

Iraq adopts new constitution: Delicate road ahead

SYED MUAZZEM ALI

DECADES later, when historians look at the Iraq War they would surely notice that this unique war began due to gross miscalculations by both sides. Both US and Iraq had misconstrued their reasoning and had misread the opposing side's gameplan.

The Bush administration had thought that they would be able to produce some evidence of weapons of mass destructions in Iraq, which by itself would justify their preemptive attack and then they could go ahead with their occupation of Iraq. Nothing has been found despite thorough search during the last three years.

Their second miscalculation was that the Iraqi people would welcome the Americans as liberators and extend their full cooperation in the latter's drive to "democratise" Iraq. They were wrong again. History has shown that after all liberations, people would like to see withdrawal of foreign forces. Furthermore, democratic reform is an indigenous item, which cannot be exported from abroad. The process is a long and complicated one especially in Iraq where they have three distinct communities, namely Shias, Sunnis and Kurds. Any viable democratic structure in Iraq must be based on a fine and delicate balance among the three communities.

On the other hand, Saddam Hussein had thought that despite tough ultimatums, Washington would not be able to launch an attack against him due to lack of support from other Western allies. Furthermore, Russia, China and third world and Muslim countries had opposed the US invasion. He was also influenced by the large-scale anti-war demonstrations in the United States and elsewhere.

Saddam did not understand that after the deadly terrorist attacks of September 11, the public mood had changed drastically in the US and that the Bush administration was going to use it to launch an attack against him as a part of his "war against terror". Interestingly, vast majority of Americans were made to believe that Saddam was involved in the 9/11 attack, though no such link could be proved between the Saddam regime and the Al-Qaeda terrorists.

My western friends are puzzled why Saddam had pretended to have "weapons of mass destructions" when he had none. Well, one has to understand that Saddam is like a school bully, and had survived by using those threats in the past against his opponents at home and abroad. Saddam had fought two disastrous wars against neighboring Iran and Kuwait, had ideological rivalry with Baathist Syria, and tensions with the Royal families in Saudi Arabia and other Gulf countries. At home, his situation was equally vulnerable as he was ruthlessly suppressing the Shia majority and persecuting the Kurds to perpetuate the minority Sunni rule. With so many adversaries at home

and abroad, Saddam could not have demonstrated publicly that he does not have any such weapons, thereby making his position vulnerable.

The Washington-led invasion achieved military success within a record time and the whole operation ended so quickly that Bush had proudly come out with "mission accomplished" banner. However, America hardly envisaged formulating any plan to deal with the post-war Iraq, and their Administrators kept on making one blunder after another. The resistance movement became more violent and unattractable, and Washington started looking for an honourable exit route. It is easy to start a war but difficult to end one.

America has so far lost two

minut deal to partially alleviate the concerns of Sunnis when he made the Shia and the Kurds agree that changes to the constitution could also be made by the Parliament to be elected on December 15.

Since the formation of Iraq on the ruins of Ottoman Empire after the First World War, the Sunni minority has ruled Iraq and dominated all state institutions. It is true that the Sunni dissidents had suffered as much as the opponents of the other two ethnic groups in the hands of Saddam and other tyrants. Nonetheless, the vast majority of Sunnis cannot yet accept Shia rule or are ready to grant autonomy to Kurds. The Sunnis, who constitute a fifth of the population, had been calling the shots under the Saddam rule and are apprehensive that this constitution would only cut

standards or the essential rights and freedoms enshrined in the constitution. But others point out that Shariah law effectively curbs women's rights to property, divorce proceedings and even their evidence in the court of law. Shias support primacy of Islam in the constitution while Sunnis would like to make necessary amendments to protect fundamental rights of all citizens.

Under the circumstances, Washington had to ease its opposition to an Islamic Iraqi state in order to get the constitution adopted. Ambassador Zalmay Khalilzad, however, clarified that Islam would be recognised as the "primary source", not as "the main source", of legislation in the constitution.

Besides these points of

amend the provisions for strengthening the protection of Sunnis, guaranteeing the financial and political integrity of the central government in exchange for their broader autonomy. Likewise, they have to remove the constitutional provisions that subordinate women's rights to clerical decrees.

If there were an agreement on these amendments then it would be necessary to ratify them through another referendum by two-third majority. These rules are meant to create final results acceptable to all three main ethnic and religious groups in Iraq with a view to promoting national unity and constitutional developments.

