

"Clean Heart", army, civil govt and the people

Time has come to evaluate the whole scheme

TWO months into implementation, time has come to evaluate the "Operation Clean Heart" and for the government to examine its results, where it has been most effective, where it had gone wrong, how long it should continue and most importantly how to prepare for the army's withdrawal. The suggested evaluation is necessary because the present joint operation touches the army, the civil government, the whole process of rule of law and the people in general.

In the beginning the Prime Minister said that the 'operation' would last for a very brief period and the army would be withdrawn very soon. Today we hear that the operation will continue for as long as is necessary, without giving us any idea as to how that 'necessity' is being defined or what factors are being considered while deciding on the matter. In the meantime the army is being dragged into unnecessary controversy through the ever-recurrent custodial deaths, abuse of power and misuse of the mandate which they were called out for.

We are getting the impression that the government is not giving enough importance to a fixed timeframe for the army's involvement. The recent statements by some ministers indicate that there is no clear cut planning within the government about this whole affair and there does not seem to be a process of collective thinking. In fact most ministers profess in private their total ignorance about any important decision as regards "Operation Clean Heart".

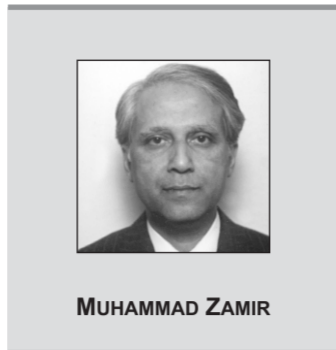
We stress on the need for a post two month evaluation because we strongly feel that the army should not be over used in any civilian task. We must remember what it has been asked to do is NOT the army's job. Its job is to protect our sovereignty and fight the external enemy. Yes, there is a provision in our law to call the army in aid of civil administration but that is only for emergency purposes like serious civil unrest. To assist the government in catching criminals is a most unusual task to call the army for. We do accept the fact that our criminals had gone out of hand and that we had a sort of emergency for which we had to call the army, a fact that is borne out by the initial relief that people felt when the operation started.

Whatever may have been the compulsion for "Operation Clean Heart", time is ripe for an assessment of its successes and failures. In our view the result is a mixed bag. There has been a marked decrease in the everyday crime but most of the real criminals are still out, many having escaped across the border. There have been noteworthy recovery of arms but since we have no idea how many were out there in the first place we cannot make any firm conclusion. The most impressive aspect of the operation has been its non-partisanship in arresting suspects, however in the case of release after arrest, there has been clear breach of that balance. The controversial aspect of the 'operation' has of course been the custodial deaths, their continued occurrence even after two months, the lack of any sense of responsibility for them, making no visible effort to stop them even after the PM's public instructions. The large number -- nearly 10,000 -- of arrests without specific charges also has raised serious public concern.

The most important longer-term issue that does not seem to have been addressed is what happens when army is withdrawn. Police reform which lies at the heart of future law and order control has not moved at all. We have heard talks of making a new special police force but nothing much has been made public about it. While there could be some justification for an elite police force but the real challenge is to modernise the existing force and not only a part of it. One fact must be addressed, and we have raised it on numerous occasions, is that we must invest more on our police -- in salary and benefits, in initial and in-service training, in equipment and in communication and transport facilities. The cost of one Mig-29 or a Frigate could have done the trick but it was never done. Police has been the victim of neglect, politicisation, fund scarcity, lack of self-esteem and power play. As they rightly say they were never given the opportunity to catch criminals with the same freedom of action as the army has been given in the "Operation Clean Heart". If partisan political use of police does not stop police will never develop the professionalism and self-confidence to become a functional law enforcement body that we so desperately need. Given our present political culture the proposed elite police will, in all likelihood, be politically constituted and will be disbanded or marginalised the moment opposition will come to power. Can we afford this wasteful game?

The more the army performs a civil task the more we lose on two counts. First the army loses its main focus and efficacy (remember overdose of however good a medicine destroys its effectiveness and develops immunity) and second, the civil body which is supposed to do the job in the first place does not develop. So the present situation is affecting the army, the civil government and the people at large. It is high time the government puts its heads together, evaluates the pros and cons of "Operation Clean Heart", sets a timetable for it and develops an effective and credible "Exit Strategy".

