

CA's speech

Positive approach taken to some public concerns

THE CA's address to the nation has touched upon many issues, apart from lifting ban on indoor politics. His assurances in tackling some of the urgent issues must be concretised. It must be ensured also that those do not get bogged down in bureaucratic red tape. Lifting of ban on indoor politics albeit with certain conditions has been welcomed by all. It indeed, one hopes, should mark the start of the much awaited political process. Also, the CA has put our minds at rest regarding holding national election, more so by assuring us that it may be held even earlier than end December 2008, if possible. The crux is to see that all necessary help is rendered to the EC so that its efforts in accomplishing the task are not impeded.

The most important matter that the CA has talked in the course of his speech having to do with the common person's wellbeing economically is the run away prices. What the public wants to see in this regard are the remedial measures to ameliorate their sufferings. Admittedly, the government has taken some steps like importing food grains and starting open market sale of rice, but there other are items of food that would be in great demand, particularly in the month of Ramadan. The government must do all to guarantee that their prices are kept at tolerable limit by ensuring smooth and regular supply of these items. However, along with the regular supply the established market mechanisms must also be employed to keep the prices down.

As for the remuneration to the retrenched workers of the 4 jute mills recently closed down they must be fully compensated immediately.

While the CA's speech demonstrates a forward looking approach to matters that have been causing public concern, substantive actions must be initiated so that the problems are addressed quickly.

Nawaz Sharif returns to be deported

General Musharraf's predicament grows

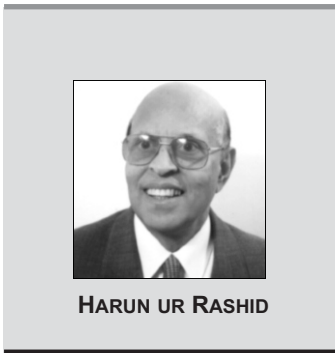
MUCH drama has gone on in Pakistan's politics since March this year, when President Pervez Musharraf attempted to sack the country's chief justice. That move, as we now know, clearly backfired. Chief Justice Iftikhar Muhammad Chaudhry came roaring back once he was restored to his position by his peers in the Supreme Court. He then did not waste much time letting Pakistanis know how he intended to handle the military ruler who had tried to send him packing. He proved instrumental in accepting a petition from exiled former prime minister Nawaz Sharif that he be permitted to return home.

Sharif came back home on Monday morning only to be deported to Saudi Arabia hours later. General Musharraf insisted that Sharif had to fulfill his part of a 'deal' he had made with the regime back in 2000 to stay in Saudi Arabia for ten years instead of coming back. What the president failed to realise was that his own position was no longer what it had been in 2000, to the extent that in recent weeks he has been forced to try working out a power-sharing agreement with another exiled former premier, Benazir Bhutto. Besides, Sharif had the instrument of the Supreme Court judgement in his favour. Against such a backdrop, the president's desperation about not having Sharif back in Pakistan was made manifest when he invited Saudi and Lebanese representatives to Islamabad to help persuade the former leader to stay out of his country.

Nawaz Sharif, not an ideal democrat himself, nevertheless demonstrated considerable courage in refusing, upon landing in Islamabad, to be deported to Saudi Arabia. He was then detained and whisked away to be eventually sent back to Saudi Arabia. That again is a sign of the president's increasing nervousness. He and his government have worsened the case for themselves through placing the whole of Pakistan in a state of turmoil only because Sharif was coming back to his country.

By deporting Sharif once again General Musharraf has only made the situation even more confusing and put Pakistan's image in an adverse light. It is certainly a setback for efforts towards restoring democracy in Pakistan.

Constitutionality of the caretaker government



RECENT media reports suggest that the constitutionality of the current non-partisan caretaker government (CTG) has again been raised by some quarters. This debate has re-emerged, according to some commentators, possibly because some confusion was injected when an adviser described the CTG as a "national government," although he later tried to explain why he did say so.

Certain views have been reportedly expressed, questioning the constitutionality of this government. A view was expressed that there cannot be two CTGs under the constitution.

Another view is that since 90 days have passed without any election being held, the CTG has not fulfilled its purpose and, therefore, its validity is questionable. Another view is that no prior consultation with major parties took place before the president

BOTTOM LINE

The above provision makes the duration of the caretaker government palpably clear. Its tenure expires only when a new parliament is elected and a new prime minister takes his/her office. The tenure of the government is not to be confused, and has nothing to do with the 90 days period of the election. Against this background, and the reasons cited above, many legal experts argue strongly that the CTG adequately meets the constitutional provisions, and any contrary view is misconceived and constitutionally untenable.

appointed the chief adviser on October 12, last year.

