

Politics and the third force

AMM SHAWKAT ALI

THE conceptual basis and the historical antecedents of the term Civil Society are well recorded. A good number of international theorists have traced its origin and related it to the present day context. Martin Shaw, for instance, has referred to the different interpretations of the term and its relationship to the State adopted by classical writers like the philosopher George Hegel, the revolutionary theorist Karl Marx and the Italian Marxist Antonio Gramsci in the 1930's. In recent times, the development of mass media is seen as part of the civil society. According to Shaw, civil society is 'sphere of association in society in distinction to the state, involving a network of institutions through which society and groups within it represent themselves in cultural, ideological and political sense'.

The definition, as stated above, is broad enough to include a wide array of associations, groups and institutions outside the formal structure of the State. Traditionally, the formal structure of the State included the three pillars: the Executive, the Judiciary and the Legislature or Parliament. In many discourses relating to 'Good Governance', this conventional view of the State is now broadened to include, apart from private sector and local government, the civil society. Such discourses generally identify elements that constitute civil society such as Mass Media, Trade Unions, Professional Bodies, Private Voluntary Organisations (PVOs), Sports and Cultural Boards, and Social Welfare Organisations.

At the other end, one United Nations Development Programme report (UNDP, 1995) refers to the elements that constitute the civil society. These include youth organisations, academics, research institutes and non-governmental organisations (NGOs). The report makes one important point. It is that NGOs today have probably received more attention than other deserving organisations outside the government. Viewed in this sense, the use of the term civil society is somewhat tautological.

Leaving aside the question of the rather imprecise use of the term civil society, there is no doubt that in Bangladesh, some civil society organisations (CSOs), either alone, or in association with NGOs, have been engaged in influencing public policy or drawing attention to the need for improving governance, ensuring rule of law, protecting human rights and in eliminating corruption. In some of these areas, global CSOs like Amnesty International (AI), Transparency International (TI), and Human Rights Watch New York are also making substantive contributions. In the field of environmental protection, Bangladesh Environmental Lawyers' Association (BELA) and Bangladesh Paribesh Andolok (BPA) have been and are doing commendable work. Very recently BELA has taken up the issue of the Mega River-link Project of India. Unfortunately, there is no global counterpart of BELA in this field so that BELA will have to go with it alone. At this point of time, we can patiently watch and see what

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happens.

What then is the relationship between the civil society and politics? Many contemporary theorists view a robust, pluralist civil society as a necessary proactive foundation for democratic governance in a complex modern State. They argue that civil society is a step towards ensuring self-rule outside formal institutions of the State. This notion of self-rule, it may well be argued, is vastly different from the notion of self-rule that the politicians of the Indian sub-continent had during the thirties and the forties.

Effective self-rule, in the sense it is understood in the present day context, depends on the strength of the CSOs as well as the willingness and ability of those who hold and exercise the coercive powers of the State to listen to the dissenting voices and respect the collective voice of the citizens. Unfortunately, the state of politics in Bangladesh is as far away from this as we can possibly imagine. Confrontation with the organised political parties outside the ambit of the government or with the CSOs appears to be the norm that guides the application of the coercive powers of the State.

It is in this context that the current debate of the possible emergence of a 'Third Force' is relevant. This debate was sparked off in November 2003 with B Chowdhury's call for a coalition of forces of the civil society to improve the many ills that afflict politics and governance of Bangladesh. Not that he was the first to do so. Many CSOs, global and national, have been doing it for a long time. It is a specific reference to CSOs that has added a new dimension. It is necessary to place it in proper perspective based on a time-line trend of events that followed some of the public statements that have been made in this regard. The timeline trend is shown below.

Timeline trend of events

November 16, 2003

Former Speaker advised the government to hold all-party roundtable dialogue to overcome the current crisis.

B Chowdhury expressed his willingness to help political parties to implement his line of thinking.

November 17, 2003

B Chowdhury did not say anything on Mannan Bhuyian's comment that former President's remarks against BNP rule were nothing but a manifestation of heartburn for losing power.

November 19, 2003

BNP Liberals fear axe like B. Chowdhury.

November 22, 2003

B Chowdhury to host much talked-

about after party today amid flying speculations of the emergence of a third political force under him.

November 23, 2003

Step to set stage for Civil Society after Eid -- B Chowdhury says at after-party.

November 24, 2003

Mixed reaction to B Chowdhury's Civil Society platform plan.

+ Mainstream opposition parties welcomed the realisation of a governance failure of the BNP-led ruling alliance. However, sceptics in the opposition camp suspect extra-constitutional forces may be pursuing forward their hidden agenda under the cover of a Civil Society platform.

'Third force' hype doesn't worry Awami League, says Jalil.

December 9, 2003

B Chowdhury shifts office for security reason following increase of surveillance on the clinic complex by members of different intelligence agencies.

