DHAKA FRIDAY OCTOBER 25, 2002



member for grave misconduct or

supported by three fourths or more

of their total members and submit-

ted to the chairman of the public

entity superior to it or to the compe-

The superior entity or the Minis-

ter as the case may be may request

such member to resign or may

suspend him pending a decision by

court as per the procedures deter-

mined by law. If the person so

removed does not file a suit to

restore his office within thirty days,

there shall be an election for the

vacancy in the following thirty

days, however the person vacating

the seat may be qualified for elec-

tion again unless his violation of

law or misconduct is confirmed by

(9) Unless otherwise disquali-

(10) The qualifications for elec-

tion for any public entity of the local

self-government shall be same as

those for a member of parliament

provided that he is not or has not

been a member of any political

party within a period of not less

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The views expressed here are of

the author's own and not necessar-

ily of the organizations he repre-

elopment Strategy, Dhaka

than 24 months.

tent Minister.

a court.

for violation of law by a resolution

Local self-government Perpetuating political power or delivering service to people?

MUSTAFIZUR RAHMAN

OME form of local government existed in this subcontinent for centuries. This is a matter of record that any social scientist can easily come out with details of. People can readily remember of union council, district council and basic democracy of president Ayub's regime, Gram Sarkar, of president Ziaur Rahman's time, upazila system of H M Ershad's rule, and the move towards a governor system under BAKSAL immediately before the end of the first Awami League administration, with different feelings and memories

Ziaur Rahman was interested in a system of decentralized rural development. The Shanirvar Gram Sarkar concept of Rangunia, Chittagong that took shape under the leadership and initiative of Mahbub Alam Chashi (first foreign secretary of the then exile government in Mujib Nagar) was going to serve as a model. Gram Sarker movement spread during Ziaur Rahman's time, but was not established as a permanent system of institution. I suggested to General Ziaur Rahman that service cannot be delivered to the people unless there is local-institutional delivery system. One of the main jobs of such institutions should be the introduction of citizen registration process without which the delivery of health service, establishment of health insurance scheme, control of population, introduction of compulsory education and its management, disbursement of educational loan, formulation of undisputed land-ownership recording system, introduction of nationwide taxation system, creation of ready up-todate voters-list, training of manpower, creation of employment, building of rural infrastructures, vitalization of economy, stabilization of people's livelihood. deliverv of justice, control of crime and provision of other services to the people will not be possible. General Ziaur Rahman readily

accepted the idea. However, historical events did not allow him to materialize it. After General Ershad took over power, he wanted to give the military some administrative role. Most probably he was trying to study different systems of perpetuating military rule. Reportedly, he sent

delegates to Indonesia to study how president Shuharto managed to keep his power for so long a time. He then came to introduce local governments, to be headed by some military officers. Some quidelines were prepared and published The civil bureaucrats realized

that the local administrative power was going out of their hand. They started supporting Upazila system headed by elected chairman. As it was not possible to hold election immediately the upazila was headed by a Nirbahi officer. This is how upazila system came into being. There was election to the 460 Upazila Parishads in 1985. BNP repealed the Upazila Parishad Act after forming government in 1991. Awami League revived the law on Nov. 25, 1998 to 20-25, the number of upazila may be lessened and union may be smaller or of the same size as at present in some but no election was held, obviously for politifical reasons. The local cases government has so far been basically meant for execution of foodfor-work programme which was never a healthy idea. It was always suspected as a mechanism of much of an expectation or an distributing benefits to party workidealistic proposition to expect a ers. The cabinet committee of present government headed by the political party in power to give us a non-party based local govern-Prime Minister formed a 5-member ments that will serve the people sub-committee last year to review with full responsibly, and shall the upazila system. The recommendations suggest that an MP discharge their duties strictly will be the advisor of the Upazila according to law and constitutional Parishad of his constituency. His

