

# PM shows her hand, now what?



PLEASURE IS  
ALL MINE

THE curtain has been drawn on the ninth parliament with a ring of finality, if not quite a swan song. The prime minister is to continue in office heading the interim government till the general election and power transition. The parliament was pro-rogued, and not dissolved. The bubble has not burst yet. But the PM sounded a valedictory note saying that except in case of calamity or war, as it goes with a constitutional cliché, the 9th JS is history.

In this dramatic context, however, the opposition's two principal demands stand rejected: One, it would seem to foreclose the option for any constitutional amendment that might have been considered to accommodate the opposition's formula for a nonpartisan head of the caretaker arrangement, if it came to that. Two, the very continuity of the prime minister in office negates the concept of induction of any nonpartisan head of government to see the election through.

The ruling party's maneuverings include two elements, both unprecedented and a constitutional fiction: First, it has inducted some Jatiya Party elements feigning a breakaway from the JP banner but significantly leaving Ershad's party to contest for as many seats as possible. The idea is to encourage formation of a loyal opposition and latch on to it to strengthen claim to legitimacy in the likely event that the BNP boycotted election. Indirectly, it is a pressure on the BNP which it couldn't buy into considering it as a trap. And in the event Ershad's party benefits from the anti-incumbency honeycomb by default, the AL's calculations run a risk of being crossed.

Secondly, consistent with the AL's invitation to the opposition to join the interim government, 'slots' have been kept in the reshuffled cabinet for the BNP (including home), the last-named by perhaps a slip of tongue.

But on the back of the opposition's concilia-



alliance and what can still be done by the AL in their best interests that can cohere with national interest? Before making a determination, the parties need to take into account two sets of circumstances that made all the difference between victory and defeat at the polls. First, a victor emerged riding on the crest of a successful popular movement; and secondly, this happened floating on a wave of sympathy for being an underdog, persecuted party with a victim-hood image.

You need to refresh your memory of 1991, 1996, 2001 and 2008 elections to realise the validity of the argument. In 1991, even though the AL was a much publicised favourite over the BNP, the latter clinched victory. The tripod of a platform of AL, BNP and the Left toppled

Ershad's autocracy, riding the wave of a popular upsurge. But arguably, the AL's participating in the election held by Ershad in 1986 had cast a shadow on the party's prospect in the 1991 election. People's memory is not always too short.

In 1996, in the face of rigged Magura polls, a popular movement was ramped up for a non-party caretaker government by the AL-led alliance and Jamaat. The then ruling BNP conceded the caretaker system on the heels of a farcical election. Through an incongruous discord between the means and end was produced a non-party caretaker system. The BNP's all-round debacle had all the odds stacked against it and the party lost to the Awami League. In 2001, anti-incumbency wave against Awami League brought BNP, then an underdog, to power. In

2008, BNP's tainted track-record laced with strident anti-government movement by Awami League scripted the latter's overwhelming mandate.

The option the BNP feels it is left with is to go for harder line in case the approach to the president draws a blank. But the BNP's misplaced ultimatums and serialised *hartals* had laid bare two tested weaknesses of the party. On the one hand, repression on the party regardless, it could neither ratchet up an underdog image nor a popular movement. On the other, its *hartal* calls caused unprecedented violence, making it unpopular. While people supported its call for level playing field they detested the *hartals* from the core of their heart to achieve it.

Two menacing features of *hartals* cannot be lost on the BNP itself -- the use of children, particularly by rabid Islamists. This has the ring of Salafis in Somalia from which a child defector admitted to being lured with a promise of going to Heaven, if he responded to their call. Although it has not come to that yet in Bangladesh, we need to take guard against any such eventuality. The other prospect we need to take into account and brace for is blasting of so many cocktails during last series of *hartals* in Dhaka, reminiscent of Kolkata of Naxalite days.

BNP can gain immensely from discarding the *hartal* option and presenting an image that can draw positive sympathy.

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## Bangladesh in turmoil

ALI RIAZ

**B**ANGLADESHI politics is once again at the crossroads. The immediate reason for the current political impasse can be traced back to the 15th Amendment to the constitution. The amendment, which was passed in June 2011, removed the caretaker government (CTG) provision that had ensured three fair elections since 1996.

