

NDI's concerns

Need to be addressed

National Democratic Institute (NDI) team from the United States, led by Tom Daschle, former Majority and Minority Leader of the US Senate, and composed of former Prime Minister of New Zealand Mike Moore, and former Cambodian Minister Mu Sochua, was in Bangladesh recently. They were in town in pursuit of NDI's stated objectives, of building political and civic organisations, to safeguard elections, to promote citizen participation and openness and accountability in government. In the process, they met leaders of the major political parties, and members of the civil society and the media.

There is very little difference in what the visiting NDI members had to say that has not been said by the media, or in their apprehensions that had not been expressed by us, nor in their evocation that was not in the suggestions made by the media to address the impasse. To be precise, theirs was a restatement and indeed reinforcement of the media's position on the entire gamut of electoral issues, The Daily Star included.

There are precisely three sets of messages addressed to the ruling coalition, the opposition and the Election Commission. First, the voter list is inconsistent with the census of 2001, and that is a genuine cause for concern.

Secondly, the issue of the chief of the caretaker government must be addressed dispassionately in that the probable incumbent's past records as a justice of the highest court of the country and the latter part of his career and his performance as the chief justice, merit examination.

Thirdly, there is serious denudation of confidence in the chief election commissioner and his team as has been reflected in the comments of the civil society, the media and the public on it, over the recent months. And the views of the visiting NDI team on the EC, particularly on the CEC, are not in conflict with the general opinion in Bangladesh about it.

It needs to be reemphasised that the election should not be held ransom to party demands that might pose grave uncertainty to our democracy. We feel that the precedent set by the three previous democratic elections since 1991 is worth emulating. It is everybody's hope that the election will be of a quality and transparency that would be acceptable to all.

Time is running out, but there may just be enough time for well-intentioned people in relevant positions to rectify mistakes, in the voter list in particular, so that a free and fair election can be held in the country.

Water-logging woes

Time to alleviate them

CESSANT rains on Monday submerged many city streets and thoroughfares in the capital. It has caused immense suffering to the people all over. With the met office predicting more rains in the coming days, we visualise an increase in the hardship of the people, particularly those who have to commute on a regular basis no matter what.

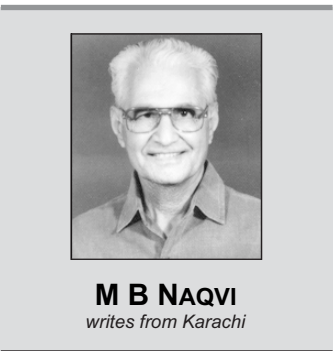
According to WASA, we have just about the infrastructure that can drain or pump out a maximum of 50ml of rain-water at any given time. In light of the met office forecast of more rains to come, we do need a contingency mechanism to be able to cope with accumulated water beyond 50ml. In other words, more pumping devices are to be installed. Are we ready for the job?

The citizens have lived with water-logging for a long time. What is alarming this time around is the submergence of newer city areas. It is shocking to find that people have to wade through knee-deep water right through the road in front of the Jatiya Sangsad.

This heightened water-logging and submergence of city roads are due to a number of reasons. It is ascribable to the cumulative effect of bad planning by our city planners reflected in the filling in of many lakes and vital water bodies which had the dual capacity of both holding and flushing out rain water after allowing time for gradual drainage of the excess water. Worst of all, despite this yearly phenomenon there appears to be but little concern on the part of either the city corporation or other agencies responsible for addressing such vital issues of public interest.

Despite the endemic nature of water-logging and submergence of city roads and low lying areas it is our strong belief that, given the right level of sincerity and commitment on the part of the administration much of the suffering of the city-dwellers could be ameliorated.

Lebanese not out of the woods



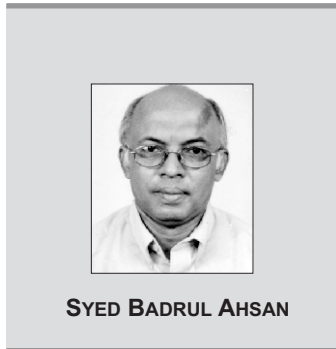
CEASEFIRE violations in Lebanon continue taking place -- naturally from the Israeli side. To begin with, it is not the ceasefire proper. It is a conditional "cessation of hostilities" that does not amount to full or stable ceasefire. Israel claims that the UN resolution under which the "cessation of hostilities" has taken place allows it to take defensive action that are all preemptive in nature that will provoke the other side's retaliation. That drives couch and four through the UN resolution. If it does permit one side to take the kind of action that Israel has taken by aerial bombing and commandos incursions in Lebanon, what is then left of the "cessation of hostilities" or how or who will prevent Hizbollah's

ripostes?

