

Promulgation of emergency rules

Prudence called for in implementation

THE promulgation of rules under emergency provisions to curtail political activities does not come as a surprise. Indeed, ever since a state of emergency was clamped on the country, such rules had been expected to follow. The ban on political and trade union activities is therefore understandable.

Despite our acknowledgment, though, that there is nothing out of the ordinary about the promulgation of the emergency rules, we do think it important to remind the caretaker authorities that there are certain essential areas they cannot ignore even as they apply the rules.

The fundamental rights of the people, a point which the chief adviser emphasized in his recent address to the nation, cannot and must not be pushed aside in the name of an application of emergency rules. Harassment of citizens under the cover of emergency regulations can surely not be acceptable and wise policy.

The caretaker government will surely remember that we at this newspaper as also the rest of the country welcomed it on arrival for reasons not difficult to fathom. The wide public support it enjoys today stems from an appreciation of the clear areas of responsibilities it has demarcated for itself. There is a very clear public perception that the government is on the right track and could indeed lay the groundwork for good, sustainable democratic politics in Bangladesh.

The honeymoon period that the government thus enjoys should be taken full advantage of as it moves toward arranging free, fair and credible general elections in the country. The crest of popularity they are riding should constantly remind the caretakers that the sooner they can organize the elections, the healthier will the state of the nation be. From that perspective, we hope that the government will avoid taking any controversial step that just might cast a shadow over the bigger goals before it.

We are, however, surprised at the imposition of restrictions on the media. We would have had grounds for much cheer had these restrictions not been placed on the media at all. We would like to remind the caretaker government that in earlier times it was such restrictions which delinked the administration from the general public.

In other words, the media have consistently brought to light the lapses and inadequacies governments have suffered from in Bangladesh. It is therefore hoped that the caretaker administration will consider withdrawing the restrictions placed on the press or clarify them in light of the chief adviser's earlier reassurance about the media being free to pursue its job of airing people's grievances in public. The need today is for a good debate on the issues. Putting a lid on discussions, especially in the media, runs the risk of being counter-productive.

Kibria killing

Please reinvestigate

NOT that murders and killings do not take place in other countries also, but the difference in the case of Bangladesh is that very few of them get to be investigated properly and even fewer come up for trial timely. We are dismayed that the trial of the killing of SAMS Kibria has not been held even two years after his killing.

Kibria's killing has been a blot on the image of our nation. He was one of our more accomplished politicians with the potential to serve the nation in even higher position of responsibility. While the family has suffered a personal loss, the entire nation has been deprived of his immense potential.

The case is pending because of an appeal in the higher court by the plaintiff to stop the lower court trial proceedings on the ground that the circumstances of his killing had not been properly investigated. And that is what begs the question. We are distressed at the repugnant political culture of giving a short shrift to cases related to those belonging to the opposition political camp.

While we would not like to impute ulterior motives to any political party, but that the investigation into the killing of a high profile person like that of Kibria has been done in a manner that has given rise to misgivings in the minds of the members of the family, cannot be in question. Such political murders, whose investigations are alleged to be faulty, that leave the main culprit go free, will set dangerous precedents in the future conduct of political opponents. This will also reinforce the notion of the culture of impunity in our country.

We call upon the caretaker government to order a reinvestigation into the killing since one cannot rule out the possibility of political consideration having influenced the course of the previous investigation and its ultimate findings.

Not only does the Kibria family deserve a free and fair trial, the principle of justice requires that all the culprits associated with the heinous crime must be unearthed and brought to justice, which can be done only through an unbiased investigation. This must be done to save the country's politics sinking further into the mire.

Murder most foul



KAZI ANWARUL MASUD

GOING DEEPER

The latest revelations from Guhawati have to be seriously investigated so that the truth can be established once and for all. People will lose faith in our legal and law enforcement institutions, faith being already fragile, unless such high profile cases are brought to an end and justice is meted out to the culprits.



intelligence people who even provided them with vehicles in the morning of that fateful day.

