

Servants of the republic

Reforms needed to protect the efficient and the honest

THE Chief Advisor's (CA) call to the field level public servants to be completely free from the influence of any person, vested group or politics, to salvage the trust and respect of the people, must be welcomed by everyone who would like to see depoliticised and influence-free public servants run the administration of the state.

In his address to the DCs and SPs the CA has brought out three essential aspects of the civil bureaucracy that are self-evident and obvious, but which the past governments had hardly made any effort to ensure.

While we welcome the CA's call we feel that at the same time the government must examine why the public servants, as officials of the republic, cannot, and in some cases do not, perform their duties without fear or favour when there is a political government in power? Why is it that rules and regulations are respected only in their violation at the command of their political masters. Why is it that the police treat some as being above the law while others are deprived of its benefits? In fact the signs of relief in the faces of some of the district commissioners describing to the media the positively changed working environment at the present moment was very palpable.

While there is no doubt that it is the politicians who will dictate the affairs of the state, the public servants should help implement policies. And while doing so they must not compromise their principles, and should have the moral strength to resist illegal and undue pressure, from whichever quarter. However, we also agree that to resist political pressure on the part of the bureaucrats becomes difficult at times. And very few emerge unscathed from the encounter. But then there are many bureaucrats who are only too willing to oblige. These are the ones that are the beneficiaries of political favour and the positions they hold are not due to their competence but their ability to please their political masters by doing their biddings in violation of the rules and regulations.

While it is the incompetent and immoral public servants that should take note of the CA's call very seriously, we would like to think that the great majority of our public servants are efficient and are committed to the interest of the state and not the party in power. Thus we feel that there is the need for appropriate administrative reforms to protect the interest of the efficient and honest servants of the republic.

Bank loan defaulters

Tighten the noose

THE ongoing drive against all sorts of irregularities committed in the last decade or so has been successful so far in unveiling evidence of crimes of amazing proportion. Alongside corruption in all the other sectors, the country has also seen unbridled corruption in the banking sector, where either the directors of commercial banks have themselves taken hundreds of crores of taka as loan or have given such loans to corrupt businessmen. In the process the system has created a good number of big time bank defaulters.

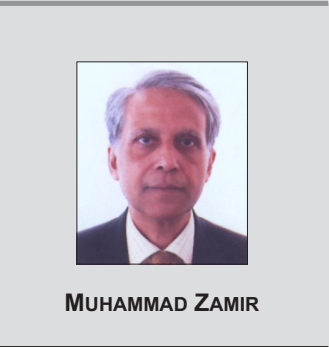
We are aware of the latest drive given by the intelligence agencies to collect information regarding financial misappropriation and violation of the Money Laundering Act by about 50 businessmen of the country. As part of the drive, the detectives have also collected documents of suspicious bank transactions by the businessmen in question from the central bank. It appears from the media reports that the central bank has been sitting on the information for many years.

While we think the present drive against the big time bank defaulters deserves a pat on the back, we express our bewilderment as to why the valuable information did not surface before the change of government? And every time there is a change we see a flurry of activities on the part of the central bank and anti-corruption authorities. But at the end of the day the real problem remains unresolved.

It is a common understanding that the case against bank loan defaulters should proceed on as per the laws of the central bank, Bangladesh Bank in this case, and the culprits should be given exemplary punishment to drive home the point that bank money has to be returned. The loan defaulters must be told in clear language that they cannot hide long behind political or any other power, and that they are not above the laws of the land.

The caretaker government has to finish what it has started. The culture of bank loan default has to be uprooted now.

Reforming the electoral process



WE have a new Chief Election Commissioner heading a re-constituted Election Commission. There are many problems ahead of this new team. One can only hope that they will settle down quickly into their responsibilities and tackle their tasks with seriousness and an open mind.

Dr ATM Shamsul Huda, after assumption of his office has been forthright and correct. He wants the Election Commission to be an institution that every citizen of Bangladesh can be proud of. He has acknowledged the chaos that plagues the corridors of his Commission and its associated Secretariat. By doing so, he has taken the first step towards restoration of confidence through the introduction of necessary reforms.

The major stake-holders in our political process -- different political parties, representatives of civil society, the print and the electronic media -- have for a long time been expressing the need for a proactive and neutral engagement from our Election Commission. There is consensus that major initiatives have to be taken to ensure the holding, as soon as possible, of a free, widely participated, fair and acceptable election. Such an election is viewed as being fundamental not only for the democratic process but also for eventual good governance and for future economic development and foreign direct investment.

The new CEC will have to understand that he is not alone. He has many well-wishers who are willing and interested in helping the

Election Commission to complete the expected homework.

