

The EC should resign

Let a fresh start be made

THE caretaker government has made it clear that its highest priority now is a reconstitution of the Election Commission. We as well as the rest of the country certainly concur with it in its assessment of the situation. As we have stated earlier, it is indeed time for the present Election Commission to find its way out in order for the caretaker authorities to go into the business of organizing credible elections with a reconstituted EC in place.

Today we will reiterate our position and urge Justice Mahfuzur Rahman and his colleagues that a fresh beginning needs to be made at the EC. With the changes that have already occurred in other areas, notably through the arrival of a new caretaker administration, it ought to be obvious that all remaining obstacles to change must go.

There is, of course, the constitutional straitjacket that will not allow the authorities to compel the chief election commissioner and his colleagues to quit. Law Adviser Mainul Hosein has only stated the obvious. It now stands to reason that we suggest that Justice Mahfuz and his friends, through voluntarily leaving office, allow the country an opportunity for a wholesale cleaning of the decks for the elections.

Without going once more into the old question of how much loss in terms of expenses the EC has incurred in its pointless activities so far and without dwelling further on the obduracy of those now in charge, let us make it clear that the nation expects these gentlemen to leave in dignity.

This is certainly no reflection on their abilities and competence. We do note, though, that the controversy they have so far aroused makes it impossible for them to do justice to their job. Through an abdication of responsibilities, they will surely be able to reclaim the self-esteem that may have become frayed in recent months.

All said and done, it is now only moral persuasion that can be brought into the task of making Justice Aziz, Justice Mahfuz and everyone else realise the gravity of prevailing conditions. The political parties and alliances, at least the bigger chunks, will not deal with them because of their proven poor track record.

Issues such as ID cards, a credible voter list and a universally acceptable election schedule are matters the present set-up at the EC cannot adequately deal with. Should it then not be for the entire group to acknowledge the consensus that has developed across the country about the need for a graceful departure on its part?

ACC's business as usual

Revitalise the important organ

WE note with a despondent heart that the Anti-Corruption Commission (ACC) of Bangladesh has failed to do something worthwhile to justify the nomenclature. This one single organ is usually entrusted with the authority to nullify all attempts to corrupt and criminalise a society by unscrupulous people. Unfortunately, though there is an ACC, yet all-pervading corruption has earned the country a bad name in the international arena. The commission has the personnel in place but when it comes to stopping corruption and apprehending the corrupt elements it has largely failed to deliver the goods.

In the past, all the governments of the day exerted influence to keep the STET under their control as an appendage to the PMO, all in an apparent bid to keep their own people out of the dragnet. Instead of dynamic and suitable people to head the commission, a person old in age was selected for the post. We cannot but express our dismay at the fact that up until now, no effective mechanism has been evolved within the ACC to work independently and effectively and do the job it is required to do.

With the present caretaker government having the goal of holding a free and fair election before it, a strong and effective ACC is very much required to provide support. People in general want owners of black money and criminals to be out of the election race and the ACC should be able to identify such people and make it difficult for them to come to electoral politics. In purging politics of criminals, ACC's role is paramount and it should be given full support, with money and manpower, by the government. What it needs is a set of rules of business that would enable it to act independently, energetically and effectively in the discharge of its functions.

Given the environment of change that is perceptible all around, we feel the ACC should make a fresh start with the right kind of people at the helm.

Week one



ZAFAR SOBHAN

THE events leading up to the presidential speech of the night of January 11, when the president relinquished the post of chief adviser and declared a state of emergency, have been the subject of intense speculation since the early evening of the 11th when the news was first leaked into the public domain.

The hours leading up to the speech were filled with conjecture as to who was behind the move and what exactly was on the cards, and many were initially nervous that it was yet another 4-party stratagem, which seemed to be confirmed when it was revealed that nine of the advisers had resigned and that the only one left was Fazlul Huq, known to be the most partisan of the lot.

