

Extending indemnity for quick rental deals

It will consecrate corruption

We are surprised that the Energy Fast Supply Enhancement (Special Provisions Act 2010) has been extended by another four years.

Any arrangement even if it has legislative sanctions, which circumvents the rules of business, is bound to be exploited and misused to the detriment of the country's interest. The case in point is the indemnity, given in 2010 to all power generation deals that were put into effect without bidding. This provision has been misused to hide the inefficiencies of different authorities connected with the energy ministry, as a news analysis on the matter, appearing in this newspaper recently, has exposed.

Understandably, the measure was taken as a temporary expedient to tide over a crisis situation by setting up rental power projects which were quicker to set up than conventional ones. But even if it was well intentioned, the law impinged on the authority of the Supreme Court to look into the transparency and clarity in the actions of the government, particularly those that involved money.

The idea of providing indemnity, whatever may be the compulsions for doing so, is in itself ultra vires, and given the sector that it was provided to, the indemnity has been used to award work to cronies and to cover up failures of some contracted parties to deliver.

No government can oblige itself to feel unaccountable for its actions, particularly in cases which involve both time and good deal of money. We strongly urge the government to not only scarp the law, which by all definitions of the word, is a bad law, but also bring under scrutiny the entire gamut of quick rental for the sake of clarity and accountability.

Home Ministry directives on CHT affairs

Unconstitutional and discriminatory

We have already expressed our alarm through other columns regarding the home ministry order on CHT affairs which, among other things, requires all national-international individuals' and organisations' interaction with the adivasis to be supervised by members of the armed forces, imposes restrictions on foreigners' visit to the CHT and calls for more active check-posts at the entrances of the hill districts.

These orders violate people's freedom of speech, mobility and association, and as such, are in sharp contradiction to our constitutional rights. When no similar rules of surveillance apply to any other group in the rest of the country, the requirement that officials be present for any interaction between adivasis and non-adivasis is undoubtedly discriminatory, ethno-centric and contradictory to the Peace Accord.

The order further dictates that the military will be in charge of overall law and order in the CHT. However, given that in the rest of the country maintenance of the law and order is the mandate of the civil administration, the question arises as to why the CHT is still an exception, 17 years after the Accord was signed and peace established in the region.

Furthermore, the ministry order stipulates that BGB sector/battalion/BOP will be established on acquired lands in the CHT. However, many of these are common adivasi lands, which were acquired without the consent of the district council and through eviction of adivasi communities. This is a violation of the Peace Accord and the amended CHT District Council Act 1998.

We urge the government to immediately withdraw this unconstitutional order. We are of the view that the government, for reasons unknown, is taking decisions contrary to national interest, the consequences of which will only weaken the country instead of strengthening it.

LETTERS TO THE EDITOR

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We need new, enlightened leadership

It is really heartening to see the 'concerned citizens' taking initiative for a solution to the current political impasse and countrywide killing of innocent people. There can be no doubt that the general people except the diehard politicians support this move wholeheartedly. People are totally frustrated with the two political parties - especially their leaders, at the way they have engaged in constant bickering and conflict from the very beginning of their so-called democracy in the early nineties. It is clear that there is absolutely no hope of peace and calm as long as they rule this unfortunate country.

Our only hope is in finding new and enlightened leadership. The 'concerned citizens' move to talk to the president and the two leaders will bear no fruit. However they are welcome to try it. They have to really take the leadership to mobilize public opinion in the whole country in order to create a critical mass. Is the citizens group ready to take up the onerous task?

Shahjahan Hafiz

Gulshan, Dhaka

Political violence: A threat to national security

ISHFAQ ILAHI CHOUDHURY

POLITICAL violence has plunged the nation into a vortex of uncertainty. As the BNP-JI led 20-party alliance's agitation continues, there is widespread despair in the minds of the ordinary citizen. We never saw the kind of senseless violence that we are witnessing now. A new element introduced this time is petrol bomb. The agitators are targeting public transports. There have been a number of cases of sabotage of railway system causing derailment. The aim is to instill fear in the minds of the people so that they stay home and everything comes to a standstill. Because of indiscriminate petrol bomb attacks, hundreds have suffered serious burn injuries; many have died and many others will continue to endure a painful life as long as they live. So far, the agitators have not been able to achieve their political aim of unseating the government.

The BNP-JI led opposition wants the government to resign immediately and hand over power to a neutral caretaker government that will hold a free and fair election. The government claims that the provision for a caretaker government has been annulled by a High Court ruling and restoring it would entail constitutional amendment.

The government claims that it has gained legitimacy at home and abroad and has dispensed good governance. In its support, the government says that its first year had been a year of growth in every sector. The country had over 6% GDP growth rate despite global slowdown, and there was rise in export, investment, per capita income and calorie consumption. More children, especially girls, were going to school and staying on beyond the primary level; our Human Development Index (HDI) was rising faster than many others, which prompted Nobel Laureate Prof Amartya Sen to term Bangladesh "a development enigma."

