

Time for comprehensive constitutional amendment?

MUSTAFIZUR RAHMAN

A group of political parties has finally come up with a list of suggested changes in caretaker government, election commission and electoral system. Under prevailing system of administration, with a cluster of anti-people laws, and without functional local government bodies, apprehension of vote rigging, manoeuvring and abuse of power cannot be ruled out. It is probably this uneasy apprehension that prompts the group to suggest the changes.

The suggested jurisdiction of the caretaker government does not contradict the present provision of caretaker government as "interim government". For fair election, whether the defense shall be with the President as in the constitution or with the chief advisor, acting as the Prime Minister, may not matter much, in that the Election Commission can ask the President to provide necessary staff and assistance as per Article 120, and the supreme command of defense services vests in the President. Problems may arise only if the President chooses to declare a state of emergency without consultation with or approval of the chief advisor and other advisors. It may not however prove wrong to have faith in the President as an institution.

Appointment of Chief Advisor: If the suggestion for the appointment of the chief advisor and the advisors by "consensus of, and in consultation with all political parties, instead of selecting the chief advisor from the last retired chief justices or retired Supreme Court judges" means to suggest selection of non-controversial, qualified persons for the sake of fairness, the idea is alright, but the words "all parties", and "consensus" are not practicable. Our political parties -- large or small, are not registered and "consensus of the parties" does not necessarily mean the consensus of the people or even those who might contest the election. The idea, even if accepted as a compromise at some point, will mean bypassing and even humiliating the general

people who may not accept either the ruling or the non-ruling political parties to monopolise ownership of the country despite their varied past roles. The vast section of under-40 population cannot be carried by the emotion of freedom fighting alone. They will like to be sure of a better future in peace, freedom, social harmony, prosperity, justice, fairness and discipline. All changes must address these visions untainted by egoism or arrogance of any section of the people or the leadership.

For stability and wider acceptance, there may be established a permanent or semi-permanent constitutional body to ensure fair conduct of not only parliamentary, but also local government-and-by-election.

Non-party National Security Council: There may be "a ten-member Non-party National Security Council, including the President as its Chairman, one nominee of the President, one nominee each of the three service chiefs, four nominees of the members of the parliament-- each nominated by one-fourth of the members, and one nominated by these nine members, who shall serve as the Secretary General of the Council" which may function as a part of a non-party caretaker government with the Secretary General serving as the Chief advisor during the period of caretaker government and as a watchdog against national crises or even against violation of the constitution by executive organs of the state during other time. The president, on the advice of the chief advisor, may appoint a maximum of seven other advisors to the caretaker government, in addition to the nine of the Security Council.

As there may be a vacuum of 15 days' time between dissolution of parliament and the appointment of the chief adviser and other advisors under the present constitutional provision 58C(2), there may be a period of shaky administration. The proposed provision of Non-party National Security Council can resolve this uncertainty.

Election Commission: No one may contradict that the election

Arrogance, hatred or vengeance or deception or confrontation will take us nowhere as a nation. Parliament membership should be more than a full-time job with handsome remuneration. Their participation in the Parliament may be ensured by increasing quorum size, reducing the number of permissible days of absence from the parliament session and honouring them by removing article 70. There may be introduced provisions of people's right of enactment on direct initiative to eliminate excuses for Hartal and to establish people's right to overcome national crises peacefully.

shall be conducted by a financially and administratively independent Election Commission. All sections of the executive organs shall provide it any assistance necessary for conduct of election peacefully, fairly and impartially. In place of suggested all-party observer team, it may constitute observation teams at local levels, comprising certain number of representative(s) of all the candidates. International election observers may not be considered separately.

Voter List and Voter ID: The citizen registration card, voter ID and Tax ID may be available almost instantly if scientific, possibly non-party based, local government bodies with citizen registration, and birth as well as death registration system can be established. The idea of providing EC's own staff upto upazila level is neither workable nor necessary. The local government bodies can provide large, temporary, additional manpower necessary for conduct of election. Electronic voting system is not a foolproof cure either, at this stage of technological development, especially when all voters are not properly educated. In special circumstances, election may be conducted over two to five days instead of one day throughout the country.

Electoral Laws: The election expenses of any candidate, including the expenses for relevant facilities may be limited to an MP's 8 to 10-months' pay at the maximum as may be determined by law. The expenses, sources of fund and the list of fund managers and their obligations must be clearly mentioned and reported to EC within not more than two weeks

after election. As the election is for an elected public office, a candidate is supposed to sacrifice a part of his privacy and shall disclose all the information of public interest as may be specified by law. Violation of electoral law or furnishing of false information may be punishable by forfeiture of his seat even after declaration of election result.

To be a candidate one must relinquish his executive position in any private company, public corporation or local government bodies and shall not enjoy any benefit from such organisations during election period and after being elected.