The ruling party provided two justifications for its decision to abolish the CTG system. First, the verdict of the Supreme Court that the CTG system is 'unconstitutional,' and second that the immediate past CTG overstayed and pursued a political agenda. While the government's argument that the 2007-2008 CTG overreached its mandate is well-founded, the argument that it was compelled to abolish it because of the Supreme Court verdict is flawed. The summary of the verdict suggested holding two further elections under the system, and the full text showed that the court was concerned that instability might result if the CTG system was abruptly terminated. The fourteen month delay by the court in providing the full verdict and the reversal of a parliamentary committee's decision by the PM both played a part in creating the current situation. However, public opinion polls since the removal of the system show overwhelming support for a neutral caretaker government during elections.

The upcoming election is important at both domestic and regional levels with significance for US-Bangladesh relationship. Despite transitioning from military rule in 1991, Bangladesh has failed to produce a stable and substantive democratic system; but four inclusive elections have precluded a complete reversal. In the past five years, Bangladeshi society has become highly polarised. In recent decades, state power has been used to persecute

the opposition. All parties are afraid that this time it will be harsher as authoritarian tendencies have been institutionalised. An election without the participation of all parties will increase the likelihood of violence and instability, and pave the way for a reversal. Political instability has always affected the security of religious and ethnic minorities. The indications are already evident.

Understandably security concerns play a key role in the policies of Bangladesh's neighbours, particularly India. The rise of militancy, the presence of some regional militant groups and the use of Bangladesh as a sanctuary by Indian insurgents in the past has caused Indian policy-makers some concerns. The relationship has improved in the past few years. But unfortunately, the Indian government has not reciprocated Bangladeshi goodwill in equal measure. While Bangladeshi political parties must show maturity in dealing with the big neighbour, Indian policy makers should be cognizant of the long term implications of their policies. Political instability in Bangladesh may jeopardise future relations.

The US-Bangladesh relationship has flourished in the past decade, as reflected in the two rounds of US-Bangladesh Partnership dialogue, two rounds of Bilateral Defense Dialogue and Military Planning Talks and Bangladesh's agreement to sign TICFA. Bangladesh is a major partner in US global counter-terrorism efforts. But both countries have some reservations about steps taken by the other state; the cancellation of the GSP by the US on the one hand and the Bangladesh government's steps regarding the Grameen Bank on the other have created some strains. With the increasing importance of Asia and the Indian Ocean in the global economy and politics, Bangladesh's geo-political importance has grown.

One of the key current issues of Bangladeshi politics is the International Crimes Tribunal

(ICT). Trying the war criminals was an election promise of the AL. Despite some reservations about the trial process, opinion polls have shown that the majority of Bangladeshi citizens support the work of the ICT. Whether it plays a role in the upcoming election or not, the trial of those who perpetrated crimes against humanity in 1971 should continue. This was long overdue. Without dealing with this painful past and delivering justice, the nation won't be able to move forward.



As of today, there are three possible scenarios in regard to the election:

1) A routine election participated by all parties. However, given the uncompromising positions of the ruling and opposition parties, it is an unlikely scenario. Accommodation of some of the demands of the opposition, perhaps a cabinet not headed by the incumbent PM during the election, is a way out within the current constitutional proviso. The opposition should also be ready to make compromises.

2) An election boycotted by the opposition. This scenario is akin to February 1996, when the BNP unilaterally arranged a sham election. Despite apparent similarities between 1996 and 2013, the situation on the ground is different this time around; a few allies of the ruling party will join the election. The legitimacy of such an election is an open question. Such elections do not produce a durable parliament nor bring political stability.

3) The deferral of the election. It can be done either within the purview of the current constitution or through extra-constitutional steps to be ratified post-facto by the next parliament. Article 123 (3) (b) stipulates that elections will be held within 90 days after the dissolution of parliament. This window of time can be used to formulate a solution through mediation between the political parties.

Since the CTG issue was never placed before the public for approval; one way out could be a referendum on the issue during the extended period. A general election can follow based on the results of the referendum.

While Bangladeshi political leaders must act responsibly to avoid a political meltdown and impending chaos, it is clearly in the interests of the international community to act.

