LATE S. M. ALI

DHAKA THURSDAY OCTOBER 31. 2002

Energy sector mess

Corruption and pilferage go unabated E are completely in agreement with the conclusion drawn at the Energy and Mineral Resources Division roundtable held on Tuesday: the country would not have to rely on foreign investment for energysector development, if pilferage could be stopped and revenue collected properly. However simple this may sound like, it has proved to be the most difficult job in the gas sector. Over the years, systems loss, a euphemism for outright theft, has steadily gone up despite the malaise sending the sector hurtling down the path to complete breakdown. Take for example, the case of the state-run Titas Gas Transmission and Distribution Company Limited. According to independent estimates, it loses gas worth Tk 200 crore every year through pilferage. And corruption in the Titas management has assumed legendary notoriety. The ordeal of the Youth Group chairman, who had to allegedly pay Tk 1.25 crore in bribes for gas connection to a spinning mill in Tangail, is a case in point. Another indicator of corruption is the enigmatic and, needless to say, erratic billing system. Moreover, crores of taka have remained unrealised from

The donors have throughout pressed for corporatisation of the gas sector and attached it as precondition to further investment in the sector. The rationale is such a structure would bring about substantive reduction in systems loss. However agreeable a government may have been to the idea, it has run into trouble with the trade union leaders. The reason for such resistance is obvious. If the government corporatises Titas and other such companies, the union leaders would no longer have the sway over their management, which, in turn, meant their access to 'booties' would be

different individual, group and organisational users of

Therefore, unless the rabid form of trade unionism at Titas is dealt with, the government cannot expect any positive change in the overall gas transmission and distribution scenario. The government has tried to restrict trade union activities recently but has had very little success there. This is primarily because such a move undermined the interest of some senior ruling party leaders. That takes us back to the question of political will. As long as trade unions are treated like the proverbial goose that lay golden eggs, their leaders will continue to do what they have always done.

Houses for Speaker and **Deputy Speaker**

Why impinge on Kahn's architectural design?

 ■ E express our solidarity with Bangladesh Paribesh Andolan (BAPA)'s resistance programme against construction of residential buildings for the Speaker and Deputy Speaker within the Jatiya Sangsad premises. We have consistently provided moral support to environmental activist groups whenever they voiced concern over mercenary exploits into green spaces, rivers and water bodies. Dhanmondi and Gulshan lakes, Osmany Udyan, Buriganga and Balu rivers -- wherever the environmental predators, however powerful they might have been -- set their eyes or actually scavenged on any empty space we were there with our reporters investigating and bringing the misdeeds to full public view. In all of this, including the effort to save the residential character of Dhanmondi, for instance, we have stood by the side of Paribesh activist groups.

The reason why we are citing all these examples of concerted resistance against environmental piracy is to make a special point about the current move to erect speaker and deputy speaker bhabans within the JS compound. We would have normally opposed it as being an encroachment on open verdure land amounting to shrinkage of the breathing space around that massive Jatiya Sangsad building. But there is more to it. And, this has to do with the prospect for a thick-headed alteration of the landscape and the construction design, engineering and aesthetics attributed to the world famous architect Louis Kahn.

The Jatiya Sangsad complex built on Kahn's design is regarded as one of the best hundred architectural monuments of the world. So, it is not just any open space being threatened to be occupied by the proposed residential quarters for the speaker and the deputy speaker, rather a prized monument of cultural, architectural and environmental heritage is at risk of being spoilt by some intrusive buildings. We can have those designated bhabans elsewhere at the Shere-Bangla Nagar.

We urge the government to relocate those two construction projects accordingly, thereby preserving the original design, grandeur, aesthetic beauty and environmental alignment of the massive Jatiya Sangsad complex.

