

Misfortune for Rule of Law

CHITTAGONG police has been rapped on the knuckles by Prime Minister Sheikh Hasina for their failure to arrest the culprits of the 12 July mayhem in which eight persons, including six BCL activists were killed off, allegedly by Islami Chhatra Shibir elements. The reprimand came at a review meeting of Chittagong district and metropolitan law and order committee which the PM presided over on July 19. The policemen in an apparently 'kid-glove' raid have since hauled up some two dozen suspects who unfortunately are not named in the FIR lodged with them. Well over a week has elapsed since the dastardly incident took place with another murder committed in the sequel and yet the police's manhunt has not yielded any definitive results. The Prime Minister may have reasons to be annoyed with the progress of things.

Yes, we share her concern over police's role vis-à-vis the deteriorating law and order situation in Chittagong and also her agony-filled reaction to the wanton killing of BCL cadres on 12 July. But we cannot say the same thing about certain observations she made at the committee meeting and the pandering she did to some BCL old guards with dubious distinctions, to put it mildly.

The prime minister has been quoted in reports published by some prominent Bangla dailies as saying that for one more deadbody there would be ten (on the other side). If others could take up arms, why can't you, seemed to be the vein she took. It defies our understanding as to how she could bring herself to accept the presence of some listed terrorists among BCL cadres at the review meeting she held with the police! On being invited into the company of the prime minister with the police officers on hand they must have felt like some invincible VIPs on a new lease of life.

The most quotable quote about the prime minister has been that terrorists are terrorists, they cannot have any party identity to flaunt. Yet in actual fact we have seen a partisan line being almost invariably taken by herself and her home minister when it came to any litmus test. This has happened in an overwhelming number of cases. In fairness to the home ministry, however, it has to be said that they did arrest their partymen or sympathisers in certain instances but in pursuing the cases they proved perfunctory in the end. And as it happened after the Shikkha Bhaban incident, the arrested BCL goons were treated with extraordinary courtesy at government hospital belying their status as accused.

The PM's utterances in Chittagong are essentially illustrative of her failure to distinguish between her role as prime minister of the country and that as the chief of the Awami League party. Her velvet-glove approach to the criminal elements in her party coupled with the call for reprisals she has apparently issued in Chittagong are not the stuff of which good governance is made.

Her language and attitude as exemplified in Chittagong cannot be conducive to the rule of law. Rather they read like an invitation to slanging matches we can and must do without. Her position as Prime Minister is too sacrosanct for such things. She has to realise that.

Why Go to Elections, if Not to Parliament?

Election and parliament are two sides of the democratic spirit and one side is incomplete without another. Responsible voters and regular elections are necessary conditions of a democratic process but those alone are not sufficient when elected candidates do not come to parliament. In fact, it's a joke that they hold on to all the benefits of the elected office, while estranged from its main duties.

don it on a whim. An election is a covenant, which a candidate enters with his constituents and it can be terminated only in the event of his death, abdication or removal. But refusal to attend the parliament violates that covenant when the elected official acts ultra vires to the mandate of the people and overextends his rights.

Let us understand that elections are a popular way of solving the most critical problem of all political orders: succession. Who should rule in what manner and by whom or how he may be replaced or deprived of power have created controversy and conflict throughout history. The hereditary monarchy gave no definite answers to these questions. In primitive tribal societies, tribal chiefs or kings were sometimes selected as a result of ritual tests or the display of magical signs and proofs of divine origin, usually as determined by the tribal elders or magical leaders. In certain cases, a principle of heredity, often diluted by a choice among heirs in terms of physique or warrior ability, was applied.

That takes care of how to select, and who will rule. As to the techniques for the removal of ruler, sometimes he would be

killed after a specified period or when his magical powers weakened or when his physical prowess or health failed. The ruler also was exposed to periodic tests of his magical powers or required to accept challenges to combat from other qualified candidates for rule. In some cases, the elders could remove him from office.

tion is the United States, where the constitution lays down the process of replacement of a president in the event of his death, disability or degeneration.

