

## Peaceful transition of power in SL

*A triumph of democracy*

SRI Lankans have elected Maithripala Sirisena as the new Executive President of Sri Lanka, in a free, fair and peaceful election with a high voter turnout rate. The defeat of once entrenched and invincible incumbent President Mahinda Rajapakse, and his submission to the people's will show that democracy has prevailed in Sri Lanka.

Rajapakse, flagged for his oppressive policies against the Tamil community, and for his authoritarian stance, especially for his suppression of the opposition and curtailment of media freedom, was seeking a third term in office after he changed the constitution to scrap the two-term limit. He had called the presidential elections two years early banking on a comfortable victory against a fractured opposition.

Despite his prior record of authoritarianism and corruption, that he allowed the election and transfer of power to take place peacefully goes to his credit. This, in essence, is what democracy is all about. The vindication of popular will, in spite of daunting odds, and working of electoral institutions are a good augury for the whole region.

Though Rajapakse has gracefully left the arena, the allegations of wartime rights abuses brought against him may stalk him and only time can tell whether he will answer for them.

The new president of a country once fraught with ethnic rift faces the formidable task of building bridges, both among communities in Sri Lanka and with the world at large. We welcome Maithripala Sirisena on his assumption of office and hope that he introduces progressive policies and reinvigorates regional cooperation, in which Bangladesh is a co-traveller.

## Investors' confidence

*Dwindling in the face of blockade*

THE open-ended agitation programme launched by the opposition that has descended into arson and worse is sure to "negatively affect foreign investor confidence, raising risks to growth over the long term" so stated Fitch Ratings, the Singapore-based US rating agency lately. In its findings, the agency pointed out that the continued violence could have long-term negative impact on the country's principal foreign exchange earning garments sector. The blockade of Dhaka has sent the cost of transporting readymade apparels to the port city shooting up dramatically. It has become clear that the politics of violence being perpetuated as the situation continues to drag on has started affecting both production and distribution nationwide. The RMG sector which contributes 81 per cent of total exports is taking a beating. Despite armed escorts being given to convoys, the measure is simply not enough and thousands of unprotected trucks and vans are plying highways with a gnawing sense of insecurity.

The short term effects are plain to see. The danger lies in portraying Bangladesh as an unsafe place to do business in. Policymakers have been trying to project the country as an ideal destination for future Asian investment. The painstaking work done thus far is at risk of being undone should the present situation be allowed to persist over the course of months. Foreign companies will be uneasy to relocate their production capacity to Bangladesh despite being offered cheaper wage rates and other favourable factors. Political stability remains a prime prerequisite in any foreign investment decision-making and we are not doing a very good job at addressing this.

## Syed Mahub Murshed: Remembering a legend

BARRISTER TAMIJUDDIN

JUSTICE Murshed through out his life remained the champion of the body politic. Justice Abu Sayed Chowdhury wrote about him stating that "Justice Murshed in his judgments reached correct decisions indicating the boldness of his mind. He gained fame for his wisdom and intelligence, as well as deep respect of the public as he was fearless. It was Justice Murshed, the man, who had for many years, with courage dauntlessly upheld the rule of law and had administered justice without fear or favor, despite severe pressure."

During the Bengal famine in 1943 and later during the communal riots of 1946, Murshed worked actively with the Anjuman Mafidul Islam. Again during the communal violence in 1947 that shook the subcontinent, he was one of those who had initiated the process of settling issues peacefully which culminated in the Nehru-Liaquat pact. He was drawn into the vortex of the language movement in the early fifties.

In the later part of 1954, he was elevated to the bench of the Dhaka High Court. As a judge Syed Mahub Murshed remained committed to his lifelong ideals of liberty, justice and excellence. His judicial pronouncements, delivered while sitting in the bench of the Dhaka High Court and Supreme Court of Pakistan briefly as an ad-hoc judge plus as Chief Justice reflected his ideals. Some of his judgments created constitutional history and won for him, international acclaim.

In addition to his judicial work he also championed Bengali cultural freedom, particularly, during the oppressive Ayub regime. In 1961, he organised the Tagore centennial celebrations. Further, Justice Murshed's important role in the mass upsurge of 1969 and his refusal to collaborate with the Pakistani military regime in 1971, during our liberation struggle will be hailed by the history.

