

## CJ has set a good tone

Follow-up action eagerly awaited

WE are heartened by the speech delivered by Chief Justice Mohammad Ruhul Amin at a roundtable on judicial reform and independence organised by a forum called Human Rights and Peace for Bangladesh. He began by assuring the nation that like in the past at any critical juncture the Supreme Court will act in pursuit of law helping the nation overcome a crisis situation. This rhyming in with the historical role of the country's highest judiciary is a welcome reiteration from the incumbent CJ. While we laud his spirit, we are, however, constrained to say we have had some disappointments from the highest judiciary in the past.

True, there is no alternative to appointment of neutral and unbiased judges in ensuring that judiciary act impartially and professionally in the matter of dispensation of justice as an integral part of its constitutional obligations. Our experience being to the contrary, former CJ Mahmudul Amin Chowdhury has proposed a committee consisting of Chief Justice, Attorney General and Supreme Court Bar Association chief to bring a qualitative change in recruitment and promotion of judges to the highest judiciary. The incumbent CJ is, however, opposed to induction of chief justice in the committee arguing that the office of the CJ needs to be kept above controversy. We would like to suggest that the honourable chief justice call upon distinguished former chief justices to provide their inputs towards devising a recruitment formula that is balanced and based on considerations of merit and unimpeachable probity. The goal is to curb the dominance of the executive in matters of recruitment and promotion and ensure that the chief justice's recommendations carry appropriate weight.

The chief justice thinks that independence of the judiciary cannot come by virtue of law alone; free working of the judiciary depends upon the mindset of the judges which requires soul-searching and self-purification to be in a positive frame. With remarkable candour, the CJ suggested that in delivering a verdict if the judge looked to a carrot rather than looking at the law then travesty of justice is bound to take place. He has also brought up the issue of law being applied differently to different people.

There is no doubt that the judiciary comprising the bench and the bar is in need of reform. They must be part of the surge for reform we see around. The tone has been set by the chief justice and what seems imperative now is the fostering of a collegiate environment in which all heads are put together to bring about the long-felt changes in the judicial system.

## Flood relief operation

Private sector needs to come forward

AS floodwaters continue to pose widespread difficulties to human and animal lives, we find efforts being made to reach succour to the worst-hit people in some areas. Evidently, what is being done is not enough. A large number of people still need to be removed to safer places; they need food, drinking water, clothes and medicine to survive the onslaught of floods. We are distressed at the outbreak of diarrhoea and cholera, especially among children. We know that many cases of diseases have gone unreported and the challenge is to reach out to them.

Though at the moment relief efforts are being led primarily by the government organisations and the armed forces, some NGOs and political people have joined in. It is no doubt an encouraging sign, and there is no denying that all hands must join to help the unfortunate people in such times of dreadful misery. Indeed, the enormity of the problem requires concerted endeavour of all the sectors without any reservation whatsoever. Helping the helpless should be the only motivation.

There has been a long tradition of the private sector coming forward in a massive way in providing succour to the victims of natural calamities. It was a common sight to find individuals, social clubs, sporting clubs, voluntary organisations, film, radio and television artistes' associations, banks, commercial organisations, multinational companies, teachers' associations and students' associations going to the remote areas with relief materials. They are evidently not as proactive as they were in the past and we feel the reasons behind their hesitancy need to be addressed.

The government at the top like the chief adviser is persistently urging people to come forward in aid of flood victims but this is not apparently having the desired percolatory effect as the local law enforcement agencies are being fastidious in certain places asking questions to groups of relief distributors. This should be looked into and redressed by the local administrative authorities.

# Charges delayed, crimes bypassed



ABDULLAH A. DEWAN

THE bulk of literature -- as most of public finance -- assumes that pecuniary gain constitutes the principal drive behind tax evasion. But why a country's prime minister and finance minister would evade taxes is not mindboggling -- it's the "total lack of moral sensibility and degradation" to quote my next door colleague sociology Professor Jay Weinstein.

One may reconcile with her sons' tax evasions because of the way they were raised and the mother who raised them. But being a country's prime minister, Khaleda's tax evasion left me speechless although it's consistent with her all encompassing alleged illicit activities.

Another disgrace -- a twelve-time finance minister of BNP government who bypassed taxes for years also sheltered himself in NBR's tax amnesty gesture. What can we expect from an accountant -- one who was trained to find loopholes for tax -- academically untrained to be a country's finance minister -- now mortified by his sickening disease of greed?

