

## Separation of judiciary still not in sight

### Govt should be held accountable

ON April 19 the Supreme Court granted the government an astonishing 18th extension of time to fulfill its 12-point directive, originally handed down in December 1999, to separate the judiciary from the executive. The Law Minister pledged that the three month extension granted by the SC in April would be the last and that the government would seek no further extensions.

Three months from April 19 is July 19, which has now come and gone. Did the government complete the separation of the executive from the judiciary within this time or did the government once again break its word? Unsurprisingly, the government broke its word.

Not only that, when the SC signaled that it was prepared to give the government one last 4-month extension on condition that the government agree to seek no more, the government, which had earlier pledged to complete the separation by July 19 said that it couldn't make a time-bound commitment.

The SC then took the step to adjourn hearing on the government's appeal until November 9 without granting it more time. We cannot help but notice that in effect the government has got a time extension. To the extent that July 19 has passed, the government is already enjoying an extension and the adjournment does little more than to formalise the extension until November 9.

The SC has the power to hold the government accountable, and it is clear that if it chooses not to exercise its power, that the government will continue to drag its feet on a constitutional imperative and the SC's well-laid out directives to redeem on it.

Public perception is if the government had the will to implement the SC directives it could have done so by now. Alternatively, had the court itself served a deadline on the government, the latter could be held answerable to it. The government's dithering on its own election manifesto pledge to separate the judiciary from the executive can but lead to one conclusion: contrary to its public pronouncements, it actually wants to retain executive control over the subordinate judiciary. We would like to be disproved on that well before the government's tenure ends.

## Buriganga erosion

### Basila should be an eye-opener

THE small village of Basila is suddenly facing the threat of being washed away by the river Buriganga. At least 11 buildings have already been devoured by the river and villagers are passing their days in great anxiety. They were not at all prepared for such an onslaught.

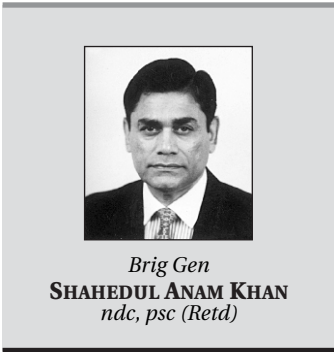
The bank-denuding fury of the river is put down to an interference with its course. Reports say that the natural flow has been obstructed by encroachments at three points. Brick kilns have been built in those places and sand quarrying is going in an unplanned manner. In other words, the river has become a happy hunting ground for some unscrupulous people. And it is not clear what the law enforcers have been doing to stop the illegal businesses.

There is no doubt that the whole crisis is man-made and the elements responsible for it can be charged with not only encroaching upon a river but also with causing incalculable damage to people.

The disaster was an avoidable one and the officials of the BIWTA and the district administration knew that the encroachments had to be removed, and they even promised to the villages that necessary action would follow. But nothing was done and people have paid dearly for the official lapse. Shouldn't the relevant government agencies therefore be held responsible for the disaster? The victims have every right to know why the issue was neglected.

The fury that the Buriganga unleashed on a village is proof that tinkering with the natural flow of a river can have multiple negative effects. While the river may get polluted, the danger of erosion and flooding also increases considerably, particularly when unplanned sand quarrying takes place. The government better respond to the call for saving the river and take stern action against encroachers immediately. The river must be allowed to flow naturally without any obstruction.

# Trouble in paradise: Maldives on the brink?



THE idyllic Indian Ocean archipelago of the Maldives is in the news. A state of emergency has recently been imposed in the island, putting a cap on whatever little political activity that the people of Maldives could participate in, and the very little dissent that they were permitted to register. The only other thing, apart from the political dissent that the Maldives president is seized with, as much as any other of his countrymen, is the prospect of global warming submerging the island to oblivion.

Observers say that in this one-party state, a show of dissent is rare, and rarer is the graduation of dissent into violence. Maldives President Mameoon Abdul Gayoom, the longest serving Asian head of state, who describes Maldives as a "unique democracy," is perturbed at the level of dissent that has been simmering for several years, and the state of emergency comes at a time when he has already expressed his intention to enact political reform in

the next five years, i.e. within the timeframe of his sixth term as president.

Mr. Gayoom has ruled the tiny island nation for the greater part of its independent existence that came about in 1965 when Britain gave this Indian Ocean island protectorate of hers self-rule. In addition to being the head of state, Mr. Gayoom is also by constitution, the Commander-in-Chief of the Armed Forces and of the Police, Minis-

its per capita income which in the region of two thousand US dollars. Whether or not the per capita income is distributed equally all over the island and among the population of about a quarter million is another question. One would have to admit, though, that the Maldives economic figures would make any South Asian country proud to have achieved half of, particularly its per capita income.