The UN and role of Bangladesh: Time for evaluation



HARUN UR RASHID

N last 24 October the United Nations celebrated its 57th anniversary. The UN was born out of the ashes of the Second World War. Even when the war was raging, President Roosevelt of the US pushed through the idea of an international organisation to maintain peace and order across the globe. Roosevelt did not wait for the end of the war because he wanted to avoid President Wilson's mistake of waiting until after the war in launching the League of Nations in 1919 when the Senate of the US rejected the Charter (Covenant) of

the League of Nations The final blue print of such an organisation was clinched at the Yalta (Crimea) Conference held in February 1945 on the shores of the Black Sea. The Soviet Union hosted the conference and it was at Yalta and the three leaders, namely President Roosevelt, Prime Minister Winston Churchill and Joseph Stalin from the US, Britain and the Soviet Union, agreed, among others, respectively, on the crucial issue of the voting power (veto-carrying powers) of the Security Council of the UN. The Yalta conference declared that a conference of the UN should be held at San Francisco (US) on the 25th April, 1945.

The deliberations from 25 April to 26 June 1945 led to an agreement on the Charter of the UN by 50 founding member-states and the UN was born on 24 October 1945. The UN Charterw is essentially a multi-lateral treaty signed by representatives of 50 states with the firm commitment to abide by the Charter. The UN has now 191 member

East Timor which gained its political

independence in May this year. The UN is not a world government or a supranational authority (like the European Union). It is merely an inter-governmental political organisation whose members are bound by the Charter. The Charter consists of 111 Articles. The UN Principles described in Article 2 of the Charter are universal in that they apply to members and non-

Since the creation of the UN in 1945. over 100 major conflicts took place around the world and 20 million people were dead, according to the 1992 UN Report on Agenda for Peace. In Africa wars have been raging in Sudan and Congo until today. The UN had to abandon its peace-keeping operations in Somalia in 1993 and kept quiet on Rwandan genocide in 1994. Had there been no NATO action in 1999, Kosovar Muslim Albanians would have fallen to genocidal action. The ter). This means that if five permanent members cannot agree on an issue, no action will result.

The veto-carrying powers of the five permanent members seem to be one of the great flaws in the Charter. At the time of preparing the Charter everybody in San Francisco in 1945 thought that the Charter was a success. But on hindsight the retention of veto was a big blunder and it remains the root cause of inaction and helplessness of the

embarked on is the one that is related to human rights and democratisation of governments. The UN has moved to provide extensive government-related support to large number of developing countries in ment, privatisation efforts, information technology, civil service reforms and empowerment of women and civil society institutions.

Review of the Charter

BOTTOM LINE

The fact that Bangladesh has been a consistent contributor and its willingness to quickly respond when circumstances demanded have established a good standing for the country. In Mozambique Bangladeshi senior military personnel led the peace-keeping mission in 1994. Bangladesh will continue to be an active participant in all forums under the UN umbrella.

members. They include, among others, development of friendly relations among states, settlement of disputes peacefully, respect for human rights, and suppression of acts of aggression.

The Charter makes it clear that a non-member cannot violate the Principles of the Charter and this provision was incorporated in the light of experience of the League of Nations that members (Italy, Japan and Germany) withdrew from the League and were free to engage themselves in war. Article 2 (6) of the Charter refers to non-members and provides that, " The Organisation shall ensure that States which are not members of the UN act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security". That means if a member withdraws from the UN, it cannot escape from the core obligations as stipulated in the Principles of the

Brief review of successes and failures

One has to admit that the UN had limited success in maintenance of international peace and security.

Israeli-Palestinian conflict is an example where the UN has been a helpless spectator without any

When the UN fails to take any action, it is essentially the inaction of five permanent members (Britain France, China, Russia and the US) of the Security Council which is solely entrusted by the Charter to maintain or restore international peace and security. These five members have a unique power and privilege in that they carry veto power and without their concurrence (Article 27 of the Charter) no substantive resolution can be adopted in the Council. The glaring instance is the on-going debate of the tough US draft resolution on Iraq which does not have support from all permanent members and therefore cannot be adopted.

The system of veto-carrying powers in the Security Council paralyses the functions of the Security Council. The Secretary General has no power to take any decisive action. He is there only to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of peace and security (Article 99 of the CharSecurity Council.