But with the president's speech it became clear that the BNP was no longer calling the shots as it had done for the past three months and that there was a new sheriff in town. The president capitulated entirely, admitting that the voter roll was flawed, that acceptable elections could not be held within the prescribed 90-day period, and that elections without the grand alliance of opposition parties would be meaningless.

The burning question is and remains: who was behind this



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move. Over the past week there has been this fiction played out by the cognoscenti that the president's declaration was volitional and that all constitutional measures had been followed.

BNP is keen to help maintain this fiction (for now) as it does not want to appear to have lost its grip on power. AL is keen as it does not want to too openly endorse a move that could be seen as extra-constitutional. The new caretaker government is happy to maintain the illusion that it is running things. And the army, of course, is happy to keep mum and maintain the pretence of not being involved.

The specific triggers for the move were illuminating. One of the principal triggers was clearly the hardening position of the international community against the bogus elections. This position had been hardening since at least mid-December when the US ambassador stated that the caretaker government had not always worked neutrally.

This was followed up by categorical statements in January that a one-sided election would not be internationally acceptable and the united decision of all outside election monitoring teams to withdraw their monitors. Behind the scenes, hints were dropped to the army that if the BNP went ahead with its

STRAIGHT TALK

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plans that this could imperil the army's UN peacekeeping missions.

Nor should one discount the looming concern of the grand alliance agitation, slated to begin on the 14th, that threatened to shut the country down and turn the streets into battlefields. But the specific trigger for the action on January 11 was the behind the scenes maneuvers to replace the army chief of staff with a more compliant one who would do the 4-party's bidding.

So: what happens now? It has been confirmed that the first person offered the chief advisories was none other than Nobel laureate Muhammad Yunus, but that he declined the honour, perhaps wisely.

Subsequent to that, all the remaining advisers including the chief adviser have been chosen by the army high command and there is no question that the army top brass is calling the shots. The general perception is that the new caretaker administration is one that will not rock the boat and cause trouble for the power behind the throne.

The next question is whether the current combine will stay in power for only three months or so to administer elections or whether it will stay for longer. Officially, the international community has stated that it would like to see elections at the earliest, unofficially, I am not so sure. This could change, of course, but make no mistake about it: whether we see elections at the earliest or whether the time period is extended in order to clean up the system depends to a large extent on what the international community deems acceptable.

The army obviously has allies and supporters from within the civilian world, but the early indications are that it is the army that is calling the shots and that the civilian influence on the current affairs of state is minimal. That said, in fairness, the army has not, as of yet, come down with a heavy hand. So the country waits and watches.

All indications are that the general public is not unhappy.

The public is happy that the blood-shed and disruption that was on the cards from the 14th has been averted, and, most of all, it is happy that there will not be a rigged election that will install Tarique Rahman and his coterie in the seat of power.

Indeed, the principal concern on the streets is that the BNP may regroup and reassert itself. On the whole, this seems unlikely, but as long as the attorney general remains in place and the courts remain under BNP control, people will remain cautious and unconvinced.

The army has moved quickly to secure its position and neutrally.

tralize the potential troublemakers within its own ranks, but has been slower to act against senior civilian leadership, hence the apprehension that BNP may be able to regroup and the talk of the president stepping down to be replaced by the speaker of the house, thought to have more backbone.

I don't see this working. All that such a move would accomplish would be to force the army out from behind the curtain, with the attendant problems that this would cause.

Right now the talk in the air is of reform. The Election Commission needs to be reconstituted, the voter roll fixed, and perhaps full-on reform of the election law. There is also talk of more thorough-going reform, such as separation of the judiciary from the executive, that is already underway, the idea being that the current system is so broken that it needs to be cleaned up from top to bottom.

So: where do we go from here? One scenario is that we head towards elections in three months, but this seems less likely with each passing day. AL would, of course, welcome early elections, but surely doesn't want to set itself up in opposition to the army at this point in time. BNP might also be tempted to go for early elections as they are concerned about the army coming after them. Neither, though, is going to take the issue to the streets since the public seems perfectly content with the status quo and neither want to either antagonize the army or to trigger more direct army rule.

