

Our MPs, their actual practices and accountability factor

KHALID SHAMS

THERE were two small news items in recent weeks that escaped the attention of our quite vibrant news media. The US presidential elections are not due until November of 2008. Nevertheless, all presidential candidates have been required to declare their income and assets eighteen months ahead of the polls.

According to a recent news release by Associated Press, Republican presidential hopeful Rudy Giuliani has reported \$16.1 million in earned income over the past 16 months. Most of it was in speaking fees as shown in financial documents filed by the former mayor of New York. Giuliani's report provides a detailed picture of his vast holdings and income since his term as mayor ended more than five years ago.

The same report mentioned that Democratic hopeful John Edwards revealed an earned income of \$1.25 million, the biggest single source, of which was a hedge fund that employed him part time.

The US Federal Election Commission had set a deadline for filing the income declarations, although several candidates received 45-day extensions, including Democrat Hillary Rodham Clinton and Republicans Mitt Romney and John McCain.

As a consequence, American voters will have access to detailed financial information regarding each of their candidates. The income and assets of US politicians

are of course, enormous by our standards, but what is significant is the mandatory requirement that each candidate should fully disclose relevant information regarding income and ownership of assets.

Accountability of political parties, especially when it comes to their financial transactions, is another area of vital concern in all-democratic societies. The audited financial statement of the Labour Party in Britain, for example, has now been released on the party website.

In the Annual Report for 2006, Messrs Howarth Clark Whitehill LLP, reputed Chartered Accountants of UK, have certified that the financial statements provided by the party give a true and fair view of its accounts for the preceding year and are in accordance with the UK's Generally Accepted Accounting Practices.

The report disclosed an income of 35.3 million pounds during 2005 and an expenditure of 49.8 million pounds, showing a huge deficit of 14.5 million pounds incurred by the Labour Party.

We need to prioritise electoral reform agenda

Reforms of the electoral process and administration are now being discussed and debated. Media and civil society have indeed played a crucial role in highlighting the needed reforms. It augurs well that people across the country are talking about the desired reforms and a broad consensus is emerging that these must take place very

soon.

The issues are being highlighted in public debates, many of which are now sponsored by the media. All the recommended reforms, however, cannot be implemented straightaway. The immediate public concern relates to what specific reforms should be brought about by the interim government, how quickly these can be instituted and how they should be implemented.

Mr. Abdul Jalil of the Awami League was of course quite correct to point out that reforms are not only needed within the political parties, but also within the government and Parliament. There has to be a broad political consensus about the package of reforms and how they are to be prioritised. Obviously we have to determine in the first instance what is feasible and what is not.

Large scale, all embracing institutional reforms are extremely difficult to implement -- the history of administrative reforms throughout the world is history littered with many failures. Just look at the number of administrative reforms commissions set up in this country in the past and the precious little that they have achieved.

Reforms that aim to bring about big systemic changes are invariably complex, involving many institutions, which have their own vested interests and work processes that require changes in people's behaviour. Mostly, it is the implementing individuals or agencies themselves that resist intro-

duction of the reforms, as they have been principal beneficiaries of the existing system.

They also require, in some cases, introduction of new technologies that often do not work, but are expensive to buy. Introduction of National ID cards with digital photos and preparation of accurate electoral rolls or voters list would be an example of this kind of a major institutional reform that requires application of the latest technologies, which will be costly and will have to be externally sourced.

It would be highly desirable to introduce the digitised voters ID card, but it may not be doable in the short run if we are to ensure early elections. The Election Commission has to decide how it would go about implementing the desired reforms, without getting bogged down in sophisticated ICT based technologies, massive training of a large number of personnel, installing computers and ensuring connectivity in remote locations.

Reforms must ensure accountability and transparency

While the long term institutional, systemic reforms are planned, it would be extremely important at this moment to stress an introduction of measures that will quickly ensure accountability of our political leaders as well as that of the top echelon within the bureaucracy.

