

Political chess game

GHULAM RAHMAN

Sheikh Hasina, leader of the opposition, in a mammoth public meeting at Paltan Maidan on September 18, 2006 called upon the people to throw the capital from all over the country on the day Justice K.M. Hasan assumes office as head of the next caretaker government.

In an article captioned "Light at the end of the tunnel?" which appeared in the September 12 issue of The Daily Star, I had suggested that, in case the politicians failed to resolve the caretaker controversy, Justice Hasan would spare the country a calamity by stepping aside and making himself unavailable for the post of CA. A former CTG advisor called me and said that my suggestion was not realistic and lacked objectivity. He said that Justice Mainul Reza Chowdhury, who was Chief Justice before Justice K. M. Hasan, has passed away and CEC Justice M.A. Aziz is the last retired judge. If Justice K.M. Hasan steps aside Justice M.A. Aziz would be the next Judge in line to become CA.

Justice Aziz, by his acts and words as CEC, has revealed his pronounced bias and demonstrated his total lack of administrative acumen in the preparation of the voters list for the forthcoming polls. Not to speak of the opposition political parties, no sane citizen could possibly accept him as next the CA, or his continuation as CEC. The former advisor argued that Justice Hasan is a decent gentleman, a man of conscience and of integrity. His past service to BNP, before he became a judge, should not be considered as a disqualification for his appointment as CA, as was observed by the former US senator Tom Daschle leader of Washington based National Democratic Institute (NDI) delegation during their recent visit.

I suppose, in realpolitik, public perceptions sometimes overshadow facts. Somehow, people consider Justice K.M. Hasan to be a BNP man, and suspect that his

tenure as CA would be a de facto extension of BNP rule. They think that he will not play a neutral role and is least likely to create a level playing field for all the participating political parties in the forthcoming polls. However, a caucus comprising of Supreme Court veterans like Dr. Kamal Hossain, Barrister Amirul Islam, Barrister Rokon Uddin Mahmud, Barrister Zahir and other respected leaders of the bar could, perhaps, be able to clear him of this charge by unanimously vouching that his past links with BNP never clouded his role as a Judge, and that those links are unlikely to make him partisan and thus influence his actions as next CA. In case no such initiative is in the offing I believe that, unless he has an axe to grind, Justice Hasan would serve the nation better by stepping aside.

When the CTG provisions were incorporated in the constitution in 1996 the lawmakers thought, in line with the consensus the major political parties reached in 1990, that Supreme Court Judges would be the most acceptable people to run an interim administration for holding free and fair polls for orderly and peaceful transfer of power. But the impartiality of the 2001 CTG administration of Justice Latifur Rahman was questioned immediately after the election. The nation is now beset by a controversy involving Justice K.M. Hasan. It seems that, because of the CTG provisions, once revered Judges are losing the high esteem they used to command before.

It was former Chief Justice Mostafa Kamal who, possibly, first raised the fear of the adverse impact on the higher judiciary because of the CTG constitutional provisions. Since the insertion of the CTG provision in the constitution the judiciary has become more politicized than ever before. Inferior candidates, even with tarnished moral image, have got entry into the higher judiciary. Unwarranted controversy engulfed respected members of the Supreme Court. Separation of judiciary from the executive branch is sine qua non to

Which party will win the next election depends on how well their leaders play the political chess game this time. Withdrawal from the contest, ab initio, by either party is not really an option. The PM is blowing hot and cold in her speeches across the country, and the leader of the opposition has made her position absolutely clear in the Paltan Maidan. The people are now anxiously waiting to see when they would rise above their narrow party interests and resolve controversies involving CA and EC in the best interest of the country.

uphold the rule of law, an indispensable prerequisite for establishing good governance in the country. However, the constitutional provision for appointing a chief advisor from among the former Supreme Court Judges is a harbinger of contamination of the judiciary by the executive branch through the political process. Therefore, to save the higher judiciary from its unintended impact, as well as the country from an impending disaster, it would be desirable to delete article 58C (3&4) of the constitution.

