

## Yaba trade in Bangladesh

*An immediate threat to national wellbeing*

THE torrent of Yaba inflow into our country and rapid increase in its use, particularly amongst the youth is, perhaps, the biggest danger faced by the society after the threat of extremism. History is replete with examples of devastation of societies due to unbridled use of addictive substances.

And as this newspaper reported on Sunday, we are currently in clear danger of losing an entire generation to such harmful substances, with consumption of Yaba being over 8 lakh tablets per day. Last year alone, the authorities seized over 2.94 crore Yaba tablets compared to only 13.6 lakh in 2011. We also know that most of it is coming in from Myanmar; so on one border, we have Phensedyl coming in from India, and on the other, we have to contend with the influx of Yaba from Myanmar. Thus, we should immediately take the matter up with our neighbours for cooperative measures to stop the flow of narcotics into the country.

Regrettably, the authorities have been unable to put a lid on Yaba trade once the drug enters Bangladesh, largely because of the involvement of powerful individuals, connected mostly with the political parties and other influential quarters and corrupt members of the law enforcement agencies. And as is well known, the trade of narcotics is often connected with that of illegal small arms, which makes it even more dangerous.

The authorities need to take the matter seriously. Apart from enhanced supervision of the borders it must impose severe punishments on those who are found guilty of being involved with supplying Yaba and go after the powerful godfathers behind its trade in particular. What needs to be understood is that the loss of human resources because of this menace is great and if the situation is allowed to continue as it is, then the cost to the country will be immeasurable.

## Mutation of human hauliers

*Another example of illegal modification*

WE are very good at innovating and modifying things. Only if that were for the benefit of the people and authorised by law, but it is not. The crude, illegal and dangerous improvisations are done to serve the narrow economic interest of a handful of people.

A recent example of such "creativity" was exposed by this paper in one of its reports yesterday which informs us that human hauliers, originally meant to carry 15 passengers, have been extended and made into a minibus to carry more than double that number.

This is yet another addition to other illegal contraptions—like the so-called Kariman and Nasiman—which the productive mind of some people has conjured up to be used to carry people. The regrettable aspect is that these devices are major contributors to the hundreds of road accidents and thousands of deaths every year in this country. And even worse is the fact that they ply the streets with impunity.

The natural question that follows is, where are the police and the BRTA? When thousands of law abiding private vehicle owners have to stand in long queues to get road permits and fitness certificates for their vehicles or risk having their vehicles impounded immediately they get on the road, how come these modified and dangerous vehicles continue to run without being hauled up by the police? And one cannot imagine that these vehicles have BRTA fitness certificates.

The irony is that some of the workshops doing the modifications are in the close vicinity of the BRTA office in Mirpur. And we think the excuse of the police of manpower shortage for lax drive against these vehicles is a fig leaf to cover their complicity in this matter.

## LETTERS TO THE EDITOR

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### Survival of billions at stake

In *The Daily Star's* Friday issue, we saw a report predicting that some parts of Asia will be uninhabitable by the year 2100. Climate change is, no doubt, one of the most serious problems of the modern age.

According to this news report, about 1.5 billion people in Asia will suffer from this terrible situation. 'Wet-bulb' temperature of the earth has seldom gone above 31C, but research studies show that due to the greenhouse effect and extreme heatwaves, the wet-bulb temperature could increase to 35C.

Many developed countries are taking strides to tackle the threat that climate change poses. Bangladesh, as a developing country and one of the worst possible victims of climate change, can't afford to ignore it.

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# 16TH AMENDMENT STRUCK DOWN More than just a verdict



ALI RIAZ

THE "verdict" was already known to all of us; the appellate division of the Supreme Court upheld the verdict of the High Court (HC) that the 16th Amendment of

the Constitution is "illegal and unconstitutional." In legal procedural terms, the apex court had rejected the appeal of the government against the HC verdict. The short order of the verdict was delivered on June 3, which made the controversial amendment passed by parliament in September 2014 null and void. The amendment had abolished the chief justice-led Supreme Judicial Council and empowered the parliament to impeach judges of the Supreme Court for incapability or misconduct. The High Court categorically said that the amendment was "against the principles of the separation of state power and the independence of the judiciary." Therefore, the full text of the verdict of the Supreme Court was not expected to have any surprises.

But the full text, released on August 1, not only contains what was expected of it—the rationale for the decision of the court and its position on the issue of separation of powers between the executive and the judiciary—but also addresses far more significant issues in its 799-page verdict; it provides a narrative of the state of the nation. The tone, tenor and content of the verdict make it one of the most important historic documents of the country since its independence in 1971.

