

HRC ordinance needs reworking

Let's have an effective oversight body

THE National Human Rights Commission Ordinance, 2007 has come up for scrutiny by human rights advocates and civil society members, who have found certain flaws in it which, according to them, may defeat the whole purpose of setting up the commission.

The flaws identified by them include the proposed structure of the selection committee, that will recommend two names for each post of the three-member HRC to be appointed by the president, as being heavily tilted towards bureaucratic representation. We have reasons to believe that such bureaucratic preponderance in the selection committee will influence the composition of the HRC and may well compromise its autonomous working. An imbalance is built into the selection procedure and the composition of the commission itself as the ordinance doesn't have any provision for representation of underprivileged groups or that of human rights bodies and women rights advocates.

One thing is pretty clear that the government could not push the contents of the ordinance through a truly consultative process. Though a letter was issued last year to the human rights organisations with the objective of consulting with them, the ordinance was promulgated without any such process taking place. Neither was there a public debate on the subject that has left the civil society members and human rights advocates out of the crucial preparatory phase of setting up the commission, giving rise to the questions that are being put forward now. The HRC is universally seen and recognised as a watchdog working independently to prevent violation of the fundamental rights of people, which has a much wider connotation than merely fighting against social and political repression, and, as such, bureaucratic control can only obstruct its functioning. When the idea of setting up the HRC in Bangladesh was floated, the general expectation was that it would be a self-contained and truly representative body that will be impervious to any extraneous influence, overt or covert. But the proposed structure of the selection committee has clearly disappointed the human rights activists.

There are other points also which may reduce the efficacy of the HRC. If the under-trial cases, as stipulated in the ordinance, do not come under the purview of the HRC, the areas to be covered by it will be narrowed down considerably. And it will have a much less significant role in helping the judiciary to mete out justice.

The bypassing of the consultative process before promulgating the ordinance has surely been a lapse of a serious nature. However, the government should now feel the pulse of the principal stakeholders, engage them in a consultative process and make the necessary amendments to the ordinance with a view to elevating our HRC up to international standards.

The passing of Bazlur Rahman

A journalist of principle and highest ethical standard

BAZLUR Rahman was one of the more enlightened men of his generation. It was this enlightenment he brought into the calling of journalism he pursued all his adult life, until that life was brought to a sudden, inexplicable end on Tuesday. In life, Rahman personified the aesthetics he thought should underpin the functions of the media world. Had he not died young, for sixty seven years is but youth when one considers the broad canvas on which men like Bazlur Rahman work, he would have enriched even more the world of our news gathering and our commentaries on men and matters. And yet in the more than six decades that he lived, Rahman did make a difference.

And he did that through holding fast to the thought that journalism was a principled vocation. As editor of a prominent Bengali language daily newspaper Sangbad, he made it his constant goal to keep himself and his colleagues focused on the need for truth carried on the vehicle of objectivity. There was decency in him, the sweeping scale of which was manifested in the soft-spoken yet determined manner in which he interacted with others. Like any good, committed journalist, Bazlur Rahman believed in hearing out others before he proffered his own opinion on the social and political issues of the day. And, as one swearing fealty to democratic norms of behaviour, he never tried, not once, to ram his opinions, be they political or social or any other, through. That was one reason why he remained, endlessly, the repository of respect.

Bazlur Rahman was a thorough political being, apart from being a full-blooded journalist. Seeing the world, in his youth, through the prism of the Communist Party and then the National Awami Party, he quietly and necessarily graduated to the belief that political doctrines are nothing if they do not prepare men for pragmatic adjustment with the world of the real. And yet within that real world Rahman tried fashioning a vast region of values. He died as he lived -- wedded to the core values which made him reach out to others, to share those values with them and remain honest to the very last.

In losing Bazlur Rahman, we lose a huge chunk of ourselves. In recalling him, we may yet build on the traditions he and the rest of us have consistently believed in.

Extraordinary visit



Brig Gen
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GENERAL Moeen's visit to India has not come a day too soon. In fact, the visit of the Bangladesh CAS to India had been long overdue. It seems rather strange, in terms of the bilateral relationship between the two countries that exchange of visits by topmost army commanders is commencing after almost a decade.