We are indeed fortunate that Bangladesh has a vibrant civil society, keenly interested in being active participant in not only good governance issues but also in the acceptable performance of electoral objectives. Seminars, workshops and written recommendations have surfaced over the last year in general and since November 2006 in particular.

apple cart has been tipped over and dismantled over the past few days. The new CEC and his team can hardly be blamed if they think that they have been caught between a rock and a hard place. However, it is this difficulty that must encourage them towards calling the glass half-full rather than half-empty.

The interim government has been taking suitable and appropriate steps till now. They have shown

any parliamentary election within at least five years of their retirement from public service. This will ensure that such officials are restrained from diverting and misusing scarce resources at their command with the hope of cultivating their future constituencies at the expense of other areas more in need of development. This will also stop them giving in to politicisation during their shelf life within the civil service.

Another important step that

tive of the level of the election. This relates to the cause and effect relationship of dirty money and the nexus that exists between criminals and politicians in our country. Greed for power, most unfortunately, not only fuels partisanship but also encourages lack of accountability where candidates to elections not only think that they are above the law but also that all codes and rules approved by the Election Commission are meaningless.

be Election Commission at the time of submission of his application form. The candidate, in addition to academic qualifications, should also be expected to provide the EC with records of past criminal cases against him, the sources of his income along with a record of the income tax paid by him for the last five years and a statement of the movable and immovable assets currently owned by him and his immediate family members. At the same time he should make available details of loans taken and if he is in default with regard to any of them. The candidate should also make public if he has any interest in any particular company or business establishment. These are preventive steps that can only enhance transparency and improve the political process. This will also enable all political parties to select better candidates, less prone to future corruption.

One cannot conclude without reflecting once again certain other factors that involve our EC. It suffers today from lack of true financial and administrative independence. This needs to be corrected by the interim government. This will improve efficiency and do away with potential partisanship and politicisation.

The CEC and his team have many tasks ahead. They also have very little time to get their act together. Their efforts pertaining to the obtaining of transparent ballot boxes and the preparation of a corrected voters' list and an acceptable Voters' ID must not be tarred with debate.

This will be possible given cooperation and goodwill from the major stakeholders. However, such consensus and agreement can only emerge if there is discussion with all parties. That must start now with all sincerity and the interim government must facilitate this course of action.

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Suggestions have been put forward about how the controversial Voters' List can be corrected, how the Voters' ID Card can be prepared and issued expeditiously at relatively low cost and how essentially such digital information can be eventually collated to create the National ID Card for every Bangladeshi, as has been done in several other countries.

The different political parties and their leaderships have also identified ways and means as to how the remedial measures can be undertaken. They are keen about the implementation of necessary reforms so that a free and fair election can be held in a 'level-playing field'. They have been relatively mute since 11 January 2007, but for obvious reasons, would like to return to an arrangement where elected politicians can take over governance once again.

The Election Commission needs to be cleansed of all the controversies of partisanship that now taints this vital institution. The CEC, I am sure, knows that each action undertaken by the EC will be scrutinised minutely, particularly by those whose carefully organised

steadfastness in their approach towards the eradication of politicisation of state institutions that had so carefully been put in place by the immediate past government. They are now trying to clean the web of 'election engineering' that had been laid out carefully within the Election Commission itself. This is laudable. However, changing only those at the top will not be enough. It must also be accompanied by transformation at the lower levels and tiers. There have been appointments of hundreds of politicised officials that need to be undone.

It would be pertinent to note here that, like others, I have also welcomed certain observations that have been reported recently in the media with regard to how the caretaker government intends to introduce additional reforms in the political process. I am referring here to the need to bring about greater transparency and accountability within the matrix and the paradigm of the political dynamics.

One hopes that the following actions are taken as soon as possible. The foremost should be to bar civil servants from participating in

needs to be discussed urgently between the new EC team and political party representatives is the question of mandatory registration of political parties. A half-hearted attempt was made by the EC ahead of the 2001 election, but did not succeed due to the opposition of the main political parties. The Adviser on Law in this caretaker administration has mentioned that this administration is determined 'to bring all political parties under the law' and that the government has already started drafting the necessary laws. He has also expressed that this will be completed within the tenure of this administration. Very good, but please sit and discuss this important step with representatives from the major political parties. It is true that thirty-five political parties have so far applied for registration, but most of them are minor, other than the fragmented Jatiya Party. There will be complexities, but then they have to be faced and suitable agreements arrived at. Consensus in this regard will be important.

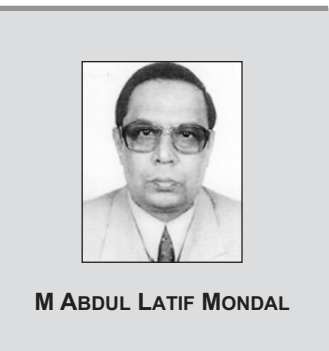
I will now touch on another significant area that usually has an impact on any electoral process, irrespec-

This disregard was shockingly evident in a recent report published by Transparency International Bangladesh after a survey carried out in 38 constituencies spread over 32 districts, selected from all six administrative Divisions. It was revealed that electoral candidates had already spent an average of over Taka 15 lakh for campaigns before the closing of withdrawal of their nominations for the now cancelled 22 January election. One BNP candidate had spent over Taka 1.94 crore. Such expenditure was far in excess of the approved ceiling of Taka five lakh.