Revisiting Bangladesh-India relations



MUHAMMAD ZAMIR

ONE is tempted to recall a few lines from the Treaty of Friendship, Cooperation and Peace that was signed between Bangladesh and India on 19 March, 1972. It reiterated that both countries would 'develop and strengthen the relations of friendship, good-neighbourliness and all round cooperation existing between them'. It also proposed that the principles of 'equality and mutual benefit' would guide relations. I am rather fond of these phrases as I was involved in drafting them at that time as a Junior Officer in the Bangladesh Ministry of Foreign Affairs.

In recent days, one must admit however that such good intentions appear to have been brushed under the carpet. This is despite several high level contacts and exchange of visits between the two countries. It may be recalled in this context that the Bangladesh Foreign Secretary went to Delhi in February this year and the Bangladesh Foreign Minister in June. India's Principal Secretary who is also the Prime Minister's National Security Adviser visited Dhaka in October last year. The India Foreign Minister also came to Dhaka in August of this year. One can only hope that through such exchange of visits, both neighbouring countries were underlining the important that they attach to the consolidation of their bilateral relations.

At this point one must stress that although relations between neighbours can be influenced by various factors, care is generally taken to avoid unnecessary complications arising out of competing interests. Most analysts will agree that although the concept of nation-state breeds its own perceptions, bedrock of good bilateral relations demand trust, friendship and respect for each other. If this is done, then ir-

tants can be resolved to mutual satisfaction.

It is true today that due to geographical factors as well as other intricate reasons, over time, Bangladesh and India have developed a complex inter-relationship which casts a long shadow in all areas -- political, cultural, economic and educational. In fact some have noted that ties in these sectors are so 'pervasive' today that the relationship between the two peoples of the two nations exist independently of governments and policies.

by India.

Similarly, despite the passing of three decades, the issue of demarcation of the maritime boundary in the Bay of Bengal and resolution of the question of ownership of South Talpatty island continues. The UN Convention on the Law of the Sea has provided guidelines in Articles 15, 74 and 83 and bilateral negotiations should be initiated under this arrangement.

Added to this situation is the sensitivity of the ever-widening trade deficit with India. Some have termed

while so many important elements still remain unresolved, tension between the two countries is unnecessarily being intensified.

It is true that the world has changed since September last year. It is also correct that the attention of the international community is now focussed on terrorism. All sane individuals and countries now agree that terrorism should be defeated and eliminated. However, while this principle is generally accepted, yet divergent views remain not only about standards and how to combat

of Islamic extremism have definitely not helped matters. The ongoing confusion also raises the question as to why there is a profusion of charges at this juncture?

The whole idea of South Asian Cooperation has also recently been dealt a severe body blow by the Pakistani decision to put off next month's SAARC Summit which was to have been held in that country. Newspaper reports indicate that India's uncertainty about participation might have led to this postpone-

ment). Further delay in completion of the framework will be particularly awkward for countries like Bangladesh, which is being battered by a severe imbalance in trade with India.

India has to understand that she cannot escape her geography. She should not overlook the fact that overall regional cooperation with neighbours will only enhance her own image. Direct cross border joint venture participation and competitive portfolio investments should be viewed as enabling factors. Termining neighbours as sponsors of terrorism does not help any party. This only encourages mistrust and frustration on the part of her smaller neighbours.

At the same time it would probably be useful if all South Asian countries were to ensure that criminals from one SAARC member state does not find sanctuary in another. A person wanted on serious criminal charges in Bangladesh, if apprehended by the Indian authorities, could immediately be deported and handed over. Such a principle could also apply in return. This will be one way of reducing tension and ensuring that cross border terrorism does not take place.

We must not forget that December is an important month in the calendar of both Bangladesh and India. Indian support to our Liberation struggle led to the emergence of a free, sovereign and independent Bangladesh. Propaganda, whatever be its description, should not affect our bilateral relations. There will be difference in our perception of some international issues, but on most, be it environment, sustainable development, health, agriculture, trade, education or women empowerment, our efforts should complement each other.

