

AL's one year in office

Local government neglected

THE coalition government of the 14-Party Alliance led by the AL has completed one year in office today. It's only natural that one would take stock of its performance, particularly because of the fact that the alliance government was voted to power with a huge majority.

Overview of the last twelve months of the government of major issues have been done in the special supplement and other pages of today's issue of this paper; in this column we shall therefore restrict our focus to only one matter that we consider to be of great import for the country that of the local government.

At the risk of sounding obvious let us reaffirm the fact that for Bangladesh the local government system is the cornerstone of not only participatory democracy but also of economic development and good governance. It would ensure bottom up planning and direct participation of the people whose well being is so inextricably linked with the outcome of the development activities in the process of planning and execution.

Needless to say, the constitution also provides for a strong local government system, and which the AL in its election manifesto had pledged to strengthen by decentralising power and making the three tiers of local government more powerful. Thus, given the way the UZ elections were held last February, and the proposed reintroduction of the UZ Parishad Act 1998, although with some changes, one cannot be faulted for thinking that the AL has reneged on its commitment to make the system stronger.

We are disappointed to see that even after 10 months the UZ Parishads have remained non-functional. The functions of the Chairman, Vice Chairman and woman Vice Chairman have not been finalised as yet, and while women representation has been ensured so their empowerment. Although the tenure of the city corporations and union parishads has expired two years ago, elections to these bodies have not been held as yet.

It is a pity that sheer expediency on the part of the government to appease the parliament members by giving them mandatory advisory power (except of course in the municipalities) has created conditions that we feel may very well undermine, if not cause the collapse, of a perfectly efficient system. In this regard we cannot but take issue with the remarks of the minister for LGRD that the government has taken steps to ensure fair distribution of power between the MPs and the upazila parishads. We feel that it is not the question of balance of power but of giving the due powers to the parishads.

We note the LGRD minister's recent comment to his British counterpart that the UZ parishads are to be made functional in three months. One would hope that it would happen but with seeds of conflicts between two tiers of elected representatives, one the MP and the other the Upazila Chairman duly removed.

Pakistan caught in a maze

The stark realities before the country

PAKISTAN remains in a state of siege from a number of quarters. In these past few weeks, conditions have deteriorated on essentially two fronts. On the one hand, the spate of bombings which has been a regular feature in various areas of the country in the last one year has continued, with explosions occurring on and off. The latest of these destructive occurrences have been the blasts at the Ashura procession in Karachi, which has left scores of people killed and hundreds injured. That the Pakistani authorities have so far been unable to identify or nab the perpetrators of the grisly incident and that people have been pointing fingers at one another demonstrates the sense of panic Pakistanis today happen to be going through.

On the other hand, there are the grave realities which Pakistan faces in the political arena. With the Supreme Court recently declaring null and void the National Reconciliation Ordinance earlier brought in by the Pervez Musharraf regime, the country is in fresh turmoil. The NRO was basically a dropping of charges of corruption against a number of politicians, largely from the Pakistan People's Party, towards the end of 2007 when a beleaguered General Pervez Musharraf saw little choice other than letting Benazir Bhutto back into active politics. Now that the NRO has been shot down by a very assertive judiciary led by Justice Iftikhar Mohammad Chaudhry, it is President Asif Ali Zardari's future that is in question. That he holds the presidency grants him immunity from prosecution, but already demands are being raised for his resignation in order for the law to revive the corruption cases against him. Zardari has refused to oblige his critics, but there is little question that he is a much diminished president today. Add to that the arrest warrant issued against the interior minister and the fact that the defence minister has been barred from leaving the country. It is the very legitimacy of the government that has come into question.

Matters are not helped any by the restiveness in such provinces as Baluchistan. Opposition leader Nawaz Sharif has just demanded an investigation into the death of Nawab Akbar Bugti, who was killed in a military operation ordered by Musharraf a few years ago. In the north-west, the Taliban are by no means a spent force yet. It does not look as if Pakistan will emerge from the maze any time soon.

