

Too many things on the president's plate

Delegate responsibilities to the advisers

THE President and the Chief Adviser (CA) has decided to keep yet another committee under him directly. As it is, as the Chief Adviser he has far too much on his plate. That was not the case with the previous Chief Advisers, who had fewer ministries to look after, certainly much less than the 11 ministries and divisions that the President and CA has chosen to hold this time. Apart from that he is also heading two committees that are directly related to the holding and conduct of the forthcoming elections; advisers headed those in the past.

The law and order committee, which has been set up on Monday with the CA as its head, will perhaps be the busiest committee with so many chores to be completed before, during, and after the next parliamentary elections. That will require fulltime attention, which Prof Iajuddin, wearing two hats may not be able to, not to speak of his frail health.

We had in the past urged upon him to physically de-link the two appointments that he is holding, which has not happened yet. It is imperative for the president to also mentally separate the two jobs and play the two roles distinctively. One, as that of the chief executive, being the head of the caretaker government, and the other as the president of the republic, which is largely a ceremonial function. And the hub of all the activities of the caretaker government must be the CA's Secretariat and not Bangabhaban.

It is also important to understand that the position of the CA has a different protocol attached to it and the ministries and the committees under him do not have to suffer the constraints of president's protocol. This restricts the interaction between Professor Iajuddin and those in charge of the ministries and the committee heads severely.

We would like to suggest to the CA to retain only the important ministries under him, should he feel compelled to do so, while the rest may be distributed amongst the other advisers. As for the committees, Prof. Iajuddin may remain the head of them but delegate the operational responsibility to one of the advisers in the committee to conduct the daily business that will occupy a very good part of the day, given that there are even less than 70 days left for the caretaker government.

We suggest that the president devote his time to addressing the serious political impasse that we are facing and leave the rest to his council of advisers to attend.

Violence during blockade

Why the path can't be shunned?

THE death of two LDP supporters in Chittagong on Tuesday and some sporadic incidents of violence in a few places outside Dhaka on Monday marred an otherwise violence free period of blockade of the last two days. We are highly concerned at the incidents that took place in Natore in which 50 received bullet wounds and as many as 150 were injured in gun fights between the 14-Party activists and the BNP jockeying for positions in various parts of the city on Monday. In similar incidents as many as 24 people were injured in Sirajgang and Bagerhat. We condemn also the death of the LDP activist.

These incidents are even more disconcerting given that we are at the threshold of a solution that will hopefully allow us to tide over the present political impasse. Further violence will do no good to anyone's cause.

While blockade has already taken its toll on the lives and livelihood of the majority of the people who are peace loving citizens, display of such violent acts add to the already burdened state of their minds. The resultant impact and ill effects on our economy as fallout of the blockade at the national level are enormous.

Therefore under no circumstances such means and methods of thrashing out differences between political parties can either be condoned or endorsed. Our political parties must realise that continuing with such violent acts is slowly and surely setting into the individual psyche also. This will have consequences not only in the political arena but also in the common man's life. It should be clearly understood by the political leaders that it is they who will have to deal with the future whether in the opposition or in the administration. And today's opposition may very well be the party in power tomorrow.

It is high time we began to place the nation's interests ahead of self and partisan interests. Let us shun all kinds of violence and resolve all issues through dialogues and discussions, which essentially sustain life in a democratic and civilised society.

All the time President Iajuddin has lost

GROUND REALITIES

We will, at this point, rekindle our hope that Iajuddin Ahmed, despite his political beliefs and loyalties, despite the questionable manner in which he decided to be chief advisor, despite all the time he has lost in indecision since the caretaker administration took charge of the country, will still stumble upon a miracle and tell us that we can after all afford to give him our support. If he does not or cannot, we will be honest and fair to him and inform him that in the larger interest of this People's Republic, he should begin thinking in terms of letting slip his hold on the caretaker administration.

PRESIDENT Iajuddin Ahmed has been stumbling all the way through. Not everyone, though, will agree with such an assessment. To a very large number of people, it is something more serious. The image has been one of the president's not moving at all. Or if he has moved, it has been in the manner of a snail and that too over issues that are clearly less important than some extremely significant ones.