As a point of clarification, it is not the first ever visit of an army chief as reported in a certain segment of our print media, nor is Gen Moeen U Ahmed the chief of the armed forces. The last army chief to visit India was Gen Mustafizur Rahman, in 1999, and while there is no chief of the armed forces as such in Bangladesh, the commander-in-chief of our armed forces happens to be the hon'able president of Bangladesh.

Also, for the record, there has been no return visit since the Indian COAS Gen V P Malik's visit to this country in April, 2000, whereas, between April, '97 and mid-2000, there were as many as four visits by the army chiefs from both the countries out of the seven visits of service chiefs during that time.

STRATEGICALLY SPEAKING

These are extraordinary times, and so is the visit. And if Gen Moeen can contribute towards enhancing the bilateral relationship, apart from the military aspect, so be it. However, the people must be apprised of the details of the visit and the gist of his discussions with various personalities.

Gen Mustafizur Rahman was the first CAS of Bangladesh to be given the honour of reviewing the passing out parade of the IMA, Dehradun. People may read many things into this, including the orientation of the ruling parties of the two countries towards each other. There is perhaps substance in the criticism that the state of Bangladesh-India bilateral relationship had been largely predicated on who happened to be the party in power at a particular period in time in these countries. This is unfortunate, but cannot be discounted with any degree of conviction.

What is surprising in this instance is that no official intimation about the impending visit was given to the media; the ISPR has been surprisingly quiet about the visit, a queer departure from the norm. In fact, the news of the visit was already in the Indian press a good two weeks before its start, whereas the public in Bangladesh came to know of it from the media, which obtained it from its own sources without the benefit of a government announcement, only a couple of days before the said visit.

Needless to say, this has given

rise to all the speculations about whom General Moeen would be calling on, and some have even gone so far as to ask why he is at all calling on political personalities in India, he being only the army chief?

On the other hand, the media in Bangladesh has gone on overdrive (it cannot be faulted for it, given the unique situation obtaining in the country, and given the circumstances of the emergence of the current caretaker government) about the CAS's India visit, that was scheduled for the middle of last year but had to be postponed due to the uncertain political situation at home.

Exchanges of visits by military delegations, including that of commanders, between friendly countries, ought to be a routine matter, particularly when it involves two close neighbours. But why has this one become a high-profile visit? And some have even attributed to it an element of the extraordinary.

Admittedly, General Moeen's visit is not like any other army chief's visit. Seldom, if at all, does a service chief call on political personalities except, perhaps, the defence minister. This time, the CAS has met several Indian

ministers not quite related to the military. The Indian government has accorded the visit a very high status. However, one hardly sees in it a cause for alarm, as some in the print media have chosen to view the meetings.

There are certain realities that must be accepted, no matter how much one may dislike it. The army chief has indeed attained a profile of importance. The influence of the military in the changes of January 11, 2007, was inevitable, and welcomed by the common man. It had met with the approbation of all except the diehard supporters of the erstwhile regime.

The military's role in post disaster management and also in the preparation of the voter list has made it an indispensable adjunct of the administration. But most importantly, its opinion on matters of state, particularly of governance, articulated through various forums, are being given due cognisance. And the role of the army chief in this regard is significant.

One could take issue with this, but the military has emerged as an important factor, but has not, I must insist, arrogated to itself a role in the country's socio-economic dynamics. Whether that

state is ideal or should prevail at all is another question, and open to discussion.

But if there are compelling reasons for our media to accord so much hype to the visit, one could also ask why has the Indian government attached so much importance to a service chief's visit? Going by reports in the media, there have been more than formal exchanges, and gifting of thoroughbreds, between the two service chiefs.

Reportedly, there were more than the usual military matters on the agenda, by what one could make out from the personalities called on by the Bangladesh army chief.

Undoubtedly, the period of the BNP-Jamaat regime had seen the worst in Bangladesh-India bilateral relationship. It was at best lukewarm, and there were undercurrents of animus, that India saw being reflected in what it saw as BNP-Jamaat obduracy towards many of its strategic proposals.