The BNP, a year into democratic renewal

A year after the elections, the Bangladesh Nationalist Party should have reinvented itself. That is what losing parties always do. But then, those who happen to lead the BNP have never believed that they did not win the 2008 elections.

SYED BADRUL AHSAN

A year into the Awami League government, the Bangladesh Nationalist Party ought to do better than act as petulant as ever. Its grantees, none of whom made us happy in their days of power and glory, are these days the very emblems of stubbornness. In politics, if not anywhere else, stubbornness does not pay. More to the point, being stubborn does not help political parties which have lost elections badly. In politics, being sore losers is almost always counter-productive. And yet that is not what the BNP appears ready to accept twelve months after it saw its hold on the electorate loosen dramatically, for all the right reasons.

In simple terms, what the electorate did in December 2008 was to put the party out to pasture. That should have been a moment, a very long moment, for the leading lights of the BNP to reflect on the blunders they made, the mistakes they committed and the dysfunctional administration they ran when they found themselves in office between 2001 and 2006.

But reflection is not what Begum Khaleda Zia and her associates opted for. They have chosen to portray themselves as

victims of a situation where everything was stacked against them. Note the irony here. It was the millions of Bengalis yearning for change in October 2006 who, before they knew what was happening, found themselves prey to a political charade perpetrated when the BNP loyalist president Iajuddin Ahmed swiftly took charge of the caretaker government in flagrant disregard of the constitution. It was a government formed without shame. And it left us all feeling ashamed.

The shame took on ever more gigantic proportions when four of Iajuddin's advisors walked out, thereby convincing the nation that Iajuddin's was a corrupt regime intent on ensuring a return of the president's political masters to power through a dubious election. Remember the tens of thousands of fictitious voters the Election Commission led by M.A. Aziz brought to life to see the conspiracy through to fulfilment? Ah, that reminds us. Remember the wily manner in which the BNP-led government called a halt to the Begabandhu murder trial and also ensured a quick, unconvincing end to proceedings in the jail killing case?

Let there be no economy with the truth, even if Begum Zia and her friends would

like to think that we the people have forgotten the darkness and the corruption that stalked us in their years in office. The explosions which took the lives of twenty-two people at an Awami League rally, the coordinated blasts engineered by religious extremists in all but one district of the country, the repression let loose on Awami League supporters and members of the religious minority community hours after the elections of October 2001 -- all of these and more will remain the enduring legacy bequeathed to the country by those who today stay away from Parliament.

Moudud Ahmed, whose politics has veered from the BNP to the Jatiyo Party and back to the BNP, now tells us that even if Speaker Abdul Hamid gives his rump parliamentary party one more seat on the front row, it will not go back to the House. There are other issues to be resolved! See the absolute absence of embarrassment on Moudud Ahmed's part here? And see how the BNP keeps moving the goal post? We would not like to think that the party is deliberately engaged in the task of undermining democracy. But your pious wishes may not quite tally with the facts on the ground.

A year after the elections, the Bangladesh Nationalist Party should have reinvented itself. That is what losing parties always do. But then, those who happen to lead the BNP have never believed that they did not win the 2008 elections. Back in 1996, they held similar feelings. It is an unhealthy attitude. And beyond that there is the unfortunate.

The BNP has always had the misfortune of exiting from power in a blaze of controversy. In March 1982, General Ershad, with his own axe to grind, found it rather easy to dislodge a wobbly, corrupt and pusillanimous administration headed by Justice Abdus Sattar. In 1996, the party went ahead with holding a questionable election in February, which "returned" to power. In slightly over a month, everything came crashing down. One need hardly repeat the story of 2006.

