

The Daily Star

Founder-Editor: Late S. M. Ali

Dhaka, Friday, June 9, 2000

For an Independent Anti-corruption Authority

PRIME Minister Sheikh Hasina has sprung a surprise by equating independent anti-corruption commission with the office of the Ombudsman. Her exact words on the floor of the House on Tuesday were, "the country may not need an independent anti-corruption commission if the Ombudsman (for which a law was enacted as early as in 1980) is appointed." Why must that be so we do not have the faintest of idea, except for the fact that the perceived overlapping nature of the two bodies is something of an expedient fiction the Prime Minister has fallen for.

The office of Ombudsman, both by definition and the terms of reference as embodied in the Constitution, is certainly no substitute for an independent anti-corruption commission one sees elsewhere, maybe under a different name. The former is an institution of the last resort for getting public petitions heard, probes made into grievances and injustice sought to be mitigated by recommending remedial actions to relevant authorities. Ombudsman's office does not work as a super-judge nor as an adjudicator as understood in legal parlance. To all intents and purposes, it is a conscience-keeper of the state, a clearing-house, as it were, of public grievances imbued with a sense of mission to ensure enjoyment of basic rights by the people in an ambience of rule of law, justice and fairplay.

So, an Ombudsman's office is on a high ethical pedestal addressing the welfare concerns of the people in their various dimensions. That's why we see in some European countries not just a single office of Ombudsman, rather there are Ombudsmen attached to various aspects of governance and civic life.

By contrast, an independent anti-corruption commission means an administrative apparatus with a writ to investigate allegations (or well-founded ill-reputation) of corruption against people in high places as well as others in an unfettered and impartial way to get at the bottom of things. The CBI in India, with the powers vested in it to conduct scooping and tentacular investigations anywhere in India and even overseas in hot pursuit of a corruption case, has made a name for itself. For all practical purposes the CBI is not an appendage to the PMO in New Delhi. That is the crux of the matter in probing corruption as a manifestation of political criminality across the board.

Successive governments in Bangladesh have in a tell-tale fashion skirted the notion of having an independent commission against corruption. When the BNP had been at the helms it ordained that the anti-corruption bureau could not take up any case without the prior permission of the Prime Minister's secretariat. For a time the bureau was placed under the Cabinet Division. At present though, it has reverted back to the PMO.

One can expect two things to happen from such an obsessive insistence on keeping the bureau of anti-corruption under the Prime Minister's Office: first, corruption which is basically the handmaiden of ruling party functionaries — in cohorts with public officials — will be indirectly encouraged. Secondly, such an anti-corruption bureau can be used as a weapon against political opponents with alternating frequencies.

Given our political culture, an Ombudsman's office cannot stage off corruption in high places. Furthermore, corruption is institutionally too entrenched to be neutralised by an Ombudsman. In one word, the government needs to set up an independent commission as a proof of its bona fides that it really wants corruption to be contained.

End of Israel's Self-declared Security Zone in Lebanon

Withdrawal is a Must for Peace

Indeed, Israel's unilateral withdrawal from Lebanon has brought in some new hope in the peace process. Any way, it's just the beginning — the process of withdrawal from the occupied territories must continue and be completed by September 2000. Only total withdrawal from the occupied territories, subject to mutual give and take, can ensure lasting peace.

loss of Israeli lives. While withdrawing Israeli army blew up their outposts and military materials but some say some of these military materials fell in the hands of Hezbollah fighters.

Jubilant scenes were observed when Lebanese villagers originally belonging to south Lebanon zone rushed to their old villages. Initially some skirmishes took place, but these quietened down within a couple of days. Some tensions are still reported but the villagers apparently did not like to take any chances, they tried to settle down along with the old inhabitants as quickly as possible. Indeed, Hezbollah group has been providing day to day support to the new life in the areas vacated by Israel. Even hospital support was being given by Hezbollah.

Surprisingly Lebanese government did not send any military to the area and indeed said that it would not like to provide security to the Israeli border. Strange argument! It appeared that Lebanese government did not like to immediately clash with the Hezbollah fighters as they were in control of the area. As the situation stands, relative

calm prevails in the area which was a place for open battle between two military groups and the calm situation is likely to continue unless Hezbollah decides to change its strategy and start attacking northern villages of Israel. Again, this seems unlikely as Hezbollah could take the credit of liberating south Lebanon. Why should it give chances to Israel to re-

obtain military aid, amounting to \$50m within the overall military aid of \$1.8 b from the US. As it seems both the US and Israel are 'near agreement on allowing the US military aid to be used for a new border defense line,' thus sending a clear message that the US is committed to a peaceful border with Lebanon. This message will be important for Israel in dealing with Syria.