The occupying power, United States, has to convince both Shias and Kurds that any rigidity on their part would not be in their interest as they would have to face continued civil war and the hostilities of other Sunni neighbours. US recognise that it cannot continue with the present policy of pacifying the Sunni provinces and defend the Kurdish and Shia areas.

The Sunni leadership also has to accept certain ground realities. First of all, they have to recognise that they are a minority and, naturally, in a democratic process they cannot have the monopoly of power, which they had enjoyed in the past. Secondly, they must work collectively with the Shias and Kurds to help the establishment of a strong and stable democratic government, which alone can create necessary condition for the withdrawal of all foreign forces from their country. Thirdly, they have to engage themselves fully in the democratic process and national reconstruction efforts.

On the other hand, if the current unstable condition continues then it only provides justification for continued military presence and further weakening of the central government in Baghdad. This could very well lead to disintegration of Iraq into three states. All parties, therefore, has to show greater flexibility and understanding for the long-term interest of their country.

Syed Muazem Ali is a former Foreign Secretary.

IN MEMORIAM

Ambassador Rezaul Karim

As I knew him

HARUN UR RASHID

I was deeply saddened to hear of the pre-mature passing away of Ambassador Mir Mohammed Rezaul Karim, in Cairo, on October 29. He was one of my esteemed colleagues in the Foreign Office who was known for his ready smile, wit, strong intellect, and his deep commitment and patriotism to Bangladesh.

He went to Cairo as Bangladesh Ambassador in August of this year -- an assignment he agreed to because Cairo is the hub of the Arab world. The transformation in political contours in the Arab World, including the Middle East, can be gauged and perceived from Cairo, besides Egypt has itself gone through a multi-party Presidential elections, unheard of in the Egyptian entire history.

His contribution to the Liberation War was immense. Rezaul Karim was posted as First Secretary in London at the Pakistan High Commission during the time of Liberation War. Although he decided to leave the High Commission to work for Bangladesh after the massacre of March 25, he was advised to stay on for strategic reasons by the provisional Bangladesh government.

Finally he left the Pakistan Mission on October 7, 1971, and dedicated himself wholeheartedly for Bangladesh cause. It must have been a severely testing time for him and his young family under the changed circumstances.

Although he worked under the guidance of late Justice Abu Sayeed Chowdhury, he had built up good relations with some senior officials of the British Foreign Office and with a number of journalists and editors in Britain. He was instrumental in getting things done through his contacts for Bangladesh.

It was his unique honour in London to receive Bangabandhu Sheikh Mujibur Rahman who he flew in from

Pakistan after the release. He was the acting head of the London Mission. Later he wrote about the fascinating events in newspapers.

In the formative years of the Bangladesh Foreign Office, he was Director General in charge of Western Europe in 1973. At work, he applied his agile mind, he hated the half-baked, and always tried hard for clarity and simplicity. He had the



capacity to build strong teams around him.

He went to New Delhi as Deputy High Commissioner in the late 1970s and bore the brunt of diplomatic work at the Mission with finesse. Many a time I visited New Delhi during that period for bilateral negotiations with Indian officials as I was holding the post of Director General (South Asia & South East Asia). He and his wife Salma were always hospitable to us and many a time we had dinners at his residence at late hours after the meetings.

He was Ambassador to China, Iraq, Iran, and Russia, and High Commissioner to Sri Lanka and the United Kingdom, from where he retired in 1992. Throughout his diplomatic career, Rezaul Karim was dedicated to serving the national interest. Determined and well-organised, he could be formidable to all working with him or his opponents.

While he was Ambassador to

Russia, I was in Geneva, and at the time the Berlin Wall was falling down. We used to have extensive exchange of views at the interesting and stimulating time. Often he provided me his comprehensive but dispassionate assessment of the situation in the former Communist Eastern Europe.

His diversity of interests and contribution was impressive. After retirement, he joined the BNP and became an Adviser. He wrote copiously on various issues in newspapers, advancing his line of thinking, although you might not have agreed with his views, yet you could discern his inquiring and sharp mind in his writings.

Rezaul Karim took great interest in participation in seminars and discussions on national, regional and global issues. Always we met at seminars at the Bangladesh International Institute of Strategic Studies (BISS) and Bangladesh Institute of Law and International Affairs (BILIA). We sat next to each other most of the times at the seminars.

