

## In Boraigram, it was an abomination

*Will the government punish the killers?*

**W**HAT has happened in Boraigram in Natore is not just a tragedy or an outrage. It is an abomination, a clear hint of the depths to which politics in Bangladesh may have sunk. The bad mauling of Boraigram Upazilla chairman Sanaullah Noor Babu by Awami League activists and his subsequent death are once more a warning to the government that unless it can get matters under control through putting a leash on its supporters, we could be headed for some grave times ahead. In the light of what has occurred in Boraigram, there can be no scope to argue about who did what on Friday. There can be no philosophising and absolutely no room for a laid-back dissection of politics. The plain and simple truth is that an individual, a citizen, was brutally waylaid by more than fifty workers of the ruling party and simply beaten to death in medieval fashion. No one came forward to help him. The police, standing close by, watched it all with little thought to performing their duties. That Babu lay on the road for an hour after the beating, that it needed his wife to come and take him to hospital speaks of the steep decline of our value system.

It was a peaceful procession the ruling party men pounced upon. Even a number of journalists of electronic and print media while at work were manhandled. Two cameras were seized from them to prevent them from keeping a record of the macabre happening. We have been told, almost in defence of the attackers, that the BNP procession led by Babu came under attack because it had failed to heed the warning of local businessmen not to carry out its protest on Friday. Are we supposed to believe that such warnings, once they are not listened to, will lead to the kind of tragedy that has now happened? Observe too the unabashed attempt on the part of a local Awami League leader to dismiss any notion of his party workers' involvement in the whole gory episode. He tells the country that no Awami League leaders were present on the scene when the attack on Babu took place. Who is he trying to fool? He and others like him may not have been there physically, but those that were all belong to his party. To suggest that Babu's death did not have anything to do with the role of a party opposed to his is a brazen attempt to pull the wool over a nation's eyes.

The incident in Boraigram does a whole lot more than cause shivers in us about the rapid collapse of mores and values in our society. It leaves the administration looking pathetic and the party in power incapable of freeing itself from the grip of its own unruly young. Whether the tragic happening spirals into a whole new period of chaotic politics remains to be seen. To prevent that from happening, the government must institute an independent probe and immediately go after each and everyone involved in Babu's killing. It must demonstrate to the country that it is, for once, not guided by political partisanship and that it has the courage and the will to punish the criminal elements lurking within it. There is something more the authorities must do: take every policeman who failed to carry out his duty of keeping law and order in Boraigram to task. Such employees of the republic are a disgrace.

We wait to see decisive, effective action.

## Ctg port still troubled

*Dockworkers resist mechanised handling*

**W**E know of the turnaround time at Chittagong Port gradually relapsing into the old timeframe of nearly double digit days which basically increases the cost of business and reflects on the lack of competitiveness of the port. This has brought to the fore the whole issue of erratic trade unionism with links to political parties. The situation calls for an intervention by the government on an overall basis which hopefully should be getting underway before things go out of hand.

As if the gradual return of longer handling time was not enough of a predicament, a fresh jolt has been administered by dockworkers as they resisted container handling by a private berth operating company. They even assaulted 15 company workers dubbing them as 'outsiders'. The reason why they did so is all too known to those who have been following the affairs of Ctg port for any stretch of time. The workers wouldn't simply allow any private sector container handling operation with modern equipment that has no place for them. Whenever it is attempted they come out with protests against an inclusive recruitment policy as against any retrenchment.

The port authorities having signed up with six private companies to handle containers at six general cargo berths and issued work order to one, workers led by the Dock Bandar Samik Karmachari Federation have threatened to go on a movement to press home their demands including absorption of preexisting employees, placed under scrutiny, which has raised the possibility of retrenchment.

Chittagong port is an expanding infrastructure and its cargo handling has massively increased over time and is poised to multiply further needing both skilled manpower and latest technology. And if this is viewed in the context of the deep sea port that is envisioned, there is no denying the stupendous challenge our port authorities, workers, jetty supervisors and stevedore companies face in terms of raising their standards of efficiency to an acceptable level. In fact, there is no scope for carrying the past baggage or squandering time and energy on petty squabbles. We must broaden our horizon and think and live with the times. Such messages should be dinned into the ears of all concerned and they must be oriented to meeting the tasks ahead.

## Averting controversy in appointment of chief justice

The post of the chief justice of Bangladesh is the highest and the most dignified post in the country's judicial system. It also commands high respect from the people of all walks of life. Appointment to this post must be kept above controversy.

M. ABDUL LATIF MONDAL

**T**HE appointment of the chief justice in the news throughout last week. This happened because President Zillur Rahman appointed Justice A.B.M. Khairul Haque, a judge of the Appellate Division, as the 19th chief justice of Bangladesh on September 26 by superseding two senior judges of the Appellate Division.

The two judges who have been superseded are Justice Md. Abdul Matin and Justice Shah Abu Nayeem Mominur Rahman, the senior-most and the second senior-most judges, respectively. Sources say that both of them have gone on leave. Justice Md. Abdul Matin, who is scheduled to retire on December 26, has sought leave of absence up to December 25, while Justice Shah Abu Nayeem has sought leave of absence up to January 27.