Another significant contribution by Chief Justice Murshed was that he gave the final vernish to the drafting of the six points. It was Justice Murshed as a practicing lawyer in early 1954, who was among those who drafted the 21 point manifesto of the Jukta-Front government.

During the round-conference in 1969 and when Ayub was virtually surrendering to the opposition and additionally, with the dissolution of the one unit in West Pakistan, Justice Murshed demanded one man one vote. Prior to this new demand, there was parity of 150 seats each for East and West Pakistan in the then Pakistan National Assembly. However, it was when Justice Murshed's proposal was accepted, the one man one vote concept resulted in 169 seats for East Pakistan out of 300. In other words, it was Justice Murshed who paved the way as to whoever would be the majority in the East Pakistan, they would obviously form the National government.

In conclusion to quote Dr Mizanur Rahman Shelly, Murshed was the man in his life span who was endeavoring in "building bridges between the past, present and future."

The writer is a practicing lawyer with chambers at London and a researcher on late Justice Murshed.

# Is Bangladesh again in a cul de sac?

SUNDAY POUCH



ASHFAQUR RAHMAN

THE awful thing about Bangladesh politics is that the political leaders never learn from history. In 2013, after a year of political disturbances when innocent people were killed, burnt and looted, everything came to a sudden halt on January 5, 2014. This was when the ruling Awami League (AL) held a one-sided election. The opposition Bangladesh Nationalist Party (BNP), who had boycotted the polls, left the

fray without any representation in the national parliament. Exhausted and checkmated it went into a political hiatus. In the first anniversary of the one-sided polls this year, the BNP began the next round of agitation to obtain what it failed to get in the first round -- a truly representative parliament. The AL shot back by taking steps to again checkmate the BNP. The result is that, in a span of a week this year, we see history repeating itself.

This time the AL is using vicious tactics to deny BNP any traction through its agitations. It locked the BNP leader Khaleda Zia in her Gulshan party office by placing sand loaded trucks and padlocking the main gate. It announced that it was only protecting the life of the BNP leader as her party, through a letter a few days earlier, had said that her life was threatened. It was pure 'monkey business' by the ruling party. In retaliation, Khaleda Zia called her supporters to come out on the streets and voice their outrage. But the AL clamped down on all gatherings throughout the country. This was a clear breach of democratic practice. The government had started playing ducks and drakes with the weak BNP. Soon, the fundamentalist Jamaat party, which is in alliance with BNP and was already seething with anger because many of its leaders were incarcerated and convicted of 1971 war crimes, joined the agitation. The BNP leader, when denied the right to go out on the street and address a rally herself, called a general blockade (*aborodh*) of towns and cities including the capital. This time the police under political direction came out to arrest, beat up and put on trial all BNP agitators. What a difference a week has made to the peaceful life of people throughout the country.

The AL, during the respite in political agitation in 2014, geared up economic activities in the country. Its leadership, including the prime minister, promoted economic and social growth with fanfare. The people at large took steps to resonate with the government's desire. Things started to look up and it was felt that good sense had returned to the political leadership. But this does not seem to be so now. Can Bangladesh afford this as it is heading

towards becoming a middle income country by 2021 -- when the country celebrates 50 years of its independence?

Fitch, an international financial rating agency, released a statement on January 9 stating that "renewed political tensions and violence in Bangladesh may negatively affect foreign investor confidence, raising risks to growth over the long term. If violence were to persist and directly disrupt economic activity, especially by inflicting long term harm to the key readymade garment (RMG) sector, this would be credit negative." Reports of violence show that if political tensions remain high it may damage foreign investor perception regarding Bangladesh's stability. "Economic activity," the statement continued, "could directly be affected in the short term if the violence and blockade continues. Protracted protests could also negatively affect domestic demand, consumer confidence, credit growth and by extension fiscal revenues, while also fuelling inflation."

This warning note by Fitch should be taken seriously by all political parties. If the BNP thinks that it will achieve through violence what it cannot get politically it is sadly mistaken. The BNP leadership and supporters have many business persons in their cadres. Depriving economic oxygen to its own supporters would prove suicidal. Already, the BNP has been out of power for seven years. It is starved of finance. It is not able to field agitators on the streets because of paucity of funds which come from its rich supporters. This is not good news for the political leadership of BNP.

