

## Once the Awami League goes ...

### Judicial review of TIB

#### findings

*Opinion surveys may be inexact science, but an indispensable feedback mechanism*

WE have been carefully following the Supreme Court review of the recent TIB findings relating to corruption in the judiciary. The findings have aroused considerable comment not only in legal quarters but across the board as well. There is, of course, little question that the judiciary, comprising leading legal lights of the country, is the ultimate repository of interpretative authority for the welfare of the society.

That said, though, it is our considered belief that public opinion surveys, the issue which has propelled the SC into its present course of action, happen to be a significant litmus test of where the country stands on given issues at given points of time. Opinion polls are a part of democracy and have been a method of gauging public opinion for decades on contemporary issues in democratic societies. These polls have been perfected over decades. Even though they may not be an exact science, they are nevertheless indispensable in a constant, relentless monitoring of government performance in the five years that elapse between general elections. If opinion polls are not there, how will citizens express themselves on their perception of governance in the long interregnum and how will policy makers and institutional authorities be to assess public opinion on how they are doing?

It is an accepted fact that opinion surveys are based on a sampling of between 1200 and 3000 persons across the spectrum on an issue or a range of issues. It is a mathematically established process followed by pollsters all over the world. TIB in the present case surveyed 6000 households and asked them whether they received any service from the judiciary and what experience they have had. Thus, it is an experience-based assessment of public response. Thus respondents' perception of corruption is in no way a wholesale reflection of the judiciary; far from it, it amounted to drawing attention to some problems.

In a situation where the choice is between a modicum of public feedback on the issues and a total absence of it, it is the former option that institutions can only benefit from adopting. A survey may have its lacunae. Even so, it is indispensable to a promotion and guarantee of good, effective and efficacious governance in Bangladesh.

The judiciary, being emblematic of wisdom in society, need not see all matters in purely legalistic terms. In most democracies, particularly in the West, opinion polls are a yardstick on which governments base their day-to-day functions. In the absence of opinion surveys, the ultimate losers are those who make policy. For our judiciary itself, it is important that it keep itself abreast of how people feel about its work. And it can do that if and only if it gives space for a regular expression of public sentiments through opinion polls.

We suggest that as it reviews the findings of the TIB, the Supreme Court consider the methodologies followed by opinion pollsters around the world and in this let experts in the field be consulted to complement the process.

### Testing time for Pakistan

*Strong and democratic government is the need of the hour*

THE ruling People's Party of Pakistan suffered a jerk with the sudden pronouncement of its coalition partner MQM to sit on the opposition benches.

Without MQM's 25 seats, the PPP's coalition numbers 160 seats in the 342-member National Assembly, 12 short of the 172 required for a majority. The PPP has only the support of the Awami National Party in the lower house now. Hectic negotiations are already underway and according to reports, Prime Minister Gilani has already contacted PML-N leader Nawaz Sharif for support and more such meetings with different parties are likely to follow to strike a solution to save the government. We are under the impression that MQM's parting with the government was not intended to bring about its fall, for they should be wise enough to realize the implications in the event of fall of a civilian government. Military takeovers are a trend in Pakistan greatly obstructing unperturbed growth of democracy. It is inspiring to note that the Pakistan Army Chief has distanced himself from the crisis and assured that the army is not interested to take over.

Tragically, Pakistan is struck by crisis both internal and external. Pakistan has had to give space to the US which is fighting the Taliban's in Afghanistan; it has also to bear the brunt of regular drone attacks by US. And relationship with India needs regular fine-tuning. Add to it, the civilian casualties resulting in bomb attacks all over the country. One would like to see Pakistan stand up and prove that it is competent to tackle the problem of violent extremism all by itself.

We strongly hope that this crisis will be met sooner than later, either with a new coalition or a national government of consensus. As neighbours, we would like to see the present government in Pakistan finish its full term in office and democracy back in full operation. A stable Pakistan is imperative for regional and global peace and ambience of security and coopera-

SYED BADRUL AHSAN

OUR heads hang low, in unmitigated shame. Where the head should have been held high in this land of illuminating poetry and galvanising politics, it today takes a battering from those who should have shown us the way to a bright new world. Former prime minister Khaleda Zia has loudly and unabashedly served notice on the nation that once the Awami League goes out of office, all the acts and decisions it has taken in the past two years and will take in the remainder of its term will be considered illegal.

