

Sheikh Hasina's homecoming

AL and BNP must now initiate internal reforms

NOW that the Awami League chief is back home, the need for introspection on the part of both her party and the BNP takes on a new measure of urgency. Sheikh Hasina and Begum Zia undeniably exercise a strong hold on the public imagination and their parties can claim to have a core vote base which underpins their strength. But that does not obscure the fact that in the last fifteen years they have led their parties as well as governed the country in ways that have clearly disappointed the nation.

It is because of such a disappointing legacy that the two parties must now go seriously into the question of internal party reforms, without which the future state of democracy will have little encouraging or promising about it. Sheikh Hasina and her party colleagues have encouragingly made it clear in recent weeks that they are in principle inclined to reforms. Moreover, there have been clear pro-reform voices within the AL itself; and one can refer to some recent comments by such individuals as Suranjit Sengupta and Sheikh Fazlul Karim Selim voicing their support for such reforms. It may be pointed out that the 31-point proposals made by the AL-led grand alliance before the imposition of the state of emergency in January this year also referred to reforms, basically relating to the Election Commission, the alliance envisaged in national politics. Very significantly, civil society has in the last many months emphatically advocated the need for democratic change within the parties as a way of ensuring credible general elections and a stable democratic order.

Despite the immediacy attached to the reforms factor, however, Begum Zia is yet to state her views on the issue. Indeed, the recent elevation of her sibling to a top position in the BNP appears to have put a question mark on thoughts of reforms in her party. Such an attitude cannot be helpful. The BNP, as also the other political players on the scene, must regard the present situation as a wake up call. Ignoring the new realities in politics will mean pursuing the old regression all over again.

Obtaining a passport

A dreadful ordeal for many

AS many as two thousand people were seen standing in queues in the sweltering heat inside the premises of the Department of Immigration and Passport (DIP) at Agargaon. The scene is typically representative of the unprecedented hassle people are having to face at the passport office these days. Such is the scramble for passport that last Sunday a man in queue, a supervisor of a garments factory, actually collapsed and died on the spot.

To attend to 2000 people per day the Dhaka office has 65 officers and staff while the figure for the 15 offices all over the country is 313. That sums up the horrific state of service delivery in a vital area.

Department and Passport and Immigration happens to be a very important agency of the government. A very large segment of our passport applicants are job seekers overseas. Their remittances are the mainstay of our foreign exchange earnings. At the same time a passport holder would be in effect an ambassador for the country reflecting on the image of the country by the manner in which the person conducted himself.

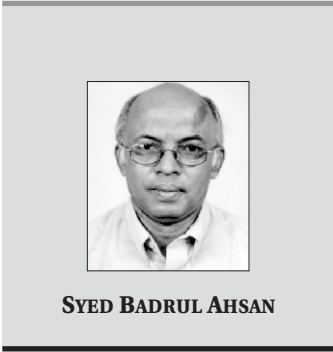
Therefore effective ways and means must be found to mitigate the suffering of passport seekers and at the same time ensure that each of the passports has been issued after observing the laid down procedures without being bogged down in bureaucratic rigmarole.

The proposals put forward by the DG, DIP for opening four additional regional offices, appointment of licensed agents, filling in the vacant posts as per sanctioned strength and expansion of overall manpower base deserve serious consideration of the government.

If may be worthwhile to remember that DIP is one of those non-commercial agencies of the government that has continued to significantly contribute to the government exchequer since its inception despite being handicapped in more ways than one. Therefore, the government should have no hesitation in investing adequate resources in all round development of the DIP.

We also recommend that the entire system of issuance of passport be computerised to modernise the delivery of services in this area.

Of politics, clans, fathers and sons



SYED BADRUL AHSAN

IT appears that the dynasty factor in Bangladesh's politics will not go away any time soon. When Begum Khaleda Zia decided last week to have her sibling installed as a vice-president in the Bangladesh Nationalist Party, she made it obvious how entrenched some of our political realities have become in recent times.

The move to have Sayeed Iskandar elevated to the vice-presidency of the party was, as we will agree with Osman Farruk, not a good one. And it was not because it came at a time when the call for reforms within political parties has been getting a fairly justifiable degree of credibility.

