

## Landmark judgement in Pakistan

*It is a loud message Musharraf must hear*

THE landmark decision by Pakistan's Supreme Court to reinstate Justice Iftikhar Muhammad Chaudhry gives a dramatically new dimension to politics in Pakistan. The judgement is a clear rebuff to President Pervez Musharraf, whose arrogant and arbitrary decision to remove the country's chief justice in March sparked a situation that has been going progressively bad for him and his regime. Chaudhry's return as chief justice is clearly a rejection of the abuse of power the military ruler has demonstrated in recent months. It is a broad suggestion that even in non-democratic conditions, there are certain rules of political behaviour that must be followed. Obviously, Musharraf ignored those rules and has now paid the price.

The judicial verdict upholds, to the satisfaction of everyone in Pakistan and outside it, the supremacy of an important institution of the state. Had the judgement gone against Chaudhry, there is no saying how grave a damage would be done to Pakistan's institutions as also its future. The CJ's reinstatement has saved Pakistan such an embarrassment and now patently weakens Musharraf as he tries to hang on to the presidency without at the same time doffing the uniform of army chief of staff. The verdict must make the president pause and rethink his plans. For the reinstated Chaudhry, the priorities are too well-defined to be missed. Let it be said, in brief, that now that he has returned on the strength of a judicial decision as also a groundswell of public support, he must be seen upholding the integrity of the judiciary. He will be expected to eschew all ideas of vengeance against Musharraf and give people reason to think that the quiet determination and dignity with which he has fought his way back will be reflected in his future interpretations of the law. If Musharraf has stooped low, Chaudhry must scale the heights in professional dignity and national interest.

At a time when Pakistan is under assault from various quarters, especially from religious extremists, and with the Americans threatening to strike al-Qaeda bases in the country, the Supreme Court judgement is an unambiguous statement that there can be no military solution to Pakistan's problems. Military rule may offer short-term palliatives, but such an approach not only undermines a nation's dignity and security, but also threatens to damage the army as an institution in the longer run. It is neither effective much less durable. The verdict is a wake-up call to General Musharraf: he must engage in dialogue with the political parties in order to restore democracy and thereby save Pakistan from a looming disaster. His adventurism vis-à-vis the CJ has left him humbled. That is warning enough that he cannot undermine Pakistan's image more than he already has.

## Circular to the NGOs

*We fail to see the rationale*

F RANKLY, we are at a loss to understand the logic of the recent circular by the NGO bureau, calling upon the NGOs to spend 50 percent of their funds on tangible development works. This is, to say the least, an application of authority, bordering on the arbitrary on a complex issue made to look simplistic. We are constrained to say that the order is not based on proper appreciation and understanding of the legitimate role of the NGOs. The best comment that one can make is that while the intent might have been good it stems from a very narrow understanding of the term development

We have several reservations about the order.

First, we do not understand how the NGOs, which have been operating in Bangladesh since our independence, and of which there are more than 20,000, should have anything to do with the joint forces, more so when there is an NGO Bureau directly under the chief executive.

How can the joint forces, set up under special circumstances to aid the civil administration and law enforcement agencies under the Emergency, determine the manner of functioning of the NGOs, or determine which of the projects should be shut down, when these projects had been drawn up after due process involving the NGO, the donor and the Bureau? If some projects that are not of benefit to the people, are to be closed down now, then the NGO bureau has a lot to answer for, having allowed such projects to commence in the first place.

Second, how can NGOs, dealing exclusively with health, immunization and infant mortality or education and development of human resources, be obligated to spend half their funds on visible infrastructural works? And what about the TIB whose labour has been complementary to the ACC's anti-corruption drive, or for that matter, Ain-o-Salish Kendro that deals with advocacy and human rights? Just to take an example: Going by the circular, all NGOs promoting education, human rights, technology transfer, etc. seem to have little use!

The notion of accountability is alright, but we can hardly afford to overlook the fact that development is a term that is all inclusive, and not all the activities of all the NGOs are related to building of roads or culverts or digging or re-digging of canals and the like. The circular should be immediately withdrawn before serious damage is done to a sector that has brought global recognition and respect.

