

## Delay in separation of judiciary causes concern

The executive must complete the task by the deadline

THE Government has almost been found guilty of being lax on the issue of separation of the judiciary from the executive. This is after the court had given it lead time to do so. The landmark decision on the separation came in 1999 when the Appellate Division passed a verdict spelling out the process that would not require any constitutional amendment. But the executive branch has yet to implement the decision and has sought time once more. One isn't sure if this means a major constitutional confrontation is in the offing. Buying legal time on the issue may seem like stalling an implementation that may reduce the power of the executive.

The Law Minister Barrister Moudud Ahmed has told the media that the government is serious and sincere about the separation procedure and a committee is already working on the matter. But having failed to meet the March 17 deadline, the Law Minister's words carry a little less weight than it did beforehand. Instead of carrying out the task as ordered by the Court it has asked for a six-months extension of the deadline. The Minister has cited administrative complexities inherent in complying with such a decision as the reason behind the delay. This however has been challenged.

Unfortunately for the official legal establishment, the former Chief Justice Mustafa Kamal has criticized the government and said that it was "killing time" on the matter. Since the credibility and prestige of the former CJ is not exactly surpassed by another person in this land and it was his own Court that passed the historic judgment, the words have to read as a rebuke. He has added to his concern by saying that the government could have formed an implementation committee when the Court order was passed.

This criticism actually lets off the present government and makes the executive past and present- responsible for the delay. Since the executive stands to lose most from the separation process one wonders what incentive and coercion will work to implement the will of the people as expressed by the court.

Everyone knows which is the best thing to do, the best way to handle the matter and the best process of managing the system. While everything is known, it still doesn't seem to work. In this case, the matter is of the highest level of importance, perhaps systemically speaking, more basic to rule of law than all else. But as events have shown there is an invisible magician who decided which way the windmill tilts. Let's hope that at least this time, it will tilt for us. And on time.

## Commonwealth action welcomed

Zimbabwe should make amends for the bad election

A long last, the Commonwealth has slapped a suspension order on Zimbabwe. And, justifiably so, we think. This has been done due to 'high level of politically motivated violence' during the recent presidential elections which gave Robert Mugabe a second term in office he hardly deserved. According to the Commonwealth observer group's findings, which the triumvirate committee accepted, 'the polls did not reflect the free expression of the wishes of the electorate.' The suspension is to hold good for one-year during which time no Zimbabwean representative will be admitted to the councils of the Commonwealth, the action obviously falling short of clamping elaborate sanctions one could have expected. It allows for review of progress made in line with Commonwealth-Harare principles on democratic propriety. Zimbabwe is placed on probation to prove its democratic *bona fides*.

Earlier, at the recent CHOGM in Coolum, Australia, the members of the white segment of the Commonwealth, led by Britain, wanted sanctions imposed on Zimbabwe in the face of evidence already piled up against Mugabe to the effect that he was trying to influence election results in his favour. The black members had stalled the move at that time.

Apart from levelling sedition charges against the opposition presidential candidate, Mugabe went all-out to see that the voter presence at the booths was minimal. Good voter turn-out would have ensured his electoral defeat.

We wholeheartedly welcome the decision of the Commonwealth to suspend Zimbabwe. This we do on the unassailable ground that no incumbent should be allowed to ruin democracy by taking shelter in the so-called national sovereignty or internal affairs argumentation. After all, democracy needs to be upheld by all means.

## Of political legends and charisma



S H IMAM

because of the anxiety for the safety of his life, was the sole rallying-point and the undisputed leader of our just-waged freedom struggle.

Sense of history means revisiting an event as it had originally occurred and absorbing its meaning at the present times without any qualification born of political vagaries in the interregnum. It was operationally necessary and internationally proper that Major Ziaur Rahman declared independence on 26 March 'on behalf of President Bangabandhu Sheikh Mujibur Rahman' and he did that.

RATHER inexorably, we seem fixated on two things. First, we pit Ziaur Rahman against Bangabandhu Sheikh Mujibur Rahman on the simulated question of who declared national independence following the Pak army's genocidal crackdown three decades ago. Secondly, we have allowed ourselves to be disoriented to the lives and works of Suhrawardy, Fazlul Huq and Maulana Bhasani, our three national leaders. Barring cursory and ritualistic references to their memories on their birth and death anniversaries our contemporary leaders tend to forget them during the rest of the year. The political and economic speeches of our present-day leaders seldom bear the traces of those footprints on the sands of time, only six decades or so old.