The BNP, if it means to be a positive presence on the national scene, will need to take a hard look at itself. It does itself no favours through keeping on its councils men today legally charged with criminal conduct; it invites ridicule when it restores party membership to a former minister of state now under a cloud over the August 21 blasts. Begum Khaleda Zia does not exactly inspire the nation when she threatens street agitation against the government rather than present her case in Parliament.

In Bangladesh today, politics of the modern, twenty-first century variety is called for. And that kind of politics necessarily abjures things of a hereditary, parochial and fawning nature. It asserts the primacy of intellect and the preponderance of introspection. Overall, it drives home the lesson that humility in pursuit of a political goal does wonders. Arrogance reduces everything to shreds.

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Protection of foreign missions

One complicating factor in providing protection to foreign missions is the principle of the inviolability of premises, in other words, the premises of foreign missions are treated as if they have territorial integrity and are part of the sending country, and therefore cannot be occupied or entered.

HARUN UR RASHID

THE Vienna Convention on Diplomatic Relations of 1961 lays down the protocol of diplomats as well as the protection of diplomatic missions.

Article 22 of the Convention provides that the premises of the mission is inviolable and the receiving state (Bangladesh) is under a special duty to take all appropriate steps to protect the premises of the mission against "any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity."

Of particular interest in the above Article is the use of the words "special duty," "to protect ... premises of the mission" as the missions represent sovereign states in the host country.

In addition, the principle of the inviolability of diplomatic premises was universally accepted as customary rule of international law long before the 1961 Vienna convention.

The term "inviolability" of the premises of the mission had been used in the 1895 Resolution of the Institute of International Law to denote the duty to protect the premises of diplomatic missions from any attack or intrusion.

One complicating factor in providing protection to foreign missions is the principle of the inviolability of premises, in other words, the premises of foreign missions are treated as if they have territorial integrity and are part of the sending country, and therefore cannot be occupied or entered.

In time, the term came to include the idea of "ex-territoriality," in other words, the diplomatic missions' premises were treated as an integral part of the sending country's territory, with its occupants being subject to the laws of their country of origin. For example, in recent times, ousted President Zelaya of Honduras was living inside the Brazilian Embassy in Honduras and the authorities of Honduras had to respect the inviolability of the premises of the Embassy by not entering it.

Any rights of the authorities of a host country to search and seize on the premises of a diplomatic mission are specifically excluded. If they do so without the permission of the head of the mission, it would be treated as a foreign invasion and a breach of international territoriality.

In a few countries, no special protection is provided by the host government, even if requested. It is reported that in Singapore,

no special protection measures are undertaken by the authorities, since crime is virtually non-existent and there is thus no need for such protection. Foreign missions are advised in Singapore that, if they feel the need for protection, they should appoint their own security staff. Furthermore, if requested, the Singapore police will "keep an eye" on the official residences of foreign missions.

The Swedish authorities will provide security measures only if specifically requested by a foreign mission, whereas ad hoc safety measures are provided in Hungary for such protection.

It would appear that very few receiving/host countries provide police protection on a permanent basis (stationed at the foreign mission) unless there is evidence of a threat to the safety of the diplomats or diplomatic premises, and then only if requested by the head of the mission.

Protection is also only provided by some governments on the basis of a threat assessment -- the gravity of the threat and the potential danger are first evaluated and only if it is felt that there is sufficient danger will protection be afforded.

The degree of protection is obviously determined by the level of threat or risk to the specific mission as assessed by the authorities. The appropriate security measures would obviously have to take into account an assessment of issues such as threats made, and declared intentions or propensities of some groups against members of a diplomatic mission in the receiving state.

The principle of inviolability implies that

the provision of protection by the host country only extends to the perimeter of a diplomatic mission or consular office. In other words, guards or police personnel of the host states cannot patrol or be placed inside the premises or buildings of such missions.

Bangladesh, in general, provides police protection at the entrance of all premises and residences of heads of diplomatic missions in and outside Dhaka. Many heads of mission are also provided police escort for their movement from one place to another.