## Woes of wealth



EVERYBODY, except saints and mad-caps has the longing to acquire wealth as it is indispensable for living well. Acquiring and holding of wealth is also a fundamental right of every citizen according to the constitution of Bangladesh. But wealth sometimes brings woes instead of comfort and happiness, if the greed for acquiring it knows no end.

The number of millionaires in the country could be counted on one's fingers just two decades ago. But we recently witnessed a boom in billionaires, who illegally amassed enormous wealth. The amount of money and the wealth that they amassed by plundering the public exchequer has

## BY THE NUMBERS

The revelation of the enormous ill-gained wealth of some bigwigs has begotten a feeling of scorn among the people. The question that is weighing on their minds is how much wealth does one need to lead an ultra-luxurious life? Most of these persons come from poor families. "From rages to riches" is the phrase that truly describes their condition. These imprudent persons, having endless greed for wealth, had no time to think that such wealth might be a snare for them. Tarique Rahman, who shed tears in the court, revealed his feeling of the woes of wealth. Endless greed for wealth has made him the symbol of corruption.

come as a shocking revelation.

The recent revelation of the ill-gotten wealth of Tarique Rahman, the eldest son of former prime minister Khaleda Zia, his closest friend Giasuddin Al-Mamun, Khaleda's political secretaries Mosaddek Ali Falu and Haris Chowdhury, and former ministers Najmul Huda and Lutfuzzaman Babar, has added a new chapter in the history of plundering and bribery. Their wealth has now become woe for them.

Tarique Rahman, the most talked about suspect, became a billionaire in just a few years with the blessings of his mother. Tarique reportedly has

## Musharraf's regime in disarray



THE crisis revolving Lal Masjid in Islamabad, though insignificant militarily because the militant leaders Aziz and Ghazi were "traditional clerics and not jihadists," brings anew the question of Islamic extremism in Pakistan. Religious Affairs Minister Ejajul Huq described the militants as "far more dangerous and harmful than al-Qaeda and Taliban operatives," while President Musharraf claimed that they belonged to Jaish-e-Mohammed and al-Qaeda.

Musharraf himself was the target of an assassination attempt when the aircraft carrying him was fired upon (the attempt was described by Delhi-based South Asia Intelligence Review as, at best, ludicrous, with no significant danger to the president at any time), and his regime continues to face challenges, the latest being the London meeting of All Parties Conference that accused the Musharraf regime of bringing "Pakistan to the edge of a precipice, leading to strife, chaos and the threat of disintegration."

Daniel Markey (of the Council of Foreign Relations) in a recent article (Foreign Affairs -- July/August) suggested that the choice facing the US "between supporting Pakistan's army and promoting democracy has always been a false one. Both are necessary. Only by helping to empower

## GOING DEEPER

In a recent report, The New York Times alleged that Pakistani security forces have been out-gunned and out numbered in NWFP by the militants, and that the security forces have ceded authority to the Talibans and their sympathizers. As a result, "there is a general policy of appeasement towards the Talibans, which has further emboldened them." The Bush administration, that has been giving Pakistan two billion dollars a year for the last five years, may wish to take stock of the Lal Masjid episode, so eloquently explained by cricketer turned politician Imran Khan to British journalist David Frost in a recent interview.

civilians and earning the trust of the army at the same time will the United States successfully prosecute the long war against extremism and militancy."

It has been argued in favour of Daniel Markey's premise that societies like that of Pakistan, burdened with the attributes of tribalism, preclude fairness and justice to the people. Added to this feudalistic character of the society is the constant fear of Hindu India overrunning smaller (but nuclear) Pakistan.

It has been suggested that the Pakistan army's and ISI's retention of ties with the militants and Taliban sympathizers are a hedge against abandonment by the US in case of an Indo-Pak conflict. Besides, given their long-standing relationship with the Islamists, they were never serious about fighting terrorists.

Despite the common belief that the Talibans are still present in Pakistan's Federally Administered Tribal Areas (Fata), and that Osama bin Laden and Ayman al-Zawahiri are living in the Afghanistan-Pakistan border region, some South Asian experts say that the US administration should broaden its relations with the army as a constant in the power politics of Pakistan, and

even if a civilian government were to come to power it would have to negotiate its perilous relationship with the army.