One may not agree with what the caretaker administration has lately been doing in terms of dealing with Sheikh Hasina and Khaleda Zia. But one will likely understand that the concerns the government has recently demonstrated about the necessity of internal party reforms are those that have found a responsive chord among some very large sections of people in the country.

Let there be no mistake here: unless the nation's political parties are willing to introduce democratic patterns of behaviour within their own long corridors, it will be difficult

for us to believe that politics in the future will come encompassed in the traditions of democracy we have regularly observed being pursued elsewhere.

When you consider the damage that has been done to political pluralism through a pursuit of hereditary politics, you will perhaps be able to comprehend better the essence of the ailments we suffer from here in Bangladesh.

To be sure, you can point the finger for the inauguration of such a regressive tradition at places like Sri Lanka and India, where the Bandaranaiques and the Nehru-Gandhis first stumbled cheerfully into the discovery that they could take charge of their nations without in any way causing any scratches on the rubric of democracy.

History has demonstrated amply the truth that dynasties begin on a cheerful, often wholesome note; but all too often they decline into a state of inevitable mediocrity. In these past many years, in Bangladesh, it has been a clear state of the mediocre, which has characterized, and left maimed, our notions of democratic governance.

The Awami League and the BNP are, of course, the leading players

here. But do not forget that there are all the others, those in the minor league, who have proved equally adept in promoting this culture of dynastic democracy within the parameters of their politics.

ASM Abdur Rab of the Jatiyo Samajtantrik Dal once made sure that his wife was around to lend credence to his party. Anwar Hossain Manju, who has, at least for now, opted out of politics, saw his wife get elected to the Jatiyo Sangsad along with him. And for quite a number of years, Oli Ahmed, he of the Liberal Democratic Party and once of the BNP, and his wife simultaneously served as members of Parliament.

The difficulty with dynastic politics is that it effectively shuts out some rather capable individuals from staking their claims on the parties they serve. A very powerful reason behind the rapid decline of General Ershad's Jatiyo Party has necessarily had to do with the way he originally envisaged the future of the organization.

His wife Roushan has, despite a few squalls, remained a powerful figure in the party. And, of course, his brother GM Quader, clearly a well-meaning and respected politician,

has had his own stormy ride, being a significant leader of the party. One of Ershad's sisters was around as well.

Add to that the brief, riotous role Bidisha played in the JP, at one point almost making it appear that GM Quader would give up his parliamentary seat in order for her to acquire it for herself. When you consider these realities, you perhaps can read into the causes behind the JP's inability to be taken seriously by the country.

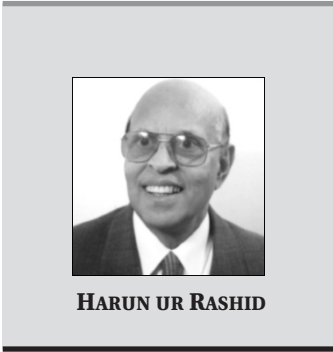
You could say much the same about Bikalpadhara. It was immaterial that Badruddoza Chowdhury was the leading light in the party. What caused worries was the very public presence of his child, Mahi Chowdhury, within the organization and outside it. When the impression is one of a father-son team exercising the greatest influence in a political organization, it is not likely that the organization will find acceptability across the spectrum.

Speaking of fathers and sons, a prime reason behind the predicament the BNP is in today is the cavalier disdain with which Naser Rahman, child of Saifur Rahman, tackled an issue as grave and as pregnant with purposefulness as politics.

GROUND REALITIES

Dynastic politics does not have to be a symbol of negativism. Hereditary politics cannot always be all bad. But questions about the negative and the bad arise when clearly there is a propensity on the part of the nation's leading political players to promote their clans, without having them test their abilities in the rough and dizzying world of politics. Tony Benn did not promote Hilary Benn. The Papandrous in Greece stayed removed from any practice of political nepotism. Shinzo Abe did not become prime minister of Japan because he happened to be the son of Shintaro Abe.