Spotlight on Middle East

Muslehuddin Ahmad

turn to the area on some pretext? Hezbollah group knows that Israeli army was reluctant to vacate the area and any attack on Israeli civilians would attract heavy punishment from Israeli army and Hezbollah would be the worst sufferer.

However, the UN has been making some quick preparations to deploy some 4500 peacekeepers in the area. Prime Minister Barak is also trying to

Indeed, the big loser, under the present circumstances, in this game seems to be Syria. Syria lost an important leverage in the peace negotiations with Israel in respect of total withdrawal from the Golan Heights. Syria would also ultimately lose its grip on Lebanon for its security against Israel. Lebanon might as well be offered some sort of a separate peace arrangement with Israel

once the Palestinians succeeded in completing the peace process with Israel which seems to be a good possibility now. But it would be difficult for Lebanon to go for a separate peace deal with Israel unless Golan withdrawal is in sight.

As it seems, Israeli withdrawal from Lebanon has set the tone for peace with its neighbours. This spirit of withdrawal from Lebanon might help prepare Israelis for withdrawal from other occupied territories. Of course, this would depend on the state of affairs in south Lebanon border now vacated by Israel. If the situation remains reasonably calm, depending on how Hezbollah behaves, the Israeli public would feel encouraged to support Israel's withdrawal from other occupied territories, subject to reasonable adjustments through mutual agreements.

Self-declared security zone in south Lebanon has conclusively proved that such an imposed security zone can never provide security to any state. It's indeed mutual respect for the international border that is vital and crucial for peace between bordering states. Israel's

self-declared action in terms of border security should be a great lesson for Israel in dealing with other occupied territories.

The peace process is still on though it has suffered several setbacks. The dead line of February 15 and thereafter May 15 have passed by without any framework agreement. It is still doubtful whether anything substantial in terms of framework agreement can be achieved even by June 15, 2000. Regardless of any formal framework agreement, the target date of September 2000 for completing the peace process should remain uppermost in the minds of all concerned. President Clinton has continued his personal drive for peace even during his latest European tour. He has already asked Secretary Albright to travel to Middle-East quickly to further 'facilitate' the peace process. President Clinton said during his European tour that there was "a much greater sense of urgency" in the M-E peace process after Israeli withdrawal from Lebanon.

Indeed, Israel's unilateral withdrawal from Lebanon has brought in some new hope in the peace process. Any way, it's just the beginning — the process of withdrawal from the occupied territories must continue and be completed by September 2000. Only total withdrawal from the occupied territories, subject to mutual give and take, can ensure lasting peace. Israel can never expect peace by occupying others' land — others home. Therefore, withdrawal from others' land is a must for any lasting peace in the Middle East.

To Live and Die under Treatment

A lawmaker of the country has died because a doctor acted in violation of his professional ethics. Will it be enough to punish that doctor if he is proven guilty? It is for everybody, including doctors and parliament members, to ensure that the sick will receive relief from their suffering and that patients will be adequately prepared for death.

tion. In 1998, 903,000 American children were victims of maltreatment, which was the lowest figure in 10 years. During a surgery in a Florida hospital several years ago, the surgeon had amputated the right leg of a patient instead of his left leg, which was rotting away.

But Zulfiqar Ali Bhutto is said to have died of a pathetic reason. His family complains that the doctor didn't rush to his help when he was lying in a critical condition. How does that insensitivity weigh against the moral underpinnings of the Hippocratic oath? "I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous." Was the doctor of Zulfiqar Ali Bhutto deleterious or mischievous? In fact, it seems he was both. First he neglected a dying patient and then tried to save that patient when it was too late.

The Greek historian Herodotus stated that every Babylonian was an amateur physician, since it was the custom to lay the sick in the street so that anyone passing by might offer advice. The hospitals and clinics have been built since then to expedite diagnosis and expeditious prognosis, so that the sick and the suffering would not be harassed in their precarious health. In the Louvre there

is preserved a stone pillar, which is inscribed with the Code of Hammurabi, a Babylonian king of the 18th century BC. This code includes laws relating to the practice of medicine and the penalties for doctors who will harm their patients. For example, if the doctor, in opening an abscess, shall kill the patient, his hands shall be cut off.