On Mujib-Zia juxtaposition we have to only mentally recreate the situation on the heels of March 25, 1971 to get to the hollowness of the debate. Ziaur Rahman was then a valiant major in the army with the imagination and wits about him to do what was needed to be done. Sheikh Mujibur Rahman with his appellation of Bangabandhu, made the more emotionally appealing

It is said with a justified sigh of lamentation that our major political parties are trapped in the past. What's worse, they are prisoners of times and events they think they can hold against each other. In that sense, they are not merely prisoners of the past but also of their own devices churning all the time under a situation of endless entrapment. They are obsessed with the history since 1970-1971. They think 1971 is the mother of Bangladesh history losing sight of the continuum in the annals, including the pre-partition phase, represented by some legendary political figures of Bengal.

On memorial occasions, the politicians, academia and the media do refer to various movements that culminated in the birth of Bangladesh but the discussions by and large leave out such outstanding

personalities like Suhrawardy, A K Fazlul Huq and Maulana Bhasani who are part and parcel of our political heritage.

The standards of leadership they had set within British and Pakistani frameworks have not all lost their relevance to contemporary Bangladesh. In fact, given the bland, uninspiring and increasingly self-defeating politics of the country, the legends and anecdotes that circulated around their persona for some time since their demise need to be household words once again.

The Awami League's umbivil

would simply tear the Convention Muslim League apart on issues.

However, with that meagre number of 13 parliamentary seats held by his able lieutenants, Suhrawardy went on to become the prime minister of a coalition government in Pakistan. And what a prime minister he made for the 13 months he was in office. Although he could not strike out the draconian defence or security acts from the statutes book, yet not a single person was detained under such laws during his incumbency.

Mass leader as he was he used to

and programmes to the nation."

Suhrawardy as a major opposition leader during the Ayub regime said that he would participate in the elections even if those were allowed under any scrap of paper.

After Yahya's dove-tailing of a cast-iron Legal Framework Order (LFO) to the 1970 elections, Maulana Bhashani demanded provincial autonomy before the polls. So mutually reinforcing used to be the approaches of major political leaders of different parties that the Maulana was not deterred from asking for autonomy because

which, of course I did.

That was a measure of how much the principal of a government college valued the good offices of an unseated prime minister in securing the authorities' assistance for an expansion of class-room accommodation.

The Jukta Front that routed Muslim League in a historic 1954 electoral debacle was quite an interesting amalgam of AL, Krishak Sramik Party, Nezam-e-Islam (a party with a narrow religious appeal) and Gantantri Dal, a leftist party led by Haji Mohammad Danesh. Laterly, both the AL and the BNP would be seen to take Jamaat-e-Islami onboard by turn in free Bangladesh. Something of a strange bed-fellow syndrome in politics!

The 1937-41, 11-member Fazlul Huq ministry had six zamindars and in his last cabinet Huq took Shyma Prasad Mukherjee, the then acting president of Hindu Mahasabha as a cabinet colleague. In spite of this 'strange bed-fellows factor' Fazlul Huq's name stands out in the annals of Bengal for his yeoman's service to the interests of the peasantry and the educated Muslims of Bengal.

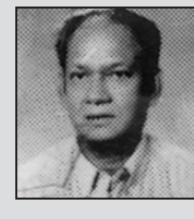
Charisma is an asset for political leaders. It can be gifted as an in-born quality; or it can be acquired through extra-ordinary success achieved in any one or more of the fields that are literally crying for attention and competent handling. An opposition leader, too, can attain glory by playing its due role effectively.

SH Imam is Associate Editor of The Daily Star.

## JUST ANOTHER VIEW

Charisma is an asset for political leaders. It can be gifted as an in-born quality; or it can be acquired through extra-ordinary success achieved in any one or more of the fields that are literally crying for attention and competent handling. An opposition leader, too, can attain glory by playing its due role effectively.

## Palestine-Israel: High drama in the Security Council



ARSHAD-UZ ZAMAN

HERE has been high drama very recently in the Security Council of the United Nations. It is worth our while to pause and ponder over the developments.

The lone superpower of the planet, the United States of America, tabled a resolution, which in effect proposes the setting up of a new Palestinian state. It is the culmination of half a century of conflict between Palestinians, whose territory Israel occupies since 1967, and Israel, which has been involved in numerous warfare with the entire Arab world and lately with Palestine. The remarkable fact is that the US, who has been the sole supporter of Israel, through thick and thin, and has routinely vetoed resolutions in the Security Council, in order to bail her protege Israel out, has this time tabled the resolution herself. The resolution has received 14 out of 15 affirmative votes with Syria abstaining. The abstention of Syria is understandable because a resolution of Palestine-Israel conflict would leave Syria

alone to face Israel in order to find a solution to the occupation by Israel of Syrian Golan Heights -- occupied by Israel since 1967.

