

Media gag will serve no purpose

The news is already in public domain

WE are somewhat taken aback at the International Crimes Tribunal's decision to direct Bangladeshi media, both print and electronic to refrain from covering the controversy of the "Skype" conversation between a judge and a lawyer. The feeble excuse that accompanies the directive that it will adversely affect justice is amusing, especially in light of the fact that the piece of news was published in full on the internet over a week ago and which has been distributed over innumerable websites and blogs online, cannot be contained through the gag order.

Precisely what is the purpose of issuing such a directive? Those who have internet access have already read the contents of the conversation in print format and online, and photo copies are also easily available. There is no doubt in the public mind about its genuineness since both the principal actors in the conversation have admitted that they have been communicating. Indeed Justice Nizamul Huq felt obliged to step down, which was the most appropriate thing to do given the public exposure. The issue at hand is whether the public is better served by their knowledge of the incident. We think they are. An informed public is the backbone of democracy. This ban goes against the fundamental "Right of the Public to Know." While the Court states it as a private conversation, we beg to differ on the grounds that the matter of war crimes is of great public import. The government is pledge bound that the tribunal's activities are conducted in the most appropriate manner, so that the country and people earn due international respect. It is to punish the war criminals through a due process of law that we need to adhere to the highest standard of our own laws.

The fundamental issue is that the Chair of the tribunal acted improperly. This improper act would not have come to light had the hacking incident not occurred. Though hacking is not proper behaviour, we think the holding of a proper trial is the issue at hand, and this act has helped in that case. We do not share the view of those who say that because the tribunal head has stepped down, it has called into question the legality of the process itself. The trial of war criminals is in the national interest and has been the government's pledge. It is something we believe should continue but a gag order at this stage will be counterproductive.

Turmoil in Egypt

Morsi should reach out to revolutionaries

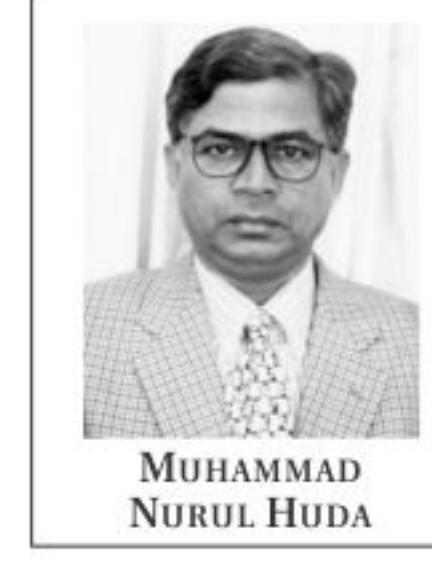
TROUBLE has been brewing for President Morsi for some time now. Ever since he declared his intention to call for a referendum on a new constitution due to be held on December 15, the country has been divided down the middle with Islamists on one side and everyone else on the other. With street battles raging in the country bringing back memories of the anti-Mubarak movement, the army has been called in to protect key government installations including the presidential palace. It is interesting to note that the army chief has called for talks on national unity, especially in the backdrop of an announcement by the International Monetary Fund to delay a crucial loan to the embattled Egyptian economy.

From what has been reported in the international press, it appears that Egypt is on a path of long-term civil unrest. Of course Morsi has made a conciliatory gesture by rescinding the special powers he had arrogated to himself. But then, he has still a long way to go in assuaging his opponents. The fact that hundreds of thousands of ordinary Egyptians have thronged to the streets to protest against what they see as an attempt to re-establish one-party rule under the guise of Islam should be duly noted by those in power. The genie has been let out of the bottle during the anti-Mubarak movement and the force of peoples' power is still fresh in the minds of Egyptians.

President Morsi finds himself between a rock and a hard place. While he may have his reasons to try and bulldoze a new constitution onto his people, dissenting voices will not be silenced so easily. Of the many points of contention, conservative judges have been empowered to restrict "women's rights, freedom of religion, freedom of opinion and the press and the rights of the child." Needless to say, these are sensitive issues but the Muslim brotherhood should well remember that having been given a democratic mandate, the party should try and reach out to those who aspire after secularist liberalism.

STRAIGHT LINE

Brutalisation of politics



MUHAMMAD
NURUL HUDA

Were witnessing difficult and sad times. Manifest dehumanisation of politics does not cause concern. Gory murder in broad public view does not move many. Guardians of public order come up with stock replies that only fuels cynicism in a precariously polarised society. All in all there are reasons to feel worried as living in a democracy is becoming hazardous.