Simple fact is that the rights Israel claims for itself will have to be extended to the other side, viz. Hizbollah. Hizbollah would not ask Israel's permission to reciprocate the Israeli action as and when it deems it fit to act. As one writes, it is certainly cautious and wants to give fullest scope to the "cessation of hostilities" that are supposed eventually to lead to a full and formal ceasefire. Superficially the Israelis also want a proper and stable ceasefire.

The Israelis for their part want two things: one, there should be a Multinational Force supposedly to enforce "cessation of hostilities" in southern Lebanon along with the Lebanese troops that have already

Ah, yes, the constitution . . .



HERE are all these people in the government who are suddenly tempted to demonstrate their loyalty to the constitution. That is something we ought to take seriously, considering that the friends and political ancestors of these very noble, self-righteous people have, in the last three decades and more, taken inordinate pride in striking down the very fundamentals of the constitution as it was drafted, debated, and adopted in 1972.

A couple of weeks ago Khaleda Zia warned the people about the conspiracy by the Awami League-led opposition to restore the 1972 constitution. Days later, she followed it up by making it clear that the head of the next caretaker administration would take office under the terms of the constitution. Earlier this week, emerging from a meeting with the visiting team from the Washington-based National Democratic Institute, Moudud Ahmed informed the country that he had told Tom Daschle and Mike Moore that the constitution would follow its own course.

Of course, the constitution of any country is a sacred document, and anyone who attempts to undermine it is liable to be considered guilty of criminality, even sedition. But, again, there are precedents in the world of a constitution being subjected to amendments that may be necessary from time to time. Those amendments are necessarily of a

GROUND REALITIES

The point here is that while the constitution is sacrosanct there is always room for improvements and readjustments in it through an acknowledgement of the realities prevalent at a given point in time. And in these times, when Begum Zia and her friends think a conspiracy is afoot to take Bangladesh back to the constitution as it was originally adopted in 1972, it makes sense to think that the conspiracy, if there is any, should really and truly succeed. There are a good number of reasons why the 1972 constitution should make a comeback in our lives.

kind that are based on the compulsions of politics, and are therefore introduced and brought about by representative political classes.

In Bangladesh, an instance of the constitution being subjected to such change remains the fourth amendment that brought about a fundamental transformation in the form of government in January 1975. You can surely argue on the merits, or otherwise, of that change. Whether the change reflected a move from a democratic parliamentary system of government to a single party authoritarian administration is an issue that has been debated over and over again all these years. But what most certainly cannot be overlooked is the fact that the fourth amendment was brought about in a politically acceptable, legally justifiable manner by a political party which happened to be holding credible authority over the country at the time. You simply cannot walk away from such truths in as much as you cannot ignore the reality of the constitution going through a historically desirable change in 1991, by an elected legislature, restoring the primacy of parliamentary government following the fall of a long, debilitating autocracy.

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There are a good number of reasons why the 1972 constitution should make a comeback in our lives. For now, though, let it be enough to suggest that within the parameters of the 1972 constitution are inherent all the principles we worked upon when we went to war against Pakistan in 1971. A fully functional parliament, a democratic system resting on the principle of Bengali nationalism, a political platform that has no room for religious or communal politics, and an administrative system which will be subservient to parliament, et al, are the bedrock upon which the constitution of 1972 based itself. If we, as a people, are engaged in a deep-rooted conspiracy to bring that wonderful document back into our collective national life, nothing could be more charming, indeed nothing could be more magical.

Now, to that other issue raised by the prime minister and her law minister. They, and their friends in the government as well as outside, have been reminding us, in no uncertain terms, that the incoming caretaker administration will shape itself and then perform its responsibilities on the basis of the constitu-

tion. That would have been an unassailable argument had that small matter of the raising of the age bar of judges in service not come into the picture.