The AL claim of legitimacy in running the government is being increasingly questioned by the people because of the election a year ago. In that context, the AL's assertion of economic competence is also beginning to sound irrelevant. But no one can deny that the government has a strong grip on several levers of power, including the security apparatus. It has, therefore, decided that it is not interested for the moment to come to any political compromise with the BNP. It has repeatedly said that the AL can remain in power for another 4 years till 2019 when the next election is due. To many, this is wishful thinking. If the government does not come out of this political cul-de-sac there is little doubt that it can run through this fresh bout of violence smoothly.

Both our leaders, who have alternatively run the country a few times now, must think why and how they should compromise politically. Indeed, there is one strong reason why they are unlikely to come to terms. Both have their next generation waiting abroad to return and take the helm of government if possible. The two leaders are carrying on their feud, each hoping that a new dawn will blossom for her. But they forget that the people are also waiting. They may have other plans.

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## SRI LANKA'S PRESIDENTIAL ELECTION

# Democracy wins

SMRITI S. PATTANAIK

THE January 8 presidential election in Sri Lanka is significant on many counts. First, it voted out one of the most powerful presidents of recent times and signified that demagogues who cannot deliver on common people's grievances to ease hardship and fail to provide subsistence level of living would not have a place in democracy. Second, this election also brought all the ethnic groups together where Muslims, Tamils and also Sinhala Buddhists voted for the common opposition candidate, therefore representing broadest representation in a multiethnic, multireligious and pluralistic country. Third, it demonstrated that, given the political will, the opposition parties cutting across party lines can put up a combined front to support a 'defector' from the ruling party for larger political goal. Fourth this election also revealed that the state institutions which were rendered powerless through the 17th Amendment to the constitution -- for example, the Election Commission appointed by the Rajapakse regime -- can conduct a free and fair election and deliver on popular aspiration for a free and fair election. Finally, the manner in which Rajapakse accepted the verdict and paved the way for political transition also reflected the peaceful transfer of power and respect of people's verdict without casting any aspersion on the election result.

Till October, the opposition political parties and the civil society were grappling with the issue of a common opposition candidate who could give a good fight to Mahinda Rajapakse and ensure that winning the election was not a cakewalk for him as he had anticipated when he announced the election two years before he finished his term. The other major issue was that the opposition and civil society group wanted a candidate who, if elected, would abolish executive presidency "with unlimited power." In other words, after the election the incumbent president should reduce the power that he enjoys under the current constitution.

Many in Sri Lanka felt that much of the political and economic malaises that the country faced were due to too much concentration of power in the hand of one person without any institutional checks and balances. The defection in November of Maithripala Sirisena, who was the health minister in Rajapakse's ruling United Peoples Freedom Alliance (UPFA), and his acceptance to deliver on this promise, ended the opposition dilemma on the common candidate.

The election was free and fair and the large voters' turnout of 72% skewed the political gambit of Rajapakse in favour of the opposition. The TNA, which announced its support formally to Sirisena, also did not want any explicit pre-election promise, thereby playing down the ethnic dimension which could have divided the voters in the South. Since the end of war, the previous regime had gambled on extreme ethnic polarisation by raising the fear of reemergence of the feared LTTE and saying that regional autonomy and concession to the Tamils would lead to succession. Surveillance and intimidation of the Tamils, excessive presence of the security forces and the attempt by Colombo to politically undermine the position of the Chief Minister of Northern Province Mr. Wigneswaran had completely disillusioned the

Tamils in the North. He had handed to Mr. Thondamanthe the affairs of plantation Tamils -- also known as Indian Tamils in popular parlance -- which did not endear him to this community. His tacit support to Bodu Bala Sena in systematically attacking Muslims and their business interests had distanced the community who feared for their own security.

The Sinhala south was also not happy with the autocracy, corruption, nepotism that he and his family were blatantly engaged in. The disappearance of media personnel and critics of the regime, and undermining of judiciary and other independent institutional mechanisms had distanced him from the larger civil society that saw him as an affront to their civil rights and liberty. While there will be many issues that Sirisena needs to focus on, the immediate issue will be to abolish Executive Presidency.