The deletion of article 58C (3&4) of the constitution would allow the president to appoint a CA "after consultation, as far as possible, with the major political parties." The Prime minister, and other BNP stalwarts, however, opined repeatedly that it would not be possible to zero in on any candidate for appoint-

ment as CA. One possible way out of this predicament is creation of a neutral electoral college for selection of CA candidates. The electoral college may be composed of 100 or so members nominated by political parties based on the percentage of votes they bagged nationwide in the previous general election. The electoral college for selection of CA for 2007 CTG would be composed of 46 representatives from BNP and its allies, 40 from the AL, 7 from JP (Ershad) as they received 46%, 40% and 7% votes in the 2001 election. The other smaller parties, which bagged more than half a percent votes, would also have their nominees.

These representatives should be drawn from non-partisan members of the civil society. To make their selection more participatory each political party should nominate two

persons who are not members of their party, or its front organizations, for each position it is entitled to have in the electoral college. The government and the opposition would pick, from each others lists, those who would earn the voting rights finally.

Once the electoral college nominees are finalized they would follow a procedure similar to the one followed by the Cardinals in the selection of the Pope, by preparing a short list of three candidates from nominations made by at least 10 members of the group, for appointment as CA. They would forward the list of the three selected candidates to the president, who would then ask the PM, and the leader of the opposition in the parliament, to give him two choices, in order of preference, for CTG Chief. The president will appoint the one who is the most favoured common candidate.

However, in case the major political parties fail to reach an agreement on the procedure to select a CA there would be no option left for the president but to assume the functions of CA as provided in article 58C(6) of the constitution. Any deviation from the course chartered in the constitution would cause unnecessary sufferings to the people, and retard the nation's march on the path of democracy, freedom and economic emancipation.

Once a CA is appointed his place in history would be determined by his success in holding a credible election. Before Justice Latifur Rahman became CA in 2001 it was widely thought that he had AL leanings, but immediately after assuming office he ordered removal of 13 secretaries appointed by the AL government.

Interestingly, Madam Khaleda Zia did not attend the function to show her disapproval of the shifting of the ceremony from morning to noon, and then to evening on that day. The tone of the 2001 CTG administration was set by the delay in oath taking, and Madam Zia and her party's absence on the occasion. During the next three months Justice Latifur Rahman focused all his efforts to make the election environment congenial for BNP. Possibly the apprehension that BNP might withdraw from the election process at any time influenced his every action all through.

The AL, before it left office in 2001, appointed mostly neutral, and even some BNP sympathizers, in top administrative positions. Justice Latifur Rahman, immediately after taking over, placed all those officials who were aggrieved during the AL regime in every key post, particularly election related ones. His government either revised, or kept in abeyance, every decision taken by the AL government during the last three months of its tenure. The CTG transferred all upazilla and district level officials from one corner of the country to another for severing any possible link these officials might have developed with local AL leaders. The present government has politicized administration on an unprecedented scale. The incoming CTG, by only following the blueprint of action Justice Latifur Rahman chalked out in 2001, will not succeed in making the administration clean and neutral for the 2007 election. They will have to take more rigorous actions. A CTG, trusted by BNP, if acts neutrally, will be well positioned to act more vigorously.

Once a CTG is in place it will act in full public view. Any partisan decision, or reluctance to make the administration neutral and create a level playing field for all participating parties, would be apparent. Therefore, the AL should withdraw from the electoral process and launch a movement only when it

