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Law flouted on election expenditure

A matter of shame for political parties and EC

N a tell-tale sign of political dishonesty, the fifty-five odd political parties in the country have yet to submit the return to the Election Commission (EC) on the expenditure they made during the 2001 parliamentary elections. While this must be termed as a costly lapse on the part of the EC not to have taken any legal action against the political parties by invoking an existing law, it should also be viewed as a moral disgrace on the part of the political parties themselves. The ineffectiveness of the EC becomes all the more pronounced since it could not muster the will to take action against the parties for non-compliance of the electoral law, when, statutorily, it is empowered to do so.

Of course, the political parties have evaded a moral and legal obligation for too long for anybody's comfort. They have not only failed to maintain their election budget within the ceiling as per the directives of the EC, they have shown reluctance in going through the standard procedure about furnishing statement to EC. For strange reasons, the political parties have even refused to register. This shows the political parties in this country have little regard for law and accountability. It is unfortunate indeed that being the bedrock of a democratic polity, they set such negative exam-

Reverting back to the role of the EC in clearing up the five-year old backlog, one is inclined to conclude that the office of the EC didn't even reprimand the political parties for their noncompliance. It even failed to make the lapse known to the public for the last five years, which in many ways could have worked to exert pressure on them.

Now that the imperatives of bringing about reforms of the electoral law are being discussed by various quarters with due seriousness, what good one might expect from the prospective electoral reform if a single fundamental law in existence that seeks details of electoral expenditure couldn't be enforced. While the dialogue on reforms would aim for reaching a consensus on evolving a strong electoral law the issue of enforcement by the EC or any other competent authority should also be addressed otherwise the law will be rendered meaningless.

Turmoil in Thailand

Police handling has a message

OR over two weeks now, Thailand has been caugh up in a political maelstrom. Large scale public demonstrations spearheaded by the main Opposition parties against alleged corruption by its Prime Minister Thaksin Shinawatra and his family have been the order of the day. Against this backdrop, the Thai Prime Minster offered to hold a snap election on April 2, almost three years ahead of the scheduled elections. But even this move of the PM has been rejected by the opposition and the people at large. Now, the demand is that he relinquish his charge making room for an interim prime minister to announce fresh polls.

What we find different, compared to ours, however, is the police handling of protest marches and demonstrations in Thailand. These hold a message or two for us. Time and again we have witnessed use of brute force by our lawenforcing agencies against political demonstrators, for little or no reason. It is indeed worthwhile to note that in Thailand massive demonstrations are being carried out against a sitting prime minister, and yet these have been watched from a distance quietly by law enforcers. Certainly, this bespeaks a kind of tolerance, wisdom and maturity on the part of professional forces in a democracy which is worth

There is more to it. The Thai election commission is investigating fraud involving PM's own party of which 329 out of 900 prospective candidates have already been barred from contesting elections. See, the role of EC. Not only that, the Supreme Court is also investigating the charges of fraud against Thaksin's party. All these also tell us that the essence of democracy lies in the spirit of enquiry and institutional pursuit of an accountability process, a culture which is yet to take roots in our politics.

Fighting corruption is like a crusade against an evil force and hence no half-hearted measures will produce results. Indeed, corruption can never be eliminated through mere processes of law and regulations; the fight against corruption has to be a continuous and vigorous social movement.

What did the PM achieve in India?



DILARA CHOUDHURY

RIME Minister Khaleda Zia's recent state visit to New Delhi culminating in a summit meeting between two leaders has ended with a positive note reaffirming their commitment to work closely to find mutually satisfactory solution, whether it is an issue to trade, sharing water or security and led to the signing of a revised trade agreement at raising the level of economic cooperation between India and Bangladesh. Both have also committed to jointly fight terrorism. This, however, is the official position. But whether or not any dynamism has been injected into Indo-Bangladesh troubled bilateral relations remains open to question in the absence of any meaningful dialogue on existing major substantive issues, although there were high hopes and expectations for such development prior to Zia's visit.