It would appear that the Bangladeshi polity is going to experience more political confrontations in the run-up to the next general election, thus causing severe inconvenience for all segments of the population including the law-enforcers. Political thinkers who are reputed for their time and space-transcending relevance have pointed to the inevitable insecurity and suffering consequent upon political instability. While the fate of the teeming masses of our country may not change due to the confrontationist postures and actions of the mainstream politicians, the game of politics has a rewarding bearing on those who are the players.

The non-delivery by our politicians has meant demonstration of arrogance by incumbents to somehow stay in power, or fearsome manipulation on the part of the opposition to grab power. In such a scenario, the country is kept on tenterhooks and the process carries within itself multi-dimensional enforcement and security implications.

There is no denying that Bangladesh needs to be presided over by a capable, effective ruling group that can tackle aggressive and destructive forces and provide adequate protection to its citizen. Success of a political government is significantly measured by the absence of violence and the presence of confidence of the people in addition to the element of adaptability to new conditions and challenges. In such a background, the scale of our political instability may unfortunately turn out to be the prelude to political decay.

Many factors militate against our quest for a stable political order. The military or civilianised military rule of the not-too-distant past has been a

serious damper and a deficit. A political culture conducive to stability is yet to emerge and unfortunately the facilitating factor of level-headed leadership is in short supply. Consequently, we have to witness a lack of social cohesion and the crippling state incapacity that is rooted in internal threats. Such deficits pose serious threat to the core values of our independence and sovereignty.

It is pertinent to note that the state organs are largely the objects of people's wrath, rightly or wrongly. The state apparatus left behind by the British, standing above and insulated from society, with the police as one of

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its primary agencies always attracted the nationalist leaders. However, there were very little efforts to modify the British Indian State.

Our leaders while legitimising the institutions of the parliament, cabinet and the political party, preferred working through the pre-existing bureaucratic structure. They perhaps thought that the rational-legal bureaucracy created and left behind the British had its utility in the "state building" they were undertaking.

Consequently, the state became the centre of political energies and the bureaucracy became the guardian of the society's collective interests.

Administrative change became difficult under such a scenario. This has been the sub-continental experience.

Violence caused by political activities or apprehensions of the same would naturally call for a political response from the state authorities rather than a police response. The

latter may be necessary but is seldom satisfactorily adequate. In our situation, it needs to be known that large-scale institutional malfunctioning has resulted in politics acquiring an appetite for all spaces, both public and private.

In our situation all violence becomes political, in a sense. Ironically, in such a situation the state relies largely on the police machinery for information pertaining to protest and violence, as well as for the analysis and interpretation of the phenomenon of public disorder in terms of their nature, causes and solutions. The continuation of the colonial practice of relying on

ous policy discussion of the phenomena of violence.

While security of the state is important, it runs the risk of exceeding the limits of legitimacy and indulging in unacceptable levels of violence. The state thus may turn into a provider and predator of security, a dimension which must be examined in any optimal notion of security.

In the sub-continent police coercion became a vital instrument of state policy by mid-1930s. The political parties in our situation exercise influence over the deployment of police during demonstrations, strikes and elections. Political turbulence brings



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police on such a crucial matter and also in determining state response has been less than salutary.

Terms such as "law and order," "public order," or "security of state" are often used in our situation to deploy state violence with impunity. The police tend to make indiscriminate use of the provisions of Section 144 of the Criminal Procedure Code to disperse "unlawful assemblies." Effective guidelines are not provided in law for the use of force to deal with such assemblies. The general specification is that minimum force shall be used. Such use of force has often led to the loss of life and liberty.

The relationship between political violence and power has to be noted. Often the law itself becomes violent on account of severity of application backed by official sanction. The rule of law thus can lead to the deployment of violence for purposes of governance. Therefore, there is a necessity of ser-

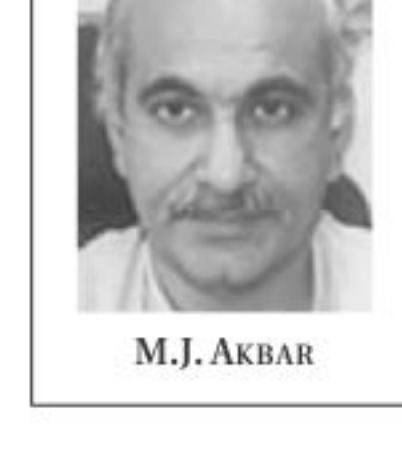
out in full virulence the repressive role of the inherited police system. It is time for both the public and police to break out of an increasingly norm-free, unpredictable and unjust environment. The professional imposition of a coherent moral consensus on the society is the answer.