Election is the third principle of modern succession. In cases of closely contested elections or where there is doubt as to the

ant-revolts. But the boycott of parliament is a crisis of rule under itself. It is an intermediate between succession and secession, a suspended animation of political showdown, which reduces a democratic exercise into a deplorable sham. If we use analogy of human anatomy to explain the situation, parliament is comparable to the motor functions of human brain. The left half of the brain controls the right half of the body, whereas the right half of brain controls the left half of the body. Just imagine the damage or disorder in one half of the brain, and what it must do to its corresponding half of the body!

Likewise, when the opposition boycotts the parliament it puts democracy in a wheelchair. George Bernard Shaw ridicules democracy in *Man and Superman* written in 1903. "Democracy substitutes elections by the incompetent many for appointment by the corrupt few." The boycott of parliament by the opposition impairs the efficacy of democracy as it shows the incompetence of a segment of the electorate, whose mandate is undermined by the imprudence of its own electees. In the end, it turns into incompetence of the entire

electorate as democracy stews in its own juice.

The elections are coming, and the political climate is heating up again. This time before the voters decide on whom to vote for, they must decide whether to vote at all unless the candidates commit they will honour the sanctity of elected office. Economist Joseph Schumpeter defined democracy as a political system whose leaders are chosen through regular elections in which candidates freely compete and virtually the entire adult population is eligible to vote. But when chosen leaders abandon the parliament, they not only diminish democracy but also show that elections are an elusive hunt for succession that never succeeds.

So election and parliament are two sides of the democratic spirit and one side is incomplete without another. Responsible voters and regular elections are necessary conditions of a democratic process but those alone are not sufficient when elected candidates do not come to parliament. In fact, it's a joke that they hold on to all the benefits of the elected office, while estranged from its main duties. It's like some one without having to go to work. The voters, who are the ultimate custodians of democracy, should carefully consider if they should vote for candidates who will boycott the parliament. Let us boycott the boycotters, because no parliament will make more sense than empty parliament!

Crosstalk

Mohammad Badrul Ahsan



The modern world has arrived at four main techniques to assure smooth transfer of power, which are: (1) heredity, (2) constitutional prescription, (3) election, and (4) force. Hereditary succession is now confined to a few Arab states and the constitutional monarchies of Western Europe. Heredity may be reinforced or modified by constitutional prescription: this was the case, for example, of the famous Act of Settlement that secured the Hanoverian succession in Britain. A leading example of succession by constitutional prescription

validity or proper form of the election, the result is often a disputed succession. The Great Schism in the papacy in the 14th century and the disputed succession to the elective kingship of Hungary in the 16th century are examples of the failure of elective systems to assure an orderly succession. The most frequent forms of succession by force are revolution or coup d'état. Other forms of violent political reaction include civil war and secession, resistance movements and rebellions, guerrilla warfare and terrorism, class warfare, and peas-

Western Sahara

The Dispute between Morocco and Algeria

From the visit of the Moroccan emissary to our Prime Minister, it would appear that Morocco has launched a diplomatic campaign for integrating Western Sahara. It is noteworthy that the campaign has started close on the heels of the election of the new Secretary General of OIC. The new Secretary General is a Moroccan and the Foreign Ministers meeting in Kuala Lumpur had to bend the rules to accommodate the new Secretary General.

Morocco and Algeria, was a Spanish colony. These were the years when following the death of the long ruling dictator Gen. Franco, Spain had started dismantling her Empire. Western Sahara was one of them. Spain and Morocco have very old ties going back to the long rule of the Moors in Spain, which left an indelible mark of Moroccan civilisation on Spain. Indeed thanks to the occupation of Spain by Morocco, that Renaissance reached Western Europe, which till then remained in utter darkness.

As Spain was planning to withdraw from Western Sahara, she made a deal with Morocco, behind the back of Algeria. It is vividly recalled those years. I was resident Ambassador in Algiers and was concurrently accredited to Morocco. There was extreme jealousy between Morocco and Algeria and to present the credentials to the King of Morocco, while residing in Algiers, was quite a feat. In 1974 I failed in my first attempt to present credentials. I was, however, amazed to discover that in Rabat, the capital of Morocco, the only subject loudly talked about was Western Sahara. In Algiers with the tightly controlled state media, not a word had filtered regarding this fast developing crisis.

