal, had a taste for sleek women. His first marriage, to Sherifa Dina Abdul Hamid, a Cambridge-educated intellectual, who was an older Hashemite cousin, ended after eighteen months. A lively and independent woman, Sherifa found sleepy Amman dull, had one daughter. Although she and the King parted amicably, she later married a Palestinian commander who took part in the 1970 uprising against the King.

The King's second wife was Tony Avril Gardner, whom the King named Muna, Arabic for "My Wish". The shy daughter of an English colonel at the British Embassy, Muna had little interest in politics, and refused to be designated Queen. She and the King had four children, including the current King Abdullah. The marriage ended in 1972.

The King was madly in love with his third wife, Alia Bahadur Din Toukan, the daughter of a prominent Palestinian diplomat from Nablus, on the West Bank, who settled in Amman. The King named the national carrier Royal Jordanian Airlines. "Alia," after her. The King and the popular Queen had two children and adopted a daughter.

The King himself announced Alia's death in a helicopter crash to a stunned national television audience in

Egyptian Air Force that had been wiped out. Jordan became one of the 14 nations to lose the six-day war against Israel. For Jordan the war was devastating — it lost the West Bank and East Jerusalem including Al Aqsa mosque to Israel. Had he not joined the war, his people would have revolted. For him it was a civil war. Palestinian refugees poured into Jordan from the West Bank.

King Hussein almost lost the rest of his kingdom in 1970, when the Palestine Liberation Organization, which had made Jordan its base, challenged his rule. In "Black" September, 1970, the King declared war on the PLO and crushed them. No one ever challenged his rule again.

Among Israel's Arab enemies, only King Hussein was in secret contact with Israel beginning in 1963. He had over 500 hours of talk with every Israeli leader except Menachem Begin. Yet he was always evasive when asked. The writer remembers that in 1977, a British journalist asked him point blank: "Has your Majesty ever met with an Israeli official?" "There has never been a meeting of the minds," the King replied.

For the sake of tranquillity at home, Jordan remained neutral in the 1991 Gulf War. That earned him the ire of the West, including America. In a series of secret meetings, Queen Noor invited American journalists to the palace and explained Jordan's precarious position. Very quickly Jordan was forgiven, and back in favour.

In 1974, the Arab League designated the PLO as the sole representative of the Palestinians. As the Intifada was under way, in 1988, the King renounced his nation does.

claim to the West Bank, opening the way for the Palestinians and the Israelis to deal directly with each other. The King was a partner of the Palestinians in the Madrid talks in 1991 that paved the way for the Oslo accord in 1993. Jordan itself concluded a peace treaty with Israel in 1994.

If there is one criticism one can level against King Hussein it is his eagerness to deal with Israel. The King kept Jordan on the sidelines during the 1973 Arab-Israeli war. Yet, he informed Israel of the imminent attack it faced from Syria and Egypt. Unluckily for Israel, it ignored the King's warning.

Jordanian-Israeli peace treaty was a victory for Israel. Jordan did not free West Bank, East Jerusalem or Al Aqsa because of it. King Hussein, like Palestinian Authority President Yasir Arafat, relied too heavily on the political longevity of Yitzhak Rabin and Shimon Peres. Even after it was clear that Benjamin Netanyahu was hell bent on destroying the peace process, the King refused to be harshly critical of him. Peace with Israel has brought Jordan no prosperity whatsoever, as the King had promised.

At King Hussein's funeral, while the rest of the world sent elected Prime Ministers and Presidents, the Middle Eastern Muslim nations sent unelected Presidents, monarchs and their sons. Democracy in the Muslim Middle East is still a distant dream. It will be better for Jordan if the new King Abdullah does not strictly follow in his father's footsteps as he has promised; he should try and foster democracy which conferred the throne on his father 46 years ago. King Abdullah has said: "Peace with Israel, I believe, is the best thing Jordan could have done." Perhaps. But there is something profoundly disturbing when Israel calls King Hussein its "favourite King," and no other Muslim nation does.

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but also other regions as well. The old and the sick find Dhaka-Calcutta bus journey too tiring and tedious. This category of people can fly to Jeddah from Dhaka and then avail the bus service to Calcutta. This will be much more economical than Dhaka-Calcutta air journey. Distance between Jeddah and Calcutta is not much and hence should not be strenuous for people of this category.

Will the Ministry of Communication ponder over this?

Sadeq Ahmed Chowdhury
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Solidarity for world peace and stability

Sir, The world witnessed an extraordinary fusion of this millennium in Amman at Raghada Palace, an amalgamation of leaders for the funeral of late Jordanian King Hussein. There was Mr Clinton, President Assad of Syria, the Sudanese President, the PM of Israel, Mr Blair and many more — as diverse in their ideology and dogma as chalk is to cheese. Waving aside their differences and rubbing shoulders in the same platform — a semblance to pay respect to a sublime statesman.

Do I see a ray of hope or winds of change? Why cannot the Kings, Queens, Crown Princes and political leaders show the same solidarity for the peace and stability for our planet which we all are searching for?

Or am I asking for too much?

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To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Hartals

Sir, With deep concern we are observing the events happening back at home. We have been reading all the comments for and against hartals. I totally agree when someone says that Hartal is our democratic right. Nobody should snatch this right. But I want to ask: are they aware of the democratic rights of others? Why are they forcing others to join the hartals? Everybody by now knows that the business community is very vocal against hartals. Will any businessman will dare to open his establishment on the hartal day?

No, not because he has his sympathy for the cause of the hartal but the reason is known to everyone. For those who want to exercise their democratic right by observing hartal, I appeal to them that please don't snatch others democratic rights by forcing them to go for hartals.

Again, I ask these elite of the society, cream of the nation and may be the future ruler of this nation: is not these hartals tarnishing the image of the nation? We, living abroad, have been very proudly boasting that we don't have any problems like other sub-continent countries — India, Pakistan and Sri Lanka. What benefits are they going to gain out of these hartals?

Take a lesson from the history. The previous opposition alliance very illogically had tried hard to bring down the government by enforcing hartal after hartal on the innocent people. But were they really successful?

The previous government managed to complete its term by all means. And supposedly, even if they manage to bring down