MP will get an annual development budget of taka one crore. The communication minister Barrister Nazmul Huda has expressed his reservation about the system as there will be clash of interest between the MP and the elected local chairman. This idea cannot hold, in that the MPs are for law making and not for running routine executive job. He might have some other political consideration at the back of his mind. Here question arises as to the purpose, function, responsibility and duty of the upazila parishad. Is it for giving the MPs and the parishad members a source of finance to bolster the activities of the ruling party or to serve the people? Will it not proliferate corruption and bring downfall

role shall be specified by law. Each

to the government sooner? Will there not occur political fighting in every village, every locality someday or other? Will the people be in peace? Will it be possible to discourage political parties from

dragging students into politics? Will there be any chance for the people to expect justice, and security at home from the administration? The answer is very likely "No". It will be rejected by the people as BAKSAL, and local government headed by military officers

For civilized living, citizens need a lot of services in a community free from party politics. Any government that delivers that service is loved by the people and is elected to power repeatedly. Any government that attempts to perpetuate power by manipulation and trickery is bound to fall as has been

studied the subject more or less in line with the Japanese system, which may suit us quite well, though it will need some adaptations. The government, I mean, the lawmakers may consider such a system by amending, substituting or supplementing articles (59) and (60) of the constitution to give it permanency with the following provisions:

59. (1) Local administration shall be executed by elected representatives of the people, who shall not be members of any political party. Regulations concerning organizaentity, has violated law or Ministetion and operation of local public entities shall be fixed by law in rial order or has been otherwise

The Chairmen of a Zila Parishad shall have power of supervision and direction over the Chairman of defaulting Chairman. Upazila Parishad and Municipalities in his district and similarly an Upazila Parishad Chairman shall have such power over the Union Parishads. The Chairman of a Municipal Corporation shall have

power of supervision and direction over the chiefs of Wards within his Corporation. (6) If a competent minister finds that any Chairman of a Zila Parishad on a Municipal Corporation or any other equivalent public

such a chairman when a confirmatory decision is given by High Court under the provisions of the preceding paragraphs.

(h) Even if a confirmatory decision be given under Paragraph 6, a Chairman may file a suit with the same High Court to suspend the dismissal power of the President under the preceding paragraph, upon proof that he has complied with the writ issued under paragraph (d). (i) The decision under para-

Minister may take such corrective dismiss him in pursuance of the measures himself on behalf of the preceding eleven paragraphs.

(I) Any Chairman dismissed (g) The President may dismiss under Paragraph (h) or preceding shall be disgualified for any office of State or any public office of a local public body, for two years from the date of dismissal

(m) Any suit contesting the dismissal under paragraph (h) or (l) shall be filed within thirty days from the date of dismissal.

(n) If the dismissal of a Chairman be reversed by the court referred to in the preceding paragraph, he shall restore his gualification forfeited under Paragraph (m) on the day when the decision has become final.

(o) Necessary matters pertain-The local government system itself may be of 3 or 4 tiers. But in view of modern means of communication and small ing to a suit, inquiry or procedures under paragraph (b), (d) through size of the country, a 3-tier system may be less expensive and more effective. Total number of Zilas may be reduced (f), (i) and (l) above shall be fixed

> by the Supreme Court. fied earlier, any person elected to (p) The provision of the precedany office in any public entity of local self-government shall hold ing sixteen paragraphs shall not be applicable, where corresponding his office for five years from the procedures are provided for in date of taking office. other laws.

(7) Any elected Chairman or other public officials of any public entities mentioned in this Article may be dismissed by the votes of the majority of voters of his constituency as may be provided for by

The procedures, power and any other matters not provided for elsewhere regarding removal, dismissal or disqualification of any elected member of any local selfgovernment shall be regulated by

(8) The elected members of respective public entity can remove their chairman or any other

observed in Bangladesh and elseaccordance with the principle of ocal autonomy I think, it may sound like too

(2) There shall be Union Parishad, Upazila Parishad, Zila Parishad, Municipal Corporation, Municipality, and Ward in a Municipality or Municipal Corporation, which shall be the units of administration with their chief executive officers designated as chairman of the respective units unless otherprovisions. The party that is in wise provided for by law, elected power today, may be in opposition by people by direct popular vote according to the provisions of law. tomorrow, but there will be no necessity of fearing about personal Other officials and members shall security, harassment, or injustice be appointed or elected as per at that time. Political parties shall provisions of law. These local not have to patronise armed gangs public entities shall establish their for their rightful political activities deliberative organs in accordance with law.