It considered the alliance government as an impediment to its anti-insurgency campaign in the north-east. And some in the Indian press at least credit Gen Moeen "for seriously going after the home-bred Islamic extremist organisations like the Jamaat-ul-Muslim Bangladesh (JMB)."

India wants a democratically elected government in Bangladesh, and it considers that the army happens to be the underwriter; its intention to keep away from politics and to help the caretaker government organise a free, fair and accept-

able election being expressed unequivocally by the army chief so often. Like all other countries, India appreciates the relevance of the armed forces in the current political matrix and it is, therefore, only natural for the Indian government to accord the importance it has to the visit of the Bangladesh CAS.

There are a good number of issues that directly relate with security. And these must be addressed through open and frank discussions between neighbours. The CAS is certainly well equipped to do that. One could ask whether he should discuss issues that are political in nature and are best left to the elected representatives. Why not, if the government of the day empowers him to do that? Improvement of bilateral relations should be the focus, and not the mechanism that is employed.

These are extraordinary times, and so is the visit. And if Gen Moeen can contribute towards enhancing the bilateral relationship, apart from the military aspect, so be it. However, the people must be apprised of the details of the visit and the gist of his discussions with various personalities. It must be done not only as a matter of public information but also to allay the fears of those that are disposed to think that the discussion with the Indian leaders might turn out to be counterproductive for Bangladesh in the long run.

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Tasks, immediate and later

PLAIN WORDS

The best course for Pakistanis, after preliminaries, is to start a nation-wide debate over all contentious issues, and then hold another election. The winners in the last election have been returned on the issue of democracy-versus-dictatorship, not for basic reforms. For that, a new mandate based on precise solutions and reforms is needed. That is the rational and democratic method.



M.B. NAQVI
writes from Karachi

THE clear popular verdict came a week ago, but the new government is still distant. The reason for the deadlock is all about undoing the mischief of November 3, 2007, when Gen. Pervez Musharraf imposed an emergency, gave a second Provisional Constitution Order amending the Constitution, sacked over 60 superior judges, and arrested leading lawyers and many of those PCOed judges, with many still under detention. None of this should be acceptable to those who have received the mandate to govern the country; they want ex-Gen Musharraf to resign. Musharraf refuses to go. It is a serious crisis.

There is no talk of convening the assemblies to let them sort out the issues democratically. The dispute is not restricted to the president and the winning parties of the February 18 election. Even the convening of assemblies is not easy; on which Constitution would an MPA or MNA take oath, the one made by Gen. Musharraf or the original one.

There is a third party; the US administration, supported by Nato powers. The Bush govern-

ment is insisting that Musharraf should stay as an effective president (i.e. with powers he has hitherto enjoyed), and the PPP, PML (N) and their allies should join America's War on (Islamic) Terror and be led locally by Musharraf. Now, if the US gets its way, the judges will not be reinstated, nor will any of the aims of the lawyers' movement be achieved; the mischief wrought on November 3 will stay in.

Several questions arise. Has the US bought or conquered Pakistan that it can dictate such micro-details? Secondly, do Asif Zardari, Nawaz Sharif, Asfandiyar Wali et al realise that they are demeaning themselves and insulting their mandate by discussing these matters with foreign powers. Thirdly, do these mandate-wallahs realise why have the people chosen them over Musharraf's cronies? They must understand why the people rejected Musharraf, his actions, policies and friends. The newly chosen are required to re-establish a truly democratic dispensation. How is it defined? Its fundamental basis is respect for the Constitution, rule of law, independence of judiciary, tolerance of dissent, equal freedom for all, popular participation in governance, and accountability

of all rulers. Does that allow a dictator's presence? Can the draconian measures of November 3 be admissible in a democracy?

One more thing about the February 18 election, it took place because of a year-long lawyers' movement and some judges' integrity and moral courage. It changed Pakistan, especially Punjab, and forced the rest of the world to realise how unjust and dictatorial the Musharraf regime was.

Apart from the legal fraternity's demands being just, it is these emergent factors that prevented Musharraf from enacting another 2002 "managed" polls. Restoration of the pre-November 3 judiciary is, thus, the litmus test of a change, knowing that Mr. Justice Iftikhar Chaudhry's resumption of office now means Musharraf's departure from the presidency, no matter how dejected Bush may become.

