

Return of the convict

Let the legal process take its course

We are happy that one of the convicted killers in the Bangabandhu assassination case, who had been a fugitive so long, has been deported to Bangladesh. The US government should be thanked for making it possible. We feel that the Bangladesh government should move to also have the others found guilty in the case, who are now living in different countries and have so far managed to evade the course of justice, deported to Bangladesh.

The case of Mohiuddin is a matter that is now entirely in the hands of the highest judiciary that should move according to the law of the land to see the end of it without delay. We would also like to call upon the concerned authorities to ensure that the appeal process, in the case of the other convicted killers now in custody, which has been hanging since 2001 for want of a judge, should also be completed expeditiously.

Prompt completion of the legal process being the focal point of the nation's attention, we cannot but refer to the comments of the law advisor in this regard, which have been as surprising as disappointing. We are surprised that he chose to term the case as an old one and political in nature, dating back to 1975, and something that is not on the list of priorities of the caretaker government. When common sense suggests that it is a case for the legal system, and the attorney general's office the right agency to determine the next course of action, the law advisor's comments, come as they did within hours of Mohiuddin's landing in Bangladesh, are not only discomforting, they are also highly perplexing.

We would like to suggest that it is the judiciary that has the prerogative to determine the precedence of a court case depending on the nature of the case. Moreover, to suggest that it is a political case when appeal is pending with the Supreme Court is an untenable argument not expected of an advisor, less so from one who is himself a man of the legal profession. We wonder if there is a signal that he wants to convey. If that be so it is a very wrong signal to give out. We also wonder whether his views reflect the position of the government, if not it would do well to disassociate with the comments.

The Bangabandhu assassination case has been kept hanging for too long. It must be brought to an expeditious end not only for the sake of justice and the rule of law but also to erase the stigma that the nation has been carrying on its conscience so long.

Reforming the police service

Proposals should be a matter of public discourse

THE government plans to bring about some fundamental changes in the administrative and operational structure of the police force. This will be done through amending the Police Act of 1861. The suggestions placed before the government are under consideration and may soon be acted on by the council of advisers. The changes envisaged in principle are certainly a good idea. We say that because of the legacy, not a very cheering one, that the police have developed in Bangladesh over the years, again because of a number of factors. One of those factors has been the propensity of successive governments to utilise the police in work of a narrow partisan nature. Obviously, that has left a good deal of the reputation of the force tarnished.

An encouraging part of the reform plan, therefore, is to prevent the police from being used politically by governments in future. That will mean that the force will be structurally and administratively so designed as to be able to conduct its work purely along professional lines. In other words, the law and not politicians in office will be the basis of police functions. Another part of the plan is for the police chief, to be known formally as chief of police, or CoP, to exercise executive and financial authority over his department. To what degree such an exercise of authority will impinge on the powers of the home ministry is an issue that needs detailed deliberation. Additionally, the provision of summary trials of police personnel against whom allegations of wrongdoing are made will require every guarantee that such action will be taken in a foolproof manner and those who make complaints are under no fear that they will be harassed. Beyond these, the proposals for the constitution of a national police commission people by, among others, lawmakers across bipartisan lines, as well as a police complaints commission and readjustments in police salaries and benefits, promise to bring the department on a level with police systems in other parts of the world.

We have always made it clear that the police force needs to be freed of political and all other kinds of malevolent influence. If that goal can now be achieved through adoption of the suggested changes, the country will surely stand to gain a good deal. However, it is our belief that these proposed changes must be placed before the public in the interest of a healthy, open discussion on their merits or otherwise. The police are an image of the state. Those who constitute the state, namely, the people, must therefore have a say in how the police administration should be run in future.

Political reforms must go beyond party leaders



SYED BADRUL AHSEN

GROUND REALITIES

Reforms succeed when they go beyond individuals, and into the job of improving the quality of existing political institutions. Proof of that comes through the tasks the Anti-Corruption Commission, the Election Commission and the Public Service Commission have set for themselves. Need we say more?

politics. And history has all too often been witness to realities that in the end have lost meaning and substance altogether. Which is why, when you dwell on the brisk pace which a group of individuals have lately set for themselves regarding the formation of a new political party or platform, you are quite tempted to judge their activities against the backdrop of history.

