

Deaths in police firing

Abjure confrontational politics

WE condemn the deaths of five people killed in police firing on demonstrating BNP activists in Lakshmipur, Chandpur and Rajshahi the day before yesterday and yesterday respectively.

We understand that under the present circumstances, when political tempers are frayed, it is the police that are under severe pressure. But that is where the training of the law enforcing agencies comes into play. We wonder whether all the other crowd control measures were taken before opening fire.

Firing is a matter of last resort and not first and that too its purpose is to cause restraint and not death. It is not precipitate action on the part of the police but exercising utmost restraint in these situations that can assuage nerves and help control volatile situations.

We note that two different enquiry committees have been constituted and we hope that these would not only bring out the circumstances of the killings but also suggest corrective measures for the police so that such tragedies could be avoided in future. But the police have filed cases in which they have accused BNP activists of creating disturbances.

However, the other concern of equal degree is the way politics is playing out now and how it will shape in the near future. Admittedly, we have had a state of confrontational politics ever since the revival of democracy in 1990. But it is the abject violent turn that politics is taking that causes us serious anxiety. Thankfully, though, the programmes of AL and BNP yesterday passed off peacefully.

In this regard one would like to know what prompted the government to thwart the BNP's programme on 29 January. It was most ill-advised for the AL to announce a counter programme. Its decision has been provocative and disruptive. And while the AL is heaping blames on the BNP for destructive politics we feel that it is AL politics which is proving unhelpful.

The country is caught in the one-upmanship game, and as the ruling party it is for the AL to lead the way by abjuring the path of confrontation and opening up an avenue for dialogue. That is the only way that the country can be spared the distress it is very likely to face otherwise.

Record-setting air polluter

We must clean up our act

YET again we set a record -- as the second worst air polluted country in the world, according to the 2012 Environmental Performance Index (EPI), a study conducted by top US universities Yale and Columbia and presented at the World Economic Forum taking place in Davos. In the overall ranking, which also includes performance indicators such as environmental health, water pollution, water resources, biodiversity and habitat, forests, fisheries, agriculture and climate change, Bangladesh stood 115th; but in terms of only containing air pollution, the country scored 13.7 out of 100, standing 131st out of 132 countries, second last only to India.

For Bangladeshis, especially residents of the capital, it does not take an international report to understand the gravity of the environmental situation. They live and breathe it every day. The mushrooming of concrete structures everywhere, the unbridled invasion of automobiles and, most importantly, the fast disappearing greenery in the cities are sign enough of the environmental dangers, translating into health hazards.

While every individual has a role to play in protecting the environment through their every action, the authorities have an even greater responsibility -- to conduct research on the situation, identify the aggravating factors, form stringent policies to mitigate them, and, most importantly, to implement those policies without compromise. Air pollution contributes to climate change and the vicious cycle of environmental hazards continues. And in all our big talk of saving the environment and country for our future generations, not only are we not doing anything of the sort, but we fail to realise that, in the meantime, our own lives are being cut short due to reasons that could very well be avoided with the application of simple civic sense. While, after all the national and international reports and conferences, a 'clean, green world' may have come to sound like a cliché, it is the only

Challenges for Search Committee

BADIUL ALAM MAJUMDAR

FOR a long time, Citizens for Good Governance (Shujan) has advocated for neutral search committees to make appointments to constitutional and statutory bodies. We believe that only through such a process can honest, courageous and competent persons be appointed. However, the search committee recently formed by the government to appoint the chief and other election commissioners has already created serious controversies. Such controversies will only make the committee's task more challenging.

On January 12, the president, after holding dialogues with 23 political parties, proposed a law for appointing the CEC and other election commissioners. The proposal also included the formation of a five-member search committee, comprised of two justices -- one from the Appellate Division and the other from the High Court Division -- to be recommended by the chief justice, the chairman of the PSC, the auditor and accountant general and the chairman of the ACC. The president's proposal also called for inclusion of other "competent" persons to the committee.

Subsequently, the Cabinet Division announced, via a circular, the formation of a four-member Search Committee, which included Justice Syed Mahmud Hossain, Justice Md. Nuruzzaman, PSC Chairman A.T. Ahmedul Huq Chowdhury and the Comptroller and Accountant General Ahmed Ataul Hakeem. The Committee was given 10-working days to submit its recommendations and the authority to formulate its own *modus operandi*.