Accountability in its ordinary connotation would mean establishing clearly the responsibilities of leadership to its constituency. One of the measures to enforce such

responsibility will be no doubt the conduct of free and fair elections at periodic intervals. That is why introduction of an accurate voters list through a national registration system, and holding of fair, credible elections are absolutely crucial.

But, more importantly, accountability would mean that public leaders would be required to explain their conduct to the constituents on a regular basis. These reforms require new norms of behaviour by public representatives and government officials, those that will reduce incidence of corruption and abuse of powers in the future. These can be quickly instituted and will require minimal additional expenses.

They involve reforms in functioning of the legislature and control over working of public functionaries, the political parties and Parliament. It will require introduction of new practices and mandatory procedures to ensure that public functionaries explain, on a regular basis, the tasks undertaken by them and how they have performed in discharging the responsibilities they have been entrusted with.

This would also call for transparency in their conduct as well as in all official or public transactions. We can introduce at least three of these reform measures immediately, to ensure accountability of public representatives and senior officials.

These are exceedingly doable reforms, which can be distinguished from a long list of other

highly desirable measures that will involve a protracted and complex process of administrative or legal changes.

First and foremost, all candidates who intend to contest elections as well those who will be incumbents to constitutional posts i.e. members of the Election Commission, Public Service Commission, heads of administrative departments, should declare their income earned in the preceding year and assets owned within the country.

If there are assets abroad but subject to taxation laws of another country or an international institution, these should also be declared, indicating the means by which these have been acquired.

This would ensure the minimum transparency in respect of the financial benchmarks of a candidate prior to elections and provide necessary safeguards against corruption and abuse of power for financial gains subsequently.

Second, we need to establish financial accountability within the party itself. To prevent abuse of political powers exercised by the central leadership, especially at the time of nominating candidates for parliamentary elections, it will be important to establish full accountability of party funds.

Such funds should be treated as the public funds and all revenue as well as expenditure items should be identified. Accountability of the party funds must be subject to an independent, external audit and public disclosure should be made

in respect of all financial transactions of the organisation through its annual report.

In the meantime, the Election Commission has to take effective measures to restrict campaign expenses and if required subsidise them to encourage candidates who may not have the means to bear bonafide campaign costs. A third area of quick reform is to simply revive, reactivate and reinforce the committee system of Parliament.

Parliament's supreme mandate for exercising all legislative authority and supervision of the executive should be reiterated -- currently, the members are preoccupied with all sorts of extra parliamentary activities, mostly involving personal suparish and tadbir, instead of focusing on legislative functions.

In particular, I would stress the need for reviving and strengthening the various committees that oversee the financial affairs of the republic. These committees have in the recent past ceased to function effectively.

They have gone through the motion of formal ritualistic meetings, instead of being the vigilant watchdogs of executive misde-meanour.

Various financial committees of Parliament, i.e., the Public Accounts Committee, the Estimates Committee and the public enterprise review committees need to be strengthened. These are committees that examine the adequacy of management systems, procedures and practices in executive departments, in rela-

tion to delivery of their outputs.

In addition to the Auditor General, we can invite reputed accounting and legal firms of the country to facilitate a more rigorous parliamentary review of the performance of the executive arm of the government.

Against the backdrop of recent aberrations of the parliamentary system, we have witnessed members of Parliament straying far away from their mandated legislative functions. They have been preoccupied more with extra parliamentary affairs and illegal patronage.

In the process, democratic practices have been subverted and corruption became rampant. We need to bring the legislators back to their constitutionally designated orbit. Under the parliamentary system, the cabinet remains responsible, collectively and individually, to Parliament.

The urgent need is to enforce ministerial accountability by enabling Parliament to hold ministers individually to account for their actions and decisions taken in their respective portfolios and in the government as a whole.

An effective Public Accounts Committee as well as the various other committees set up by Parliament will be powerful instruments to establish accountability of public representatives as well as the bureaucracy.

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South Asian Parliament

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WHEN we think about South Asian Parliament we keep in the back of our minds the European Parliament (EP), which is the legislative wing of the European Union (EU).