There were reasons for such expectations. First, following a nose dive in Indo-Bangladesh bilateral relations over Islamic fundamentalists' activities in latter's country, a renewed initiative was taken by India-Bangladesh leadership during the recent Saarc summit in Dhaka. In particular, Prime Minister Singh's assurance to work jointly towards a prosperous South Asia was, indeed, heartening. Second, a positive change in



What has transpired at the summit is that both sides have discussed all issues of relevance in order to have multi-faceted relations, and decided to hold regular high level meetings, set up Joint Commissions on major issues, and form various bilateral working groups and committees to resolve problems. Each side has complaints about each other, and the best way deal with them is to remain engaged. Much to the disappointment of many, this probably is the net gain for Bangladesh.

Indian stereotyped thinking that propagated a closer relationship with Bangladesh is indeed in the interest of India seemed discernible, as evidenced from the articles and editorials of major newspapers. They argued that New Delhi needed to give an impassionate hearing and try to understand the predicaments of a small country about its genuine grievances like its common river waters sharing problems, gargantuan trade deficit that accounts for over \$2 billion. border management/fencing issue, non-demarcation of 6.5 kms along the common border, maritime border, non-implementation of 1974 Muiib-Indira Border Treaty and exchange of enclave and adverse possessed land issues in order to usher a new era in Indo-Bangladesh relations. On the sensitive issue of alleged harbouring of insurgents from Northeast on Bangladeshi soil and alleged Bangladeshi links of terrorist attacks in Ayodhya, Delhi, and Varanasi, powerful newspaper daily The Times of India advocated that due to these developments (as perceived by India) an increased focus on Bangladesh by external ministry is needed in positive manner. Eminent Indian political analyst and columnist C.Rammohon advised the Government of India to go for constructive engagement on India's above mentioned security concerns instead of repeatedly accusing Dhaka. He also called for delinking its preference for Bangladesh's one political party, known for its pro-Indian stance, over the other, having the opposite view for its long term interests. And lastly, from Dhaka's side, like always, there was no dearth of goodwill and considerable efforts for a qualitative change in Indo-Bangladesh relations.

In reality, however, the outcome of the summit has been disappointing. Bangladesh has been unable to extract any substantial agreements that would bring down the huge trade balance, termed by Khaleda Zia as "unsustainable. Dhaka's plea to dismantle trade barriers and allow preferential duty free exports to boost trade between the two countries fell on deaf ears. Even with huge efforts no Bilateral Investment Protection Agreement could also be reached. New Delhi stuck to its policy of strict reciprocity as evidenced from the revised trade agreement of 1980, which is a win-win formula, despite Finance Minister P. Chidambaram's confident outburst that India was now as bigger nation ready to be more generous towards its poorer and smaller neighbours. Interestingly,

even in this win-win formula proposing the use of each other's territory through road, rail and river links, as and when it is spelled out, New Delhi's immediate gain is more than that of Dhaka because of the inability of Bangladesh to tap the trade potentials due to the untruckable road conditions in India and security problems in transit route. On the vital issues like non-implementation of 1974 Mujib-Indira Border Treaty that generates border incidents and illfeeling among the people of Bangladesh and "life and death" schemes like the river-linking project and the Tipaimukh barrage Dhaka got only verbal assurances.

Why such "insensitiveness" on the part of New Delhi? It seems New Delhi is still unsure of its emergent regional and global status, and instead of being generous prefers to stick to its old style of dealing with its small neighbours by keeping them under pressure. Fresh accusations have been lodged against Dhaka of harbouring and training insurgents from India's northeast and infiltration into India by illegal Bangladeshi immigrants, both of which are denied by Dhaka. This time, however, the dimension of accusations is ominous in the context of an unidentified Indian interior ministry senior official's statement that

"these camps are being run by al-Oaida with the connivance of Islamic fundamentalists of Bangladesh," and linking of Bangladeshi militants' alleged involvement in the recent bomb attacks on Indian soil. It is noted that New Delhi shared its evidence of these alleged terrorist activities in Bangladesh with US President George Bush during his visit to South Asia earlier this month. All these are tantamount to equating Bangladesh with cross-border terrorism into India perpetrated by Pakistan, which does not augur well for moving away from the past and initiating a break through in the bilateral relations. The fact is that as long as such deep-rooted suspicions remain in the Indian psyche, the relations between the two cannot be improved and no constructive steps can be taken to improve the relations. Similar

mindset is discernible with regard

to the issue to alleged Bangladeshi

illegal immigrants into India from

Opposition leader LK Advani's

neeting with Zia.