As such, one hopes that both sides will rein themselves in and resort to quiet diplomacy. Both should refrain from further bitterness and open aspersions.

Fundamentalism or terrorism is nobody's friend. We must learn from post-war Europe and strengthen our common elements. Maturity rather than sensationalism will consolidate trust and help in achieving the common vision of poverty reduction.

Muhammad Zamir is a former Secretary and Ambassador.

POST BREAKFAST

We must not forget that December is an important month in the calendar of both Bangladesh and India. Indian support to our Liberation struggle led to the emergence of a free, sovereign and independent Bangladesh. Propaganda, whatever be its description, should not affect our bilateral relations. There will be difference in our perception of some international issues, but on most, be it environment, sustainable development, health, agriculture, trade, education or women empowerment, our efforts should complement each other.

In this context it has also been mentioned that perception of a situation from different angles may divide policy options for both nations, but their interaction needs to be friendly and responsive to the needs of each other. This assumes particular importance given the existing tensions that prevail in this region and the general approach towards dispute resolution. To this is added the other factor where a neighbour is not only bigger but also endowed with greater resources.

Nevertheless, it is important to remember that we are discussing here about two countries who are blessed with functioning democracies and free media. One should never forget this vital aspect while dealing with pending issues.

In the recent past one notices that land border issues have continued to make headlines. Untoward incidents at the border lead to pointless deaths of nationals at the hands of security forces. Despite the passage of many years, the Land Boundary Agreement of 1974 remains unratified by India. Bangladesh has ratified it many years ago, but no exchange has taken place of the instruments because of this Indian indecision. It is important that this issues is addressed in earnest

the imbalance as 'grotesque'. Quite often reference is made that in formal terms India's exports to Bangladesh exceeded US dollars two billion. It is also pointed out that if one takes into account informal trade then the figure is even bigger. This imbalance is slowly creating its own dynamics. This has not been a temporary phenomenon. It is essential that a critical review is undertaken to find ways and means to rectify this situation which is creating a negative image. If necessary, soonest possible, Indian entrepreneurs should be encouraged by the Indian government to invest not only in the infrastructure of Bangladesh but also to participate in setting up backward linkage industrial potential in this country. Similarly, steps should be taken by the Indian authorities to reduce the existing tariff structure.

The other serious bilateral issue is the question of arriving at an acceptable agreement on water sharing of common rivers -- Gumti, Khowai, Dhorola, Teesta, Manu, Dudhkumar and the Muhuri. One understands that a Joint Committee of Experts on sharing of waters is involved in finding an acceptable solution. With goodwill, its task can be completed effectively.

However, one regrets to note that

this malaise but also on the nature of suitable response. The media is expected to play a mature role in this scenario. Their involvement has to be based on credibility, and as far as possible they should avoid promoting an alarmist situation. This can lead to misunderstanding. It can seriously affect economic prospects for an emerging developing country.

Most unfortunately, India's sensitivity about Pakistan and that country's intelligence operations appear to be spilling over into their bilateral relations with Bangladesh. It has been disturbing, to say the least, to see responsible Indian newspapers publishing unconfirmed and non-specific reports about terrorist training camps inside Bangladesh and Al-Qaeda operatives operating from within Bangladesh with impunity. These reports were rejected as baseless and incorrect by the Bangladesh authorities. However, the matter did not rest there. Senior Indian ministers have now lent their support to such charges. The fact that the US has not indicated any presence of international terrorists as put forward by the Indian media does not appear to have made any difference. Charges made in the press followed by statements in the Parliament that Bangladesh is a den

ment. One does not know if this is the real reason. However, we in Bangladesh are probably sensitive about SAARC, but that is expected. It was our idea. Over the years, it has achieved some success though not as much as it might have. This is particularly disappointing as the SAARC Summit venue could have been used by Bangladesh and India to remove recent bilateral misunderstandings through separate meetings on the sideline. Such an option has now receded. One hopes that the BIMSTEC Ministerial meeting opportunity has not been lost in Colombo on December 20.