In the very sparsely populated

The Horizon This Week

Arshad-uz Zaman



Western Sahara, Morocco moved in with her forces, as the Spanish soldiers departed. President Houari Boumedienne of Algeria had a violent reaction, mainly because the whole affair was enacted behind his back. Masterminding the entire action from Algiers, Polisario guerrillas were raised to fight in the inhospitable desert of Western Sahara. Military action has been few and far between. It is especially in the diplomatic front that the two neighbours Morocco and Algeria have continued a strenuous campaign. Finally it has come to the lap of the United Nations. The UN has appointed a succession of mediators but there has not been any progress worth mentioning. In other words there is stalemate on the question of Western Sahara.

No worthwhile natural resources has been discovered in Western Sahara. It is supposed to

be rich in fish, there is talk of deposit of iron ore and other minerals. However, the entire region is a vast desert with very few people living. There has been talk of organising a referendum among the Saharawi people although finding the original inhabitants of Western Sahara, is going to be a very difficult task indeed. It is certain, therefore, that Morocco and Algeria will have to find a mutually acceptable formula.

With new leadership emerging in Algeria and Morocco, it was hoped that the two countries would shun the path of confrontation and choose the path of negotiated settlement. The new President of Algeria is Abdelaziz Bouteflika and Morocco has a new young King Mohammed VI. President Bouteflika used to be the brilliant young Foreign Minister of President Boumedienne and is fully familiar with the Western

Sahara dispute. They young King of Morocco was being groomed by his late father. The two sides have every reason to wipe the slate clean and start talking in a brotherly fashion. Indeed Algeria and Morocco have much in common and are part of the Great Maghreb family. During Algeria's eight-year war of liberation against France, the main camp of the freedom fighters used to be in a border town inside Morocco called Oujda. There are numerous blood ties between the two peoples.

From the visit of the Moroccan emissary to our Prime Minister, it would appear that Morocco has launched a diplomatic campaign for integrating Western Sahara with Morocco. It is noteworthy that the campaign has started close on the heels of the election of the new Secretary General of the Organisation of Islamic Conference in Kuala Lumpur. The new Secretary General is a Moroccan and the Foreign Ministers meeting in Kuala Lumpur had to bend the rules to accommodate the new Secretary General. The Charter of the OIC states that the Secretary General can be elected to a second term only. In the case of the new Moroccan Secretary General the former Secretary General

Ezzedine Laraki of Morocco has been dumped unceremoniously by his government. The Charter of the OIC does not state that a new Secretary General, although from the same country, can be elected. However, the OIC is tilted heavily on the Gulf Arabs, who believe in the practice of 'Rais' (Chief) and pay scant attention to the Charter.

From the march of events it would be possible to speculate that Morocco may be tempted to involve the OIC in her Western Sahara dispute with Algeria. For the last quarter century Algeria has tried strenuously to solve the dispute bilaterally and as a last resort has allowed the involvement of the UN. Algeria would surely vehemently object to the involvement of OIC in her dispute with Morocco. This is for no better reason than that OIC is tilted heavily in favour of Morocco. In fact Arab monarchies play a major role within the OIC and the involvement of this body would be viewed by Algeria with extreme suspicion. The precedent for Morocco is the question of Kashmir, which Pakistan, after many years of effort, has succeeded in raising within the OIC and get resolutions passed, that are favourable to her. The only difference here is that India is not present within the OIC, whereas Algeria is very much present.

Iran-Iraq war of the eighties and the Iraq-Kuwait war of the nineties put unbearable strain on the OIC. We can only hope that a new crisis will not be faced by this organisations in the shape of the dispute of western Sahara between Morocco and Algeria.

Friday Mailbox

"Money, Muscle and Election Process"

Sir, It was a pleasure reading the article "Money, Muscle and the Election Process" by Mahmud Farooque (DS, 15 July).

Points made to indicate the caretaker government as "a negative institutional innovation" are indeed thought provoking. I like to add one more basic objection to this innovation: A non-elected body is being superimposed to ensure the election of a democratic government. This seems to be a fundamentally flawed proposition. A government which was responsible to run the state's affairs for five long years and a new government to replace it for a similar term have to depend on a non-elected entity for fairness and neutrality! As the article also mentions, this is in the nature of a no-confidence post factor on elected governance.