The age bar was shifted upward only to enable Justice KM Hasan to take charge of the interim administration before the next election. Now, that was a plainly dishonest thing to do, especially when the BNP-led right-wing coalition was fully aware of Hasan's political background. Or did Begum Zia, and her people, seriously think that the opposition had actually forgotten all about Hasan's affiliation with their party, and the loyalty with which he had served General Ziaur Rahman?

It is questions of this kind which, today, make it important that the reforms necessary to ensure a credible election are brought about through suitable amendments to the constitution. If the ruling circles are now determined to adhere to constitutionalism of a sort they are happy with, they ought to be told, again and again, that the country is not a piece of cake they can swallow in one easy gulp; and the constitution was not shaped to ensure a questionable electoral victory for those who happen to be the beneficiaries of the brigandage applied to this sacred document in the 1970s and 1980s.

In a country where some people with a dubious understanding of history have never felt any embar-

assment about the murderous overturning of a constitutional government in August 1975, you really cannot expect any good to come from them or their friends. Begum Zia tells us, as if we were so many ignorant, disobedient children, that the constitution will be in play where the next caretaker government is concerned. Note that she and her friends have never made a point of suggesting that when the infamous Indemnity Ordinance of 1975 was incorporated into the constitution by the Zia military junta in 1979, it was a stab in the back for democratic politics in the country. These days, when you hear a lot of elderly, myopic men harangue you about Zia's contribution to the restoration of the democratic process in Bangladesh, you cannot but recall that the restoration was actually of communal politics, of the Pakistani brand we had sent scattering in 1971.

Moudud Ahmed informs the NDI delegation that in Bangladesh the constitution will take its own course. Well, in Bangladesh the natural course of the constitution was blocked by the two military rulers whom Moudud Ahmed has so far had opportunity to serve. He has mentioned not a word about the deadly assaults on constitutional politics in the country.

General Zia left the secular structure of the constitution thoroughly mutilated in the sense that he effectively left Bengalis divided into religious communities, with one of these communities remaining dominant on the political canvas. In his time, General Ershad inflicted further blows at Bengali consciousness with his crude, unabashed patronisation of communal politics. And all those blows, remember, were planted, like so many poisonous seeds, into the constitution. They wormed their way into its vitals.

And yet Khaleda Zia and Moudud Ahmed speak to us of the preponderance of the constitution in poli-

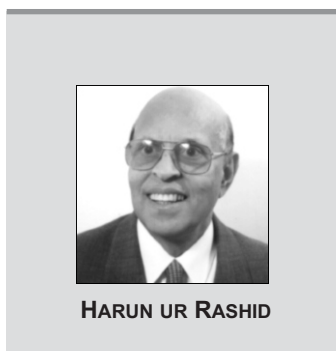
tics. What constitution? When a constitution is subverted, through sheer force of arms, in the interest of men who have seized control of the state by illegal means, it needs to be taken back to the hallowed ground it once inhabited. If there are men and women in this soon-to-end government keen about prising out the 1971 proclamation of independence and replacing it with brash untruth, it becomes the sacred job of the country to push for change that will give us back our self-esteem as a people.

The prime minister accuses the Awami League of hypocrisy. How so? The party took part in elections conducted by an unconstitutional government in 1986, and yet, these days, is unwilling to go to the polling booths when a constitutional system is in place. Ah, but the prime minister carefully stays away from telling us that the very man who headed that unconstitutional government in 1986 is, today, the man she and her party would like to be beside them as the elections approach. As to the issue of why the BNP boycotted the 1986 elections, the beans about what the party meant to do, and what it actually ended up doing, are yet to be spilt.

The 1972 constitution did not provide for chief election commissioners who make a travesty of voters' lists, and then refuse to leave office. It was not a document that could mutate into so many articles and clauses which would directly repudiate the very nature of the political struggle Bengalis put up in the 1960s till the mid-1970s. In short, it was a vehicle for our passage to the future. It was not a rickety bus for a ride back into the dark.

