

Speaker Eats Humble Pie

WHAT Speaker Humayun Rasheed Chowdhury could do gracefully he has done it acridly. He has finally released the case of alleged floor crossing by two BNP legislators to the Election Commission. But he has done so when impelled by the SC Appellate Division's rejection of his office's prayer for 15 days' time to comply with HC order which had originally required that the matter be sent to the EC within seven days from the receipt of the order. The Speaker has made no bones about what he sought that fortnight's time for: to receive the full text of the HC judgement as upheld by the Supreme Court Appellate Division, study it with an eye to its implications on the 'sovereignty' of parliament and then 'take steps', if felt necessary. We do believe that the Speaker's purported concern for parliamentary sovereignty is not only overwrought but is also misplaced in this particular case. This is for the cogent reason that the highest judiciary did not adjudicate the matter as such but merely wanted it to be sent to the CEC to determine whether the two BNP members in question had crossed the floor in terms of Article 70 of the Constitution. The High Court, or for that matter the Supreme Court did not make any value judgement but simply underscored the technical propriety about the case being referred to the Election Commission.

In an earlier editorial on the subject, therefore, we had entreated the Speaker to withdraw his appeal for time and refer the matter to the CEC without making any more detour that could only complicate it unnecessarily. We believe that it is the Speaker who by dithering on what he should have done at the very first opportunity — namely refer the question to the EC — brought the issue to such a pass.

This unfortunately created the impression one time too many that he was perhaps acting hand-in-glove with the ruling party. While we do welcome the good sense that has prevailed upon the Speaker at long last we cannot overlook the test-case nature of the floor-crossing allegations under reference, something that better not be confused with parliament's 'sovereignty'.

All in all, the Speaker could have spared the embarrassment to his person, and more importantly, to his office by acting judiciously and in time. We hope that since he has complied with the SC order, 'his respect for the judiciary' should be deemed to have been vindicated and that there will be no cause for the souring of relations between the Speaker of Jatiya Sangsad and the highest judiciary, two vital institutions of democracy.

Eviction Syndrome

THE way the police, with assistance from BDR personnel, have bulldozed three slums—Balurmath, Rail Barrack and TT Para—in Motijheel and evicted nearly three and a half thousand families is, needless to say, symptomatic of an 'eviction syndrome', very recently manifested in the government's initiative to 'rehabilitate' sex workers of Nimali and Tanbazar brothels in Narayanganj. The government, the home ministry to be precise, seemingly has the 'perfect' pretext to embark upon a programme such as this — slum-centred anti-social activities have been on an alarming rise. The killing of a constable inside the Gopibagh police camp Friday night certainly acted as a catalyst. However, questions remain: could it not have been executed in a civilised manner? How could the TT Para slum be set afire, apparently to expedite eviction? Does it not constitute a gross violation of the rights of the slum-dwellers ought to have enjoyed as human beings? That they are dealing with humans doesn't seem to have dawned on the authorities. Surely, the thrown-out thousands will not vanish into thin air. On the contrary, they will either seek refuge in other slums or start living on the sidewalks along the streets, building more slums in the process. In real terms, demolition of three slums would actually lead to more of it, thereby intensifying, instead of resolving, the problem.

Admittedly, slums in the capital have been frequently reported to have housed different anti-social activities like narcotics and illegal arms dealing. Sometimes, outlaws use these as hide-outs. Moreover, on more than one occasion, conflict over control led to many a death. However, these do not justify wholesale eviction. In our view, any such drive should entail the primary consideration of relocation of the evicted lot. The slum-dwellers constitute a substantial percentage of the city population and the authorities cannot simply boot them around on the pretext of curbing criminal activities. Saturday's action, like the recent rehabilitation drive for sex workers, represents, above anything else, gross violation of human rights. We demand an immediate explanation from the home ministry for perpetrating such an inhuman act and would urge them to stop toying with the fate of thousands of slum-dwellers in the city.

