

Wealth statement from ministers, MPs

Let it be a real test of accountability

FINANCE Minister AMA Muhith has categorically stated that the government will start taking wealth statements from ministers and lawmakers beginning next month. By making this clear, he has basically conveyed a highly welcome piece of news to the public. For, it signals a much-awaited response to a long-felt need. It fills the void of a fundamental in the perceived accountability structure at the apex of the pyramid.

Actually, we stood as an odd democracy out in the list of democratic countries by not demanding declaration of assets, movable and immovable, from our ministers and legislators thereby making them fundamentally accountable to the system. The oddity was even more pronounced in our case since we featured atop the corrupt countries for a few years in a row. And, as if to corroborate this perception, successive elected governments, without being answerable themselves, chose to indulge themselves in the empty past-time of pressing corruption charges against each other in ludicrous charades.

So it augurs well to know that the government will have the ministers and MPs submit details of wealth, including tax papers, in July requiring them to update the same every year for the remainder of its tenure. From an analysis of such records the government will be in a position to compare the assets declared by an incumbent on entering an elective office with that while leaving it so as to afford a graphic picture of his or her wealth profile.

If effectively implemented, we believe, this step will go a long way in ensuring not just transparency and accountability of elected public functionaries which by itself is vital in the functioning of a representative government but also in working as a safeguard for good and credible governance which has been sadly missing so far.

But the key operative words are effective and judicious implementation. In the first place, what will make the process truly effective and help serve its purpose is a certain mechanism to scrutinise the details for their accuracy or veracity. The best would be to make the statements public, short of which, at least, the details need to be subjected to a scrutiny. Furthermore, on point of judicious implementation, the government should refrain from using the knowledge of wealth as a handle against anyone to keep him in line.

Actually, by undertaking the process, the government stands to benefit in many ways, not the least of which is through an enhancement of public trust in it and its credibility in eye of the people which can work as a sustenance kit for it.

Felling of trees in Sitakunda coastal belt

Swift, firm action must follow court order

THE stay order served by the Supreme Court in the matter of the recent razing of trees along the coastal belt in Sitakunda stresses once more the need for firm action against those who seek to destroy the country's ecology. Indeed, when a group of influential people cut down as many as 15,000 trees across a 40-acre forest belt in Sitakunda in the last few days in order to build ship-breaking yards there, it became absolutely clear that the environment is still at risk from predatory elements. More significantly, when the emphasis in recent years has been on an expansion of afforestation along the sea belt owing to the frequency of natural disasters, the destruction of the trees is a clear affront to those, both in government and civil society, who have been involved in trying to make the coastal regions safer for those inhabiting it.

Now that the Supreme Court has stayed all tree-felling activities for two weeks, it should be for the authorities, especially the forest department, to go into swift and effective action in defence of the green belt. It is encouraging to note that the Bangladesh Environmental Lawyers Association (BELA) has been playing an active role through initiating legal measures against the plunderers of natural beauty. That work must be complemented by the forestry authorities through a reexamination of the lease under which those engaged in destroying the trees have reportedly been operating. In this connection, the divisional forest officer's allegation that the land administration authorities have been remiss in supplying his office with details of the lease relating to the area where the tree were cut down raises a pertinent question of how bureaucracy often subverts the public good. In the greater public interest, the land authorities must come up with the documents so that the forestry department can move swiftly to reclaim the expanse of land where the trees used to be. There is an absolute need here for governmental control along the coastal belt as well as all other areas where forestry is a part of the environmental pattern.

An important point raised by BELA is that those behind the felling of the trees must be moved against. This can be done through demanding compensation from them. Where the matter of a lease of such green areas is concerned, the authorities must seriously rethink a cancellation, through an employment of legal means, of it and particularly because such grants of lease run counter to the government's plan of developing and conserving the ecology. It is not too late to reclaim the forests from those tempted by thoughts of the profits to be made by stripping them of their natural cover.

Reshuffle, not expand, the cabinet

The prime minister does not have to go for an expansion of the cabinet. She can certainly reshuffle it, which means she can drop those who have not performed well or shift them to ministries where they might do better. And, more importantly, she can take in new ministers she thinks will add to the quality of the government she leads.