November 25, 2003

+ Columnist views that they 'see no light at the end of the tunnel through the paths that B Chowdhury has suggested so far. It is not guaranteed that Civil Society members are away from all evils'.

November 30, 2003

B Chowdhury plans raft of roundtables in December to discuss his ideas of governance with the Civil Society and business people.

December 3, 2003

Columnist comments 'when society organises itself to protest the style of governance, political parties may join Civil Society to make a combined show of civil power

against the authority....Civil Society is a potent force, like 'sleeping lion'.

Dr Kamal for wider public role to save country.

December 4, 2003

Gono Forum President Dr. Kamal Hossain called for a broad unity ahead of a programme to be set against the government in January to press it to cut corruption and violence.

December 8, 2003

B Chowdhury opens political office today at his Memorial Clinic Complex.

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December 9, 2003

B Chowdhury shifts office for security reason following increase of surveillance on the clinic complex by members of different intelligence agencies.

December 11, 2003

B Chowdhury to open website, media cell at his office.

December 18, 2003

B Chowdhury prepares outline for his programme-based politics instead of the conventional-based politics.

December 22, 2003

Columnist on B Chowdhury's platform says 'no more trading in lies and deception'.

December 25, 2003

Two former Presidents, Dr Kamal call for people's unity to fight terrorism and action against corruption.

December 27, 2003

A new civil forum styled 'Bikalpa

Dharar Nagorik Committee' (civic committee of alternative stream) is likely to surface this week, apparently as an outcome of B Chowdhury's recent move to establish a civil society platform.

December 29, 2003

Columnist on B Chowdhury's Civil Society platform says 'Civil Society needs to be perked up right away'.

January 7, 2004

B Chowdhury intends to float a political party in consultation with the civil society.

December 4, 2003

It is also important perhaps to look at B Chowdhury's concept of civil society. He is reported to have defined this saying, 'I mean any conscious patriotic individual in general, where people from any quarter, professional groups, political parties get in'. Carried to its logical conclusion, it means if the responses to his call and with it Dr. Kamal Hossain's call for unity are not encouraging or otherwise adequate, there are no conscious and patriotic citizens or professional groups or political parties in Bangladesh.

It has been reported that B. Chowdhury intends to float 'a political party after consultation with the civil society' but only 'if people wanted him to do so'. He, however, avoided giving a specific time-frame for launching the party.

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AMM SHAWKAT ALI is a former Secretary, Ministry of Agriculture.

Cautious optimism



IKRAM SEHGAL
writes from Karachi

AS I SEE IT

Peace is the only force-multiplier to economic emancipation and prosperity for the peoples of South Asia, one must be cautiously optimistic that it may well happen in our lifetime.

announced his famous peace initiative in April, an urgency was built up as the SAARC Summit drew near and the Indian PM confirmed he was coming to Pakistan. Despite the raising of the security stakes by the two assassination attempts on Musharraf, the brave initiative by Vajpayee in not cancelling his trip raised expectations that the SAARC Summit would achieve a breakthrough of sorts, when actually it did happen it was extremely satisfying. Whereas the official statement was devoid of rhetoric or histrionics, it was clear that Pakistan had made a major concession assuring India emphatically that Pakistani territory will not be allowed to be used for 'militancy against anyone'. Since India has been calling for an end to 'cross-border terrorism', this permitted India to give a concession of its own by publicly acknowledging that the talks would cover all issues 'including Jammu and Kashmir'. Brajesh Mishra, Advisor to the Indian PM on National Security, reached Pakistan three days before the Indian PM and had one-on-one meetings with various Pakistani officials, very significantly, including, it is believed, the DG ISI Lt Gen Ehsan ul Haq.

SAARC countries signed off a landmark understanding on the South Asian Free Trade Agreement (SAFTA) patterned loosely on the European Economic Community (EEC). In the absence of political consensus, can 'economic nirvana' ever be achievable? South Asian nations have complementary economies whose potential is being wasted by conflict. While the fulfilment of this vision will certainly lead to autarky in food and critical materials, illusion will hardly become a reality unless the main contentious problems that divide the countries can be solved. Even if some working arrangement for alleviating the miseries of the Kashmiri people is agreed upon as a prelude to a final solution sometime in the distant future, the water issue between India and Pakistan on the one hand and India and Bangladesh on the other still remains a major problem that needs to be addressed. The population of all three countries live in delta lands fed by rivers that are increasingly short of water. If given that, India embarks on its ambitious water management plan that envisages water reservoirs, dams, inter-river linkages, etc in the immediate future the issue will become irreversible. An early mutually amicable resolution to the water issues is vitally important.

For the peoples of both Pakistan and India, the stakes are very high. It could mean the difference between poverty and poverty alleviation. With on-going talks behind the scenes for several months since PM Vajpayee

from corruption.