What should be the punishment for a doctor whose neglect may have killed a patient?

tions, such as incarceration or loss of a medical license.

Last week, the Arkansas Supreme Court separated ethics from law when it recommended that the court punish US President Bill Clinton by taking away his license to practice law. Although law did not find him guilty in the Monica Lewinsky scandal, the state of Arkansas is now raising an ethical question whether someone who lied under oath should be allowed to pursue legal profes-

over his mobile phone on how to attend that patient while he was on his way? Did he try to call another specialist who might have been in the neighbourhood to come and look after the patient on his behalf? May be the most important question to ask is whether he had at all felt concerned over the condition of the patient?

That is where medical ethics is a departure from rest of the world. In fact, doctors are rarely taken to court on criminal charges for decisions about patient care made in good faith. And, that good faith is embodied in the use of diligence and ordinary skill in the treatment of a patient. For other professionals, excluding clergy, good faith is not always subsumed in the course of duty. An engineer cannot build a dam and claim that he built it in good faith after it has collapsed. Likewise, a police officer cannot claim that he has shot a criminal in good faith.

Therefore, law is so much rooted in faith in medical ethics as faith is rooted in law in almost every other case. The difference between medical faith and religious faith is that the former purports human initiatives in divine intervention and the latter promotes divine intervention in human initiatives. So, when a bureaucrat or a policeman takes bribe and goes unpunished, it shat-

ters our confidence in law. But when a doctor neglects his patient to death and gets away with it, he destroys the crux of humanity in his wickedness.

The Speaker of the House has ordered an investigation into the death of his fellow parliamentarian. Unless there is any red herring, we hope to see that investigation carried out for the benefit of all. The death of a powerful man has stripped the surface on our medical system and exposed the underside of what has been happening to millions already.

In the children's classics Dr. Dolittle by Hugh Lofting, the namesake physician learns the language of animals from his parrot, Polynesia, so that he can treat their complaints more efficiently. That is devotion to one's profession, which is pure ethics. A lawmaker of the country has died because a doctor acted in violation of his professional ethics. Will it be enough to punish that doctor if he is proven guilty? It is for everybody, including doctors and parliament members, to ensure that the sick will receive relief from their suffering and that patients will be adequately prepared for death. One expected that the lawmakers would react more angrily to the misfortune of their colleague since it struck them so close to home. If they have settled for one perfunctory investigation, it will further confuse us between ethics and law. For example, will it not subvert their professional ethics should lawmakers condone crimes including the behaviour of Zulfiqar Ali Bhutto's doctor?

Crosstalk

Mohammad Badrul Ahsan



Shall we cut off the hands of that doctor who comes late to a critical patient between brisk business and professional sloth? The legal philosopher Lon Fuller distinguishes between "the morality of aspiration" and "the morality of duty." The former is ethics, which tells people what they should do and embodies the ideals they should strive to attain. The latter is law, which provides boundaries of actions, beyond which a person may go only by risking external sanc-

tion. Perhaps the greatest vindication of Zulfiqar Ali Bhutto's death will be not only to punish his doctor for failing to give reasonable care but also to distinguish ethics from law. How to do those in the moral conundrum when violation of the boundaries of law itself is an ideal people strive to attain? Why did that doctor come late? Was he caught in a traffic jam on the way? Was he busy with another patient who paid him more? Did he give instructions

Friday Mailbox

Clarification

Sir, Two recent news items followed respectively by two editorials in your esteemed daily have made references to my name and to my position as Chairman of Dhaka WASA Board. Unfortunately, some errors have crept into these references.

On 4th June, a small news item on the front page which was continued to the last page credited Professor Shaheedul Ameen of BUET as giving a statistics on the density of population in Sutrapur Thana of Dhaka City and my name with the statistics of the annual volume of immigrants of Dhaka. But the editorial ("Trigger a Reverse Migration") on 5th June gave credit to Professor Ameen for both of the statistics.

On 6th June, a staff report on the DS front page quoted me by name (and by my position as Chairman of Dhaka WASA Board) as the source of information on recent water tariff. But I could not remember talking to Mr. Shehab Ahmed, the Reporter, on such issue at such length. On enquiry, I found that he had possibly spoken to Dr. Azharul Haq, the Managing Director of WASA. Therefore, the credit should go to him. Then again the editorial "Utility Rates up, Again" (7 June 2000) also referred to the Chairman, because of the same news.

