

# Reforms and the military



MUHAMMAD NURUL HUDA

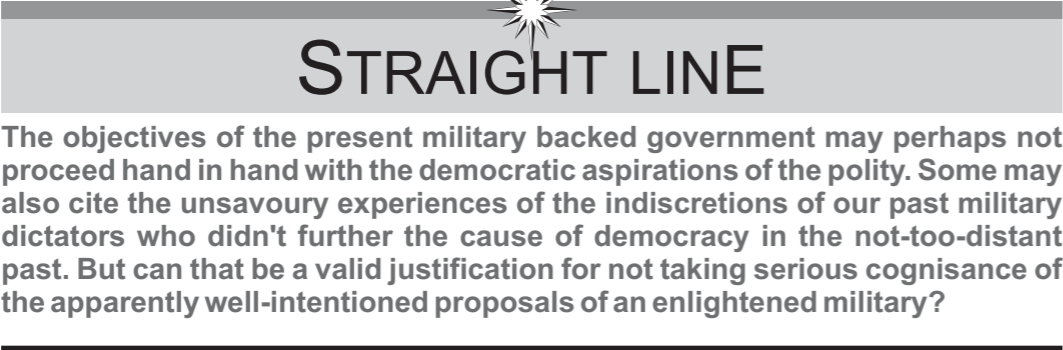
**R**IGHT thinking Bangladeshis would perhaps agree that since independence no major changes have taken place in the mode of governance, all claims and political rhetoric notwithstanding. At the people's level, however, one finds a strong desire for change. People want a new system of governance; which should be just transparent and accountable. They need security of life and an improvement in the physical infrastructure. To them, delivery of services is much more important than political posturing and slogan mongering.

Under the circumstances, one cannot take exception to the fact that the need of all-pervasive reform has been brought home by the military backed establishment. One also would be less than correct in assuming that genuine sustainable reforms cannot be realised by a non-representative government.

The military has been credited with saving the country from an ominous civil war. It is thus only proper to understand and appreciate that the same military have also realised that a minuscule minority of our elite has garnered most of the productive assets of this country, and have also hijacked the political system which is democratic only in name.

One would only be frank and forthright in admitting that the military is an organized segment of the government and the broader society. Therefore, they cannot be faulted when they point out that most of our institutions do not reflect ground realities and are hollow and have lost relevance. Not many would blame them for inferring that the decay of the state is the cumulative result of a number of factors and successive governments have all contributed their bit to the institutional breakdown we face today.

There is no denying that we need reforms in all aspects of our national life. We need economic reforms. We need electoral reforms. We need



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reforms in local governance. We need reforms in police administration, health, education, water supply, agriculture, industry, law, and banking. Indeed it would be simpler to make a negative list where we do not need reforms.

The quarters that smell rot in the military's desire for reform and look condescendingly upon such efforts are perhaps deliberately oblivious of the reality that our present predicament is the result of our ruling elite's inability to keep pace with the changing times. The main thrusts of such elites have been towards maintaining the status quo. In such a process they have been successful but in the bargain all our institutions have been weakened. By their very nature, such elitist groupings are anti-reform.

It would be relevant to remember that the British colonial administration despite being anti-people did have a modernizing effect on our part of the world and did provide a framework for reasonably good governance. What we could do in the yesteryears was to democratise our political institutions, decentralise government working, devolve authority at local levels and discard the harsh laws that were enacted to keep people in control. Unfortunately, our politicians that included military dictators believed neither in democracy nor in the rule of law. They not only kept on postponing major reforms which could empower the people to take control of their own lives, they also debauched the whole system. The neutrality, independence, and non-partisanship of public services were compromised and a new culture of political patronage and influence pedaling started. With the politicisation of bureaucracy, all hopes for improvement were dashed.

If the military as a disciplined outfit is pressing for order and obedience to propriety in public dealings from behind the scene, then there is nothing wrong in that. After all, our politicians until recently

gave a damn or merely a lip service to any thoughts of their accountability to the polity.

Experience indicates that the greatest source of corruption in public life is the immunity of political parties from accountability while small baker, butcher and grocer are expected to keep accounts. It is but fair and equitable that political parties should be disciplined by the same requirements of the law which apply to citizens at large. Such a change would only need an addition of a section to the representation of the people order. The relevant question is, have our politicians ventured into such a process before others took the initiative? Since the answer is in the negative, can politicians stand on a high moral ground and intellectuals find faults with the military for evincing interest in directly required reforms?

