



STAR

National child policy a positive move

Only stringent implementation will ensure its success

THE draft National Child Policy 2010 makes much sense given the realities attendant on the conditions of Bangladesh's children in the last many decades. Children in this country have generally been at the losing end of any meaningful deal, especially in terms of policy and governance. Besides, even if there have been moves to ensure the welfare of children, few if any follow-up measures, such as implementation, have come into play. This truth is borne out by the pitiful conditions in which children at the ultra-poor level continue to live, with little access to health safety measures and education.

The new policy should be going a long way in reassuring our children, particularly those from the poorest of families, that the state is in a position to guarantee them all the rights and privileges they have by and large been deprived of so far. Take, as a first point, the stipulation that children employed in households will have a weekly day off. That is indeed a helpful suggestion, but its implementation will require constant monitoring by the authorities. Of course there is a provision for an ombudsman to oversee implementation of the policy. But with the ombudsman must come the necessary staff and paraphernalia to make sure that such a policy does not stay confined to a mouthing of good phrases. With as much as 45 per cent of the population being children, it is critically important that the thrust of all development policies be directed at them. The traditionalist mode of planning will have to be jettisoned making room for innovative approaches.

There is, first, the recognition that a child is anyone below 18 years of age. That not only corrects the flaws of the 1994 policy on children but also brings the country on a par with other nations around the world. That the government is contemplating providing free health services and education to ultra poor children is a remarkable move. Playgrounds in schools, access to entertainment and games, day care services for children in prison with their mothers and a guarantee of full, uninterrupted health facilities may sound like idealism at this point.

Obviously, the objectives set out in the draft policy are wide-ranging ones and are a clear recognition of the difficulties children have been going through in Bangladesh. But how to overcome resource constraints and mobilise fresh infusion of resources in a bid to implement all the salient features of the policy together with additions if any, should engage the attention of all concerned. And with that in view the draft policy may be placed for public debate.

Bracing up for floods

Early weather warning system needs strengthening

FLOODWATERS have submerged croplands, houses, roads and eroded embankments in about 11 districts of the country as the three major rivers Padma, Meghna and Jamunaswelled beyond danger levels in the wake of heavy rain in the states of Arunachal and Assam in India. Along with the three major rivers the water levels of Arial Khan and Kushiya have also risen worsening the plight of the people.

Clearly, the late monsoon rise in the water levels at the three mighty rivers does not fall in the normal pattern of rainy season floods that the people are used to. And looking at the delayed response of the district administrations to provide relief to the flood-hit people, it appears that the government, too, has been taken by surprise.

Reports say some 150,000 people have been left marooned as the flood has engulfed those districts destroying crops on some 4000 hectares of land in Sirajganj alone as the water levels in the Jamuna crossed the danger level, while in Jamalpur some 25,000 hectares of croplands with standing crops including aman rice, sugarcane and vegetables have gone under water. The river Jamuna in a similar fashion has also affected some 85,000 people in some 51 villages under the Sadar, Ulipur, Chilmari, Raumari and Rajibpur upazilas in the northern district of Kurigram. The Flood Forecasting and Warning Centre (FFWC) has, however, forecast that the water level of the Jamuna may fall.

With the flood situation worsening the condition of the people and livestock of the affected areas is also going from bad to worse. There is acute shortage of drinking water and food for those flood-hit people and fodder for the farm animals. Especially vulnerable among the flood-hit are the children, pregnant women and the very old men and women, as they become the first casualty of the flood. So, the authorities should be quick to arrange emergency relief and medical aid for the areas affected by the flood.

This flood in late monsoon also calls for further updating of the early warning system in our meteorological department. For we have reports of unexpected floods in other parts of the world, too. More than two million people have been dislodged by flood caused by unexpected torrential rain in Pakistan. So, the present flood in Bangladesh should serve as a wake up call for the weather experts so that they may be able to forecast any such future rain, flood or natural calamities of similar nature before it is too late.

Pardon me, Mr. President

The question is not so much whether the president had the right to grant this pardon. The question is whether he was right to do it. He isn't required to justify his pardon to anyone. Such is the unique power vested in him.

MOHAMMAD BADRUL AHSAN

THE president of the country in his presidential forbearance pardoned 20 death-row prisoners on the eve of Eid-ul-Fitr. These prisoners were convicted of killing a BNP activist four years ago, and as good as anybody's guess they belonged to rival Awami League.

The intensity of rivalry between these two political parties makes it difficult to separate recrimination from retribution. Awami League claims its workers were falsely implicated out of political motivation. Indeed it seems a bit of overkill that 20 people went to the death row for killing one person.

Then, the law knows best. It is possible that equal involvement made numerous people equally culpable. But if we believe those prisoners were innocent then it leads us to a presumptuous conclusion. It means the family of the victim was more interested to score political points than to find justice for the murdered son.