The point is that India and Bangladesh are neighbours and they will have to live together peacefully. A mutually beneficial relation between the two is in the best interests of both. One can discern that Bangladesh, from the very outset, has been trying its best to have friendly relations with New Delhi. It did not evolve due to the conflicting expectations. New Delhi hoped that Bangladesh would be eternally grateful for its role during the liberation war and would accommodate its interests without question, whereas Dhaka felt ndia's overarching presence and exaggerated expectations were too overbearing. Mutual suspicions and mistrust prevented what was expected and even in initial period when there were no so-called threats to India from Bangladesh and its insensitiveness to New

Delhi's security needs, there were strains in Indo-Bangladesh rela-

Mutual trust is the key to overcoming the irritants between India and Bangladesh. In this context, bringing trust in our relationship is expected to be forthcoming from the big and powerful neighbour. It takes confidence to show magnanimity, which India by now should have plenty. This was an opportunity when New Delhi could have taken one or two concrete steps in order to have Confidence Building Measures (CBMs), like going for the much awaited implementation of the 1974 Border Treaty or reaching a mutually beneficially water sharing arrangement in order to break the psychological barriers. Dhaka was ready to make concession as evidenced by Dhaka's willingness to allow Indian goods into Indian northeast through Bangladesh territory. Why did not India respond to that gesture? Similarly, at a time when New Delhi talked about having a strong and viable Bangladesh in its own national interest, there were no decision to allow generous Indian market access for Bangladeshi goods or any proposals for any arge scale investment/developmental assistance.

What has transpired at the summit is that both sides have discussed all issues of relevance in order to have multi-faceted relations, and decided to hold regular high level meetings, set up Joint Commissions on major issues, and form various bilateral working groups and committees to resolve problems. Each side has complaints about each other, and the best way deal with them is to remain engaged. Much to the disappointment of many, this probably is the net gain for Bangladesh

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An ill-advised visit?

The buck must stop on the watch of the Foreign Office and its outfit in Delhi which showed extreme incompetence and ineptitude in failing to assess and anticipate the mood and situation in India. It was an unproductive visit which shredded the bilateral relations between the two countries into fragments and it will take quite a while to pick up the pieces to repair the damage. For now, Prime Minister Khaleda Zia's hope of "perceptible improvement in ties" that will usher in "a new phase of friendship" and cooperation between the two countries will remain a distant mirage.

ABDUL HANNAN

RIME Minister Khaleda Zia during her goodwill visit to India was given a red carpet reception and a warm welcome by Indian Prime Minister Manmohan Singh at the forecourt of Rastrapati Bhaban, where she was given a ceremonious guard of honour. Her stay at the super luxury Chandragupata suite in the Maurya Sheraton was a special honour shown to her. US presidents Bill Clinton and George Bush stayed in the same suite during their visit to

Prime Minister Manmohan Singh said that "a strong, stable, and prosperous" Bangladesh was in the nterest of India, in the interest of South Asia and the region, words sweet to the ears of Bangladesh delegation. What was however. missing was a salvo of 19-gun salute, which would have added grandeur to the occasion, befitting Delhi's maiestic past and India's traditional generous hospitality.

It seems India's charm offensive worked well. Bangladesh positively responded to India's concerns and interests. Short of agreeing to India's request for transit per se, the two countries agreed to transport goods through each other's territory. Under the revised bilateral trade agreement, originally signed in 1980: "both countries would make mutually beneficial arrangements for use of their water ways, roadways and railway for commerce between the two countries and for the passage of goods between places in one country through the rritory of the other.'