I recommend that the United States and the international community take the following steps:

1) Instead of focusing on elections every five years as tension escalates, the US should emphasise on the quality of democracy. Concrete action steps should be laid out to be followed by the political parties. For adherence to each step the country should be rewarded with benefits that help the entire population or the most productive sectors of the country, for example restoring the GSP, easing tariff barriers for Bangladeshi products, etc.

2) Building institutions for sustainable and

quality democracy such as a strong Election Commission should be the key focus of the international community, and commitment for long term engagements is necessary.

3) The United States should make clear statements in regard to the post-election tolerance, including safeguarding the weaker sections of society, e.g., religious minorities, and the results of fall-out.

4) Encourage all parties to agree on containing religious extremism.

5) The international community should neither franchise its responsibilities to regional powers, nor should the regional powers be excluded from this international effort. In particular, India's valid security concerns must be addressed. Institutional structures should be created to ensure that domestic political environment in Bangladesh does not threaten its neighbour or regional security.

The US can take a leading role in bringing the international community together and involve the United Nations to prevent further escalation of the volatile situation.

The present political crisis in Bangladesh can be turned into an opportunity to build a stable democratic prosperous country. Economic and social achievements of recent decades show that the citizens are capable of taking steps in the right direction. It is time for the Bangladeshi political leaders to take the right decisions -- to hold an inclusive election, agree on post-election tolerant behaviour, rein in extremism, commit to address the issues of war crimes judiciously, and commit to regional peace. It is time for the international community to help them in this regard.

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## Overtrump by Hasina

SHAKHAWAT LITON

**W**HEN the parliament is dissolved either on ground of expiry of its tenure or for other reasons, the outgoing cabinet led by the prime minister faces legitimacy crisis. So, the premier does not want to continue in office. In such a situation, the head of state asks the prime minister and her cabinet members to continue functioning until the new prime minister takes office through the general election. During the period, the outgoing cabinet turns into an election-time interim government. It does not make any policy decision, and just carries out routine works.

This is the convention countries practicing the Westminster system of parliamentary government follow during the general election. The convention is simple and clear. There is no confusion and doubt about it.

Prime Minister Sheikh Hasina seems to have opted for introducing this convention in Bangladesh. The statements she made in parliament on Wednesday say so. She said she would head the polls-time interim government as the president had assented to continuation of her cabinet until the next general election takes place. She said she formed the small cabinet on the advice of the president.

Her remarks are really surprising. How could she make them? No such situation prevails that she has to follow the above mentioned conven-

tion. Her government faces no legitimacy crisis. The parliament still exists and its tenure will expire on January 25. So, her government can continue as a regular government until January 24, 2014 without facing any legal question on its existence. And there is no legal bar on her government to continue functioning in full swing.

But suddenly she disclosed that the president has consented that her government could continue during the election. This is really ridiculous in the eyes of the law. And it is also interesting to notice that our all-powerful prime minister is suddenly depending on the president. The president's consent appears to be essential for her government to continue. The president, considered as a titular head, has little to do without advice of the prime minister. Then the crucial question is why did the prime minister make such a claim? This is her politics. She made the claim a day after opposition leader Khaleda Zia met President Abdul Hamid at Bangabhaban and requested him to take steps towards bringing about a consensus between the ruling and the opposition parties for holding a free, fair and participatory election under a non-party government.

The BNP-led alliance leaders led by Khaleda made a strong appeal to the president at the meeting: 'We have come to you since you are the guardian of the state. It is our earnest request that you ask the government to shun the path of conflict and create an atmosphere conducive to

holding dialogue. We are aware of your (president) constitutional limitations and powers .... But the people of the state have to play a role under certain circumstances. We think such a situation has arisen today in our national life. The people hope you will play such a role at this critical juncture.'

Whatever the president said about his limitations, he cannot deny that the office of the president has something to do in such a situation to save the country from plunging into political turmoil. People also expect the president to break the political deadlock. Being the guardian of the state, he cannot remain silent and cite the limitation of his powers. So, by making the appeal to the president, Khaleda has demonstrated matured politics. She played a trump card to gain some points. If the president takes any steps to resolve the political crisis, it may favour the opposition alliance. If the president does not take any step, the opposition will also try to cash in their favour.