Let the formation of a new government be accelerated, and everyone must insist on convening of the assemblies at an early date. Let a 1971-like delay not take place. That will have horrible consequences. Secondly, it has to be ensured that the new national assembly prevents further presidential action vis-à-vis the judiciary, the way Musharraf could do

last November 3.

The Constitution has to be purged of the unnecessary distortions introduced by various dictators. The recent orders by Musharraf to gag the electronic media and to control the press must be undone. All those who are under detention should be released, including those who have "disappeared" as a result of state action. Where evidence exists, case should be instituted.

When Gen. Musharraf came, he talked so much about accountability. Why should it not be the order of the day now? There must be accountability not only of Gen. Musharraf but also of those whom he brought from New York, especially the former finance minister and prime minister and his chosen crew, for managing the economy. Some of their decisions were less than transparent and probably illegal, if not corrupt.

While there would be amendments to ensure proper redistribution of powers in the various government branches, a new law is needed to bind down the bureaucracy to their lawful role, while providing them necessary protection for legitimate actions. Similarly, parliamentary oversight over all intelligence agencies, military and civil, needs to

be instituted; they should obey the law and the parliament.

Reverting to foreign powers' role inside Pakistan, it has to be ensured that Pakistan does not meet the fate of the proverbial debtor. The Americans and the British are behaving as if they have bought Pakistan. No doubt, they have doled out a lot of money on the books and possibly some out of them.

We do not really know how much has the west pumped into Pakistan's ruling circles. But the nation is not responsible for that, though it may have to pay a price for it. The money the west has given was for fighting its war in its way.

It may be argued that Islamic extremism and militancy in tribal areas of NWFP is Pakistan's problem. Quite true. If it is Pakistan's problem, Pakistanis have to sort it out their way after a full-scale national debate. The way the Americans have fought in Afghanistan or even Iraq has led them nowhere. Who knows how many thousands or hundreds of thousands of Afghans have been killed? Almost a million Iraqis must have died. Where are the Iraqis? Thanks to foreign interventions, Pakistan's included, the Afghan state stands destroyed.

The effort to build an ersatz state by outsiders, with outside money and for outside purposes, is not succeeding; it is bound to fail. When and if an Afghan state re-emerges it would be when Afghans do it themselves. This is one of the truths that Pakistanis have to accept.

There are other major polarisations that have evolved over the years, like the India policy, distorting national poli-

tics and leading to the army's unending expansion and growth of its political ambitions. The problem is known, and has to be sorted out at its roots.

The root is the unwise, imprudent and unnecessary military approach to the Kashmir problem. After three full wars, and so many quasi-wars, the conclusion now is that there is no military solution to the Kashmir, or any other Indo-Pakistan, problem. If so, we have to have a new India Policy.

Similarly, we need an urgent debate over the economy, the shortages of foodstuffs, inflation, and the growth in poverty. The statistical lies that have been fed need to be corrected and apologised for. Poverty eradication, not alleviation, is what is needed as the objective. The required debate should be over the paradigm to be followed.

Similarly, provincial autonomy is a question that has remained unresolved, although it resulted in Pakistan's dismemberment. There is a war going on in Balochistan, arising from the autonomy question. That has to be stopped, and more autonomy has to be conceded to provinces.

The best course for Pakistanis, after preliminaries, is to start a nation-wide debate over all contentious issues, and then hold another election. The winners in the last election have been returned on the issue of democracy-versus-dictatorship, not for basic reforms. For that, a new mandate based on precise solutions and reforms is needed. That is the rational and democratic method.

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America shows its pro-Muslim side in Kosovo

LETTER FROM AMERICA

With a history of coming to the rescue of the Bosnian Muslims in 1995 and the Kosovar Albanians in 1999, and by being the first nation to recognize Kosovo, America can justifiably publicise to the Muslim world that America may be anti-Al Qaeda and anti-Taliban, but has certainly been staunchly pro-Muslim in the Balkans.

FAKHRUDDIN AHMED

QUIETLY, America has enjoyed one resounding foreign policy success in the last fifteen years -- in the Balkans. And it has been a bipartisan, pro-Muslim success.