Whatever may be the truth, the bigger reality is one of Iajuddin Ahmed's rapidly turning into a target for those who have waited for him to act and then have made the uncomfortable discovery that he is either not willing or not capable of acting in presidential manner.

Building on such a line of reasoning, you could well argue that the dynamism and reassurance the country expected from the president once he took upon himself, much to our consternation, the onerous charge of chief advisor of the caretaker government have simply not been forthcoming.

That assessment quickly leads to another, which is that by taking over the additional responsibility of chief advisor and through modalities that remain questionable, Iajuddin Ahmed may have dug a hole not only for himself but for the country as well. In these past weeks, with mounting evidence of the head of state remaining

ing silent and inactive, the hole has been getting wider and deeper.

Which is why it becomes the very great moral responsibility of citizens to wonder whether the President should not now be persuaded to shed the raiment of chief advisor that he has had on him since late last month. Indeed, with the Awami League and the Liberal Democratic Party now clearly calling for Iajuddin Ahmed's departure from the office of chief advisor, the problem for the head of state as well as the country takes a new dimension, and none too comfortable for us at that. The clear and unadulterated perception today is that Iajuddin Ahmed has not done what had been expected of him.

But then, no one really expected him to take over as chief advisor either. That job ought to have gone to Justice Mahmudul Amin Chowdhury or Justice Hamidul Haq. It should have been for the president's advisors and well-wishers to inform him that the move on his part to head the caretaker administration was fraught with risks. There were all the predictable dangers associated with the move, given especially the sustained struggle for the removal of Justice KM Hasan from contention as chief of the caretaker apparatus and for the departure of Justice MA Aziz from the

Election Commission. No one saw the dangers, or acknowledged them – not the president, not the men around him, not the party that elected him to high office. Those dangers have today taken a turn where it is the constitutional future of the republic that is now at risk of being gravely damaged.

There are mistakes that President Iajuddin Ahmed has made since taking over as chief advisor. He ought to have taken a leaf out of Justice Shahabuddin Ahmed's book. Between December 1990 and February 1991, Shahabuddin proved to be a decisive interim leader and rare was the moment when he ran into partisan criticism over his handling of affairs of state. Iajuddin Ahmed, for all his dependence on the Bangladesh Nationalist Party to be elected to Bangabhaban, should have emulated Shahabuddin and thereby inform the country that it was in good hands.

When you go over the record he has set in these few weeks, you can only conclude, with a sad shaking of the head, that Bangladesh is not in good hands. When the Council of Advisors must spend days trying to schedule a meeting with the president/chief advisor, you tend to ask the vexing issue of what the people of Bangladesh can or must do about the stubbornness of the chief election commissioner.

These are issues that call for decisive handling. That in essence requires the presence of hard-nosed, non-partisan and above-the-fray leadership. President Iajuddin Ahmed is obviously not the man to come forth with such leadership. His failure to condemn the police brutalities that took the life of an Awami League man last week has proved to be not only a sign of weak leadership but of an

lackadaisical affair, even a pointless one. President Iajuddin Ahmed, in the manner of earlier chief advisors of earlier caretaker administrations, should have devised a system that would have permitted his advisors to meet him every day, and more than once.

Consider the enormity of the problems Iajuddin Ahmed faces. They are far more complicated and loaded than those which confronted previous caretaker governments. On the one hand, there is the terrible legacy of corruption that the BNP-Jamaat government has left behind. On the other, the careful process of political engineering that went on in the civil administration during the era of the alliance government was a huge boulder the president should have started chipping away at. And then, to be sure, there is the vexing issue of what the people of Bangladesh can or must do about the stubbornness of the chief election commissioner.

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insensitive one as well. He holds charge of the home ministry but he has seen little reason, in a manner reminiscent of those who manned the department in the BNP-Jamaat era, to dump the bad eggs in the police basket.

When the state takes the life of a citizen in unnatural circumstances, it becomes the moral responsibility of the man or woman at the top to say sorry. President Iajuddin Ahmed has not said sorry. We are all sorry that he has not. And we are sorry as well that he has taken upon himself all those ministries which he clearly cannot preside over or do justice to.