You travel all the way back to Ayub Khan, before journeying back to the times of Ziaur Rahman and Hussein Muhammad Ershad. Those stories have been poor and hollow. As for legacies, there have been none. When, therefore, today you observe politicians at the mid and lower levels of the major parties coming together in search of a new philosophy to offer the country, you feel cynicism rising, froth-like, somewhere deep within your consciousness.

It is the antecedents of the men behind the move that worries us all. At a time when we as a people peer into the deep dark for signs of the arrival of a leader who can unify the country, in the way that Bangabandhu once did so splendidly, it does not make us happy that what we are being offered is a prospect we could do without.

There is always that danger in

reforms question. Yes, by all means, we will have reforms in the Awami League and the Bangladesh Nationalist Party. If that is the goal, why not extend the scope of the reforms to include all other parties, including the minnows in the field?

That said, the reforms of the political parties everyone seems to be talking about these days must have something more than an objective of saying goodbye to Sheikh Hasina and Khaleda Zia, and having their places taken over by others.

To be sure, if these two paramount figures in national politics are sent off into retirement by their parties, in that strictly political manner, no one will have any complaint.

But to suggest that reforms in the parties should essentially amount to

sending the two former prime ministers out of the political scene, other things remaining constant, would amount to losing sight of the forest because of an inordinate interest in the trees.

Let there be reforms, but only through processes that the parties, in the broader national interest and in light of the ground realities, inaugurate on their own. Any sign of reforms being imposed on a party will run the risk of coming to naught once open democratic patterns return to being

the norm.

Beyond Sheikh Hasina and Khaleda Zia, then, comes the bigger issue of how reforms will not only transform the parties but also chart anew the political course the nation means to set for itself.

The latest thoughts of the Election Commission should be a pointer to the priorities we need to focus on. It has spoken of necessary changes in the parliamentary nomination process itself.

The practice of individuals coming by nominations through arbitrary decisions made by party parliamentary boards, and more specifically by an exercise of fiat on the part of an omnipotent party leader, needs to be bulldozed down to a more acceptable standard of political behaviour.

When, therefore, the EC says it would like local or grassroots party units to shortlist probable nominees for general elections, almost everyone will tend to agree. That is the way it ought to have been. And that is the way it should be in the years ahead.

So there you have a fairly good idea of where and how to initiate reforms. Any move that seeks to emasculate a political party is not reform. Everything that promotes openness or transparency in a party actually adds substance and value

to the idea of government by the consent of the governed.

Which takes us to the question of how the broader political system in Bangladesh can be overhauled. There is little question that the systematic experiments that have gone on around the modalities of governance since the liberation of the country have exacted a huge price.

Instability has been a socio-political constant, despite an all-powerful presidential system giving way in 1991 to a putative parliamentary or cabinet form of government.

But that change in 1991 was a lie, for what passed for parliamentary government was in fact prime ministerial government riding roughshod over universally accepted norms of political behaviour.

In Bangladesh, it could be one of the ways in which our lawmakers can be prevailed upon to stay focused on their responsibilities. Beyond that, proportional representation could be the first step towards putting a check to an arbitrary exercise of power by a single party or alliance in Parliament. That, we will agree, is something to be devoutly hoped for.

Reforms succeed when they go beyond individuals, and into the job of improving the quality of existing political institutions. Proof of that comes through the tasks the Anti-Corruption Commission, the Election Commission and the Public Service Commission have set for themselves. Need we say more?

such individuals without slipping to the judgement depends on how committed you are to the growth and flow of parliamentary politics in the country.

And, speaking of parliamentary politics, quite a few more changes of a substantive sort can be mulled over. The first-past-the-post system at general elections has clearly run its course; and the times when a winner could take all are patently a tale of a past, with an odour of the sordid about.

So what you are now left with is the more acceptable, and therefore more credible, idea of proportional representation being a basis for a functional parliament. It is a system that has worked well in Germany, and in other places.

In Bangladesh, it could be one of the ways in which our lawmakers must, therefore, aim at the evolution of a tradition that will have the powers of the head of government whitewashed down to the necessary minimum, and at the same time have parliament hold the cabinet to account over policy making and its implementation.

When prime ministers do not

respond to public interest questions on the floor of the House, it is a sign of the anemia that national politics is afflicted with. When the speaker of the Jatiyo Sangsads proves unwilling or unable to be bipartisan in his leadership of the legislature, it tells upon the ability of a class of our politicians to do justice to the jobs they hold.

