

Bangladesh

An exercise in surrealism

M ABDUL HAFIZ

WHEN on the New Years eve two judges of Dhaka High Court gave their verdict banning the issuance of fatwa, an Islamic religious edict, in future, it initially looked innocuous drawing no reaction from the masses. It suddenly appeared significant as the people started glorifying the verdict and called it 'historic'. It stiffened the attitude of the clerics who blasted the judges declaring fatwa invalid as legal opinion. It could have rested at that but the quarters gleesome over the verdict made it an occasion for celebration. Not only the eulogies flowed in steady stream from the judges there was a measure of stridency and triumphalism in opposing the practices of fatwa and expressing their joy over the ban. This made the clerics aware of their stake in the issue and their militancy took to a threatening posture. Last week it snowballed into a major crisis when the ulama community of Bangladesh was pitted against the United Citizens' Movement - a secular non-communal conglomerate led by the Awami League's intellectual wing.

It is true that there have been excesses with regards to fatwas in the past - both in the ways they were issued and applied. Its wrong application by the vested interests in the rural areas led to the miseries for many - particularly the women. A streamlining of the practices of fatwa was long overdue. Because it is an institution of Islam and as such could not be altogether done away with. During the Shariah rules in the past fatwa also had a legal status. Now we live in a civilisational framework and in a legal system where fatwa has

no binding in the court but it must find a place in our life. No authority can challenge the institution of fatwa in Islam although it can always control the practice by specifying people who can issue the fatwa and in which matters. Unfortunately most people expressing their views on fatwa have only highlighted its misuse and condemned its application in a sweeping manner.

In the meantime the United Citizens' Movement kept hammering on expeditiously executing High Court verdict against fatwa in an air of urgency as if the fate and future of the nation hinge only to this single issue. This country is, from its inception, beset with myriad problems of extremely serious nature like pervasive corruption, an ever deteriorating law and order, simmering violence and extortion each of which make our civic life miserable. It appears intriguing that out of all of problems the Citizens' Movement has found the issue of fatwa only to be its battle cry. Although the movement perfunctorily speaks on other issues like corruption and good governance presumably to broaden its appeal, its main thrust is on fatwa. Of course, the misuse of fatwa must be addressed in right earnest but how is it that other hard issues of the polity do not find a place in the movement's agenda?

Our clerics also did not behave in a responsible manner. They seldom censured the misuse of fatwa in the past and maintained a fraternal empathy with their class. They have created a social commotion by calling any one not in agreement with their views or interpretation a heathen or heretic. Their rigid pan-Islamic outlook often stands in their way of identifying themselves with

popular national issues although Islam does not forbid such synthesis of outlook. They often forget that we are not under Shariah rules and unjustly demand implementation of certain things purely on emotional basis. When these emotions are unleashed the clerics are a formidable force.

Our society is already split on so many lines of division. We do not want further social disruption on an issue that does not accrue us any benefit in material term. To fiddle with a religious issue has always been disastrous. Because in the matter of faith there cannot be a leash of logic or reasoning. The kind of confrontation we witnessed last week is indeed alarming. Each side seemed bent upon defeating the other decisively. It is an exercise in surrealism. Neither the ulemas and mashaikh can turn the society Islamic overnight nor the Citizens' Movement can expect to make any dent in people's mind with their philosophies.

We have many other sorrows. The corruptions eat away the vitals of our nation. The virtual collapse of our social order makes us laughing stock to the outsiders. The terrorism, extortion and violence deprive us of the taste of a natural life. Our children are camel's jockey in the desert and our women are abused in foreign lands. Our ulemas and mashaikhs will do better if they put their energy in addressing these problems. Our citizens movement will lessen much of our pains and agony by concentrating on these issues.

Hafiz, a retired Brigadier of Bangladesh Army, is former DG of BISS.

Kashmir

What about the ordinary people?

ANNA KHAISHGI in Karachi

THE government of Pakistan celebrates Kashmir Day on February 5 in order to show its "solidarity with the Kashmir cause". However with all its diplomatic and media tactics, has Pakistan been able to do something to solve the issue?

Kashmir, though when appeared in the South Asian map was purely a strategic issue, yet with the passage of time, the political moguls of both India and Pakistan converted it into a severe political crisis. The green land which itself stuck into an identity crisis is thus mashed with the integrity issue of its two big neighbours. Both the countries have their claim over the land by all historical, social and political reasons. But the fact of the matter is that the geo-strategic position of Kashmir holds such an important place in the region that whoever holds this land would cherish the influential role in South Asia.

Kashmir issue has not only led to several wars in the region but also put the whole South Asia at the risk of a nuclear war. Both the claiming parties, India and Pakistan with the crown of nuclear state, have one way or another use the Kashmir issue as the cause of regional insecurity and empower themselves with deadly weapons. Not only this, history is witness that how the Kashmir problem has been exploited on the diplomatic front that despite half a century has gone, the issue has not been able to gain the importance within the corridors of UN.

