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FOUNDER EDITOR
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A unique and sensitive High Court verdict!

Giving the convicted a second chance to be better

We commend the High Court for a landmark verdict that demonstrates compassion and foresight on the part of the HC in the dispensation of justice to a convict accused in a narcotics case. The verdict declared that the convicted man Moti Matbor’s five-year jail sentence would be upheld but he would be allowed to stay with his family under probation if he could fulfil three conditions. The conditions were that Moti Matbor would have to ensure that his 10th grader daughter and second grader son continued their studies, that he took care of his elderly mother and that he would not marry off his 15-year-old daughter until she turned 18 as stipulated by law.

This unique and humane approach to meting out justice to a convicted person is truly revolutionary and may have far better results in terms of rehabilitating those who have committed crimes and giving them a chance to lead normal lives again. In this particular case, Moti Matbor has already served 20 months of his jail term and has displayed good conduct so far and under the Probation Ordinance 1960, he will be allowed to stay with his family as long as he fulfils the HC conditions. What is encouraging is the fact that fulfilling these conditions will ultimately benefit the convicted and his family, as well as the community.

It may be mentioned that it was after his appeal got rejected that Moti filed a revision petition with the HC challenging the trial court verdict. The HC then gave the verdict after hearing the revision petition, granting Moti probation facilities as long as he honoured the stipulated conditions.

The High Court’s unique sensitivity and forward thinking serve as examples to all the courts, which can consider this practice in the dispensation of justice. While criminals must be punished under law, in many cases this kind of sensitive approach may actually help to make them better members of the community. As a society, we must think of ways in which convicted individuals who display a genuine willingness to change for the better, be given a second chance to do so. This unique HC judgement shows how this is possible.

Is Bangladesh prepared for a second wave?

Lessons from previous failures will help

A report published in this newspaper reveals the harrowing outcomes experts predict we might have to endure while braving a possible second wave of the coronavirus, which threatens to derail Bangladesh’s feeble economic recovery, deal a massive blow to poor and low-income groups, reduce fiscal space and constrain public expenditure. The crisis wiped out at least 50 percent of the GDP growth potential in the last fiscal year, which ended in June. The pandemic has nearly nullified the advancements made in poverty reduction over the last decade, pushing a great number of people back into poverty and making millions of citizens jobless as the economy continues to suffer.

What worries us is the fact that even at the current pace of economic revival, these woes will weigh heavy into the current fiscal year. The cottage, micro, small and medium enterprises (CMSMEs) would be the hardest hit again should the second wave emerge. We are deeply worried since as many countries around the world are being forced to re-introduce lockdowns amid rising coronavirus infections and deaths, the government’s preparations can no longer be limited to rhetoric.

We must take effective precautionary measures based on projections, past experiences (especially of failure to control the pandemic) and general apathy regarding safety measures. The blatant deficiencies in our healthcare system begs to be reformed. Health guidelines, which we so miserably failed to pay heed to, must be enforced, while more testing and life-saving facilities need to be ensured. As there seems to be a lackadaisical attitude towards the government’s recent policy of “no mask, no service” and other directives, strict implementation is key to braving the second wave. The government should start preparations targeting those most vulnerable to economic shocks, especially the new poor. Social protection programmes have to include returnee migrant workers, garment workers and other vulnerable groups.

The government must pay special attention to supporting small and medium enterprises and make sure the rescue packages are distributed timely and effectively. We can follow in the footsteps of nations that have successfully opened up their economies whilst maintaining health protocols. While the government’s decision to make the coronavirus vaccine available to all free of cost once it is ready is surely commendable, its effectiveness is yet to be proven. Therefore, enforcing health guidelines, increased testing and supporting vulnerable groups should be key strategies to tackle a second wave and avoid further shocks to public health and the economy.

Whether the lessons are being learned remains an open question. Joe Biden and Kamala Harris have now been declared the winners of the 46th Presidential race. Biden received over 74 million votes, the highest ever in a presidential election in the US.

Trump had announced himself the victor on the election night, demanded that counting of mailed-in votes should be stopped (claiming this to be illegal or fraudulent without any evidence), complained about the election being stolen, and mounted legal battles to press his claim.

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He pulled out of the Paris Climate Accord, calling climate change a hoax. He mismanaged the Covid-19 pandemic abysmally, causing over 240,000 deaths and still counting, with the highest death and infection numbers in the world. He blamed China for causing the pandemic and stopped US funding to the WHO, the agency coordinating the global response to the pandemic.

LETTERS TO THE EDITOR

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Unfair Myanmar elections

With more than one million people disenfranchised or displaced, Myanmar’s election cannot be free and fair. The US and its global partners must recognise the election for the farce it is. A first step is to recognise Myanmar’s crimes against the Rohingya for what they are: genocide. That determination must be followed by a multilateral effort to press Myanmar to end persecution of minorities, hold military forces accountable for serious crimes, and create the conditions that will allow for the safe, voluntary, dignified return of refugees. Democracy only stands a chance when every voice counts.