Reforms, then, might as well

touch upon the matter of the ability and integrity of those who would hold high political office. How you judge

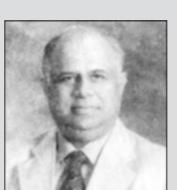
only be disqualified, he (or she) should be tried and convicted for perjury. All aspiring candidates must also sign an affidavit re-affirming his (or her) allegiance to the integrity and sovereignty of the Federation."

If nothing else, the present political and judicial gridlock emphasizes that, "the institutions of the president and the chief justice be strengthened to balance a democracy from becoming 'winner-take-all,' preventing it from becoming the 'camouflaged dictatorship' it became during the rule of both Benazir Bhutto and Mian Nawaz Sharif in Pakistan, and Begum Khaleda Zia and Hasina Wajid in Bangladesh. The president should head the armed forces and the National Intelligence Board (with all intelligence agencies reporting to the Board), this will prevent intelligence agencies being used for political purposes. The office of the president should not be a political one, this is easier said than done given that he (or she) must be elected by exercise of adult franchise. The chief justice should administer a financially independent judiciary and the National Accountability Board (NAB) on the Pakistani pattern but under the superior judiciary (under his authority, with powers to target the functionaries of the judiciary and the armed forces."

To quote from my article, "All individuals have a responsibility to the community and to the family, this is force-multiplied manifold for those in power in the country. That responsibility must be used for the good of the people and the nation they govern. While the usual classic mistakes of governance in an enduring search for survivability scar his otherwise benign rule, Musharraf's successes still far outmatch his failures. Musharraf has recently said that the 'Elections 2007' will decide Pakistan's destiny, one believes that it is the way the elections are conducted that will decide the country's destiny. Musharraf has both the vision and the courage to fulfill this destiny." One might add, while he is still the master of the game!

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Master of the game?

IKRAM SEHGAL
writes from Karachi

AS I SEE IT

There is no future for Pakistan in either the president or the CJP continuing this confrontation. When the country's destiny is at stake, it takes a braver man than someone who sounds "The Charge of the Light Brigade," to backtrack! Ours not to reason why, ours but to do and die! Justice Ramday articulated the wishes of the "the great silent majority" in Pakistan when he suggested a grand reconciliation. For the sake of the country, someone must blink!

As much as we decry President Bush for it, his doctrine is alive and well in Pakistan, "you are either for us or against us!" Being even-handed and objective is not smart in Pakistan!

To quote extracts from my article, "The 2007 Resolution," written on January 4, 2007, "that genuinely elected representatives of the people actually come to power is the most important ingredient for democracy, 'vital ground' for the unity and integrity of the country. The tragedy is that if we do not persevere with the '2007 Resolution' of having free and fair elections, we could well get a 'revolution' in 2008, or shortly thereafter. Pakistan, as it was in 1947, became history in 1971. Can we take the chance of history repeating itself?" The CJP issue has fast-forwarded Pakistan into a situation six months earlier than even the most pessimistic predictions.

The moral of Telemachus is, "Don't try mediation, you will either be set up by both the warring parties or by the bystanders." Normally one shoots the messenger bringing bad news, in the supercharged political atmosphere presently in Pakistan, the polarization is so defined and acute that you shoot the mediator.

The article further stated, "Having been at the ground zero, in 1971, of the division of the finest experiment of nationhood in its time, no loneliness and no divide was bigger at that particular time than being the child of a Punjabi father and Bengali mother.

Thirty-six years later, the travails of the two countries, Pakistan and Bangladesh, are remarkably similar, a failure for inculcating a democracy suited to 'the genius of the people.' Even though this phrase may have wrong connotations in public perception, the need for crafting of democracy according to the special needs and circumstances obtaining is true of any country in the world.

The balancing of power is finely tuned, and varies according to the needs of that particular country. The elected representatives must have all the necessary powers, except the ability to run riot with it."

Only those Pakistanis who were physically in East Pakistan in 1971 will understand the emotions involved in ethnic strife. While Imran Khan is articulating the frustrations and outrage of civil society against the May 12 carnage, he must take into account the sensitivities of a vast majority of Mohajirs whose undisputed leader happens to be Altaf Hussain, and that is not going to change, at least for the foreseeable future.