Reportedly, the recent protest began

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ter of Defence and National Security, Minister of Finance and Treasury, and Governor of Maldives Monetary Authority.

The constitution empowers Mr. Gayoom to appoint the Cabinet and one-sixth of Parliament, and the "supreme authority to propagate the tenets of Islam." President Gayoom also has control over the judiciary in that he has the power to appoint and dismiss judges, and to review and overturn decisions of the High Court.

Insofar as economic prosperity of Maldives, is concerned there is indeed considerable merit in the president's claim that it is his rule that has brought the Maldives the high economic growth that it now enjoys. This is borne out by

when people gathered in front of the police headquarters in Male demanding the release of four reformists who were arrested last week. The recent discontent surfaced in a virulent form after Gayoom was selected in a referendum, with him as the only candidate, in Oct 2003. Although Maldives' constitution provides for free presidential election, open to participation by any Maldavian who is a Sunni Muslim above the age of thirty-five and of sane mind, there has never been a candidate that opposed President Gayoom in the elections. Why and how there came to be no one to oppose Gayoom at the ballots, there being so much opposition to him on the streets, is difficult to explain.

It is, however, an interesting development, given his predilection for power, that Gayoom should contemplate political reform at this point in time when, according to his own description, it was during his presidency that the tiny island state developed in the way it has.

But Gayoom's opponents say that the economic development has come at a huge cost to human rights and democracy. The last twenty-six years,

sixth-term ballot, indicate the growing frustration of the Maldavians at the slow pace of political reform.

The proposed reforms make very interesting reading. For example, the changes suggested would in good measure curtail the president's powers, in that, he would not be able to appoint the eight members of the parliament that the current constitution empowers him to. It would also allow freedom of association, which in itself is significant

since although the current constitution allows political parties, Maldives is in fact a one-party state.

But his critics question the right of the Maldives president to amend the constitution, which they claim is the exclusive preserve of the special Majlish (Upper House), whose function and composition is also stated in the Maldives' constitution. The power to make and amend the Constitution of the Maldives shall be vested in the People's Special Majlish, according to Article 92 of the constitution.

But Maldavians' skepticism arises more from what Gayoom's brothers are doing to ensure that his reform measures are not implemented. There are reports that one of his brothers has

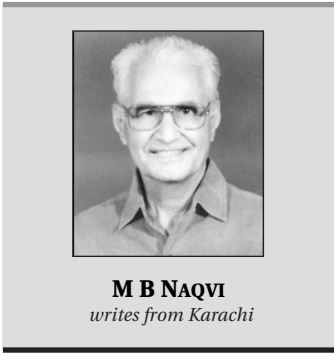
threatened practically all the heads of the atolls and the islands that unless they get people to write to the president asking not to introduce the party system, they will not only lose their jobs, they might also end up with suspension and long prison sentences. He has publicly called upon the people of Maldives to reject the very amendments his elder brother Gayoom has proposed in his speech on June 9, including pluralistic democracy and separation of powers. Another of his brothers proudly claims that, "we the Kaaminee clan owns this country and there is nothing anyone can do about it -- we have the power to do whatever we want!"

The winds of change have come upon what some describe as the paradise island of the Indian Ocean. By all indications President Gayoom is not blind to the recent developments. The sooner the people of Maldives become master of their own fate and captain of their own destiny, the developments that are claimed to have taken place may help the system in Maldives to be more egalitarian than what it is now.

Changes in Maldives will come about eventually in spite the Kaaminee clan's claims to the law of primogeniture.

The author is Editor, Defense and Strategic Affairs, The Daily Star.

# Independence Day thoughts



FIFTYEIGHTH Independence Day has just passed. It was a Day to see how did we start and where do we stand. Most recall the sad setbacks; it has become a ritual. One has gone through it umpteen times. All assessments of the past show too many failures and too few successes. Plus points include a question-raising economic development and even more controversial "achievement" of having nuclear capability. This year let us consider the present and its challenges.

Pakistan, as if it was fated, is yet again under a one-man dictatorship. The Army remains in full control of national affairs and new institutions suggesting democracy are deceptive. The ruler has declared it is complete and 'real' democracy; nothing more need be expected. It is perhaps the maximum democracy that a military strongman can concede. Is it going to satisfy the 15 crore Pakistanis? The answer is blowing in the air -- events suggest it.