I, however, take this opportunity of thanking and congratulating The Daily Star for consistently keeping its readers up-to-date with developments in the city's service sectors. The WASA Board and its Management are in full agreement with The Daily Star that we must reduce system loss as rapidly as possible. Improving our management capability. We are working in this area with some positive result (also reported earlier in the Star Weekend Magazine February 4, 2000). For this, WASA needs the cooperation of its consumers.

The water rates have been increased slightly recently but still keeping it lower than what these could be considering the increase in energy rate. This explanation has been given in the WASA announcement on water tariff increase in the newspapers.

Professor Nazrul Islam

University of Dhaka

Chairman, Dhaka WASA Board

Tardy for good reasons

Sir, Already our people are tardy by nature (they never even think punctuality as something important), on top of that they have got nice excuses these days of being more so. But the excuses are genuine too, so you can't blame them either.

These are traffic jams and road blockades either by mastaans on highways or by official motorcades on the city roads. All excuses are very genuine and have to be accepted.

So unless the high-ups do something about this, people will be delayed more and more to their work places. Thereby meaning less work and therefore less national output.

Soon the school children will also learn to use this as an excuse and you can't blame them for that. Can you?

Dr Sabrina Q. Rashid

Cantonment, Dhaka

Political pilferage

Sir, A newspaper report (DS June 4) from Sylhet district reported that a BNP foundation stone of a new bridge was removed in a clandestine manner and replaced for a fresh exercise by the successors.

The trend is familiar: political rivalry by the ruling regimes, trying to usurp the credits, and not willing to share it as per fact. The most glaring example was during the opening of the BB Jamuna Bridge, when the preceding regime was blacked out from any contribution.

Broadmindedness is a core quality in public

leadership; but unfortunately, this is found wanting in the Dhaka political culture. Drum beating is too much polarised, reaching the status of vulgarisation; and while the mole in others is pointed out, and one's own is overlooked.

Leaders must have some elbow room inside for the professional contemporaries. National assets and traits cannot be compartmentalised. The best advertising campaign is total avoidance of self-publicity. Let others point out how good you are.

A citizen

Dhaka

Disappointing performance and irritating outfits

Sir, Bangladesh cricket team has made another record by being defeated by Pakistan in the Pepsi Asia Cup cricket tournament in a very ignoble manner. It seems that the Bangladesh team likes to make records in quite a different way.

Not only that, the outfit of the Bangladesh team had been a sore to the eyes, gaudy with so many colors and emblems, the sleeves resembling tiger skin. Was it expected that it would make the players act like a talisman and they will become strong and swift like the tiger?

We hope that in the future special care will be taken so that the outfits of the Bangladesh cricket team will be simple and at the same time pleasant to look at.

Nur Jehan

Chittagong

Vote recession

Sir, Unless the law and order situation in the country improves, the ruling party's vote bank at the next general elections might dwindle. The situation is worse than any other time during the tenure of the preceding regime; and the man in the street would judge by ready reckoners, going by reflex action. The visible complaints are much higher than professional grumbling.

And criticism by the informed voters would be more analytical, citing specific areas of downfalls or non-improvement, such as the loan default culture maintaining a status quo; the stock market curve showing no sign of going up; the acute politicisation, which is a pain in the neck of those who are not hangers on; the dense environment of too much party politics than national politics (the obsessive berating of the opposition); the non-transparency in the PSCs (energy and power sectors), defence purchases, and public appointments. There is an overall impression that the democratic dispensations are more feudalized.

In foreign diplomacy, the unfriendly stances by India could not be thawed (the huge trade imbalance year after year); there is hardly any trade with neighbour Myanmar (the mysterious cancellation of the projected visit of the Myanmar PM to Dhaka at the very last moment, even after the arrival in Dhaka of the advance team from Yangon); the tangles in border transshipments between Bangladesh, Nepal and Bhutan; the failure of Dhaka to grab a section of the NE India market, and several other sensitive issues which lie passive each succeeding year. In short, the relations with the SAARC neighbours are not improving; and Dhaka's initiative is hardly visible.

The situation in the academia has worsened, with too many closures and abnormal demonstrations, coupled with mass scales cheating in examinations. Moral standards have eroded in most dealings in daily life. Poor propaganda techniques have confined PR to the party image—the no-leaving citizens have practically no outlet to attract approbation—the message is that the party comes before the country.

A.M.A

Dhaka