

Military rule, never again

Momentous judgment strengthening democracy

THE High Court verdict reached on August 26, with its full text released as on December 29 against the 7th amendment, is not only emphatic but also far-reaching in consequence as far as safeguarding democracy from usurping onslaughts of martial law and military regimes goes. The judgment is of seminal importance because it strikes at the root of the entrenched and frequent practice of usurpation of power by extra-constitutional forces from elected heads of state and government that this country's history is tainted with. In fact, the two military regimes as the honourable judges have forcefully contended had put the clock of democracy back by decades.

Thus the judgment has strengthened the constitutional ethos of democracy, civil rights and sovereignty of the people's power. We from the media, the broad intelligentsia and the academia including the student community have been expecting of an elected government to legislate against military rule, preferably on a bipartisan basis. Now that it has come from the highest court it is all the more welcome. It is a historic landmark, a powerful reproach rising to a historic necessity.

But even as we rejoice in the judgment delivered from a commendable upright position taken by the judiciary, we can not but recall parts of the then judiciaries hobnobbing with the military adventurists. In the process, military rule got validated.

We appreciate though, that the judges felt forced to be doing so under gun-point, so to speak. To rule out all such possibilities, we suggest inclusion of a provision in the constitution specifically debarring military takeover and also prohibiting judges administering oaths to such charlatans. It must clearly state that those who come to power through extra-constitutional means would be severely punished. In fact, we would go as far as suggesting capital punishment to the usurper. We believe if there were a provision like that the judges could take recourse to it if attempts were made to force them into obeisance.

It must also be said that when aspiring usurpers had looked around for a footing they saw a readymade field in opportunistic politicians, political parties, civil society elements, even civil servants, keen to join the bandwagon. All this should never happen again.

Finally, the judgment has opened the door for socio-political-institutional mobilisation of forces to stand up against any attempt, overt or covert, at imposition of military rule. This, with the underpinnings as suggested above, should ensure banishing of military rule from the country.

Setting the course of law in place

Revival of dropped cases is good augury

THE fact that the government has owned up to the mistake it had made by recommending withdrawal of murder charges against five accused on the ground that framing of the case was politically motivated is a commendable move. It is further to be appreciated that the realisation has come on the morrow of having done the wrong thereby allowing the course of justice to flow unhindered by any political interference.

As it stands, the plaintiff lodged the case against the five accused, who murdered the husband and daughter of the appellant and robbed valuables from their house in 2005, when Bangladesh Nationalist Party (BNP)-led 4-party alliance government was in office. But after assuming power, the incumbent Awami League-led government recommended acquittal of the accused. But while righting the wrong by directing retrial of the case, the state minister for law Quamrul Islam has further admitted to recommending similar dropping of 50 other cases out of political miscalculation.

We honestly hope that the laudable process that has been undertaken to sift through the cases would be extended further.

In the present instance, by admitting its mistake the government has helped to restore some of its image before the public in the matter of dismissing what it deems to be politically motivated cases. For a democratic government's acid test lies in its upholding of the rule of law seeing to it that no criminal of whatever political hue can escape the grip of law.

Having said that, it we would now hope that after the case in question has again been revived, the accused would be brought to justice and the family of the victim duly redressed. Similarly, as admitted by the state minister for law, the other cases that were dropped under similar circumstances, would be reviewed, if and where appropriate, restored and put

New Year, old wish

MOHAMMAD BADRUL AHSAN

AT the stroke of midnight tonight, we are going to turn over a new leaf in our lives. It will be the same 365 days within the same old framework of twelve months, except that the new year will be numerically incremental on the old. At midnight, we are going to peel off yet another layer of time to start a fresh count. We are still going to count twenty-four hours in a day, seven days in a week and fifty-two weeks in a year. But we shall celebrate the New Year's Eve, eagerly await the countdown, drink and dance through the night with the dogged optimism of gamblers who reshuffle the deck for a winning hand.

What will happen to the bygone year? Perhaps it will be discarded to hang out in eternity like space junk floating in orbit. An entire year will simply vanish through a secret trapdoor only to be relived in writings, recordings, photographs and the six layers of cerebral cortex, the storehouse of memories. It is a human contrivance, of course. We have sliced the linear flow of time into pieces of equal length. This truncation is to our advantage. It gives us the comfort of having repeat opportunities of renewal and redemption.

The irony is that every new year we grow older. Yet every new year we look forward to a fresh start to boost energy and restore vigour. Every new year we make a new resolution. We want to quit smoking, start praying, stop hurting others, start doing physical exercises, or buy a new car or house. We seek renewal of life in the face of its progressive erasure.

But the new year celebration on a particular date cannot have any magic. It is proven in the fact that dif-

ferent cultures celebrate it on different dates. The new year of the Gregorian calendar is on the first day of January, which is a continuation of the practice of the Roman calendar. The Chinese New Year falls in February, the Persian New Year Nowruz is observed in March, and the Bengali New Year Pahela Boishakh comes in April.

What that tells us, if anything, is that a New Year's Day does no more than give us a ceremonial excuse to keep track of time. It is like they do in the grocery shops when measuring rice, flour, lentil or sugar. The grocer counts out loud because it helps him overcome distractions and remember how many units he has measured.

For discerning minds the new year is an annual mnemonic. It reminds them of how far they have come. For others who are forward looking, it reconciles how much more is left to go. Either way it's just an illusion that by redirecting the flow of a river it's possible to divert the ocean.

If we believe in predestination, then

G.K. Chesterton said that the object of a New Year was not that we should have a new year but that we should have a new soul and a new nose; new feet, a new backbone, new ears and new eyes.



PHOTO: CASPAR BENSON

the New Year's resolution is a logical paradox. How can we change what has been preordained? How can our New Year's wish stand before God's will? That the power of a resolution can deflect the course of destiny is a faulty conclusion.