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Blairs's exit and Anglo-American relations



PRIME Minister Tony Blair finally, under pressure, announced that he would leave office sometime next year. Observers believe that he will leave after May because he wants to be recognized as the longest serving Labour prime minister of Britain in modern days, equalling the record of Prime Minister Margaret Thatcher (1979-1990) who led her party to three consecutive election victories.

Although Blair wanted to be known as the Churchill of modern times for standing up to his "enemies," his legacy will be compared with that of Prime Minister Anthony Eden who had to go because his botched foreign policy led to the Suez crisis in 1956. Misjudgment of the situation in the Middle East tarnished both, Eden and Blair, as

BOTTOM LINE

The next prime minister of Britain is expected to be Gordon Brown, the Chancellor of the Exchequer. He is known to have a brilliant academic record and, like every intellectual, he is likely to be more analytical and calculating than Blair in his approach towards US policies. It is reported that in a poll in mid-August, more than 8 out of 10 Britons wanted a split from the US policy on war on terrorism because they thought that war fuelled terrorism, and that the Iraqi invasion was unwarranted. No prime minister can but heed public opinion.

cent), while the opposition conservatives rose to 40% per cent. Blair has become a political liability for the Labour Party.

Against this background, the departure of Blair will have an impact on Anglo-American alliance, especially on President Bush. Bush has become used to Blair's total support for what he did, and does, in foreign affairs. Blair did not ask any questions and blindly followed Bush's policy. The latest example was the Lebanon-Israel crisis. Neither the US or Britain intervened until Israel was placed in an awkward situation in its war with Hezbollah.

Blair and Bush are conservative in their personal and political approach. Although Blair invented "New Labour," he followed

Thatcher's policy and departed from traditional Labour policies. Under the guise of "New Labour," he introduced policies almost similar to those espoused by Thatcher.

In addition, both Blair and Bush are deeply religious "born again Christians." It is reported that Blair carries a copy of the Bible with him wherever he goes, and President Bush begins his cabinet meetings with a prayer. Blair's personal chemistry fits with that of Bush.

Both also believe in the use of military power to resolve political issues, and that policy has landed them into a never-ending war in Iraq, with mounting casualties of British and US troops. They got sucked into an emotional and simplistic approach toward the

Middle East.

They failed to clearly identify the enemies who are elusive in nature, and non-state actors. Both thought that the invasion of Iraq would lead to democratization of Iraq which would radiate to other Middle East countries. Both misjudged the society and the nationalistic character of Arabs. They compared Arab society with those of Germany and Japan which, after the Second World War, the US re-modeled according to its own desires.

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Although he reportedly likes America for its economic success, and spends his vacations in the US, he is likely to distance himself from the US policies on the war on terrorism for domestic political reasons. It is reported that in a poll in mid-August, more than 8 out of 10 Britons wanted a split from the US policy on war on terrorism because they thought that war fuelled terrorism, and that the Iraqi invasion was unwarranted. No

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The special relationship between Britain and the US began from the Second World War. Churchill and Roosevelt became good friends. Both are English-speaking countries and their relationship is firmly rooted in a common history and culture (e.g. Churchill's mother was an American).

The likelihood of revision of policy with the US does not mean that their special relationship will end. They belong to G-8 and pursue economic policies to achieve the same goal.

It is noted that the invasion of Iraq has no legitimacy under international law, and thus distanced rule-based European Union from the US and Britain. Observers suggest that Britain, under a new prime minister, may align itself with the European Union in coordinating its policy on the war on terrorism, thus the Bush administration may lose crucial support from Britain.

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

PLAIN WORDS

The fact of the matter is that Lebanese problem is intrinsically linked with the Palestinian issue. The Arabs, qua-Arabs, want an honourable peace with Israel. After all, they have long tacitly accepted the state of Israel although it possesses no historical or moral legitimacy. Everyone knows that it is western imperial imposition on Palestine. It should take what is available with alacrity before all the Arabs go the way of Hamas and Hizbollah. But that does not seem to be Israel's preference.

date should be from the UN and whether it would restrain both sides equally or only one side, viz. Hizbollah. The Americans and the Israelis actually want the Multinational Force to do what the Israelis had failed to do themselves, viz. to keep Hizbollah at bay so that it does not rain rockets on Israeli territory while Israel may continue to make its forays in Lebanon and punish Hizbollah. This one-sided thinking is otherwise known as wishful thinking.