He was involved in many social and cultural organisations. In fact, he invited me to attend the inauguration of the Foreign Film Festival held in Dhaka last year. Whatever he did, he made a mark.

The last time I met with Rezaul Karim was at a dinner at National Professor Dr. Sufia Ahmed's residence in Gulshan. We discussed many things of our life and he seemed to be in very good spirits. He was very warm to all other guests as well.

It is a tragedy that he should have left us. I express my sincere condolences to Salma and his children, Shahed and Seema. His loss will not be easily borne, but may Allah give them strength and fortitude to bear this irreparable personal loss.

May Allah grant his soul eternal peace.

Barisat Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.

If the current unstable condition continues then it only provides justification for continued military presence and further weakening of the central government in Baghdad. This could very well lead to disintegration of Iraq into three states. All parties, therefore, has to show greater flexibility and understanding for the long-term interest of their country.

thousand soldiers, and thousands have been injured due to on-going resistance war in Iraq. The US public support for the Iraq war has plummeted. Washington was hoping that adoption of the constitution would lead to building a democratic, unified and peaceful Iraq that could survive withdrawal of US and other foreign forces from the country.

The good news for the US is that Iraq has adopted the new constitution; the bad news is that Sunni Arabs had nearly killed it. The official results announced on 25 October, i.e. ten days after the polls, indicate that majority of Iraq's 18 provinces have voted in favour. However, the two predominantly Sunni Arab provinces, Salahaddin and Anbar, rejected it by the crucial two-third majority. If the third Sunni province of Nineveh could also reject the move by the same required margin then the adoption motion would have been defeated. However, they just fell short, as 55 percent voted against the constitution in Nineveh.

The final tally shows that 78 percent Iraqis supported the constitution while 21 percent opposed it. The strongest support came from the Shia dominated areas particularly Basra, Najaf and Kerbala. Likewise, the Kurds overwhelmingly supported the constitution. The constitution drawn up by Shia-Kurdish factions largely ignored the concerns of Sunni Arabs who had earlier boycotted the January poll.

The main Sunni Arab concern is that the newly adopted constitution, by extending high degree of federalism to oil-rich Shias and Kurds, would deprive Sunnis of Central Government's revenue and, thereby, the capital city of Baghdad would only have limited national authority.

The United States Ambassador Zalmay Khalilzad brokered last

them off from the country's oil wealth and make them virtually powerless.

How does the adoption of constitution change the reality on the ground? The optimists believe that the large Sunni turnout for the first time would strengthen Iraq's post-war political institutions, weaken the insurgency and facilitate withdrawal of US and other foreign forces. President Bush and Secretary of State Condoleezza Rice sounded optimistic that the adoption of constitution would push forward the political process in Iraq.

Other experts believe that the failure of the Sunnis to kill the ratification of the Constitution would only further marginalise them. In fact, the last minute assurance by the US Ambassador made some Sunnis go to the polling station but the vast majority of them still voted against it. Sunnis also alleged that the referendum was a "farce" as government forces stole ballot boxes to diminish the size of the negative vote. Unless the Sunnis' concerns are taken into considerations, the sectarian clash between the Shia militia and Sunni guerilla fighters will continue.

How to break the logjam? Well, the first effort should be to promote confidence-building measures between the two communities. Experts believe that the Iraqi Parliament could appoint a Constitutional committee to consider various changes to make it more acceptable to Sunnis. Such a conciliatory move could encourage the Sunnis not to boycott the December 15 elections.

Another major issue is the role of Islam in the newly adopted Iraqi constitution. The present provision states that Islam is the "main source" of legislation and that no state law can contradict Islamic and democratic

contentions, the new constitution aims to establish "a republican, federal, democratic, and pluralist system" with a provision to "respect the rule of law, and reject the policies of aggression, give attention to the rights of women, men and children, and spread the culture of diversity and uproot terrorism." It also "guarantees the Islamic identity and the practice of their ideological practices." For the first time, the Kurdish language has been equated with Arabic as one of the official languages.

The crucial question is whether the dominant Shia community, who have been in the past deprived of their rightful role in the national political scene, and the Kurdish minorities, who have suffered so much, would be willing to make significant amendments in the constitution after the next round of Parliamentary elections in December to get the Sunnis on board. The narrow margin of victory and the large Sunni turnout should encourage them to take a more pragmatic course of action. They have to agree to enter into negotiations to

Parliamentary democracy : Values and practices

PROF. M. ANWAR HOSSAIN

DEMOCRACY, no doubt, can claim to be the best system of government and after possible alternative experimentations for a long time in different countries, democracy has now been established in many countries in its refined form and working very successfully. Although democracy has a number of advantages in the form of achieving welfare of the people, providing fundamental human rights, harnessing human and natural resources, quickening economic development and progress through ensuring peace and stability, many countries, particularly less developed ones, are being deprived of these benefits as they could not fulfil the preconditions for smooth functioning of democracy.