Unless that resolution is also part of destiny itself, predetermined for us as life-changing experience. People do wake up one fine morning and take vows. People convert to new religion. They give up bad habits, switch jobs. Bandits become benevolent. Singles get married. The meek become mighty. The opposite is also true. The pious becomes perfidious. The keepers turn usurpers. The adorable gets odious. The good looks ugly.

These transformations happen everyday, yet the New Year's Day brings a heightened expectation. This one particular day becomes the mule that carries the burden of our concentrated wishes. It is as if all our hopes and despairs are passed through 365 filters, before their refined forms are

conveyed to another round of refinement in another year through another chain of 365 filters.

This country, like rest of the world, is getting ready to celebrate the watershed day. Within a few hours we are going to bid farewell to 2010 and welcome 2011. We shall cheer, we shall wish, eat, drink, and be merry. In our drunken spree some of us will forget our resolutions by the time we get over our hangover next day. Others will remember them longer, but eventually forget them as well.

There is an anonymous saying that many people look forward to the New Year for a new start on old habits. But my favorite is G.K. Chesterton. He said the object of a New Year was not that we should have a new year but that we should have a new soul and a new nose; new feet, a new backbone, new ears and new eyes.

This New Year's Eve, that is, once again, my wish to all.

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

FROM The New York Times

Ratifying Nuclear Test Ban Treaty



PHOTO: AFP

Missile defense remains contentious. During the ratification debate, many senators objected to the treaty's language about the relationship between offensive and defensive arms, which the new agreement takes from the first Start treaty, signed in 1991.

MIKHAIL GORBACHEV

JUST a few weeks ago, the fate of the New Start nuclear arms treaty seemed to hang by a thread. But since last week, when the United States Senate ratified the treaty, which reduces the size of the American and Russian nuclear stockpiles, we can speak of a serious step forward for both countries. I hope this will energise efforts to take the next step to a world free of nuclear weapons: a ban on all nuclear testing.

In the final stretch, President Obama put his credibility and political capital on the line to achieve ratification. That a sufficient number of Republican senators put the interests of their nation's security, and the world's, above party politics is encouraging.

The success was not without cost. In return for the treaty's ratification, Mr. Obama promised to allocate tens of billions of dollars in the next few years for modernising the American nuclear weapons arsenal, which is hardly compatible with a nuclear-free world.

Missile defense remains contentious. During the ratification debate, many senators objected to the treaty's language about the relationship between offensive and defensive arms, which the new agreement takes from the first Start treaty, signed in 1991. Others tried to scuttle ratification by complaining that

New Start did not limit tactical nuclear weapons.

These attacks were fended off. Nevertheless, these problems clearly need to be discussed. There must be an agreement on missile defense. Tough negotiations are ahead on tactical nuclear weapons, and a realistic agreement is needed on the deployment of conventional forces in Europe. We shall see very soon whether all these issues were raised just for the sake of rhetoric, as a demagogical screen to maintain military superiority, or whether there is a real readiness to conclude agreements easing the military burden.

The priority now is to ratify the separate treaty banning nuclear testing. The stalemate on this agreement, the Comprehensive Nuclear Test Ban Treaty, has lasted more than a decade. I recall how hard it was in the second half of the 1980s to start moving in this direction. At the time, the Soviet Union declared a unilateral moratorium on nuclear testing. However, when the United States continued to test, we had to respond.

Even so, we insisted on our position of principle, calling for a total ban on nuclear testing under strict international control, including the use of seismic monitoring and on-site inspections.

In 1996, the United Nations General Assembly finally opened the test ban treaty for signing and ratification. But this pact has a particularly stringent requirement for its entry into force: every

one of the 44 "nuclear technology holder states" must sign and ratify it.

As of today, 35 have done so, including Russia, France and Britain. Still, the list of countries that have not ratified remains formidable. It includes the United States, China, Egypt, Indonesia, Iran, Israel, India, North Korea and Pakistan (the final three have not even signed). Each "rejectionist" country has its arguments, but all are not equally responsible for the stalemate. The process of ratification stalled after the United States Senate voted in 1999 to reject the treaty, claiming that it was not verifiable and citing the need for "stockpile stewardship" to assure the reliability of American weapons. The real reason was doubtless the senators' desire to keep testing.

Nevertheless, in the 21st century only one country, North Korea, has ventured to conduct nuclear explosions. There is, in effect, a multilateral moratorium on testing. It is increasingly obvious that for the international community nuclear explosions are unacceptable.

In the meantime the preparatory committee for the Comprehensive Nuclear Test Ban Treaty Organization has built up a strong verification regime. Nearly 250 monitoring stations around 80% of the number needed to complete the system are now in operation. And the system proved its effectiveness by detecting the relatively low-yield nuclear explosions conducted by North Korea.

So should we, perhaps, be content with the virtual moratorium on nuclear testing?

No, because commitments that are not legally binding can easily be violated. This would render futile any attempts to influence the behaviour of countries that have been causing so many headaches for the United States and other nations. The American senators should give this serious thought. As George Shultz, secretary of state under President Ronald Reagan, has said, Republicans may have been right when they rejected the treaty in 1999, but they would be wrong to do so again.

It is fairly certain that once the Senate agreed to ratification, most of the countries still waiting would follow. No country wants to be a "rogue nation" forever, and we have seen that dialogue with even the most recalcitrant governments is possible. Yet dialogue can work only if the United States abandons the hypocritical position of telling others what they must not do while keeping its own options open.

Universal ratification of the test ban treaty would be a step toward creating a truly global community of nations, in which all share the responsibility for humankind's future.

Mikhail Gorbachev is the former president of the Soviet Union.