A humiliating coincidence for

## NO NONSENSE

Khaleda and Saifur may have escaped their times in prison for tax evasion crime -- but their criminality won't be washed away. Of them, Khaleda now wants to appear godly and distribute relief materials to the flood victims despite her party's ministers and MPs crowding the prisons for stealing relief materials during her last government. She seems to believe "no shame -- no politics."

them is that both of these highest profile tax evaders' sons are now in confinement -- waiting their days in court against corruption and extortion charges. Who were the accomplices to their sons' mischief?

Doesn't the NBR have track records of the prime minister and the finance minister if they owe taxes to the exchequer? Although it is far-fetched to think that the extension of legalising undisclosed money by NBR was unmediated to save these thick-skinned characters -- it nonetheless gives a perception to that effect.

Tax evasion is endemic worldwide. But there are no known cases of a country's prime minister and his/her finance minister ever using tax amnesty for hidden incomes. Perhaps Khaleda and Saiful didn't pay taxes because they assured themselves returning to power again?

Empirical studies estimate that the percentage share of the shadow economy in overall GDP runs well into double digits for OECD countries, while shares over one third can be reached in some transformational economies.

Reporting to the Senate in May, Deputy Finance Minister Vincenzo

Visco said that the hidden, untaxed economy accounted for around 27 percent of Italy's GDP of nearly \$2 trillion. Gian Maria Fara, president of Eurispes, a research institute said Italy's annual underground economy was equal to the combined GDP of Finland, Portugal, Romania and Hungary.

Many of us are of the view that NBR mustn't legalise undisclosed incomes of Khaleda and her sons who are being investigated for state corruptions and crimes. An appeal should be filed in higher courts challenging the legality of amnesty extended to an alleged corrupt family of mother and sons.

Tax evasion is a crime in almost all countries and subjects the guilty to fines and/or imprisonment -- in China the punishment is death.

In the US, persons subject to the Internal Revenue Code are required to report unlawful gains (gambling, theft, drug trafficking etc.) as income when filing annual tax returns, but hardly complied to avoid a pent-up admission of guilt.

By contrast, in the UK law enforcement agencies don't generally have access to tax returns and so illegal earnings can supposedly be safely declared. Here also per-

sons involved in criminal activities generally prefer not to declare their illegal income to avoid possible prosecution for tax evasion.

Khaleda and Saifur may have escaped their times in prison for tax evasion crime -- but their criminality won't be washed away. Of them, Khaleda now wants to appear godly and distribute relief materials to the flood victims despite her party's ministers and MPs crowding the prisons for stealing relief materials during her last government. She seems to believe "no shame -- no politics."

My premonition is that before she is sterilised from all allegations of mischief, her free movement would give the perception of her receiving a favoured treatment and would bring an end to the belief that "no one is above the law" -- so articulately proclaimed by General Moeen Ahmed and Chief Adviser Fakhruddin Ahmed repeatedly.

The news that amid tight security Khaleda attended the "milad mahphul" commemorating the death anniversary of her detained son Tarique's father-in-law caught me by surprise. I was shocked that hundreds of people including some party leaders gathered there to have

a glimpse of their beloved madam. Her party members who were present included her brother, Saeed Eskander -- also alleged to comprise the corrupt empire of Khaleda.

While the courting by her by her party "tabaydys" is understandable but why would hundreds of people gather there?

Some people possibly wanted to see their former PM seemingly untainted herself from the foul smell of tax evasion. Some people may have gone there to see how she looks after all the derogatory yet well placed publicities about her past illicit activities. There are others who wanted to hear her about the state of dynastic politics. There may be others who wanted to hear when she would expel Mannan Bhuiyan and his followers from the party.

In my June 5 piece I argued that the phrase "the mother that rocks the cradle rules the world" may be amended in the context of Khaleda to read "the mother that rocked the cradle ruled a country and raised two criminal sons, and ruined a party along with the country. If Ziaur-Rahman were reincarnated today, he'd possibly strip his name from Khaleda's, for all her alleged illicit activities."

After similar commentaries from all quarters and the numerous disclosures about her all-encompassing shenanigans, and lastly legalising hidden incomes, one naturally wonders what would convince BNP politickers to socially and politically isolate this woman. What keeps these people still courting appears to be guided by the adage "birds of a feather flock together." Unfortunately, these are the politicians and the people who

will stand in the way of making the country relatively corruption free.