The process of our institutional reform has commenced due to donors' pressure. So what is the problem if the caretaker government is insisting on some reforms? There should not be any if we are ready for structural changes. We have survived on myths and misconceptions for a long time. Our leaders have fabricated alibis for their inaction.

We have to admit that there is a lamentable lack of effective governance, a large state apparatus notwithstanding. There are stark disparities in income distribution, and the equanimity with which people accept all the inequalities, indignities, and insults are striking. The fact of the inactions of our leaders as well as their skill in producing scapegoats to shift the blame for their own failures is amazing.

For any reform effort to be credible, the first step would be regaining the confidence of the people. When the government loses credibility the natural consequence is that its writ doesn't run. State institutions become weak and are soon replaced by mafias. This is what has happened in Bangladesh.

Therefore, if the efforts for regaining people's confidence are facilitated by the military's involvement in the affairs of the state, one has to bear with it.

An important thrust for reform will be to reduce the role of the government and to professionalise the public services as opposed to their politicisation. It is time we had a lean and slim government. This essential but extremely unpleasant task can be accomplished during this period of reforms.

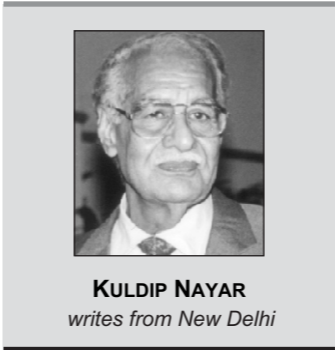
Our principal problem in respect of effecting reform is that for doing the job we have to depend on the same inefficient, status quo-oriented, inward looking, conservative and indecisive machinery that itself is responsible for the current deterioration. The instruments of governance are in the stranglehold of well-entrenched vested interests who believe that any change would harm them immensely. So the question is, will the skies fall if we experience a big jerk from the present dispensation, especially when the same has not come from the desired quarter?

The objectives of the present military backed government may perhaps not proceed hand in hand with the democratic aspirations of the polity. Some may also cite the unsavoury experiences of the indiscretions of our past military dictators who didn't further the cause of democracy in the not-too-distant past. But can that be a valid justification for not taking serious cognisance of the apparently well-intentioned proposals of an enlightened military?

Forces of social control are on the wane in our society. Most guardians have unfortunately become deviants. In such circumstances, efforts to stall the delinquency and restore propriety demand the support of the mainstream.

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# Kalam: They were the same



KULDIP NAYAR

writes from New Delhi

**T**HE outgoing President APJ Abdul Kalam did not find "any difference" between the previous government run by Atal Behari Vajpayee and the present one headed by Dr Manmohan Singh. Kalam was elected President when the BJP had only two years of tenure left. He is leaving when the Congress has completed more than three years. Even my repeated queries that the two governments must have differed in one way or the other elicited only a smile and a cryptic remark: "Both were the same."

What he made clear was his dislike for coalitions. "They impede development," he said. The government had to cater to different parties. There were pressures which required accommodation within the space available. I was not surprised over his views because he had publicly stated that he favoured the two-party system in the country. And his plea was the democratic system would be served better.

President Kalam was aware of his duties as the head of the state. "I have seen to it that the constitution is respected both in letter and spirit," he said. He gave me two examples in support of his argument: One, of returning the Office of Profit Bill to the Manmohan Singh government and, two, of seeking a reply from the Vajpayee government to a memorandum of complaints that some eminent citizens had filed before him, enlisting some steps of the government which violated the basic and fundamental rights.

One thing that nagged me for a long time was the persistent rumour that the President had asked questions on Mrs Sonia Gandhi's foreign origin when she met him following the majority that the UPA-Left had secured in the Lok Sabha. He vehemently denied this. He said he had never expressed any reservation whatsoever on her becoming the Prime Minister. She met him



"I am going to pursue the Vision 2020, that India would be the greatest nation in the world." The country would have by then developed to oust poverty and backwardness. Kalam's formula was: "A National Prosperity Index (NPI), which is the summation of (a) annual growth rate of GDP; plus (b) improvement in quality of life of the people, particularly living below the poverty line, plus (c) the adoption of a value system derived from our civilisational heritage in every walk of life which is unique to India." The President's passion for India was overflowing. He wanted everyone to think of the country first and other things later.

twice, he said, once when she informed him that the UPA-Left combine was in a position to form the government and the second time when she brought Dr Manmohan Singh along to convey that he would head the UPA government.