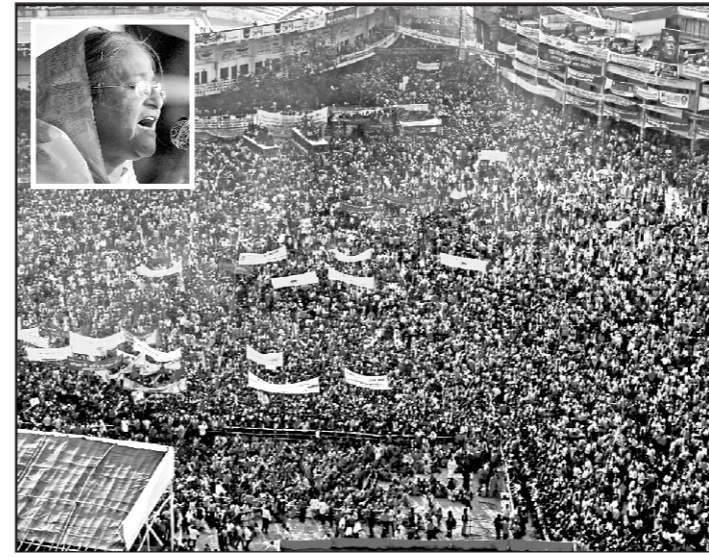
becomes apparent that the CTG is averse to creating a level playing field, and is hatching a plot to favour any particular party.

The AL had many commendable achievements, including increased economic wellbeing of the masses and unprecedented price stability, to its credit. But it lost miserably in 2001 election because of certain last moment decisions which tarnished its image, and its apathy in curbing the unwarranted activities of some of its activists like Hazari of Feni. The actions taken by the CTG for creating a level playing field compounded its predicaments.

Had AL left office in March 2001, as was announced by Sheikh Hasina in Medina, but refrained from doing so in the face of opposition of her senior cabinet colleagues, then, possibly, fortune would not have had smiled on the BNP. The then opposition leader Khaleda Zia played political chess better, and with determination. The report card of BNP's 5-years of governance is not one to be envied. However, it is still the party of choice of a vast number of people despite its failures to curb the price spiral, as well as the all pervasive corruption and toll collection, to meet the shortages of electricity, diesel oil, fertilizer, etc. and to protect Bangladesh citizens from BSF bullets in border areas.

Which party will win the next election depends on how well their leaders play the political chess game this time. Withdrawal from the contest, ab initio, by either party is not really an option. The PM is blowing hot and cold in her speeches across the country, and the leader of the opposition has made her position absolutely clear in the Paltan Maidan. The people are now anxiously waiting to see when they would rise above their narrow party interests and resolve controversies involving CA and EC in the best interest of the country.

The author is a former Secretary to the Government.



Stabilising prices : Some suggestions

DR. M. MANIRUZZAMAN

The government changed commerce ministers several times during the last few years, but things worsened instead of improving. And they are unlikely to improve - no matter who forms the new government - unless some fundamental changes are made. Some of the suggestions presented in this note might appear to be deviating from the basic philosophy of the so called market economy, while others are consistent with the increased competitiveness of the small producers as well as beneficial to the consumers.

The role of the government in price control is also debated, and some quarters want to maintain a position that under the market economy the government's business is not to do business. The highups in the present government also say that the government has little role to play in price control. This view is, however, not acceptable to the consumers in general, particularly to those of the fixed and low income groups. The government has a role to play even in the most mature market economies to eliminate, or at least minimize, the adverse effects of market imperfections and externalities. In the less developed economies the government must play a stronger role to minimize the suffering of the poor fixed income group. In the market economies the government may not control, but should be effective in regulating, prices.

Without further elaborating the introductory remarks, I would like to briefly present my suggestions as under:

Re-introducing the rationing system

Those above 50 years of age today must remember the smooth func-

tioning of the rationing system of the 1960s, and its role in price stability. Every citizen living in the city area had a "ration card," and was ensured a steady supply of basic necessities like rice, wheat, edible oil and sugar at fixed prices, usually about 20 to 30 percent lower than the market price of the same of similar quality. Apart from those basic necessities, the ration shops were occasionally utilized to sell other food items and consumer goods like onion, fine rice, semai, and even soap, during festivals and lean agricultural seasons.