Pakistan, who is supporting the separatist forces in Kashmir and demanding the international mediation through UN resolution, also fails to convince the world community to take the issue as seriously as it has taken the Middle East crisis and many other international issues. The political leaders in Pakistan use the effective shibboleth of

'save the Muslim land from Indians' with the people of Pakistan in order to gain their vested interests. For them the word "Kashmir cause" has lost its meaning and it is now a political tactic to use in an appropriate time.

Despite moving into political and legal reasoning of the issue, one could easily see that Kashmir, the suffering party, is the only one who is losing. The government of Pakistan dedicated most of its current affairs programmes the Kashmir by highlighting the issue and rigid attitude of India. Not only this, the threatening documentaries of human rights abuses in the valley might frightened the ordinary Pakistani but could not able to divert the attention of international intervention.

The diplomatic gurus from Pakistan on the other hand, are more concentrating on criticising India, and give less attention in solving the issue. The emotional statement or speeches have not so far been able to do any miracles for the Kashmiri people. The human rights abuses continue in the valley, Indian forces and militants are fighting each other. Social and economic fabric has been badly rapture and the two generations have already suffered by the unstable political situation. Practically the overall support of Pakistani government to the Kashmiri people is not more than some sympathetic and emotional statements along with repeated media discussions and documentaries of human rights abuses.

Media in the contemporary era is the best weapon to counter the opponent. This was witnessed during the Kargil war that how India used its media against Pakistan and very successfully, it was able to influence the international media against Pakistan and Kashmiri fighters. Pakistan should follow the same along with the efficient and effective diplomatic support. By giving a public holiday, showing programmes and dozens of

official statements would not work in today's complicated world order. Peace in Kashmir is not just a security demand, but the stability in the region effects the overall development in South Asia.

It is the fact that the people of Pakistan have always been supportive with the cause that is the independence of Kashmir without the shadow of India and Pakistan. It is no more a hidden reality that thousands of Pakistanis are fighting in the Kashmir battle. Donations have been being sent yearly from ordinary Pakistanis for their Kashmiri brothers. Many NGOs in Pakistan are working in the valley. Most of the Pakistanis are bitter with the way that the government is tackling the issue, they still support the Kashmir cause. While celebrating the Kashmir Day and watching the documentaries, the whole Pakistan share a sincere belief that the day is not very far when the Kashmir valley will again flourish with the spring blossoms and the people will cherish their desired destiny.

Kashmir has its own identity, which does not require the identity of another state. While supporting Kashmir, the Pakistani government should not forget this reality.

February 5th should not only be a solidarity day, but the policy makers must sit together and redefine their strategy in supporting the Kashmir cause. The land has already suffered too much and Kashmiris do not any more of Indo-Pak rivalry. The Kashmiri leaders have realised this and now is the high time for Pakistani leaders to comprehend this. Otherwise they will lose the important strategic partner in the region.

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Sri Lanka

The window of opportunity

ZAGLUL A. CHOWDHURY

SRI Lankan President Chandrika Kumaratunga has said that her government is actively considering to enter Norwegian-brokered talks with the Tamil insurgents for ending the civil war in the country. She told the nation in her address marking the 53rd anniversary of the independence that there was "somewhat favourable" response from the Tamil secessionists over the peace talks and the government is prepared to utilise this "window of opportunity" for a settlement of the 18-year war in the island state.

President Kumaratunga's response came after Norwegian peace envoy Eric Solheim held talks with her in an effort to break the impasse over talks with the Tamil militants. The war is continuing for more than 18 years with no sign that the militants are going to achieve the objective or the government has been able to crush the militancy. It is a seesaw affair when the fortunes swing sides with the war situation once favouring the militants while again reversing towards the government troops. The Tigers achieved remarkable victory earlier when they captured the strategic Tiger Pass from the government troops and were heading towards Jaffna town, which was under their control but was taken over by the government troops in 1995. Then again, of late, the government troops regained control of some areas. The militants offered ceasefire some time ago but the government rejected this, considering that the war situation was favouring it and as such is unwilling for a truce. However, the Tiger announced a unilateral ceasefire but there is doubt whether it is holding.

The war has put the small but otherwise relatively prosperous nation in the South Asian region at a crossroads where it is fighting to

maintain country's integrity and also political stability. President Kumaratunga won a second mandate as president and vowed to end the conflict either through military way or through peace efforts. She said the country cannot afford to live with a conflict of such magnitude which has so far claimed more than 60,000 lives on both sides.