The EU is a unique body. Its members are sovereign states who have decided to pool their sovereignty in some key areas of government. These are areas where it is in their joint interest to act together. Like any government, the EU has a legislative branch, an executive branch, and an independent judiciary. These are supported and complemented by a number of other institutions.

The powers of the EU institutions are derived from its founding treaties which have been freely negotiated by member states, and which have been ratified individually by each country. In policy areas not covered by the treaties, member states are free to exercise their sovereignty.

The Council of the EU is the main decision making body. It is the voice of the member states, consisting of ministers from each one, and has both, a legislative function which it shares with the EP, and also an executive function which it shares with the European Commission. The European Commission (EC) is the executive that is independent of the governments, and is the institution which represents the interest of

the Union as a whole.

The responsibilities of the EP have increased over the years since 1979, when voters throughout the Union states directly elected its members. The principal function of the Parliament is to adopt, in a process called "co-decision" with the council, the draft legislation submitted to them by the EC. The EP and the Council of the EU work together in a way similar to that of the two chambers in a national legislature.

EU leadership is gradually moving towards integration of the member states into a single entity. As already mentioned earlier, voters throughout the entire territory of EU directly elect the EP members. The MPs of the EP do not sit in national groups, but in pan-European formations. The present Parliament, elected for five years in June 2004, has 786 members representing the 27 EU countries.

Keeping that working model in mind, if we consider the formation of a South Asian Parliament, it is a question of how effective that institution could be in achieving the goal of sharing respective advantages to compensate for the weaknesses, and for maximizing the benefits of the people of the entire region under the existing circumstances.

The Council of the EU sits a minimum of 4 times with the heads of the governments. In addition, innumerable meetings are held at

the ministerial level, discussing all types of issues as and when they crop up. The Saarc summit of the heads of governments of the member countries only sits once every year, but is mostly pomp without much effectiveness.

The meetings have, more or less, a predetermined agenda and outcome, without substantial meaningful worth to the people of the region. The ministry level meetings are rare, and are not very effective either.

Unlike the EU, the Saarc secretariat generally does not have much responsibility, as Saarc summits do not provide sufficient jobs or policy guidelines for implementation.

Under the circumstances, there is no scope for the South Asian Parliament to be as effective as the EP, which is given an agenda by the EU and the EC to deal with. So, there remains the question about the function of the South Asian Parliament when there is minimal agenda created by the Saarc summit and forwarded by the Saarc secretariat.

Does the leadership of the Saarc countries focus on following a similar line as the EU, for an ultimate merger, in the long run, into the United States of South Asian Countries, where every country would have individual identity and sovereignty but would enjoy common economic benefits?

In reality, member states are more concerned about safeguard-

ing their own identities along with individual interests, sometimes even at the cost of others. This has made it difficult to formulate concrete programs agreed to by all member states.

The move towards ultimate merger is viewed with suspicion by most countries, which think that it would be at the cost of their sovereignty, and efforts are made to avoid the same at all times.

At this stage, the recently concluded Safma's (South Asian Free Media Association) Parliamentary Forum-II conference held on June 3 to 4 at Shimla, India, may be mentioned.

Mr. Yashwant Sinha, the former external affairs minister of India, said in his speech in that conference: "Despite centuries of rivalry and war, the countries of Europe have submerged their differences and reconciled with their past. They now live as good neighbours and are making progress together. The nations of South East Asia have come together to form the highly successful Asean. All over the world, countries contiguous to each other are coming together and forming strong alliances. But, here in South Asia, after two decades of existence, Saarc remains a non-starter. If we are determined to remain an exception to the global trend I have just mentioned it will increasingly be at the cost of the 1.5 billion people who live in South Asia, and who

would remain deprived of the benefits of increased trade, economic ties and cultural exchanges."

In the same conference, Mr. K. K. Katyal, President, Safma, said during his deliberations: "Parliament members have a dual role. They, on the one hand, represent the people's aspirations, concerns, sentiments and, on the other, seek to prompt the governments to formulate policies to serve the best interests of their electors."