(3) Local public entities men-I dare say, this is the type of local government the people want. If it tioned in the preceding clause shall comes from BNP, people will salute have the right to manage their property, affairs and administration them. I wish it can show some greatness. Political magnanimity is and to enact their own regulations and should be a fundamental within law ingredient of a great party that can

(4) A special law, applicable only to one public entity, cannot be enacted by Parliament without the consent of the majority of the local public entity concerned, obtained in accordance with law.

view of modern means of communication and small size of the coun-(5) The Union Parishad, Upazila try, a 3-tier system may be less Parishad, Zila Parishad, Municipalexpensive and more effective. ity. Municipal Corporation and Total number of Zilas may be Ward offices shall also execute reduced to 20-25, the number of some affairs of state as state upazila may be lessened and union agency under the supervision and may be smaller or of the same size direction of some competent Minister according to provisions of law.

remiss in the management or execution of the state affairs within his power, he may warn such a Chairman in writing to take corrective measures in such manner and by such time as he may specify.

(a) If a Chairman so warned fails to take corrective measures by the specified time, a competent Minister may file a suit with the High Court for a writ of mandamus. (b) A competent Minister shall

as soon as he files a suit, notify the chairman to that effect. A High Court shall be informed of the date, place and method of such notifica (c) A High Court, with which such

suit was filed, shall summon both parties on the date of its inquiry. which shall be held within fifteen days from the date when such suit was accepted.

(d) A High Court, if the suit of a competent Minister be found sustainable, shall issue a writ of mandamus to the person, ordering him to take corrective measures by the specified time

(e) If the Chairman fails to comply with such writ by the time specified therein, a competent Minister may for confirmation of the fact file

is given in accordance with the preceding paragraph, a competent

Supreme Court. (j) An appeal under the preceding paragraph shall have no suspensive force.

graph (e) or (f) shall be appealable

in accordance with rules of the

(k) If a Chairman of Zila Parishad or Municipal Corporation finds that any Chairman of a Upazila Parishad or a Union Parishad, or a Chief of a Ward within his jurisdiction in the capacity of an agency of State has violated law or ministerial order or has been otherwise remiss in the management or execution of the State affairs within his power, he may warn, file a suit with District Court, act for such Chairman or

In memoriam Akbar Imam as I knew him

AFSAN CHOWDHURY

KBAR Imam's death anniversary notice, small and fading amongst the many other notices that appeared in The Daily Star on 18 October fails to tell so much except that he is not alive anymore. He was once in his college days, in his university days and in the days after, the quintessential activist -- cultural, media and from that on to politics as well -- but always the man who loved drama of activism in so many ways. To his friends, now rapidly losing space in their own fading- fifty memories, Akbar Imam's notice will be a stamp sized reminder of the death that came for one of their own and will come once again for them all. Akbar was so much more than that When I met him first at college, he was already neglecting his studies and was chased by literary and dramatic dragons that so many knights clash with without thought of victory or defeat. Akbar just wanted to be part of that bubbling youthhood that gives eternity to those who drink from that bottle. Perhaps that's why poetry sought him out as a victim as well. There were far too many fatal combinations lying in wait for him to capture if he made a false step and he was such a careless tourist, always aware only of the journey and not how. By the time we had all entered Dhaka University as the first batch of students after independence, he was also into anti-Awami league politics. Unlike so many of his contemporaries he was not a turncoat. He had been a staunch Leftist all his life and was close to Biplobi Chhatra Union, the student front of the then Zafar-Menon group. But he was more an activist than active. I never really saw him deep into party activities. He was more formidably located in the various canteens and addakhanas of Dhaka university. discussing, chatting and dreaming. It was a full time occupation. He was nominally a student of the English Department. I think he was too busy being a cultural activist by inventing the same rather than read for it. Akbar Imam was very well known in the university for his keen interest in drama and one must carefully read the manuscripts of the collective mind of that era to find out as to why play-acting drew so many people so strongly. As if in acting out roles, he was also like others trving to display his dreams, passions and for some participating in actions of laughter and forgetting "Rains": Those of us who were a little closer to him than others and some were even more close were of course fully behind his mounting of the play where like a true auteur he was going to translate the Somerset Maughm hit into Bangla, direct the drama and play the lead. We thought it natural and of course he was full of enthusiasm and dragged his friends with it though the hardened veterans of Dhaka University's drama world descended that night into the greenroom and made sure the play was produced with the extra

help that it needed which Akbar he had also caught the dreaded carried through with his enthusiasm and elan

"Brishti, Brishti" was a campus hit and noted in the national papers positively as well and Akbar had to shell out money to host tea to all his old and new friends but he certainly had shown he had talents. Soon, he had done a theatre workshop or two but soon it was time too for many of us to leave and go into a world we knew little about.