By bombing Serbia in 1995, the Clinton administration halted the late Serbian president Slobodan Milosevic's mayhem of rape and ethnic cleansing pogroms (1992-95), and led to the Dayton Peace Accord later that

year. When Milosevic was at it again, murdering, raping, and expelling the ethnic Albanians from Kosovo in 1999, America and Nato bombed Serbia once again to stop him in his tracks. From 1999 till earlier this month, the UN administered Kosovo, with Nato soldiers keeping the peace.

But, Nato could not police Kosovo forever. Therefore, in November 2005, former United Nations Secretary-General Kofi

Annan appointed former Finnish President Martti Ahtisaari as his special envoy for the Future Status process for Kosovo.

Mr. Ahtisaari held political discussions to determine the future status of Kosovo in the context of Resolution 1244 (1999). After prolonged negotiations, Mr. Ahtisaari recommended "supervised independence" for Kosovo, with guarantees for the safety of the Serbian minority (5%) and their places of worship.

When it was clear that even after years of negotiations the Serbs would never accept Kosovo's independence, the Bush administration quietly encouraged Kosovo to declare unilateral independence. Soon after, Kosovo declared its independence on February 17.

President George W. Bush called it a victory for freedom and recognised the new state. Seventeen states, including Britain, France, Germany, Italy, and Australia followed, with many more recognising in the coming weeks.

The Serbs and their Slavic ally, Russia, opposed Kosovo's independence. Last week, Serb youths went on a rampage and, ignoring the sanctity of diplomatic protocol (the US embassy is supposed to be sovereign US soil), entered the US embassy compound and

burnt part of the US embassy complex in Belgrade.

It took the Serbian security forces 45 minutes to respond to the trespass. Russia has threatened military action if Nato sends additional troops to keep the peace in Kosovo.

Although Russia's saber rattling is reminiscent of the Cold War mentality, the actual reasons are more mundane. Nations that have separatist movements within their borders are worried that Kosovo's breaking away from Serbia may serve as a precedent for separatist movements everywhere and encourage their own separatists.

That is why nations in Europe and Asia, with separatist movements within their borders, such as Russia (Chechnya), China (Xinjiang), Spain (the Basques) and Sri Lanka (the Tamils) all

opposed Kosovo's independence. Such opposition is not necessarily principled; it is more self-serving.

Although the Serbs constitute only 5% of Kosovo's population, Kosovo is the cradle Serb civilisation to them. The northern enclaves of Kosovo are predominantly Serb and is where their historic monuments and churches are located. The majority Albanians (92%) must respect Serb holy places if peace is to reign in Kosovo, and Serbia must be prevented from whipping up anti-Albanian sentiments among the ethnic Serbs of Kosovo.

The Bush administration ought to be congratulated for championing Kosovo's independence. America now has a beachhead in a corner of Europe, which favours Russia over America. The Serbs are instinc-

tively pro-Russian, their Slavic brothers. After the American-sponsored Nato bombings of Serbia in 1995 and 1999, the Serbs are not going to be in America's corner anytime soon.

On the other hand, Albanians and Kosovars are the most pro-American people on earth! President George W. Bush is not only the most popular person in Albania, he is a hero to most Albanians and Kosovars. An overwhelming majority of the Albanians support President Bush's Iraq war!

When President Bush visited Albania last year, many Albanians named their newborn boys "George" in his honour. It would have been a mistake for America not to champion the independence of such a pro-American nation.

Albanians of Kosovo are secu-

lar Muslims; some say they are too secular. Kosovo's father of the nation, the late Ibrahim Rugova, saw no problem with drinking alcohol and being a Muslim! Nevertheless, the Albanians occupy an important place in Islamic history. The man credited with entrenching Islam in Egypt at the behest of the Ottomans, Muhammad Ali, was an Albanian.

With a history of coming to the rescue of the Bosnian Muslims in 1995 and the Kosovar Albanians in 1999, and by being the first nation to recognize Kosovo, America can justifiably publicise to the Muslim world that America may be anti-Al Qaeda and anti-Taliban, but has certainly been staunchly pro-Muslim in the Balkans.

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