The chain of events which led to the verdict is somewhat banal. On November 5, 2014 nine Supreme Court lawyers filed a writ petition on the validity of the amendment and the HC ruled on May 5, 2016. The government filed an appeal challenging the HC decision on January 4, 2017. In less than a month, on February 8, the full bench of the Supreme Court appointed 12 senior jurists as *amici curiae* seeking their opinions. The hearing was concluded on June 1, followed by the verdict on July 3 which upheld the HC verdict. For a layman, the verdict was plain and simple: the SC has rejected the government's appeal.

Before and during the hearing of the appeal it was evident that the judiciary and the executive are at loggerheads. It's

not unusual in a democracy that the executive and the judiciary have a latent tension; it is the responsibility of the judiciary to protect citizens from the excesses of the executive branch. The relationship between them has been discussed and debated for long, by political scientists and politicians alike, and there is an agreement that separation of powers and checks and balances are essential for democratic governance.

In a parliamentary system of government, the line between the executive and the legislature is very thin, particularly in countries where the ruling party has no inclination of keeping these two separate. The Constitution as well as the political culture of Bangladesh has practically erased the differences between these two branches. Not only in Bangladesh, but also in other South Asian countries, a party with a super majority in parliament (i.e. two-thirds of

demonstrated why it is necessary not to entrust them with the task ("MPs' outburst says it all about the 16th Amendment", *Prothom Alo*, July 19, 2017).

It is in this chain of legal process that the appellate division of the Supreme Court released the full text of the verdict. In legal terms, it's the full 'verdict' of the Supreme Court, but it is all but a simple verdict. The verdict offers a narrative of the governance of the country since its independence. In that sense, this verdict is a testimony to the maladies of the current political system.

The criticism of the politicians of "myopia" and the "plague-like disease" of power by the apex court can hardly be ignored. Anyone interested in Bangladeshi political history must take note of the verdict's point that "The state power, which is another dimension of

however, the verdict highlighted the preamble of the Constitution. The preamble promises "a democratic process," "a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social dignity, will be secured for all citizens."

Notwithstanding differences with some issues with the text of the verdict, I can't agree more when it reminds us, "Although every state may be said in some sense to have a constitution, the term constitutional government is only applied to those whose fundamental rules or maxims that not only define how those shall be chosen or designated to whom the exercise of sovereign powers shall be confined, but also impose efficient restraints on its exercise for the purpose of protecting individual rights and privileges, and shielding them against any assumption of arbitrary power."

It's the absence of institutions which brought the nation to the present day: "Even after forty-six years of independence, we have not been able to institutionalise any public institutions. There are no checks and balances, there is no watchdog mechanism at work, thus the people in the position are being indulged into abuse of power and showing audacity of freehand exercise of power." It is against this background that we need to read the incisive comments about the necessity of holding elections "impartially and independently free from any interference" and the reminder of an earlier verdict that "in the majority opinion, this court was of the view that two parliamentary elections may be held under the caretaker system."

These statements can be read as a "lament" or a "desperate cry," but the most important question is where does the nation go from here? Procedurally speaking, the government can go for a review of the verdict, but what is described in the verdict cannot be wished away. It is the stark reality of a nation which came into being with promises of egalitarianism and justice. It won't be surprising if the ruling party brushes it aside and continues to pursue the "business-as-usual" politics and governance. The reaction of the finance minister does not send a positive message but can conscientious citizens do the same? This is particularly important in light of the current state of politics which marks the absence of accountability, growing intolerance, belligerent rhetoric and shrinking space for dissent.

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the seats) has, in almost all instances, undermined the separation of power and had weakened the democratic institutions (Ali Riaz, "The Curse of the Two Thirds", *How Did We Arrive Here?*, 2015). The tension between the executive and judiciary tends to become a battle—between the judiciary on the one hand and a combination of the executive and the legislative branches on the other. The strained relationship between these two branches has come to light at several times in the past years. Since the historic Masdar Hossain case of 1999, particularly the 12 directives of the Supreme Court issued in 2001, the issue became a matter of public discourse.

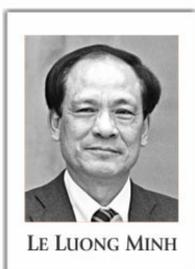
The contention between the two branches was in full display since the issue of the 16th Amendment reached the court. The outburst of the lawmakers on July 9 after the SC verdict essentially

political power, is becoming a monopoly of a few nowadays and this suicidal tendency of concentration of power is increasing." It is, for all intents and purposes, a brutal and honest criticism of those who adhere to the "our men doctrine," an "I alone attitude," and a reminder that, "No nation, no country is made of or by one person." The statement that corruption is "rampant" reflects the state of affairs for long but is also a reminder of how it has spread over the years. It is a clear and unequivocal statement about the society: "a crippled society, a society where a good man does not dream of good things at all; but the bad man is all the more restless to grab a few more of bounty."

