

BiN

Arbeitskreis Bangladesch in
Niedersachsen (AK BiN)

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Information

Zur Auswahl des Chief Advisers der Caretaker-Government

29.10.2006

16:45 Uhr

Nachdem die Verhandlungen zur Auswahl des Präsidenten der Übergangsregierung gescheitert sind, haben die zuständigen Instanzen heute, am Sonntag, 29.10., eine Entscheidung veröffentlicht.

Es ist absehbar, dass die Ernennung des amtierenden Präsidenten zum Chief Adviser den aktuellen politischen Streit nicht beilegen wird – im Gegenteil, die Proteste wachsen an!

Ob diese Ernennung mit der Verfassung übereinstimmt, ist nur durch den Text der Verfassung zu klären. Ob das Instrument der Übergangsregierung als ein nicht-demokratisches Gremium überhaupt in einer demokratisch akzeptablen Form benutzt werden kann, ist nach den aktuellen Vorgängen fragwürdiger als je zuvor.

Hier der aktuellste Bericht aus dem Daily Star und der entsprechende Paragraph der Verfassung:

A. The Daily Star berichtet (www.thedailystar.net):

President Iajuddin assumes additional functions of chief adviser

Troops likely to be called out to control volatile political situation

UNB, Dhaka

President Professor Dr Iajuddin Ahmed assumed the function of chief adviser of nonparty caretaker government in addition to his own responsibilities as major political parties failed to reach consensus on an acceptable person for the post.

Professor Iajuddin was sworn-in to his twin office by chief Justice Syed JR Mudassir Husain in a ceremony at Bangabhaban at 8pm, in the absence of the recalcitrant opposition.

The President took the stopgap measure after he failed to resolve the differences among the political parties in finding a person of consensus for chief adviser (interim Prime Minister).

President Ahmed took over under Article 58C(6) of the Constitution after Prime Minister Khaleda Zia relinquished power on completion of her five years in office.

B. Was steht in der Verfassung, Artikel 58 C, Satz 6?

(Quelle: <http://www.pmo.gov.bd/constitution/index.htm>)

„CHAPTER IIA
NON-PARTY CARE TAKER GOVERNMENT

58C.

Composition of the Non-Party Care-taker Government, appointment of Advisers, etc.

(1) Non-Party Care-taker Government shall consist of the Chief Adviser at its head and not more than ten other Advisors, all of whom shall be appointed by the President.

(2) The Chief Adviser and other Advisors shall be appointed within fifteen days after Parliament is dissolved or stands dissolved, and during the period between the date on which Parliament is dissolved or stands dissolved and the date on which the Chief Adviser is appointed, the Prime Minister and his cabinet who were in office immediately before Parliament was dissolved or stood dissolved shall continue to hold office as such.

(3) The President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired last and who is qualified to be appointed as an Adviser under this article:

Provided that if such retired Chief Justice is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Chief Justices of Bangladesh retired next before the last retired Chief Justice.

(4) If no retired Chief Justice is available or willing to hold the office of Chief Advise, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired last and who is qualified to be appointed as an Adviser under this article:

Provided that if such retired Judge is not available or is not willing to hold the office of Chief Adviser, the President shall appoint as Chief Adviser the person who among the retired Judges of the Appellate Division retired next before the last such retired Judge.

(5) If no retired judge of the Appellate Division is available or willing to hold the office of Chief Adviser, the President shall, after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among citizens of Bangladesh who are qualified to be appointed as Advisers under this article.

(6) Notwithstanding anything contained in this Chapter, if the provisions of clauses (3), (4) and (5) cannot be given effect to, the President shall assume the functions of the Chief Adviser of the Non-Party Care-taker Government in addition to his own functions under this Constitution.”

Bei der 8. Bangladesch-Konferenz in Hannover (20.-22.10.2006) hat Ahmed Ziauddin (Brüssel) in einem ausführlichen Statement daraus hingewiesen, dass das Instrument der Caretaker-Government an sich dringend aus der Verfassung gestrichen werden sollte, weil es ein undemokratisches Instrument ist. Die Repräsentanten der Übergangsregierung werden nicht vom Volk gewählt, es gibt keine demokratische Kontrolle der Übergangsregierung, die Übergangsregierung ist dem Parlament oder einem anderen gewählten Gremium NICHT rechenschaftspflichtig.

Zusammenfassung:

Sharaf Ahmed & Klaus Stempel