

BEHIND THE HEADLINES

Spoils without standards



HOSSAIN ZILLUR RAHMAN

FROM the spoils of war to the spoils of politics. The hottest new spoils in the game of zero-sum political

competition are appointments and control of criminal judicial power. The game is ostensibly democratic but the *niyaat* is not. British colonial rule bequeathed to us the principle of neutral bureaucracy. But progressively we have moved away from this towards a principle of spoils. In itself this would not have been a worry because there are perfectly functioning systems built on the spoils principle. Look at the American system where upper levels of appointments are considered the spoils of political victory. But the move towards the spoils system has come with a fatal twist in contemporary Bangladesh. In functioning spoils systems, I can appoint my supporters but they must pass quality tests. The leadership is thus careful to promote supporters who have standards. In contrast, our political contenders seem to have embraced the worst possible hybrid -- a spoils system without standards. The only test required is of blind loyalty. In such a milieu, Gresham's law operates with a vengeance -- good supporters are sidelined by the most unprincipled among the supporters. The sycophant rules. The more blatant the sycophancy, greater are the chances to rise to the top.

Every electoral cycle has seen a worsening trend towards this system of spoils without standards. It appears to have reached a crescendo now. Recruitment, posting, promotion, extension -- no area is immune. Neither is any sector -- civil administration, police, judiciary, diplomacy, public education, public health, constitutional positions. Sectors that had

hitherto upheld standards are being battered. In this sycophantic universe, merit is the first casualty. But this is not the only one. Where sycophancy rules, there is always someone even more unprincipled to stoop to new depths of untruths and brazenness. The inevitable consequence is a progressive breakdown in discipline and the chain of command. And it does not stop there. The clamour for evermore irrational advantages can even-

control were the police and the magistracy. Colonial rule is long gone but the objective of control continued unabated and has found fertile renewal in this era of zero-sum political competition. Partisan control of police and the magistracy are the new super-prizes for the political competitors. Mastanocracy of the eighties is no longer the main threat to the rule of law. Rampant misuse of police and criminal judicial procedures faci-

of statecraft is that talent and integrity are less welcome than sycophancy. Even loyalty is not enough. It has to be blind and unprincipled to matter whether for leadership positions, civil service promotions or new recruitments. This is sad. Because Bangladesh can surely do better. Some politicians are fond of constantly invoking the spectre of unconstitutional intervention as the main threat to the democratic order. The long-suffering citizens have little love lost for such interventions. But spoils without standards is looming as an equally serious threat because it erodes trust and confidence among the people for the future. Trust erodes, confidence saps because the fall in the quality of statecraft is all too obvious whether it be in economic management, foreign policy or service-delivery. There are certainly islands of excellence but overall the shadows get ever darker.

The spoils system cannot perhaps be reversed. But the idea of standards can and must be upheld. Otherwise we compromise the quality of our dreams and that of our future. It is a challenge not only for the politicians. Professionals, the middle classes, the business class have wavered in our consistency and our moral stand when personal opportunities have appeared or have been offered. Sycophancy is a two-way game. Leaders may encourage sycophants but the choice to be one is very much that of the individual. There is no use hiding behind slippery arguments that others are doing it or that nothing will change. The idea of integrity is not a tradable commodity. Working to consolidate a moral mood is as important as the need for politicians to wake up to the importance of standards.

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The spoils system cannot perhaps be reversed. But the idea of standards can and must be upheld. Otherwise we compromise the quality of our dreams and that of our future. It is a challenge not only for the politicians. Professionals, the middle classes have also to look into the mirror.



SHANE O'BRIEN

tually tie up the leadership too. Mass partisan promotions when there are no actual vacancies. Secretaries and senior secretaries. Rank and status of ministers. The demand only gets more voracious.

Most frightening is the partisan obsession with control of criminal judicial power. Colonial rule had been built on the objective of control rather than service. The twin pillars of this

tated by extreme partisan appointments is the more serious threat. Faith in the possibility of redress is eroding. The sense of helplessness is a more poignant indicator of the state of affairs than crime statistics per se.

Bangladesh has an abundance of talents. Political parties too have an abundance of talented members. But the cruelest comment on today's political game and consequent nature

The path of isolation

HUMA YUSUF

OUR state machinery revved into quick action last week to denounce the hearings on Balochistan conducted by the US Senate Committee on Foreign Relations.