Such a Report has only underlined what civil society has been reiterating for some time. Such a scenario cannot be allowed to continue. The newly re-constituted EC must sit down and through dialogue with political parties, create a monitoring mechanism to get out of this Catch-22 situation. We have to circumvent this problem.

It would probably be pertinent at this point to stress that this dismal state might be corrected through the candidate having to submit a brief resume about himself and the immediate members of his family to

Mandatory registration



THE reconstituted caretaker government (CTG) adviser for law, justice and parliamentary affairs Mainul Hossain has recently said that the CTG is preparing tough laws to make registration of political parties with the Election Commission (EC) mandatory in a bid to ensure financial transparency and accountability of the major political parties. The CTG has already started drafting the laws and they will complete the task within their tenure.

It may be mentioned that during the time of the CTG of 2001, a presidential ordinance made amendments to the Representation of the People Order (RPO), 1972 that made provision for registration of political parties with the EC. But in the face of strong opposition from major political parties, including the AL and BNP, the amendments could not make political parties' registration with the EC mandatory. So, registration of political parties with the EC has remained optional so far.

The salient points of the 2001 amendments to RPO, 1972 for registration of a political party with the EC are: (a) submitting an application by a political party with

certain information such as addresses of its head office and affiliated or associated bodies, total number of members on the date of application, the number of members in parliament, if any, elected on its nomination; (b) enclosing a copy of the constitution of the party, which shall bear true faith and allegiance to the Constitution of Bangladesh and uphold the sovereignty, unity and integrity of Bangladesh; (c) regis-

applied for their registration in the last six years. Thirty five or so political parties have reportedly applied for registration, but most of them are "name-only" parties.

A closer look into the political parties' registration laws in some countries, including UK, Australia, Canada, India, Pakistan shows that in order to register itself with the EC as well as to retain its registration, a political party has to abide by, inter alia, the following

- financial controls.
- Furnishing annual audited reports showing its incomes and expenditures.
- Maintaining democracy within the party, which includes, inter alia, regular intra-party election.
- Prohibiting the receipt of funds from foreign or anonymous donors.
- Fixing ceiling for incurring expenditure on campaign.

In order to make the move for mandatory registration of political parties with the EC a success, the reconstituted Election Commission should carefully examine the laws for registration of political parties in those countries where registration of political parties with the EC has been made compulsory for their contesting national elections as political parties with common symbol(s) for all the candidates nominated by them. Secondly, and more importantly, the EC should immediately start discussion with the political parties on this issue. Time is running out fast.

tering the applicant as a political party or rejecting the application after giving an opportunity of hearing; (d) canceling the registration of a political party on its dissolution or amalgamation with any other political party; (e) giving a registered political party certain privileges such as, granting one of the symbols for all the candidates set up by it in any general election to parliament, getting on set of electoral rolls at half of cost, allowing broadcasting and telecasting facilities in the state-owned electronic media during the general election, and consulting by the EC in respect of any matter relating to parliamentary election.

As the provision for registration was made optional, none of the major political parties, including the AL, BNP and Jamaat-e-Islami,

- provisions of the registration laws.
- Furnishing in the application for registration a satisfactory name of the party that does not clash with any other party's name.
- Providing detailed address of the party's head office and addresses of its affiliated entities in the application for registration.
- Enclosing a copy of the constitution of the party with the application for registration.
- Requiring a certain number of persons as members of a party.
- Depositing a certain amount as fee.
- Furnishing a financial scheme showing how the party will comply with the

- Allowing only a registered political party one symbol for all the candidates set up by it in any national election.
- Subjecting to compliance reviews by the EC.
- Canceling registration of a political party for flouting registration laws.

There has been a persistent demand from the civil society groups, experts and the media for amendment(s) to the RPO, 1972 to make registration of political parties mandatory. The CTG's reported move for mandatory registration of political parties with the EC for their contesting parliamentary elections as political parties with one symbol(s) for all the candidates nominated by them may largely be considered a follow-up of that demand.

party will have to maintain its accounts in the prescribed manner indicating its incomes and expenses, sources of funds, assets and liabilities of each financial year and submit to the EC a consolidated statement of accounts audited by a chartered accountant, accompanied by a certificate to the effect that no funds from any prohibited source were received by the party and the statement contains accurate financial position of the party. This will help make transparent the funding of political parties, and may ultimately bring transparency, accountability and discipline in the electoral process.

