

An ordinary citizen

The purpose of this write up is not wholesale indictment of the last government. Rather, it is to point out that the political parties, in or out of power, should not drift away from the foremost consideration, that of the common people. The political programs and strategies should not resort to brinkmanship that jeopardizes the personal liberties of the common man, and paralyzes public life. We have successfully won the war of independence, and it will amount to siege mentality to think, or act, in a way that makes our independence vulnerable.

SYED MAQSUD JAMIL

BLACK Saturday that engulfed Dhaka reached all parts of the world. My overseas folks started calling up. How are we faring under the gathering clouds? Fine and secure in our anonymity, and beholding the macabre proceedings brought home by the satellite televisions. It is a political contest, and I am an ordinary citizen.

Apparently, the observation is circumstantially correct because I am neither a political leader nor a foot soldier of the contending parties. It, however, does not tell the whole truth, since a citizen is the fountainhead of a government, and the political process that powers it. There would have been no government had the citizens not ceded a part of their rights to constitute a government, nor a political process had there been no voters queuing up, in rain or

shine, to cast their votes.

The ordinary citizen was most probably not uppermost in the agenda when the two major parties met to find a way out of the impasse on the issue of the caretaker government head. Apprehension of a Trojan horse in the caretaker chief, and the stubbornness of not giving in to an inflexible opponent dominated the dialogue that ultimately ended in failure. The bottom line is that the two major parties of the country do not trust each other. This necessarily brings in the option of caretaker government. For them talking on contentious issues is a matter of who blinks first. At the ballots the electorate are to choose, and trust those who do not trust one another. It is therefore a flawed option for the ordinary citizen.

Indeed, even in the United States the president packs the Supreme Court with men of his

choice. Our governments also do it. The last one did it, and the one before it also did it. In the 2001 general election the 4-party alliance was swept into power with two-thirds majority, even though they had none of their men as the president, as the Caretaker Government Chief, as the Chief Election Commissioner or as the Army Chief. It was not enough for them to learn that when the ordinary citizens speak up they do not need their men to run the machinery in their favour. It applies for all parties and all situations.

They resorted to crafting a combination in their favour. It amounted to dishonouring the public mandate. The mandate was a heavy wine for them. They started drifting. Soon the ordinary citizens were in distress. It started hurting them when daily living became a burden to bear, and oppressive owing to faltering utilities. The price hike was bewil-

dering. Almost every commodity of daily necessity for an ordinary citizen was hit by steep rises, with no rational market phenomenon to justify it. It was imprecise and uncaring of the government functionaries to find a rationale for it in the dynamics of market economy.

The difference in prices in different parts of the country brings into focus the transportation factor. It is well known that transportation pays a large price because of extortion at different points on the highways. The will to rid inter-district transportation of this banditry was not applied. It was passed on to the ordinary citizen.

Electricity changes lifestyle. It becomes the right of the consumers that use it. Power outage affects the ordinary consumer the most. Frequent power cuts during the last five years devastated the common man's life. It was a strange phenomenon; instead of improving, the situation deteriorated as the term of the last government was gradually coming to end. The then state minister for power was reported to be against smaller power plants.

It was never clear what he was in favour of till he departed on the eve of the government's completion of its term. The performance of the minister was phlegmatic. There was no clear idea of how

the minister wanted to move forward. If not small power plants, was he in favour of behemoths of 1000 MW, or large plants like 450 MW? And what would be the source of the energy, gas, coal or imported furnace oil? His preferences were inscrutable. The common man suffered even when technical and financial support for power plants were not difficult to get. What I have gathered is that you need facilitators to line up the support for it. Bangladesh has lost five years of initiative.

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stewardship of the Indian independence struggle he was discreet in treating the British as one of the parties in realizing the final goal of freedom for India. He led the Indian people to engage the British, not to confront them, and saved India from the consuming fire of confrontational hostilities. The gospel of non-violent protest, or satyagrah, he preached has survived through the ages as an enduring political method.

The civil rights leader Martin Luther King followed it, and even Nelson Mandela saw rewards in it for maintaining racial harmony in South Africa. Mandela spent 27 years in jail under apartheid led South Africa, and five of them in solitary confinement in Robben Island. Rage was his right, and inflammatory statements by him would have plunged South Africa into catastrophe. He rose above his rage, and became an icon to the world.