That is a bit rich coming from one whose party and political associates presided over, for a long time, some manifest wrongs in this beautiful country. And do not forget the long darkness they pushed us into as they tried commandeering our history and then putting it to the torch.

Let us now give free rein to our imagination in light of the portents of doom coming from the Begum. One of the first things the Bangladesh Nationalist Party will likely annul is the trial, conviction and execution of the assassins of the Father of the Nation. Please note that the BNP has said not a word in support of the judicial process that gave us back something of the self-dignity we lost as a people when Bangabandhu's assassins strutted free all around us. The impression was, and remains, one of the party's sulking at a return to rule of law.

So what Begum Zia means to do, if and when she regains political office, is declare the hanging of Farook Rahman and his accomplices an act of treason on the part of the Awami League government. She will then have Parliament restore the notorious indemnity ordinance in the constitution, to let us know that we the people committed a criminal act by restoring Sheikh Mujibur Rahman to the peaks that he was toppled from in August 1975.

Khaleda Zia's promise of vengeance

will please everyone who has never been happy with Bangladesh, who indeed would like this country to mutate into a little Pakistan through a return to the morally outrageous two-nation theory once propagated by the All India Muslim League. Do not forget that between 1975 and 1996 and then between 2001 and 2006, this execrable political non-idea was put into operation in subtle fashion through so-

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called Bangladeshi nationalism.

Now, if the BNP comes back to power in this mood of fury and retribution, our future and the future of our children will once more come to rest in the hands of those who have never felt happy with Bengali nationalism. And a return to "Bangladeshi nationalism" will be one way of keeping this country divided, in a state of perennial ferment through a tribalisation of politics.

These people who feel unhappy with the spirit of 1971 will then ride roughshod over all of us. We will all fall together. It will once more be the war criminals of 1971 sporting the flag you and I fashioned, under the leadership of Bangabandhu Sheikh Mujibur Rahman, on their vehicles as ministers in a country they tried murdering in 1971.

The bottom-line, for you and for me and for all citizens of this country, is for us to be on guard against a return to office of those who have for decades insulted our self-esteem as a people and have refused to do penance for their sins. In these past two years, there are some dark, bitter truths we have come across. It is that those who took the country for a ride in the five years before January 2007 have not learnt the

took away our happiness would come back to take away whatever else that remained.

The Begum and her party are worried about the conditions of their imprisoned colleagues and political associates in prison. That is acceptable and understandable. And yet we must ask them if their conscience has ever made them wonder how these prisoners dehumanised us all in the year



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truth about themselves.

They are unhappy with the people ... because the people gave them no opportunity for a return to power in December 2008. There is in them absolutely no embarrassment about the plunder they resorted to in their glory days. They conveniently forget that it was they who first initiated and perfected the humiliation we today know as remand in custody. They humiliated academics, politicians and journalists in the dark confines of police stations and cantonments.

It was their wickedness which saw the electoral roll bursting with non-existent voters. It was their man (and we speak of President Iajuddin Ahmed) who was entrusted with the job of stealing an election from us through making sure that those who

when the state of Pakistan tried running us out of our own land. They are unhappy with the prospect of a war crimes trial. You do not expect a patriot, a proper Bengali, to go morbid at the thought of ageing war criminals getting their comeuppance.

Khaleda Zia's vow of nullifying every act of the Awami League is a patent threat to all of us. If the threat comes to pass, the sunlight will go fleeing from our lives, the moon will lose its luster, poetry will die, politics will be no more, rivers will not run and good men and women will be fugitives in the wild woods.

Everything will pall. Everything will pale. Everything will fall.

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### Israel's arrogance

HARUN UR RASHID

IN April 2003, the US together with the EU, UN and Russia (known as the Quartet) released its roadmap that outlined a three-stage programme leading to an independent Palestinian State by 2005.

By 2010, no Palestine State had been constituted because of Israel's defiant policy of continuing illegal settlements in Palestinian lands with impunity.

The Palestinian leadership walked out of the peace talks, revived by the US three months ago, in anger at Israel's refusal to extend a halt on building settlements in the communities,

pied territory illegally under international law since 1967. Palestine is also an Observer Member in the United Nations.

On February 21, 2010, French Foreign Minister Bernard Kouchner said: "One can envision the proclamation soon of a Palestinian State, and its immediate recognition by the international community even before negotiating borders."