The shores of that strange and sublime place that it was in the seventies, giving protection to the genius and the madman alike is no more now, lying dead after slaughter at the hands of violent politics but in many ways Akbar defined the particular spirit that identified Dhaka Akbar. His fight was cut out. Holiday and he was literally writing

Late Akbar Imam

University with culture, refinement,

dedicated amateurism, friendship

and endless cups of tea under

shanty roofed tea shops. I was

almost immediately into work like

many others after campus days but

He was close to his brother

Shahrivar Imam and I met him a few

times at the tea parlours of Shabagh

and he told me that he was trying to

run a clearing and forwarding

agency. He was about to do well I

suppose but none of the brothers

were fit for the commercial world of

Bangladesh. I heard that it failed. A

few other ventures failed as well.

And then I heard that he had gone

away to some desert country to

teach English, a profession for

which he was eminently qualified. I

was almost out of touch except that

when we met he would be as warm

as he was when we first met three

decades ago. Years always melt

away with old friends; it's the pres-

in a roundabout way as my wife tried

her hand as a journalist and discov-

ered that there was one Akbar Imam

with whom I went back to college

days. By then Akbar's political views

had hardened. When we met he had

that rage in his eves that I couldn't

figure whether was against life or

what life does to those who are

forever running the extra miles to

Like so many journalists he was

moving from various papers -- a

common ailment amongst hacks --

to more of the same. If he had

become more well known in his life

make a living and society failing.

Our contacts were re-established

ent that builds walls.

Akbar stayed on a little longer.

Days of livelihoods



disease of "gypsy journalism", many of whom are more permanently located at the Press Club than at any news desk. Whenever we met anywhere I had a creeping sensation that the society we lived in had less and less space for innocent souls like him.

It was at the Press Club at a press meet called by Sheikh Hasina after her successful attempt to force Khaleda Zia to agree to a new election in the mid-nineties that I saw him almost confront the politician. Clearly Akbar had become a partisan but he also had the courage to ask the unpleasant questions and nothing in that room cowed him down. I felt a sad admiration for a person whose politics had given him strength but taken some of his objectivity away. It didn't matter to

Akbar was next working for

EU enlargement and Irish referendum Less European attention to Third World needs

as at present in some cases.

whether in power or out of it.

win the trust and respect of the

itself may be of 3 or 4 tiers. But in

The local government system

people

inquiry

a suit with the same High Court. which shall then summon both parties within ten days for further (f) When a confirmatory decision

Kazi Anwarul Masud

RISH voters' overwhelming endorsement on 20th October of the Nice Treaty paving the way for 13 candidate countries to join the European Union was ecstatically described by Prime Minister Bertie Ahern as "a historic decision about the destiny of Europe and Ireland's continuing role in it". Earlier in June last year the Irish voters had rejected the Nice Treaty in the first referendum. The affirmative response this time delighted European Commission President Romano Prodi. Those who voted against the Treaty did so because they saw in the Nice Treaty a threat to Irish jobs resultant of a possible exodus of East Europeans into Ireland which has become an economic power house since joining the EU in 1973. Understandably the candidate countries welcomed the ves-vote.