The success story of the UN lies in its peace-keeping operations and its programmes in economic, social and humanitarian areas. It is interesting to note that there is no specific Article or provision in the Charter of the UN with respect to peace keeping operations. It is argued that peace-keeping operations fall between Chapter VI (Peaceful settlement of Disputes) and Chapter VII (Action against aggression or breach of peace) of the Charter. Since 1986 the UN launched 38 peace keeping missions and at one stage it had to deploy 30,000 soldiers, police and civilian personnel serving in more than a dozen mis sions across the globe. As of 2001, the cost of peace keeping operations rose to more than US\$ 4

The UN agencies are perhaps the only UN organs that touch most people directly. Some of the agencies such as the UNDP, UNHCR, UNICEF, UNFPA, UNIFEM, and ESCAP cover almost every aspect of lives of people in developing countries. It is the activities of these agencies that are commendable and can be called a success.

On the 57th anniversary, it is a crying need for review of the Charter and amend some of its provisions. The UN needs to keep in touch with political and economic realities of the day. The last amendment came in 1973 to enlarge the Economic and Social Council and almost 30 years have elapsed no amendment of the Charter took place. There are areas that need serious consideration for amendments, for instance: (a) non-applicability of veto power on issues relating to maintenance or restoration of peace, (b) enlargement of Security Council, (c) expansion of powers of the Secretary General (d) formula of financia contribution of member-states and (e) incorporation of a specific provision for peace-keeping, peacemaking and peace building opera-

Simply put, the core objectives of the UN lie in maintenance of peace international co-operation for development and promotion of human rights. To attain all these objectives the UN remains the centre for harmonising actions of all memberstates. If the UN does not go through necessary amendments at the dawn of the 21st century it is argued

unilateralism by major powers may foster. This phenomenon should not

Role of Bangladesh

Bangladesh became the UN's 136th member in 1974. Since then Bangladesh participated actively in all deliberations under the UN. Its constructive role was rewarded within four years of its entry. In 1978 Bangladesh was elected as a nonpermanent member of the Security Council from Asian quota (defeating Japan) for two years. Again in 1999 it was able to secure membership of the Council.

Bangladesh leads the 49 Least Developed Countries at the UN and has been able to focus the issues of micro-credit and empowerment of women in development in all relevant forums of the UN. Bangladesh has a total commitment to complete disarmament and signed the 1968 Treaty of Non-Proliferation of Nuclear Weapons (NPT) and the 1996 Treaty on Comprehensive Ban on Nuclear Testing (CTBT). Bangladesh's diplomatic efforts lie in cooperating with like-minded countries in pushing many issues of development, poverty alleviation programmes, general and complete disarmament and gender equality in

Bangladesh's contribution to peace keeping missions has been outstanding. The professionalism and competence of Bangladesh's armed, police and civilian personnel are well regarded and broadly acknowledged by international community. The fact that Bangladesh has been a consistent contributor and its willingness to quickly respond when circumstances demanded have established a good standing for the country. In Mozambique Bangladeshi senior military personnel led the peace-keeping mission in 1994. Bangladesh will continue to be an active participant in all forums under the UN umbrella.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva

OPINION

Which is the right way of thinking local government?

BADIUL ALAM MAJUMDAR

N one of his recent posteditorials (The Daily Star 4/10/2002) -- "Rethinking local government" -- Mr Hasnat Abdul Hye observed: "...Giving elected members of Parliament development fund of certain amount for use in development activities in their constituency has been successful in both promoting greater momentum of development at grassroots level and for obtaining their support for the local government system...Even in America, legislator's career is made or marred by pork barrel schemes or their paucity in the constituency." By making these observations Mr Hye appears to provide support for the recent recommendation of the Cabinet Committee on Local Government for giving taka one crore to each MP per year for local development.

However, Mr Hye does not provide any evidence in support of his contention. Nor can we find examples of successful implementation of similar schemes in other countries. We therefore feel that the idea of allocating taka one crore per vear to each of our legislators is a wrong way of rethinking the future of our local government. Such a scheme may make a mockery of our Constitution and also further criminalise our politics.