Daniel P Sullivan, Refugees International

Myanmar elections reflect a fractured society

Its path to democracy cannot exclude the Rohingya and other ethnic minorities



THIS past week, the world has been transfixed by the high-drama US elections and the soon-to-be ex-President Trump’s temper tantrums, as his opponent Joe Biden slowly overtook him to become the President elect of the United States. Overshadowed by the fiercely contested US polls, the November 8 general elections in our neighbouring country Myanmar may have slipped under the radar for many.

However there were, surprisingly, certain similarities between the two countries’ national ballots—both elections took place against the backdrop of a global pandemic with massive economic repercussions in increasingly polarised societies, and were considered to be historically significant. The US elections represented a nation-wide pushback against Trump’s brand of right-wing populism, and the Myanmar elections represented a new era of democratic reforms that were ushered in after the 2015 elections, where a landslide victory by Aung San Suu Kyi’s National League for Democracy (NLD) established her as the State Counsellor of Myanmar and ended outright military rule. Or so it was hoped.

Unfortunately, the similarities between the two nations’ ballots turned out to be skin-deep—while the US elections, despite many attempts by President Trump and his supporters to undermine the process, proved itself to be a free and fair exercise in a functional democracy, the Myanmar elections could hardly make the same claim.

At this point, one must acknowledge that a democratic process, no matter how flawed, is infinitely preferable to a country ruled by a military dictatorship, as had been the case for Myanmar since the early 60s until the historic 2015 elections. However, the fact that a quarter of the seats in parliament are still reserved for the military sticks out like a sore thumb—if Myanmar is ever to truly function as a democracy, the privileged position of the military, not only in security concerns but in national governance, must become a thing of the past.

At the time of writing this, Suu Kyi’s NLD is favoured to come out on top in the Myanmar general elections, despite the fact that the NLD needs at least 322 seats to form a government whilst the army-backed opposition Union Solidarity and Development Party (USDP) needs only 156. Early on in the day yesterday, NLD spokesperson Dr Myo Nyunt told *Frontier Myanmar* that the party’s internal

results showed it had won enough seats to form government—saying “We have won almost every seat in the (Bamar-majority) regions.” This was corroborated as results trickled in throughout the day, showing quite a few NLD gains in former USDP-stronghold constituencies, such as in Bago and southern Mandalay. However, the fact that these “centres of Buddhist nationalism” are now voting for NLD and not USDP reflects the dark undercurrent of racial tensions that have marked Myanmar’s polls.

It is estimated that a total of 5,643 candidates stood for elections across 1,119 constituencies in national and regional legislatures, with around 20 to 30 million people casting votes across 50,000 polling stations. What’s missing from this calculation are the number of voters who were stripped of their right to vote, either due to Myanmar’s highly controversial



Supporters of NLD take part in a campaign rally on the outskirts of Yangon, Myanmar on October 25.

many red flags. There have also been reports of members of different ethnic groups being denied the opportunity to vote for their specific ethnic affairs minister. According to Myanmar journalist Aye Min Thant, voter suppression can get codified in Myanmar law—“The way “race” is created through Myanmar’s law and is then tied to unequal rights mean that huge portions of the population end up in strange limbos”.

This division of Myanmar society along racial lines, with the NLD also exacerbating and encouraging these tensions and tapping into Buddhist nationalist sentiments to expand their voter base, despite being the party that spearheaded the democratic movement in Myanmar, is worrying indeed. As journalist and researcher Ben Dunant writes in *The Diplomat*—“The suffering of these minority groups is not evidence of

to gain voters, gives us every cause for concern. It seems almost like Bangladesh is being taken for a ride here—the carrot of safe and dignified repatriation of Rohingya refugees is being dangled in front of us, while within Myanmar, the anti-refugee, anti-Muslim rhetoric of electoral campaigns and the mass disenfranchisement of Rohingya voters are only further entrenching apartheid conditions and demonstrating there is still no place for the Rohingya in Myanmar.

Than Htay, leader of the USDP, recently told AFP “I cannot accept useless people in our country” about the stateless Rohingya, and USDP supporters even created a parody of an NLD anthem, claiming Suu Kyi’s party had welcomed “Bengali Muslims as if they were gods”. The fact that this political mud-slinging entailed accusations of being too accepting of other races and religions, in an attempt to gain support from the majority Bamar population, is very telling of a deep-rooted and insidious culture of assimilation within Myanmar, where different races, languages and cultures are routinely excluded from mainstream society. However, the USDP’s tactics do not seem to have worked—NLD is projected to gain an even bigger victory compared to 2015, although the USDP is refusing to concede losses in certain townships.

NLD’s return to power, despite the USDP being backed by the military, would be a win for democracy in Myanmar. However, its soaring popularity at home, despite its reputation collapsing in the international community due to Suu Kyi’s defence of the Myanmar military at the International Court of Justice (ICJ) and her denial of the Rohingya genocide, is an indication of a society that is fractured along communal and racial divides.

