

Implement the Verdict on Fatwa

THIS is a gigantic step forward we have taken in our society's modernising process by virtue of a single High Court verdict in a public interest litigation of monumental significance. In very unambiguous terms a Division Bench of the High Court has declared 'fatwa', the so-called legal opinion not delivered by any court, as 'unauthorised and illegal'. Fatwa has been the cause of many a woman's ruin. The far-reaching import of the HC ruling lies in the pronouncement of any fatwa including the instant one as unauthorised and illegal together with the suggestion that fatwa be made punishable "even if it is not executed."

It bears an ample testimony to the rising tide of benign judicial activism. For, the judgement came on a suo moto rule issued on District Magistrate and Deputy Commissioner, Naogaon taking cognizance of newspaper reports on the plight of fatwa victim Shahida. Then came the writ petition filed by Ain-o-Salish Kendra and feminist groups who were duly represented by Dr. Kamal Hossain in the court. Our kudos to the judges and civil society activists.

The type of fatwa we have seen recently in Bangladesh has essentially had nothing to do with the true spirit of religion. It has been conveniently used by the clerics as an instrument of power-play in cohorts with local influentials and a vehicle for assertion of bigoted religious authority over the community. It has taken hold on the rural folks whose general level of education is low. With limited knowledge of what the true religious tenets are all about they are easily bamboozled into accepting the edicts that the so-called men of religion dish out to them. Seminally, of course, there is the coterie interests to catalyse the chemistry.

Such an abuse of religion, repugnant as it has been to the civil society at large, has now been dealt a body-blow by the upholder of the Constitution, the highest judiciary of the country. It is for the government now to implement the verdict in full including the recipe for legislating a law through Parliament that will provide for deterrent punishment to those who dare deliver fatwa again, regardless of whether it is 'executed or not'.

A word of entreaty for our religious leaders: please welcome the verdict, spread the words of sanity in keeping with the true spirit of our religion and help the society out of the mire of tyrannical orthodoxy and obsolescence.

River Safety Brass-tacks

WE are shocked at the callous response from the Shipping Directorate vis a vis the tragic mishaps on our rivers. In the aftermath of last Thursday's launch tragedy on the river Meghna in which at least 85 passengers have been confirmed dead, and some 100 are still reported missing, the DG's comments left much to be desired. Brushing aside complaints, the DG has in fact admitted that many vessels are continuing to operate without proper documents but his argument is that the Directorate is doing its best and cannot be expected to patrol the rivers like road traffic police.

The DG's remarks only go to confirm our worst concerns, namely that the issue of safety of river-vessels is being taken simply too lightly by the government. As we have stated before, we are at a loss to understand how many deaths will have to be witnessed before the government and its regulatory body, the Bangladesh Inland Water Transport Authority (BI-WTA) will take concrete action to eliminate the conditions that make the average river-plying vessel a death trap for the unsuspecting passenger.

The continued existence of highly unsafe and unworthy vessels on our waterways is no less than an open scandal. Although the law clearly requires the vessels to pass fitness tests every two years, some 80 per cent of launches ply without ever being inspected, a reprieve they get after bribing the relevant officials. Most vessels have potentially dangerous structural problems and some, like the Queen of Patuakhali, are allowed to ply even after being involved in major accidents. In addition to the structural defects, they are most often manned by personnel who are unqualified and unprepared to deal with emergency situations and are also prone to taking risks such as speeding and racing along the waterways.

A major aspect of the ongoing hazardous situation is, of course, the continual overloading of vessels, in spite of warnings and cautionary advice given to the contrary. In this respect, the owners of the vessels who wish to capitalise on seasonal demand that is evident during every long vacation, are to blame. But they are aided and abetted by the public officials of the relevant authorities, including the BIWTA, who can be persuaded through bribes and other means to turn a blind eye to the hazardous situation.

What is needed is obvious. We need honest public officials to monitor and enforce the law, supervise regular inspection of vessels, ensure higher vigilance during seasonal rush hours and impose punitive measures to prevent repeated offences. We stress in the strongest terms that it is the responsibility of the government to respond with action. There is no excuse for repeated loss of lives in situations that could have been averted. Let us not keep on passing the buck.

To the Editor ...

The powerful and the privileged

Sir, I would like to comment on a news article published on December 25th regarding one airline passenger who demanded at the ZIA that his extra fees for his extra luggage be waived because he is the brother-in-law of a minister of the country.