The problem with journalists is that they want to focus straightaway on the news part. The President was keen to explain how he had converted Rashtrapati Bhavan into a People's Bhavan. He had invited thousands and thousands of ordinary civil servants, students and children at Rashtrapati Bhavan and had specially laid down a garden for the handicapped to smell and see the flowers and greenery. It was, indeed, admirable on the part of President Kalam to have demystified the awe-inspiring Rashtrapati Bhavan, once the Viceroy House, and to bring it to the level where the common man was a participant. He was beaming with joy over the achievement.

Yet, my effort was to divert the conversation to something newsy, something which he had not mentioned earlier. News was that way different, more negative than positive. He understood this and we battled for 45 minutes a few days ago to put across what I wanted to extract and what he wanted to project. It was the first time that I met him as a journalist. Therefore, I went through his Press Secretary for an appointment -- not through his secretary as I would do as an activist.

Did he expect the Indo-US nuclear deal to go through? He did not reply to the question in terms of yes or no. Instead, he said our real problem was uranium which was rare in India. "We should be developing thorium, which was available

aplenty, as fuel." He diverted the conversation to the explosion of the bomb and congratulated the then government. The bomb, he said, had given impetus to growth all over. "Everything has begun developing, industrial and other fields, after that."

The President was so transparent and so impressive that I wished the political parties had agreed on him for a second term. He said he had indicated that he was "available" if all parties wanted him. But his "remark was misunderstood" in some quarters, he complained. I recalled how a couple of Union ministers had criticised him as if he had thrown his hat in the ring. Their comments against the serving President were unfortunate, to say the least.

Recalling his travels within the country and abroad, the President said: "I have addressed seven parliaments in foreign countries and 17 assemblies within India to put across my vision that the country would be the greatest power on the earth by 2020." President Kalam said while addressing the European parliament he told them that the "world over, poverty, illiteracy, unemployment and deprivation are driving forward the forces of anger and violence. These forces link themselves to some earlier real or perceived historical enmities. Tyrannies, injustice, inequities, ethnic issues and religious fundamentalism are flowing into an outburst of extremism worldwide." In a way, he was commenting on attacks by fundamentalists, either at Glasgow, Islamabad or elsewhere. Why did he not visit neighbouring countries? "I had invitations from Pakistan and Sri Lanka." That was all he said. He could not say more

because the President's trips outside India were approved by the government. What are your thoughts as you are about to lay down your office? "I am going to pursue the Vision 2020, that India would be the greatest nation in the world." The country would have by then developed to oust poverty and backwardness. His formula was: "A National Prosperity Index (NPI), which is the summation of (a) annual growth rate of GDP; plus (b) improvement in quality of life of the people, particularly living below the poverty line, plus (c) the adoption of a value system derived from our civilisational heritage in every walk of life which is unique to India." The President's passion for India was overflowing. He wanted everyone to think of the country first and other things later. In his view, everything dwarfed before national interest. Where would you place religion? I asked. "Religion comes later. The country comes first." This was his reply to those fanatic Muslims who said umma was above the country. I think the country will miss him at Rashtrapati Bhavan. But then he is going to live in New Delhi and pursue his vision. He plans to travel four days in a week. Sure, this will keep him busy, including the chancellorship of the Nalanda University which will specialise in Buddhist studies.

What struck me as I shook hands with him to say goodbye was his humility and the child-like enthusiasm for India 2020. As I left his study, I saw on the opposite wall the photo of Subramania Bharati, a Tamil poet, who too had faith in the greatness of India and its destiny to revolutionise thinking in the world.

Kuldip Nayar is an eminent Indian columnist.