I am sure our leader of the opposition also has good knowledge of what I have said. But did she trust her knowledge when she called her party men to come along with logi and baitha? This is one example from which our political parties will permanently learn the consequences of brinkmanship. If not, God bless the country.

The outgoing prime minister, in her farewell speech, gladdened us much by informing that foreign remittance has gone up from 1 billion dollar to 4 billion dollar, and that there has been considerable rise in foreign direct investment (FDI) in the country. Although the credit for the remarkable rise in foreign remittance should go to our hard working overseas expatriate community, one should say that the government was doing its coordinating job properly.

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was not aware of the consequences of the lethal use of these items when they were in the hands of emotionally charged foot soldiers of her party.

It would be naïve to think that she regarded the party workers of the other side as the followers of Gandhism, not the ones who cut the tendons. The use of firearms was a tragic sequel. The death toll of Black Saturday is officially 28. Should we still believe that the leader of the opposition did not realize the inflammatory nature of her pronouncement when she called her party men to come along with logi and baitha? This is one example from which our political parties will permanently learn the consequences of brinkmanship. If not, God bless the country.

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To sum up, I should say that the political parties, as a matter of integrity, should remain religiously focused on the greatest of all considerations, the common man. Sanity will then quickly return to politics.

The phenomenal rise of the new mogul loomed too large for even the generous to a fault to ignore it. The new mogul's fortunes are for everybody to see. He is now a media mogul, and the owner of bank, too. There were two gentlemen of letters, one French and the other English -- late lamented Victor Hugo and William Wordsworth. Victor Hugo in his elevated state said: "Behind every great fortune there is a crime." And Mr. Wordsworth said: "No decent man can suddenly become rich." Bangladesh, and so to say almost every country, has many such examples. If you dig who knows what you can come up with.

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Averting constitutional crisis

Instead of questioning his impartiality, a guideline could have been formulated stating what the chief adviser should or should not do in terms of holding a peaceful and impartial election, whether or not he can ban use of mobiles or transfer partisan officials, etc. At the end of the day it is important that the bureaucracy remains neutral. With the politicization of our bureaucracy by all the past governments, how this could be achieved is anybody's guess.

ALTAFUR RAHMAN

UR country faced a constitutional crisis with the end of the term of BNP government. The bone of contention was who would be the chief adviser to the caretaker government. The opposition took to the streets for immediate appointment of the chief adviser after talks to reach an understanding on this issue failed. Unnecessarily, on the first day of agitation 16 people were killed and the next day 8 people got killed. People who went to villages could not resume work after Eid holidays due to the opposition's blockade. Many vehicles were set on fire and other properties were damaged. The nation plunged into uncertainty and chaos.

Article 58 (C) of our constitution relies upon the last chief justice of the Supreme Court failing which the next ex-chief justices, failing which last ex-judges of the Appellate Division, failing which eminent citizens of the country, and at the last resort the president himself, for a potential appointee to the office of the chief adviser.

According to Dr M Zahir, the renowned constitutional expert, after the refusal of the last chief justice to become the chief adviser of the caretaker government,

other ex-chief justices should be considered before opening the office to ex-judges of the Appellate Division. It is not known whether the recourse to former chief justices was exhausted. Similarly, one wonders if there was not a single eminent person who could be relied upon by both the parties.

After discussion with political parties, and as decreed in the constitution, the incumbent President Iajuddin Ahmed, in addition to his present duties, himself took charge as the chief adviser. Thus a showdown with the opposition was averted. The Awami League neither congratulated nor opposed the appointment and subjected its approval contingent upon the future conduct of the chief adviser in terms of holding a peaceful and impartial election, whether or not he can ban use of mobiles or transfer partisan officials, etc. At the end of the day it is important that the bureaucracy remains neutral. With the politicization of our bureaucracy by all the past governments, how this could be achieved is anybody's guess.