Although the tabling of the new resolution in the Security Council has the appearance of a brand new initiative, in reality the US has been moving in this direction since long.

It was President Bill Clinton, who had gone as far as paying a visit to Yasser Arafat in Palestine although till this day there is no diplomatic ties between Palestine and the USA. Remarkably President

reached the sad conclusion that the two adversaries -- Palestinians and the Israelis -- were incapable of reaching a ceasefire and have gone ahead with finding a political solution to this long festering problem.

Interestingly the new Security Council resolution follows closely on the heels of a proposal by the Crown Prince Abdullah of Saudi Arabia, through which he had expressed the intention of the Arab world to accord recognition of the Arab world in exchange for Israeli recognition of the new Palestinian state. Saudi

Mujib has wanted it through his six-point programme. But AL being a party for election Sheikh Mujib decided to participate in the polls as a referendum on regional autonomy. The rest is history.

I have a personal anecdote about Suhrawardy that might interest readers. I was then the unelected joint secretary of an apology of a Dhaka College Students' Union -- the principal of the college Prof MU Ahmed having selected me for the post as required under the Martial Law regime of Ayub Khan which forbade elections to student bodies.

The principal decided to invite Hussein Shaheed Suhrawardy to address the college students. And, while asking me to speak on behalf of the students, he wanted me to put across a point about the paucity of accommodation in the college,

the risk of a compromise on the issue.

By sending Vice President Dick Cheney and Gen Zinni in the area of conflict, President George W Bush gives the impression that he is determined to ride roughshod over objections of Israeli Premier Sharon and Palestine Chairman Arafat. By getting the resolution voted in the Security Council, the US appears determined to administer the bitter pill to the two adversaries.

Why is the US in such a hurry to settle the half-century old conflict? It is in exchange for her occupied territory, much in the way of Egypt-Israel deal, it should not pose any great problem.

Once the deck is cleared the US is bound to focus her attention on the question of her oil diplomacy.

The US would most definitely want to have pliant states. It is, therefore, not surprising that President Bush has uttered the Reaganian terminology -- axis of evil. Iran and Iraq

are included in that definition and to give it an extra-regional colour, North Korea has been included.

In other words, once the Arab-Israel conflict is put out of the way, the US would like to pay attention to large oil producers of the region -- Iran and Iraq. It is in this light the situation has to be viewed because lately Washington has been making friendly noises towards the regime of Mohammed Khatami of Iran. This seems to be the only explanation of this sudden reversal.

The severe blow received by the US on 11 September 2001, seems to have spurred her to reach out new heights. US troops, who had not left the US shores since the Vietnam war, more than three decades ago, have again started landing in far-away places like Afghanistan and Central Asia.

As the sole superpower US struts and frets the globe, can she be oblivious that since 11 September she has joined the ranks of the mortals, as her land and skies are exposed to attacks from within and without?

Arshad-Uz Zaman is a former Ambassador.

## THE HORIZON THIS WEEK

It appears that the US, who operates on a global scale, is eager to clear the decks in the Middle East. After the resolution of the Palestine-Israel conflict, the only outstanding issue would be sorting out the question of occupation of Golan Heights of Syria by Israel. Since it is basically a straightforward deal involving recognition by Syria of Israel in exchange for her occupied territory, much in the way of Egypt-Israel deal, it should not pose any great problem.

George W Bush has given every indication of leaning towards Israel of Prime Minister Ariel Sharon, whom he received repeatedly in the White House, whose doors remained tightly shut against Yasser Arafat. On the other hand Bill Clinton during his herculean effort to find a solution to the Palestine-Israel conflict succeeded in establishing himself as an honest broker and was accepted by both parties as even handed.

By tabling the resolution in the Security Council the US seems to have abandoned the step by step approach and has taken the bull by the horn. The US appears to have

Arabia, ever shy to come on centre stage, has this time hit the headlines by this epoch making proposal. Saudi Arabia for all these years have bankrolled Palestinian war effort and running their administration. The ceaseless traveller Yasser Arafat (for some months now he has been prevented from travelling outside his home in Ramallah by Israeli forces who have established a virtual blockade) flies around the world in a plane supplied by the Saudis and he descends regularly in Saudi Arabia in a palace provide by the generous Kingdom of Saudi Arabia. The fact that Saudi Arabia has given the green signal for the

Arabian and the Kingdom of Morocco since then.

It has been recognised that the heart of the Middle East conflict is the Palestine problem and again and again efforts to find a solution have failed. President Bill Clinton, who devoted virtually eight years of his Presidency in finding a solution to the Palestine-Israel conflict, came tantalizingly close to finding a solution.