For making democracy effective, institutional framework and requisite elements need to be prepared and based on strong foundation. Unless democracy is nurtured in a proper way and all the principles are correctly adhered to, it will lose its character and may turn into autocracy. It should always be remembered that the autocratic rule may seem to be beneficial for a time being but ultimately it leads to destruction of human values, growth of fascist elements, suppression and deprivation of people's right leading to weaken the nation internally and impede overall nation-building activity. So democratic values and practices should be given top most priority and care should be taken so that the growth of democratic process and principles are not at all hampered.

To nourish and develop democratic values, not only the people but also all political parties, both government and opposition, must be respectful to democratic values and have commitments for achieving democracy and should refrain from any activity that may hamper it. They must always remember the great doctrine of Abraham Lincoln -- government of the people, by the people and for the people -- and it should be adhered to by any means and should be practiced in day to day activities. Any deviation from this basic principle will definitely harm the system and will lead to the growth of undemocratic forces, violence and instability hampering the overall nation building efforts.

The people of Bangladesh, by and large, felt a sigh of relief by getting rid of long autocratic and dictatorial

rule. Since 1991, the people have been expecting that the dream of having a full-fledged democratic system will be established and the political leaders will carry out their nation building programmes following at least minimum democratic norms. The people thought that people's right will be regained and rule of law and justice will prevail and the country will march forward towards achieving much cherished effective parliamentary democracy. But that cherished desire and aspiration of the people have not been fulfilled. The country has lost the image and credibility by not having a transparent and accountable parliament.

The government by constitution remains the custodian of parliament

women, upholding people's right, accountability to people, respectful to freedom of press and media, sovereignty parliament and neutral administration and policy decision.

Now, it is only the people of Bangladesh who can judge whether these traits and attributes of parliamentary democracy have been adhered to and reflected in the activities of the political leaders and whether roles and activities of the leaders of political parties and their activists conform to the basic requirements of parliamentary democracy. It will not be unfair to say that in every step the democratic principles and values are being violated in Bangladesh even though all the time everyone is claiming that he/she is working for people's right and for democracy.

For safeguarding the parliament and upholding the democratic values and practices, all out realistic, concerted and suitable measures should be taken to convince the opposition to participate in the parliament in order to solve all outstanding issues. It should always be kept in mind that conciliation rather than confrontation should be the policy to overcome any stalemate.

and the main responsibility rests with it to make the parliament effective and transparent. In democracy, parliament happens to be sovereign and all issues of the country must be resolved in the parliament having full participation of all representatives of the people. It is the only place to ensure people's right and government's accountability.

But, unfortunately, the parliament has been made ineffective and inactive. The mainstream opposition Awami League continues to remain absent and the ruling party remains indifferent to opposition's demand. It should be kept in mind that the ruling party has the responsibility to make the parliament functional by creating an environment where all the MPs can join and participate in discussions on all national issues.

In order to make the parliament transparent and effective, the people in general and leaders of political parties and their activists in particular must follow some basic principles of democratic behaviour and acquire some essential attributes which include -- tolerance to opposition views, peaceful coexistence, respect for people's will and opinion, equal opportunities to all irrespective of religion, caste and creed, upholding and safeguarding human rights, no discrimination between men and

functional and the country could have been relieved of politics of confrontation, deterioration of law and order.

There are, of course, some who blame the opposition for their abstention and opine that they should come to the parliament and speak what they are now speaking. Now the most pertinent question arises -- if the opposition would have come to the parliament instead of abstaining and tried to speak whatever they wanted to, would there have been any improvement of the present situation? If not, then obviously the opposition is right in their own way in order to put pressure on the government for accepting their legitimate demands. If yes, then the opposition is not in the right track and should immediately change its strategy to join the parliament.