This new twist in the yet unresolved murder attempt on Sheikh Hasina thickens the controversy in the light of the judicial confessions given by three Haji terrorists in 2005 that also implicated several absconding Bangladeshi criminals in this plot.

Questions have also been raised, like who plotted the assassination attempt, what was the motive behind the attack, who supplied the grenades used for the assassination attempt, how the same type of grenades were found later in Dhaka Central Jail, why the evidence was destroyed so quickly, and why two of the

victims were buried so hurriedly.

The entire episode of August 21 reflects not only the criminalization of Bangladeshi politics but also the immunity that is enjoyed by the criminals who tried to kill a former prime minister and leader of the largest political party in the country.

If the involvement of intelligence officials is proved to be correct, then one cannot but wonder at the degenerative depth of politicization of the bureaucracy in the country.

The new chief advisor Dr. Fakhrudin Ahmed's call to the bureaucracy to consider themselves as servants of the people, and not to serve the interest of any political party, could not have

been more timely.

But ambition, being an ingrained quality in human personality, molded by today's materialistic world, where the rat race is for not only keeping up with the Joneses but for living better than the Joneses, drives an individual's need for political patronage.

This is truer in developing countries where the cake is small and the rats for the race are many. Independence from Pakistani colonial rule has opened for us the materialistic and advanced world and, consequently, a raging desire to acquire as much material advancement as possible in the shortest possible time.

This soulless race for acquisition, often devoid of moral values,

will be difficult to check as long as the political leaders do not set examples by their own lifestyle and behaviour, as is seen in some Scandinavian countries.

Prime Minister Olaf Palme was killed on his way back home by underground train after watching a movie, yet his successor refused police protection that could have saved the life of Anna Lindt, the Swedish foreign minister, many years later.

One could argue that, given the violent end of many leaders in South Asia, the Scandinavian example of refusal by state officials to avail themselves of police protection lest they lose contact with the people, is not tenable in our country, and more so if fear of assassination remains a constant companion.

German-born philosopher Hannah Arendt theorized that bureaucracy could be so developed that there would be no one left to argue with, as a totalitarian form of government would have taken over and the bureaucracy, divided in hierarchical order, would achieve its ends less through deliberations and more through regulations and orders.

This is true of the bureaucracy in many developing countries, particularly those that were colonized, because the metropolis-periphery relationship demanded that the orders received from the colonial masters were to be obeyed to the letter, regardless of the ill effects they may have on the colonized people.

In the case of the assassination attempt on Sheikh Hasina some bureaucrats appear to have been "colonized" mentally, either through voluntary indoctrination or because of expectation of monetary and/or professional benefits.

Though such indoctrinated people are few in number the affliction can be cancerous, and

can lead to indiscipline in the bureaucracy with consequent inefficiency (and lethal plan to) physically eliminate political masters, duly elected by the people, at the direction of others.

Such subversion of the law, constitution and the democratic process has to be seriously dealt with. These are not simple murders affecting only a few, but have a much wider range with enveloping effects on state institutions.

Had the attempt on August 21, 2004 succeeded, Bangladesh could have been classified as a failed state. The world today, particularly after 9/11, is passing through a critical stage involving a possible civilizational conflict.

Former US secretary of state Madeline Albright's description of the shift in US foreign and defense policies after the Bush administration had taken over power from Bill Clinton as "tectonic" is indicative of the civilizational conflict currently raging in the world.

But then it is difficult to draw a causal relationship between the situation reigning in the world and that of August 21, 2004 carnage, unless one were to give serious credence to the claim initially made by Harkatul Jihad that they were responsible for the attack on Awami League leadership because of Awami League's advocacy of secularism and its fight against repression of Hindu minority community.

The latest revelations from Guhawati have to be seriously investigated so that the truth can be established once and for all. People will lose faith in our legal and law enforcement institutions, faith being already fragile, unless such high profile cases are meted out to the culprits.

Kazi Anwarul Masud is a former Secretary and Ambassador.