At first I found it very amusing, and thought this could be a very good joke. But more I thought about it, and more I try to analyse the psychology of this passenger and the minister, more I realised that this is by no means an isolated incident. As a matter of fact, there are probably thousands more like this passenger who feel like they belong to an exclusive privileged class just because they are related to high ranking civil servants. This is frightening to think that this kind of mentality has become socially accepted. People who belong to this exclusive class don't feel ashamed to show their 'power' and 'pride'. And people who don't belong to this class either wish they did, or

they just become too used to, and choose to ignore the whole thing. Unfortunately in today's Bangladesh, there is complete lack of respect for each other, and for rules of law. We think it is okay to push ahead our personal interests at the expense of others. Many a ministers think it is their duty to serve their relatives rather than their motherland. The powerful and the privileged think rules and laws are for others to obey, and for them to ignore. All these may seem very normal in everyday life in Bangladesh. But what at stake here are our nation, our democracy, and our very existence. Democracy only works when there are civility, tolerance, and respect for each other. If we allow ourselves to behave like senseless anarchists, we will only accelerate the process of self-destruction. What puzzled me is what has led us to this point. Why are we failing to educate ourselves? One does not need fancy degrees from prestigious institutions to have the very fundamental education in life. This begins with examining one's conscience,

and making peace with oneself. Why don't we feel accountable to our conscience, or to almighty God? Why don't we feel guilty and ashamed when we abuse power, and disrespect others? Why do we feel proud and privileged when we disrespect and disregard rules of law? These are the questions for our social scientists. And we must find answers to these questions. Because the clock is ticking away, and we are heading towards our destruction.

MK USA

Comfort of a democracy

Sir, There has been a lot of discussions in the country in recent time on the question of the citizens' right to criticise the judiciary in a democracy. While all major schools of opinion and the media seem to have endorsed the Western model of democracy without qualification, curiously the bar still seems to believe in a

special sacrosanct status for the judiciary.

Needless to add, the above is not tenable in the Western democracy which is making room for more and more in fundamental democratic rights for the people. In fact, freedom of expression of the educated mass and the media has proved to be greatest triumph for Western democracy in the present information age in spite of its weaknesses and probably the inherent injustice of capitalism.

I would request the DS to reproduce the comment published in the Washington Post on December 13 on the US Federal Supreme Court judgement in the Bush vs. Gore Case on the US presidential election. This should be an eye opener for those who still believe in a 'special status' for any community or profession in our country while professing democracy and accountability.

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PSA and AL's Election Strategy

A large number of cases have already been instituted under the PSA against opposition mid-ranking leaders and workers with the purpose of detaining them under the draconian non-bailable clauses of the PSA. The Awami League strategy, according to independent political advisers, is purported to detain a large section of opposition activists under the PSA in order to cripple their political movement and undermine their election campaign.

ing meetings and observing har-

One may question, and naturally so, the need for a more stringent legislation than the existing Special Powers Act enacted by the first Awami League government of Sheikh Mujibur Rahman as early as in 1974. Perhaps the present Prime Minister thought this legislation insufficient to enable her to implement her party's policy of inflicting greater terror on the opposition. She had earlier reneged on her election pledge, as embodied in the Awami League manifesto, to repeal all black laws with a public statement that such an Act, which flagrantly violates human rights, was necessary for her to run the administration. She went further and passed a more severe Act to help fulfil her greater needs and to realize her political plan of action. It is true, on the other hand, the government of Begum Khaleda Zia also had taken no action to repeal the Special Powers Act and, in fact, enacted a stringent legislation for a limited period of two years. Begum Zia contends, that law was aimed at punishing notorious criminals and was rarely applied against political leaders and workers during her tenure of office. Be that what may, the present government should not make the

excuse of a past action, even if it had been taken by her own party two decades ago, in order to justify continuation of that nefarious and undemocratic legislation.

It is known that many countries, specially in Europe, still have ancient laws, which have been outdated and not applied for

ber of Parliament and a renowned industrialist, and his son Faisal Morshed Khan is a case in point. This occurred as a result of a trivial incident involving his son stopping by a sweetmeat shop to buy something and being man-handled by local thugs following altercations with a motorcycle

newly enacted Public Safety Act 2000. It is evident that the charge under the PSA must have been dictated by the ruling party high command in order to detain him unjustly under the false charges of extortion of a paltry sum of Taka 45,000 and damaging some property.