# Capitalist development and governance

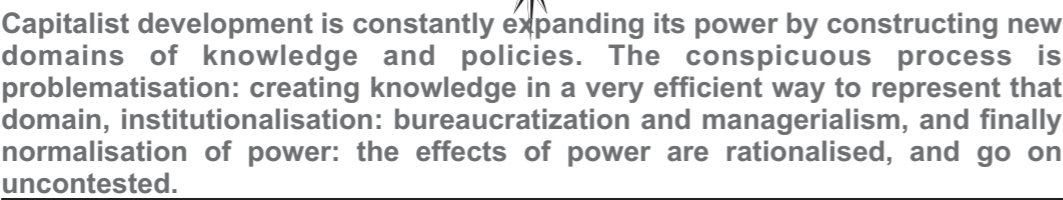
## A post-modern critique

MD SAIDUL ISLAM

**C**APITALIST development is not a monolithic discourse. As it has different accounts of outcomes and gains, so has criticisms from different perspectives. It is accepted by a wide range of people, and simultaneously contested by many as well, while some have an ambivalent position. Development is rather both empowering and disempowering operated and functioned in a very complex interwoven ways of power relations. It empowers certain actors, spaces, and species, while disempowers others. "All development projects involve reorganising the meaning and control of space" and have "the potential of causing displacement" (Vandergest, 2003, p. 47), not only for human beings but also for other species. With powerful vocabularies and various discursive practices, development creates categories, makes different spaces, disempowers those that appear inimical to, or compete with, development projects.

Thus, in the process of reorganizing nature- by both empowering and disempowering -- "Plants that are valued become 'crops', the species that compete with them are stigmatised as 'pests'. Thus, trees that are valued become 'timber', while species that compete with them become 'trash' trees or 'underbrush'. The same logic applies to fauna. Highly valued animals become 'game' or 'livestock', while those animals that compete with or prey upon them become 'predators' or 'vermin'" (Scott, 1998, p. 13).

Historically, capitalist development--though conventionally understood as a lucrative concept--notoriously became a governing tool for the dominating groups over the dominated. The notion of 'development' was introduced and popularised during the time of colonisation as colonial empires were seeking legitimacy for governance. As British Colonial Secretary Malcolm MacDonald observed in 1940, "If we are not going to do something fairly good for the Colonial Empire, and something which helps them to get proper social services, we shall deserve to lose the colonies and it will only be a matter of time before we get what we deserve" (Cooper, 1997, p. 66-67). After the end of



Second World War, the notion of development embraced numerous transformations and meanings; however, the issue of power and governance remained inherent in the discourse of development.

A close examination of capitalist mode of development explicates that its inherent nature is 'accumulation' and 'legitimation' (Panitch, 1977). It has a tendency of 'ruthless expansion' by constantly revolutionising its mode of production, as without it, capitalism will die. History has witnessed this scenario of expansion again and again. McMichael (2000), for example, elaborates how capitalism created the 'international food regime' by introducing 'Public Law 480 (PL-480) Programme' in the USA to increase consumption of US agricultural commodities in the foreign countries, and thereby change the dietary of the so called Third World population. The centrepiece of this new revolution of capitalism was the US government strategy of 'green power', a strategy of aggressive agro-exporting to consolidate America's role as the 'bread-basket' of the world.

The constant expansion of capitalism in the domain of food and thereby gaining more power is remarkable: it led the so-called Third World population, including Muslim societies, to shift their traditional food to wheat-based diet. Gradually the dietary shifted one step further, as some consumers shifted up the food chain to animal protein (beef, poultry, and pork). The fast-food industries like KFC, McDonalds, Pizza Hut and many others mushroomed all over the world. Consumption of these new diets, resulted by the capitalist expansion, became identified with 'American Way of Life', and 'modernisation' that captured the imagination of millions of people and went on unchallenged. The same scenario can be found in other sectors of development including fashion and sex industries.

An indispensable part of this

capitalist expansion and thereby extension of its power is to constantly create and re-create discursively new domains of thought and categories that subsequently justify governance and interventions. Prominent scholars of post-structuralism and post-modern perspective explain how capitalist power is extended through discursive creation and re-creation of different domains of thought in the discourse of development in order to justify certain actions and interventions.

Escobar (1995), for example, delineates how poverty was 'discovered' and 'problematised', and the 'Third World' was constructed in the discourse of development, and how two-third of the world population was put under a regime of control by discursive practices. "The poor increasingly appeared as a social problem requiring new ways of intervention in society" (p. 22), and "the treatment of poverty allowed society to conquer new domains" (p. 23).