But there is no let up in the war as both government troops and the Tamil militants are claiming successes in the battles although the militants officially say they are going by a ceasefire and want the other side to reciprocate accordingly. The Tamils after losing their stronghold Jaffna to the government side in 1995 in the 18-year war, demonstrated stunning success when they came close to recover it a few months ago. Now a stand-off persists in the area with both sides occasionally claiming to gain grounds but president Kumaratunga said that her forces are regaining in the area following setbacks suffered earlier.

Sri Lankan parliamentary elections took place in October when the ruling Peoples Alliance (PA) retained its majority in the 225-member house but it only succeeded to form a government after going into alliance with small parties, including a Muslim political organisation which gave the government a deadline to settle the civil war or would withdraw support from the government. The government of President Kumaratunga has to accommodate feelings and policies of different political organisations within the ruling PA while fight the opposition parties politically and the Tamil militants in the battlefronts.

The government is seeking to wipe out the Tamil problem in one hand and address the problems of the minority on the other so that no groups felt isolated or harassed in the country. Tamil militants, who had so far shown scant interest in any settlement through dialogue, are



now softening their attitude. They are now not opposed to foreign mediation for the issue of war with the rebels. However, he seems to have softened his stance. Late Srimavo Bandernaike was dismayed over continued war.

In view of the softening of the approaches by both the sides, it is plausible that the government and the political leadership of the Tamil rebels will enter into talks even though there are still obstacles on the line up to the dialogue. President Kumaratunga did not say when the talks may begin. However, it is believed that the dialogue may start in Oslo in no too distant a future. If two sides finally get down to business on the negotiating table, the "window of opportunity" may be exploited even if the outcome discussions fall short of expectations because of complexities. This would, indeed, be a great beginning.

Zaglul, a senior Special Correspondent of BSS, is the editor of the quarterly "Bangladesh Journal for National and Foreign Affairs"

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Pakistan

A bang and a whimper

ASMA JAHANGIR

THE year 2000 started amidst confusion, but held some hope for those who still have faith in personalities rather than systems. The ordinary person saw economic hardships ahead and an uncertain future. On the other hand, Pakistan's elite, and indeed many members of the civil society, saw an opportunity to make political careers in this vacuum. They lined up to give the "liberal" General a hand in putting the country on the right track. The "crooks" were all being rounded up, and the nose of the corrupt rich was being rubbed in the dust before the public.

There were promises of a liberal agenda. Many factions of the left political parties and lawyers' groups were happy to leave constitution changing to the Generals. They argued that the army alone could purge the legacy of Zia. The "cream" and the intellectual of our society enthusiastically joined the think-tanks formed in Islamabad. There was a sudden outrage against politicians and anything that was political. The loyal followers of Mian Muhammad Nawaz Sharif, who formerly addressed him as the lion of Punjab, now openly denounced him as a dictator who was rightly put away in the Attock Fort to be tamed.

To place the cherry on the cake, a human rights day was celebrated. Almost every busy body in the business of human rights graced the occasion. Many foreign well-wishers saw it fit to join in. Pakistan, they argued was only governable through a progressive army leader. Perhaps a polite way of saying that we deserved to be disciplined and incapable of making the right decisions for ourselves. Amidst much fanfare the crowned general revealed his human rights agenda. It was anything but revolutionary.

The high points were to change the rules regarding the crime of "honour" killings and blasphemy. As a matter of policy bonded labour was to be freed and rehabilitated by the government. A commission on the status of women was promised. Such reforms are not easy to manoeuvre, particularly if the motive is not even sincere. The key reforms

were meaningless as they were being followed before the coup of 12 October, last year. The human rights package condemned "honour" killings and declared that they would henceforth be considered a crime of murder.

"Honour" killings were always considered crimes of murder under the law, and as such, there was nothing new added by the general. The flaws were not addressed. The fact that the murderers were often not arrested and those who faced trials were given lighter sentences, sometimes a few months already undergone continues to be practised. The 1990 amendments in the criminal law gave the relatives of the victims the choice to forgive the murderer. A woman is mostly murdered with the connivance of her own heirs. Nothing was introduced to protect the unfortunate victims of "honour" killings.

But the emphasis, though hollow on human rights, helped to deceive the international community into believing that this army rule was different. From January to September 2000, there are at least 240 reported killings of women, including 31 minors, in the name of honour. Only ten per cent of the accused have been arrested, the rest have gone scot-free.

The human rights package, ostensibly, made a concession for those who are falsely accused of blasphemy. The deputy commissioner was required to make a preliminary inquiry, before an FIR could be filed. This innocuous policy was introduced during Benazir Bhotto's second tenure. It was criticized then and has never been effective. How can deputy commissioners ignore the pressure of our Islamic militants when even army generals begin to stammer at their sight?