Ayesha Siddiqi writes in her book Military Inc. that "the military's power allows it to define its economic interests and exploit public and private resources, a behaviour that increases the organization's appetite for power." Siddiqi's contention is strengthened by the belief that the Pakistan military will not accept any dilution of its power, however tainted some elements of the army remain by Islamist extremism and Jihadist ideology. The future of Pakistan would be better served by a choice between the military and the democrats, and not the military and the Mullahs, as constantly propagated by the vested quarters.

Evidently there is a contradiction between the US priority in fighting terrorism and Pakistan, labeled as a front liner in the war on terror, having an ambivalent attitude towards the Islamists. One should not forget that, but for the support of President Musharraf's political party (PML-Quaid-e-Azam), the Muttahida Majlis-a-Amal (MMA), a conglomerate of Islamist political parties, would not have secured double-

digit votes in the last election.

The Islamists' political hold in NWFP and Balochistan were furthered by the active cooperation of the army and ISI, and the ideological leaning of the people of that area, in support of Islamic orthodoxy, has been translated into anti-Americanism.

During the summer of 2006, a considerable number of militants had been able to find sanctuary in Pakistan that prominent Afghan Taliban leaders were managing to plan operations from Pakistan and that Pakistan border units lacked the will or the capacity to cut off cross-border infiltration.

Veteran journalist Robert Kaplan sees Pakistan as an Yugoslavia in the making, albeit with nuclear weapons, and that the Afghanistan situation, Osama bin Laden, and the fighting in Kashmir "obscure the core issue in South Asia: the institutional meltdown in Pakistan. And as was true of Yugoslavia, it is the bewildering complexity of ethnic and religious divisions that makes Pakistan so fragile."

Leading US analyst on South Asia, Stephen Cohen, is so disenchanted with President Musharraf that he compares him with General Yahya Khan, and is skeptical that the idea of Pakistan as a

state can work.

The reason for the muddled political situation was the recent sacking by President Musharraf of Chief Justice Iftikhar Chowdhury, who has now become the symbol of opposition to the government. Pakistan's judiciary was never effectively independent.

In Pakistan, the dream of its founder Mohammed Ali Jinnah, "an impeccably dressed Westernized Muslim with Victorian manners and secular outlook," was shattered by an increasingly authoritarian and theocratic establishment that Stephen Cohen calls "moderate oligarchy"-- an informal political system that ties together the military, the civil service, some chosen members of the judiciary, and the economic elite who, lacking legitimacy in the support of the people, opted for Islam as an instrument of policy.

The Bush administration cannot be unaware of the Islamization of the Pakistani poor and middle class through the large number of madrasas that regularly pour into the Pakistani society a considerable number of youngsters well versed in religious studies, but most of them lack the necessary skills required for employment in jobs in IT or management or in other areas.

The Brussels based International Crisis Group has expressed the fear that President Musharraf may declare a state of emergency, suspending fundamental rights and effectively declaring martial law. ICG fears that suppression of popular response against such a move would produce chaos and violence, and ultimately increase the influence of the Islamists and further anti-US feeling.

Gareth Evans, President of ICG, in a speech (June 15), said: "another less edifying experience

has been the constant wriggling of Western, and in particular US, policy makers in the face of Parvez Musharraf's continuing authoritarian rule in Pakistan, and in particular the contempt that continues to be expressed by so many of them, more veiled in public but quite open in private, towards the democratic parties as they struggle with signs of growing popular and elite support, to recover ground. Despite the manifest failings of Benazir Bhutto and Nawaz Sharif I, for one, feel strongly that New York Governor Al Smith was absolutely right when he said in the 1920s that the only cure for the ills of democracy is more democracy."

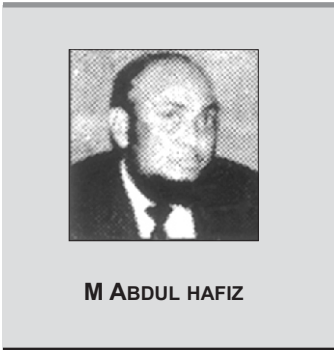
The Bush administration, in its mono-centric pursuit of the war on terror, is willing to ignore a Pakistan in disarray. Gareth Evans' advocacy of a liberal political system in Pakistan is further strengthened by the apparent failure of President Musharraf's government to contain violence in the northern part of the country.