The management of poverty then called for intervention in education, health, hygiene, morality, and employment, and the instilling of good habits of association, savings, child rearing and so on. The result was a panoply of interventions that accounted for a domain of knowledge. Not only poverty, but also health, education, hygiene, employment, and poor quality of life in towns and cities were constructed as social problems, requiring extensive knowledge about the population and appropriate modes of social planning (Escobar, 1992).

"The most significant aspect of this phenomenon was the setting into place of apparatuses of knowledge and power that took upon themselves to optimise life by producing it under modern, 'scientific' conditions" (Escobar, 1995:23). By constructing the discourse of 'sustainable development', and problematising 'global survival', capitalism conquered

'nature', in which the exploitation of nature becomes legitimate (Escobar, 1995; Brosius, 1999; McMichael, 2000).

If we delve deeply into this construction and discursive practices, we will find an inherent power relation. The Third World is constructed by distancing it away from the 'civilised' and developed West. Due to the construction of the Third World, the power relation between the agency who constructs, and constructed subjects becomes 'father-child' or 'doctor-patient' (Escobar, 1995:159). This is akin to what Edward Said sees in Orientalism.

"[Orientalism] can be discussed and analysed as the corporate institution for dealing with the Orient -- dealing with it by making statements about it, authorising views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a western style for dominating, restructuring, and having authority over the Orient... My contention is that without examining Orientalism as a discourse we cannot possibly understand the enormously systematic discipline by which European culture was able to manage -- and even produce -- the Orient politically, sociologically, ideologically, scientifically, and imaginatively during the post enlightenment period" (1979, p. 3).

Thinking North-South relations, or more precisely, governing one by the other, in terms of representation, as elaborated by Doty (1996), reorients and complicates the way we understand this particular aspect of global politics. North-South relations become more than an area of theory and practice in which various policies have been enacted and theories formulated. "They become a realm of politics wherein the very identities of peoples, states, and regions are constructed through representational practices" (p. 2). Thinking in terms of representational practices calls our attention to an economy

of abstract binary oppositions that we routinely draw upon and frame our thinking. Doty reminds:

"Developed/under-developed, 'first world'/'third world', core/periphery, metropolis/satellite, advanced industrialised/less-developed, modern/traditional, and real states/quasi states are just a few that readily come to mind. While there is nothing natural, inevitable, or arguably even useful about these divisions, they remain widely circulated and accepted as legitimate ways to categorise regions and peoples of the world. Thinking in terms of representational practices highlights the arbitrary, constructed, and political nature of these and many other oppositions through which we have come to 'know' the world and its inhabitants and that have enabled and justified certain practices and policies" (1996, p. 2-3).

In this way, capitalist development is constantly expanding its power by constructing new domains of knowledge and policies. The conspicuous process is problematisation: creating knowledge in a very efficient way to represent that domain, institutionalisation: bureaucratization and managerialism, and finally normalisation of power: the effects of power are rationalised, and go on uncontested. This is what Michel Foucault (1979, 1986) discovers and explicates the relation and exercise of power in the modern society. One of the apparent implications of this extension of power is that it 'privilege[s] certain actors, and marginalise[s] others' (Brosius, 1999, p. 38).

As Doty (1996) puts, in case of North-South relations, "one entity has been able to construct 'realities' that were taken seriously and acted upon and the other entity has been denied equal degrees or kinds of agency" (p. 3). The process is going on undefeated and unchallenged. The central character of capitalist development is not merely an economic one, but rather a whole package of power, production, governance and social relations.

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# CONSTITUTION AND PRESIDENT

## Question of amending Article 48(3)

A Constitution Commission needs to be constituted to look into details to devise a practicable, up to date frame of balance of powers between President and Prime Minister in our parliamentary system of government.