The change in the regime in Sri Lanka would have several regional and international implications. The most immediate would be to reset its ties with the Western countries, especially in the context of international investigation into the last phase of the war, which is being investigated by a Commission appointed by the United Nations Human Rights Commission (UNHRC). The government would like to limit the domestic repercussion by assuring that it would look into the matter in a more dispassionate manner. The real test would be when the UNHRC meets



Geneva in March. Sri Lanka's ties with India are likely to be reset. The excessive playing of 'China card' to deter India not to persuade it to politically settle the Tamil problem was a major concern for New Delhi. New Delhi would like to see the Comprehensive Economic Partnership Agreement, negotiated between 2001 and 2009, taken to its logical conclusion. It remains to be seen how Sri Lanka balances the geo-strategic imperatives of India and China while weighing its impact on its domestic constituency and likely regional implications. China has welcomed the new president; it is closely watching whether the likely shift in foreign policy will affect Beijing's long term strategy in the region.

Some of these instances of peaceful transition are politically instructive to Bangladesh where the opposition and the ruling party are locked in an un-winnable political position over the election-time institutional framework that will oversee election. The Sri Lankan experience also demonstrates how concentration of power and undermining of state institutions do not work towards the advantage of the ruling party. The most important issue would be whether the Election Commission can conduct free and fair election even under a powerful political authority.

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## LETTERS TO THE EDITOR

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### BRTC buses safest

Despite the fact that on average 10 people are killed everyday in road accidents, mostly by privately owned buses plying on city roads and highways, accidents caused by BRTC buses are very few indeed. It may be due to the rigorous training the drivers go through at the BRTC Training Institute at



PHOTO: STAR

Joydebpur, Gazipur. Thus the reason for BRTC buses being the safest on road. On the contrary, drivers of privately owned buses are reckless and care little about the safety of their passengers and other vehicles on the road. Attempts by the government to bring these reckless drivers to book have failed. I feel that if the government makes it mandatory for private bus owners to establish their own training centre for their drivers, and as well make the owners of bus accountable for accidents, the rate of accidents may come down.

Meanwhile, congratulations to BRTC for maintaining good road safety record. We need more BRTC buses on the city roads.

Ziauddin Ahmed  
 One e-mail

### A rare example

I am grateful to my friend and colleague Dr. Abdul Matin for bringing to our notice (Ref: TDS, 2.1.2015) that one Bangladesh minister (A.M. Zahiruddin Khan of the 1991-96 administration) did resign taking responsibility for a failure of his ministry. It was a pleasant surprise to me. Mr. Khan belonged to the respected A.K. Khan family of Chittagong and himself was a successful industrialist. Good upbringing matters.

Rest in peace Mr. Zahiruddin Khan (1936-2005); you set a rare example for the country. May the Merciful grant you Jannatul Ferdaus.

Engr. ABM Nurul Islam  
 Gulshan-2, Dhaka

### Hail to the digital era

We have stepped into the era of digital Bangladesh. We can pay utility bills online, deposit income tax returns online and even collect Porcha (ownership receipt of land) online. Another worthwhile decision has been opening Facebook IDs for government officials and making those public. This allows people from all walks of life to communicate with them directly. The question is, do the district level government officers check it out frequently and respond to people's queries? If yes, then it is a very positive step. Suppose, a village primary teacher has got a unique idea to contribute to rural education and he wants to share it with the education minister or secretary. Now, for a primary teacher it is very tough to get access to a minister or a secretary, but it is just a piece of cake if both have email IDs. It is possible for common people to share their ideas with govt. high-ups online. Hail to the digital era.

Khandaker Zia Hasan  
 Communication Trainer & Journalist

### Comments on news report, "What PM said, what it actually was," published on January 6, 2015

#### New Generation

This is one of the many examples about how the nation is treated by the ruling party.

#### A2ZWorldTravLR

These two leaders are only creating a negative impression about Bangladesh on the rest of the world by their actions.

### "Shun path of anarchy" (Jan. 6, 2015)

#### Mortuza Huq

It is not up to Sheikh Hasina to judge whether it was a wrong decision of BNP to boycott the last election. However, as the PM of the country, it was her responsibility to ensure a free, fair and credible election which she failed at the cost of democracy.

### "What a 'victory' for Democracy!" (Jan. 6, 2015)

#### A.H. Dewan

The author deserves thanks for his prowess to pinpoint AL's non-participatory election and holding onto power.

#### Molla A. Latif

All that have been staged were mockeries and deceptions. If it is stopped there, many including the writer may blame AL only. There lies the dilemma; no one wants to see the mockery and deceptions staged by BNP.