BNP-JI-led political agitation exploded on January 5, when the alliance was not allowed to hold a public meeting and rally in the capital. Since then, the alliance, especially its second most important partner JI, has been on the streets to enforce a nationwide blockade of all forms of transportations. Continued fire bomb attacks on the transportation system, targeting innocent travelers, have taken a heavy toll of human lives.

A survey of the victims shows that they are mostly truck or bus drivers, small traders, farmers, menial workers etc. The pattern of the attacks revealed that the attackers are well trained in military style

peace. This raises the question, "Is our national security at stake because of the current political violence?"

Former US Secretary of State (1977-81) Harold Brown defined national security as "the ability to preserve the nation's physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to preserve its nature, institution, and governance from disruption from outside; and to control its borders." This definition envisages external aggression as the main threat to national security. Professor Charles Maier of Harvard University described national security as the "capacity to control those



ambush -- a quick attack on an unsuspecting target and then quickly getting away from the crime scene.

The pattern that has so far emerged reveals that sections of the youth belonging to BNP and JI, who are trained and dedicated to the cause, are behind these attacks. A recent survey carried out by a local daily revealed that while in previous anti-government agitations most of those killed or injured were political workers, this time virtually all are ordinary citizen far removed from any political affiliation. Ordinary people are increasingly feeling insecure in a society that cannot ensure

domestic and foreign conditions that the public opinion of a given community believes necessary to enjoy its own self-determination or autonomy, prosperity and well-being." Given these definitions, we might argue that while Bangladesh is not threatened from outside aggression and while its territorial integrity is not at stake, the internal political violence is threatening the prosperity and well-being of its people.

Ibn Khaldun, the 14th century Arab political scientist, said that a state exists to provide physical security and well-being of its subjects, and when that fails, the

raison d'être of the state disappears. The states that are called "Failed States" or "Fragile States," where state machinery have ceased to function and where the population live in utter fear of their life and property, are not victims of any external aggression but the result of internal chaos and dissension. In Somalia, Yemen, Syria, Iraq or Afghanistan, internal chaos, civil war and a near complete absence of governance has led to massive disorder, violence, famine and mass migration.

The breakup of political order gives rise to extremist forces that use the political vacuum to consolidate their position. Fragile State Index, published yearly by Fund for Peace, classifies the states' vulnerability to failure based on 12 political and socio-economic indicators. Bangladesh's position in 2008, during pre-election political agitation was down to 12, which was the lowest score ever. Since then Bangladesh's score reached a score of 29 in 2014. During the same period, Pakistan's position went down from 32 in 2008 to 10 in 2014.

The violence wreaked by Taliban and other terrorist organisations all across Pakistan, as well as political volatility, was to blame for Pakistan's fall, whereas steady socio-economic progress and a stable political climate were responsible for Bangladesh's rise. Are we going to lose all the gains in 2015 and again slide down the scale? The political leadership of all shades must weigh the risk they are putting the whole nation into. Failure of democracy only strengthens the hands of the extremists with their variants of a totalitarian state. At this juncture, political instability coupled with violence is posing a serious threat to our national security. Only through a total rejection of all kinds of violence and a national dialogue on our common future can the nation march ahead.

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PROJECT ■ SYNDICATE

Trouble in Nepali paradise

AWAKENING INDIA



SHASHI THAROOR

A WAY from the glare of global headlines, Nepal is grappling with a constitutional crisis that could once again propel the tourist Mecca, sensitively situated between India and China, into full-fledged conflict.

From 1996 to 2006, Nepal was wracked by a brutal civil war that pitted a Maoist insurgency against the long-ruling monarchy, whose powerful army initially enjoyed the support of the country's democratic political parties. Peace (brokered by India, with active United Nations support) came only after the Maoists and the democrats agreed in 2005 to establish a Constituent Assembly. The first election was held in 2008, two years after a "people's movement" forced King Gyanendra to abdicate.

In that election, the Maoists emerged as the largest party, winning 240 of the 601 seats. Then came long-established forces like the Nepali Congress, a social-democratic party modeled on its Indian namesake, and the moderate Communist Party of Nepal (Unified Marxist-Leninist), which, despite its name, is committed to electoral politics within a democratic system. And new mobilised parties of Nepal's southern plains, representing the Madhesi people, won 80 seats on a platform of greater federalism, ensuring that no single party or grouping could dominate the assembly.

But this balance devolved into paralysis, as the parties consistently failed to overcome their differences to make progress toward a constitution. The deadlock spilled over into the country's politics, with shifting coalitions forming four

successive governments that collapsed within months, each time in a welter of recrimination from the parties that had been excluded.