Those ministries are today in a somnambulistic state. The fault for the mess is not in our stars, but in our president. It should have been his job to lead us out of the woods; and we would have overlooked the way in which he took over the machinery of state if he had convinced us that he could rise to the occasion. Instead, we have been treated to a spectacle of a government muddling through. The president baffled us with his taunt that those on his staff should not be disturbed. He seemed to have forgotten the distinction between domestic help and servants of the republic. And he went ahead to promote his controversial press secretary to the position of an advisor. It was a case of misplaced priorities. Observe the alacrity with which the president called the CEC and his colleagues to Bangabhaban to discuss, of all things, the election schedule. Priorities got skewed again.

The mysteries, in the plural manner of speaking, have been arising steadily and deepening thick and fast. President Iajuddin Ahmed meets the Council of Advisors for as long as two hours, without he or the leading bureaucrat manning the home ministry letting the advisors in on the information that letters have gone out

to the district headquarters about a deployment of the army in the job of maintaining law and order. It then becomes embarrassing for the president to be compelled to withdraw the letter, as it became embarrassing only days earlier when Iajuddin Ahmed thought a presidential form of government had taken over.

Of course there was a clarification, pointing to the role the media had played in the dissemination of the news. The accusatory finger, as always, was directed at newsmen. No mention was made of the words and terms the president had actually used. For good measure, the television channels went on playing them over and over again. All of this leads you to one overwhelming question: Why did the president, remaining fully cognizant of the constitution, momentarily not remember that the country happened to function along the tracks of parliamentary politics?

Let the answer be. We will, at this point, rekindle our hope that Iajuddin Ahmed, despite his political beliefs and loyalties, despite the questionable manner in which he decided to be chief advisor, despite all the time he has lost in indecision since the caretaker administration took charge of the country, will still stumble upon a miracle and tell us that we can after all afford to give him our support.

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consuming process in reconstituting the Election Commission.

The president can remove or replace election commissioners through engaging a process of the Supreme Judicial Council that comprises the chief justice and the two next senior judges, if the President has the reason to apprehend that an election commissioner may have been guilty of gross misconduct.

Under the above circumstances, the president may direct the Supreme Judicial Council to inquire into the matter and report council's finding to the president. If the findings are against the election commissioner, the president "shall by order, remove" the election commissioner from office.

The way to move forward, rather than get mired in further debates, is to consult an eminent non-partisan constitutional expert within or outside Bangladesh who can throw light on this option. The civil society may help expedite the process if they obtain a legal opinion in the matter and submit it to the non-party caretaker government.

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

AN OPTION TO RECONSTITUTE THE ELECTION COMMISSION

How to replace the chief election commissioner



HARUN UR RASHID

BOTTOM LINE

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enjoy confidence from voters so that the commission can hold free, fair and credible election. I emphasize the words, "free," "fair," and "credible."

Regrettably the chief election commissioner has become the subject of controversy. Ordinarily the chief election commissioner and the Election Commission must be independent in the exercise of its functions, subject only to the constitution (Article 18.4).

The Election Commission "shall hold elections of members of parliament" in terms of Article 19.1 (b). Under Article 121 of the constitution, there shall be one electoral roll for each constituency for the purposes of elections to parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste, or sex.

The Election Commission must

without fear or favour.

Election commissioners know that they have a fixed term of tenure during which they cannot be removed. The certainty of tenure gives them their independence to perform their functions without fear or favour.

That is why Article 118(5) of the constitution provides that an election commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court.

The removal or replacement of election commissioners is not an easy process. Such procedure was deliberately incorporated in the constitution to make it difficult so that they can perform functions independently of the government or any other outside pressure.

In the past, election commissioners could not be removed by

the government or non-party caretaker government. They could not be persuaded by the government to resign or take leave. (for details: see Chapter 4, "Non-Party Caretaker Government in Bangladesh," Dr Nizam Ahmed)

It is noted that a few Chief Election Commissioners resigned on their own taking into account the reality on the ground.

A way out

While the removal of election commissioners has been found difficult, at the same time, the reconstitution of the Election Commission has been a precondition of almost all political parties to the participation of the election. To resolve the crisis, it has been suggested it can be met by giving "forced leave" to the functionaries of the commission.