Publish the Report

THE probe body constituted by the Health Minister to find out people responsible for the death of four patients on Friday last at the ICU of DMCH due breakdown in oxygen supply has come under fire. The three-member body has been constituted with a joint secretary of the health ministry, a director of medical education of health directorate and chief of surgery of the Dhaka Medical College Hospital. Since the members belong to the 'same service or profession' many expressed doubt about the neutral character of the committee. Some specialists should have been on the probe committee since many technical aspects regarding the unfortunate incident will come up during investigation. The committee can still be broadbased by the inclusion of some persons specialised in this particular field.

We hope the minister will act swiftly to re-constitute the committee as promised to The Daily Star. Meanwhile a Bangla newspaper published a report Monday that the technician responsible for smooth functioning of the system was not available on duty when the accident occurred. Also surfaced the peculiar claims and counter-claims by the oxygen supplying company and the hospital administration respectively, in defence of their positions. It should not be difficult to get to the bottom of what caused the tragedy. We urge the minister to publish the probe body report for the information of the people. In the past there were so many committees whose reports never saw the light of the day.

AFTER having completed his tour of the USA Prime Minister Barak again embarked on his second round of meetings with his Arab partners. His meeting with President Mubarak was, to put it in diplomatic terms, constructive and fruitful. But it seems that President Mubarak advised Prime Minister Barak to fully implement Wye as this misunderstanding between him and President Arafat. Such misunderstanding may inject foul odour into the favourable peace environment painstakingly created by Prime Minister Barak himself. The meeting with President Arafat was in a congenial atmosphere and was undoubtedly productive. Arafat agreed to crack his head over Barak's proposal of delaying the third stage of Wye and to merge it with the final status negotiations. Indeed, a technical committee with members from both sides was formed and within two weeks Arafat has to respond to Barak's proposal.

Barak's proposal has already attracted adverse comments from both media and Palestinian Authority. Palestinian Information Minister has said, "The Israeli government is leading the Middle East into the same atmosphere which reigned under the government of Netanyahu". This means that the peace environment is being vitiated. The calm that prevailed on the ground for a long time since Barak was elected has already been disturbed as there was already an attack on two Jewish settlers in Hebron. One may wait for the recommendations of the Technical Committee but it seems that it would not be

easy at all for Arafat to fully agree to Barak's proposal to delay the implementation of the third stage of Wye Agreement involving transfer of last 6 per cent of the occupied land to the Palestinian Authority.

Barak is honour-bound to implement Wye in full. His commitment was very clear and he said it on different occasions. On July 15 in the White House Rose garden he said, "We agreed that we need to abide by the previous agreements signed by all parties including Wye accords..." Again on the same day in Secretary Albright's residence he said, "I affirmed to Secretary Albright our commitment to abide by international agreements signed by our government, including Wye..." Therefore, there is no doubt that Barak is committed to implementing Wye Accord but what he is trying to do now is to avoid immediate problems with the settlers and hence his proposal to delay the third stage which involves transfer of several settlements into the administrative jurisdiction of the Palestinian Authority. Thus he has a point that needs to be considered by Arafat. He clearly said after his meeting with Arafat that if Palestinians did not agree he would implement the third stage but he emphasized that this would lead us to a "bumpy road". It is better to take the "main road". He also said that later he should not be blamed for going through the "bumpy road".

This is very indicative in terms of future negotiations. Undoubtedly there will be innumerable number of bumps in moving through the peace negotiations and Barak might choose not to bulldoze them as he already warned the other party about them. But one may hope that Barak will also understand Arafat's difficulties and his utter helplessness. Indeed, Arafat has a bigger problem — the problem of deal-

Agreement was signed in last October, only 2 per cent of the total 13.1 per cent has been transferred. Barak has announced that in second stage 5 per cent will be implemented from September 1, 1999. The present proposal of Barak relates to delaying the implementation of the last stage of 6 per cent of the occupied land which has several Jewish settlements. Full transfer of this part of the land will put several of the

the ensuing political and security problems for Prime Minister Ehud Barak?