Of all the countries which provide money to their MPs for local development, India is most prominently cited. With respect to the so-called pork-barrel system in America, there might be a misunderstanding. When a law provides special benefits to a particular legislator's constituency, it is termed as pork-barrel legislation. In the American system, no Senator or Congressman is given any money to spend in his or her constituency nor do they have any direct involvement whatsoever in local development financed by taxpayers' money.

Let us examine the Indian

programme, which is called the Members of Parliament Local Area Development Scheme (MPADS) Under this scheme, announced by the Prime Minister in Parliament on 23rd December 1993, members of the legislature were given Rupees one crore (later raised to Rs. 2 crore) each with the freedom to suggest to the District Collector works to be done with a sum not exceeding Rs. 2 crore per year within her/his constituency. Ministry of Rural Development releases the funds directly to the Collector, who gets the works carried out through government agencies or panchayati raj institutions The maximum amount allowed for a single project is Rs 10 lac. Twentythree specific schemes such as constructing school buildings. village roads, bridges, shelters for the old, buildings for gram panchayats, hospitals or tural/sport activities, digging of tube wells, etc., besides any other scheme specified by the Union Government from time to time, come under the LAD scheme. All these activities, it should be pointed out, are also carried out by the panchavats and municipalities.

The implementation of the MPLADS has been problematic at best. During the period between 1993 and 2000, the Parliament sanctioned Rs. 5,558 crore for the MPI ADS and the Ministry released Rs 5,018. However, the total amount utilised was Rs. 3.221 crore, representing 64 per cent of the funds released. The audit found that the Collectors inflated expenditure amounts to the Ministry. In a sample audit of 106 constituencies it was found that out of total expenditure of Rs. 265 crore reported by the Collectors, Rs. 82 crore or 31 per cent was not incurred at all. The audit also found numerous instances of violation of guidelines and financial rules

The MPLADS has come under

severe attacks by various stake-

holders. The most scathing attack

came from Mr Era Sezhiyan, a former Chairman of the Public Accounts Committee of the Indian Parliament: "To say the least, the management of the scheme is a shambles The accounting process is abomi-

nably anarchic. Some guidelines

are blatantly contradictory to the

constitutional provisions and the general financial rules... "There is a fundamental defect in MPs are primarily responsible to look after legislative work and to ensure accountability of the administration. In the House, they question, debate, legislate, approve grants and taxation measures and give policy directions. On behalf of the House, they work in committees

Ministries and government organisations and submit their recommendations to the House "The MPLADS changes the role of the MP...the MP is to 'involve himself in the entire system of implementation and completion of projects'. In the process, the MP unerringly becomes a part of the

to inquire into the performance of

administrative system of the government and loses his or her capability and moral right, as a member of the House and as a member of parliamentary committees, to scrutinize the 'faithfulness, wisdom and economy' of the expenses incurred in the administrative implementation of the works initiated by himself or by his colleagues under the

'... As the MPs are involved in the works of the scheme from the beginning, the administration conveniently shift the responsibility and disregards audit objections and reports...The controlling Ministry disclaims responsibility for the implementation of the works. The Collectors do not get utilisation certificates and make no efforts to return unspent amounts released to

"The failures of the government during the last 50 years have been overwhelmed and overshadowed by the volume and variety of irrequ larities generated by the MPLADS in a short period of seven years.. "The government's disowning of responsibility for the works under the scheme and the involvement of vips in the administrative system thereby weakening their capability to ensure accountability of the executive to Parliament, cuts at the very roots of the parliamentary system of democracy in the country." (Frontline, March 15, 2002).