But Hasina, also the chief of ruling Awami League, has suddenly played an overtrump card to upset her archrival Khaleda's game plan. By claiming that the president had consented that her government could continue to function during the election has effectively made it difficult for the president to take any step to resolve the political crisis. The president can in no way refute the prime minister's claim. So, how can the president speak in favour of any move which

is against the 'election-time government' led by Hasina? It will not be possible for him.

By making that claim, Hasina might have tried to further consolidate her government's position to the people. She and her colleagues in the cabinet and party may launch a campaign in coming days to defend their position by citing the premier's claim. By doing so, Hasina has made the president partisan. Her claim may add fresh fuel to ongoing controversy over the process of the formation of the election-time government.

A constitutional debate has been raised over the ministers' resignations to pave the way for Hasina to form the polls-time government. All the ministers and state ministers completed handing in their resignations on November 11. The government's announcement that the PM will decide on the ministers' resignations has sparked the controversy, as the constitution leaves no room for the premier to do anything about a minister's resignation once it is submitted.

All the signs suggest that her election-time government will continue functioning with some of those ministers who have resigned. Their activities will also remain in question in the eyes of law. And, with the latest move, she has made the president a part of her election-time government. Will she finally be able to win the game?

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## Oh Pangea!

HUMOROUSLY YOURS



NAVEED MAHBUB

THE immigration officer at London Heathrow Airport sits within his glass enclosure like the Pope in the popemobile. Minus the smile.

"Why are you here?" He is expressionless. "Because you were there." I reply ... on the inside. On the outside, I'm all subservient, squeamish and squirming to the point of convincing myself that I must surely be a common criminal. My response is a medley of meek words (including some Bangla), devoid of order, prepositions, conjunctions and articles, but full of adjectives praising the Union Jack. In fact, any Bangladeshi in earshot would claim that my weekly columns on the Daily Star are plagiarised.

Were the early employees of East India Company subject to such intense verbal water boarding at Indian ports, let alone have valid Indian visas? Their great, great, great grandkids can still show up at Dhaka Airport and pay \$50 (the price of a candy when adjusted to the 1757 dollar) for a visa on arrival. Reciprocity? Yes, if you consider bond for bondage. Luckily the proposition for a bond to get a UK visa has been revoked, owing to the mega bond covering the whole population of the Indian Sub-Continent -- the Kohinoor.

But diligence is understandable -- to keep 'illegals' out. That's a formidable task that even America has been trying to solve, unsuccessfully, since 1492. At least the UK is candid, claiming that immigration puts a strain on its system. We empathise -- having learnt right from after the Plassey Battle.

To control the human arbitrage, safeguards have been put in place. It all starts at the consulate, where, by the way, we are at our finest when it comes to behaviour -- even our voices barely go above a

romantic whisper. Strict questions are to be answered there as well as at the port of entry, designed to weed out the undesirables. History would have been different if Christopher Columbus was subject to the same rigour:

"What is the purpose of your visit?" "Are you bringing with you any fruits, plants, animals, disease agents, snails?"

Things still remained easy for quite some time (unless brought in from Africa in the holds of ships) till Ellis Island went into retirement. And lo and behold, Bin Laden just messed it up for all.

Yet, there are some who navigate the maze and not only make it to the promised lands, but are protected from being extradited when their native lands beckon. Now, how did they answer the visa form questions:

"Have you ever participated in, ordered, or engaged in genocide, torture, or extrajudicial killings?"

If the answer was a truthful 'YES,' then the visa form adds:

"While a YES answer does not automatically signify ineligibility for a visa, if you answered YES you may be required to personally appear before a consular officer."

Wonder how that appearance before the consular officer was...

If the answer was a 'NO':

"I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry."

Hmmm, I wonder if the consular officer ever made it to becoming the Head of Mission for not quite doing his homework. This begs the question, does this tantamount to harbouring terrorists and criminals? Does this justify a drone attack? It's all so confusing. Oh, Pangea (not the drilling company), how I miss thee! It would be so simple if John Lennon's words were a reality. "Imagine there're no countries." Oh well, they remain as just a song, and BSF retains its job security.

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