To delay the implementation of the third stage upto February, 2000 should not pose a serious problem for Palestinians as they waited for ages any way but such a delay to pacify the settlers would create future problems for Prime Minister Barak as this step will embolden the settlers and make them more arrogant in terms of dealing with their neighbours, the Palestinians. This may indeed lead to more security problems. Indeed, quick implementation as per international commitment of Israel which binds both previous and the present governments will send the correct message to the settlers that the government means business and they have to decide about their own future.

Israeli government should allot land and announce special financial package to the settlers for their return to Israel proper. This may encourage many to return to Israel. However, if some decide to remain in their "biblical land" which is indeed occupied land would have to ultimately remain under Palestinian administration. Indeed, there is nothing wrong in it as total transfer of population is neither possible nor desirable. Many Palestinians are living in Israel as Israeli citizens. Initially there would be some security problem but ultimately they will adjust themselves with the realities on the

ground. This issue could be taken up with that of the Palestinian refugees who would like to return to their homes which may fall within Israeli proper.

However, with a view to minimizing Barak's political problems and overall security problems Arafat may agree to declare those settlements falling within Palestinian jurisdiction after full implementation of Wye as 'special zones' security of which should be with special Israeli police until 'final status' negotiations are completed. This will largely meet Prime Minister Barak's concern over the third stage of transfer. Arafat may not have any complaint as the formal transfer of occupied land duly takes place and Barak's concern about Jewish settlers' security is also met as the security of those special zones remain under Israeli police for an agreed period. As soon as the 'final status' negotiations will be successfully over the overall picture about the settlers and refugees etc will also be clear.

Prime Minister Barak himself said on July 15 in the White House rose garden that "...the overall picture will be settled once we end the permanent status negotiations and whatever will be agreed, we will do. I believe in a strong block of settlements that will include most of the settlers in Judea-Samaria and the Gaza Strip." This clearly indicates the transfer of settlements according to final agreements. The interim arrangements, if agreed, would help overcome present problems and expedite the commencement of the 'final status' negotiations.

ME Peace Process

Full Implementation of Wye Agreement or Not?



Spotlight on Middle East

Muslehuddin Ahmad

ing with people who have been waiting for ages for the land. They may turn violent which may go out of control. There are already indications on the ground and particularly the incident in Hebron should be taken seriously. Hebron incident took place despite Palestinian Authority's efforts to stop violence. Indeed, the Head of Israeli Military Intelligence Amos Malka told Knesset (Parliament) that "Palestinian Authority was fighting against terrorism in a satisfactory way".

The implementation of Wye Agreement is very vital for the Palestinians. Though the

Jewish settlements under the administrative control of the Palestinian Authority. This will undoubtedly be resisted by the settlers and violence will ensue. This would put Barak into political problem as his coalition government has the support of the ultra-orthodox party Shaas which promotes the settlements. But as the situation stands full implementation of the Wye is a must to put the peace process back on track. So far Barak has only talked about it; no real step has so far been taken to change anything about the ground. However, the question is whether any adjustment is possible to lessen

A Matter of Honour?

Ardeshir Cowasjee writes from Karachi

There are some 200 so-called 'honourable' members of the Assembly, each capable of making a similar unsubstantiated allegation. If they were all to do so, can hundreds of citizens of Pakistan be summoned to appear at their own cost and waste of time? Is this legal?

'honour killings'. Iqbal had to amend the wording of the resolution four times, as the supporting members' feet grew cold and the majority of the honourable Upper House vehemently opposed the resolution. Senator Ajmal Khattak claiming that when it is a question of 'honour', there is no room even for discussion. Chairman Rhodes Scholar Seasoned Flip-Flop Waseem Sajjad unhesitatingly ruled that there could be no discussion on the matter. The resolution was not tabled. This has the honourable Senate implicitly legalised murder by invoking honour. The question is, whose honour?

