

Govt must choose citizens over oligarchs

Otherwise, banking sector health will continue to deteriorate

The syphoning of Tk 92,261 crore out of our banking sector through 28 major scams since 2008 is damning evidence of the government's failure to implement good governance in the sector, as well as the necessary reforms. According to the Centre for Policy Dialogue (CPD), the amount is equivalent to around 12.1 percent of this fiscal year's total budget and 1.8 percent of the country's GDP size. The negative impact this has had on the economy is perhaps the most significant under the incumbent government since it assumed office in 2009.

In 2008, just prior to the Awami League coming to power, defaulted loans stood at Tk 22,000 crore. Today, the amount has exploded by more than seven times to Tk 156,040 crore. And that is without considering loans in special mention accounts, loans with court injunctions, and rescheduled loans, which could push it up many times more. The amount of irregularities we have witnessed in the sector over the years and the constant leeway—if not outright free passes—provided by the regulators, particularly the Bangladesh Bank, has destroyed any semblance of corporate governance among banks. Some banks have even demonstrated early signs of having liquidity issues. Given the current state of the sector and, even more worryingly, the lack of oversight of regulators, any crisis that may arise as a result could cause massive turbulence for the sector and the economy as a whole.

While defaulted loans have been growing, capital flight from the country, as reported by many foreign research organisations, has been rising. This indicates that powerful oligarchs have been using the banking sector to rob the nation of significant wealth, which they have been laundering and stashing away abroad. The fact that this has been happening right under the noses of the concerned authorities—if not with their blessings—shows the lack of accountability that now signifies the state of governance in the country.

Since regulators—and those in government in general—are no longer accountable to the people, vested groups have been using them to frame policies and regulations that are beneficial to them. As a result, the "looting" of our banking sector has hugely contributed to the immense increase in inequality in the country since 2010.

It is high time that people raised their voices to make government officials accountable to the people once again. Without that, it is difficult to see the government—whose previous promises of reforming the sector have all proven to be hollow—sacrificing the interests of the oligarchs to make changes to the sector for the betterment of all citizens.

How much more evidence do we need?

International community must hold Israel accountable for war crimes

The genocide in Gaza has continued for more than 70 days with over 20,000 civilians killed, according to the Gaza health ministry—surpassing the death toll of any other Arab conflict with Israel since 1948. While the Israeli government, and their allies in the US, have insisted that they're not "targeting civilians," a recent investigation by CNN has found that during the first month of war, Israel dropped hundreds of massive 2,000-pound bombs, capable of killing or wounding people more than 1,000 miles away, in the densely populated 360 sq km Gaza Strip. Indiscriminate bombing of civilians is strictly against international law.

Experts interviewed by CNN have noted that such bombs are used sparingly by Western militaries due to their deadly potential impact on densely populated areas like Gaza. Another investigation by *The New York Times* confirmed that Israel used one of its most destructive bombs over 200 times in areas in southern Gaza that the IDF designated as safe zones for the Palestinian people. An analysis by *The Financial Times* found that only after six weeks, northern Gaza was reduced to rubble on a scale comparable only to the carpet-bombing of German cities in World War II. Another investigation by *The Washington Post* found that there was no command centre in Gaza's largest Al-Shifa hospital, which the IDF indiscriminately attacked. To add to that, an investigation by *Forensic Architecture* confirmed systematic and despicable targeting of hospitals. If it weren't clear to us before—that this was not just another "terrible war" but an exceptionally ferocious genocidal campaign—the recent investigations lay it bare. We, therefore, ask: how much more evidence do we need to slam the brakes on Israel?

Nothing can justify Israel's immunity to pursue this inhuman ethnic cleansing plan to annihilate the people of Palestine. It is incumbent upon all nations to act on the overwhelming evidence confirming war crimes. US President Joe Biden—who has vetoed ceasefires three times now—has recently said Israel is losing support from the international community for "indiscriminately bombing." We, therefore, urge the US to stop vetoing ceasefires and save lives. The International Criminal Court must take action on Israel's war crimes. The killings must stop now.

LETTERS TO THE EDITOR

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Control sound pollution in election season

National election campaigns have started and, as usual, political parties have already begun playing songs non-stop, most of which are not pleasant, at loud volumes and sometimes until late at night. This continuous sound pollution not only causes exasperation but is also harmful to health. I hope political parties will be considerate about people's well-being, whose votes they are trying to attract, and keep sound pollution under control.

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EDITORIAL

How do we describe the upcoming election?



THE OVERTON WINDOW

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With the national election still two weeks away, many national and international observers have already termed it as a farce or "staged election", and it is easy to see why. One of the key features of any election is the ability of voters to select the winner. If voters are not presented with any real options to choose from, then arguably the most important purpose of an election is defeated. That is why we saw the ruling party scrambling to field dummy candidates or bargaining with the Jatiya Party to make up for the absence of the BNP and other like-minded parties, thus giving the election some sort of legitimacy.

Let us not forget that the idea of fielding dummy candidates this time—we have, of course, heard about it in previous elections also—came from the very top of the Awami League. So, if the ruling party itself is offering voters the option to choose from either a candidate of the Awami League or a dummy, what real options do voters have? And what message are they to receive from the ones conducting this election—namely, the Election Commission—who, knowing this, is still going ahead with the election? Are people to believe that the EC is conducting it in the interest of voters? Of course not.

The EC asking the home ministry to take steps to prevent political rallies and processions of all kinds, except for electoral campaigns, from December 18 till polling day, also makes it complicit in suppressing protests against what a number of opposition parties see as being a farcical election. Interestingly, earlier on that same day, the Awami League's general secretary urged the commission and law enforcement agencies to take a strong stance against forces that the ruling party saw were against the elections—mainly the Bangladesh Nationalist Party. Such a step to stop political rallies and programmes, it can be argued, is unconstitutional, as it denies political parties in the opposition camp the right to assembly, the right to protest, the right to movement and the right to free expression.