On the advice of International development agencies, like the World Bank and the IMF, the government in Bangladesh had to abandon the rationing system in order to "cut subsidy" and enhance the "role of the private sector," thus giving incentive to producers in the form of increased prices. But it has now been proven that it is the vested interest groups, rather than the producers, who are benefited, while the consumers are suffering and inflation is skyrocketing.

For the re-introduction of the rationing system in all City Corporations and Pourashava areas, one ration shop dealer may be appointed for every 2,000 households, or 10,000 citizens. A total of about 5,000 urban ration shops will be required in the whole of the country. The govt. will not be required to make any investment as the dealers will establish their own facilities. But the govt. will have to ensure that they are properly established and made functional, on a regular basis.

Each ration shop dealer would earn about Tk. 50,000 per month even if only 3% commission is provided, with the assumption that 50% of the allocation is actually supplied and distributed. Each

It is definitely a huge task and requires efficient administrative support. While the GOB departments might perform the regulatory role, some public companies under the ministry of commerce or the ministry of food, relief and disaster management could manage actual procurement and distribution, including the rationing and modified rationing system. Such companies could be created under law, and be given full authority to procure and distribute, including fixation of price, subject to upper and lower limits set by the government.

household would save about Tk. 150 to 200 per week. This might appear low to those who spend more than this on just one meal per person. But this small amount is of immense value to the low-income urban dwellers like garments workers, low-paid office staff and rickshaw drivers. Please note that India is still maintaining the rationing system, and the international community could not force them to abandon this.

The rationing system will be able to reactivate the public food storage facilities all over the country to enhance procurement, and the millers will have an institution to regularly supply food items to. The govt. subsidy need not be very high because of the gaps between producer level and consumer level prices on one hand, and the seasonal price fluctuations on the other. With the re-introduction of an institutional buyer, the rationing system, the millers and whole sellers would buy more, process more and in bulk quantities which will increase efficiency, make use of the economy of scale, and thus contribute to cost reduction. This will be a win-win situation for all, provided there is good governance. Good governance would require transparency, accountability and delegation of authority in procurement and distribution. Govt., NGO and local government cooperation will of immense benefit.

After abandoning the rationing system the government has occa-

sionally tried to use the so called open market sale (OMS) to control price levels. But the size of the OMS is insignificant, and the operation is very inefficient. The general public is hardly informed about it, and even if they are informed they cannot take advantage because the demand is much higher than the supply. Rationing, in contrast, provides a guarantee that the card holder will get the supply, and the dealers can sell in a disciplined manner. The government can also monitor the shops and make sure that the card holders are not denied a regular supply.

Dhaka haat

The rationing system will contribute a lot toward price stability in food items like cereals & edible oil. Price stability in perishable food items like fish, meat, vegetables and fruits requires a system of purely competitive marketplaces like the village haats. The special feature of such village haats is that every producer can freely bring his produce to the haat, and every consumer has freedom to buy from any seller at freely negotiated prices. Urbanization has removed the village haat type of institution. Layers of intermediaries and rent seekers are created, and not necessarily by the process of comparative advantage and natural evolution. Intermediaries are not always bad. They can be beneficial for both, producer and consumer, to operate

more economically. They can be purchased by 'paikers,' coming from say Karwan Bazar or other wholesale and retail markets, through auction with the facilitation of the city corporation.

• **Probable location:** Open haats can be located in places like Sinnir Tek, Bochila, Birulia, Demra, Jatrabari, Rampura and Agargaon etc., where open places can be made available and which can be connected to both city centers and peripheries by bus and tempo routes.

• **Infrastructure and Support Services:** BRTA, Bus Owner/Operator Association, DMP, community police, DCC, and ward commissioners will cooperate to provide services like water supply (public posts), electricity (street and open space lighting) public toilets, garbage cleaning, transport service, law and order and other necessary services. Since there shall be no permanent shop of any sort and no toll collection, the services must be free. The DCC will provide the service under their operating budget while GOB may help with supplementary grants.