Others have also spoken out very strongly against the MPLADS. The former Prime Minister, VP Singh expressed his serious opposition to it. E.S. Venkataramiah, a former justice of the Supreme Court of India, contended that the MPLADS is "assaulting" the Constitution. Most significantly, the Indian National Commission to Review the Working of the Constitution has recently recommended the elimination of the scheme. So has the Indian Institute of Public Administra-

Variants of the Indian scheme have also been in practice in other developing countries. The Philippines is reported to have the worst variant in that the money is given to the MPs without much screening leading to widespread corruption. Thailand has recently abolished its

EDITOR TO THE EDITOR

scheme The constitutional argument used by Mr. Era Sezhiyan that the

involved in executive tasks is also applicable in our case. Article 65 of the Bangladesh Constitution designates legislative powers to the Parliament. It states that: "There shall be a Parliament for Bangla desh (to be known as the House of the Nation) in which subject to the provisions of this Constitution, shall be vested the legislative powers of the Republic...." Article 55 assigns the executive powers to the Prime Minister and the cabinet. The Constitution also provides for the separation of the judiciary (Article 94) and makes the Courts the repository of judicial power of the State. The constitutional system of Bangia desh uses the principle of separation of the judiciary (Article 94) and makes the Courts the repository of iudicial power of the State. The constitutional system of Bangladesh uses the principle of separation of powers as its fundamental pillar, and makes the three branches of government -- legislature, executive and judiciary -- separate and independent of each other, with distinct and non-amalgamable functions.

MPLADS makes the legislators get

In a democratic system, all powers are derived from the Constitution. It is clear that our Constitution, the supreme law of the land, is explicit and specific in assigning only the legislative powers to the Members of the Parliament. Nowhere in the Constitution are any other powers functions roles or responsibilities -- not to speak of any executive power -- given to them. Thus if the legislators decide to enact a law giving each one of them Tk. 1 crore per year, it will amount to a colourable legislation arises when something which cannot be done

directly is done indirectly.

The proposal to give MPs Taka one crore each and their role in local development itself can be challenged on another ground. The fullcourt bench of the Appellate Division of the Bangladesh Supreme Court in its verdict on the cancellation of Upazila defined local government as: "it is meant to be management of local affairs by locally elected persons." MPs are locally elected, but they are meant for according to the Constitution. exercising only legislative powers. Thus involving them in local development may be seem as a violation of the Constitution.

Giving each MP Taka one crore per year will require a total of Tk. 1,500 crore, without taking into during the life span of a Parliament Can we afford to spend such a huge sum on a programme designed primarily to empower the MPs?

To conclude, it is clear that India, with its strong democratic institutions and vibrant civil society movement for transparency and accountability, could not make the MPLADS work, and the scheme is marred by widespread corruption. Its Constitu tional Review Commission has already recommended the abolition of the scheme. Other countries have also abandoned similar programmes. Given this, I consider it a dangerous idea to consider giving money to our MPs for local development. Furthermore, we cannot afford to spend such a huge sum of money on a scheme with questionable effectiveness at best.

Dr Badiul Alam Maiumdar is Country Director, The Hunger Project-Bangladesh.

TO THE EDITOR

TO THE EDITOR o

Letters will only be considered if they carry the writer's full name, address and telephone number (if any). The identity of all the writers' will be protected. All letters will be subject to editing.

"Will our elected govt tell us what is happening?'

Mr. Mahfuz Anam had a lot of questions for the Government and understandable concern regarding the 'Operation Clean Heart'. Some of them morale, some technical and many fundamental human and democratic rights.

As an ordinary citizen of this country I humbly respond, like most men and women on the street, their is a sigh of relief and we feel safe to walk the streets and to go to the market since the 'operation' began. Would it not be fair for Mr. Anam to enquire from the 'man on the street' what questions they have instead of just those readers he met in the wedding? Our army boys are taking great risk to rid of the cancerous growth that has inflicted our nation. Without a surgery we shall never be able to overcome the social-morale degradation that seems to have taken control over all of us. We had reached a point of no return and to

bring back the 'rule of law' I believe there could be no alternative but ask the army to come in aid of the civil administration. The failure is not of the Government or administration alone but the society as a whole is responsible. We can't shrug the fault to anyone one.