A large number of cases have already been instituted under the PSA against opposition mid-ranking leaders and workers with the purpose of detaining them

under the draconian non-bailable clauses of the PSA. The Awami League strategy, according to independent political advisers, is purported to detain a large section of opposition activists under the PSA in order to cripple their political movement and undermine their election campaign. On the other hand, the Awami League leaders, cadres and even their relations are left scot-free and no action is taken against them when they come out in the streets in angry protest against verdicts delivered by Judges of the High Court, rampaging property, breaking cars and even killing and injuring people with gunshots. When widely photographed and commonly known Awami terrorists are in public view brandishing automatic weapons, police are made to shy away from there, not



Currents and Crosscurrents

by M M Rezaul Karim

long. These have been put so much to disuse that the governments concerned have not even felt the need for its repeal. The essence of a law lies in its use and application. The very purpose of its enactment is lost and may even be counter-productive if it is misused or applied discriminatorily. The legislation then turns into a veritable tool of repression of an autocratic regime and strikes at the very root of democracy. This has unfortunately happened in Bangladesh.

The institution of a case against a prominent BNP leader M Morshed Khan, who is a Mem-

ber of Parliament and a renowned industrialist, and his son Faisal Morshed Khan is a case in point. This occurred as a result of a trivial incident involving his son stopping by a sweetmeat shop to buy something and being man-handled by local thugs following altercations with a motorcycle

Anything Goes!

If the military regime has a definite gameplan to bring democracy of sorts back, then we are in for interesting times and Musharraf and company will have proven to be better politicians than the master of all unified politicians, Gen Ziaul Haq himself. In the meantime, in Pakistan, anything goes.

tacitly accepted their guilt and (5) by having leaders of both major political parties (and one not so minor) in exile, a clearing of the decks by the military regime to bring back politics in a graduated manner, by either restoring the Assemblies and/or making a national government, etc. etc. It could well be simply what the CE said and/or any combination thereof or all of the above.

Needless to say, the godfather i.e. Abbaji, without whose sanction the Sharifs will probably not go to the toilet, must have decided to cut his losses and evacuate from Pakistan, very much like the British Expeditionary Force (BEF) evacuating Dunkirk early in World War II, allowing Britain to keep on fighting. He who fights and runs away, lives to fight another day. Late Zulfikar Ali Bhutto must have had similar offers but he stuck to his guns and went to the gallows, very brave and very stupid. Off course it is a moot point whether Ziaul Haq, knowing Bhutto's vindictive nature, would have ever let him go. Writing about Abbaji THE GODFATHER The Nation on August 26, 2000, I noted, "The Army would be well advised to make the godfather an offer he cannot refuse". Obviously someone in Musharraf's think tank took this advice seriously and Abbaji on his part must have decided discretion was the better part of valour.

One may have a hint of regret of Shahbaz Sharif. As Chief Minister of Punjab, Shahbaz did a lot of good for the province, even as a rather autocratic democrat he kept the wheels of administration

moving in instituting deliberate changes for the better. Abbaji erred in persisting with Mian Nawaz as the family's primary torchbearer, as an administrator he proved himself inept and indifferent. Moreover unlike Mian Nawaz, totally dependant upon his cricket-loving 'inner circle' as a think-tank for major (and minor) decisions in the country's governance, Shahbaz consulted far more people, both of substance and maturity, none of whom he was dependant upon. A

limitations at the behest of his "close-in fielders", on Oct 12, 1999 his luck ran out. Though he defers to Abbaji in all matters important, Shahbaz had shown signs of independence even before he became CM, Punjab. If he can really be his own master, PML(N)'s future in governance will get a new lease in the political life of Pakistan. The military regime has anointed Mian Nawaz Sharif as a "political martyr" who may yet rise again, phoenix-like, from the ashes and haunt Paki-

AS I SEE IT

Ikram Sehgal writes from Karachi

"time-out" in basketball or American football is a chance for the team to take stock of the situation, re-plan strategy and replace frontline players. Do not be surprised if Shahbaz Sharif comes out in the colours of the new captain of the team.