CTG mission: Not back to square one

The chief adviser echoed the voice of the overwhelming majority, when he said in his speech: "The nation does not want to backslide once again and fall back into past instability and intolerable situation." The CTG must be given the time and the support it needs. A quick election that takes the nation back to square one of the prevailing political culture will not serve the people of Bangladesh, or the goal of building democracy.

MANZOOR AHMED

WHEN the first caretaker government came to an ignominious end on January 11 and the second CTG took over with the declaration of emergency, the rules of the game changed.

If there is a case for invoking the doctrine of necessity in constitutional matters, this was a case par-excellence.

There is debate about the legal basis of the new CTG, its tenure, and whether its mission should be strictly limited to facilitating the holding of the general election.

The fact that a new CTG had to come into being means that the normal rules could not apply to it. And the nation cannot return to square one with the CTG merely presiding over a general election.

Steering the nation to a credible general election and handing over

the administration to an elected government in the shortest possible time is the stated mission of the new CTG, as it was of the first one.

That the first CTG failed, and that the new one has to remove the causes and the obstacles that led to this failure, indicate the scope and complexity of the tasks the new CTG faces in fulfilling its ostensibly simple mission.

Everything that could go wrong, with the preparation for the election and for ensuring the basic conditions for holding a fair election for the ninth Jatiyo Sangsads set for January 22, went wrong -- be it the voter list, the recruitment of Election Commission personnel, or announcement of election schedule according to rules.

The screening of candidates for the cancelled election already showed blatant disregard for rules such as scrutiny of criminal records, status regarding loan

default, and disclosure of income and assets. It was evident that the rules regarding election expenses were not going to be given much attention by the Election Commission, and that "muscle and money" would decide the election's outcome.

This situation, of course, did not arise suddenly after the 8th parliament was dissolved on October 27 and the first CTG took over. This was in the making for a long time. In fact, it had been a slippery slope for democratic institutions and culture since democracy was restored in 1991.

The constitutional amendment to introduce the CTG provision was an attempt to address the failure of the political parties to practice democratic norms. It worked to a degree for a while, between 1991 and 2001.

But the penchant of the incumbents in power to grab power and

wealth, and to control the election process and outcome, went too far. It overwhelmed the CTG provision, which could function only with minimal regard for the rules of the game by the political parties and the government leaders.

The Augean stable cannot be cleaned out during the life-time of an interim CTG, even if its tenure extends considerably beyond the 90 days allowed to a "normal" CTG. The public, in desperation, pins its hope on the CTG to rescue the nation from the stranglehold of corruption, abuse of power, gross incompetence and flagrant flouting of the rule of law and norms of public service.

Unfortunately, a CTG, however well-intentioned, cannot save the nation from the conundrum created by the weaknesses of the political institutions and culture. The lessons of history suggest that an unelected government should not harbour such a vision. At the same time, the second CTG cannot but take the basic steps to establish the conditions for democratic processes to function, a key element of which is to allow citizens to elect their representatives freely and fairly.

A part of this mission has to be set in motion a process for

restoring the credibility of the essential paraphernalia of democracy -- the civil service, the law enforcement system, the system of justice and the basic public services in health and education.

The chief adviser, Dr. Fakhrudin Ahmed, in his maiden address to the nation on January 21, spelled out eloquently the tasks before the CTG. He underscored the need to take measures to ensure the holding of a free and fair election, which would include a drive against corruption and ensuring the participation of honest and competent candidates.

The Centre for Policy Dialogue, the civil society think tank, has proposed a 12 point agenda for fair election which merits consideration to achieve the goal set by the chief adviser.

Recognising the importance of creating a conducive environment for the election, and for addressing critical concerns of the public, the chief adviser spoke about ensuring neutral conduct of public servants, taking steps to deal with the power sector emergency, combating price spiral of essentials, fighting corruption, and promoting independence of the judiciary. Public reaction to this agenda has been overwhelmingly positive.