Now we proceed to the depths of the Lower House. On April 13, 1998, MNA Khwaja Asif moved a privilege motion alleging that on March 25 I had used 'abusive language' and 'threatened him with dire consequences', claiming that his privilege had thus been breached. The Standing Committee of the National Assembly on Rules of Procedure and Privileges then summoned me to appear before it. I questioned myself. There are some 200 so-called 'honourable' members of the Assembly, each capable of making a similar unsubstantiated allegation. If they were all to do so, can hundreds of citizens of Pakistan be summoned to appear at their own cost and waste of time? Is this legal? I consulted my lawyers. A letter was drafted raising queries and questions to a number of issues, and was sent off to the Committee Secretariat. As I received no reply, it was obvious the Committee had no answers. But it persisted in summoning me on succeeding occasions. On

July 31 I was honoured by a visit from Iqbal Bakhsh Maula Bakhsh Muhammad Umar Rahim Bakhsh Allah Bakhsh Dardarino Soomro, Jenab-e-Ishpeker of the National Assembly. Why can't the Committee answer my questions, I asked? They remain unanswered he responded. He invoked the bonds of a sixty-year old friendship and requested that I appear before the Committee. On August 2, I received a notice summoning me to appear on August 6. That same evening the Commissioner of Karachi called to tell me that the Committee Chairman had issued a warrant ordering that the Sindh Government arrest me and produce me before the Committee. I informed a relieved Commissioner that I had already decided to attend. Honouring the request of my old friend, I asked Barristers Makhdoom Ali Khan and Khalid Jawad to draft for me a statement to be presented to the Committee. They did so, and it was then settled and approved by Grandmaster Syed Sharifuddin Pirzada.

On August 6, before the Committee's proceedings began, handed over this statement to the Chairman requesting that it be placed on record, which he graciously did.

"I had been summoned by a Standing Committee of the National Assembly on an issue of national interest aimed at benefiting the public at large I would have deemed it a matter of great privilege.

But, whilst the people remain stricken with poverty, hunger and disease, I am here today solely because of your

concern as to whether Khwaja Asif has been abused and threatened by me, as he alleges in his frivolous privilege motion.

"2) Have you taken into account that Khwaja Asif is a director of the defaulting Salkot Dairies which is liable to return huge loans to many Banks including the ADBP to which it owes many millions of rupees (last reported figure, some 60 million)?

Have you taken into account the fact that Khwaja Asif is a man certainly not known for the modesty of his verbal language, but renowned for his proficiency in expressing himself through his body language which is unmatched even by his peers?

Have you taken into account that, to his eternal shame, he has to his discredit a share in the storming of the Supreme Court of Pakistan on November 28 1997?

Have you taken into account that he has to his everlasting discredit the committing of a physical assault upon the former President of the Supreme Court Bar Association, Advocate Muhammad Akram Shaikh, within the premises of the Supreme Court on November 17 1997, an assault which caused his victim bodily harm? Before enquiring into his privileges you might care to enquire into the above incidents and also as to how it is that a director of a defaulting company was elected to the National Assembly of Pakistan.

"3) Insofar as the allegation of the breach of his privilege is concerned, it is not only manifestly untrue but far too

preposterous to merit a serious rebuttal.

"4) In my letter dated December 5 1998 (copy attached hereto), written in response to your notice, I raised the following issues and gave detailed reasons for each:

(i) Whether the privilege claimed by the member and allegedly breached by a citizen legally exists?

If the answer to (i) is in the affirmative:

Whether the conduct amounting to an alleged breach of privilege is protected by the constitutionally guaranteed fundamental rights, such as the freedom of speech and expression, or by some other law?

If the answer to (ii) is in the negative:

(iii) Whether there is prima facie evidence that such conduct which is otherwise not protected by any law was indeed committed?

If the answer to (iii) is in the affirmative:

(iv) Whether the Committee has the power to summon a person for an alleged breach of privilege for which prima facie evidence exists?

If the answer to (iv) is in the affirmative:

(v) Is it still desirable to summon the person to appear before the Committee, keeping in view our democratic aspirations and the desire to be a tolerant society governed by the rule of law?

"5) My conclusion was that as such privilege of a parliamentary member confers immunity from public criticism and scrutiny was known to law. As for the Committee's

power to summon me, I have not been made aware of any law which empowers it to do so.