Decision to enlarge the European Union was taken at the Luxembourg European Council meting in December 1997. The Council saw the enlargement process as "the dawn of a new era, finally putting an end to the divisions of the past. Extending the European integration model to encompass the whole of the continent is a pledge of future stability and prosperity". The summit saw the enlargement process as comprehensive, inclusive and ongoing, which would take place in stages with different states joining the Union at different time. The aspirants, however, had to be committed to universal principles enshrined in the Treaty of Rome and thereafter similar to the ones of the UN Charter, with additional commitment to settlement of disputes through the International Court of Justice at The Hague and " commitment to building a Europe free of the divisions and difficulties of the past". Luxembourg enlargement process was initially addressed to Cyprus, the applicant states of Central and Eastern Europe and Turkey. Copenhagen summit fixed the criteria of EU membership in the following terms: (a) democracy, the rule of law, human rights, the respect for minorities; (b) a functioning market economy and the capacity to cope with competitive pressure; and (c) the ability to take on the obligations of membership (effec-

tively to apply the EU rules and policies).

EU saw the benefits of enlargesuccessive enlargements had ment mostly in political terms such occurred: Denmark, Ireland and the as the extension of the zone of UK(1973); Greece(1981); Portugal peace, stability and prosperity in and Spain(1986); Austria, Finland and Sweden(1995). Studies Europe; increased cultural diversity, interchange of ideas and better abound of economic benefits of understanding of peoples: and enlargement. A key academic study further strengthening of EU's role in estimated -- even in a conservative global affairs. On the economic scenario -- gain of 10 billion euro for side, enlargement would mean EU-15 and 23 billion euro for the addition of 100 million people to the new members; increased GDP rapidly growing economies boosting growth of the acceding members of economic growth and creating jobs; about 2 percent annually on a and providing a better quality of life cumulative basis. In contradistincto the Europeans. In order to fulfil tion of the Irish no-voters, an their quest for membership the enlarged EU may result in a migra-

Rome(1957) establishing the Euroadulthood? Is it because they are pean Economic Community four Whites, Christians or there are still lurking suspicion about the Russian bear? If Liechtenstein and Monaco can survive and prosper, so can these small entities particularly in a globalized world where spatial segregation is becoming a thing of

> the past. Nationalism remained a potent and potentially divisive force in the former Soviet Union where the constituent republics wielded little real power. Yet the collapse of the USSR did not automatically encourage the West to respond positively to the centrifugal forces of national-

In the case of Bangladesh for the past twenty-five years external assistance has filled the gap between domestic savings and investment. Official Development Assistance remaining constant or reduced, expanding gap between domestic savings and investment has to be filled in by foreign direct investment, which is on the decline. Last year FDI in South Asia went primarily to India, with some going to Pakistan and less than one hundred million was invested in Bangladesh.

countries of Central and Eastern tory flow of less than half a million Europe continued to nurture stable people from Central and Eastern democracies coupled with respect Europe to EU-15 even if there were for democratic institutions and free movement of workers immedivalues invariantly demanded of ately on accession. Nonthem by the members of the Union. enlargement, on the other hand, Winston Churchill was prophetic in could mean reduced economic despondency in his 1946 Iron growth, political instability under-Curtain speech when he said, "From mining the process of democratisa-Stettin in the Baltic to Trieste in the tion and strengthening the hands of Adriatic an iron curtain has Eurosceptics What is not easily understood is, descended on the continent". He continued, "The safety of the world how a disparate club of twenty-five. requires a new unity in Europe from albeit committed to same values yet which no nation should be permaeach with its own history of delinnently outcast". Today's Europe is quency or having been parceled not only being adorned with unity away as spoils to victors in wars but is engaged in constant developwhich ravaged them, will work? ment of moral values as evidenced Malta has the area of a district in in German, French and Belgian de-Bangladesh and a population of 39 recognition of Jorge Haider's victory million; Lithuania, one third the size in the Austrian elections, his ostraof Bangladesh and three times the cism and eventual exit (albeit theatpopulation of Dhaka; Latvia, more or rically) from the leadership of Freeless in the same category; Cyprus, a dom Party. In recent past French fractured state with one million voters' political determinacy dispeople; Bulgaria (8 million); Estoplayed in giving Jacques Chirac nia, one fourth the size of Banglamore than eighty percent in the desh with Dhaka's population; second round of the Presidential Slovenia and Slovakia would be no elections to atone for the stunning different. Excepting Czech Repubnumber of votes garnered by Jean lic, Poland and Hungary the rest Marie le Penn in the first round was could be blown away by a typhoon an assertive advocacy of European or a tidal bore. If the Pacific tiny islands are not worthy of First World values European experience in enlarge-