That being an afterthought, the ques-

tion is not so much whether the president had the right to grant this pardon. The question is whether he was right to do it. He isn't required to justify his pardon to anyone. Such is the unique power vested in him.

While it doesn't seem surprising that the president would be inclined to save his party men, his wholesale pardon of these prisoners is equally puzzling, as was their wholesale conviction. Presidential pardon is an entitlement more in the line of an expense account. One can spend within the allocated amount so long as the expenses are proper and reasonable. Nobody can question whether the president has the power to pardon, but one can always ask if that power has been exercised after due consideration.

The president of every country in the world enjoys this perk in the tradition of the yesteryear kings. He enjoys the authority of saving a few lives or getting a few people off the hook as a privilege of the highest office in a republic. The presidential power of pardon was included in

the American constitution much at the exhortation of Alexander Hamilton who believed a president could use this power at critical moments such as insurrection or rebellion.

Hamilton was proved right when the farmers of Pennsylvania revolted in 1794 against federal taxes levied on their crops. President George Washington used the power to pardon, for the first time in the United States history, the revolting farmers against the young nation. The action worked and the rebellion was quieted.

Thus the original intention for presidential pardon was meant to be as large as the office of the president. That eventually evolved into a political tool so much so that when president Bill Clinton pardoned tax evader Marc Rich, its impropriety almost got him indicted.

However, the presidential pardon has its limitations in the United States, some of which have been defined by the Supreme Court. The impeachment process is excluded from the scope of presidential pardon, which means when an officeholder is impeached the president cannot pardon him. A presidential pardon cannot be issued for a crime that has not been committed. Pardons also don't affect civil cases, or state or local cases.

The real scope of a presidential pardon in the United States is meant to dismiss sentences stemming from affronts to the state through the breaking of law. The

Supreme Court has argued that a pardon doesn't have effect on contempt of court charge since, like a civil case, a contempt charge isn't considered an affront to the United States. Instead it is an affront to the court.

That means a president can pardon on behalf of the state such cases which are an affront to it. It raises a vital question when it comes to individuals or autonomous institutions. Can the president deny either of these two categories their right to seek restitution? Can the president do away with a family's right to seek justice?

The answer should be no, however it may have been worded in the constitution. In so much as the president of the country doesn't have the authority to draw money from a citizen's bank account, so he shouldn't be able to forfeit a citizen's right to win justice for the wrong done him by other citizens.

Last November the president granted pardon to a convict. The man was convicted of tax evasion, an affront to the state the president chose to forgive.

The latest pardon sent three pillars reeling under one blow. The president undermined rights of a family, balance of justice and perhaps of his own presidency in one go.

Mohammad Badrul Ahsan is Editor, First News and a columnist of The Daily Star. E-mail: badrul151@yahoo.com

Eastern Star

The fear is that the prime minister could turn away from Turkey's traditional Western alliances and join forces instead with anti-U.S. hardliners in the Middle East. Recently, the nervousness has become more palpable than ever.

OWEN MATTHEWS

GAMBLING may be forbidden in Islam, but that hasn't kept Turkey's prime minister from being both a devout Muslim and a top-stakes player. Since the 2002 landslide vote that brought him to power, Recep Tayyip Erdogan has rolled the dice repeatedly against Turkey's establishment -- the committedly secular military and judiciary who have tried to ban him and his party for being too Islamic. And he keeps winning; in each general election and referendum, popular support for his Justice and Development Party (AKP) has never slipped.

Last weekend, Erdogan placed another big bet; a referendum on redrawing Turkey's constitution to lessen the military's influence. The question, as it has always been, is whether Erdogan has a mandate to remake Turkey in his own image.

The thought gives Washington the jitters. It goes far beyond the worries of secular Turks that Erdogan might allow the Islamic clergy to tame the country's night life. The fear is that the prime minister could turn away from Turkey's traditional Western alliances and join forces instead with anti-U.S. hardliners in the Middle East. Recently, the nervousness has become more palpable than ever.

First, Erdogan teamed up with President Luiz Inácio Lula da Silva of Brazil in an effort to block U.N. sanctions against Iran's nuclear programme. And then Erdogan accused Israel of "state-sponsored terrorism" and broke off military ties after an Israeli commando raid on a Turkish flotilla that was carrying aid to Gaza.

Turkey has long been America's closest Muslim ally, and its formula for separating mosque and state in a thriving democracy seemed a model for the rest of the region. Could Wall Street Journal editorialist

Robert L. Pollock be right in warning that Erdogan is leading the country on "a national decline into madness"?

The only way to know is to put aside the overheated rhetoric and look at the enigmatic prime minister himself. He has been alarming people ever since the 1990s, when as mayor of Istanbul he denounced Western-style New Year's celebrations and swimwear, proposed a ban on alcohol, and called himself "a servant of the Sharia."