Under the new arrangement, Bangladeshi trucks and boats can transport Indian goods through Bangladesh to another point on the Indo-Bangla border. The Indian interest in transit through Bangladesh was reiterated by President Abdul Kalam in course of his meeting with the Bangladesh PM when he said "more air, road, and rail connection will bring the two countries together," adding that "physical connectivity will bring connectivity of the mind." According to observers, the agreement is a prelude to agreeing to transit of Indian transports through Bangladesh, pending the construction of infrastructure facilities in Bangladesh.

Another substantial gain for India is the operational decision to start railway service from Sealdah to Joydevpur. It is understood that both sides discussed steps towards operating a railway service between Akhaura and Agartala soon. India's security concerns, arising out of presence of Islamic extremists and alleged cross-border terrorists trained by ISI agents in Bangladesh, were taken care of when both the countries agreed to cooperate to fight terrorism together. When India said that Bangladesh should cooperate in ensuring that its territory is not used by elements acting against the interest of Delhi, it underlined India's frequent accusation against Bangladesh for harbouring Indian separatist insurgents in Bangladesh

soil. These are major concessions by Bangladesh

In return, what Bangladesh received about its concerns and priorities were some verbal assurances and empty promises only, without any tangible and substantive gain. With respect to Bangladeshi concerns about Delhi's \$200 billion mega river interlinking plan to divert water from transboundary Ganges and Brahmaputra rivers adversely affecting Bangladesh, the Indian PM reportedly assured Khaleda Zia that nothing would be done harmful to Bangladesh.

The statement is in sharp contrast to the address by Indian President Abdul Kalam in the Lok Sabha some time back, reiterating the importance of the river linking project for agriculture and economy of India. As regards Bangladesh's concern about the proposed Tipaimukh dam, potentially damaging river water flow of Surma. Kushiara and Meghna, India dismissed Bangladesh anxiety by saying that it was a hydro-electric project and not for irrigation pur-

Bangladesh concerns about frequent border conflicts resulting in clashes between security forces of the two countries over construction of fences within 150 yards of its 6.5 km undemarcated border and occasional push in of alleged Bangladeshi so-called infiltrators to India, the yawning trade imbalance, and sharing of water of common rivers including Teesta was swept under the rug of inconclusive and

interminable deliberations of dysfunctional Joint Economic Commission, Joint River Commission and Joint Border Working Groups, pious wishes and the platitudinous diplomatic language of the joint statement notwith-

The issue of adverse possession of enclaves particularly the lease in perpetuity of Tin Bigha corridor to connect Dahagram and Angortpotta did not find any mention despite the Indian Supreme Courts ruling to implement Indira-Mujib agreement of 1974 granting Tin Bigha corridor. It is not understood why the Prime Minister's official delegation did not include representation from the Ministry of Water Resources. Home and Commerce. It might have sent wrong signals that we do not attach as much importance to issues of these ministries as we profess...

The visit ended in a disaster when the BJP leader LK Advani, contrary to all norms of diplomatic nicety, in course of his meeting with Knalega Zia, frontally attacked her for fundamentalist forces in Bangladesh, illegal migration of Bangladeshis to India, and sheltering Indian North Eastern separatist insurgents in Bangladesh territory to promote anti-Indian insurgency.

Was it a deliberate ploy to convey a message of displeasure of the UPA government headed by Manmohan Singh against the Bangladesh government, expressed by proxy through Advani, known compulsive anti-Bangladeshi hardliner and staunch preacher of Hindutva?

Was it a retaliation for what the Indian Foreign Secretary Shyam Saran some time ago described as "intemperate and hostile acts" of some neighbours, meaning perhaps sharp reaction of Bangladesh government to the last minute cancellation of Prime Minister Manmohan Singh's visit to Dhaka in early February last year to attend the Saarc summit due to what India claimed was an adverse security situation in Bangladesh.

gest that the Hon'ble Advisor

should dissociate himself from such

a deal any more. This is more so

when he has given a press state-

ment to the effect that the deal was

anti-state, then as a conscientious

citizen of the country, he must rise

against the deal and make sure that

those who were responsible for

such a deal either justify their stand

or face charges as could be brought

There is a long litany of anti-Indian campaigns by Bangladesh government leaders. Comments by Jamaat-e-Islami leader and Industries Minister Nizami, accusing RAW of involvement in terrorist activities in Bangladesh, the statement of former Director General of BDR. Jahangir Alam Chowdhury later confirmed by a statement of Director General External Publicity that "Indian criminals along with Bangladeshi criminals" were responsible for hundreds of bomb explosions on August 17 last year, was deeply offensive to India.