The Foreign Office conveyed its concerns to the US government. Senators frothed at the mouth, describing the hearing as a violation of Pakistani sovereignty (what, again?) and lambasting Washington for meddling in the country's internal affairs. If the government could muster such a unanimous political response to the rampant and brutal human rights violations in Balochistan, the US Senate would probably not feel the need to ask prickly questions. But that, it seems, is not the point.

The hearings, and Pakistan's official response, are the latest glimpse into a future where the international community increasingly isolates Pakistan if it chooses to proceed down that path.

Given that the US and Pakistan are working hard to mend bilateral relations, the timing of the hearings was awkward. They occurred in the same week that President Barack Obama met with his national security team to review ties with Islamabad and the US media reported that Gen. James Mattis, head of US Central Command, would visit Pakistan and possibly convey an official apology for the Salala incident. Indeed, the US State Department has tried to distance itself from the Senate hearings, dismissing them as routine and irrelevant to Washington's policy position.

But it is difficult to overlook the hearings in light of Washington's convenient use of the human rights angle in diplomatic relations. The fact is, the US tends to acknowledge human rights violations when it serves its interests to do so; when

seeking alliance and cooperation, it is willing to overlook the worst transgressions.

Chinese human rights violations were a taboo topic during Obama's visit to Beijing in the autumn of 2009, when his administration was pursuing a policy of "strategic reassurance" with China. Similarly, during his November 2010 visit to India, Obama was careful not to stir the hornet's nest of human rights violations that is Kashmir.

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In a bid to increase its influence in China's backyard, the US chose not to attach conditions to Myanmar's human rights review during Secretary of State Hillary Clinton's visit there last November. And closer to home, in October 2010, the US largely overlooked allegations of extrajudicial killings against the Pakistan army, cutting off some aid to implicated military units even while approving a \$2 billion military assistance package.

In other words, the US does not raise concerns about human rights as a casual aside. By holding the Balochistan hearings, Washington signalled to Islamabad that the ball, which has been in Pakistan's court since the November 26 Nato attack, could easily return to US, and that bilateral relations will not be hunky-dory, even after the resumption of Nato supplies.

Leaving aside the political bickering, Pakistanis should now contemplate the vicious cycle that is born of such an incident, one of the major

fallouts of increasing isolationism in a globalised world. In a strange twist, external criticisms (such as the Balochistan hearings) can have a more debilitating impact on internal dynamics than brash policies to isolate rogue states.

Consider, for instance, the recipe served up by Stephen Krasner in Foreign Affairs on "how to end Islamabad's defiance" and isolate Pakistan: end US aid, escalate drone strikes, improve ties with India,

impose economic sanctions and carry out occasional cross-border raids to target major terrorists. Interestingly, the US has already tried all these tactics with Pakistan at one time or another. None have led Pakistan to course correction or to review its foreign or security policies, nor have they led to the termination of US-Pakistan bilateral relations. But the threat of such actions being repeated in the future has made the domestic political landscape more fragile, polarised and tense than before.

The more a state feels that is being persecuted or strong-armed, the more stubborn it becomes (take present-day Syria as a case in point). State representatives begin to spend more time railing against external detractors and playing politics than addressing the substance of the criticism.

Indeed, internal issues that make it to the international spotlight become toxic in a domestic context: in a country that is increasingly isolationist, the champions of a particular cause (for

example, the just treatment of the Baloch) become perversely interchangeable with international "oppressors" or "meddlers." Their credibility and patriotism come under question, and public debate begins to focus on their motivations rather than on the problem at hand.

Pakistan has seen several cycles like this in recent years. Most obviously, rather than interrogate how or why Osama bin Laden had sought refuge in Pakistan, the state and its cronies slammed the US for finding him here. Now, rather than acknowledge and address the human rights crisis in Balochistan, our government is howling at Washington for daring to broach the topic. This is the logic of a country headed down the path of isolation.

It need not be this way. A country like Pakistan, which boasts ties across the international ideological spectrum, could leverage external criticisms to balance the policy agenda against domestic political constraints that hamper the right course of action. It could also seek international support, funding and expertise to manage tougher issues. Finally, it could use a proactive response in one context to request international reciprocity in another (we'll clean up our act in Balochistan if you review rights violations in Kashmir, for instance).