In 2012, the Supreme Court intervened, decreeing that the Constituent Assembly had outlasted its mandate, and installed an interim unity government led by the chief justice. In 2013, it ordered new elections that changed the political balance, with the Nepali Congress emerging as the largest party and forming a coalition government with the Communists. The Maoists were left with only 80 seats, and the Madhesi forces with 50.

The new government made a public commitment to deliver a new constitution by January 22, 2015. But, though the Congress Prime Minister, Sushil Koirala, and his Communist deputy, K.P. Oli, have presided over a more stable country, they have been unable to forge consensus on a new constitution.

The parties remain sharply divided on several fundamental questions. Should a new, federal Nepal be divided into states along a north-south axis, as the ruling parties prefer, even though this would give the dominant hill castes of the north a majority everywhere? Or should the new states be delineated according to local ethnic identities, giving minority groups a sense of ownership of at least part of the country?

Should Nepal adopt a parliamentary system, an executive presidency, or some combination of the two? Should it employ the British first-past-the-post electoral system traditionally used on the Indian subcontinent, or should it institute a form of proportional representation?

Perhaps the most important conflict is over how such questions should be settled. The opposition Maoist-Madhesi alliance wants the decision rule to be consensus, whereas the exasperated gov-

ernment proposes requiring a two-thirds majority. Constituent Assembly Chairman Subash Chandra Nembang has attempted to resolve the problem his own way, preparing questionnaires on disputed constitutional issues that, if used, would effectively institute a majority process. The opposition has since boycotted all Constituent Assembly proceedings.

The opposition parties have gained wide support for their position, with Nepal's largest media organisations, key civil-society leaders, minority activists, and women's groups all opposing the ruling coalition's effort to railroad a constitution through the Constituent Assembly. India, too, supports an inclusive approach, having recognised from its own experience of managing diver-

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sity the importance of providing minority groups with a sense of security. And the United Nations Security Council has called for an inclusive constitution with the broadest possible support.

Yet Nepal's ruling coalition remains convinced that it has the numbers to achieve its preferred outcome. The result is a profound cleavage that carries serious risks.

The conflict is already spilling into the streets, with opposition-called strikes paralysing daily life in large parts of Nepal. And, unless the constitutional crisis is resolved soon, the strikes will be only the beginning. The Maoists are dis-

enchanted with the democratic process. The monarchists are hoping for a return to absolutism. Centralists view federalism as a fig leaf for secession. And ethnic separatists of various hues are indeed seeking autonomy. With all sides keeping their powder dry, failure to reach a constitutional settlement could plunge Nepal back into war.

It probably would not take long to raise the resistance. The Maoists disbanded their 19,000-member army in 2011-2012, integrating 1,500 fighters into the regular army and pensioning off the rest. But many observers believe that the veterans could easily be reactivated and equipped from hidden arms caches.

Open fighting in Nepal would not be good for China or India, both of which fear a flashpoint between them. If, as is believed, China is sympathetic to the Maoists, it could ultimately be dragged, in some capacity, into a war in Nepal.

But it is India -- which maintains open borders with Nepal, and received millions of Nepali refugees during the civil war -- that probably has the most at stake, as renewed conflict would destabilise India's hill districts, while leaving its Himalayan borders vulnerable to Chinese encroachment. In this context, India must make a strong diplomatic push to help resolve the conflict, even at the risk of fueling resentment among Nepalese, who are wary of foreign interference.

Soon, the snow in the hills above Kathmandu will begin to melt. But Nepal's political landscape is showing no sign of a thaw. Paradise has never seemed more fraught. These are testing times in Shangri-La.

The writer, a former UN under-secretary-general, is a member of India's parliament for the Congress party and Chairman of the Parliamentary Standing Committee on External Affairs.

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"Trial, not talks" (February 12, 2015)

Dev Saha

This is a country where 'my way has become the highway'. People have no love for democracy but they love to use it as a slogan to fight for another day. We have essentially become the cheap thrill seekers of violence and drama. Loss of lives? Who cares?

"No end to crisis without polls" (February 12, 2015)

Opeemonir

It seems that no amount of pressure would be able to divert her from the path she has taken. We agree with her demand which is highly legitimate. Now the question is, how? Peacefully or through more destruction?

"BCL man hurt while making bombs" (February 12, 2015)

Nazrul Islam

All these are the consequence of vote rigging drama of January 05, 2014.

Taslima Islam

That the BCL is involved in the current use of petrol bombs and violence is well known among the public but somehow the media is hiding this fact. When this current nightmare is over, the media will have to answer for its biased role.

"Three BCL men awarded" (February 12, 2015)

Barkat

In one instance, BCL activists are being arrested while making and throwing petrol bombs while in another, they are being rewarded by the Police. What is the guarantee that the whole thing is not a preset drama?