But it's not because of the absence of ideals; I believe the declaration of independence has laid out the ideals;

## ASEAN AT 50

# Facing some existential challenges



LE LUONG MINH

2017 marks the golden jubilee of Asean's establishment as a regional organisation founded on the ideals of peace, prosperity and harmony. Five decades of evolution and development have brought Asean an unprecedented level of economic growth and peace dividends that have galvanised its position as one of the world's most successful

inter-governmental groupings, and transformed Southeast Asia into a vibrant and dynamic region.

The Asean Community Vision 2025 and its three corresponding Community Blueprints, adopted at the 27th Asean Summit in November 2015 in Kuala Lumpur, provide the overall guidance of Asean's work between 2016 and 2025. They reaffirm Asean's commitment to forge ahead together, and in doing so, reinforce the importance of ensuring that benefits of integration are felt by the ordinary citizens in the region, thereby achieving a people-oriented, people-centred Asean Community.

To achieve that, it is fundamental that Asean must first and foremost preserve the current peaceful and stable regional environment so that the 628 million Asean people can continue to enjoy the opportunities brought about by its Community-building process.

Over the past five decades, many mechanisms have been established—spearheaded by Asean—for political and security cum economic cooperation within the region, and between Asean and external partners. Such mechanisms have resulted in tangible outcomes for Asean, laying the foundation for economic and socio-cultural development.

Moving forward, Asean must continue to uphold its centrality and maintain its cohesiveness in the face of an increasingly unpredictable geostrategic and geopolitical global environment. Asean will need to always be "Friends to All, Threat to None."

To date, 87 countries/organisations have established diplomatic relations and appointed their ambassadors to Asean. The number of non-Asean Contracting Parties to the Treaty of Amity and Cooperation in South East Asia has also grown to 25 and Asean continues to receive requests from various countries to establish formal partnerships. One way of enhancing interfaces with the world is to remain proactive in deepening cooperation and collaboration with external partners and parties.

Economically, Asean's resilience will be enhanced to buffer repercussions of unfolding global uncertainties. Asean's viability, inclusive growth and integration will be given high priorities to ensure that the region continues to prosper amid the rising trend of populism and protectionism.

The journey of the Asean Economic Community (AEC) is a testimony to Asean's commitment to its regional economic integration agenda. Through collective efforts, national and regional economic resilience has been upheld in the face of structural changes, economic crises and policy uncertainties in the region and beyond. Asean's commitment to open regionalism will lead it to a more prominent role in the regional and global economic architecture.

Moving forward, the AEC will need to continue to be relevant to its stakeholders and deliver benefits to all. To this end, more effective stakeholder consultation and participation is required, including with the private sector.

Swift and successful conclusion of the Regional

compelling for the Asean Member States to deepen and broaden cooperation.

Asean, with all its diversities, bound by ties of friendship and legitimate shared interests, through regional cooperation and integration, have so far delivered to its people the dream of a prosperous and peaceful community with enhanced political cohesion, economic integration and social responsibility, narrowed development gaps within and among its Member States and greater physical, institutional and people-to-people connectivity. Such regional cooperation integration has benefited not only Southeast Asia and its people, but also contributed significantly to the efforts to secure a better future for



Asean leaders attend the opening ceremony of the 30th Asean Summit in Philippines on April 29, 2017.

Comprehensive Economic Partnership (RCEP) negotiations and continued efforts to further narrow the development gaps so as to promote a more equitable growth within the region are among top priorities.

Similar efforts will continue to be exerted in advancing the Asean socio-cultural agenda. Constant adaptation and evolution in the approaches and mechanisms to make them more effective, inclusive, and responsive to the challenges in building a people-oriented, people-centred Community will be critical. The challenges will become increasingly cross-cutting, and the impact amplified given the increasing interdependency across countries, all of which make it

the international community at-large.

Community-building is a continuous and forward-looking process. While no one can claim to know exactly how the world will evolve in the next decades, the future of Asean will be always in the hands of its people who have all reasons to be optimistic.

Le Luong Minh, from Vietnam, is the Asean Secretary-General. He took charge in 2013 and his tenure ends this year. Prior to that he was Vietnam's Deputy Foreign Minister and also served as his country's Permanent Representative to the United Nations.

This is part of a special series of articles to mark the 50th anniversary of the regional grouping, by the Asean members of Asia News Network, an alliance of 23 regional media entities. This article was contributed by Viet Nam News for this series.