Japan

In Japan the National Public Service Law provides legislation relating to the discipline of national public employees in the regular service. It includes the prohibition of any act which may cause discredit to the public service. The violation of this legislation is punishable under the disciplinary punishment rules provided by the National Public Service Law.

The Public Service Officials Ethics Codes of Conduct are established by every ministry and

Finally as for Bangladesh the main remedial measure against further spread of corruption should be to employ the power of modern information technology to reduce civil servant's discretion and make government more transparent. The more discretion government employees have and the less visible their actions are the greater is the potential for abuse and corruption. It has tremendous potential to reduce discretion by making transactions impersonal and to make information on government performance readily accessible to the public. There is an incredibly wide range of possible applications of IT to reduce discretion and increase transparency -- the scope seems almost limitless.

Another really effective deterrent measure will be to apply stiffer sanctions, especially jail sentences, for corrupt behaviour; the fair sanction is an important deterrent. The possibilities of suffering social ostracism, financial penalties or incarceration discourage people from taking the risk of engaging in corrupt behaviour. One of the reasons that corruption flourishes in Bangladesh is that hardly anybody is ever punished for it. We all know that there is massive loan default, tax and customs evasion, power theft, procurement corruption and extortion in Bangladesh. Yet detection and punishment of these offences is very rare. The weak application of sanctions reflects the deficiencies of the anti-corruption machinery and a judicial system in which justice is easily deferred.

The Korean government regards anti-corruption as one of the most important tasks that it has to resolve for successful administrative reform and national development in the 21st century.

Reduction of discretionary power

Zahid Hossain, a retired government official is now associated with Bangladesh Enterprise Institute as Senior Research Fellow.

Preventive and educative approaches for reducing corruption

ZAHID HOSSAIN

Guidance and training for public officials or politicians on codes of conduct, ethics and awareness may be considered as essential element of service. These performances should primarily focus on the legitimate activities of civil servants that can be improved by further training minimising the potential of illegitimate administrative activities. The efforts should be planned specifically to promote the efficiency of the application of laws. Also of fundamental importance is the civil servants' code of ethics, which is normally prepared on the basis of an authorisation by law. This is an undertaking in which representatives of all fields -- trade, commerce, industry, law enforcement agencies, judiciary, etc also -- take part, providing expert and professional input.

Before trying to find out the examples of some other countries in reducing corruption in the civil service we may have the definition of corruption. That an office holder and/or person employed in a public bodies shall be guilty of a misdemeanor punishable by imprisonment or fine or both if he:

Corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or any other person, any gift or consideration as an inducement or reward for doing or forbearing to do, or for having done or forbore to do, any act in relation to the affairs or business of his department, or for showing or forbearing to do, any act in relation to the affairs or business of state or for showing or forbearing to show favour or disfavour to any person in relation to such affairs or business;

Corruptly gives or agrees to give or offers any gift or consideration to any person as an inducement or reward for doing or forbearing to do, or for having done or forbore to do, any act in relation to the affairs or business of state or for showing or forbearing to show favour or disfavour to any person in an individual case.

in relation to the affairs of the state;

Knowingly gives to an official (if he is an official) knowingly uses with intent to deceive the head of his department, any receipt, account or other document in which the department is interested, and which contains any statement which is false or erroneous or defective in any materials particular and which, to his knowledge, is intended to mislead the head of his department.

Now we can refer to the actions or programme undertaken by some countries in reducing corruption, in which representatives of all fields -- trade, commerce, industry, law enforcement agencies, judiciary, etc also -- take part, providing expert and professional input.

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Germany

In Germany, they think that the most effective action against corruption is raising the awareness of all staff in the public service and increasing the level of control, e.g. by having matters that would lend themselves to corruption processed by more than one official, or through increased vigilance on the part of superiors. Together with these measures of central importance, the Federal Government has a comprehensive catalogue of additional measures to prevent corruptions. Some are:

on a consistent supervisory control. Superiors and heads of departments should undergo training to acquaint themselves with ways of exercising control and supervisory functions. Concrete guidance on anti-corruption measures should be made available to them so that they can respond in a competent way in an individual case. They think that corruption must be punished uncompromisingly. Every staff member found guilty of corrupt practices must be held liable for the damage incurred. A corruption register is maintained to prevent firms that are under suspicion for corrupt practices from un inhibited participation in the competition for public contracts; the circumstances of the individual case is taken into account when excluding a firm.

agency and applied to its public service officials. They prescribe prohibited matters about contacts with concerned businessman.

There is policy, based on cabinet division, that due consideration should be given in the appointment of national public employees so that an individual officer shall not occupy a post responsible for budget implementation or licences for a long period of time. In addition, various kinds of training for ethics awareness are provided.

Every ministry and agency has