The idea of disqualifying a

black-money holder or loan defaulter for election is not simple, in that there are other laws to disqualify such candidates. If a loan defaulter is declared "an undischarged insolvent", he is disqualified (article 66(2) b). As to black-money holder, i.e. one with unearned income, the article 20(2) of Part II says, "The state shall endeavour to create conditions in which, as a general principle, persons shall not be able to enjoy unearned incomes..."

This part II makes education compulsory, guarantees fundamental human rights and freedom and participation by the people in administration at all levels through elected representative, secures the

right to social security, asks for separation of judiciary, obliges public servants to endeavor at all times to serve the people, requires the state to encourage local government and imposes other obligations, but the article 8(2) virtually negates all good provisions by simple words, "but shall not be judicially enforceable". It is very interesting to find that there are loud voices from judiciary about only article 22 "The state shall ensure the separation of the judiciary from the executive organs of the state" out of 18 articles in this Part. These articles are "judicially enforceable" in the constitution of some civilized country. Should we not have all the constitutional rights

to achieve a just, disciplined society for honourable living?

Election Review Board: An Election Review Board may be established to expeditiously deal with election law violation and other election-related matters. It shall be empowered to cancel the election result of any particular constituency, or reverse the election result in favor of the second highest vote winner if gross violation by the declared winner is established. The function of the present election tribunal may also be strengthened to serve this purpose.

Post-election Expectation: Voting some groups into power should not be treated as giving them license for taking the people hostage and usurping state property or resorting to project-hunting in the name of development. The MPs, the administration and the civil servants blame one another for all evils. Even the heads of government happen to show unhappiness and annoyance at the state of affairs. There is one hope that everybody, despite all rhetoric to the contrary, realises that the state cannot run this way. People try to pin hope in every election for reversing this dangerous and self-destructive downward slide. If the ruling and non-ruling parties responsibly love the country, they should go deeper into the causes to rectify them, not simply look for a chance to exploit the people as has been the case since independence. The state is one, the people is one, their aspiration is one and the policy for development should be one and comprehensive.

To create atmosphere for that oneness, we must get into the hard job of comprehensive amendment of the constitution putting together all the wisdom of the nation and removing all anti-people provisions, which can protect our national interest, resources and land, deter the evils, respect people's rights, encourage creativity, strengthen economy and technological base, ensure transparency, protect students from exploitation, raise our intellectual and moral standard, establish effective and functional local government to deliver service,

and finally make the nation great. We should get rid of the bad provision of arbitrary requisition of private vehicles or property. We must create the office of Ombudsman -- not one like the tax ombudsman which has been subordinated to tax officials or civil servants whose conduct are supposed to be investigated.

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People have great hope in the law makers who have a colossal law-making task to bring discipline and rationality in the functioning of the state. We have been expecting a beginning in the right direction for last 34 years. It is the parliament members whom we look forward to, and more so now, as the coalition has the required two-third majority, who can also be backed by opposition and general people for the national cause if and only if they have and happen to demonstrate good intention. We can form broad-based committees to start the work immediately. This may prove to be a great opportunity for the ruling and the non-ruling parties and virtually for the nation. Let us act rationally and quickly before the frustrated people are in total despair, so that we do not have to repent for missed opportunity again.

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Campaigning for candidate: But the electorate deserve their expectations to be met by the winner.

London bombing: A critical analysis

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SUCH a rumour as Britain would be the target of next bombing had been in the air for the last two years, particularly after the invasion of Iraq by Anglo-American forces. Finally a heinous attack was launched by terrorists on 7th of July at the tubes and a bus in London killing 58 innocent civilians and injuring more than hundred others. With the strongest of words one joins many to condemn such a barbarous act. They need to be tracked and given capital punishment as enemy of humanity.

But a deep critical analysis and also soul searching is required by the western nations as well as the world community to find out the root cause of such bombing by young fanatics who are sacrificing their lives at their budding youth. Modern fire power, use of force and employing huge number of armed personnel will never be able to eradicate such terrorists from the scene.

That the Anglo-American invasion of Iraq is one of the causes has been put up by many British and American analysts. On 20 July Mayor of London gave his views: "British and American intervention in the oil rich Middle East motivated the London bombers". Mayor Ken Livingstone told BBC news he had no sympathy with the bombers and opposed all violence. But he argued that the attacks would not have happened had western powers left nations free to decide their own affair after World War-1. Instead they had often supported unsavoury governments in the region.

While answering a question from BBC radio Mr. Livingstone said "I think you have just had 80 years' western intervention into predominantly Arab lands because of the western need for oil. We have propped up unsavoury government. We have overthrown ones we did not consider sympathetic." He also added "And I think the particular problem we have at the moment is that in the 1980s...the Americans recruited and trained Osama bin Laden, taught him how to kill, to make bombs and set him off to kill the Russians and drive them out of Afghanistan. Americans did not give a thought to the fact that once he has done that he may turn on his creator."