Article 95 of the Constitution says that the chief justice of Bangladesh shall be appointed by the president. Unlike the Indian Constitution, the Constitution of Bangladesh is silent as to who the president shall consult for appointing chief justice.

The appointment of the chief justice is one of the two cases where the president is empowered by the Constitution to take a decision without the advice of the prime minister, the other case being the appointment of the prime minister. In all other cases, the president has to act in accordance with the advice of the prime minister [Article 48(3)].

Even in these two cases, the president is practically left with little or no choice to act independently. He has to appoint as prime minister the member of Parliament (MP) who is elected as their leader by the MPs of the majority party in Parliament.

In the absence of a judicial commission or board to recommend names for appointment as chief justice, the president has to go by the suggestion made by the law ministry, which processes the case for appointment of chief justice. The law ministry proposes a person for appointment as chief justice only after consultation with the prime minister.

There were mixed reactions to the appointment of Justice Haque as chief justice. As reported in some newspapers, the pro-opposition office bearers, including Supreme Court Bar Association (SCBA) president Khandker Mahub Hossain and Secretary-General Barrister Badruddoza Badol, in a general meeting on September 28 strongly protested the supersession of the two judges senior to the newly appointed chief justice. They termed the appointment as politically motivated and added that it tarnished the image of the apex court.

Pro-government office bearers of the SCBA held a separate meeting under the chairmanship of A.K.M. Fazlul Haque Khan, vice-president of the SCBA, and thanked the president and the prime minister for appointing Justice A.B.M. Khairul Haque.

Others speculated that the government might have an intention of making the newly appointed chief justice the next chief advisor of the caretaker government after ending its tenure. They also felt that the government might want to administer oath to the two newly appointed additional judges -- Advocate Md. Ruhul Quddus Babu and Advocate Muhammad Khasruzzaman -- through the new chief justice. Earlier, Chief Justice Fazlul Karim had refused to do so.

Let us have a look into the process of appointment of chief justice of the



Supreme Court in our neighbouring countries.

Article 124 of the Constitution of India provides that every judge of the Supreme Court shall be appointed by the president after consultation with those judges of the Supreme Court and of the High Courts in the states as the president may deem necessary for the purpose.

There is no specific provision as to the appointment of the chief justice of the Supreme Court. Therefore, the process was followed for the chief justice as well. This, in practice, could mean that the most senior judge in the Supreme Court would be proposed for appointment as chief justice of India and the president would normally approve the proposal.

Sources say that this convention was breached on a number of occasions, including the time when Indira Gandhi was the prime minister. After the emergency declared by the Indira Gandhi government was over, the Supreme Court, in a series of historical decisions, conferred a lot of powers to itself.

One of these was the declaration that the government would be bound to nominate only the senior-most judge of the Supreme Court for the position of chief justice, thereby ruling out any possible abuse by the government or its ability to influence the judiciary. Since

then, the convention has been followed without any exceptions.

The president of Pakistan appoints the chief justice of the Supreme Court of Pakistan. But the requirement of the president's approval for appointment of the chief justice has become a mere formality with the passage of the latest amendment of the Constitution. The latest amendment, known as the 18th amendment to the Constitution, has brought substantial change in the process of appointment of chief justice of Pakistan.

The selection of a judge of the Supreme Court for appointment as chief justice is no longer left to the recommendation of a body or the wish of any individual, including the president. It leaves no ambiguity in the appointment of chief justice. The amendment clearly says that the president shall appoint the most senior judge of the Supreme Court as the chief justice of Pakistan.

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## Demographics define Israeli-Palestinian future

Differential rates of population growth already redefine the relative demographic standing of Arab-Israelis, Jewish-Israelis and Palestinians. The Palestinian population is expected to grow more rapidly than the Israeli population due primarily to higher birth rates.

JOSEPH CHAMIE

**C**OUNTLESS words have been spoken and written, several wars and numerous armed clashes have taken place. Thousands have died, with even more injured and suffering. Yet, after more than 60 years of struggle, numerous diplomatic initiatives, agreements and peace offers, intergovernmental conferences and behind-the-scenes negotiations, comprehensive resolution to the Israeli-Palestinian conflict remains disappointingly elusive.

Nevertheless, the Israelis and Palestinians are meeting again in an attempt to negotiate a settlement. This latest peace fest -- the first in 20 months -- is the ninth attempt at peace since 1979, when negotiators identified the final status issues.

Although this round of negotiations was launched with considerable fanfare and political spin, the talks are teetering on the verge of collapse following Israel's decision not to extend the moratorium on settlement construction. Whatever the outcome of these current negotiations, significant demographic changes now underway create political realities that will likely overtake any proposed peace plan if it is long in coming.

To be sure, resolving the Israeli-Palestinian conflict involves overcoming obdurate obstacles and successfully aligning many interlocking and intricate pieces. However, the fundamental ingredients for a peace deal are relatively straightforward.