One knows that is in the past, India is attaching greater importance to its relationship with the ASEAN. India attended the ASEAN session for the first time this November in Phnom Penh. It is also trying to enter into free trade arrangement with ASEAN. Naturally, the next step will be greater economic interaction. This will probably be at the cost of preferential trade arrangements within SAARC and the finalization of a suitable infrastructure. This in turn is likely to have important repercussions both for SAPTA (South Asian Preferential Trade Agreement), as well as SAFTA (South Asian Free Trade Agree-

Democracy, rights and responsibility

MEGASTHENES

THE decade of the 1990s has been described as a period of democratic renewal and rightly so. Democracy and democratic governance had been vindicated and the market economy recognized as the most potent tool of development. As a concept, democracy is something that none would disavow. Historically it has been the most sustainable form of government, especially so, as it provides for peaceful and orderly change. To be sure, differences can and do exist even among its most ardent proponents, in matters of nuance and nicety, emphasis, form and at times also substance.

General Joao Baptista Figueiredo, on being elected President of Brazil in 1979, was, for example, as emphatic and forceful as possible when he asserted his commitment to democracy. Speaking to reporters, he said, "I intend to open this country up to democracy and anyone who is against that, I will jail, I will crush". Justice Hugo Black of the US Supreme Court, who had also served as Senator, on the other hand, posited a more palatable perspective of dissent in a democracy in an interview in 1962. "My view", said Black, "is without deviation, without exception, ... if, but, or, whereas, that freedom of speech means that you should not do something to people either for the views they have or the views they express or the words they speak or write".

As part of a larger political and social process, democracy has above all to do with the commonwealth. In the words of Dag Hammarskjold the "... end of all political effort must be the well-being of the individual in a life of safety and freedom". Democracy can come in different shapes, sizes, forms or packages but in this overarching objective there can surely be no differences.

The classic definition of democracy, as contained in Lincoln's Gettysburg address, is familiar to all:

"Government of the people, by the people and for the people". The words did not incidentally originate with Lincoln; indeed they could not as democracy long pre-dates Lincoln. Theodore Parker, an anti-slavery activist, used similar words long before Gettysburg; Daniel Webster had done so before Parker; President Monroe, three decades before Webster; Wycliffe, over five centuries before Monroe, and Cleon of ancient Greece, as early as 400 BC. They were surely others as well. In concept and definition, democracy certainly goes back a

scribed -- existed in ancient times, among the Greeks and also the hardy Indo-Aryans of the sub-continent. The system is thus resilient, sustainable and in effect the only viable means of government in the long run. Just how efficient is it though? In recent years some very encouraging, even extravagant, claims have been made for democracy -- democracies do not go to war with one another; there are no famines in a democracy. Government institutions do not, however, in general compare favourably -- efficiency-wise -- with the private sec-

not an ideal way to govern, it is at least better than breaking them: Judge Learned Hand, 1932.

3. Under democracy, one party always devotes its chief energies to trying to prove that the other party is unfit to rule -- and both commonly succeed and are right: H.L. Mencken, 1956.

4. Democracy means simply the bludgeoning of the people by the people for the people: Oscar Wilde.

4. Envy is the basis of democracy: Bertrand Russell.

5. Democracy becomes a government of bullies tempered by edi-

ernments in France and Sri Lanka would appropriately be placed somewhere between the two. There is also the occasional talk of Prime Ministerial government, as power has tended increasingly in recent times to gravitate or accrue to the Office of Prime Minister -- a phenomenon attributable in large measure to the demands and exigencies of modern times. In Britain the Prime Minister is deemed the "first among equals" in the Cabinet and has traditionally enjoyed three exclusive privileges; the authority to convene a cabinet meeting, to

before a general election, the most recently retired Chief Justice has a crucial constitutional role as Chief Adviser in a neutral caretaker government. And yet even the judiciary is not absolutely without limitations in addressing sensitive social and political issues, a point made by Judge Learned Hand in "The Contribution of an Independent Judiciary to Civilization" in 1942. Writing with emphasis and lucidity, Learned Hand asserted that "a society so riven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes, no court need save; that in a society which evades its responsibilities by thrusting upon the courts the nurture of that spirit, that spirit will in the end perish". This observation by an outstanding jurist perhaps stresses the interdependence and shared nature of civic responsibility in a thriving democracy.