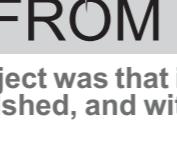
And he should have refrained from internationalizing his challenge. One cannot condone anything that leads to an ethnic fallout of the 1971 kind, the MQM also need to cool it so as not to exacerbate the situation. Both sides need to refrain from personal attacks on each other's private lives.

To quote further from Jan 4, "Pakistan can learn from the successes and failures of Bangladesh in putting a foolproof system in place. The Chief Election Commissioner (CEC) must be chosen from a slate of candidates duly vetted by the Chief Justice. What good is a democracy if the election machinery is politically tainted, and the credibility of the elections are likely to be called into question?"

The suggestion was that, "all candidates for offices must be screened as to whether they are persons of integrity and character, that their assets (and those of their close relations) are correct as stated and acquired within the means of their livelihood, and also that they have been paying due taxes on their earnings. Consequently, if a person gives a false statement about his (or her) assets, he (or she) must not

The Spanish miracle

LETTER FROM EUROPE

CHAKLADER MAHBOOB-UL ALAM
writes from Madrid

S PAIN has just celebrated with joy and pride the 30th anniversary of its first democratic elections after the end of the Franco regime. The Spaniards have every reason to be proud of this occasion.

I still remember the night when Franco died (November 19-20, 1975). On the streets, there was a sense of uncertainty, fear and hope.

After all, he was no ordinary man. Francisco Paulino Teodulo Hermenegildo Franco Bahamonde was the Caudillo and head of the state of Spain (by the grace of God, Commander-in-chief and Generalissimo of all its armed forces. He had been at the helm of affairs in Spain for nearly forty years, and without his direct or indirect approval nothing could happen in

the country.

Now looking back after more than thirty years, I feel certain that no one in his wildest imagination could think that things would turn out the way they did in Spain.

The country was in the middle of an economic and political crisis, and growing unemployment together with high inflation and rising interest rates had made the overall economic situation quite desperate. After several years of expansion, the economy was clearly in recession, which unfortunately coincided with an economic slump all over the Western world.

On the political front, the situation was almost explosive. There were separatist movements in some regions. Almost two years before Franco's death, his hand-picked prime minister, Admiral Carrero

Blanco, had been assassinated by Basque terrorists. His successor, Carlos Arias Navarro, was a supremely uncharismatic lawyer. He was incapable of coping with the situation and reducing the level of violence on the streets.

There were more and more social protests, pro-democracy demonstrations and industrial strikes, all of which were prohibited under the existing laws. As a result, the government became increasingly more repressive.

Thirty years after those elections, Spain is, today, a completely different place. It is a fully functioning constitutional monarchy, and its economy is booming. Isolation is a thing of the past. It has become fully integrated into the Western world.

Its membership of the Nato has removed the threat of military coups,

more than 60% of university students are women.

Franco's centralised government in Madrid has given way to a decentralised structure, with power on many matters devolving to the autonomous regions. People are no longer afraid to talk in their regional languages. There is religious freedom. Today, there are mosques, synagogues and Protestant churches where one can pray freely, which was forbidden under Franco.

No wonder, people call this metamorphosis the Spanish miracle.

How did this miracle take place, and who were its principal architects? Franco did not come to power as a smooth transfer of power after his death. The objective was to have a constitutional framework, which would give some legitimacy to the governing clique (the army and the establishment), and under which Francoism could continue after Franco's death.

Even though Franco did not like Don Juan, the legitimate heir to the Spanish throne, at heart he was a monarchist. So it came as no surprise that when his health started to fail, he chose Don Juan's son, Prince Juan Carlos, who had been carefully indoctrinated with the principles of the "Movimiento," as his

successor. Franco who, no doubt, was very shrewd, united these diverse groups

into one entity called "the Movimiento Nacional," which functioned as the only political party in Spain. Many people think that Franco was able to retain absolute power in his hands for thirty-six years because he was astute enough to maintain the army, the Church, the Falange, and the monarchists -- the four components of the "Movimiento" -- on edge, and by continuously playing one against the other.

After nearly thirty years of absolute rule, Franco was persuaded by the "Movimiento" to think of the future, not for anything else but for a smooth transfer of power after his death. The objective was to have a constitutional framework, which would give some legitimacy to the governing clique (the army and the establishment), and under which Francoism could continue after Franco's death.

The king knew that he had to act quickly to stop the cycle of violence, and take the "Movimiento" and the army by surprise in choosing the man who would execute his plan. He had to choose a man who would be relatively young, and well convers