• **Complete clearing of stock:** The open haat shall have no closed and permanent structure. They may have open sheds only, and cemented open areas like CC compound, with drainage outlets. There shall be no stock

left overnight. Excess goods will be purchased by 'paikers,' coming from say Karwan Bazar or other wholesale and retail markets, through auction with the facilitation of the city corporation.

• **Openness:** ensuring open access to all buyers and sellers, and without tolls of any sort. No 'jaradar' is involved and no tolls collected. Cleanliness and maintenance to be ensured by the city corporation.

• **Modified rationing**
The re-introduction of rationing system in the city area will benefit the urban poor and the urban middle class. The rural poor, including small and marginal farmers, also deserve

such service during the lean agricultural seasons when food prices go up in the rural areas such as in the poverty-stricken monga areas of the Northern region. Modified rationing could be of immense benefit during the post-monsoon months of September to November (Ashwin-Kartik) and the pre-monsoon months of March to May (Chaitra-Baisakh). Rice, wheat (atta), pulses and edible oil may be distributed during Ashwin-Kartik while only rice, wheat and edible oil may be distributed during Chaitra-Baisakh.

Enhancing VGD and VGF coverage

While the moderate poor and the middle class in both rural and urban areas might benefit through the city rationing and modified rationing systems, the poorest category would require enhanced VGD and VGF cover, particularly during the monsoon and post monsoon season, and particularly in the remote rural areas like Jamuna char. The poorest female headed households deserve such assistance along with the disabled and elderly men, women and children of the poorest households.

Diversifying crops

Most of the non-cereal crops such as potato, sweet potato, spices, pulses, oilseeds and vegetables are grown during the winter season and are harvested during the late-winter to early summer seasons. So, prices of such commodities go up during the monsoon and post-monsoon seasons. One remedy is improving storage and marketing systems, which is expensive. Cold storage facility is, to a great extent, limited to potato only. This can be extended to other perishable crops like onion, ginger, tomato, fruits and vegetables. Another way is diversi-

fying crops including rapid expansion of summer vegetables, tomato, onion, ginger, chilli etc. so that some of these are harvested during the monsoon season.

Apart from supporting modern storage facilities, indigenous storage facilities deserve high attention. Onion, garlic, potato and sweet potato can be preserved on bamboo platforms in well ventilated thatched house while pulses, oil seeds, dry chilli etc. can be preserved in air tight earthen, metal or plastic pots.

Managing the procurement and distribution programme

It is definitely a huge task and requires efficient administrative support. While the GOB departments might perform the regulatory role, some public companies under the ministry of commerce or the ministry of food, relief and disaster management could manage actual procurement and distribution, including the rationing and modified rationing system. Such companies could be created under law, and be given full autonomy of framing own recruitment rules, organogram, salary and incentive structure, and even hiring and firing. They will be given full authority to procure and distribute, including fixation of price, subject to upper and lower limits set by the government on yearly basis for each commodity of defined specification.

GOB will provide the long term capital grant and yearly operating costs, and will monitor, from time to time, the effectiveness of the system, including transparency, fulfillment of the procurement and distribution targets and fund management etc, but will not create any unnecessary hindrances.

Dr. M. Maniruzzaman is an economist, anthropologist and development practitioner.

Water : A fundamental human right

BOBBY RAMAKANT

When "Jal Adhikar Yatra" (March for Right to Water, Varanasi to Delhi, September 10 - October 5, 2006) began, I was overwhelmed with information on Right to Water, a right, I had taken granted for, by the virtue of my birth and upbringing. But not everyone in India is so fortunate. Thousands of villagers have been deprived of having access to their own water resources because big industries have siphoned away huge quantities of ground water, were marching their way to Delhi for a Jal Satyagrah movement.

At the beginning of this 21st century, the World Health Organisation estimated that of the world's six billion people, at least 1.1 billion lack access to safe drinking-water and 2.4 billion are living without access to sanitation systems. An estimated 14 to 30 thousand people, mostly young and elderly, die everyday from avoidable water-related diseases (e.g. diarrhoeal diseases). The lives of these people who are among the poorest on our planet are often devastated by this deprivation, which impedes the enjoyment of health and other human rights. Water is a limited natural resource and

fundamental for life and health.