Mr. Livingstone said, "The western governments had been so terrified of losing their fuel supplies that they had been intervening in the Middle East." He argued, "If at the end of the First World War we had done what we promised the Arabs, which was to let them be free and have their own government, and kept out of Arab affairs, and just bought their oil, rather than feeling we had to control the flow of oil, I suspect that would not have arisen." He attacked double standard by Western nations, such as the initial

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welcome given when Saddam Hussein came to power in Iraq. There was also the 'running sore' of the Palestinian /Israeli conflict. "Lot of young people see the double standards, they see what happens in Guantanamo Bay, and they just think that there is not a just foreign policy", said Mr. Livingstone. He further said about the Palestine, "...under Israeli occupation denied the right to vote, denied to run their own affairs, often denied the right to work for three generations, I suspect that if it had happened here in England, we would have produced a lot of suicide bombers ourselves". Besides what has rightly been said by Mr. Livingstone about the Middle East issue, I would further emphasise about Anglo American invasion of Iraq is the central issue of rapid growth of suicide bombers. Initially suicide bombers were confined to Israeli occupation of Palestinian lands. The invasion with the Anglo-American military and lethal weapons deployed in Iraq are being treated by many Arabs as implanting cancer cells in Iraq by US to engulf whole of Middle East region. All the Arab countries particularly the people are very much apprehensive and feeling insecure. There is even a feeling that US with its allies will invade the other countries sooner or later. As such Syria and Iran said to be the first targets. Even some militant groups from Saudi Arabia and other countries are joining the guerrilla forces in Iraq to oust the Anglo-US and allied forces.

Western military strategists have assessed that every month more than thousand in the name of guerrillas are being organized in Iraq and carrying out raids/ambush etc. The situation is getting bad to worst day by day. The latest report on Iraq said that 37 percent casualties was caused by US forces and 7 percent by Iraqi guerrillas. These reports produced by western world are having a very serious bearing on motivation factors of suicide bombers.

The Muslim Councils of Britain called for the government to recognise the role that "the Iraq war is playing in radicalising the young Muslims, in the wake of London bombing. Iraq is an important factor in the disenchantment that we have seen among some Muslim youths. As such government must



Police officers conducting anti-terror raid at a Muslim restaurant in South London, 28 July, 2005.

acknowledge the Iraqi factor. In that there are other factors to do with -- unemployment, underachievement in education, religious discrimination -- a feeling that their faith is demonised continuously".

A US congressman reportedly suggested the United States might consider bombing Muslim holy sites. Republican Tom Tancredo made the comment on July 14, 2005. It is like operating a cancer cell which is in its full blown stage. You put a scissor in the body at the fastest speed. We need to know the causes of suicide bombers particularly in London which was not carried out earlier by Muslims but only by IRA. Such a rhetoric by a responsible congressman is going to motivate further the

potential suicide bombers to take harder lines. Very utterance of such views could be disastrous as these are very dangerous statements made against the faith of one billion followers.

Every one knows that hatred begets hatred and violence begets violence. In the modern world violence anywhere at any stage has no place. Before any one, great nations of the world should understand that. In their greed for oil they do not hesitate violating international law to invade. UN had not sanctioned war against Iraq but Anglo-US forces attacked Iraq. Their excuse of finding weapons of mass destruction failed and now they talk about regime changes and democracy etc. Can one overthrow

the government of another country? It is never permitted by international law. When we do something wrong we always invoke some legitimating ideology be it religion or some political values like freedom and democracy.

Use of muscle and other means may not work at all at this stage. Best decision on the part of British government is to pull out of Iraq as soon as possible. Spanish troops were withdrawn from Iraq after the bomb blast. Government got changed in election and total withdrawal was said to be an appropriate decision to overcome the danger of further terrorist attack. At the same time Mr. Tony Blair should advice Mr. Bush how to get out of Iraq quagmire. I feel the earlier the Anglo American forces pull out of Iraq the sooner the world will see the peace. Other Muslim nations will be in a position to bring pressure on the people and the government to clamp down on the terrorists.

Lately administration of US President George Bush has unveiled a new vision of its war on terror casting it as "War of Ideas" comparable to the fight against Nazism and communism rather than hunt for network of radical "evil doers". The team of National Security Advisors headed by Stephen Hadley and Frances Fragos put up their views saying that, "radical Islam is determined to destroy our way of life and substitute it for a fanatical vision of dictatorial and theocratic rule." The officials acknowledged that the ideological contest at hand "can be long and difficult one" however they insisted a successful war on terror will require force of arms as well as strong allies in the Muslim world.