Alternately, if the opposition is not happy with the would-be chief adviser it may be allowed to appoint a non-political person as an additional chief adviser or deputy chief adviser of their own choice delegating them with such powers as deemed necessary. In this way opposition could remain satisfied that they are not adversely affected. As another option the existing chief justice could be called upon to become the chief adviser and after completing the election he will return to his original position. In his

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considered to be a BNP person. If that is so then other justices are susceptible to the accusation because the political party in power appoints them. So then what's the use of relying on ex-judges who can one way or the other tag onto a political party? Once a justice, he by oath is required to be impartial. Instead of questioning his impartiality, a guideline could have been formulated stating what the chief adviser should or should not do in terms of holding a peaceful and impartial election, whether or not he can ban use of mobiles or transfer partisan officials, etc.

Criteria of neutrality for becoming eligible for the post of the chief adviser should include looking into one's credentials to find out if he or she has been an active member of any political party, or if the person addressed any meeting of any political party any time in the past. The person in question cannot have irrational biases towards any political party.

In our childhood days between friends we used to settle our playful disputes by flipping a paisa (a metal coin) and calling "heads" or "tails." Surprisingly, this is practiced in the election of the Secretary General of the United Nations. Our Permanent Representative KM Kaiser reportedly lost to Javier Perez de Cuellar upon flipping of a coin. Can't our political parties resort to coins when they do not agree?

Our nation has become so divided that the time is not far away when graveyards will become politicized so that burials would be refused if one happens to be on the opposite side of the political fence. So all should work for uniting the nation not dividing it.

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absence, an acting chief justice will be appointed so that the Supreme Court is not disturbed. For these, the constitution requires to be amended.

Another option would be to have a lottery where a number of names will be drawn from retired chief justices, ex-Appellate judges, eminent citizens of the country, and the opposition nominee will get to pick one from there. Eminent citizens would include citizens who held important non-political positions, and who have reached the top in their professions.

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HABIBUL HAQUE KHONDKER

DO weapons of mass destruction exist? Yes, I believe they do. The real weapons of mass destruction (WMD), however, are not lifeless objects such as bombs and chemical warheads, they are people.

Every time I see on the TV screen "another 50 or 60 or 30 killed somewhere in Iraq," whether they are Iraqis or American soldiers, I think of the real WMD. They are Bush, and Cheney, Rumsfeld, Wolfowitz, Perle, Rove, Blair, Azner, Howard, Koizumi, and all those who authorized the invasion of Iraq in defiance of the UN charter and against the wishes of the millions of people world wide who protested against the invasion.

Rather than "establishing democracy," the invasion has led to a civil war which accounts for the death and destruction every day in Iraq. Therefore, people accountable for causing this tragedy should be named for what they are: WMD. Proliferation of weapons too is a problem but the men who are indifferent to the loss of human lives are greater threats to civilized society.

Many will also put in the list of WMD, Osama and others responsible for death and destruction in many parts of the world, most spectacularly in New York and

Washington, DC in 2001. And there will be others (few, I hope) who will see him as a "rebel with a cause" striking terror at the hearts of WMD.

Sometimes it looks rather odd when US rides the moral high horse condemning nuclear proliferation and keeps spreading hysteria against Iran's nuclear program. A mighty country, that once dealt with major nuclear powered country like USSR which had thousands of the world's most lethal weapons as well as delivery systems, is now fidgeting over Iran. The great lies of Bush and Blair that created Iraq as a threat to these nuclear powers are caught in their own lies. Iran becomes a threat, North Korea becomes a threat, and the list may multiply.

In this lawless world, we have laws of the states but those laws cannot be used against the custodians of the state. I asked some American legal experts last year whether Americans can sue President Bush for invading Iraq without justification and the miseries it has caused to them. I was told that the president has immunity. So the leaders of the states are not accountable for the loss of human lives caused by wars and mayhem they unleash; they are untouchable.

What can be done to pre-empt men in charge of large arsenals (Bush, Blair) or small arsenals like Kim Jong Il from unleashing death

and destruction? What can be done to prevent men in charge of even smaller arsenals, such as the likes of Osama, from striking terrorist attacks on others?

The real antidote to WMD is to expose and discard war-mongering leaders (WMD) by voting them out of public office so that the public can live in peace. And parents do not have to bury their children who die in far lands the names of which they cannot pronounce for reasons best known to the protagonists of the New American Century Project.