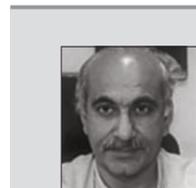
On the question of future corruption in Bangladesh, ACC Chairman Hasan Mashud Chowdhury in his August 10, Channel i talk show, referenced the ceremonious funeral of world's second most corrupt leader President Ferdinand Marcos accorded by the people of Philippines. A former prime minister of Singapore said that corruption cannot be eradicated from a country where the people give a ceremonious funeral to one of the most corrupt leaders of a country. Chairman Hasan ended his comments by saying that you may get the implications for Bangladesh from here.

Everyone at home and abroad is waiting to know if and when Khaleda is going to the sub-jail. On the other hand, she is slowly sneaking into more and more freedom and may possibly be getting the impression that she isn't the "sacrificial bagra" and that the "minus two formula" has become insuperable and too perilous for the government to execute.

So far her perception seems a possibility in the making. But to rest of us -- there is an impatient waiting and growing perception that charges delayed are crimes bypassed.

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# Dependence Day



M. J. AKBAR

IN July, Mrs. Sonia Gandhi took charge of an election that had suddenly become difficult, thanks to a candidate of her own choosing. Her nominee for president was a last-minute surprise, with a dreary record and a dubious approach to public finance. And yet, within days, she split the opposition so comprehensively that it was bleeding after the result.

In August, Prime Minister Manmohan Singh achieved a unique reversal. Within a week he not only united the opposition that Mrs. Gandhi had dispersed, but managed to lop off a vital slice from the coalition that keeps him in office. It remains to be seen whether the Left has fallen out, or still remains hanging in the alliance, but the threads that bind it to Dr. Singh are looking tenuous.

Dr. Singh has had three years to prepare for the denouement of the Indo-US nuclear deal. The last stage was bungled because it was managed in precisely the same way as every other stage of the process. At all times, the prime minister was making two simultaneous deals. One was with Washington, whose details were naturally kept secret. And the other was with Delhi's

## BYLINE

The Left, which survives by thinking ahead, has realised that Dr. Singh has driven the UPA to a crossroads. You can hunt with the opposition hounds and run with the government here on a straight course, not at a crossroads. Moreover, a crowd has collected. Bengal is watching Delhi as closely as it is watching Nandigram. When the street speaks sensible politicians listen.

closed-circuit elite, a quadrangle of politicians, bureaucrats, businessmen and journalists, on the assumption that their support, managed through ego-massage and more concrete benefits, would be sufficient to get domestic endorsement.

He never could quite comprehend that Indian nationalism had stronger foundations than the self-interest of the establishment; or that, in a democracy, the base can affect the top. Indians are not yet ready to celebrate sixty years of independence by handing over the next forty years to dependence.

He thought he could get away with a display of the text, and was unpleasantly surprised when India asked for the context. The context was public knowledge thanks to the transparency of American democracy. The Hyde Act, with its extensive demands on the Indian right to independent behaviour, was one context, but not the only one.

As V.P. Singh pointed out in a letter to the prime minister, we also need a proper evaluation of the cost-benefit ratio of civilian nuclear power, and whether we can generate much more power for far less investment. V.P. Singh is not a foaming-at-the-mouth adversary; he is among those who helped Dr. Singh become prime minister.

A prime minister holds a political office. Dr. Singh has promoted, and enjoyed, a carefully nurtured disdain for politics; he likes his bread buttered on both sides. Politics is the art of establishing harmony between policy and the people. Dr. Singh was only ever interested in establishing harmony between his policies and the elite, the inmates of a circular road in Delhi. India is now letting him know that it exists.

Three years is sufficient time to garner the material needed for the construction of an image. Dr. Manmohan Singh has identified himself with only two passions: economic growth and the Indo-US nuclear deal. There is nothing wrong with either on principle. There is a great deal wrong with both in practice. Both have serious electoral limitations.

The policy of wealth creation as pursued by this government has never been adjusted for economic justice or equity. This emerges from statements consistently made by the highest in the government, that the poor will be beneficiaries of the "trickle down theory."

Think about it. Cream is collecting at the top of the Indian pie at the rate of 9% a year. About 80% of this cream is swallowed up, in differing degrees, by perhaps a quarter of the population. The three-quarters

below have to wait for a thin trickle, which is lapped by various strata before anything can reach the depths of those below the poverty line.