But, if elections are delayed this leads to the question of whether we will see an extended caretaker administration or the army will step out from the shadows. The difficulty for the cur-

rent administration is that a number of crises are brewing that they would have to tackle if they remained in office for any length of time. There is trouble afoot again in the power sector and the agriculture sector that will require a serious solution. There are a lot of difficult decisions that will need to be made.

The caretaker cabinet surely would not be happy with its role of figurehead if things start to deteriorate and the public grows restive. Similarly, the army will surely be loathe to take off its mask and step forward and take full responsibility and ownership for the state of the country.

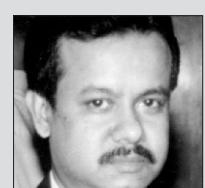
Next, we have to see how sincere the army is about cleaning up the political landscape. Both the parties could benefit from cleaning up, and may survive and even thrive in the aftermath, but there is a chance that such an operation could fatally cripple them instead. This could create a vacuum that the army might be tempted to fill itself, though, thankfully there is no evidence of this right now.

More disturbing is the potential that such a move might create space for fundamentalists and extremists. Then again, it might merely ultimately permit the existing parties to strengthen themselves or clear the road for a new political alignment.

Right now, Bangladesh has been delivered from the fire of violence and fraudulent elections, so that is reason to celebrate. But whether we are on our way to something better or the frying pan isn't yet clear. Stay tuned.

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A parrot for president



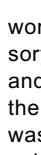
MUHAMMAD BADRUL AHSAN

FIRST thing first, a parable of history to set the context! When General George Armstrong Custer of the Union army lay dead after the Battle of the Little Bighorn, an American Indian woman was found sitting next to his body, perforating the ears. The general didn't heed good counsel when he was alive. She opened his ears so that he was going to pay more attention in the next life.

That was back in 1876. But, believe what you will, it has been repeated in 2007. Again, an American woman is said to have done the perforation on a defeated man.

It is believed that the US ambassador in Bangladesh opened the ears of our president so that he would not be a stick in the mud. Everything until then was falling on deaf ears.

So, it took 76 days, 78 lives, damages running up to hundreds of millions, a pretty dodgy image



MUHAMMAD BADRUL AHSAN

Frankly, it is terrible to think that the president of a sovereign nation may have played second fiddle to foreign diplomats. It will be argued by many that that was not the case. But that is the stigma that sticks in the end that it didn't ring a bell in the presidential mind until the US ambassador warned that an election without the participation of all political parties was not going to work. Then the election observers threatened to pull out. Then something transpired behind closed doors, which we don't know.

worldwide, two rounds of advisory parades, tension, anxiety, and countless bickering before the president got convinced that it was time for change.

Last Thursday he realized that the voter list was faulty, corruption was rampant, politics was rotten, people were unhappy, and the country was in a pretty bad shape. God knows if the president was running the country from another planet!

When the president addressed the nation last Friday night, the speech was an account of our wanton politics. But what about the president himself who was part of that process, who in the end had to eat the humble pie? How does he explain why he took and gave up the post of the chief advisor? How does he explain why the defender of the constitution now agrees to push the election beyond ninety days?

The president, if he is paying attention, has lost the fight. The mindblower is what took him so long. If all that he said in his speech was happening, and he knew about those things all that time, why was not he doing anything? And what was he thinking for 76 days?

George Marshall, the father of the Marshall Plan, told his aides: "Don't be a deep feeler and a poor thinker." Perhaps the president was being both, feeling nothing and thinking nothing, cooped up in the confines of his presidential office, living in his own world.

Nevertheless, this president has much to explain. Why did he take the office of the chief advisor of the caretaker government in the first place? Who are the people who advised him, if he was at all advised by others?

He should punish those who

prodged him to make that monumental mistake. If it was one of his own errors in judgment, then

he owes the nation a big apology. If he meant what he said in his speech, then clarity, like charity, should begin at home. He should show the way and lead by example.