Third, experience of the past three decades or so shows that the party in power has, from time to

time, been very active to split up an opposition party into groups to meet its political ends. Mandatory registration of a political party with the EC to qualify for contesting as a political party in the general elections will act as a deterrent to the splitting up of political parties.

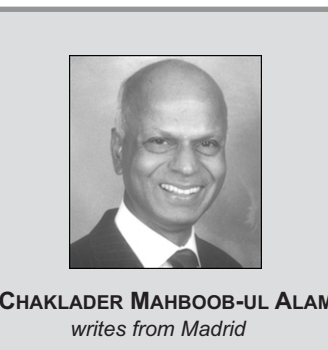
Last but not the least, ground realities tell us that politics is no longer a service to the society; rather, it has become a lucrative profession. So, many have reasonably argued that while even the smallest of shops or business is required to be licensed or registered, then why there should not be legal binding for registration of political parties.

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Secondly, and more importantly, the EC should immediately start discussion with the political parties on this issue. Time is running out fast. The reconstituted CTG and the EC shall have to work hard to create a congenial environment to hold election to the 9th parliament without further impairing the constitutional provision(s) for holding that election.

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Arms race in space



CHAKLADER MAHBOOB-UL ALAM
writes from Madrid

ON January 11, 2006 China fired a medium range ballistic missile from the ground to destroy one of its old weather satellites which was orbiting approximately 860 kilometres above the Earth. The news of this successful anti-satellite weapon test was received in the United

States with concern and consternation. But why should a country which happens to be the world's only super power react to an anti-satellite test in such a manner?

There is no doubt that the US is the world's most advanced country in military hardware and software, which also includes space technology. It is probably the only country in the world which is capable of launching sophisticated satellites with medium and long-range ballistic missiles at relatively short notice. It has already got dozens of them in space, both for peaceful purposes like weather forecasting and crop monitoring and for military purposes like conducting reconnaissance, spotting nuclear tests, spying and guiding missiles. The US military also depends heavily on satellites for navigation and communications. The obvious

China has sent a powerful signal to the other major space powers to negotiate a comprehensive treaty, seeking to ban not only the use of anti-satellite weapons but also the use of satellites for spying and other military purposes. It remains to be seen whether they will take note of the signal to start serious negotiations or engage in another arms race.

objective is to maintain first-strike capability against China, or any other enemy, by neutralising its nuclear deterrent and other military assets.

China has been deeply worried about this vulnerable situation for a long time. The 1967 Outer Space Treaty banned weapons of mass destruction in space. For years China, with Russia's backing, has tried to negotiate a new international treaty banning all sorts of weapons in space, but the US has

refused to do so. Actually, in 2006 President Bush went further. He promulgated an even more aggressive space policy by stating that the US reserves the right to use force against countries which want to disrupt the proper functioning of its satellites, in other words the US will have "freedom of action" in space. This was a clear warning to China because it had been experimenting with high-powered lasers to blind US spy satellites.

Under these circumstances, it

should not surprise anyone that China wants to counter the overwhelming military power of the US by improving not only its conventional weapons but also by acquiring the capability to neutralise the US surveillance and global positioning satellites. Until now China has depended heavily on Russian technology for advanced weapons. But, in recent years, it has invested huge sums of money and talent to develop its own technology to increase its military capability in

"areas of strike, aerial reconnaissance and strategic projects," such as its new fighter, the J-10 which, according to some experts, is similar in performance to the American F-16 or the European advanced fighters, the Eurofighter Typhoon and Dassault Rafale. To this now, one must add its recent successful test of an anti-satellite missile.

So, are we at the beginning of a new arms race, especially in the area of space? No country, far less

China with its formidable economic power, its unlimited supply of talented scientists and engineers and pride in its ancient civilisation, will knowingly cede monopoly in space to a possible enemy which can easily identify and efficiently target its strategic and military assets. But it also knows that it is difficult to compete with the US on this matter because it (the US) seems to have unlimited resources for military purposes. According to the 2007 draft budget proposals, the Pentagon will spend an amount of money, (716.500 million dollars) on easily identifiable military items, which is going to be higher than the total income of the 800 million people of the African continent. China is aware of the fact that the Soviet Union as a nation went bankrupt as a result of such an arms race against the United

States. Therefore, in my opinion, the primary objective of China's recent anti-satellite test was to bring the US to the negotiating table. In a recent statement, the official Chinese Arms Control and Disarmament Association confirmed that "the anti-satellite test was an attempt to redefine the rules of the game."

China has sent a powerful signal to the other major space powers to negotiate a comprehensive treaty, seeking to ban not only the use of anti-satellite weapons but also the use of satellites for spying and other military purposes. It remains to be seen whether they will take note of the signal to start serious negotiations or engage in another arms race.

The writer is a columnist of The Daily Star.