SYED BADRUL AHSAN

WE might be going through an expansion of the cabinet one of these days. We are not sure we are going to appreciate that. The reason is pretty simple: this country has generally had outside cabinets, quite at variance with its geographical and administrative dimensions; and the one we have at this point is not much different from its predecessors.

It is always a good thing to have less and efficient government, for gargantuan political systems usually end up being lessons in despair. And so when we hear talk of the possibility of an increase in the size of the cabinet which took charge in January, we have that uncomfortable feeling somewhere inside of us that the enhancement will have more to do with making some people happy than with any real plan of streamlining administration.

The prime minister does not have to go for an expansion of the cabinet. She can certainly reshuffle it, which means she can drop those who have not performed well or shift them to ministries where they

might do better. And, more importantly, she can take in new ministers she thinks will add to the quality of the government she leads.

On this point, let us be clear about certain things we think the prime minister should be doing. And it is that for all her emphasis on having fresh faces in the government, a line she adopted in January soon after taking charge as head of government for the second time, she needs to rethink her policy of keeping some of her party veterans outside the cabinet.

Abdur Razzaq and Tofail Ahmed did a creditable job in Sheikh Hasina's first cabinet. It is that experience which ought to be brought, through bringing them into the cabinet, into the business of governance today. Saber Hossain Chowdhury would make a suave, hands-on minister in this government. Why not bring him into it, together with Suranjit Sengupta? And there is one other point that remains indelible for us: in his brief stint as home minister in the late 1990s, Major (ret'd) Rafiqul Islam demonstrated not just seriousness about doing his job but also his

ability to follow it up with effectual action. It is not right that such an able individual be kept outside the corridors of real power.

Of course, cabinets are never perfect specimens of public service. That has been true of nearly every nation where democracy has been the underpinning of government. And so we do not expect Sheikh Hasina's government to transform itself, by deeds and words, into a group of individuals ready to be ideals we can look up to. Even so, it can inspire hope among citizens through a demonstration of its capacity for action. But that is a task the cabinet can accomplish through resisting the temptation of appearing before the print and electronic media on every conceivable occasion.

Ministers do not have to spend their working hours inaugurating art exhibitions or speaking at all those inane seminars that invariably mutate into talking shops. And then there is the truth that ministers, when they need to speak, must not forget that they are entitled to express their points of view only on the portfolios they have been entrusted with.

Government gets to be a flawed exercise in politics when the local government minister ventures forth with his thoughts on the Indian high commissioner's comments on the Tipaimukh affair. It is not a pretty sight when the commerce minister speaks of the need to expand the scope of primary education in the country. We expect the information minister, and not the chief whip of the

ruling party, to respond to questions raised about Bangladesh Television by the parliamentary opposition. We have precious little desire to see ministers contradict one another in public. In so many words, we would like ministers to be at their desks, to do their job twenty-four hours a day.

The cabinet will surely be in need of readjustments and indeed reinvention. That can happen only when the inclination towards a prime ministerial government is swiftly supplanted by cabinet government. And it can happen when assertive men and women make their entry into the cabinet. Since government is always collective business, it is important that the cabinet have in it individuals not afraid of speaking up for themselves, not loth to let the country know by their work that they have their own perspectives on the issues, that on their watch government will not decline to being a one-individual exercise of power.

Let the cabinet undergo transformation by all means. And into that transformation inject the idea that when cabinet government is in office, politics does not quite have room for advisors. When you have ministers heading the various departments, where do these advisors fit in? Abdul Jalil may not be right about everything, but he surely does make a good point about the place or otherwise of advisors around the prime minister.

We rest our case.

Syed Badrul Ahsan is Editor, Current Affairs, The Daily Star.
E-mail: bahsanlatereq@yahoo.co.uk

The world must act

Crimes against humanity, war crimes and genocide are the gravest crimes in international law and are condemned by all UN members. Effective punishment is an important element in the prevention and recurrence of such odious crimes and for protection of the inherent dignity of a human being.

HARUN UR RASHID

IN the past, there was a joke in the UN corridors: a person who deliberately kills another gets either life imprisonment or death sentence; a person who kills twenty is sent to mental hospital, but a person who kills tens of thousands of people goes to Geneva for peace talks.

