

Thirty-four years of independence

Where we should have been

ALMOST three decades and a half ago today we took the most momentous decision as a people to launch an armed struggle to wrest out a homeland from the Pakistan occupation forces with the blood of genocide in their hands. It was, however, not merely physical independence we had to fight for, there were certain accompanying ideals we had nurtured early on with a deep yearning for realisation as soon as we freed ourselves from the clutches of the then Pakistani establishment.

The aspirations bred in the nursery ground of experiences with Pakistani rule were simple, unambiguous, clear-cut and straightforward. The chief among the goals we set ourselves for attainment in a free Bangladesh were to build a society free from authoritarianism, racism, religious bigotry, communalism, cultural imposition, economic exploitation, poverty, hunger and squalor.

Our Muktiyoddahs comprising peasants, workers, students, listed soldiers, military and political leaders, the shelter seekers in the refugee camps of India and the people breathing the forbidden air in Bangladesh under occupation had one thought in mind: Once free, they will have a system, political and economic, in which their creative energies would find the most constructive expression through nation-building efforts leading up to collective good of the nation, based on the principles of equity and justice.

Much of that original vision seems to have been overtaken, even endangered by negative developments, some of them of relatively newer origin. For instance, tendencies, more overt than covert, are in evidence towards using religion for political purposes. The BNP-led coalition government comprising far-right Islamic parties looking askance at the early manifestations of religious militancy linked by an association of thoughts, to grenade attacks etc. have allowed extremism to grow to a recognisable height. Although the government has banned some of the groups and ordered arrests of leaders, picking up some already, the existence of a small minority extremist group is a stark reality. They are a minority on the fringes but a potent threat nonetheless to the stability of the society.

Unless neutralised soon enough they could burgeon into monstrosity and put a spanner on the vision of a forward-looking progressive Bangladesh. We shall be doing ourselves a great disservice if we should dismiss it as a law and order problem.

We have struggled with the form of democracy while the substance of it has eluded us through the obsessive pursuit of a political culture of mutual distrust and intolerance. The unbridled weakening of institutions has left them in extremely fragile conditions. The executive, legislature, judiciary and the fourth estate are yet to develop healthy equations between each other.

The rich-poor gap has yawned instead of diminishing over the years. Ironically though, the size of GDP has grown and the rate of its growth is sustained at above five per cent.

We are not at all oblivious of the achievements however slow-paced these have been over a long period of time. The scorecard on the positive side includes food self-sufficiency and the positive readings of socio-economic indicators including drop in child mortality through successful immunisation programmes, increase in female literacy, women's empowerment and lower birthrate.

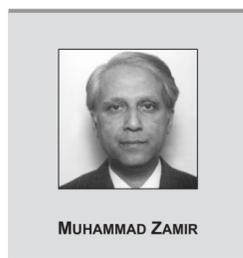
These advances have been tallied in spite of mis-governance, political unrest and lopsided service deliveries. Had the back-pulls been avoided, the progress in the socio-economic area would have been so much the greater. At any rate, what is important to note is that the human asset which has proved its utility regardless of the constraints remains our biggest endowment.

But let us not forget at the same time that if corruption and wastes were minimised, hartal renounced and rule of law existed, the GDP growth rate could have been a few percentage points up enabling us to compare favourably with that of the fastest growing China and India.

That Bangladesh which at birth stood out as a symbol of people's struggle against injustice all over the world, would have an image problem down the road is simply unthinkable. Let's face it, much of it has been our own doing. But overcome we must -- by setting our house in order.

Thirty four years is no small time in the life of a nation when one computes it in terms of the economic miracle performed by some South East Asian countries -- Malaysia, South Korea and Thailand -- which compressed it all in half the time we have passed as a nation.

Assessing our image on our National Day



MUHAMMAD ZAMIR

FOR every Bangladeshi, today, the 26th of March is important. It is central to his/her existence as a free citizen of an independent country. It marks the victory of conscience and sacrifice over human rights abuse and discrimination. It also provides us with an opportunity to re-evaluate ourselves as a people and as a nation.

In the recent past, we have noted with interest, the efforts of a certain section of the present Administration, to discover a scapegoat for the terrible reports that have been appearing abroad with regard to Bangladesh. These wise men have looked at the mirror and not discovered their own faces. They have put down all these adverse stories to the failure of the Ministry of Foreign Affairs.

In this context, it has also been suggested, that this Ministry, its leadership and its officials have 'miserably failed to uphold Bangladesh's image abroad when an anti-Bangladesh campaign is being carried out globally.' It has also been alleged that 'the existing set-up' of this Ministry 'has proved to be ineffective in pursuing economic diplomacy and presenting Bangladesh and its causes properly to the international community.'