SINHA MA SAYEED

**I**T is surprising to note that our Constitution contains a unique, unprecedented chain of rise and fall of the powers and functions of the President of the People's Republic of Bangladesh, which are as follows:

1. President following article 48(3) remains a weak President under the parliamentary system of government reintroduced by the 12th amendment;

2. He then becomes a strong President pursuant to articles 58B(2), 58D, 58E and 61 after the dissolution of parliament followed by the instantaneous operation of non-party, neutral caretaker government initiated by the 13th amendment;

3. He further becomes the strongest President with the functioning of article 58C(6) during the caretaker government;

4. And following article 58B(1) he finally goes back to his original weak position under the parliamentary system the date on which a new Prime Minister enters his/her office after the constitution of new parliament arising from elections. It is also beyond doubt to say that the rise and fall of the powers and functions of a President under such diametrically opposing frames can hardly escape a far-reaching effect on the very mindset of the person who experiences this unique taste of the musical chair of power. Is it just, fair and reasonable politically and constitutionally?

Of all these four frames our concern is frame no-1 that puts 48(2) subject to article 48(3), which virtually makes article 48(2) meaningless, or to say mildly, insignificant in its totality. It, to speak the truth, takes him to the position of a zero-powered President less than a titular President!.

It is on record in our politico-constitutional history that since the reintroduction of parliamentary system in 1991 no President, partisan or non-partisan, has consequently been able to show his excellence in playing a role in time of a crisis, political or otherwise.

Knowing fully the constitutional limitations of the President both Sheikh Hasina -- leader of the

opposition in the fifth and eighth parliaments -- and Khaleda Zia -- leader of the opposition in the seventh parliament -- moved seriously to their President urging to play a role to put an end to the arisen stalemate. Surprisingly enough, while sitting in the chair of the Prime Minister [Khaleda Zia from 1991-1996 and again from 2001-2006 and Hasina from 1996-2001] both of them played the same flute on the same tune reminding the nation that 'Constitution does not allow the President to deal on his own with any crisis, political or otherwise, at all.'

Therefore, it is a call of the time, call of the people of various shades and dimensions that the office of the President must constitutionally be illuminating, responsible and responsive in its overall weighing. I hinted in my last article titled 'For a President who can take an initiative published in The Daily Star on 14 July 2007 that to create a balance of powers between President and Prime Minister in our existing parliamentary system article 48(3) needs to be amended accordingly by reducing the powers of the Prime Minister in certain areas.

Therefore, the following recommendations may now be forwarded as a necessary follow-up to suit the very purposes:

a. Prime Minister shall not prepare and send a panel of his/her sole choice for any constitutional post to the President; instead, there shall be a commission to deal with matters related to appointment to constitutional posts and President shall appoint such persons in consultation with the Prime Minister.

b. President shall in case of a crisis or necessity use article 106 with or without consultations with the Prime Minister provided the party/coalition-in-power has failed to address the situation, political or otherwise, within the timeframe of, say, 30 to 45 days.

c. President shall have 10 per cent reserved quota in the administration which he will fill in consultation with the Prime Minister with qualified, experienced and honest persons, and 10 per cent quota in the cabinet which he fill, with or without consultation with Prime

Minister, with qualified, honest and non-partisan persons.

d. President being the Commander-in-Chief of the armed forces shall meaningfully be consulted regarding appointments, transfers and promotion of the officers not below the rank of brigadier or equivalent.

e. President's speech in Parliamentary shall not be a mere reading of the traditional pattern of so-called official statements made by the party/coalition in power following the traditional model of speech from the throne' in the parliamentary system of government in United Kingdom. Therefore, constitutional provisions shall be made to the effect that there shall be a core team, independent of party/coalition in power, in the President's secretariat to deal with President's speeches reflecting the real scenario of an issue or event in the country as and when required.

Former President Shahabuddin Ahmed made on his own such daring attempts on a number of occasions, but he hardly coped with the Hasina administration because of absence of any such convention or legal support.

f. Appointments, transfers and promotions of high commissioners/ambassadors shall not be the sole domains of the Prime Minister; rather these shall be made through meaningful consultation with the President.

h. There shall be a constitutional provision in place of the existing so-called tradition [because neither Khaleda Zia nor Sheikh Hasina followed this strictly while in power] that Prime Minister shall call on the President on the last Thursday of every month and thus keep him informed of the overall up to date activities of the government.

i. Above all, a Constitution Commission needs to be constituted to look into details to devise a practicable, up to date frame of balance of powers between President and Prime Minister in our parliamentary system of government giving due attention to Bangladesh perspective.

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