Later, Bangladesh had to retract the statement during Home Secretary-level talks between the two countries held in Delhi. Foreign Minister M. Morshed Khan's public denunciation of India at a function in presence of Indian High Commissioner Veena Sikri, particularly about the vulnerability of India's North Fastern states surrounded by Bangladesh, was not the language of diplomacy, prompting a diplomatic row and protest by India.

The continuing veiled anti-Indian rhetoric by Prime Minister Khaleda Zia in her election rallies must have aggravated the sore feelings of the Manmohan government toward Bangladesh. Besides, it is no secret that India is deeply suspicious of Khaleda Zia's government which accommodated anti-liberation Islamic fundamentalists parties. But Prime Minister Khaleda Zia was on a state visit to Delhi representing a nation and not only the BNP-led coalition government. India must be mature enough to know the fine distinction between the two Advani's behaviour was extremely indecent, inappropriate, and humiliating to Bangladesh.

It is not known why Prime Minister Khaleda Zia gambled a visit to India on the eve of election, four and a half years after assuming power. The visit turned out to be deeply flawed and troubling. By all indications, India played down the visit. According to Indian correspondent Pallab Bhattacharya, the Ministry of External

Affairs of India did not hold any formal briefing on Prime Minister Khaleda Zia's visit. Contrary to the usual practice of announcing a VVIP visit about a week ahead of the visit. it announced the visit over its website only a few hours before Prime Minister Khaleda Zia's aircraft touched down at the ndira Gandhi International Airport in Delhi. Again, the high level Manmohan and Khaleda Zia official level talks were held in the evening at 6:30 pm, a time for tea. relaxation, and exchange of pleasantries, and not for serous business.

Perhaps the Prime Minister was illadvised by the Foreign Office to go ahead with the visit, given the existing extremely strained relations, fraught with mutual deep distrust, suspicion and bitter and acrimonious accusation and counter-accusation not infrequently traded between the two governments.

The buck must stop on the watch of the Foreign Office and its outfit in Delhi which showed extreme incompetence and ineptitude in failing to situation in India

It was an unproductive visit which shredded the bilateral relations between the two countries into fragments and it will take quite a while to pick up the pieces to repair the damage. For now, Prime Minister Khaleda Zia's hope of 'perceptible improvement in ties" that will usher in "a new phase of friendship" and cooperation between the two countries will remain a distant mirage.

Abdul Hannan is a former Press Counselor Bangladesh UN Mission in New York.

Phulbari coal mining: An anti-state project?

CHRONICLE

It will not be out of context to refer the case of Dhabol Power Plant Project in

Maharashtra in India; when Maharashtra signed an agreement with Enron for

installing power plants under IPP. After the election in India, the new govern-

ment re-examined the terms and conditions of the Dhabol project and found

that the contract was against Indian interest. The contract was scrapped with

published any white paper on the

no consequences whatsoever for the government of India.



NURURDDIN MAHMUD KAMAL

(AEC) by declaring the coal explo-

"anti-state." The Energy Advisor

has suggested that the country's

interest was not protected in the

coal exploration deal with Asia

Energy. Without elaborating the

reasons for terming the deal as

"anti-state" the Energy Advisor has

quoted a provision of the agree-

ment that "any coal which investor

chooses to export, shall not be

evaluation of the proposal

HE Energy Advisor has dealt subject to export fees, duties or a severe blow to the ongoing assessment of any kind." This administrative response to a confrom Asia Energy Corporation troversial proposal necessitates a reference to the context to evaluate ration deal with Asia Energy as such provision in the agreement.