The differences were narrowed down to the heart and soul of the problem -- Jerusalem. Chairman Arafat and then Israeli Prime Minister Ehud Barak, were unable to take

is a fact that the US has been proceeding in the direction of finding a solution. Yet the resolution in the Security Council is a remarkable about turn by the US vis-à-vis her closest ally and a protégé Israel, who has enormous clout within the US itself.

It appears that the US, who operates on a global scale, is eager to clear the decks in the Middle East.

After the resolution of the Palestine-Israel conflict, the only outstanding issue would be sorting out the question of occupation of Golan Heights of Syria by Israel. Since it is basically a straightforward deal involving recognition by Syria of

is a fact that the US has been proceeding in the direction of finding a solution. Yet the resolution in the Security Council is a remarkable about turn by the US vis-à-vis her closest ally and a protégé Israel, who has enormous clout within the US itself.

It is quite unnecessary to pull Justice Latifur Rahman on to the fray. A man of impeccable credentials which earned him the highest judicial office of the land cannot be allowed to be pulled down in this most ingratiate ways. To say that he was not neutral during the tenure of the last caretaker government casts aspersions about the sense of fair-play in the accusers and also ridicules the integrity of scores of observers of international repute who graciously consented to come to oversee the elections.

The people of this country have no doubts about the contributions of Sheikh Hasina to the improvement of the lot of the people of this great land who she genuinely loves. The people are also quite aware of personal shortcomings of human beings including great leaders. It is in these situations that the people look up to other leaders who have the courage to point out mistakes and deviations to the overall leader. Mr Kibria was in such a position for a long time and possibly still is. Mr Kibria is well known for his personal integrity and honesty. However his management of macroeconomic principles, according to many, falls short of expectations. It is our fervent desire to see decency, fair-play and wisdom prevail. We all know that if he wants to, he can play an important role in this process.

## OPINION

### A few words to Mr Shah A M S Kibria

SYED MUJTABA QUADER

In his open letter to Mr Faezul Huq (DS 8-3-2002), Mr Shah A M S Kibria criticized the persona of many including that of Mr Huq. I believe he has stirred the conscience of many in this nation and therefore he also deserves a reply. I have neither enjoyed illustrious parentage nor the aura of high international or national office and owing to this enjoy the luxury of a clear mind and a clear conscience. I hope Mr Kibria shall not take the arguments contained here as just venomous rebuttal for his utterances but also take his time and study and appreciate it in the rational context of constructive criticism that he himself advocates in his article, to be a requirement of party leaders.

Mr Kibria also seemed to be over assertive about the office of the President of the Republic. Here, it appeared, he was very forthcoming about his courage. This in itself speaks for something, doesn't it? He forgets that the President of the Republic, whoever that person might be at any particular time, has a defining role to play in the flowering of the democratic spirit and the finer values of this nation. He is not constrained and should not be constrained by the limitations set by party leaders insisting upon claiming all national virtues upon themselves. Neither should off-springs of illustrious national leaders be allowed to taint his image. Undoubtedly 'Joy Bangla' was a battle cry for all Bangladeshis during 1971 and understandably very dear to all but let us not forget that a battle cry is only a battle cry. The subsequent attempts by some people to

arrogate its glory onto themselves led this term to be politicised. If a section of the people or a section of political parties find exception to the usage of this term it cannot be allowed to be imposed upon them from the top especially from the office of the President of the Republic.

I do not understand why or how Mr Kibria finds so much anathema in the phrase 'Bangladesh Zindabad'. The word 'Zindabad' dates back to us from the days of the British Raj when the freedom loving people of this country along with other peoples of the same adjoining geographical areas having the same views and interests of the time waged a freedom struggle to free themselves from a strongly entrenched colonial force that was considered at the time to be the

mightiest power on the face of this earth. This battle was begun, many would say in 1857 through the Sepoy Mutiny but many others would say in 1757 through the Battle of Plassey. The battle cry at that time was 'Zindabad' and many a life was fallen to that battle.

It is quite unnecessary to pull Justice Latifur Rahman on to the fray. A man of impeccable credentials which earned him the highest judicial office of the land cannot be allowed to be pulled down in this most ingratiate ways. To say that he was not neutral during the tenure of the last caretaker government casts aspersions about the sense of fair-play in the accusers and also ridicules the integrity of scores of observers of international repute who graciously consented to come to oversee the elections.

One of the benefits of men like Bloomberg is that they are outsiders to city politics and not beholden to the extortionist Trade Unions, a feature of most large cities. Khoka, although a man of integrity himself, has climbed the greasy pole and must owe some people favours by now.

Mr Bloomberg