Such criticism has, however, failed to perceive the real reasons for this recurring problem. It has not addressed itself to the fact that the

Foreign Ministry and our various Diplomatic Missions abroad are greatly circumscribed by the image of the government at home.

We may expect the Foreign Office pundits to be spin doctors, but there is a limit to such expertise. Given the poor record of current governance, at every turn, the Bangladesh Ambassadors are faced with serious obstacles.

These adverse reports are available abroad not because of the tactics of the Opposition, but more so, because of modern e-communication

information and statistics from their development partner representatives within the civil society (involved at the grassroots level as front-line participants). This is the reality.

Consequently, it would be palpably wrong to ascribe all critical reports abroad to 'endeavours and propaganda disseminated by interested quarters and conspirators.'

The government has claimed that Bangladesh is a success story and that the Foreign Office has been unable to project this successfully

are not the only side of the coin. There are also negative factors, that are crowding the stage. Consistent with the proverbial ostrich syndrome, our government feels that if they refuse to recognise these ills, they might just disappear.

On this day, we must be bold enough to accept that Bangladesh today suffers from poor governance, and that this situation has been created not only by certain politicians, but also by other stakeholders like bureaucrats, and officials responsible for law and order as well as

unwarranted lethal force, torture during interrogations, corruption in the police force, a large backlog in processing judicial cases, limiting the freedom of assembly, continued trafficking in women and children, societal discrimination against religious minorities and inability to find and punish those guilty of violent acts. Some other human rights groups also called into question the lack of fulfillment by the government of certain constitutional obligations.

We have also seen how this anxiety on the part of the donor

Missions can defend the country's image more effectively abroad, only if the government performs more positively in our domestic arena. That includes upholding the rule of law, giving due respect to the Opposition and instituting good governance through the guaranteeing of fundamental freedoms and human rights. This will reduce criticism and ensure a fairer projection of the country. The solution lies in having a bi-partisan approach and proving that democratic institutions cannot only work, but that the judicial process is not subject to political interference.

The government could also consider taking the practical measure of establishing lending libraries in each of our Missions abroad. This has been done by India. They could be resource bases. It will not require a large budget and could be sponsored by the private sector in Bangladesh. Every year, a team, under the guidance of the Foreign Secretary and the Information Secretary, could purchase a set of one hundred books, published in Bangladesh, for the library section of each Mission. Similarly, CDs of Bangla songs, DVDs of our theatrical plays produced for the television, DVDs of important television programmes devoted to Bangla architecture and advances made in various sectors of development could also be sent to these libraries. Our large expatriate population could then take advantage of such a lending library. Indirectly, each one of them could be Ambassador of our country's positive side within the host community.

Everything else will follow. This approach will be far better than constituting a Bangladesh Strategic Country Promotion Council and preparing associated Reports by the Ministry of Foreign Affairs.

Muhammad Zamir is a former Secretary and Ambassador -- any response to mzamir@dha.com

POST BREAKFAST

The question of upholding the image of our country abroad does not rest alone with the Foreign Office. The ball is really in the court of the other Agencies of the government in Dhaka. The Ministry of Foreign Affairs and our Diplomatic Missions can defend the country's image more effectively abroad, only if the government performs more positively in our domestic arena.

media facilities. The internet, as well as Bangladesh international satellite TV channels (like the ATN and Channel-1) have introduced globalisation and transparency. They have brought the world closer and opened windows to the core of every country. They instantly make available information to whosoever might be interested in accessing to facts. Our government seems to have forgotten that there are search-engines which are maintained by Yahoo or Google and that their spread-outs are always updated.

The government also appears to have overlooked the fact that there are many foreign Diplomatic Missions and Resident Representatives of multilateral institutions in Dhaka. They read our local newspapers and listen to local television before sending their own assessments to their respective governments or headquarters. One has to be quite naive to think otherwise. Economic wings of various Diplomatic Missions in Dhaka also obtain objective

information and statistics from their development partner representatives within the civil society (involved at the grassroots level as front-line participants). This is the reality.

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Of individuals and institutions

MEGASTHENSIS

CHARLES Evans Hughes is not a particularly familiar name and personality in most nations or to most peoples. Even in his own country, the US, he is not exactly a household name. In the early decades of the last century, though, he successively held high offices of state, in each of which he excelled. His was a long and distinguished life and career of public service. In 1906 he was elected Governor of New York, a position to which he was re-elected in 1908 and which he relinquished in 1910 on being named Associate Justice of the Supreme Court. In 1916 he left the Court to run for President as the Republican candidate against Woodrow Wilson. He lost, but narrowly. When the Republicans returned to power in 1920, he was appointed Secretary of State. He went on to serve on the Permanent Court of International Justice, the predecessor of the present International Court of Justice, and in 1930 was named Chief Justice of the US Supreme Court, his last public office from which he retired in 1941 at the age of 79.