Those who do not swallow the official spin on events, notice four ongoing major struggles or polarisations. The first has been caused by the incurable itch of the Army to take over: As soon as a take-over takes place, an army of civilian time-servers, sycophants, carpet beggars and a portion of the social elites, the Khans, Chaudhries, Waders, Pirs et al, rush to welcome the new Saviour and set up a new Muslim League to serve him permanently -- until the next Man on a Horseback arrives. The rest of the populace remains unmoved and ignores the

change. This division remains mostly dormant, except when some spark ignites a prairie fire of protests.

The oldest division was over ideology. Elites remain satisfied with Muslim Nationalism, invented by Muslim League regimes that love a Strong Centre and oppose regional or ethnic nationalisms. This invention came after successive governments ignored Jinnah's secular Pakistani Nationalism. Ethnic nationalists call

Islamic at the time of its promulgation though shortly thereafter they always reverted to their variously named demands. The Ulema who had expressed voluble satisfaction with the new Constitution in 1973 as quite Islamic were loudest in demanding Nizam-i-Mustafa in 1977.

Today this contradiction has come alive as an open war rages between Islamabad and al-Qaeda; the latter is assisted by Taliban and assorted Jihadi

talks are again threatened because Islamabad still wants tangible progress on Kashmir before it will actually make any other agreement.

Gen. Musharraf used to claim in 2001 and 2002 that he switched sides in Afghanistan in order to preserve stances on Kashmir and nuclear weapons, thus foregoing much influence in, and friendship of, Afghanistan. Highest price paid by Pakistan for the sake of Kashmir is in

shift in Pakistan's Kashmir-centred India policy. Strategically, Pakistan must cultivate as close a relationship with India as possible and create durable structures of peace, including Indian vested interests in preserving friendship with Pakistan. Does that require giving up the Kashmiri cause altogether? Not necessarily. All it required was what Pakistan has already conceded -- at least in words: it should refrain from infiltrating into

better intelligence or policing only; al Qaeda cannot be contained without changing society's ambience.

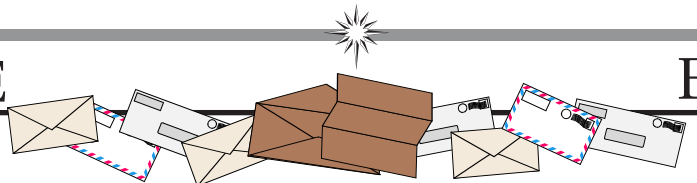
Whatever the extent of Islamabad's present military action in South Waziristan and Balochistan, objectively Pak forces are again fighting regional nationalists; this is clear enough in Balochistan but this aspect is not absent in NWFP. Remember previous wars against regional nationalists in East Pakistan and Balochistan. We can forget East Pakistan. India's role confused that situation and provided a fig leaf to the Army. Does anyone really think that Bhutto or Zia won over Baloch nationalists in the 1973 military action? What legacy has it left behind? The gun is no answer to a political demand. Let's talk while there is still time.

What policy changes can be expected to take the ship out of choppy waters? If Pakistan is not to go to war again and it should accept that position -- the huge military establishment needs to be drastically cut. Arms races need to be stopped. A purely defensive force structure -- small more mobile, well-equipped, well trained, more professional and its officer corps tightly disciplined -- is what we need. Nuclear weapons need to be rethought.

Economic development needs three times or more funds than it is getting in the public sector for infrastructure expansion. We need to evolve a Pakistan-specific paradigm of growth with social goals spelled out: creation of as many jobs each year as to provide for new entrants to labour force. A better redistribution of incomes policy is needed to counter the trend of rich becoming richer and poor poorer. Economic wellbeing of the common people should be the specified goal. Each Pakistani needs to be made a stakeholder. Power must return from the Army Officers Messes to the poor and neglected commoners by re-establishing the supremacy of the Parliament in the first instance.

MB Naqvi is a leading columnist in Pakistan.

## TO THE EDITOR TO THE EDITOR TO THE



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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.

### Modernise flood management

Bangladesh, being a land of rivers, too often experiences dreadful destruction due to floods. Usually appearing in the rainy season, it sweeps away houses, property and crops, leaving behind thousands of shelterless people.

Forty-one districts went under floodwater this year. The question that arises at this point of time is, why the flood management system is so ineffective? We should remain better prepared to face such calamities in future.