Moreover the Lahore High Court, during Nawaz Sharif's last tenure, ordered filing of an FIR without the blessings of the deputy commissioner. The writ petition was filed by a local lawyer against a young man who wrote to him asking awkward religious questions. How can a policy overrule the basic right of an individual to file an FIR against a serious offence unless the law is changed? Regrettably the facade, in this case, was also short-lived. The celebrations were

not yet over when the general was advised to leave the issue of blasphemy alone. He made a hasty retreat. The law of blasphemy continues to be misused. Since January to October, 2000, 15 cases are reported to have been filed against 40 Ahmadis. Five cases have been filed against six Christians and 18 cases involving 26 Muslim, including three women.

A commission on the status of women has been established with rudimentary powers at their disposal. It is not the setting up of commissions but the changes in the situation of women which will eventually be the test of such a step. The practice of bonded labour continues. The government has not lifted a finger to come to the rescue of the harris of Sindh, the brick kiln labour of Punjab, the mine workers of Balochistan or the forced agriculture dehqan of the Frontier.

The situation in the country has been gradually deteriorating. Every leader, civilian or otherwise, shares a responsibility for this decline. No single institution is above blame. But if responsibility is to be apportioned, then Ziaul Haq and the army take the bulk - even in terms of introducing corrupt practices and promoting dishonest people. Corruption had seeped into every aspect of society. It was the first evil, which this government tried to stamp out. A large number of businessmen, politicians and bureaucrats were detained under the NAB law. Arrests could be made arbitrarily and the accused had to virtually prove their innocence. It was argued that extraordinary situations called for exceptional measures. The suspects were kept in lockups without any contact with the outside world for days. Some were handcuffed through the night. They were denied beddings and a change of clothes. All this was glossed over, in the interest of larger gains to the country. A free hand to the NAB authorities was bound to lead to serious lapses. Mr Siddiqui Farooq was arrested and then left to rot in custody. His family filed a writ petition in the High Court where the NAB authorities denied any knowledge of his arrest. Later the prisoner was produced in the Supreme Court as a NAB detainee. The Chief

Prosecutor candidly admitted that the prisoner was "dumped" and forgotten about. Many of the country's notorious corrupt politicians were not touched, specially those with connections to the army. Members of the judiciary, religious leaders and those serving in the armed forces were left alone. The deep rooted culture of impunity for the favoured citizens was only reinforced.

Later events show that compromises were made with the former Prime Minister too. After all he was part of the old boy's network which he now enjoys at an international level. Arrests were not made for economic offences alone. A large number of political activists were also picked up for criticizing or defying the army generals. A PML member of the suspended Punjab assembly, Rana Sanaullah was detained and tortured. It is reported that Sanaullah was subjected to severe whipping with a leather strap.

In Sindh, members of the MQM and JSQM were arrested for defying the ban on political activities. They were manhandled and beaten up. Trade unions were stopped from protesting against price hike and rising unemployment. A leader of the All Pakistan Clerks Association, Ishaq Saqi, was detained in Dera Ghazi Khan jail for organizing a strike against ad hoc transfers of his colleagues. He suffered from diabetes and required regular insulin injections. On the orders of the army monitoring cell Saqi was arrested and denied medical care despite requests from his colleagues. Saqi died in custody. No inquiry was conducted around the circumstances of his death.

Several poverty stricken civilians had to pay for the army's obsession for cleaning up the place. A drive against encroachment put several cart pushers and chabri owners out of business. In Rawalpindi a desperate Nazir Ahmed died while being forcibly dragged away by the anti-encroachment staff of the Rawalpindi Cantonment. Subsequently, 13 labour union leaders were arrested for protesting against his death. Employment is rare to come by. At least 36 young men are reported to have committed suicide as result of not being able to find a job.

The state of human rights has not improved. The only relief last year came to children in jails. Death penalty for children under the age of 18 has been abolished. Extrajudicial killings, murder for "honour", death threats, curbs on regional press, torture and denial of justice continue as before.

Violence is on the increase not even sparing women and children. Governance continues to be neglected and even if political institutions are revived the challenges are too enormous. A dysfunctional political order has encouraged the extremist Islamic groups to increase their influence in every section of society. Their next move is to ensure that the judgment on abolition of the interest on the banking system is implemented by June 2001. New militant groups have emerged overnight, many encouraged by "hidden hands", who are alone equipped to spread the message of "Khilafat" throughout the country.

The functioning of a state is directly linked to the protection of its citizens against abuse. A government which is neither transparent nor legitimate loses its moral authority over its own institutions. It brings in a state of civil anarchy, where individual rights are difficult to protect. Such is the situation in Pakistan. The ordinary citizen is fearful and apprehensive about future events. Pakistan may not have many politicians to boast about, but the people do have sound political instincts. They see signs of discord amongst the rulers and are worried about a lack of direction. Handing over of former prime ministers to the "hospitality" of foreign masters are all ill omens. The security of the people is under threat and there is panic. Pakistan is leaderless and its survival depends upon its people. Their resilience is the hope and will surely help reconstruct a fractured society.

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