As concerning as the use of such a



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PHOTO: PALASH KHAN

tactic may be, it hasn't been the only one used to set up what seems to be a staged and one-sided election. Last month, *The Guardian* reported how Bangladesh saw "full prisons and false charges" due to the crackdown on the opposition. Following such a ruthless crackdown on the main opposition Bangladesh Nationalist Party in the run up to the elections, it noted how few "believe the election will be free, fair or remotely democratic." This strategy, according to *The New York Times*, is leading to "Bangladesh's multiparty democracy...being methodically strangled in crowded courtrooms."

The expedited trials leading to the convictions of hundreds of opposition leaders and activists further validate such apprehensions. For example, on December 11, at least 42 BNP members and those of its infamous allies—Jamaat-e-Islami—were convicted

half of the prosecution witnesses were heard. Furthermore, it must be noted that such speedy disposal of cases is unusual in a country where justice delivery has become particularly slow. This fact, and our previous history of witnessing politically motivated cases right before elections, indicate that opposition leaders are again being targeted and kept out of the electoral fray.

In that regard, the recent comments made by Awami League presidium member and agriculture minister Abdur Razzaque, that jailed BNP men were offered freedom if the party agreed to contest the polls, is telling. Although AL later tried to play it down and its general secretary said it was Razzaque's personal opinion, it lends further credence to the public perception that all these arrests and convictions are being

Such an admission and the underlying state of affairs—for example, since 2009, 1,37,569 cases have been filed against 49,80,26 BNP leaders and activists—show that the Awami League is bent on ensuring its grip over power by using the full might of the state machinery. What is missing in all of this is the role of the citizens, who have all but lost their right to vote. As a result, government officials across the board are no longer accountable to the people and so, the people no longer have any say in how the state is being run, nor how the elections should be conducted. So, even though it's been the opposition that has mainly been on the receiving end of the government's high-handedness and the ruling party's vitriol, ultimately, it will be the general people who are likely to be the biggest losers of the elections.

PROJECT SYNDICATE

Will Trump be on the ballot?



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On March 5, 2024, the people of Colorado will vote in a "primary election" to determine which candidates can compete for the US presidency in November. The question now looming is whether former president Donald Trump's name will appear on the Republican Party's primary ballot.

In a recent decision—characterised by many as a "bombshell," "explosive," and "a huge moment for democracy"—the Supreme Court of Colorado answered "no." A 4-3 majority on the court ruled that Trump's fate was sealed by Section 3 of the Fourteenth Amendment, which prohibits "insurrectionists" from holding federal or state office.

The Supreme Court's decision follows from a lower state court determination that Trump engaged in insurrection in late 2020 and early 2021, by knowingly and intentionally seeking to disrupt the orderly transition of power. In addition to lying about election fraud, he also incited his followers to disrupt the counting of electoral votes, and simultaneously participated in a plan to replace certified state electors with fake pro-Trump slates. The court concluded that these actions amounted to an active rebellion against the US Constitution.

Trump's behaviour places him in the

company of past government officials who, in 1860 and 1861, participated in their states' secession from the Union and ensuing establishment of the Confederate States of America. That effort failed, following a protracted and bloody conflict. The end of the Civil War (1861-65) was consummated by a bundle of constitutional amendments that have been referred to as America's "second founding": the Thirteenth Amendment, which ended the institution of slavery, the Fifteenth Amendment, which established universal male suffrage, and the Fourteenth Amendment, which endowed "all persons" with federal rights of due process and equal protection and, in Section 3, sought to further safeguard democracy by barring insurrectionists from public office.

While the two Colorado courts agreed that Trump "engaged in insurrection," their legal analyses diverged. The lower court ruled out disqualifying Trump from participating in the Colorado primary election on the grounds that the term "officer" does not apply to the presidency. But the state's Supreme Court called this interpretation absurd.

In the Supreme Court's view, the plain meaning of the word "office," based on how it was used at the

time the amendment was drafted, undoubtedly included the presidency. Moreover, the higher court notes, what sense would it make for the drafters to disqualify every oath-breaking insurrectionist except the most powerful one? Surely, no one believed that Jefferson Davis, the former president of the Confederacy who had previously sworn to uphold the US Constitution as a senator

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and secretary of war, would be eligible to become US president. The Congressional Record, which documents the debates surrounding the amendment, offers unambiguous support for this view.

The last word on this controversy

ruling from taking effect until January 4, 2024: the day before the Colorado secretary of state is required to certify the candidates on the state's presidential primary ballot. The outcome thus depends on what the US Supreme Court decides to do before the stay ends.

But other issues remain. For example, the US Supreme Court has never ruled on whether Section 3 is "self-executing," or requires some enabling legislation by the US Congress before it can be applied. Colorado's Supreme Court says the states are entitled to interpret their own election laws concerning constitution-based ballot disqualifications without waiting for federal guidelines.

The US Supreme Court has been called the "least dangerous branch" of the federal government, for it has neither the legislature's power of the purse nor the presidency's command of the armed forces. Its sole currency is the public's willingness to accept the legitimacy of its authority. That currency has been devalued of late, not least by the court's mounting ethics scandals and shocking reversal of *Roe v Wade*, which repudiated long-standing precedent upholding a woman's right to privacy in choosing whether to continue a pregnancy.

Upon reviewing questions surrounding Trump's engagement in insurrection and whether Section 3 applies to the president, the Supreme Court will have to consider whether, or to what extent, it is willing to gamble on further eroding the public's support. It is a fraught time for the republic, and for a court already freighted with heightened suspicion of conflicts of interest and political capture.