The formation of the Committee has raised serious questions: Firstly, why was the Committee formed by a circular rather than by framing a law? A law specifying qualifications/disqualifications of the election commissioners is important to identify appropriate persons for the positions, and might also be used by political parties and others to propose names to the Committee. Incidentally, Article 118(1) of our Constitution mandates enacting of such a law.

Our experiences with search committees are quite disappointing as

they failed to prevent the appointment of partisan persons to important public positions in the past. For example, during the last government, an individual who sought parliamentary nomination on the BNP ticket was made election commissioner. And, under the present government, there are allegations of partisan affiliation against some of the appointees to the Information Commission, Human Rights Commission (HRC) and ACC. More seriously, a professor was appointed to the HRC, despite well-publicised accusations of sexual harassment by a student. (He was quickly sacked, also without due process.)

Framing a law to govern the appointment to the EC would not be a difficult task. Last year, the EC circulated a two-page draft of the law, which the government ignored. Reportedly, the president also sent a draft law to the government with his recommendations. The law could also specify the rules of operation of the

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Committee. Since the Parliament was not in session, an ordinance could be promulgated.

A second question: Why were elected representatives not included in the Search Committee? It is hard to believe that the present government, which has abolished the unelected Caretaker Government (CTG), has failed to involve elected representatives in the search process for EC members. Even the EC draft law provided for the involvement of the Business Advisory Committee of the Parliament in this process. The government could at least include two MPs to represent the prime minister and leader of the opposition in the Search Committee. Also, since the Search Committee was constituted with unelected persons, the inclusion of representatives of the civil society or the media would have enhanced its acceptability.

A third question: Why have justices been included in the Search Committee? In a case involving the

Thirteenth Amendment, the Appellate Division had previously asked that the justices be kept out of the future CTG in order to avoid further damage to the judiciary. We are thus surprised that the chief justice did not oppose the inclusion of the justices in the Committee. We also question why these particular justices were chosen. With utmost reluctance, we point out that one of the two justices included in the Search Committee was elected as the general secretary and president of the Dhaka Bar from the Awami League panel. Under the present government, he became a deputy attorney general in January 2009 and then justice of the High Court in June 2009 (*New Age*, January 28). Additionally, there are allegations of preference for the ruling party on the part of another member of the Committee.

A fourth question: Why did the government show disrespect to the president by refusing to include the chairman of ACC in the Committee? Is

of any disreputable persons to the EC who might tarnish its image. Incidentally, was the Cabinet Division, rather than the EC, selected to give secretarial service to the Committee because it is subject to the government's control?

The controversy that already surrounds the formation of the Search Committee will only make its task of appointing an acceptable Election Commission more challenging. We believe that transparency and accountability in its functioning are necessary to help the Committee successfully meet this challenge. One suggestion is for the Search Committee to make its meetings open so that representatives of political parties, the media and the civil society might attend. This would constitute an application of "sunshine law" which, in many countries, requires decisions of government agencies (with some exceptions) to be made openly in public meetings.

Another way to ensure transparency: the Committee could publicly announce the names of the persons under consideration, the names of those to be finally recommended to the president for appointment, and the reasons for these recommendations. This would help weed out persons of questionable backgrounds. Additionally, the Committee could hold public hearings. Since the Committee has been given the authority to determine its own rules of operation, it has the power to build transparency into its own functioning.

To conclude, we hope that the Committee will realise the seriousness of the responsibility given to it and the consequences of not discharging it with honesty and neutrality. Given our political culture, we know that whatever names the Committee proposes will be instantly and without hesitation rejected by the opposition. However, if the new Election Commission, appointed through the recommendations of the Search Committee, fails to win the confidence of the civil society and the media, the nation will head toward a serious crisis with possibly ominous consequences.

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| The New York Times EXCLUSIVE

How to integrate Europe's Muslims

JONATHAN LAURENCE

TWO weeks ago, dozens of cars were set alight in the French city of Clermont-Ferrand after a 30-year-old truck driver, Wissam El-Yamni, was roughed up and then died while in police custody. The uproar underscored the hostility of young minority men toward authority across communities in Europe, an antipathy that has at times led to deadly violence.

The failure of Islamic integration in Europe is often attributed -- especially by right-wing parties -- to an excess of tolerance toward the large-scale Muslim immigration that began in the mid-1970s. By recognising Muslim religious requirements, the argument goes, countries like France, Britain and the Netherlands have unwittingly hindered assimilation and even, in some cases, fostered radicalism. But the unrest in gritty European suburbs stems not from religious difference, but from anomie.