Abbaji must have realized that had he not persisted with the culture of the eldest son being the only legitimate "Prince of Wales", he and his family would not have been in the predicament they are in. It only goes to show that however dexterous peasant cunning may be, basic education and world experience is indispensable when it comes to the corporate knowledge of running nations. Repeatedly Abbaji's "guided missile" ran out of his remote control, overstepping his known

stan again, hopefully not as an executive head of government.

We should not believe for one moment we have been well rid of our most potent and controversial politicians, that the decks are now clear for the supreme national agenda of surviving economically and politically as a nation. Each of the politicians in his/her own personal capacity has considerable hold over their part of the electorate, a significant hard core will never desert them irrespective of what may be proven against them or not. Less than 400 days of military rule has been enough to resurrect (in the eyes of the public) the likes of Mian Nawaz Sharif and Ms Benazir Bhutto. These two politicians took turns at bad (and even atrocious) governance for the

past 12 years, corrupting society beyond redemption. For the state Pakistan is in today, the blame cannot rest entirely on them but they were young and had a golden chance to turn things around, they not only blew it they took us many many fathoms down the road to economic and political apocalypse.

Ms Benazir is best in adversity, she kept fighting the PML (N) government and after a brief hiatus when the military regime came to power, she has kept on fighting them from self-imposed exile. One must also note the way Asif Zardari has conducted himself in incarceration, maintaining a very remarkable, maintaining a very remarkable, public posture, retaining a strong sense of humor. Rumors are afloat that a *quid pro quo* may be in the works, the return of Ms Benazir for sending Asif out on exile, a possible "DS solution" (a common military school phrase for the correct option).

Luckily for us Musharraf and party are not corrupt (at least for the most part), otherwise our present state would have been far less than bearable. However, some things must be the subject of censure. With hard evidence about Asif Saeed's misdeeds as a banker, why did the Finance Minister recommend him for the job of Chairman, NDFC except to curry favour with two important generals of the Musharraf regime who were Asif Saeed's classmates? Upright military officers, they would have never supported Asif Saeed for even a dogcatcher's job given the correct picture. And why include someone of no stature and even less intelligence into the

Economic Advisory Board knowing that all his money was black and then sending up a trial balloon to check whether the young man's father, having successfully bankrupted Shalzen Airlines, would be acceptable as Chairman, PIA? That would have been a neat coup, his son's uncle-in-law was already PIA's MD. Enough to give one pause to think and reflect whether those who rule over us understand that the public perception about credibility is dictated by such observations.

For the short term, the military regime has bought time by putting the ARD in temporary disarray while being relieved of political pressure by friends who will probably be willing to bail the country out of debt default status. However, the credibility of this military regime has taken an enormous hit. There has been a decidedly negative fallout, the least of which may be the demoralizing of those engaged in pursuing the accountability process. Frustration is now at boiling point at the street level across a broad spectrum of the intelligentsia and the masses, this has to be assuaged and contained. The Sharif family has also bought time, exile has been politically and financially pragmatic. One has to see which side uses this "time-out" best. The military will have to work overtime to sell a seemingly irrational decision to a disbelieving public, a tremendous erosion of moral authority. If, however, the military regime has a definite gameplan to bring democracy of sorts back, then we are in for interesting times and Musharraf and company will have proven to be better politicians than the master of all unified politicians, Gen Ziaul Haq himself. In the meantime, in Pakistan, anything goes.

ASEAN: Growing Signs of Disunity?

by Harun ur Rashid

The very fact that ASEAN is eager to have institutional link with Japan, China and South Korea implies that it is becoming irrelevant not only in economic matters but also in security affairs. When the East Timor crisis developed last year, ASEAN stood idle until Australia intervened to stop the killings. Its call "for Asian solutions for Asian problems" fell flat at its face and a solution came from far away country, Australia and the UN.

including Myanmar (Burma). In late 70s, the South Asian leaders of the sub-continent were inspired by ASEAN to have a club of their own South Asian Association for Regional Cooperation (SAARC).

Why did ASEAN Lose Steam? ASEAN has progressed eco-

nomic very strong during 80s and the European countries have noted the progress and they have started collaborating with the Association. The crunch time came in 1997 for ASEAN to reverse the tide of economic crisis and it demonstrated for the first time cracks of their unity and helplessness to resolve the problem.

Some say this was a humiliation of monumental proportion because ASEAN had to seek assistance from international financial institutions to bail out their crippled economy. The aspiration of ASEAN to determine their future and not by others dashed to the ground. Since then ASEAN leaders realised that the Association alone could not sustain the economic momentum and needed trade alliances with countries outside of the region.