In the late 1970s possibly, an associate professor of history in Iowa, surveyed 50 diplomatic historians of the US in an attempt to identify the six greatest secretaries of state in US history. Hughes was ranked fourth and placed in the select company of John Quincy Adams, Seward, Hamilton Fish, George Marshall, and Dean Acheson. In 1971, two US law professors polled 65 academic experts and legal scholars to rate justices of the Supreme Court -- mainly of the past but perhaps also including some long serving judges still on the bench -- according to degrees of excellence, ranging from Great to Failure. Hughes was one of only twelve to be included in the top category of Great, out of around 100 justices covered by the survey, alongside of Justices Marshall, Holmes, Brandeis, Warren, Black, Frankfurter, Cardozo, Harlan, Stone, and two others. As state Governor, before his appointment to the bench, in a speech at Elmira, New York, Hughes famously observed, "We are under a Constitution but the Constitution is what the judges say it is, and the judiciary is the safeguard of our liberty and of our property under the Constitution."

Lord Caradon was of a later generation, the eldest of the famous Foot brothers, who served in the decade of the 1960s as Britain's Permanent Representative to the UN, the apogee of a varied and distinguished public life. He had once commented -- possibly apropos of talk of UN reform and with tongue at least partly in cheek -- that there was nothing wrong with the UN except its member states. In 1965, paying tribute to U Thant at the 20th anniversary celebrations of the UN, Caradon asserted: "We all know that we cannot rely on the infallibility of any human being, including the Secretary General. But it is good to know that we

relatively new democracies, where institutions may need to be reinforced, traditions have yet to take sturdy roots, and appearances are so crucial for credibility and acceptance. The late Zulfikar Ali Bhutto, according to his aide and confidant Rafi Raza, was said to be of the view that "no elections were ever fair in Pakistan." Ahead of the fateful 1977 elections, he posed the loaded question to Raza: "Do you think that Ayub defeated Miss Jinnah fairly?" All this is candidly recounted in Raza's book on Bhutto.

More than a quarter of a century has elapsed since Bhutto's passing. And yet even today his supporters and admirers

for this purpose. The 13th constitutional amendment of 1996 very specifically outlines the format and functions of a non-party caretaker government (NPCG), headed by a chief adviser. It would hold office for three months, and its primary purpose would be to afford every facility and assistance to the Election Commission for free and fair elections. The office of chief adviser is to be assumed by the most recently retired chief justice of Bangladesh, or in the event of his inability to do so, by his predecessor. If no former chief justice is available to serve as chief adviser, the most recently retired justice of the Appellate Division of the

of retired judges of the highest court for the credibility and dignity of the institution of NPCG. Judges of the superior courts in a democratic polity interpret the law, decide intricate issues dispassionately on the basis of facts and the law, and in general administer justice. They are, almost by definition and also convention, apolitical, but often enough have to address complex political issues. In countries as distant and distinct as the US and Ukraine, the highest courts have in recent times been arbiters of presidential elections.

To avoid even the appearance of impropriety or conflict of interest, a judge of a superior court enjoys the

process. To be sure it had and has its critics, indeed nothing crafted by human minds, hands, or endeavour can be so perfect that it cannot be improved upon. Certain questions or lacunae persist, which can surely be clarified or resolved. Does the very need for such an institution reflect unfavourably on the level of mutual confidence between the major political players; no other country has adopted it. Secondly, such a dispensation provides for rule by a non-elected government, albeit for a brief period every 5 years. And finally, does the system lend a political aspect to the role of the judiciary, whose dignity and prestige derive so much from its apolitical nature. Political and social needs of a country are not infrequently in advance of the law. If there is a widespread need or demand for change in a system, this can always be accommodated through constitutional change.

There are certain pre-requisites for any system to function to its potential without distortions. Institutions comprising a system should be robust, realistic and also sufficiently flexible. Institutions should be run by those most qualified for the task. Finally -- and this is almost as crucial as any other factor -- an enabling ambience or a spirit of moderation for any public system to function. Judge Learned Hand, perhaps the greatest judge of the US Supreme Court never had -- although he was for years in contention for a seat there -- made this point as felicitously and forcibly as anyone in 1942, in a talk on "The Contribution of an Independent Judiciary to Civilization."