In the same spirit of restoring the norms of operation of public services, the CTG needs to set its agenda for action in the education sector, the largest area of public service, both in its reach and budgetary provisions. This is the sector that has the most far-reaching consequences for building a democratic and prosperous nation. The education sector also has fallen in the grip of rampant corruption, poor management and lack of strategic direction. As in the other areas of state functions, it is essential, and quite possible, to identify and take steps to reverse the decay in the education sector.

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The CTG must be given the time and the support it needs. A quick election that takes the nation back to square one of the prevailing political culture will not serve the people of Bangladesh, or the goal of building democracy.

Dr Manzoor Ahmed is Director of the Institute of Educational Development at BRAC University.

Caretaker government: Round three

The round three experimentation of caretaker government should continue through consensus. Discussion and dialogue should continue among political parties, government, and other power constituents, to create a favourable atmosphere for election. We must hold an election at the shortest possible time. An early public commitment by the caretaker government to a timetable for holding an election should be able to restart the stalled political process. The sooner we do it the better it will be for the development of a political culture.

ANM WAHEEDUZZAMAN

THE notion of interim government is quite common in the world. They are usually national consensus based governments for a short period of time. Throughout the world we observe interim regimes created by military coup, national emergency, foreign occupation or multinational forces. However, I am not aware of any other country in the world that has constitutionally created a permanent interim regime, caretaker government as we call it, to transfer power every five years.

Our is a unique experimentation

in its third round, a textbook issue in developing country democracy. Interestingly, this time we are observing the experiment under a president who is also a professor of political science.

The previous two caretaker governments functioned reasonably well; they delivered their duties, presented elected governments and got dissolved. By and large, they were successful, and no one seriously complained about them. This time we had questions about the composition, integrity and neutrality of the caretaker government. A united opposition holding street demonstrations forced the recon-

stitution of the caretaker government. Apparently, all parties have accepted the new government. So far, it has earned praise. People seem to be happy. I hope they leave office still praised.

The idea of caretaker government stems from our mistrust of the party in power. We do not believe that a party in power can or will deliver a neutral election. Thus, by putting it in the constitution we have tried to institutionalize electoral neutrality. The three rounds of caretaker governments in our 17-year-old democracy taught us that a concept defined in the constitution does not easily get translated in practice.

Second, developing the political culture of caretaker government is

the collective responsibility of various power constituents in the country. Especially, I will underscore the role of the military that has the power to call-off the experiment. This time our military has done an excellent job behind the scene. So far, they have shown "silent patriotism."

The military is the pride of a nation, and should remain that way. I would like to believe that the recent reports about our military, in The Economist (January 18) and the Financial Times (January 17), are exaggerated. Third, we cannot develop a political culture without the politicians. Begum Zia, Sheikh Hasina, and Ershad are part of the political culture. We may disagree with them or may not like their positions. But we will need their cooperation for the continuation of democracy. They are our leaders, whether we love them or hate them. The political will of a nation emanates from the politicians. A nation cannot grow in a political vacuum.

Fourth, our politicians must understand that the acceptance of the opposition is an integral part of the democratic process.

Unfortunately, they may not last long.

Apparently, the caretaker government's activities are getting a little ambitious. If I am not mistaken, US Ambassador Patricia Butenis also indicated this. The primary objective of the caretaker government is to deliver "a free and fair election," and it should stick to that goal.

Sixth, the collective role of bureaucracy, media, business, and civil society in establishing a political culture should also be noted. Each has a specific role to play.

Their combined moral persuasion in keeping the government on track must continue.

Finally, the role of the international community comprising of the US ambassador, high commissioners from Australia, Britain, and India, ambassadors from the European Union and various other countries, United Nations, World Bank, and international donor agencies in diffusing the political tension should be noted.

The nation should be thankful to

the international community who extended their hand in saving a new democracy, which is beyond the call of their duty. We have shown to the world one more time that we need international help, be it economic or political. We should strive to develop our own political culture without foreign interference.

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We must hold an election at the shortest possible time. An early public commitment by the caretaker government to a timetable for holding an election should be able to restart the stalled political process. The sooner we do it the better it will be for the development of a political culture.

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