Many legal experts find that the above views are misconceived because they appear to have been advanced on the misinterpretation or mis-reading of the relevant articles of the constitution. They argue they are not tenable for the following reasons:

First the constitution must be read as a whole, and should not be interpreted out of context or on a piecemeal basis. The meaning and spirit of the articles of the constitution are lost if one chapter or part of the constitution is considered without its other parts.

Second, there is no bar in the constitution for the president to appoint a second CTG, in the event that the first one is found to be incapable of holding an election in a free, fair, and credible manner.

Third, it is argued that the 90 days period in terms of Article 123(3) of the constitution in hold-

ing the election is only instructive (directory) and not mandatory, despite the usage of the word "shall" in the article.

The language in the constitution cannot be read in a vacuum, and has to be read taking into account possible intervening circumstances, such as natural disasters (for example flood or earthquake) or a prospect of a civil war erupting. Obviously, it is impossible to hold the election in such circumstances.

An article is to be interpreted as mandatory when it has to be acted upon, regardless of any possible intervening circumstances.

Fourth, Article 58D (2) of the constitution provides that the general election of members of parliament must be held "peacefully, fairly and impartially." This is a constitutional obligation for the CTG. This means that a congenial environment must be created prior to holding the election in peaceful,

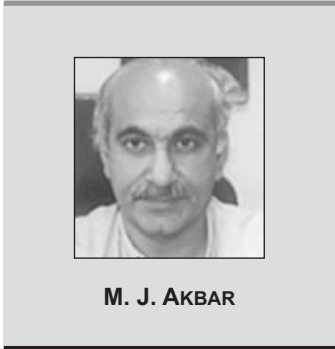
fair and impartial.

Against this background, if 90 days cannot create a congenial environment for impartial election, it is argued that "election for election's sake" contravenes this provision of the constitution. Article 123(3), i.e. 90 days must be read with holding of election "peacefully, fairly and impartially" in terms of Article 58D (2) of the constitution.

Both Articles 123(3) and 58D (2) of the constitution must be read together, and one cannot be interpreted without the other. That means one cannot pick and choose one article, ignoring the other one.

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

Look East for the left



ONE of the oldest laws of politics is back at work: when a government is not in control of events, events take control of a government. Delhi, obsessed with itself, believes that events only take place in Delhi. Government is in a tight geographical ring; voters live outside this pseudo-magical circle.

If you want to understand what the left is doing, you have to hop across from Delhi to Kolkata. The Marxist machinery has been cranked back into gear. You can hear the occasional squeal of age, of course. And the design is not pretty. But it still works. This week saw the surest sign that the Marxists are getting ready for a general election. I don't mean the posters and the processions, evocative as they are. The CPI(M) brought out its genuine heavy-weight and put him into political play. When Jyoti Basu speaks Bengal listens.

It would not be inaccurate to suggest that Mr. Basu's influence extends over a much larger space than the Marxist vote bank or the Bengali world: the Indian poor know he is on their side, even if they do not have his party's candidate in their constituency.

BYLINE

The most important point relates to common sense rather than special expertise: what is the hurry? Why cannot Parliament and the people be permitted time to discuss a matter that will set the course of investment and strategy for the next four or five decades? China took fifteen years over its negotiations with America; why can't India be permitted a few months to examine the complex issues? Most people simply do not know the meaning of the strategic embrace that seeks to create a nexus of long-standing American allies, Japan, Australia and Singapore, with India.

Mr. Basu made two statements, connected by an unseen cord. He remarked that "anything" could happen if the Manmohan Singh government went ahead with the 123 Agreement. It does not require a philologist or a scientist to decipher the meaning of "anything."

His second public statement was in response to Mamata Banerjee's rather facile explanation that she was in the previous BJP-led alliance only because of her personal respect and admiration of former prime minister Atal Behari Vajpayee.

Mr. Basu thought that he had never heard, in his 67 years of public life, anything more ridiculous. Mr. Basu rarely makes a point unless he has a point to make. If that is the best reason that Mamata Banerjee is going to offer for being an ally of the BJP, it is not going to wash.

She would have been far more credible if she had been a little more honest. She could have argued that defeating the left was the most important part of her political agenda, and she chose to align with the BJP precisely because she thought this alliance could take on the Left.

After all, if she had thought the Congress was good enough, she would never have left the Congress, would she? But some politicians continue to believe that the simple truth is injurious to their health. They must be firmly convinced that the voter is a fool.

A primary reason for the split between the Congress and the Left is the secret understanding between the Congress and Mamata Banerjee's party that they would contest the next elections in harmony, even if they could not manage a complete alliance.

The alliance was not formalised because the Congress needed the Left's support in Delhi to survive. But workers of the two parties had begun to cooperate on the ground, the parties were together in the Singur and Nandigram movements, and when Mamata Banerjee decided to go on her famous hunger strike Congress ministers made every gesture of sympathy and support.