Israel wants after the stalemated war all that it had ever wanted, viz. decimation of Hizbollah fighters and making the organization irrelevant. As it happens, the UN resolution is ambiguous and is indeed defective. Already Israel claims that this

resolution permits it to take preventive defensive action -- a misuse of the word defensive. If this Israeli interpretation is accepted, by what logic can Hizbollah be prevented from taking action that it will also call defensive? There would soon be no peace and probably a war will resume. The Multinational Force cannot be expected to achieve what the Israeli forces failed to achieve in Lebanon, viz. disarming and decimating Hizbollah. It is utterly unrealistic to expect a UN force to achieve Israel's aim for it. The resolution, if it can be so interpreted, would be utterly ineffective.

The real danger is that the Israelis will insist, with the US standing behind them, on Lebanese government to order its army to disarm Hizbollah. This is, as noted, beyond the capacity of the Lebanese army to do anything of the kind. Why would an international force do what Israel could not? Therein lurk many dangers.

A peek into the recent history of Lebanon is necessary. Does anyone remember that in 1975 a civil war had broken out in Lebanon? The civil war was over the Palestinian question; the Palestinians had taken refuge in Lebanon after the 1948 and 1967

Wars, and out of concern for Arab solidarity or weakness, or both, it had acquiesced. The Israelis, again with the backing of the US, seduced the Maronite Christians, and teamed up with them.

Thus started the civil war and later Israel had invaded and occupied south Lebanon. That was the real cause of Hizbollah's birth and later strength. If the US and Israel want Lebanese government to do what is being demanded of it then a civil war is written into the plot. Why? Because there is no way that Hizbollah can be tackled except through a civil war in which at least pro-west Maronites take on Shias as such with the help of Israel as was the case in 1970s. The thoughtful people in Arab lands should beware. This is a real danger.

This civil war is easily avoidable. Even the Israelis' purposes can best be served by entering into a peace pact with Lebanon and seek the help of Syrians again. The 1970s' civil war was stopped actually by Syrians. They would again prevent it, if requested. But Israel will have to pay a price by restraining itself from trying to be a tyrannical hegemon and honestly respect the Lebanese-Israeli border.

The key to peace is in Damascus. The Israelis will also

have to pay the price of returning the Golan Heights. It has to vacate that territory, taking home the Jewish settlers it had unlawfully settled there on a land it had seized in a military action (1967). Does Israel really want peace? If Israel had ever wanted peace it could have accepted Resolution 242 of the UN. Most Arabs would have accepted its legitimacy. The choice was available a while ago by accepting the Saudi monarch's proposals. Has it ever accepted the absurdity of keeping Palestinian areas under military occupation without any real self-governance for 40 years?

The fact of the matter is that Lebanese problem is intrinsically linked with the Palestinian issue. The Arabs, qua-Arabs, want an honourable peace with Israel. After all, they have long tacitly accepted the state of Israel although it possesses no historical or moral legitimacy. Everyone knows that it is western imperial imposition on Palestine. It should take what is available with alacrity before all the Arabs go the way of Hamas and Hizbollah. But that does not seem to be Israel's preference.

Israel wants to keep Golan; it wants to control Lebanon and keep it under its hegemony -- in behalf of

the US. In Palestine it wants all the lands and no Arabs there. The Israeli behaviour so far has proved that it simply does not want any Palestinian in any Palestinian area in any meaningful sense of the term. Or else it should not have successfully discredited al-Fatah and Yasser Arafat. It has violated all the human and democratic norms by refusing to let Hamas form a government and run the Palestinian Authority after it won a strong dominating position in a free and fair election; so much for their love of democracy.

The Israelis have been trying to re-establish Fatah's and Mahmoud's authority in Gaza in order to keep out -- and down -- Hamas for the time being at least. But like Hizbollah, Hamas, too, is evolving into a national institution. The outlook for Israel is no longer rosy, if only it will see. The US is, apparently dutifully, echoing what Israel says. The road to stable Lebanese peace still passes through Gaza and West Bank areas. But this route may not long remain open. The arrogance of power in Washington and Tel Aviv prevents them from perceiving the writing on the wall.

MB Naqvi is a leading columnist in Pakistan.