There are, of course, mechanics of democratic government; matters of detail more than anything else. Is it preferable to have a unicameral rather than a bicameral legislature? Should Members of the Government also be Members of Parliament? Should elections to Parliament be on a proportional representation basis or by the "first past the mile-post" system? These are not perhaps issues of great moment or consequence, provided local conditions are satisfied. For a democratic polity to flourish and function to potential, the very elemental requirements are robust institutions, committed leadership and a culture of tolerance. For the rest, I should think that Alexander Pope's dictum of more than 250 years still applies:

"For forms of government let fools contest;

Whate'er is best administered is best.

For modes of faith let graceless zealots fight;

His can't be wrong whose life is in the right.

In faith and hope the world will disagree,

But all mankind's concern is charity."

LIGHTEN-UP

Is it preferable to have a unicameral rather than a bicameral legislature? Should Members of the Government also be Members of Parliament? Should elections to Parliament be on a proportional representation basis or by the "first past the mile-post" system? These are not perhaps issues of great moment or consequence, provided local conditions are satisfied. For a democratic polity to flourish and function to potential, the very elemental requirements are robust institutions, committed leadership and a culture of tolerance.

long way in time.

Whatever its precise form, there are certain irreducible conditions of democracy, namely the Government is chosen through open and fair elections, freedom of speech and association and equality of treatment in law. One could, of course, add to this very elementary list of rights. To be sure, however, if there are rights of citizens that may not be infringed, there are also concomitant responsibilities on their part, without which liberties that are so dear may degenerate into licence. Democracy involves a delicate balancing of rights and responsibilities and possibly also pre-supposes or makes for a certain ethos that is compatible with and conduces to such a balance. In other words, a democratic culture.

Some version or variety of democracy -- howsoever circum-

stances. This has been the rationale for privatization. George Shultz, who has held at different times the two senior cabinet positions in the US, commented wryly in the *New York Times* in October, 1984: "I learned in business that you had to be very careful when you told somebody that's working for you to do something, because the chances were very high he'd do it. In government, you don't have to worry about that!"

Over the years many comments have been made about democracy, in the nature of aphorisms or epigrams, with tongue firmly in cheek, or perhaps also in momentary impatience or exasperation. Some examples:

1. Democracy is the name we give the people whenever we need them: Robert, Marquis de Fiers and Arman de Caillavet, 1913.

2. Even though counting heads is

Emerson.

Such comments are in a sense revealing of public perceptions and expectations, democracy not being an end in itself but a means to a larger purpose. To be sure none of the quotes is of recent vintage. What is significant though is that these were by eminent individuals from developed nations, speaking about their own systems and countries. Whether or not these still apply -- or ever applied -- is not as relevant as the fact that they underscore the trials, travails and tortuous paths through which democracies often enough may have to pass on way to the goal of development.

There are today essentially two variations of democratic government: the Presidential model with its checks and balances and separation of powers, and the older Parliamentary or Cabinet form. Gov-

decide the agenda of the meeting and to sum up discussions at its conclusion. Prime Ministers today certainly exercise far greater authority.

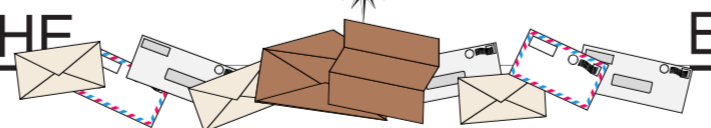
The judiciary, as distinct from the legislature and the executive, in a democracy is removed and remote from the rough and tumble of politics and popular pressures. It is the custodian of democratic norms and guarantees. As the ultimate arbiter of constitutional propriety, it does, however, when needed, have a vital role in the protection of democratic governance. In the last US Presidential election, in the minds of many, it was the Supreme Court almost as much as the electorate which decided the outcome. In the waning months of the Narasimha Rao Ministry in India, there were times when the Supreme Court seemed to be virtually running the government. In Bangladesh,

apparatus they had been provided in order to steal from us!