The announcement would have been made just before the elections were due, after the Congress had made full use of the left's support in Parliament, and in the process neutralised the left's ability to criti-

cise it on the hustings.

How do you attack, in an election campaign, someone you have defended during five years in power? The Left was in a trap, a clever one set by the Congress, and unable to wriggle out of it. Moreover, some left MPs had succumbed to the obvious temptation of being associates of a ruling alliance; the beneficiaries were loath to end this relationship prematurely.

But realpolitik had to supersede the preferences of individuals. As the left moves towards departure mode, Mamata Banerjee turns up in the arrival lounge.

This is not the only trap that the Congress has set for partners that it does not consider reliable enough for a long-term alliance. When the escalating price of food becomes a subject of steamy exchanges during the coming election campaign, will the Congress blame Sharad Pawar, the agriculture minister?

Priya Ranjan Das Munshi has already gone on record suggesting that the wheat purchases were mishandled because Mr. Pawar was more interested in being president of the cricket board than in being agriculture minister.

that consultation is conducted if it is practicable for the president. This significant pre-condition to consultation is often ignored.

The circumstances under which the Fakhruddin government was installed need not be repeated. Suffice it to say that the president had promulgated emergency on January 11 and the Fakhruddin government was sworn in on January 12. If the president did not fit it appropriate, in his judgment, to consult the major parties under the exceptional circumstances, it is consistent with the provision of the constitution.

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

Similarly, what the non-party caretaker government has been doing to create a playing level field for all political parties needs to be ratified by the next elected parliament for the sake of democracy and national interests of the country.

The AL leader asserted at one stage that if she were elected as the prime minister her government would ratify the actions of the CTG.

What is the duration of

the caretaker government?

The duration of the CTG is a separate issue, and does not rest on holding the election within 90 days. There is a separate article in the constitution, which deals with the duration of the CTG. For ready reference, Article 58B is quoted below:

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

The above provision makes the duration of the caretaker government palpably clear. Its tenure expires only when a new parliament is elected and a new prime minister takes his/her office. The tenure of the government is not to be confused, and has nothing to do with the 90 days period of the election.

Against this background, and the reasons cited above, many legal experts argue strongly that the CTG adequately meets the constitutional provisions, and any contrary view is misconceived and constitutionally untenable.

Barrister Harun ur Rashid is former Bangladesh Ambassador to the UN, Geneva.

The nuclear deal was the perfect opportunity for the Marxists to walk out of the Bengal trap, precisely because it was an ideological issue. The Manmohan Singh government wants to bind India into a strategic relationship with the United States, specifically targeted against Iran (in writing) for starters but developing into a larger axis of the kind that America once had with Pakistan through the Baghdad Pact.

This was sweetened by much talk of nuclear energy on rather salty terms, intrusive, expensive and imbalanced. The left could hardly have found a better reason to take a stand. Incidentally, those who are waiting for the left to split on the nuclear deal do not understand Marxists.

We live, thank Heaven, in a free country, but freedom does not give anyone the freedom to dictate the pace of a vital national debate. The most important point relates to common sense rather than special expertise: what is the hurry? Why cannot Parliament and the people be permitted time to discuss a matter that will set the course of investment and strategy for the next four or five decades?

China took fifteen years over its negotiations with America; why can't India be permitted a few months to examine the complex issues? Most people simply do not know the meaning of the strategic embrace that seeks to create a nexus of long-standing American allies, Japan, Australia and Singapore, with India.

All these countries go to war when America goes to war, as they did in Iraq, even when majority public opinion is not in favour of self-defeating conflicts like Iraq.

How many Indians are aware

Like wages for chocolate

The industry does not reveal its total annual revenue, but it's thought to be between \$50 and \$70 billion. According to some independent estimates, an allocation of between 0.5 and 1 percent of revenue would be enough to ensure community development such as the building of roads, schools and clinics. It should be delivered not as aid, but in the price actually paid for the cocoa, which would, as Brown put it, speak toward the "dignity of individuals empowered to trade." Yet this is precisely what the chocolate industry refuses to do.

HUMPHREY HAWKSLEY

IN recent years the question of Africa has shifted from a moral and humanitarian challenge to a strategic one. Since the end of the Cold war in the early 1990s Africa has relied mostly on the free-market system for its economic development. But the continent has slipped backwards, and the UN estimates that between now and 2015 the number of those workers living with their families on less than US\$1 a day will actually increase by 20 percent.

While the causes are multiple, alternatives to the Western democratic model are beginning to push their way through. Economically powerful, yet authoritarian China

offers its own definition of human dignity which, it maintains, should be measured not by holding elections but by dragging people out of poverty. And extreme Islam spreads an inspirational anti-Western doctrine designed specifically to draw in the poor.