Europeans should not be afraid to allow Muslim students to take classes on Islam in state-financed schools and universities. The recognition and accommodation of Islamic religious practices, from clothing to language to education, does not mean capitulation to fundamentalism. On the contrary, only by strengthening the democratic rights of Muslim citizens to form associations, join political parties and engage in other aspects of civic life can Europe integrate immigrants and give full meaning to the abstract promise of religious liberty.

The rise of right-wing, anti-immigrant parties has led several

European countries to impose restrictions on Islamic dress, mosque-building and reunification of families through immigration law. These policies are counterproductive. Paradoxically, people for whom religion is otherwise not all that important become more attached to their faith's clothing, symbols and traditions when they feel they are being singled out and denied basic rights.

Take, for example, the French debate over whether to recognise the Jewish Day of Atonement, Yom Kippur, and the Muslim festival of Eid al-Adha as official holidays. Yes, the French state clings to the principle of "laicite," or secularism -- but the state's recognition of Easter and Christmas as official holidays feels, to some Jews and Muslims, like hypocrisy. It is Islam's absence in the institutions young European Muslims encounter, starting with the school's calendar, classroom and canteen, that contributes to anger and alienation.

In the last few months, there have been some signs that the right-wing momentum has slowed. A French bill to ban headscarves from day care centres was killed in committee. The Dutch Parliament voted down a bill to outlaw Islamic animal slaughter. And Germany's most populous state helped offset a judicial ban on school prayer by announcing equal access to religion courses for Muslim students. European countries could use a

period of benign neglect of the Islam issue -- but only after they finish incorporating religion into the national fabric. For too long, they have instead masked an absence of coherent integration policy under the cloak of "multiculturalism." The state outsourced the hard work of integration to foreign diplomats and Islamist institutions -- for example, some students in Germany read Saudi-supplied textbooks in Saudi-run institutions.

This neglect of integration helped an unregulated "underground Islam" to take hold in storefronts, basements and courtyards. It reflected wishful

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thinking about how long guest workers would stay and perpetuated a myth of eventual departure and repatriation.

In Britain, for example, race-based equality laws protected Sikhs and Jews as minorities, but not Hindus and Muslims, since they were still considered "foreign."

Institutional exclusion fueled a demand for religious recognition, and did much to unite and segregate Muslims. Islamist organisations became the most visible defenders of the faith. It is crucial now to provide the right mix of institutional incentives for religious and political moderation, and the most promising strategy for doing that is for governments to consult with the full range of law-abiding religious institutions that Muslims have themselves established.

The French Council for the Muslim Faith, the German Islam Conference, the Committee for Italian Islam and the Mosques and Imams National Advisory Board in Britain -- all state-sanctioned Islamic organisations set up in the past decade -- represent a broad cross-section of mosque administrators in every country. They have quietly begun reconciling many practical issues, from issuing mosque permits to establishing Islamic theology departments at public universities to appointing chaplains in the military and in prisons.

Ultimately, however, elected democratic institutions are the place where the desires of individual Muslims should be expressed. Ever since 1789, when a French legislator argued that "the Jews should be denied everything as a nation, but granted everything as individuals," Europeans have struggled to resolve the tension between rights derived from universal citizenship versus group membership.

Over the next 20 years, Europe's Muslim population is projected to grow to nearly 30 million -- 7 to 8% of all Europeans -- from around 17 million. Granting Muslims full religious freedom wouldn't remove obstacles to political participation or create jobs. But it would at least allow tensions over Muslims' religious practices to fade. This would avoid needless sectarian strife and clear the way for politicians to address the more vexing and urgent challenges of socio-economic integration.

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THIS DAY IN HISTORY

January 31

1865

American Civil War: The United States Congress passes the Thirteenth Amendment to the Constitution of the United States, abolishing slavery, submitting it to the states for ratification.

1876

The United States orders all Native Americans to move into reservations.

1929

The Soviet Union exiles Leon Trotsky.

1943

German Field Marshal Friedrich Paulus surrenders to the Soviets at Stalingrad, followed 2 days later by the remainder of his Sixth Army, ending one of World War II's fiercest battles.

1968

Viet Cong attack the United States embassy in Saigon, and other attacks, in the early morning hours, later grouped together as the Tet Offensive.