"6) The only response to my detailed reasons was a letter dated July 8 1999 from the Secretariat which baldly stated that the points raised by me do not have any force. No reason for this assertion was given. This clearly proves that no good reason exists.

"7) If your claim that you are a Civil Court is accepted merely because a Resolution of the single House which adopted the Rules of Procedure so declares, then what is there to prevent it from also declaring the Committee to be a Criminal Court? What then is left for the Courts to do if you confer upon yourselves the power of the Courts by means of simple Resolutions and thus tamper with the liberty and rights of the people? Surely you cannot encroach on the judicial power.

"8) Let me categorically state that I am not here today because of any misconception about the validity of your summons or the legality of the privilege claimed. I am here because Freedom of Expression is a Fundamental Right, guaranteed by the Constitution, which must be defended by me and which, I am sure, will be upheld by you."

The proceedings commenced, the Chairman announcing they would be held 'in camera' (so they were, a PTV camera man was present). A puzzling decision, considering that matters of public interest were involved. When all was over, I was informed that the Committee would consider whether Khwaja Asif's privilege had been breached or not. One member, jumping the gun, suggested that a date be fixed for the next hearing. This, the Chairman declined to do.

Number of honour? Whose honour?

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.

Transit is no infringement

Sir, I think the transshipment of Indian goods through Bangladesh is nothing but bilateral expansion of trade.

It is relevant to mention that geo-political situation of Bangladesh is such that the ever increasing trading between the two neighbouring countries will decrease the trade imbalance that exists between Bangladesh and India. Besides, the transit trade shall earn valuable foreign exchange for Bangladesh. The transit of Bangladeshi goods to Nepal through India and vice versa is normal in the backdrop of free market trade.

The trading corridor is nothing new; Pakistan has direct road-link with China. The entire common market area is linked through trade with each other's territory commuting with linking roads. In this age of satellite communication and other such advances, the land transit of goods through each other's territory could hardly be infringement of sovereignty, as the very concept of sovereignty has undergone a tremendous change. Even North Atlantic Treaty Organisation is endorsing member's from the former WARSAW act countries without any hesitation.

The rigid nationalism is an outdated proposition and cannot co-exist with present-day trend of free trade and open

market co-operation, especially with the neighbouring countries.

AL HAJ SM Khalid Chowdhury
Dhaka

Precedence in style

Sir, The present regime appears to be following a policy pattern of bypassing the parliament (JS) when taking decisions on any issue at national level where in India directly or indirectly involved. The latest is the cabinet decision to examine in principle the Indo-Bangla road-transit issue. Earlier, the CIFT and Parakka issues were decided in similar fashion; and then it was too late for the JS to discuss it in public interest. Two other instances of national interest are the contracts on MIG purchase and the signing of the PSCs with the foreign oil exploration/trading companies.

Public interest and transparency in processing are closely interlinked. It is not clear why the regime allow chances for criticism or misrepresentation on this topic. Such unilateral actions bypassing the JS erode public credibility and confidence.

Naturally the citizens are waiting for one more such ghapla (snafu). Reading Dixit's book now being serialized in DS, of the history in the early 1970s, it appears that there is a

precedence in the style of governance.

Abul M Ahmad
Dhaka

Being pragmatic

Sir, The inner threat of AL election manifesto in 1996 was "Give us another chance to govern the country." Chance to do what? The people would say, 'chance to run a good government. Our western partners would say 'chance to see if AL has changed itself enough to keep pace with the present-day free market.

The question is how much free you have to be while in the driving seat? I think to govern this country one has to prove that you have taken up free market policies pragmatically. The government proclaimed that it would be a business-friendly and free market-friendly one. At the first half of its tenure they acted accordingly. However, it does not seem to be so these days.

It should remember that it has to be less interventionist to meet the expected standard. Acts like picking up sex workers in the middle of the night and putting them into bureaucratic caring-homes against their will and imposing a prescribed life style show that AL has not taken up the issue realistically.