As Learned Hand put it: "[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 responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish." He was, of course, speaking of the human limitations of a specific human institution, however exalted. The spirit of his observations, however, should apply to other human institutions also, especially those involved in and concerned with the public or general well-being.

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LIGHTEN UP

Since its inception, the mechanism of NPCG was seen as an innovation to bolster the democratic process. To be sure it had and has its critics, indeed nothing crafted by human minds, hands, or endeavour can be so perfect that it cannot be improved upon. Certain questions or lacunae persist, which can surely be clarified or resolved.

can rely on his total integrity."

Hughes' observation and Caradon's comment would underscore or connote some very basic truths. First, the primacy and pervasiveness of the Higher Courts of Judicature in a functional polity. Secondly, the subtle, almost symbiotic, relationship between any predominantly political institution and those -- individuals, groups, or purposes -- it is geared to serve. And thirdly, the most that one may realistically or legitimately expect of any person or persons.

Democracy is above all else a means to an end, and the end of all political effort can only "be the well-being of the individual in a life of safety and freedom". General elections are integral to any democratic dispensation, indeed they constitute its very essence, substance and, leitmotif. It is thus entirely in the fitness of things, and even indispensable for fairness and transparency, that there should be an absolutely level playing field for this pivotal political event, that the trappings of incumbency should not be a factor, emphatically not a major element, in deciding its outcome. This aspect may be more germane to

are legion, as are those who regard him with undisguised distaste. The fact remains though that since his appointment to the Cabinet at the ripe young age of 30 in 1958, till his grisly end more than two decades on, he was intimately involved with the politics of Pakistan. He was a complex personality, greatly gifted and also fatally flawed, who could not quite make the transition from a feudal to a democratic mindset. Many are in no doubt that the elements of braggadocio and self-aggrandizement were seldom too far removed from much of what he said or did. His comments -- aimed essentially at his own country -- would reinforce though the imperative of free, fair, and transparent elections in any thriving democracy.

In parliamentary democracies, once parliament is dissolved, the outgoing government is transformed into a caretaker cabinet with powers that are more circumscribed. The suggestion has even been mooted that caretaker cabinets might be reduced in strength to comprise only the Prime Minister and a bare minimum of other ministers. The object, of course, is a level playing field before the election. In Bangladesh, a formal institutional arrangement has been put in place

Supreme Court would hold the office and the same procedure as in the case of a former chief justice would apply if he is unable to serve. In the absence of a retired justice of the Appellate Division to assume the office, an eminent person, acceptable to the major political parties, would be named chief adviser. As a final resort, if the other options cannot be availed of, the President himself would assume this high responsibility. The constitutional provision is thus eminently flexible.

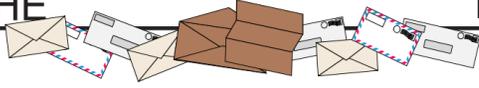
General elections have been held twice under the auspices of a NPCG, in 1996 and 2001. In both instances the outgoing governments were not returned to power. In both times the chief election commissioners were appointees of the outgoing governments. And in both cases, the outgoing governments, in deciding on the timing of elections and dissolution of parliament, also decided, in effect, who would assume the high office of chief adviser, or more accurately who would be given first refusal in this regard. International election observers adjudged both elections as largely free and fair.

It is natural enough perhaps that the nation and people should turn to the prestige, wisdom and experience

latitude of recusing himself or declining to hear a case, with or without assigning a reason. Justice Tom Clark of the US Supreme Court -- a life term appointment -- even opted to retire when son Ramsey Clark was appointed Attorney General in 1967. It is of a piece with such a philosophy that a person may decline to serve as chief adviser, if he is persuaded that his acceptance may not be conducive to the essential purpose of the high office. In Bangladesh, a Head of State resigned when he concluded that he had ceased to enjoy the unqualified confidence of a good proportion of the political party that had elected him. It was surely a decision based on a moral rather than a legal or constitutional obligation. Two chief election commissioners resigned in different times of political restiveness. In one case health reasons were cited for leaving office. The thought would have weighed with both -- it is reasonable enough to surmise -- when they resigned, that their continuing to hold office, might not, for whatever reason, conduce to its high purpose.

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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.

Swindlers at work!

