

# Crossing threshold of diplomatic norms

MOZAMMEL H. KHAN

THE United States has come up with a categorical statement telling the Bangladesh government what it should do and to whose satisfaction on the Yunus issue. The US assistant secretary of state has said that if a compromise was not reached on the Yunus issue, US-Bangladesh relationship would get "impacted." "We in the United States have been deeply troubled by the difficulties he is currently facing," he told the media. This is probably the most apocalyptic public statement we have ever heard involving two sovereign "partners in development." The intimidation came at time when Bangladesh was all prepared to celebrate her 40th year of independence.

Grameen Bank is a bank in Bangladesh and Professor Yunus is a citizen of Bangladesh. The multitude of laurels he has attained has made the people of Bangladesh proud. His unceremonious removal as managing director of the Grameen Bank has resulted in a nationwide outcry condemning the action of the government. Many civil society members, including some well-wishers of the government, urged the government to salvage the damage inflicted on itself and to come to a solution respecting the dignity of the Nobel laureate.

Professor Rehman Sobhan wrote a masterpiece, entitled "The need for statesmanship," where he concluded, echoing the sentiments of millions of his fellow citizens: "The

prime minister should perceive Yunus not as her adversary, which he obviously cannot be as she is the democratically elected leader of the country, but as an asset in the building of a *din bodol* where poverty and injustice can be banished from Bangladesh. The measure of a leader is the ability to transform her perceived adversary into an ally. The measure of a statesman is a leader who can join hands with her adversary in building a better tomorrow for the generations to come."

What if a democratically elected prime minister fails to listen to and comprehend the voice of the people and the advice of her well-wishers? The final resort for the people of a democratic society is to exercise the power of the ballot to punish the government that fails to abide by their wishes. Notwithstanding the outcome of the pending appeal in the nation's highest court, the government has failed to make its case in the people's court that the removal of Professor Yunus was guided by the equal applicability of law. It is the people's court that matters most to a government elected by the people.

The issue is largely legal and not moral. However, the moral side has taken centre-stage since it involves Professor Yunus. The outpouring of sympathy and concern from his friends from all over the globe was overwhelming. However, all of them, except for the government leaders of one nation, recognise that the issue is an internal affair of Bangladesh.

*The US ambassador in Bangladesh, twice in as many days, came out with the public statement that the United States was deeply troubled by the government's removal of Nobel Laureate Muhammad Yunus from the office of the managing director of Grameen Bank and termed it "an unusual way to handle a Nobel Laureate."*

This is more so because Grameen Bank is not an international financial institution, and is governed by the statutes of the partly state-owned bank of the country. The people of the country, including hopefully its most famous son, never expected that a foreign power would dictate what is good for the Grameen Bank - whose 85 millions borrowers are



citizens of this country.

From the very inception of this unfortunate incident, the US ambassador in Bangladesh, twice in as many days, came out with the public statement that the United States was deeply troubled by the government's removal of Nobel Laureate Muhammad Yunus from the office of the managing director of Grameen Bank and termed it "an unusual way

to handle a Nobel Laureate."

Now the US Assistant Secretary of State Robert Blake, who made the unusual trip to Bangladesh with the sole purpose of attaining a "compromise solution to the satisfaction of all parties," at the end of his meetings with government leaders warned: "US-Bangladesh ties could be hampered if the issue of ouster of the Grameen Bank managing director

was not settled in a respectable way." The tone of the assistant secretary's statement has crossed the norms of diplomacy.

The pressure by the United States to "reinstate" the "respect" of Professor Yunus in his own motherland is simply counterproductive and humiliating for him as well. In fact, the US action has put Professor Yunus on a murky ground. Firstly, if the government agrees to the US demand and reinstates him in one way or the other, will it "satisfy" him to witness a breach of diplomatic niceties? Secondly, if the US intimidation brings him back the "respect," as they see it; would it not simply add credence to the criticisms of his detractors who portray him as a blue-eyed boy of Washington? Will these situations make Professor Yunus "satisfied"?

In fact, Professor Yunus does not need any reinstatement. Whether he remains at the helm of his brain-child or not, he will remain in the hearts of the millions in Bangladesh for ages to come. It would be only wise for him to tell his overseas friends to leave him alone in the midst of his own people. Ours is a democratic state, not a despotic one, and it is the fear of democratic retribution of the people that is bound to act as a deterrent in preventing sustenance of moral wrongdoings.

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## Strategy for more electricity

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THE reader may question the need for a new and updated strategy for development and the necessity of a suitable electricity system in this country. Although there are numerous discussions and papers on shortage of electricity, load shedding and associated matters, by and large we have failed to involve public representatives, members of parliament, intelligentsia and the major electricity consumers.