Md Maqsoodul Nabi
House 17, Road 99
Gulshan, Dhaka

MiG-29s to modernise BAF

Sir, Since the last fortnight or so, MiG-29 has been hitting the headlines. It was also in the editorials. On 21 July 99 it in-

vaded the DS's entire opinion page. There, a retired Air Vice-Marshal with his sky-high hopes, zoomed in the middle with his eight MiG-29s as a panacea for an airspace whose all sides here exposed to our probable adversary and also as a vanguard for our friendly forces as well as our high fidelity (hifi) air defence system. Above his hovering zone was Mr Shabbir's food for thought in favour of 'Missile Based Defence System' and all aiming against prodigal MiG29, claiming that MiG and other dread-noughts could be easily killed as sitting ducks by that cheaper missile based defence scenario. Down below them, Mr Rashiduzzaman came up with regional and international co-operation diplomacy for defensive measures. He flew high on this, but disapproved the idea of having MiG-29 or any other expensive arsenal shopping. He used all his volleys against such deals and expansion of armed forces, terming them as unproductive. He was not very specific how to defend our frontiers.

Now defence purchases are being done in another organised way — by passing the Directorate of Defence Purchase, having many kinds of blessings from the 'safe heaven'. Incumbent Chief, one of the leading member of this MiG-29 purchase committee, in his interview hinted to the daily Janakantha that there were bungling of public money, in the past in some defence purchases. He did not mention whether he had known it personally or hear-say. When he knew that, whether he took any preventive measure within his capacity or not, could be a related question. The retired AVM was indicated for some purchase matter during Ershad's

regime. I hope he might not be the one, present Air Chief, hinted. In the Defence College, last time, when PM declared that BAF would be modernised with MiG-29s, the diplomats and foreign students raised their eyebrows also pained eyes. BLAST's Dr Shahdeen Malik blasted PM's conception of national priority by expressing his opinion "Can we Peep into the Shopping Bag?" (DS, June-28).

Question of affordability and source of supply and fund was mentioned. Within few days, retired AVM reacted and wrote an article. He gave a piece of advice to our American friends. So long we are in the UN, in my opinion, Americans will be dragged into the crisis of maintaining peace in any region. So, I think, they are right if they had said about our defence need and our capability to procure, maintain and operate without creating irritation which might induce balance of power and cause of endangered peace in this area.

AR Chowdhury
Uttara, Dhaka

Illegal electric disconnections

Sir, The Parliamentary Standing Committee was informed that PDB disconnected 19,508 electric power supply connections during '98-99 (DS, July 30, UNB report).

For example, 19,508 out of how many total illegal connections known or detected; i.e. what is the percentage area-wise? Supposing this 19,508 is less than five per cent of the total illegal connections, then it is not a great achievement. The area supervisors and inspectors officially and unofficially are aware of the illegal connec-

tions. Therefore the question arises as to what disciplinary or punitive action had been taken against the relevant staff of the electric supply agency in the areas concerned? Another question is why PDB and not DESA (in Dhaka zone)?

There is a general public impression, as gathered from the mass media, that the PSCs are not as effective as these should be. Therefore the PROs attached to these PSCs may take more interest in drafting the press releases to satisfy the needs, goals and targets of public information, in public interest (DS YEP page July 30 on Public Interest issues).

A Husnain
Dhaka

"Service Before Self"

Sir, The dismal display of statistics (DS Staff Report Aug 1) about the complete neglect of the paced development of the postal services teaches us several lessons. This is an unobtrusive background service, like the air we breathe, it works slowly like a tortoise, but reaches its destination. Because its works silently, we tend to forget about it, and take it for granted. I remember, during the British days, the Postal vans carried the logo "Service Before Self". The duty of us who had read the famous story The Message to Garcia! duly appreciate the work of the postal personnel.

The official neglect and step-motherly treatment of the BMRE project of the Postal Service is shocking. Give them some bits and bytes. We will remember the local postmaster, as Tagore did in his short story.

Alif Zabr
Dhaka