Constitutionality of CTG



HARUN UR RASHID

IT is reported that a writ petition questioning the constitutional validity of the Fakhruddin government, sworn in on January 12, has been lodged before the Supreme Court. The Court heard the matter in part, and fixed the date of the next hearing on May 16.

There are two sides to the argument in this legal case. One side challenges the validity of the government, and the other side will show that their case is misconceived and legally flawed.

In the following paragraphs I will discuss both sides of the argument and argue that the challenge is untenable in terms of the Constitution.

As I understand, the purported grounds, among others, on which the challenge is mounted against the constitutional validity of the government may run as follows:

First, their case reportedly rests on Article 123 (3) of the Constitution, wherein it is stipulated that "A general election of members of parliament shall be held within ninety days after parliament is dissolved, whether by reason of the expiration of the term or otherwise than by reason of such

expiration."

The parliament was dissolved on October 27, and it is now more than six months but no election has been held. Rather, the election due on January 22 was postponed and, later, cancelled.

Second, the period of ninety days is incorporated in the Constitution on the ground that an elected government must be in place within that period after the dissolution of the elected parliament.

One of the core elements of the Constitution is that the people cannot be deprived of the right to vote for more than ninety days after the elected parliament is dissolved. Third, the absence of MPs for more than ninety days is unconstitutional in the democratic framework of the People's Republic of Bangladesh. It is argued that all powers in the Republic belong to the people, and that the denial of the right to elect their representatives in the parliament within ninety days is inconsistent with the letter and spirit of the Constitution.

Fourth, the purpose of the non-party caretaker government is to give the Election Commission all possible assistance for holding the

BOTTOM LINE

It is argued that the provisions of the Constitution are not set in stone, and the Constitution is for the welfare of the people and not the other way round. There is overwhelming support of the people for the caretaker government, because of their on-going action against corruption, black money and muscle power that tend to affect the outcome of an election. Against this background and reasons cited above, it is strongly argued that the caretaker government adequately meets the Constitutional provisions and the challenge is misconceived and untenable.

general election within ninety days, and since ninety days have passed the mandate of the government has expired, therefore it has no constitutional validity.

Fifth and finally, the president did not consult with the major parties before appointing the chief adviser as the head of the caretaker government, as required under Article 58C(5) of the Constitution.

In the light of the above grounds, it is argued the caretaker government cannot claim constitutional validity.

It is argued that the case built on the grounds in the above paragraphs is misconceived, and is advanced on the misinterpretation of the Articles of the Constitution. There are many reasons why the case against the government should not stand, and some of them deserve mention:

First, the Constitution must be read as a whole, and should not be interpreted out of context or on a piecemeal basis. The meaning and spirit of the articles of the Constitution are lost if one chapter or part of the Constitution is considered out of context.

Second, the duration of the non-party caretaker government is

separate, and does not rest on Article 123(3) of the Constitution that deals with election. There is a separate article in the Constitution, which deals with the tenure of the caretaker government. For ready reference, Article 58B is quoted below:

"There shall be a non-party caretaker government during the period from the date on which the chief adviser of such government enters upon office after parliament is dissolved, or stands dissolved by reason of expiration of its term, till the date on which a new prime minister enters upon his office after the constitution of parliament."

The above provision makes the duration of the caretaker government palpably clear. Its duration expires only when the parliament is elected and the prime minister takes his/her office. The tenure of the government is not to be confused with the ninety days period of the election.

Third, Article 58D (2) of the Constitution provides that the election of the parliament must be "peacefully, fairly and impartially" held. This means that a congenial

The preponderance of families in political parties is generally a spur to stagnation. You might suggest that stagnation is not what one spots in the Awami League. Perhaps not, but the intellectual dynamism that once characterized the party in the old days, with men such as Bangabandhu, Tajuddin Ahmed and Syed Nazrul Islam defining and even re-inventing it enough for it to reshape national history, becomes conspicuous by its absence in our times.

In much of the present generation of Awami League leadership, the vibrancy that one would have thought would emanate from within it has not been forthcoming. Abul Hasnat Abdullah, Sheikh Helal, et al, have not quite convinced the country that their performance in Parliament has added substance to the democratic spirit. But, again, there are the exceptions to the rule. Sheikh Fazlul Karim Selim is a refreshingly different proposition altogether.