First is the important matter of borders for the two states. Not surprisingly, each side has its respective positions -- varying from extreme rejectionism to equitable accommodation -- on how best to slice up historic British Palestine. Perhaps the most promising outcome is that Israel returns to its June 1967 borders -- give or take a few negotiated settlements in the West Bank and some

compensatory territorial swaps. Also, in order to unite the two components of a Palestinian state, a land corridor connecting the West Bank and the Gaza Strip must be worked out.

The second issue concerns the right of return for the Palestinians refugees of the 1948 war that established the Israeli state and their millions of descendants. Given the current circumstances, the most promising compromise is for the Palestinians to (a) concede that there would be no right of return except for a small proportion of refugees for humanitarian purposes, such as family reunification, and (b) accept compensation for their displacement and losses.

Among the most sensitive issues to negotiate concerns the status of Jerusalem. Here again the staked out positions of each side differ greatly. The Palestinians insist on making East Jerusalem the capital of their new country; the Israelis are adamant on a unified Jerusalem under their control.

Perhaps the most promising solution in general terms is for the two parties to share Jerusalem -- Palestinians locating their capital in the East and Israelis in the West. In addition, both parties would sign on to an international agreement establishing mechanisms to share the Old City's holy sites.

The fourth major ingredient for achieving a peace accord relates to the vital matter of security. The United States or Nato would have to give both Israelis and Palestinians security guarantees. In addition to monitoring implementation of the peace agreement, this would likely include stationing troops along the common borders. To stop potential arms traffic into a future Palestinian state, troops would be required to monitor borders with Egypt and Jordan.

The fifth key issue is the recognition of Israel, the end of all hostilities and full normalisation of relations with all Arab states, including Saudi Arabia and Libya. This would involve an Israeli-

Syrian peace agreement that includes Israeli withdrawal and the return of the occupied Golan Heights to Syria. And, of course, other normal inter-state matters must be suitably resolved among the parties, including water, trade, transportation, travel and communication.

Despite the resumption of peace talks, the clarity of the major issues to be addressed and the professed good intentions of the negotiators and their supporters to achieve a just and permanent settlement, the outcome of the restarted peace talks remains uncertain.

Each side has powerful factions resisting a peace accord in part because they are convinced that the passage of time is on their side.

Some Israelis and their supporters envision the expansion of Jewish Israel over all of biblical Israel and the transfer or removal -- both voluntarily and involuntarily -- of the Palestinians into nearby countries. In contrast, some Palestinians and their supporters foresee protracted conflict leading to the voluntary departure of most Jewish-Israelis to the United States and Western European nations and the subsequent establishment of a Palestinian state in the former British Palestine.

However, time may not be on either side. Differential rates of population growth already redefine the relative demographic standing of Arab-Israelis, Jewish-Israelis and Palestinians. The Palestinian population is expected to grow more rapidly than the Israeli population due primarily to higher birth rates.

Consequently, over the coming decades the difference in the numbers of Israelis and Palestinians will shrink, with long-range projections pointing to convergence toward numeric equivalence, a critical demographic inflection point.

Also, while demographic projections indicate that the Jewish-Israelis will continue to be the large majority in Israel for the foreseeable future, it will be increasingly challenging for them to increase or maintain their current dominant majority of approximately 75%. The primary underlying reason is the fact that the fertility rates of Arab-Israelis are about one child higher than those of Jewish-Israelis.

With regard to immigration, past flows of Jewish immigration to Israel were substantial, contributing signifi-

cantly to the growth of the Jewish-Israeli population. However, despite high levels of immigration in the past, in particular from the republics of the former Soviet Union, the proportion Jewish among the Israeli population has declined from a high of 89% in 1958 to 75% today, primarily the result of higher rates of growth among non-Jewish Israelis.

Moreover, it is important to note that after Israel, which accounts for approximately 42% of world's Jews, the largest numbers of Jews reside in the United States -- nearly 40% -- followed by France, Canada and the United Kingdom, all less than 4%. Relatively few from the Jewish populations in these developed countries are likely to exchange comfortable lifestyles and economic opportunities for a more precarious residence in this troubled and unstable region.

Also, Israel is not immune to emigration of its own Jewish citizens. With attractive educational, employment and other opportunities abroad and difficulties at home, increasing numbers of Israelis have chosen to travel and live in other countries. Estimates of the number of Israelis residing abroad range from about 800,000 to 1 million -- 11 to 14% -- with about 60% settled in Europe.

Given the tragic past, the knotty state of current affairs and many formidable obstacles to overcome, it's undeniably difficult to envision an outcome to the current peace talks other than the status quo. However, continuation of the status quo undermines the credibility and diminishes chances for achieving a lasting and just peace agreement.

Indeed, the persistence of the status quo may soon give the Palestinians no choice but to forgo a state of their own and push for the right to be Israeli citizens with equal rights, including voting. For Israel, continuation of the status quo seriously challenges its democracy and predominantly Jewish character. In short, Israelis and Palestinians need to make some difficult choices. And if they don't do so soon, the future will be made for them, and it's unlikely to be peace.

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