But if Pakistan continues to opt for counterproductive responses to international efforts at isolation, it can anticipate a violent situation: the worst human rights abuses, state oppression, censorship and violence will proliferate while internal dissent will become akin to betrayal or treason. Dodging this vicious cycle is yet another reason for Pakistan to opt for engagement over isolationism.

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President's prerogative to mercy

Article 49 must be exercised wisely

IN a very recent instance of exercise of the president's right to pardon, a convicted killer had his life term remitted to ten years. What makes this act absurd is the fact that this very person, Biplob, son of Laxmipur AL leader, who was convicted in another murder case and awarded the death penalty, was given the presidential reprieve in July last year.

One wonders whether one has ever heard of another instance, not only in Bangladesh but anywhere else in the world, where the same person, a convicted killer, has been granted presidential pardon twice in seven months, once to save his life, and then to reduce his sentence.

The manner of exercising presidential prerogative like pardoning several death row prisoners belonging to AL cadre, and giving reprieve to the son of a senior AL member, convicted on charges of corruption and sentenced to 18 years in prison and fined Tk.1.5 crore, without him even surrendering to the court, only betrays the partisan motive behind these actions.

The president has all the right to clemency but he has all the obligations to be just also. While being kind to the killers, as the ministry letter explains, should he have not also considered the grief of the family members of the murder victims, and the much bigger question of justice and rule of law?

We must emphasise that the power of Presidential pardon is a prerogative that should be exercised in the most exceptional circumstances and with utmost prudence so that none can question the intention. Otherwise it would harm both the esteem of the office of the president and the reputation of the person occupying it.

May we ask what the criteria that qualify a convict for presidential pardon are? Surely a person who has been convicted in multiple cases of murder, cannot qualify as a 'good' man, and should automatically forfeit the right to any special consideration. The reprieves have done little for the cause of justice

President Zillur Rahman in his own right has earned the respect of the people of Bangladesh. However, such actions are bound to raise questions about their likely impact on rule of law.

Media's misuse of freedom

PM's comment sweeping

THE Prime Minister's passing comment with reference to the media has drawn our attention. The media, in her opinion, has been misusing the freedom bestowed upon it by her government, often publishing or broadcasting sensational and sometimes inaccurate news.

First, we would like to point out, with all due respect to the PM, that press freedom in our country is not the gift of any government, present or past. Media freedom has been hard-earned by the people of Bangladesh and through the struggles of journalists across the nation, over the decades, and this is obvious in the value of press freedom held in the hearts of the people.

We are the first to admit, however, that errors do occur, but there is a process to remedy them. We publish rejoinders. Even in cases where we stand by our stories, we print the rejoinders provided, along with our replies. Where this is not done, the government or aggrieved party can take the case to the Press Council and, if necessary, to court. The PM, her government or any other person or institution to criticise the mistakes of the media would do well to take up the issue case by case and follow the proper process of having them corrected.

In spite of such incidents, the press overall is doing its job and doing it well and the greatest proof of this lies in the public appreciation that it has gained. In fact, it may be argued that it is the unrelenting voice of the media that has brought to the fore issues such as corruption, deteriorating law and order and encroachment of land and rivers. Unfortunately, it has been the failure of successive governments to take these issues seriously that greater progress has not been made in resolving them.

The media can and should be held to account for its mistakes, but taking a swipe at it -- as has been done time and again -- is uncalled for.

THIS DAY IN HISTORY

February 28

1854
The Republican Party of the United States is organized in Ripon, Wisconsin.

1870
The Bulgarian Exarchate is established by decree of Sultan Abdul-Aziz of the Ottoman Empire.

1953
James D. Watson and Francis Crick announce to friends that they have determined the chemical structure of DNA; the formal announcement takes place on April 25 following publication in April's Nature (pub. April 2).

1972
Sino-American relations: The United States and People's Republic of China sign the Shanghai Communiqué.

1991
The first Gulf War ends.

1998
Kosovo War: Serbian police begin the offensive against the Kosovo Liberation Army in Kosovo.

2005
A suicide bombing at a police recruiting centre in Al Hillah, Iraq kills 127.