Will the newly elected government of Myanmar push for a more democratic and inclusive society, with civic spaces that allow dissenting voices to hold those in power to account? While we hope democratic institutions will continue to evolve and become stronger, it is difficult for us to keep the faith in Myanmar’s fledgling democracy while minorities continue to be denied their democratic rights, ethnic conflict continues to escalate within its borders and the armed forces continue to exert their political and economic influence across the country. As the cases of genocide and war crimes against its military at the ICJ and the International Criminal Court progress, the treatment of the country’s persecuted Rohingya population will ultimately be the litmus test for democracy in Myanmar.

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MARK Twain reputedly said that God created wars to teach Americans geography. It can be said that God put Donald Trump in the White House to teach America how to protect democracy.

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Trump kept trying to dismantle the Obama-initiated national healthcare plan that offered health insurance to all citizens and coverage of pre-existing conditions, calling it “socialised medicine.” He promised a better health plan but failed to come up with any, while risking the loss of insurance coverage of millions.

Trump’s misogyny and behaviour towards women resulted in lawsuits. His administration notoriously separated young children of asylum seekers from

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parents and placed them in cages. Now, parents of hundreds of them cannot be traced.

Trump’s lies in public statements and his tweets (his favourite means of public communication) spawned a fact-checking industry and obliged Twitter to post warnings about misleading information from the President. He declared the press and electronic media to be the enemy of the people.

Trump branded the Black Lives Matter supporters as rioters and looters, refused to condemn white supremacists, declared himself a staunch promoter of law and order and boasted of unanimous police union support from across the country.

He stood by Israeli PM Netanyahu in his aggressive policy of annexing Palestinian neighbourhoods and shifted the US embassy to Jerusalem, shedding all pretence of neutrality in the Arab-Israeli

dispute. He boasted of friendship with autocratic rulers such as Saudi Arabia’s Crown Prince Mohammed bin Salman and North Korea’s Kim Jong-Un. He claimed a special relationship with Russia’s President Vladimir Putin when US intelligence agencies were concerned about Russia’s interference in the US election process.

Amazingly, Trump garnered over 64 million votes, more than he won in 2016. He built a loyal support base of older, less educated whites and evangelical Christians, bolstered by all kinds of people disaffected with the prevailing system, including a proportion of Blacks and Latinos. The Latino votes handed the critical Florida electoral college to Trump and almost 20 percent of Black voters supported Trump.

Trump has so far refused to concede the election and vows to continue court battles, hoping to bring it to the Supreme Court, where conservative justices appointed by him hold a strong majority. He will try to obstruct the succession process and urges his supporters to take their protests to the streets.

Conservative populism as a threat to liberal democracy is a global phenomenon that has emerged in the beginning of the 21st century. I had written in a column in this daily earlier, “Donald Trump managed to create a support base among the electorate by invoking white male working class resentments and real or imagined fears about various things—non-whites over-running the country, global trade taking away American jobs, hordes of illegal immigrants depressing job markets and causing crime and violence, and Muslims waging a war on Western Christian civilisation.”

Politicians everywhere appear to be taking cue and are trying to apply this populist formula to gain political advantage. Playing on people’s fears and prejudices is an old populist trick. A populist support base, once created, is not easily shaken by logic or evidence. Outrageous words, actions and policy or non-policy are the stock in trade for populist leaders.

Cases in point are Brazil’s Bolsonaro,

Europe (including Austria, Hungary, Poland and even France’s Macron and UK’s post-Brexit Boris Johnson), Philippine’s Duterte, and closer to home, India’s Narendra Modi and his BJP-led ruling coalition. The good news is that the nail-biting finish in the US has shown that the electoral system there works smoothly, thanks to tens of thousands of election officials and workers in the states and local counties under both Republican and Democratic state administrations.

Demography is another reason for hope. The Republican support in the “red” states such as Texas, Arizona, North Carolina and Georgia has dwindled in 2020 and this trend will continue. The Black population and other minorities, women and urban-suburban educated people are growing; diversity of the population will prevail in the political voice. Kamala Harris, the first woman to be elected as the Vice President, a child of immigrant parents of Indian and Jamaican origin, is an iconic part of this wave of the future.

Trumpism will, however, not disappear quietly into the setting sun. As Kamala Harris said in her victory speech on Saturday night, “America’s democracy is not guaranteed, it is as strong as our willingness to fight for it; it takes struggle and sacrifice to protect it.” And Biden said, it is time to build and heal, root out systemic racism and restore America’s soul with compassion, empathy and concern. The new administration has a big job cut out for it.

There are two major and obvious lessons here for nurturing democracy in Bangladesh. First, the electoral machinery has to be made independent and functional, enforcing its rules and mandates. Second, those who want to be major political forces and steer the country to the future must cultivate and earn the trust of the youth, women and the ordinary citizens; they must rebuild the organisation and structure of the respective political parties from the grassroots, giving all a genuine voice.

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