Now the abstention from parliament of opposition AL and continuation of parliamentary business by government alone may be discussed from two dimensions. First, what the government has gained by going alone in the parliament without the participation of mainstream opposition and what the government would have lost, had the opposition been in the parliament? Secondly, what the AL have gained by being absent from the parliament and what it would

point for discussion of all issues -- political, social, economic -- and the main business of the parliament is to discuss them threadbare by all MPs for taking decisions needed in greater national interest.

The opposition's allegations that they are not allowed to speak in the parliament about some important issues like killings and attempts of assassination on important party personalities, price hike of essentials, rampant corruption and rise of militancy. Certainly these issues have not been discussed as wanted. Had all these issues been discussed in the parliament, then perhaps the opposition would not have the plea to abstain and the matter could have been settled in the parliament. The parliament would then have been truly

have lost, had they been in the parliament? It is now the people to decide who is wrong and who is right. The general observation is that the political leaders particularly of the treasury bench could not tackle and manage the situation in a proper way. As a result the parliament has become inactive and non-functional and the nation has been deprived of having effective parliament required for strengthening democratic values and practices.

The expectation of the people was nipped in the bud because their long cherished desire and aspiration to live in an atmosphere of peace and harmony, of good governance, free from corruption, without nepotism and favouritism, could not be fulfilled. Instead, the country continued to witness the political confrontation, street agitation, chaos and confusion. The immediate adverse effect was on parliamentary system itself.

The government's effort has been limited only to urging and requesting the opposition to come back and join the parliament. But in the present situation this is not enough to convince the opposition to join the parliament. In the face of new demands of the opposition like reform of caretaker government and election commission, some more concrete, tangible and practicable conciliatory efforts are necessary. It should always be remembered that the prime responsibility of the treasury bench is to convince the opposition, even by giving some concessions, keeping in mind the greater interest of making the parliament effective.

It is not at all a credit on the part of the government to carry on the parliamentary activities leaving the mainstream opposition outside, even though the government has two third majority. It amounts to be the failure of the government, not being able to run the parliament with the participation of all representatives of the people.

So, for safeguarding the parliament and upholding the democratic values and practices, all out realistic, concerted and suitable measures should be taken to convince the opposition to participate in the parliament in order to solve all outstanding issues. It should always be kept in mind that conciliation rather than confrontation should be the policy to overcome any stalemate.

Prof. M. Anwar Hossain is a former Director of Education.

When Eid didn't make children happy



Children collecting dumped clothes near Jalalabad camp two days before Eid.

REZWAN ALAM writes from Muzaffarabad

AYEZ Azmat (12), a fourth grade student of Government Pilot High School near Sethibagh was fond of white dress and his mother bought a piece of cloth for him. Two days before Eid, Ayez's decomposed body was pulled out from school rubble. Heart-broken Musara, the mother, waited for this body for 24 days and at last, buried Ayez, wrapped with same white cloth that was to be an Eid gift.

Stories like this abound in this city where Eid meant nothing. Earthquake-affected children living in city tents experienced a different Eid-ul Fitr this year, a sharp departure from otherwise full-of-zeal-and-zest traditional religious festival.

"This year's Eid was different as many of us prayed and cried for dear and near ones that we have lost in earthquake", Yasmin at Jalalabad camp said, adding "at least I am alive to remember them", who pulled herself out from rubble only to find her one daughter dead.

Two days before Eid at Jalalabad camp, children and women were found collecting old clothes as Eid gifts. Rokhsana (7) was delighted to get hold of a colourful kamiz that she wore on Eid day.

"Traditionally we used to have fun time during Eid

holidays, visiting family and relatives, having good food, dress and gossiping a lot", Azaibullah Abbas remembers at Tandali camp, some 10 kilometers away from city. His son Mamun (7) ate traditional paratha while young girls read out verses from Quran.

At Langpura camp, Shegufta (7) was playing with sand and took us to nearby camp. There we found Jaida Bibi was preparing food for her kids. She and her two kids came out of the rubble after three hours being trapped.

"With so many deaths around and when we have lost everything, how we can enjoy Eid?" she questions. Tayera (7) lost her mother, brother, three sisters and now lives in Kharimirabadi camp with her aunt, who also lost her five-year daughter.

Many children who used to attend morning prayers with their fathers missed this year's congregation. So many children have lost their friends that they spent idle times during the hours of traditional festivity. "We prepared some sweets for children and we could not think of affording meat during this crisis period", said Jaida, another mother at Jalalabad camp.

With snowing winter approaching fast, how many of these kids will survive to see next year's Eid is a different question altogether.