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In modern world violence could be very obnoxious. Science and technology has provided us with highly dangerous weapons. It is only motivation for love and peace that can sustain humanity in this world in future days. It is because of tolerance and preaching peace prophet Mohammad (SM) has been the most successful messenger of Almighty God.

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MONA ELTAHAWY

It is time to declare once and for all the absurdity of the "George Bush made me do it" excuse that is dragged out every time Muslims carry out a terrorist attack.

It was as ridiculous on July 7 when terrorists struck London as it was on September 11, 2001 when they hit New York and Washington. Many people across the world have opposed US and British foreign policy but they are not rushing to fly planes into buildings or to blow up buses and Underground trains in London.

If we want to avoid another attack somewhere else next year that will just add to the list of shame, kill dozens more, further endanger the lives of Muslims living in the West and make it more difficult and humiliating for Muslims to travel to the West, we have to knock the phrase "George Bush made me do it" out of our vocabulary.

It is long past overdue that we stopped blaming everyone but ourselves. We have all known about the growing extremism and militancy among our communities but it was easier to ignore them and say "we're not like that" than to confront it head on. A clear example of this and the resulting hypocrisy of blaming everyone but ourselves can be found among the "Arab and Muslim intellectuals" who live in London and who are interviewed by the Arab media and then the Western media.

Much has been written and said about the militant groups and extremists who have found shelter in London. But not enough is said about these so-called intellectuals who are little more than apologists for a terrorism that not only kills innocents in the dozens but ruins the lives of the millions of Muslims living in the West.

Hearing their interviews on Arab television after the London attacks, you would think that George Bush himself along with Tony Blair had gone to Leeds, led those four young men to London and pushed the button of their explosives for them. These so-called intellectuals were practically gloating that George Bush and Tony Blair had been taught a lesson they would not forget on July 7.

All of this is said in Arabic of course. These so-called intellectuals think this is what the Arab world wants to hear.

But to read the comments these same so-called intellectuals make to American newspapers you would think that they had developed amnesia and forgotten everything they had said just days

earlier on Arabic television.

These same so-called intellectuals who on Arabic television could not utter a sentence without mentioning George Bush and Tony Blair are suddenly restrained, mournful and full of regret. Instead of blaming George Bush for everything, they tell The Washington Post or The New York Times that they are

It is important to repeat once again my opposition to the invasion of Iraq and to most of George Bush's policies. I am not an American citizen so I could not vote in the last US presidential elections. If I could have voted, I would not have voted for George Bush. Regardless, unless we push aside the facile "George Bush made me do it" excuse, we will never make any headway in squeezing out extremism. Let's speak in one voice that accepts responsibility and begin to find ways out of this monumental mess that will affect us all.

shocked, horrified and cannot begin to understand why young Muslim men would blow themselves up on London public transport.

To these so-called intellectuals I say it is time to speak in one voice - not one for the Arab world and another for the "khawagas." The Arab world is sickened to the stomach by violence. Have these so-called intellectuals forgotten the years of bloodshed in Algeria? The years of militant violence in Egypt? The terrorist attacks in Saudi Arabia? And no matter whether you supported or opposed the invasion of Iraq, what is the position of these so-called intellectuals on the suicide bombing that killed 20 Iraqi children this past week? Was that George Bush's fault too?

Just as bad as these so-called Arab and Muslim intellectuals who speak in two voices are the Western liberals who will bend over

backwards but allow Muslims to take responsibility for the scourge of extremism and terrorism that threatens us just as much as it threatens them.

Do not be deceived by their apparent support of the "Muslim cause." They do not care about the many Muslims who endanger their lives by speaking out and confronting terrorists and extremists in their communities, be they in the Arab and Muslim world in the West.

It is racist to think that Muslims cannot accept responsibility for the wrongs in our communities. These people do us no favours. While brave writers such as Badriya al-Bishr here at Ashraq al-Awsat dissect the twisted thinking of extremists and terrorists, supposedly liberal writers in the West fill pages upon pages that make excuses for the horrendous terrorism that kills innocents, Muslims and non-Muslims.

Such liberals are so busy opposing George Bush that they do not see Muslims. They are talking above our heads. And furthermore, many think this is our "culture" anyway.

Never trust anyone who refuses to let you accept responsibility for a mistake. Such a person does not want you to mature or else they think you are incapable of maturity. That is the ultimate insult.

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The London bombings were even worse than previous terrorist attacks because the four bombers were all British born and raised. It is impossible to exaggerate what a catastrophe this is to Muslims living in the West. It was the biggest gift to racist right wing groups in the West who have tried to portray us as a fifth column.

Let's stop giving these racists more gifts. Let's speak in one voice that accepts responsibility and begin to find ways out of this monumental mess that will affect us all and, please, leave George Bush out of this.

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