**Md. Al Amin Sagar**  
Dept. Of Law  
Dhaka University

### Doubtful relief operations

Bangladesh is virtually paralysed due to the unprecedented inundation. To provide urgent assistance for the flood

victims, every day the prime minister is receiving a large number of cheques and other relief items from different domestic as well as multinational organisations, institutions. NGOs, donor countries and agencies provide a big amount of relief for flood hit areas and people. Every day ministries like communication, health, education, agriculture etc. are making special policies and organising roundtable meetings, seminars to gear up relief operations. But people continue to suffer.

I would like to ask the minister concerned and other policy-makers whether such relief and assistance reach the remotest flood stricken areas. Will these donations be utilised properly for the right people and for the right purpose?

**Sharif BBA**  
Islamic University  
**An answer**

This letter is in response to the letter 'Honesty is a concern?' (DS Aug 9, 2004) by Mamunur Rashid Tomal, DIU, which is, in fact, written in response to my letter 'We are not honest' (DS Aug 6, 2004). M R Tomal has certainly got me wrong which he can correct with the help of the quotation from my above mentioned letter "I must say, ... the honest faces generally cannot surface being subdued by the pretentious ones." I never shut my eyes to those people who celebrate the days with honesty, veracity. I condemn those people who vandalise the sanctity of the days. And I found them in great numbers. And I found they are young boys and girls who come out to party on these days for wild 31st night like celebrations. And their number is huge. The honest people are a few whose number is not worth counting- it is something like ten or less than ten out of a hundred. I have talked of two sides, how can I be

then one-sided?

Mr. Tomal extended his charge accusing me of "thinking too far away from the reality". I think he is little oblivious of the reality( please do not feel hurt, I do not have any intention of hurting you). I ardently request you to observe the things a little practically- not being overwhelmed with emotions. It is obvious that one would be emotional seeing lots of people observing the national occasions with much enthusiasm, but we must see who are the people in the crowd and what they are doing. The essence of the days is not maintained throughout the whole year, and these people are found to spoil the values even on the auspicious days. You must have seen young guys coming to Ekushey Boi Mela at Bangla Academy. Do you think they come to read or buy books? Didn't you find the boys running and jostling into the girls, and the girls hovering all around the Mela? You

must be very happy seeing these young guys coming to the Mela and thinking that the young people are reading books, but I cannot be so, observing "what lies beneath".

So honesty is a great concern to me. Is it of less value to you? Your question in the title makes me doubt that you value it less. Our moral and ethical degradation has declined to an alarming point. Our hard-gained independence has brought little benefit to the common masses. We have not been able to introduce any remarkable political, economic, social or cultural development since independence, because we are not honest about what we do or say.

**Mahfuzul Haque**  
Department of English, University of Dhaka

### Relief distribution

The relief work throughout the county is in a mess, there is no co-ordination

between different agencies and hence there is gross mismanagement. It is hampering relief work. It will be proper if UN relief agencies are allowed to distribute relief materials. The thana level government agencies should distribute relief materials and each thana should have representatives of UN relief agencies to supervise the distribution of relief materials to the bulk of the population.

Otherwise, there cannot be fair distribution of relief materials and it will never reach the poor and the needy, but will only fill up the pockets of the middlemen.

**SM Khalid Chowdhury**  
On e-mail

### Those hapless children

Another domestic help was killed in Khulna a few days ago. Looking at the picture of the corpse printed in newspapers, tears must have rolled down people's faces. The lives of

many domestic help, mostly innocent children, are being snuffed out by their employers, the so-called educated (!)people proud of their career, but so reluctant and indifferent to behave properly with those young boys and girls.

However, those children or adolescents, absolutely unconscious of their rights, look up to their employers, whenever they commit a mistake undesirably. Unfortunately, their employers can't forgive them. All of us are not equally fortunate, if they were as fortunate as you, Mostakins and Putuls would be the pupils of expensive English medium schools.

Conversely, if their employers were as unfortunate as their servants, they would be residents of slums. However, in our structured and bulky theoretical education, we learn "what to think", but not "how to think".

**Nasir Uddin Roney**  
Dept. Of Anthropology, University Of Chittagong

### Burial of Dr Azad

I live in the US and have been following the episode of Dr. Humayun Azad's death in Munich.

Without going into a preamble, I want to say that the DU syndicate has taken the right decision by not allowing the late professor to be buried on the DU campus.

Dhaka University is the seat of highest learning of the country with a lot of history, heritage and traditions. The central mosque of the university and the small graveyard next to it are very special places. Only very distinguished people were given the final resting place there.

**Wahid Chowdhury**  
On e-mail