Common sense suggests that the poorest should be the first beneficiaries of wealth creation, as they live on the margins of hunger and the edge of anger. Instead, the poor believe that they have been left out of an Indian success story to which they have contributed with sweat, and, in the case of that rising ulcer, the Special Economic Zone, with their land. They find themselves marginalised, or even deleted, from the distribution of rewards.

Those with swimming pools get a waterfall; those dying of thirst are fended off with a trickle. This trickle is the breeding ground for Naxalites. Young people do not live only in the fashion and celebrity pages of newspapers; there are young in hovels as well. And they vote.

Neither is Dr. Manmohan Singh helped by his intense identification with President George W. Bush, a relationship visible in his slightly tremulous body language when the two meet. Let us keep to one side the fact that Bush has done more harm to his own country, and to the world, than any American president in memory. Or that people equate

Bush with the havoc in Iraq.

It is more important for us, who are still fortunate enough not to have been liberated by Bush, to understand the implications of Iraq. At issue is the meaning of sovereignty.

American policy under Bush has abandoned all respect for the concept of sovereignty, and is ready to go to war to further an American economic and political agenda. One no longer need point out that the war in Iraq had nothing to do with the war against terrorism. If there had been no resistance in Iraq, who could have prevented Bush from invading two other Muslim nations, Syria and Iran? This would have been the strategic centre of the new Middle East.

Is India, rather than Pakistan, to become the guardian of the eastern flank of this New Middle East? Is India now going to become part of the politics, and indeed the wars, of the region? If America does move militarily against Iran, there will be continuous war from Beirut on the Mediterranean to the borders of India and maybe seep across as well.

And if we do not cooperate with Washington in that conflict, will we get sermons from American candidates and instructions from the American administration, as our neighbour Pakistan is getting at the moment? Is this the meaning of the specific reference to Iran in the Hyde Act?

It is completely unusual for a third country to be mentioned in legislation which is meant for bilateral purposes. Why was it done? Why have we not questioned it? Why is it being treated as something inconsequential? If it was inconsequential, why was it included, not in a statement, but in the law of

America?

The Hyde Act is not political posturing. It is the law of the land, and every president of America, present or future, has to abide by that law. Prime Minister Singh has already compromised the integrity of India's independent foreign policy with his silence on the Hyde Act. There also seems to have been a message sent to the American administration not to roll Indian waters by stressing the Hyde Act. But this is too serious a business for fudge.

Dr. Singh's allies are beginning to wonder about the extent of the damage through decisions on which they were never really consulted, but accepted in order to keep the government going. I can't see Lalu Yadav discussing the nuances of the nuclear deal, but he will be answerable when he meets his voters next time.

The Left, which survives by thinking ahead, has realised that Dr. Singh has driven the UPA to a crossroads. You can hunt with the opposition hounds and run with the government here on a straight course, not at a crossroads. Moreover, a crowd has collected. Bengal is watching Delhi as closely as it is watching Nandigram. When the street speaks sensible politicians listen.

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# What's at stake with Blair at the helm of the peace caravan



M. ABDUL HAFIZ

STRANGE things can happen at times in international affairs. However, nothing demonstrates the validity of such a possibility more than last month's announcement that the Middle East Quartet had appointed former British prime minister Tony Blair as its special envoy to the region. That an appointment of such importance could have been made with so much ease, speed, and efficiency is a fresh reminder of the manipulative powers of Anglo-American diplomacy!

During the long ten years that he was Prime Minister Blair enjoyed close, cordial, and cosy relations with both the Clinton and the Bush presidencies, in fact, the Clinton

## PERSPECTIVES

President Abbas had his share of praise from the US and EU. The aid has started flowing in, but that is not going to take either him or his Palestinian people any closer to the goal of liberation of the Israeli occupied territories, and living in freedom and dignity in their areas. Meantime, Tony Blair can have his well-deserved vacation after ten years of premiership at home, if not any complex tour of diplomacy in the Middle East.

White House considered Blair the foreign leader closest to its boss. Regarding the relationship with the current US president, Blair is seen as a virtual soul mate. The extent of their bonding has been such that Blair chose to defy British public opinion to join the US in its invasion of Iraq -- an adventure that was to lead to the British electorate's disenchantment with him.

Yet, few can match Blair's smartness, intelligence, and articulation. He is also a powerfully persuasive interlocutor. Given his knowledge of and strong interest in the Middle East, as well as his personal relationship with the leaders of the region, Tony Blair would appear an ideal candidate for this exceedingly difficult task. In spite of that, Blair's appointment has been greeted with

almost universal derision. What explains this rather grotesque phenomenon? For one, Blair is perceived as a person who never hesitated to abandon principles as a matter of expediency, or jettison inconvenient convictions to have an easy sale.