A pretty remarkable degree of maturity has by and large characterized Selim's politics, which is again a pointer to the thought that hereditary politics may not always be debilitating for a society.

Now, when you consider the roles the sons of the late M. Mansur Ali have played in national politics over the last decade and a half, it is especially Mohammad Selim who shines through. And yet it is an incontrovertible fact that he fell from grace in the Awami League at the 2001 general elections.

The loss was not just the party's. It was the country's as well, for in Dr. Selim's politics a very admirable admixture of wisdom and politesse has been a defining feature. You

could entertain similar sentiments about Abul Hasan Chowdhury, though there is hardly any way in which you could compartmentalize him in the hereditary politics category, save only to suggest that he is the child of a respected former president.

More importantly, Chowdhury served the Awami League government of Sheikh Hasina creditably as minister of state for foreign affairs, though instances aplenty happen to be around of the regularity with which he was undercut by Foreign Minister Abdus Samad Azad.

It was a mistake for the Awami League to show the door to Chowdhury. It was so because Abul Hasan Chowdhury's exit was clearly symptomatic of a certain slicing away of intellectual content in the party.

Dynastic politics does not have to be a symbol of negativism. Hereditary politics cannot always be all bad. But questions about the negative and the bad arise when clearly there is a propensity on the part of the nation's leading political players to promote their clans, without having them test their abilities in the rough and dizzying world of politics.

Tony Benn did not promote Hilary Benn. The Papandrous in Greece stayed removed from any practice of political nepotism. Shinzo Abe did not become prime minister of Japan because he happened to be the son of Shintaro Abe. Perhaps these are reasons why we might do a bit of rethinking about the course politics should be taking in our particular ambience?

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environment must be created prior to holding the election in such manner that the election can be peaceful, fair and impartial. Against the background, if ninety days cannot create the congenial environment, election for election's sake is unconstitutional. Article 123(3) must be read with Article 58D (2) of the Constitution. Fourth, it is argued that the ninety days period for the election is only directory in nature. If an event such as natural disaster takes place within the stipulated period, can election be held within ninety days?

Obviously, it is impossible to hold the election in such circumstances. An Article is to be interpreted as mandatory when it is acted upon regardless of any intervening circumstances; accordingly Article 123(3) is not mandatory.

Fifth, consultation with the major parties prior to the appointment of the chief adviser, as required under Article 58C (5), is argued to be optional because after the word "consultation" the phrase "as far as practicable" occurs in the Article. This means that consultation is conducted if it is practicable.

The circumstances under which the Fakhruddin government was installed need not be repeated. Suffice it to say that the president had promulgated emergency on January 11 and the Fakhruddin government was sworn in on January 12.

If the president did not find it appropriate, in his judgment, to consult the major parties under the exceptional circumstances, it is perfectly valid and consistent with

the provision of the Constitution.

Sixth, it is argued that in 1990 the Shahabuddin government was constituted beyond the confines of the Constitution, because the doctrine of necessity was invoked given the then political situation. Later, the elected government ratified it.

Similarly, what the non-party caretaker government has been doing to create a playing level field for all political parties would be ratified by the next elected parliament for the sake of democracy. The AL leader has already asserted that if she was elected as the prime minister her government would ratify the actions of the caretaker government.

Seventh and finally, it is argued that the provisions of the Constitution are not set in stone, and the Constitution is for the welfare of the people and not the other way round. There is overwhelming support of the people for the caretaker government, because of their on-going action against corruption, black money and muscle power that tend to affect the outcome of an election.

Against this background and reasons cited above, it is strongly argued that the caretaker government adequately meets the Constitutional provisions and the challenge is misconceived and untenable.