The reported French statement has been very significant in two ways. First, it demolishes Israel's argument that Palestinian State cannot be recognised until borders are negotiated between

by the deadlock in talks and the continued rate of settlement expansion -- with Britain among them -- may offer some support to declaration of a Palestine state.

The US may throw its weight behind growing support for a unilateral declaration of statehood if Israel does not resume Middle East peace talks, an Israeli minister has warned.

In the first admission by a senior Israeli official that a rift with its key ally threatened a shift in US policy, Benjamin Ben-Eliezer, the Trade and Industry Minister, recently urged the resumption of talks with the

his term.

Mr. Ben-Eliezer's warning is also likely to increase tensions in the Israeli coalition as Prime Minister Binyamin Netanyahu strives to satisfy hardliners and pro-talks factions.

Amid the political tension there were fresh clashes in and around Gaza on the eve of the second anniversary of the Israeli offensive to smash Hamas and stop militants firing rockets into southern Israel, an operation dubbed Cast Lead by the Israeli army.

With both sides talking up the chances of another war in the south, Israeli tanks and helicopter gunships opened fire on Islamic Jihad members who were trying to plant bombs close to the Israeli-controlled border fence with Gaza, killing two people. More rockets were fired out of the Gaza Strip into Israel, despite some of the heaviest air strikes since the 2008 month-long war by Israeli forces last week.

The increased rocket fire has ramped up tensions, especially after Israel admitted that one of its tanks had been hit by an advanced Russian-made anti-tank missile that had been smuggled into the besieged strip by Hamas.

The Quartet must put pressure on Israel to halt illegal settlements in occupied West Bank, including in East Jerusalem, and create an environment in which both States -- Israel and Palestine -- could live peacefully with secure and viable borders. A Palestinian state must not be fragmented by illegal Israeli settlements within its territory.

A dimension of equity in this case is the single standard of morality and law for all countries in the region. One law is for Israel and another for Palestinians will never work because it constitutes a double standards. To enforce a policy of double standards on Palestinians will only generate resistance and defiance.

King Abdullah II of Jordan some time ago made it clear that "the continued denial of Palestinian rights is a fire-starter. If you do not fix the Israeli-Palestinian conflict, you cannot have stability in the region. We will pay the price for what I think may be the last opportunity."

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AFP

which is viewed as illegal by the international community. The Palestinians have said that if there were no renewed negotiation effort they would go to the UN Security Council with a unilateral declaration of statehood.

Since the collapse of the peace talks and Israel's refusal to renew the settlement-building moratorium settlers have laid foundations for hundreds of new homes, according to the Israeli anti-settlement group Peace Now. The Palestinians have responded by preparing a UN draft resolution condemning the settlements, which, in the West Bank, are home to 300,000 Israelis, with 200,000 living in East Jerusalem.

It is noted that the State of Palestine is currently recognised by more than 100 countries, including Bangladesh. Israel is not the legal sovereign of the occupied territory. It has held the occu-

Israeli and Palestinian leaderships. Second, recognition of a state has nothing to do with the borders of states, which are to be settled or negotiated. For example, current recognition of Israel by other states does not recognise Israel's claimed borders or its claim on whole city of Jerusalem.

In December 2010, five Latin American states -- Bolivia, Argentina, Ecuador, Uruguay, and Brazil -- officially declared recognition to a Palestinian state inside the borders which were in place before the 1967 Six Day war, during which Israel took control of the West Bank, Gaza Strip and East Jerusalem. Some European nations have upgraded diplomatic relations with the Palestinians.

So far, Washington has said that it would not back the anti-settlement resolution, but other countries which have become increasingly frustrated

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Palestinians -- even if it meant bowing to their demands for a renewed freeze on settlement construction in the West Bank.

"We must do everything possible to get to dialogue with the Palestinians, even if it costs us a settlement freeze for a few months," Mr. Ben-Eliezer, a doyen of the Labour Party, the junior partner in the governing coalition, told a cabinet meeting in Jerusalem.

"I wouldn't be surprised if within one year the whole world supports a Palestinian state, including the United States. Then we'll ask where we were and what we were doing."

Israeli diplomats have been rushing to ascertain the possible response of key countries to such a resolution amid fears that President Obama, having been thwarted in his peace efforts, might concentrate on other regions for the remaining two years of