"The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, reduce the risk of water-related disease and provide for consumption, cooking, personal and domestic hygienic requirements". This is what the United Nations' Human Rights statement reads on Right to Water (adapted on November 26, 2002). All member countries including India, are supposed to respect, protect and fulfill this human right to water of their citizens.

"Access to safe water is a fundamental human need and therefore a basic human right" said UN Secretary General Kofi Annan. "In this new century, water, its sanitation, and its equitable distribution, pose great social challenges for our world. We need to safeguard the global supply of healthy water and to ensure that everyone has access to it."

Moreover numerous fundamental human rights cannot be fully realised without water. For example, without water, no life can be sustained, and therefore Right to Life can never be respected, protected or fulfilled unless we stop ignoring right to water.

Similarly water being essential for farming and cooking, right to food can't be enjoyed unless we recognise the right to water. Almost 70 percent of all mobilised freshwater is used for agriculture and it is estimated that more than one third of global food production is based on irrigation.

Similarly right to self-determination also includes the right of all people to manage their own resources and is thus connected to a right to water. Right to adequate standard of living, also cannot be realised without a secure access to water. Right to housing, too, is defined as the right to adequate housing which should have sustainable access to natural and common resources, safe drinking water, sanitation and washing facilities. Likewise right to education is compromised because lack of proper supply of water forces children to walk long distances, often several times a day - thus missing school - to provide their families with water. Right to take part in cultural life also can't be fulfilled unless right to water is duly respected and protected. The destruction, expropriation or pollution of water-related cultural sites represent a failure to take adequate steps to safeguard the cultural identity of various ethnic groups.

So, the right to water is indispensable for leading a

life in human dignity.

The right to water is implicitly recognised by several international legal documents. However, it's not yet implemented in practice because of an absence of political will, frequently due to a difficult perception of what this right means concretely. Indeed this right has different meanings in countries where almost all have access to water and in countries where access is far from generalised.

At the time when the original Universal Declaration of Human Rights was drawn up, it was assumed that all people would have access to safe water, as it is essential to all life. Water like air is so fundamental to preserving a right to life that explicit recognition was thought to be unnecessary, and thus little attention has been given to the question of whether there is a right to water. Consequently water was never named as a human right before November 26, 2002.

Explicit reference to the Right to Water has been made in two core international UN human rights treaties which are legally binding upon all states that have signed them:

- the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979),
- the Convention on the Rights of the Child

(1989), as well as in one regional treaty: the African Charter on the Rights and Welfare of the Child (1990). The Geneva Conventions (1949, 1977) guarantee the protection of this right during armed conflict.

Article 14 (2) of The Convention on the Elimination of Discrimination Against Women (CEDAW, 1979) states that State parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to women the right: To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communica-

tion. In the Millennium Declaration, 2000, delivered at the close of the Millennium Summit of the United Nations in New York, 150 heads of state and government pledged to "halve, by the year 2015... the proportion of people without sustainable access to safe drinking water". The Johannesburg Declaration adopted at the World Summit of Sustainable Development in September 2002 also

set a new target of halving the proportion of people who do not have access to basic sanitation by 2015.

Right to Water contains both:

1. Freedoms, such as the right to be free from interference through, for example, arbitrary disconnections or the contamination of water supplies, and

2. Entitlements, including the right to a system of water supply and management that provides equality of opportunity for people to enjoy the right to water.

As natural rights, water rights are usufructuary rights (water can be used but not owned). People have a right to life and the resources that sustain it, such as water. The necessity of water to life is why, under customary laws, the right to water has been accepted as a natural, social fact.

That is why governments and corporations cannot alienate people of their water rights. Water rights come from nature and creation. They flow from the laws of nature, not from the rules of the market.

Bobby Ramakant is an Indian journalist who can be contacted at bobbyramakant@yahoo.com