attention then why are these tiny ment is not new. Since the Treaty of tots to be nurtured to Lilliputian

ism. Indeed the European Union's Guidelines on the Recognition of New States in Eastern Europe and Soviet Union of 16th December 1991 went beyond the traditional requirement of statehood as provided in the 1933 Montevideo Convention on Rights and Duties of States which listed four qualifications for statehood: (a) a permanent population, (b) a defined territory, (c) government, and (d) capacity to enter into relations with other states. European requirements for demands for recognition by Slovenia, Croatia, Macedonia and Bosnia-Herzegovina became more stringent due to intractability of Serbia, which accused EU of " aggression against Yugoslavia". Eventually these seemingly intractable problems were sorted out and all were accepted as independent and sovereign states. " Paradoxically," writes William Wallace, "the governments of former socialist states in Central and Eastern Europe have celebrated their regained sovereignty by declaring their determination to join all these sovereignconstraining West European institutions. They already submit to the scrutiny which the Council of Europe impose on human rights and democratic standards within mem-

ber states"(The Sharing of Sovereignty: the European Paradox).

> European Commission estimates that enlargement would cost 40 billion dollars from now till 2004 Much of the cost would be channelled in overcoming major disparities in the economies of the candidate countries and the EU member states. The per capita GDP in the candidate states is barely half of that of EU-15 average. Affordable, say the politicians, as less than ten percent of the budget need to be transferred to the Central and East European countries. Political benefits, they say, far outweigh economic losses. Yet the recent floods in Germany, Czech Republic, Hun-

voters had to be retracted. For the Third World the EU expansion could mean less European attention to the needy. In the case of Bangladesh for the past twenty-five years external assistance has filled the gap between domestic savings and investment. Official Development Assistance remaining constant or reduced, expanding gap between domestic savings and investment has to be filled in by foreign direct investment, which is on the decline. Last year FDI in South Asia went primarily to India, with some going to Pakistan and less than one hundred million was invested in Bangladesh. Phasing out of GSP in the coming few years is likely to reduce our exports to the EU countries. While the enlargement of EU is a miniature of the globalization process its concomitant difficulties notwithstanding (sovereign equality breached by the allocation of two commissioners to large states and one commissioner to small states in the European Commission) it is to be welcomed as the expression of the inexorable force for freedom and dignity in the post-cold war era. Perhaps, in time a Europe at peace with itself could act as an effective check on American unilateralism and exceptionalism which is now playing a coercive role on the global stage.

Kazi Anwarul Masud a retired Secretary to the Bangladesh government and former ambassado

for an audience waiting for him every week. Not a huge one but regular and believing and I thought that he had found his space. He was writing, making a small living and also had a following. Let's face the fact. He hadn't learnt another trade and this was his best bet but then the activist bug had bitten him early in life and the pull for the road was high. He soon left that paper too and then came the last period of his life where all the problems circled around him like a pack of assassinating animals. His health went down and as he

had gone past mid-forties , he had a large number of vounger people also competing for the same jobs that he did. He was choosy himself. He had enemies in the industry because of his political beliefs and his party by default was out of power. One day all this proved too much and he called for the curtains. Like the scene in his play "Brishti, Brishti", he was felled. Nature, indifferent and cruel had the last word. He died even before reaching a paltry fifty years. Beggars live longer in this land.

One can't argue about the years he came with in his bag but the distress he suffered towards the end was painful. His friends, those who were better off and those worse can only do so much and in this time and age few will remember him. I know his friend Morshed Shafiul Hasan has written on him but for others he will be a memory mostly when pals gather and talk about departed friends

How will they remember him? I suppose he had many crowds and memories will have been shaped by the phases of his life shared by those but looking back at his life and his torment were like testaments of his age, which was so unforgiving except to those who knew how to succeed under any sun. Akbar was a different man. a different soul who had grown up in gentler worlds which marooned him and let him die adrift in a bitter sea even as he smiled . a face unaged with the power of his endless dreams of art and activism.

Once more, good-bye.

gary and other places have shown that supply of money is finite and that promise of tax relief given to the