Now, with such an evaluation of the AEC proposal by a person no less than the Energy Advisor to the government, who would dare to be associated with any "anti-state" activities that may expose him, who

knows, even to a charge of treason! The question that may arise as to how such an agreement could get concurrence? The GOB has not yet

AEC deal for Phulbari, nor has the ministry made the so-called agreements public. From the available information, it appears that BHP was awarded a mineral exploration licence in August 1994 (as per statement of a former Director of BMD. Mr. M Mominullah, published in the DS on March 20) for the

north-western part of Bangladesh. This exploration license was later (in 1998) assigned by BHP to AEC, who conducted seismic and drilling operations in Phulbari and discovered 572 million tons of

bituminous coal at a depth ranging from 400-800 feet. On the basis of the field exploration and then clientfinanced evaluation by a different group of consultants, AEC has reportedly submitted a plan for open pit mining of Phulbari coal. AEC is now contemplating to

start open pit mining in the Phulbari area on the basis of 6 per cent royalty only by the year 2007. It is claimed that environmental clearance for the said project has already been obtained. Foreign finance has been mobilized. In addition, they are going to collect

money through IPO in the local stock exchange market. All set to go for an "anti-state" project!

The Energy Advisor has admitted that BHP signed the agreement in 1995 while AEC took over the project in 1998. The gray area in his statement is whether any new agreement was signed with AEC in 1998 or they (AEC) were just the assignee of the agreement signed between the Bureau of Mineral Development (BMD) and BHP in 1995.

against national interest. It is not

clear how two agreements could be

signed for a single project with two

different companies at the same

time. In any case, the issue needs

It may sound ludicrous to sug-

to be dealt with properly.

against them by the judicial process of the country. Unless he scraps the said deal If these were two separate agreements and if export provision and seriously reviews the proposed open pit mining and export of coal. was not in the agreement signed in he will be accused of double stan-1995, but incorporated in 1998, dards and considered instrumental then of course the later officials in approving of an illegal project, must explain their conduct. The thereby abetting in the unlawful act Hon'ble Adviser perhaps has mixed committed by a section of officials. up the issue or may be trying to The Hon'ble Advisor has menshield some officials by saying that tioned in the press that the deal should the people of both the regimes responsible for the two agreements should be tried for striking deal

not be scrapped as it is an international agreement. May we suggest that the deal cannot and should not be termed as an international contract, because the contract does not involve any international forum, institution, or even an international company. It is an agreement between two local institutions, namely between AEC and the

Is it not a fact that AEC has been formed in Bangladesh under the Companies Law as Asia Energy Corporation (Bangladesh) Pty Ltd? So, legally, it is a Bangladeshi company. As such, no international convention will be at stake to deal with such a case. Further the deal was not made outside Bangladesh and no multinational or international agency was involved in the contract.

For the irregularities of not abiding by terms and conditions of the contract, non-submission of the documents and returns in accordance with the Mines and Minerals Rules, 1968, to the BMD, the agreement signed earlier by BHP or AEC should stand automatically cancelled. The contract itself as mentioned by the Hon'ble Advisor is asymmetrical. AEC through BHP has taken advantage of the simplicity or stupidity of the other party, i.e. BMD, and incorporated conditions which will be detrimental to the interest of the nation. These, if analyzed in the light of natural justice, shall go in favour of Bangladesh to revisit the terms and conditions of the contract.

It will not be out of context to refer the case of Dhabol Power Plant Proiect in Maharashtra in India:

when Maharashtra signed an agreement with Enron for installing power plants under IPP. After the election in India, the new government re-examined the terms and conditions of the Dhabol project and found that the contract was against Indian interest. The contract was scrapped with no consequences whatsoever for the government of India.

It will add to our shame if, after such forceful declaration by the energetic Energy Advisor, the Phulbari coal mining project, already considered against the interest of the state, is allowed to proceed without a scratch. Incidentally, the Coal Policy itself now smells suspicious due to the inclusion of provisions which appear to justify the wrong deeds done earlier in the Phulbari coal mining project -- an anti-state project. It is necessary to revise the 'proposed" coal policy as well.

The author is a geologist, former chairman of Power Development Board, and retired Additional Secretary of the Government of Bangladesh.