In a recent report, The New York Times alleged that Pakistani security forces have been out-gunned and out numbered in NWFP by the militants, and that the security forces have ceded authority to the Talibans and their sympathizers. As a result, "there is a general policy of appeasement towards the Talibans, which has further emboldened them."

The Bush administration, that has been giving Pakistan two billion dollars a year for the last five years, may wish to take stock of the Lal Masjid episode, so eloquently explained by cricketer turned politician Imran Khan to British journalist David Frost in a recent interview.

Kazi Anwarul Masud is a former Secretary and Ambassador.

## The crisis of intent?



S HEIKH Hasina's incarceration has been the talk of the town throughout the week. The television channels focused on the event, although public curiosity to know more still remains unsatisfied. The behaviour with Hasinan in the court might have saddened many of her admirers, but the mood in her detractors' camp was celebratory.

Belonging to a genre of politicians familiar with frequent short shrift, Hasina could have had a subliminal premonition of the coming danger, and seemed prepared to be arrested. Traumatized by many personal tragedies, she couldn't but be an out and out fatalist and was, thus, least stirred by the bizarre drama leading to her arrest and the hasty arraignment in the court.

## PERSPECTIVES

Or else how does an unknown group of people rejoice at the arrest of Hasina in spite of emergency? How do the so-called reformists carry out their activities even when indoor politics is banned? How do the hopefuls try their hand in making or organising new parties? To make possible a utopian society, can we expect the angels to descend from their Olympian height to a pedestrian low? To make the society run and the polity function we perhaps have to ultimately rely on the same wrong-doers provided they are repentant after being indicted. Humankind is an admixture of good and bad, and Allah Almighty's creation is like that. Its mystery is best known to him.

In the meantime, ignoring the emergency, there were protesters who thronged the court premises and took to the streets to chant slogans demanding Hasina's release. Demonstrations condemning the arrest are reported also from across the world. The Western diplomats located in Dhaka gave their cautious reaction, particularly stressing Hasina's legal protection. The sporadic agitations may only be a prelude to a storm brewing up. Significantly, Begum Zia tried to reach out to her former opponent by demanding the latter's immediate release.

Hasina's AL was indirectly the catalyst for the political changes of January 11, and the party took the change to be their victory. It is

an irony that the party is at the discretion of an entity of its making. The public is nonplussed by the party's reversal of fate, culminating in the arrest of its chief and key office bearers. What went wrong with the AL's cosy equation with a dispensation it supported, and helped to bring in?

There are gray areas in the power game, which even a consummate politician like Sheikh Hasina failed to spot. In politics, Sheikh Hasina has never been an armchair begum or a drawing room winner, and couldn't, thus, be an acolyte of the set-up now wielding power.

In her zeal, she forgot the virtue of saving one's own self first before launching the frontal assault. She seemed oblivious to

the complexity and sensitivity of the present political milieu. That proved fatal for her, and she earned enough of the authority's ire to be cut down to size.

Hence, Hasina's present predicament of being put behind bars. The dragnet she is entangled in is very intricately woven, and there is little chance of her being able to come out of it. Unless some miracle takes place, her political future can be taken to be sealed.

However, Sheikh Hasina has nothing to lose afresh, because she has already lost so much! But the AL, the country's largest and oldest party, which spearheaded our independence war, is likely to be orphaned without her.

The party's future is so inextricably linked to Hasina's political fate that the AL cannot go without wide scale negative impact after this seismic event of her incarceration. Neither can the country's body politic remain unscathed, with a tectonic shift in national politics imminent.

But what about the criminal and corruption charges leveled against her? We are told that she has been apprehended in connection with only one out of thirteen cases pending against her.

Yes, it's a moral question that must be addressed in due earnestness. We cannot agree more with some stalwarts of the present dispensation when they talk of the due course of the law of the land in dealing with anyone, including the most powerful. They are absolutely right. But then, our people are not a bunch of cretins, and their comprehension of the "intent" involved is unque.