The president has made many mistakes. He appointed himself the chief advisor. He failed to hold together his ten advisors. He fumbled on the deployment of army once and then sent them for winter recess. He could not handle the Election Commission. Finally, he promulgated emergency and enforced curfew, which was withdrawn after one night. There were failing after faltering of decisions, which raise questions. Was he acting in bad judgment or was he acting under compulsion?

Frankly, it is terrible to think that the president of a sovereign nation may have played second fiddle to foreign diplomats. It will be argued by many that that was not the case.

Yes, there is a new caretaker government, which will fix many things. It will separate the judiciary, correct the voter list, obtain transparent boxes, recover illegal arms, and ensure a free and fair

election. Then what?

The answer calls for my favorite history lesson of all time. Spartacus and his seventy thousand slaves defeated their masters and then headed for Rome. When the slaves arrived at the gate of the eternal city, they were overawed by the sight of statues of the Roman gods and goddesses. It was in that moment of hesitation that the Roman army slaughtered them.

The emergency is going to protect the president and he is going to protect others. And the caretaker government will go after small fries, while the coelacanths stay at large.

Saint-Just explained it during the French Revolution. It is the spirit in which the king is judged, which will be the same as the spirit in which the republic is established.

Once again, our hesitation has slaughtered the spirit. The king remains above the republic.

May be, the US ambassador can do us one last favour. She can get us a grant from her government to run it as a project. All of us need to get our ears perforated, because history is getting tired of screaming at us.

Then we won't mind even if a parrot runs for president.

Mohammad Badrul Ahsan is a banker.

I welcome the recently proclaimed emergency as it has been imposed to save the economy and restore social order. But I cannot support the suspension of fundamental rights, particularly the freedom of thought, conscience and speech, subsuming the right to information and freedom of media, which is an essential pre-condition of a democratic polity. I hope the suspension of the operation and enforcement of fundamental rights will be forthwith withdrawn, and accordingly the newly elected lawmakers will amend the constitutional provisions.

SHEIKH HAFIZUR RAHMAN KARZON

PRESIDENT Iajuddin Ahmed declared state of emergency in the whole of Bangladesh on January 11, to the relief of the whole nation. Undeniably the recent impasse had been created by the political parties to take the control of state power at any cost.

Though appointed politically, President Iajuddin Ahmed had an opportunity to stand up with integrity and stature, but he mis-stepped at the very beginning and continued mis-stepping, making it clear that he was a puppet in the hands of BNP-Jamaat alliance, and had

been assigned to hold a cooked-up election and hand over power to the same ruling elites.

In spite of the abstention of major political parties, protest of civil society, and concern of international community, Professor Ahmed stuck to arranging a one-sided election, even at the cost of true spirit of democracy and constitution.

He was firm in his stance till January 10, just before one day of his turning 180 degrees, contradicting his earlier statements. This U-turn of Professor Iajuddin Ahmed uncovered his intellectual and moral bankruptcy, undermining the image of a university teacher.

There are three types of emergency, namely, emergency of war, emergency of subversion or inter-

nal disturbance, and economic emergency.

Article 141A of the constitution of Bangladesh has provided all the three categories, which states: "If the President is satisfied that a grave emergency exists in which the security or economic life of Bangladesh, or any part thereof, is threatened by war or external aggression or internal disturbance, he may issue a Proclamation of Emergency."

In US, President Roosevelt declared economic emergency under the National Industrial Recovery Act, 1930 and adopted the New Deal policy to overcome worldwide economic depression.

During emergency, when the very existence of the state is in danger, the necessity of suspending certain fundamental rights is recognized by international instruments.

Article 4 (1) of the International Covenant on Civil and Political Rights, 1966, Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950,

and Article 27 of the American Convention on Human Rights, 1969 permit the state parties to derogate from their obligation under the conventions during war or any other situation which threatens the independence and security of a state.

Some, however, consider emergency power is an unnecessary evil at the hands of the executive, who may abuse this draconian power for executing their ill-design, at least the experience of East Pakistan substantiates this fact, making the founding fathers of Bangladesh realize to keep emergency provision outside of the scheme of the