Almost half a century ago, Africa found itself similarly courted as newly independent nations chose between the ideology of the West and that of the Soviet Union. In 1960, Harold Macmillan, then British prime minister, declared that "winds of change were sweeping through Africa."

He argued that one of the great issues of the 20th century was whether the "uncommitted peoples" of Africa would swing away

from the Western powers.

Now, his latest successor, Gordon Brown, has taken up the baton. Addressing the United Nations July 31, Brown spoke of "the dignity of individuals empowered to trade and be economically self-sufficient."

A key difference between 1960 and now is that half a century ago the commodities such as cotton, cocoa and coffee were largely seen as a source of wealth for Africa. Now because of globalization of media and the rise of non-governmental organizations, they have come to be seen as a symbol of exploitation.

Many multinational corporations stand accused of taking huge profit while those who farm their raw

products become poorer.

African poverty, therefore, has become a test for economic globalization. One of its pivotal concepts is that whether you work in Shenzhen, China, sewing jackets, or in Soufre, the Ivory Coast, farming cocoa, you can improve your standard of living by hooking up to the international supply chain.

Globalization based on supply chain is an outgrowth of the economic systems of Western democracies. Therefore, its failure to deliver becomes the West's failure, too. A reversal requires a sea change of thinking from big business.

One example of the link between globalization and African poverty is the chocolate industry that accepts the use of child labor to farm cocoa, chocolate's raw product. Children are kept out of school and forced to work on farms to meet the world's craving for chocolate and profit-driven by the multinationals. Some are sold as child slaves, but most are put to work because cocoa farmers are too poor to hire adult labor.

Down a barely passable road, about two hours drive from the town

of Soufre, Sanogo Lamine, 70, said he had been growing cocoa for more than 30 years. In his first harvest, in 1974, he was paid 300 West African francs, about 60 cents, a kilo. This year, his cocoa beans sold for exactly the same -- 60 cents a kilo.

When he began farming, Lamine saw a bright future. Now, his extended family barely makes a subsistence living. Of his seven children, three have gone to the cities to try to earn enough for the family to survive.

Had the cocoa price kept pace with inflation, members of his family could have earned enough to build proper houses, go to college and progress from generation to generation. Instead, they live in mud huts and remain illiterate.

When asked how much he needed to live on, Lamine totted up the present-day costs of farming equipment and fertilizers. "About three times what we are paid now," he replied.

That figure roughly matches the 325 percent increase of US inflation between 1974 and 2007, a rise that would be reflected in the wages, marketing costs and product price

in selling a bar of chocolate. The benefits, therefore, reach almost every stage of the supply-chain except the farmer himself.

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It should be delivered not as aid, but in the price actually paid for the cocoa, which would, as Brown put it, speak toward the "dignity of individuals empowered to trade."

Yet this is precisely what the chocolate industry refuses to do.

When challenged about cocoa prices, the industry claims helplessness because prices are dictated by unpredictable international commodity markets. It cites free-market doctrine with an ideological fervor comparable to that of Red Guards waving Mao Zedong's Little Red Book -- as if minor reform to the commodity markets would ruin Western life as we know it.

The Ivory Coast produces

almost 50 percent of the world's cocoa and derives 90 percent of its foreign earnings from the trade. From independence in 1960, under the pro-Western authoritarian regime of President Félix Houphouët-Boigny, it became a jewel of Africa. The president ensured cocoa prices did not drop below a minimum level and many Ivorians felt secure and prosperous.

Houphouët-Boigny's death in 1993 coincided with the post-Cold War call for free-market democracy -- and with the removal of cocoa price guarantees. This led to increased poverty and ethnic tension exploited by new and weaker leaders. By 2000, the Ivory Coast was heading for civil war.

Having put their trust in Western trade, millions from the Ivorian cocoa belt and tens of millions elsewhere in Africa feel let down. They see themselves at the bottom of an international supply chain that refuses to spread wealth to the poorest and weakest. It is only natural that they seek alternatives.

Similar feelings were prevalent in 1940s China, 1930s Germany and turn-of-the-20th-century

Russia. The alternative systems that took control then shook the world.

Today, a confident China bankrolls bad government in the Sudan and Zimbabwe and in the scramble for natural resources, has aspirations to control politically uncommitted swathes of the African continent. Extreme Islam has taken grip in Somalia, Nigeria and beyond and creeps toward cocoa farms of the Ivory Coast.

While inflexible thinking about state control over the economy by the hard left contributed to the collapse of communism, it may be the inflexibility of the free-market right that threatens the future of Western liberal democracy.

The chocolate industry could set an example by taking steps to move away from this fraught course. They could at least ensure that the income of those farming cocoa is enough for a family to live on.

Humphrey Hawksley is the author of *The History Book*, a novel about corporate social responsibility. His film on the cocoa industry, "Bitter Sweet," is broadcast on BBC World.