Bangladeshi society remaining afflicted with divisive tendencies is unable to come up with a consensus on major national issues. Most political discourses and deliberations, unfortunately, are not characterised by logic but by politicised emotion, and the principal differences have given rise to the tragic social divide. Social cohesion would be impossible in these conditions. Enforcement becomes a nightmare in such an atmosphere of opposing push and pulls. Sheer good luck and sudden good sense may prevent us from plunging into anarchy.

The writer is a columnist for *The Daily Star*.

BYLINE

Enter, the foreign middleman



M.J. AKBAR

KAPIL Sibal plays many roles, some of them quite well. But he is inimitable when he turns caustic. Sarcasm descended from

his heavy eyebrows with the full force of a waterfall when he taunted the Indian middleman during his advocacy for foreign retailers in the Lok Sabha debate on FDI. Shakespeare was never so bitter about Shylock as Sibal was about the "bichauli."

That left one a trifle perplexed. What else is Walmart other than a middleman? Capital resources and management skills have added a dimension: it is both middleman and salesman. Does this make Walmart a compassionate, caring company that should win a Nobel Prize for shopkeeping? Unlikely. Last week the *New York Times* -- not a Marxist newspaper -- reported how American onion farmers had been squeezed into despair by Walmart, which was selling their product at nine times the purchase price. (Onions have a devastating electoral history in India.) This week we discover that Walmart was among those responsible

for the devastating fire at Bangladesh's Tazreen Fashions factory in which 112 were killed a fortnight ago. According to minutes of company meetings, Walmart's director of ethical sourcing, Sridevi Kalavakolanu, insisted that a low cost of shirts was preferable to the higher

cost of workers' safety. Neither patriotism nor altruism is an asset on Walmart's balance sheet.

Top this up with the news that Walmart is under investigation in America, but not in India, for bribing Indian officials. So the debate is not really about the morality of middlemen. Nor is it about the presence of international retailers in India. They are already here, but as partners of Indians. What they wanted, and have now got, is the right to run their companies as they wish, without the implicit fetters of alliance.

This is not about economic reforms either. FDI policy was announced as part of a package, including permission for foreign investment in civil aviation and sections of media. Even the Left did not object. There was a time in the post-reforms era when Tata had to abandon a proposed domestic airline because it wanted Singapore Airlines as a partner. Our skies were considered sacrosanct. But things have moved on, as they have in so many other sectors.

It is not opposition for opposition's sake, or Congress' partners Mulayam Singh Yadav, DMK and NCP would not have either protested or introduced

variations -- NCP wants this boon anywhere but in Maharashtra. It is certainly not about communalism; if Mayawati thinks BJP is contagious she could have rallied behind Marxists. Mayawati should check with Justice Rajinder Sachar, author of the last major study on the economic plight of Indian Muslims. His commission concluded, as he repeated in a conversation with this columnist, that UP Muslims would be especially vulnerable to FDI in retail, because of multinational sourcing and selling practices. Retail is a multi-faceted industry

critical of FDI because they felt the need for some -- the stress is on some -- protectionism within the farm-retail chain. The new will replace the old; that is a law of time. But sensible nations fashion change through evolution, in phases, not sudden dislocation and displacement. Trust me: the labourer who pushes a sweat-soaked vegetable handcart in the summer of Delhi or Mumbai would much prefer to work in air-conditioned halls. He perspires for very modest returns only because it is better than nothing. He needs a place in another food chain before he is summarily evicted from his present one.

FDI is not about wages or wastage or farmers or prices. Multinationals are not committed to their host countries; they work for their shareholders, and do not hide this fact. It is simply that our government has decided to trust the foreign middleman more than the Indian one.

In 1973, Indira Gandhi was under pressure from inflation and popular anger. She was advised by the Left to recover lost political ground by nationalising the wheat trade. The Left was fashionable then. Nationalisation used to win votes, as it did for Mrs. Gandhi in 1971. Mrs. Gandhi said no. She understood the possible damage at village level and stopped. When the Left stepped into excess, she applied the brakes. The Right has is on a rampage now.

The writer is Editor of *The Sunday Guardian*, published from Delhi, India on Sunday, published from London and Editorial Director, *India Today* and *Headlines Today*.

THIS DAY IN HISTORY

December 15

1960

King Mahendra of Nepal suspends the country's constitution, dissolves parliament, dismisses the cabinet, and imposes direct rule.

1961

In Jerusalem, Adolph Eichmann is sentenced to death after being found guilty of 15 criminal charges, including charges of crimes against humanity, crimes against the Jewish people and membership of an outlawed organization.

1978

U.S. President Jimmy Carter announces that the United States will recognize the People's Republic of China and cut off all relations with Taiwan.

1997

The Treaty of Bangkok is signed allowing the transformation of Southeast Asia into a Nuclear-Weapon-Free Zone.