In a poor, over-populated country with very small reserve of natural resources, it is not possible to adequately meet the requirements of important

tractor is yet to be appointed.

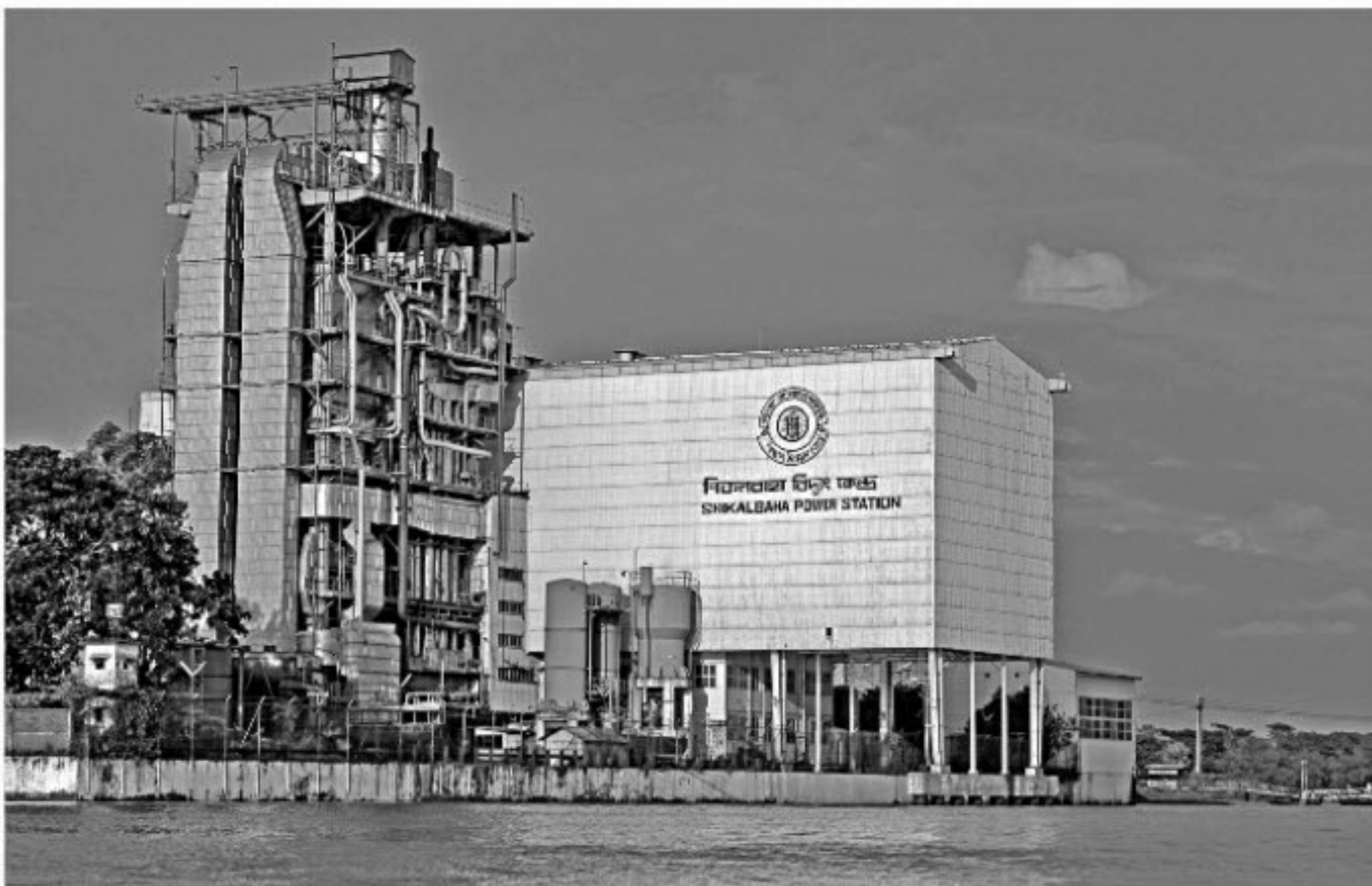
For various constraints it has not been possible to finalise a coal policy. Once the policy is adopted and generally accepted by the people, it may be possible for a consortium to undertake coal mining. It seems that acceptance of a coal policy is going to be rather difficult, leading to inordinate delay in awarding the work on exploration and mining of coal.

Operating large and efficient steam power plants through import of coal is a gigantic task, because enough coal to meet the need of the power plants is not available in the Asian region. The two

running out and the country is going to face an acute shortage of fuel to generate electricity.