How to deal with small-time WMDs who work outside the bounds of law, launching terror at will? Here, we need coalition of sensible people worldwide. Using Chairman Mao's wisdom, one must win the ocean so that fishes will not have sanctuary. The US policy so far has been to dry the ocean to capture some difficult fish. For North Korea, negotiation, not demonizing Kim Jong Il will help.

First, remove conditions of injustice that feed frustration and anger, and opt for non-violent resolution of problems. We must use honest laws that are founded on the fundamental principle of respect for life. Secondly, the laws must be used evenly and predictably. There is no substitute for peaceful negotiation to resolve problems.

But does that mean war is completely avoidable? A non-violent world must be the long-term goal and in order to reach that destination, one must move carefully and force must be used as the last alternative and not the first.

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Questionable end to the impasse

The story of Justice Hasan's illness, and delayed release of his written position to the press and the nation; his inability to personally call Justice Mahmudul Amin and Justice Hamidul Haq to ascertain their position on such a vital constitutional issue; his propensity to get the opinion of a partisan attorney general, not corroborated by other eminent jurists; his inability to announce his name even 15 minutes before his swearing in as chief adviser; his failure to ensure a proper invitation to Sheikh Hasina and other leaders of the 14 party alliance, all point to a non-transparent, sneaky manipulative process, not credible for ready acceptance.

NURUL ISLAM ANU

Rahman, perceived as ordinary by many, fought and gambled with his life against the brutal tyranny of Pakistani colonialism to create a nation; a lungi clad bearded man, with straw "tupi," raised his thunderous voice to champion the cause of peasants and working classes against an all powerful Samantabab. Examples can be multiplied.

The contemporary political mind is the proud inheritor of this legacy and, consequently, his expectation to witness the miracle in meeting challenges has been higher. He has often been disappointed. And yet he has been disappointed. The wide-ranging debate, and the repeated mention of the constitutional provision -- Article 58 of the constitution -- is known even to the common man. The underlying philosophy behind Article 58 is its consideration, and the exercise of the inherent and implied power by a person no less than the president of the republic who is expected to apply the highest

quality of "consideration" in its exercise. Did the president rise to that height of a non-partisan protector of the republic in the exercise of that noble level of "consideration"? Let us put facts in their proper perspective.

The president must have perceived a possible reaction from Justice Hasan, and it goes to the credit of Justice Hasan that he recognized the futility of accepting the position of chief adviser, and spared the nation the danger of a potential civil war. The absence of any appreciation for Justice Hasan's action in this regard is unfortunate, and I commend my former class friend for a far-sighted act exercised in the greater interest of the nation. In this regard an unclear excuse of sickness was brought to the scene, even though uncontradicted media reports unmistakably spoke to the contrary. His written assertion, subsequently released to the press, did refute the "excuse" of sickness.

The next obvious constitutional choices, Justice Mahmudul Nabi Chowdhury and Hamidul Haq, were never invited by the president to discuss the issue, and to obtain their opinion. The nation was in a constitutional crisis, and logic and responsible exercise of discretion

demanded that the president personally invite them to Bangabhaban. It was not done. Why? The nature of the crisis demanded delicate handling, and to leave this important task to a military secretary was an appalling lack of presidential discretion. Then again, BNP's objection to Justice Mahmudul Amin Chowdhury, and Justice Hamidul Haq's statement to the press do not show their unwillingness, as was depicted by Bangabhaban. The whole story and its handling was sneaky and manipulative, not transparent and credible.

The president's offer to assume the chief adviser's position even before exhausting the requirements of Article 58 was impolitic and irresponsible. The important issue inherent in the exercise of the requirement of Article 58 is the element of a quality of high consideration and discretion by its user. Obtaining an opinion from a partisan attorney general, or listening to objections of a political party without any credible justification, is certainly not responsible exercise of the highest quality of "presidential discretion and consideration."

The president is well aware of the background of his selection as president after the controversial

removal of Dr Badruzzaman Chowdhury, but his tenure has not been characterized by any conspicuous non-partisan act of significance to make his non-partisan character pronounced. At best his tenure was one of hazy partisanship. That scenario made it imperative for him to make a bold and credible bid to appear non-partisan. He clearly failed to do so.

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Where do we go from here? Awami