The international community looked the other way, or tried to appease the perpetrators of international crimes with promises of immunity. However, ugly occurrences did not end. During the 20th century, 160 million human lives were lost through war, genocide and torture, according to a statistics by eminent British lawyer Geoffrey Robertson.

The international community was pricked by conscience for not being able to do anything against the commission of crimes against humanity. One of the remedies is the establishment of a permanent International Criminal Court (ICC).

The establishment of an ICC has been on the drawing board since the 1970s and, in 1974, an international conference on the subject was held in Dhaka. Jurists from various countries participated in the conference and recommended the setting

up of a permanent ICC. In that sense, Bangladesh has been one of the pioneering states in the creation of an ICC and can take due credit for it.

The recommendation was made in the background of heinous international crimes committed in Bangladesh during the Liberation War of 1971, as reflected in Kolkata Barrister Subrata Roy Chowdhury's book *The Genesis of Bangladesh: A Study in International Legal Norms and Permissive Conscience* (1972).

In 1998 more than 100 states including Bangladesh overwhelmingly adopted the Rome Statute, creating the ICC.

With the establishment of an International Criminal Court in July 2002, the fate of the perpetrators of crimes against humanity, genocide and war crimes has dramatically changed. In 2003, 18 judges were appointed to the Court by state-parties, and the ICC has been functioning from The Hague (Netherlands) since then.

The drafters of the Statute took into account, among others, the Khmer Rouge "killing fields" (1975-79), Rwandan genocide (1994) and Srebrenica killings of Muslims Bosnians (1995).

The instances below demonstrate that

no one, not even a head of state, is immune from facing criminal trial for crimes against humanity, genocide, and war crimes.

For example, on a request from Spain, late Chilean President Augusto Pinochet was arrested in London in 1998 for crimes against humanity, and he was released only on medical grounds. Yugoslavia's late dictator Slobodan Milosevic was surrendered by the Serbian government and put on trial at the Ad-hoc International Criminal Court in 2001 on charges of genocide, war crimes and crimes against humanity in the Bosnian conflict, until his death in custody.

In 2005, Britain and France spearheaded the Security Council decision to refer Darfur's case to the ICC. A warrant was issued in March to arrest the sitting president of Sudan, Omar al-Bashir, for commission of crimes against humanity. As of today, ICC has issued 13 arrest warrants and one summons.

The influence of ICC is felt beyond the courtroom. Armies around the world, even of non-signatory states, are adjusting their standards and rules of engagement to the Rome Statute. The Statute has made the difference between a soldier or a policeman or a criminal or a terrorist.

The Central African Republic and Ivory Coast asked for ICC's intervention. A month ago, the Arab League sent its first ever fact-finding report on crimes committed by Israelis in Gaza. Congo executed arrest warrants against three militia leaders for enlisting child soldiers.

Crimes against humanity, war crimes and genocide are the gravest crimes in

international law and are condemned by all UN members. Effective punishment is an important element in the prevention and recurrence of such odious crimes and for protection of the inherent dignity of a human being.

More than 28 years after the killing stopped, Khmer Rouge leaders are being tried before the UN-backed tribunal in Cambodia.

On December 3, 1973, a resolution of the General Assembly (Resolution number 3074) was adopted, underscoring the obligations of member-states of the UN in the detention, arrest, extradition and punishment of perpetrators of war crimes and crimes against humanity.

On January 29, 2009, the Bangladesh Parliament adopted a resolution to try war criminals. On March 25, the government decided to try war criminals under the 1973 International Crimes (Tribunals) Act, and the process has already begun in the law ministry.

Ratifications to the Rome Statute are growing. The Palestinian Authority accepted the jurisdiction of the ICC. In June this year, Chile became the 109th state party to join.

To demonstrate the commitment to trial of war crimes, it is appropriate that Bangladesh should ratify the Statute of International Criminal Court of 1998, which will show to the international community Bangladesh's firm resolve that war crimes must not and cannot escape punishment through a due process of a trial.

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

A friend in need

Of course, brokering a comprehensive settlement to the Arab-Israeli conflict has been the fantasy of every president since Nixon and the achievement of none of them. Even as he presses for peace, our supremely confident president should bear in mind that the odds overwhelmingly favour failure.