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Middle East: 'They are all enemies'

IN 1997, a team of Mossad hitmen broke into a house in Amman, Jordan, where Khaled Meshal was sleeping. The agents smeared a lethal poison onto the Hamas leader's neck. But when the operation was exposed, Israel's then prime minister, Benjamin Netanyahu, was forced to provide the antidote. Now, 10 years later, Meshal could face his old nemesis again. Last week, after an Israeli commission ruled that current Prime Minister Ehud Olmert was guilty of "serious failure(s)" in prosecuting last summer's war in Lebanon, some in Olmert's Kadima Party called for his resignation. According to polls, more than two thirds of Israelis believe Olmert should quit, and a plurality say they would choose the hawkish Netanyahu to replace him. In a rare interview with an American news organization, the Damascus-based Meshal, Hamas's most powerful figure, spoke with NEWSWEEK's Kevin Peraino about the war report and the chances for peace.

PERAINO: What's going through your mind as you watch Olmert try to cling to power?

MESHAL: Israel is suffering from a leadership vacuum, particularly after (former prime minister Ariel) Sharon's absence from the theater. I believe this affirms (what) Olmert and those surrounding him have

tried to run away from: the complete failure of (the Lebanon) war.

Israelis worry the outcome of the war has eroded their power to deter enemies like Hamas.

Nobody denies that Israel is militarily and technologically superior. But Israel is no longer capable of controlling the outcome of battles. There are other things like will

power, morale, the fairness of the cause and perseverance. These are in our favor.

You recently predicted a new intifada in the Palestinian territories.

It is not a mere prediction; I estimate it will be a reality in the future -- if we base our analysis on the history of the Arab-Israeli con-

flict during the past years, and consider the difficult and escalating conditions on the ground.

What does the world expect from the Palestinian people if the current conditions continue, if the economic siege continues, even after we formed the national unity government?

Indicators (also suggest) that Israel is preparing for another [act of] aggression during the coming period, either against Lebanon, or in Gaza, or maybe in other theaters in the region.

Does your analysis mean the negotiations over a prisoner exchange for captured Israeli Cpl. Gilad Shalit have come to a halt?

The negotiations haven't stopped. But Israel is stalling and trying to maneuver and resort to last-minute blackmail. This is what delays the deal's completion. We want to release the Israeli prisoner as soon as possible. He is well treated as dictated by our Muslim-Arab morals and the principles of our religion.

What about Alan Johnston, the BBC reporter who has been missing in Gaza for almost two months now? Don't kidnappings of journalists hurt the Palestinian cause?

We are against the kidnapping of journalists and foreigners in gen-

eral, whether in Palestine or Iraq. We're making efforts to end this situation as soon as possible. I discussed the issue with (Palestinian President Mahmoud Abbas) a few days ago. God willing, we will be able to solve this.

Who do you think is likely to succeed Olmert as prime minister? You might end up with Netanyahu, who once tried to assassinate you, or a former commando like Ehud Barak.

They are all enemies. We have experience with them before. Barak was prime minister, as well as Netanyahu. The Palestinian people do not bet on either of them. We depend on ourselves.

In Washington, there's increasing pressure from some quarters on President Bush to talk with countries like Iran and Syria, and groups like the Muslim Brotherhood and Hamas. Considering your dire predictions, could dialogue achieve anything?

We don't object to having dialogues with any country in the international community, including the United States. But we don't beg for such dialogues, because the American administration tries to impose preconditions. We cannot give in to blackmail.

You weren't encouraged at all by the recommendations of the Baker-Hamilton report?

Bush ignored the Baker-Hamilton report and the positions and reports of a number of American figures and former officials, such as (former national-security adviser Zbigniew) Brzezinski, (Council on Foreign Relations president) Richard Haass and former US president Carter. Bush continues to adopt the same philosophy: if power does not succeed in achieving the objective, then more power will.

Still, some Democrats like Nancy Pelosi and Steny Hoyer seem

to be making an effort to reach out.

I believe (Pelosi's recent visit to Syria) was a step in the right direction. Wise people in the US should realize that Israel and the fundamentalist American conservative right have both become burdens on the interests and the future of America.

One of the goals of any US dialogue with Syria whether led by Democrats or Republicans would likely be to get you kicked out of Damascus. Do you worry the Syrians might expel you in exchange for peace?

The American administration should know that we are confident of the Syrian position, and that any additional pressures on Hamas, inside or outside (the territories), will not be useful. We're not worried about anything.