He finally went too far in 1999, publicly reciting a poem that declared: "The mosques are our barracks, the domes are our helmets, and the minarets are our bayonets." Prosecutors decided he had crossed the line into sedition, and Erdogan spent four months in jail.

Mention those days and people around Erdogan get defensive. "Sure, he said a lot of foolish things early in his career," says one of Erdogan's oldest backers, unwilling to be named speaking critically of his friend. "But look at [former German foreign minister] Joschka Fischer -- he was a radical leftist in his student days. No one holds that against him today."

Friends insist Erdogan is not the same man who went to jail. "If you look at his policies in power, you won't find a lot of Islam in there," says London-based analyst Grenville Byford. Instead, the prime minister has devoted himself to fixing a long list of other problems; restoring the rights of the Kurdish minority, ending the military's impunity, and mending relations with Armenia and Greece, among other things.

The AKP has pushed for legislation with a religious bent only twice; once in 2004, when Erdogan sought to criminalise adultery (public outcry quickly scuppered that idea), and again in 2008, when Erdogan amended the Constitution to let girls attend university while wearing Islamic head-scarves, which had been forbidden since 1980.

Secularists decried the lifting of the ban

as a threat to separation of state and religion, and the courts tried but failed to bar the AKP and its leaders from politics. But Erdogan saw it as a human-rights issue. "It was very personal for him," says one former AKP M.P. who worked with Erdogan in the early 2000s, asking not to be named talking of the prime minister's family. "He was rich enough to send his daughters abroad. But he found it unjust that poor families had to make a choice between their religion and their children's future."

Politics tends to be personal for Erdogan. "He has not forgotten that he grew up poor in the slums of Istanbul," says an AKP strategist, declining to be named analysing his boss's psyche. "That's more central to his philosophy than anything."

But sometimes it gets too personal. Like Russia's Vladimir Putin, Erdogan has a street fighter's instincts. Last year, in a ruling widely viewed as payback for years of negative coverage, Turkey's largest media conglomerate, the Dogan Group, was slapped with a \$2.5 billion tax bill.

"He doesn't listen to anyone anymore," complains CNN Türk anchor Mehmet Ali Birand, the dean of Turkish media commentators. "He used to be a prime minister who liked the media, joked around with opponents, argued, and at times asked for their opinion. Today, he wants to destroy a huge media group with thousands of employees, silence the opposition, and create his own media."

Politics watchers say Erdogan is becoming aloof and arrogant. Journalist Burak Bekdil has catalogued half-dozen cases of ordinary citizens who have been arrested, beaten, and imprisoned for daring to heckle the prime minister or shout slogans in his presence. "Before the [AKP's] creeping counterrevolution, the judiciary was somewhat slow, corrupt, partisan in all possible ways," Bekdil complains. "Now it will feature slowness, corruption, favouritism, and partisanism in absolute favour of the ruling party."

What worries Turkey's Western allies most, though, is Erdogan's chumminess with the likes of Mahmoud Ahmadinejad. Scenes of Erdogan embracing the Iranian president this May and calling him "my good friend" drove the White House wild. What does he think he's doing? For one thing, he hates being treated as a junior

partner, and that's how Western powers tend to view Turkey.

On a gut level, Erdogan feels "more comfortable in Tehran or Moscow than Brussels or Washington," says Ian Lesser of the German Marshall Fund of the United States. "There is a strain in Turkish foreign policy that matches other emerging nations like Indonesia and Brazil -- a feeling that not all diplomatic initiatives have to be made in the West."

That stance, combined with Erdogan's fiery remarks about Turkey's former ally Israel -- calling Gaza a "prison camp" and denying that Hamas is a terrorist organization -- have made him a hero to many Arabs. In fact, however, Turkey's foreign policy agenda is driven more by the country's business interests than by Islamic identity. "Turkey's growth is coming not from Europe but from Russia, Central Asia, the Gulf," says Lesser. "There is no strategic decision to turn east."

Germany's Angela Merkel and France's Nicolas Sarkozy have made clear their antipathy toward Turkey's full membership of the European Union. The rejection has hit Erdogan hard, say people close to him. Having invested so much political capital to implement EU-dictated reforms, Erdogan now "feels a deep sense of personal betrayal," says the longtime backer. The prime minister himself recently told diplomats: "If the motivation of the Turkish people for full membership in the EU decreases, it's because of EU policies toward Turkey."

Erdogan, says Byford, "seeks a fundamental change in [Turkey's] relationship with the West, to an ally but not a subordinate." He takes pride in the fact that Turkey has emerged stronger than ever from the economic crisis, says the former AKP M.P. Now his No. 1 goal is to make the people rather than generals the real arbiters of Turkey's future.

Those people will doubtless in time vote him down for arrogance and for his clumsy attempts to silence opposition. But if by that time Turkey is more at peace with itself and with its neighbours, then Erdogan's gamble will have paid off handsomely.