It is strongly recommended accordingly that the authorities launch an investigation, preferably under cover, to find out if this kind of abuse is actually taking place or not, particularly as it involves very obvious security lapses which could be exploited by terrorists. Meanwhile if any other passengers have also suffered from such incidents recently I would request them to please also write in to *The Daily Star* so we may try to assess the scale of this organised thievery at our international airport.

RB, Dhaka

TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR TO THE EDITOR



Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of the writers will be protected. Letters must be limited to 300 words. All letters will be subject to editing.

"DV or no DV?"

Mr. Karim regarding the three criteria you mentioned in your letter "DV or no DV" (Dec 9), yes all three of them are Bangladesh citizen, the applicant had a five years work experience certificate and regarding the third point you raised well I fail to find any security threat to US administration by a wife of village school teacher!

Anyway Mr. Karim, you seem to have missed my whole point I raised in my letter (Dec 9). All I wanted is that US emigration department provides clear explanation to these applicants for not being selected even if it was because of one of the three criteria pointed out by you. We have no issues when emigration

department are extra cautious regarding tourist/visit visas but when the offer for emigration is preliminary made by US emigration department (such as DV/OP) I believe a bit more clarity is expected while rejecting an individual; especially to these 'poor Bangladeshis' (as you wrote) trying to get a legal entry to this land of hope and equality. Sani, Dhaka Cantonment

"Where is Bin Laden?"

I enjoyed reading Abdul Alim's write-up "Where is Bin Laden?" (December 18), not because of his eloquence but because he wrote exactly what we were discussing lately.

I would like to take this opportunity to thank *The Daily Star* for publishing the article. And, thanks a lot to Mr. Alim for his well-written piece and for taking the time to write something we all know but do not bother any more. Shakila Mirza Quatar

Lower Courts are following police in corruption

While police stood first, the lower judiciary secured second position in the list of corrupt institution as reported by Transparency International. It simply reflects the horrifying condition of a country where jus-

ice for a poor people is a far cry. Even though police is well known for corruption, spotlight is now on the judicial system. In spite of verdict from the court, the government is slowly progressing in separating judiciary from the executive branch of government. In the mean time, corruption is spreading through the whole system. How can we come out of this quagmire? Oli Md. Abdullah Chowdhury Miramaidan, Sylhet

Free Saleem Samad and Priscilla Raj

Bangladesh Government is still keeping two journalists Priscilla Raj and Saleem Samad behind the bars. While those foreign journalists

who hired these two as fixer and interpreter have been freed and already left the country. It does make no sense why these two should remain in police custody. IF GoB think they might need to talk to them in the future they can talk to them any moment. Priscilla and Samad are not fleeing the country and they can't do that even if they want to if GoB prevents them from doing so. Bangladesh Government has to understand that in terms of international media relations, the present time is not the best one. GoB has to proceed very cautiously in dealing with journalists.

Otherwise it will be the activities GoB those will make the strongest case to prove that there is gross vio-

lations of basic human rights in Bangladesh. Rumi, Michigan, USA

Security lapses at ZIA

I would like to bring to the attention of the authorities and the general public an unsettling experience, which throws a potentially negative light on how Zia International Airport is currently being managed. A friend of mine recently travelled on Emirates to London. On arrival however she found her suitcase was missing. It was finally delivered to her four days later as it appeared that the suitcase had been left behind in Dhaka and had not been placed on the flight.

The suitcase was outwardly undamaged but when opened it became clear that one small valuable item was missing. In addition some letters that she had been carrying in her suitcase for mailing had been all carefully opened, obviously in hopes of finding cash money in them.

While I have no proof of this it seems a logical inference that the suitcase had been X-rayed in Dhaka before being loaded on the aircraft and items deemed to be of interest had been identified so that this particular suitcase could then be set aside and burgled at leisure. In other words it is possible that the security personnel who were supposed to protect the interests of the travelling public had instead used the technological