British politicians often sought to bask in the reflected glory of the power and majesty of the United States. Tony Blair was no exception and had been, on occasions, oblivious of the views of colleagues and party heavy weights. On the Iraq issue, he involved his government in lying and doctoring intelligence reports to strengthen the Bush administration's case against Saddam Hussein's WMD. It was so blatantly done that some of his cabinet colleagues were forced to

quit.

The Arabs weren't a bunch of cretins who would not understand that it was to destroy the region's only potential challenge to Israel's domination of the region. How ironic that the Iraq fiasco, planned and executed, should prove to be Blair's final undoing. The Arab world certainly does not want to have him in their midst.

It is not surprising that few world leaders, with the exception of the Israelis and President Mahmud Abbas, had anything good to say about him. Russia is reported to have strongly opposed it while EU leaders have murmured that it was Bush's reward to his "poodle" for an independent Arab kingdom after the war in return for an Arab revolt against the Ottoman empire. It was

appointment until it was announced.

Also, a glance at the historical canvas of the region may be in order to understand why Blair is so much derided in the region, although as the leader of the region's major colonial power his role and expertise could be a valuable asset. But it is also worth delving into the way the same colonial power had an axe to grind in all vital Arab interests.

After all, it was Britain that had been the strongest supporter and financier of the Zionist movement. It was also Britain that was instrumental in the fulfillment of the looniest dream, the establishment of a Jewish commonwealth in Palestine. Britain's commitment in the form of the infamous Balfour declaration represented a major triumph for Zionist diplomacy.

When the declaration was issued, the Jewish population of Palestine numbered some 560,000 as against 600,000 Arabs. Yet, Israel came into being with strong British patronisation. It was in violation of an earlier British promise to Hussein, the Sharif of Makkah, to support the establishment of an independent Arab kingdom after the war in return for an Arab revolt against the Ottoman empire. It was

also against the provisions of the secret Sykes-Picot agreement of 1916 to divide the Middle East into British and French spheres of influence in the event of an Allied victory.

These violations of the solemn promises continue to haunt the British to this day. Well known historian Tom Segev has pointed out in his book, "One Palestine, Complete," that: "Contrary to the widely held belief of Britain's pro-Arabism, British actions convincingly favoured the Zionist enterprise."

British foreign secretary Balfour was to later confess in his memoirs: "Zionism is right or wrong, good or bad, it is of a far profounder impact than the desires and prejudices of 700,000 Arabs who inhabit that ancient land."

That being the sentiment of the author of Balfour Declaration, the sentiments pouring out of Arab countries in their reaction is apt. As a matter of fact, more of meaningless rhetoric poured forth from Blair's lips as he arrived in the Middle East last month on his first visit after being named the Quartet's envoy. As is typical of all western diplomats when they speak about the Arab-

Israeli conflict, the former British prime minister merely beat about the bush when he discovered "a moment of opportunity" and "a sense of possibility for..." for nothing.

Here is what the longest serving Labour prime minister had to say: "Whether that sense of possibility can be translated into something that needs to be worked at and thought about over time..." Brilliant diplomatese! What he simply couldn't alter was the truth -- that Israel should withdraw from the occupied territories so that a Palestinian state could come into being.

Instead, the brief Mr. Blair carries as a special envoy simplifies his job. He is only to obfuscate the Palestinian question with non-issues. The progress of sidetracking the real issue began in Arafat's time. One of the tricks for bypassing the real issue was to ask Arafat to have a prime minister and reform the Palestinian Authority (PA). He did both, but there was no progress on the question of Israel's withdrawal.

Now, again, Mr. Blair will concentrate on "institution building" at a time when the Palestinians themselves have gladdened their

enemy's heart by fighting a civil war and turning West Bank and Gaza into two warring cantons.

Israel couldn't be happier.

Clearly, it is futile to expect Blair or the Quartet to do anything substantive. President Abbas had his share of praise from the US and EU. The aid has started flowing in, but that is not going to take either him or his Palestinian people any closer to the goal of liberation of the Israeli occupied territories, and living in freedom and dignity in their areas. Meantime, Tony Blair can have his well-deserved vacation after ten years of premiership at home, if not any complex tour of diplomacy in the Middle East.