Therefore we the people no matter what political shade we may be should stand solidly to fight this cancerous evil growth, the reign of terror let loose by the criminals. The drastic actions being taken by the army, may seem too harsh to many, but don't forget the enemy has no respect for law and order leave alone 'human rights' or 'fundamental

Akku Chowdhury

It is reassuring to see that the Editor, at last, has come out forcefully with the commentary that truly reflects the autocratic character of the BNP-

Jamat government. The situation has been created by the government itself through unleashing of terror in the society by its own cadres, the persecution of political opponents, the unparalleled politicisation of civil and police administration, forced retirement of armed forces officers, the total destruction of every democratic institution of the country and the curbing of the minimum democratic right of the people. And now the government has deployed the armed forces to clean the mess created by the state machinery itself (when the opposition parties were

Over the last two weeks, more than a dozen of people have allegedly been tortured to death during the interrogation. Saber Hossian Chowdhury, who in my view, is a role model politician has been arrested by the army. It only indicates that the armed forces have been deployed to finish the unfinished task of the vearend BNP-Jamat government. And now comes the special tribunal, indeed the outcome of last year's

even not allowed to function)!

'silent revolution'!

During the last few days, I reviewed the famous book, 'Amar Dekha Rajnitir Panchash Bachar' of Abul Monsoor Ahmed and sadly enough, the scripts sound so similar. I wish I am dead wrong.

At last The Daily Star editor has spoken his mind regarding army deployment. What took him so lona?

If the army raids The Daily Star office, take the editor 'blindfolded' to the army stadium where he dies (god forbid) of 'heart attack' and later the army claims that the editor had close connection with the notorious 'Kala Milan' and were involved in criminal activities (photographs of recovered arms may also be provided) and hence this arrest, what would be the way to prove his innocence? In a country where most of the lawmakers are corrupt to the extreme and give shelter to the

criminal elements, how many of the general public would believe in Mr Anam's innocence?

The way this spineless nation is cheering the army and are blind eye to the news of human rights violations in armed custody feeling relieved that the society is becoming corruption and terrorism free, I'm a sure a majority of them would express their exclamation and say, "I've always wondered why this Editor in particular was so vocal about the rights of these criminals.

I welcome any move to curb crimes be it deployment of military, paramilitary or police as long as it is transparent, unbiased and catch the big fish (criminal MPs, ministers opposition leaders, ward commissioners, listed terrorists) and not the drug addicts and clients of sex

Ornob Chowdhury Purana Paltan, Dhaka "Army 'beats up' 85-yr-old"

For the last couple of days the incidents that are taking place in Bangladesh have clouded my thinking process. What are the army doing? Who gave them such author-They are now assaulting

there are documented and undocumented deaths in army custody. The question is who will investigate army Will the army be brought to ustice for violating human rights? We should voice our concerns to various human right organisations. Birds of a feather flock together". We also demand independent autopsy of all the deaths in army

> Time has come to investigate army actions as wel Syed Rahman, MD Texas, USA

females, kicking 85-yr old lady,

beating up police sergeant! Then

Do you know why Bangladesh. despite its poverty and high rank for corruption, continues to evoke a positive image? Eighth largest

country in population in the world?

No. Fourth largest Muslim country? No. It is because Bangladesh is a democracy. Yes. Bangladesh enjoys some amount of respect in the international community for being able to maintain a functioning democracy since 1990.

Now even that precious attribute the source of our pride is becoming

There are certain behaviours and practices that are not compatible with the democratic process. All the patriotic elements of Bangladesh, especially the armed forces have a responsibility to safeguard the prestige and reputation of the nation. Bangladesh's image is not being served by the news of octogenarian lady being beaten up by the members of the army, rising death toll in interrogation chamber and dispatching the political prisoners (ex-Ministers, present Members of the Parliament etc) to prison through a questionable judicial

process The patriotic forces in Bangladesh must not allow such deliberate

denigration of Bangladesh's democratic self-image. If the ruination of the democratic process is not challenged, the next target of the forces against democracy will be the journalists and the intellectuals. By then it would be too late to even express one's true feelings unless it is: "thank you BNP for beating my

A Concerned Bangladeshi New York, USA

"Star Sylhet"

The most beautiful, progressive, rich both physically and naturally, resting place of 360 saints, home of pioneer expatriates and a choiced land is definitely Sylhet. Please bring out 'Star Sylhet' supplement regularly. Tasmia Amaat

Dhaka