They are the same people who just didn't raise a question about the conspiracy factor of the infamous Agartala "conspiracy" case, when its drama was enacted for Bangabandhu, because they exactly knew what it had aimed at. The rest is the history. Yet, for the sake of justice, we would like to plead for the legal procedure to be followed in the matter of the allegations against Sheikh Hasina.

If she is found guilty in a fair trial, she will have to run the gauntlet. But the key point here is to ensure that "fairness." Because of the manner in which she has so far been dealt with, she as well as her close associates nourish profound doubt that fairness will be adhered to-- given the fact that a measure of politics is already mixed up with the interim government's commendable drive against crime and corruption.

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Brig (ret'd) Hafiz is former DG of BIISS.

been amassed by Mosaddek Ali Falu, who enjoyed enormous power and privileges as a political secretary to the former Prime Minister Khaleda Zia. Falu owns four multi-storied buildings in the capital and a villa at Gazipur. A mini-zoo has been setup in his villa. Besides, he owns around one hundred bighas of land in Savar.

Haris Chowdhury, another political secretary to former Prime Minister Khaleda Zia, also amassed immense wealth using his close link with the prime minister. His ill-gained properties include five houses in Dhaka, fixed deposits for Tk ten crore, and a house and a shopping mall in London.

Besides, he owns a large number of shares of different companies, worth crores of Taka. Along with his political post, Haris runs a humble car sales centre in the capital. An anti-graft tribunal has sentenced him to three years imprisonment for not submitting his wealth statement to the ACC.

Former state minister Lutfuzzaman Babar hushed up a murder case for such an immense amount, that many of us cannot even dream of earning in a lifetime. Babar's portfolio was a magic lamp, and he made a huge fortune by abusing official power.

Two sons of former finance minister

M. Saifur Rahman took lease of 200 acres of government land in Srimangal upazila almost free of cost. Shafiqur Rahman Babu took lease of 100 acres of land worth Tk 95 lakh for only Tk 500, while another son, Kaisar Rahman, got 100 acres of government land to set up a fish farm. Saifur's eldest son, Naser Rahman, is already under custody because of suspected corruption.

The trial of bigwig corruption suspects has frightened their wives and children, because family members of many accused have already been arrested. The wife, daughter, and two sons of former state minister for power, Iqbal Hasan Mahmud, have been sent to jail. They were charged with assisting Mahmud in amassing wealth through corruption.

Sabera Aman, wife of former state minister Amanullah Aman, has been sentenced to three years imprisonment on graft charges. Sigma Huda, wife of former minister Najmul Huda, was sent to jail on a stretcher. Khoshnud Asgar, wife of former BNP lawmaker Ali Asgar Lobi, is also in jail custody in a graft case. Falu's wife Mahbuba Sultana is on the run to evade arrest.

Cases have also been filed against

the wives and children of many high-profile corruption suspects, including some former ministers. Though the people have welcomed this crusade against corruption, they are not in support of such actions against the wives and children of the bigwig corruption suspects.

The government may take a lenient view of the wives and children of the corruption suspects, if they are accused of only having ill-gotten wealth in their names. They may be spared if they give a declaration that they do not own the money or the property kept in their names.

According to a newspaper report, the government has so far listed only 154 clean politicians, searching across the country through its intelligence agencies, who are eligible to be candidates in the next parliamentary election. The list includes 70 persons from BNP, 56 from AL, 13 from Jaty Party (E), 8 from Jamaat-e-Islami and 7 from LDP. Unfortunately enough, no top leaders of these political parties have been included in the list.

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does one need to lead an ultra-luxurious life? Most of these persons come from poor families. "From rages to riches" is the phrase that truly describes their condition.

These imprudent persons, having endless greed for wealth, had no time to think that such wealth might be a snare for them. Tarique Rahman, who shed tears in the court, revealed his feeling of the woes of wealth. Endless greed for wealth has made him the symbol of corruption.

In a rare event in the country's history, the powerful and supreme individuals who had created a culture of impunity, where mindless plundering and high corruption thrived, are now facing trail at the newly constituted special courts. They have now to endure the woes of the wealth that they amassed illegally at the expense of the country. The people want a thorough cleansing once and for all, for a decent body politic where their aspirations could be realized. They really do not want to live in limbo any more.

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