JACOB WEISBERG

SINCE the first stirrings of the Arab-Israeli peace process after the Yom Kippur war in 1973, America's relations with Israel have been characterised by a paradox: those presidents regarded as the least friendly to the Jewish state have done it the most good. Its strong allies have proved much less helpful.

This history begins with Jimmy Carter, who threatened a cutoff of American aid to pressure Menachem Begin into returning all of Sinai to Egypt, which made possible the 1979 Camp David agreement. The other significant US contribution to Mideast peace came under the first George Bush.

When the Israelis refused to participate in the 1991 Madrid conference, Secretary of State James Baker withheld loan guarantees and said that Prime Minister Yitzhak Shamir should call him when he got interested in peace. Madrid led to a peace treaty with Jordan, the recognition of Israel by many other countries and the first face-to-face negotiations with Palestinians.

By contrast, Ronald Reagan, Bill Clinton and George W. Bush, all trusted friends, often encouraged Israel's worst tendencies. Reagan looked benignly upon biblically based claims of ownership over the West Bank, Israel's occupation of Lebanon and its refusal to talk to the PLO.

Under Clinton, "we never had a tough or honest conversation with the Israelis on settlement activity," former peace negotiator Aaron David Miller writes in his memoir, *The Much Too Promised Land*.

George W. Bush continued to ignore the settlements, neglected the peace process and condoned Israel's military misjudgments in the West Bank, Lebanon and Gaza. The actions of these presidents steadily built up Arab resentment while fostering Israeli illusions that there was an alternative to trading land for peace.

Happily, Obama seems poised to defy this old dichotomy. That he means well for Israel there's little doubt. "I haven't just talked the talk, I've walked the walk when it comes to Israel's security," Obama told a Jewish group during the campaign.

Hillary Clinton, George Mitchell and Joe Biden can make the same claim. White

House chief of staff Rahm Emanuel has an Israeli father and once served as a civilian volunteer for the Israeli Army. That this crew is serious about pressuring Israel is equally apparent. In his Cairo speech, Obama demanded that Israel freeze its settlements in the West Bank and enter peace negotiations with the Palestinians based on the principle of two states.

This is a gutsy step forward. Being a good friend to Israel today means leaning harder on the Jews and the Arabs to get serious about a deal. And even if they don't produce a peace agreement, Obama's personal commitment and evenhanded reframing of the conflict could have large benefits.

The perception that US is pushing its ally Israel as well as the Palestinians should help America's standing in the Middle East enormously. But to carry off this coup, Obama will have to do the nearly impossible several times over.

First, he needs to force either a change in Israeli Prime Minister Benjamin Netanyahu himself or a change in the Knesset. In Israeli politics, Bibi has always stood for the proposition that the Palestinians will settle only for the destruction of the Zionist state.

After a decade out of power, his hostility to an independent Palestine clearly hasn't dimmed, and has been compounded by a dangerous fixation on striking militarily against Iran's nuclear capability. But Netanyahu is also a cunning politician who knows he can't survive mismanaging his country's most important relation-

ship. Obama's gamble is that the Israeli public, if not Bibi himself, will take the threat of diminished American support seriously.

At the same time, the president needs to assuage nervous American Jews. If this were any other ally, the next diplomatic steps would be fairly simple. You want us to keep supplying nearly 20% of your defence budget? Selling you our most advanced weapons? Sticking up for you at the UN? Enough with the settlements. But a too-overt use of leverage courts a dangerous backlash from Christians and Jews who suspect the president of clandestine Muslim tendencies.

Conservatives are keen to encourage those doubts. So far, Team Obama has gone at the problem in a canny way by lining up Israel's allies in Congress in support of his tough-love policy. When Netanyahu visited Capitol Hill last month, he was surprised to discover that many of Israel's strongest backers were on Obama's side.

Of course, brokering a comprehensive settlement to the Arab-Israeli conflict has been the fantasy of every president since Nixon and the achievement of none of them. Even as he presses for peace, our supremely confident president should bear in mind that the odds overwhelmingly favour failure.

Weisberg is chairman and editor in chief of the Slate Group.

©Newsweek International. All rights reserved. Reprinted by arrangement.