The question is whether this

method of "forced leave" can be executed in accordance with the constitution. Constitutional experts hold the view that this is permissible.

They argue that the terms and conditions of Election Commissioners are governed by the Supreme Court Judges, Remuneration and Privileges Act of 1982 as amended from time to time. That means their remuneration, amenities and leave are regulated by the act. The act provides, among others, for extraordinary leave, if asked by the functionary. However there is no provision for forced leave.

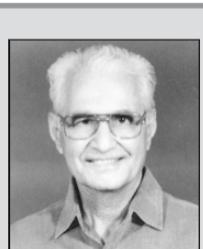
Experts suggest that the president may make and promulgate an ordinance under Article 93 of the constitution incorporating the provision of "forced leave" in the aforesaid act.

Under the amended act, the president may ask any election commissioner to go on leave for three or six months. In this way the president may ask the chief election commissioner or any commissioner to go on forced leave, thereby re-constituting the Election Commission with qualified persons for the election period.

Besides the above quick process, there is another time-

PLAIN WORDS

Pakistani officials are tentatively upbeat about the future of US-Pakistan alliance, based on this country's utility to America -- thanks to its strategic location and a modern army. And if Democrats take over the presidency in 2008, they will also still need Pakistan, as a senior Democrat wrote in a major American paper. That may really be so. But they ignore the full implications of the change that has occurred. Does it go in their favour that Democrats have no alternative vision for America?



MB NAQVI

writes from Karachi

NOVEMBER 7 mid-term elections in the US were decisive. US President George W Bush's policies cost his ruling party, Republicans or Grand Old Party dear: it lost the control of both Houses of Congress. Bush presidency has been profoundly weakened and as the US usage has it, he has become a lame duck for the last two years of his tenure.

Watching the partisanship of this election from close quarters was an experience. The desperate efforts of both Democrats and GOP to win were not without reason; the ruling GOP had a tight control over the government at the centre. Democrats wanted to break this stranglehold; much was at stake. And the stakes were high for not only Americans; the rest of

the world too had a big stake in the outcome of that election. America is now the only superpower and its actions make life and death difference in far too many countries in Asia and Africa.

The people in far too many countries will want to know what does this change presage? What will the US now do vis-à-vis the Israelis-Palestinian dispute; what will it do in or about Iran, Iraq, Syria, Afghanistan, and Pakistan; or generally about traditionally pro-west Arab potentates. American policies in Latin American states are up for review; large number of elections have thrown up leaders who tend to be defiant to America. African continent remains engulfed in obscure wars, and the US, when necessary, should take action unilaterally, as

in Iraq. It was an alluring vision and many Americans were bewitched by it.

As the results of this elections show, the GOP lost it because of this vision's underlying assumptions: that America can adjudicate a state guilty before that state commits the said offence; it can unilaterally take action. UN was not so much the victory of GOP, despite so much was going for it: pots of money, support from large sections of media and a well-oiled election-winning machinery. People simply did not want Republicans to win.

The Bush administration was insistent in making more mess in Northeast Asia, in Central Asia and of course in the Middle East with its entirely bogus idea of

changing regimes. This notion is fundamentally wrong. For instance, Saddam Hussein was a detestable dictator. But it should have been for the people of Iraq to overthrow him. What the Americans have done has made the ME a dangerous place to be in. Al-Qaeda was an insignificant group in Afghanistan and Saudi Arabia. The US military action against Taliban has cemented Taliban's alliance with al-Qaeda and both owe their rapid growth in recent years to Bush policies.

The War on Terror has been perceived by Muslims, at least in ME, as being a war against Islam. This is the result of careless conduct by western armies and ambiguous speeches by politicians. While the west does face a genuine threat from Muslim fanatics, the treatment of Muslims in the west as so many suspects does not help in arresting the growth of extremist groups in places like Pakistan and Bangladesh. This filip to the growth of "terrorism" may be the most notable legacy of Bush years in White House.

Another is the growth and growth of Israeli intransigency vis-à-vis the Palestinians. No doubt American governments have behaved the way Israel

wanted them to. But no tail can wag a dog, not until the dog has reasons to create the impression that the tail is wagging it.