Ours is an age of artificiality and deception. Under the tinted glass, there is something unpleasant. In our country, the educated people have started a subtle business, which grips all students. Some coaching centres are mushrooming where there is no competent teacher but the outward decoration and the fraudulent advertisement easily arrest the attention of the general students. When the students get involved with it they get nothing but some sugarcoated lectures. The value of it is nothing. But nobody ventures to protest it. There are some coaching centres where the tuition fees must be paid before participating in the classes. In this case, the students have nothing to say because they cannot always disclose the matter to their parents. I would like to say that the

students should not fall into this trap. They should be aware of what is going on. **M.H. Hoque, Director of TELF**

Helping the smokers to quit

Bangladesh recently joined the rank of few nations that have legally prohibited smoking in public. The idea is to curb tobacco addiction, one of the major preventable causes of morbidity in the world. To make this investment in public health to really work, we must also make sure to support the existing smokers. It is not easy to quit smoking. We must understand that many smokers are addicted to nicotine. Like other addictions without the treatment the withdrawal reactions of nicotine will eventually precipitate intense craving and recidivism. That is why many smokers fail to quit even when

they are well aware of harm. The popular myth that says "your will is enough to quit" is not true for too many of the smokers. Many of the smokers are actually very strong willed, socially active and responsible human beings. Many of our friends and family members are smokers. Fearing punitive measures many of these smokers will continue to smoke indoors and put the health of family members more at risk. And those who can't smoke in home may even discover safe niches from law, where in some cases, they may be exposed to other kinds of addiction. These are the dangers we must keep in our mind.

To fight such scenario it is necessary to initiate widespread educational campaign and provide adequate support for smokers to quit. The support to quit smoking involves behavioral counseling, pharmacotherapy (like nicotine

replacement therapy or bupropion) and other support services. It is now time for our health service personnel and different NGOs who are working with drug addiction and rehabilitation to take the step forward to make use of recent knowledge and help our smokers with their choices to quit. **Dr. Kazi Mahboob Hassan** School of Population Health University of Melbourne Australia

Bush signs bill to save brain-damaged woman

Terry Schiavo's fight for life in a Florida hospital is a strong reminder that euthanasia is senseless and inhumane and should be opposed in all its forms.

Our present culture tends to consider suffering the epitome of evil. In such a culture there is a great

temptation to resolve the problem of suffering by eliminating it at the root, by hastening death so that it occurs at the moment considered most suitable.

As we approach Easter we are reminded that in Christian teaching suffering, especially suffering during the last moments of life, has a special place in God's saving plan; it is in fact a sharing in Christ's passion.

Schiavo's husband Michael claims that his wife Terry had told him she would not want to be kept alive artificially. However, even the pleas of gravely ill people who sometimes ask for death are not to be understood as implying a true desire for euthanasia; in fact, it is almost always a case of an anguished plea for help and love. True compassion leads to sharing another's pain; it does not kill the person whose suffering we cannot bear.

Unfortunately, there exists in contemporary culture a certain Promethean attitude which leads people to think that they can control life and death by taking the decisions about them into their own hands. What really happens in this case is that the individual is overcome and crushed by a death deprived of any prospect of meaning or hope. **Paul Kokoski** Hamilton, Ontario, Canada.

"Veil or no veil"

Recently I have read two articles in your newspaper on women wearing hijab.

Now-a-days western educational institutions accommodate in their dress codes the needs and beliefs of people from different religious backgrounds. School-going girls wearing a hijab is a common sight in western schools. According to Mona Eltahawy the writer of the first

letter, Shabina Begum's school authority was okay with her wearing salwar kameez and a headscarf at school. It is when Shabina tried to push it a little further by asking to wear a 'jilbab' which is a head to ankle covering on top of the salwar kameez and the hijab; the school authorities refused to grant her the permission to do so. To me, this decision is agreeable since as much as the school authorities have to be sensitive to different ethnic backgrounds, cultural values and religious beliefs, there has to be certain standard or uniformity every student has to conform to as a part of that institution as well. Be that in education, discipline, moral values or even what they are allowed to wear or not at school.

I think letter writer Shamim Rezwani wrongfully attacked Mona's point of view. In her defence, I would like to ask Shamim since when has a

16-year old girl in an average Muslim family had the right to think on her own? Perhaps this sounds a little harsh. Let me tone it down by adding that in our culture, we regard a 16-year old girl or even a boy of that age as 'nothing but a mere child and instead of letting them decide and be responsible for their own action, we, parents, think for them and decide what is best for them.

I grew up in a traditional, educated Muslim family with my mom, sisters and aunts and none of them ever wore a 'burkha' and I don't think they ever felt 'less dignified' or 'less secured' (in Shami's words) just because they didn't have an extra piece of cloth to cover them from evil eyes of their male counterparts or for whatever the reason may be. To end I would also like to say "it is all in your head, not what is on it." **Halimul Mannan** On e-mail