There is a view that the expansion of ASEAN to include Myanmar, Laos, Cambodia and Vietnam was too quick and their target of free-trade area within ASEAN did not materialise because each nation had an economy of different state of development. The strong economic countries did not feel comfortable with the less developed economies of member-countries within ASEAN. Gradually the leaders started to move back from their ambitious project the creation of a free-trade area within ASEAN. Furthermore the inclusion of Myanmar has strained ASEAN's relations with European Union and at the next Ministerial meeting the European Union is not expected to attend it.

International investors after the crisis have avoided this region and concentrated on China. It is reported that a decade ago ASEAN won 60 per cent of the foreign investment and China received less than one third as much. Now the situation has been reversed. China attracted 61 per cent of foreign investment last year, while ASEAN only 17 per cent.

Singapore, the smartest of the lot, has drawn quickly the conclusion that ASEAN has run out of their steam and is on the move to strike a bilateral deal with Australia, New Zealand, Japan and Mexico. Singapore's former Prime Minister and now Senior Minister Lee Kuan Yew proposed a new regional trade grouping ASEAN plus the three big economies of Japan, China and South Korea plus Australia and New Zealand.

At the Summit three nations Indonesia, the Philippines and Thailand appeared to be distracted by their internal problems. Indonesia has been troubled by the dissident forces within the country, the Philippines President has been impeached and will stand to trial for alleged corruption and Thailand is facing an election. During this period of uncertainty, no major decision could be taken except that they have agreed to investigate a regional trade area towards integrating South East and North Asia (ASEAN plus Japan, China and South Korea) and an accord on exchange of information technology within ASEAN.

Malaysia is hailing this decision of integration of North Asian nations as the rebirth of Dr. Mahathir's original idea of "East Asian Economic Caucus" as an Asians-only plan cold shouldered in 1992 by other ASEANs in 1992 in favour of the 21-member Asian Pacific Economic Co-operation (APEC) Forum which includes the US, Australia and New Zealand and a few Latin American nations.

Indonesia's President Abdurrahman Wahid was reportedly disappointed with ASEAN's emphasis on economic competitiveness and accused Singapore of putting their economic self-interest ahead of regional solidarity. He was reportedly annoyed that ASEAN refused to admit its neighbours, Papua New Guinea and East Timor.

President Wahid has now floated the idea of establishing another new regional group "West Pacific Forum" comprising of East Timor, Papua New Guinea, Indonesia, Australia, New Zealand and possibly the Philippines for economic, political and social and cultural co-operation. The Indonesian leaders believe that a small forum could be more effective at tackling problems faced by countries in the region. Australia responded to the idea positively at the Indonesia-Australia ministerial meeting held recently in Canberra. It is expected that the ministers will meet in Jakarta in January next to flesh it out further.

There is a view that the proposed link-up between ASEAN and China would not be comfortable to the US because China has increasingly spread its influence

in a region which is strategically and economically important for the US. But the US may be comforted by the fact that China and ASEAN are competitors in trade and for foreign investment and as a result this regional institution could be a pious wish.

Singapore Prime Minister Goh Chok Tong said with respect to integration of trade with North Asia "This is a very big idea. All of us took the easy decision which is to study further." It is reported that he has not been very enthusiastic about it. He insisted ASEAN's western allies had nothing to fear from the new development that were about co-operation with North Asia, not about keeping others out.

A Japanese academic once compared ASEAN to a salad dish in the affairs of the wider Asia-Pacific region, a valuable side dish but not essential to sustaining life. There is a view that ASEAN is starting to look like a salad dish that has left out in the tropical sun for too long.

Some say relevance is like beauty. If you have it, you don't need to go around telling everyone. The very fact that ASEAN is eager to have institutional link with Japan, China and South Korea implies that ASEAN has passed its use-by date and is becoming irrelevant not only in economic matters but also in security affairs. When the East Timor crisis developed last year, ASEAN stood idle until Australia intervened to stop the killings. Its call "for Asian solutions for Asian problems" fell flat at its face and a solution came from far away country, Australia and the UN.

The Summit in Singapore could be seen as significant in one context in that the desire of ASEAN's institutional link-up with the North East Asian countries has been firmed up.

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