Foreign remittance from our expatriates is reducing, and is not likely to increase at the rate of our requirement of various imports like food, machinery, edible oil etc. During the last few months our foreign exchange reserve depleted very rapidly. As such, we may not have enough foreign exchange to import the huge quantity of fuel oil needed for power generation.

It is a very good development that both the government and the opposition members are attending



giants, China and India, require a very large quantity of coal, and they already entered

into long-term contracts with Australia, Indonesia etc. to import coal. Vietnam has installed large coal-fired steam power plants because it also needs to import coal.

We have developed a large number of gas fields through Petrobangla/Bapex or through foreign investors. Apparently, this was done without a gas policy. It is about time to consider awarding one or two blocks of coal field to Petrobangla with experienced foreign associates to explore and mine coal without further waiting to finalise the policy. Time is

Parliament sessions. We do not know how long such a congenial situation will continue. Let us take advantage of the present opportunity and submit a well-prepared paper to all members of the parliament at least one month before discussions. Let the various pros and cons be discussed in the parliament to formulate an acceptable strategy for power development.

This is such an important matter that any further delay may create a very difficult situation for us.

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The writer is a former Chairman, Bangladesh Power Development Board.

### DEATH ANNIVERSARY

## On Justice Syed Mahbub Murshed

SYED MANSOOB MURSHED

SYED Mahbub Murshed was born a hundred years ago on January 11, 1911. He passed away on April 3 1979. He is best remembered as a jurist, and later on as a public figure in the movement for the restoration of democracy in 1969. Yet he was a man of many parts, among which were his outstanding oratorical skills. Apart from his years on the bench (early 1955-to late '67), he never held any public office nor formed any political party.

What will best sum up his personality? Perhaps his dislike for the convenient and conventional truth; his unwavering support for the downtrodden; his love of what was right, however inconvenient. John Kenneth Galbraith once stated: "To the adherents of the institutional truth there is nothing more inconvenient, nothing that so contributes to discomfort, than open, persistent articulate assertion of what is real." Thrasymachus said: "I declare that justice is nothing else than that which is advantageous to the stronger."

To Murshed, justice was the very antithesis of this rhetorical statement towards the beginning of Plato's Republic, which forms the basis of the subsequent dialectic on the nature of truth.

November 16, 1967, marked the resignation of the late Justice Syed Mahbub Murshed, who had been Chief Justice of the East Pakistan High Court from 1964 to 1967. President Ayub's diary for January 6, 1967, says: "Justice Murshed has a brilliant, intelligent, literary bent of mind and aptitude for language, but he is impulsive and unstable."

Despite these aspersions, it is widely accepted that his resignation was over the issue of an independent judiciary, something for which Ayub's patience had diminished following his re-election in 1965. Murshed had just become too inconvenient to a ruler who was becoming increasingly autocratic. In 1963, one of his judgments in a case, which is described in brief as the "Minister's case," ensured that the legislative and executive functions of the state would remain separate, and that cabinet minister's could not sit in the national assembly.

This judgment was upheld in the Supreme Court. Others were to follow, including a celebrated judgment concerning the relationship between the federal and provincial adminis-

trations of the country. Ayub had not wanted Murshed to become Chief Justice of the East Pakistan High Court in 1964, despite the fact that Murshed was the senior-most judge, and it was his turn to become chief justice. But at the time, he relented, and let precedent take its course.

Ayub, of course, was a different man following his election victory over Miss Jinnah in 1965, and the war with India in the same year. Murshed decided to resign before resisting a regime that was becoming increasingly autocratic. He was expected to run against Ayub in the 1970 presidential elections. But a mass movement against Ayub gathered momentum in late 1968, to which Murshed added his voice. A report in Time magazine stated: "The opposition cause was also boosted by widely respected Syed Mahbub Murshed, former Chief Justice of the East Pakistan High Court, who told the nation that 'we are not destined to perish in ignominy if we put up a determined and united resistance to evil.'"

These events are not merely mundane facts in the history of Bangladesh and Pakistan, but have a strong resonance for the present. The great German philosopher Immanuel Kant had advocated a republican constitution, which would ensure peace. According to him, the worst form of despotism, which ultimately leads to violence, occurs when there is no separation of powers; those who administer laws are one and the same as those who decree them.

Ensuring the separation of powers between the executive and the legislature requires an independent judiciary, and judges like Murshed, to fearlessly exercise these principles. Let us not forget that despotism is not simply confined to absolute monarchies or dictatorships, but can also feature in flawed democracies, even when rulers happen to be elected.

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