Second point of mine relates to the lateral entrants in politics. In my view, introduction of new blood in the body politic of mainstream politics should be welcome. Politicians who work their way up should not fear this competition if they had been true to their cause and served the people well. In most cases that does not appear to be so. Question of wealth coming into play, is of course something that need to be rejected straightaway. But is it not true in case of many so-called professional politicians, as well?

The whole question of electing the right people and the good people revolves around the system as well as the tradition and the culture that a democratic process ought to generate over time through trials and errors. The system in our case, as in many others, has been supplanted much too often; the efforts at institution-building and at developing democratic culture have been subverted much too frequently. The process, however, has to continue and the developed democracies have proved it clearly that there is no shortcut. The journey has to be undertaken and continued against all odds till the society reaches its desired goals.

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Lateral entry in politics

Sir, It is refreshing to note that some informed Bangladeshi expatriates are able to think differently from what our political leaders do in Dhaka ("Money, Muscle and the Election Process" by Mahmud Farooque, DS July 15). Mr Farooque has analysed the pitfalls of lateral entry (at high level) into politics by high profile civil and ex-military officials and loaded businessmen, and has rightly criticised the conception of the so-called neutral caretaker government to conduct the general elections.

Politics in our country has become big business; and the concern of the political investors is how to get back the investment return, and forget about the 'return' of the common masses. The question arises whether the voters should continue to support bipartite politics dominated by two major political parties living on charisma, past history, ego and personality cult. They distort the present self-survival, and the future is classified as day-dreams.

The neutral intellectual class in our society are shy of exercising their rights as independent thinkers to openly criticise the myopic political leadership which is misleading the masses with cock and bull ideologies, for personal gain (realising that the have-nots cannot rule impartially). No single leader apparently has the moral courage to

stand on his own feet, without resorting to props at every step.

The next polls should become a platform of new approach to the rotten politics. Political entrepreneurship is missing here and it has to be introduced. The top is said to be rotten, hence new type of political fertiliser is needed at the root level.

What is needed is a new type of fighters who can introduce better political environment, but NOT under the umbrella of the two decaying parties. A third political platform has to emerge (triangular contest) to save the country from the current political leaders, who are in disguise, opportunists and self-seekers. Today's urgent need is *statesmanship* in political leadership.

A Citizen
Dhaka

Pedestrians' safety and underpass

Sir, With the expansion of Dhaka city and with the introduction of Rokeya Sarani, Mirpur has become very busy and important. Various establishments, stadium and human habitations make the area all the more important.

Mirpur 10 *gol chakkar* is the centre point of the area. Four streets from four directions are connected with each other at the road island at Mirpur 10 *gol chakkar* and through this intersection hundreds of vehicles ply every day.

The movement of the vehicles and the crossing of the pedestrians beset the road junction with great difficulty, cause constant traffic jam and pose grave threat to the members of the public.

Everyday the pedestrians run the risk of crossing the very busy roads as there is no underpass or overbridge.

The situation demands serious attention. An underpass is badly needed at Mirpur 10 *gol chakkar* point. In the modern world, the concept of underpass is more acceptable than that of overbridge. We, therefore, can expect an underpass to be built at this area. If not then a well designed and convenient footbridge should be constructed for the safety and security of the pedestrians as well as for the smooth movement of vehicles.

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Electric power in RMG villages

Sir, The electric power problem in the export-oriented garments factories, in Dhaka and elsewhere (DS report, July 17), can be practically solved to a large extent by relocating the scattered garments factories from the city and residential areas to a number of cluster Garment Villages as envisaged by the authorities, by installing separate power sub-stations fed through 'high-priority' transmission lines.

BGMEA is expected to cooperate and agree to planned moves for relocation. The numerous factories inside the municipal areas in the cities have created social problems, to which the government cannot turn a blind eye. Why the social scientists are silent on this issue?

Unfortunately in this country the authority is not respected; and the unions are instigated to mount hartals and demonstrations on the slightest pretext. Finally the political will is not evident where it should be visible. Why our political system is so weak and unpractised?

A Frustrated Taxpayer
Dhaka