Article 47 of the Vienna Convention allows reciprocal treatment between states. It is reported that Bangladesh has deployed its own security personnel in missions in India and a few other countries and, therefore, it is argued that there is no breach of diplomatic protocol if India provides its own security forces within its mission in Dhaka. It is also reported that a few missions in Dhaka have also deployed their own security personnel within their premises.

The only condition is that the security personnel of the sending state must not patrol or be placed outside the premises of diplomatic missions. This means that security personnel, either in plain clothes or in uniform, must remain inside the premises of diplomatic missions.

The diplomatic privileges and immunities, including the inviolability of a diplomatic mission, are provided solely for the purpose for efficient performance of functions of diplomatic missions in peace and with dignity.

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Adoption of a balanced foreign policy

In the past, like many other developing countries, Bangladesh failed to attach due importance to public opinion because foreign affairs were considered a specialised and esoteric study, and beyond the scope of an ordinary layman's experience or judgment.

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THE world is becoming smaller. We are all becoming interdependent more or less. Compartmentalisation no longer works. Bangladesh, a least developed and badly affected country due to global warming, particularly needs

goodwill and cooperation from friendly countries. Of course, it follows the foreign policy of "charity for all and hostility for none."

Public opinion in democratic countries became interested in foreign affairs since 1918. Before the First World War ordinary electors used to take a rather spasmodic interest in international relations. It was assumed that the foundations of foreign policy were based upon the changeless national and imperial necessities. As such, they stood outside the arena of party conflict. There was

a feeling that foreign affairs were a specialised and esoteric study, the secrets of which lay beyond the scope of ordinary laymen.

The war of 1914-18 did much to change this negative attitude. It was realised that a country might be committed to policies involving definite pledges to foreign powers, and that if a major crisis arose, the people might be faced overnight with the alternative of having to either repudiate promises made in their name or else plunge into hostilities.

Furthermore, it is known that the effects of modern warfare are not confined only to professional soldiers, and that they force upon every individual citizen anxious ordeals, heavy anxieties and appalling dangers. Realisation of those facts encouraged the ordinary electors in democratic countries to adopt an attitude of less easy-going acquiescence and more continuous alertness

towards international problems.

Sometimes the public confuses policy with negotiation. Foreign policy in democratic countries should be a matter for the cabinet to decide with the approval of the elected representatives of the people. The execution of the policy should be generally left to professionals of experience and discretion.

During the last 38 years, Bangladesh could not formulate a good foreign policy. In the past, we could never show our preparedness well because we failed to collect and collate enough vital information about a country like India, which has a strong statistical base. Bangladesh, on the other hand, has rather weak statistical base. In matters of negotiations, success depends to a large extent on presentation of facts and arguments based on accurate and appropriate statistics.

It is reported that there will be a summit meeting between Bangladesh and India in New Delhi on January 10. Before this there will be a high level meeting on sharing of Teesta waters.

The success or failure of the summit meeting depends much on India's attitude. As far as we know, the present Indian attitude is positive. So far as Bangladesh is concerned, what is important is maintaining a balance in its rela-

tions with the US, China, Russia and India. However, she need not concede her interest for any unjustified demand or pressure from any quarter for the sake of settlement of any dispute.

In the past, like many other developing countries, Bangladesh failed to attach due importance to public opinion because foreign affairs were considered a specialised and esoteric study, and beyond the scope of an ordinary layman's experience or judgment.

We need not be overoptimistic about the outcome of this summit meeting because it may have too many items in the agenda. However, we are hopeful of a fair amount of success because both the countries appear to be in a positive frame of mind. If we are capable of adopting a balanced relationship with India, China, the US and Russia there is every reason for us to expect the beginning of a new era of friendship with India.

This may depend to an extent on the capability of our ministry of foreign affairs to tackle the diplomats of these countries. With sincerity, commitment and hard work Bangladesh may be able to overcome its difficulties. We wish grand success of the meeting.

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