It is evident that Saarc should be made more effective in order to bring all its member states closer to cooperating with each other, with a view to sharing our strengths and weaknesses to provide maximum benefit to the 1.5 billion people living in the region.

It is also obvious that members of parliament of the member states, who are effective links between people and government, are in the best position to break the ice, in this case by pursuing their respective governments to promote regional cooperation issues. In case it is necessary for any particular issue, they are in a better position to motivate the people too.

This has necessitated creation of an institutional interactive mechanism for parliamentarians of the region, with the ultimate objective of having a South Asian



Parliament. But, for reasons already described, the formation of Sap will not be able to serve any meaningful purpose at this stage.

As such, the conference in Shimla (Safma's Parliamentary Forum-II, June 2 to 3, 2007) suggested stage-by-stage transformation, and the action plan proposed includes:

Creation of an Intra-Parliamentary Union in South Asia.

Creation of Sap. Activation of Saarc speakers'

forum.

Setting up of Sap as a deliberative and consultative body, not as a legislative body, to begin with.

It may be concluded that Sap may be an idea at this stage, but it should be materialized in the not too distant future. If we take too long a time to do something tangible Saarc would lose whatever importance it still retains, it may fail to maintain the trust of the people about its usefulness, and the organization may become totally irrelevant.

It is felt that the Saarc leadership should decide quickly on how they can make the organization more effective, and whether they would like to have assistance of the parliaments in this respect, to achieve what had along been expected of the organization by the people of the region.

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Nepal on the track

IMRAN KHALID

LAST week's agreement between the governing seven-party-alliance (Spa) and the Maoists to hold elections for a constituent assembly between mid-November and mid-December is a significant episode in Nepal's political history. The promise of elections, which were originally scheduled for June, was a key part of the deal signed by the Maoists with the government last year.

Since April 2006, when the Nepalese monarch retreated within 19 days of protests, albeit with a toll of 19 lives of the protestors, there has been smooth progress towards the culmination of the Maoists' insurgency and establishment of democratic culture in a country that has been a monarchy for the last 238 years.

The restored parliament has drastically curtailed the king's power and prerogatives in the political system, and the Maoists are showing a readiness to get assimilated into mainstream politics and the power structure -- raising hopes of a move towards peace, stability and economic growth in this impoverished country.

Since 1996, the Maoist factor has been dominating Nepalese politics. The Maoists, who had been violently agitating for the "removal of monarchy, liberation of rural population from the grip of the landlords



and local administration, and creation of a "republic Nepal" for over a decade, got the impetus in their movement only during the last 14 months of King Gyanendra's despotic rule that had blatantly purged any traces of freedom of expression or democratic rights from Nepal.

Factually speaking, during their decade-long "people's war" that took at least 13,000 lives, the insurgent Maoists were able to generate as much momentum in their struggle against the monarchy as they had after February 2005. The real problem with the Maoist leadership

was that it constantly squabbled with the mainstream political parties on this issue, and clung on to its violent methods.

However, despite the heavy human toll, the Maoist's violent campaign could not generate enough effective thrust to seriously



challenge and threaten the stability of the Kathmandu establishment.

Late King Birendra's constitutional reforms of 1990 -- that encouraged the establishment of a constitutional monarchy and rendered the King a popular titular head -- was certainly a prudent decision that kept the political forces from joining hands with the Maoist guerrillas, and extinguished the possibility of any tangible anti-monarchy movement.

The current intensity in the anti-Gyanendra movement derived its impulse from the fact that seven major political parties formed a loose alliance with the Maoists under a 12-point agreement that asked the Maoists to play by the rules of parliamentary democracy.

The synergy created by the joint political forces and the Maoists

added the incisive punch in the anti-monarchy campaign that had been missing in the past. The most positive aspects of the Comprehensive Peace Agreement (CPA) signed between the two sides on November 21 last year are the Maoists' announcement to lay down their arms and to join the interim government, as well as to nominate members for the parliament.

The fact is that the Maoists control almost two-thirds of rural Nepal, and no government is likely to succeed in the implementation of any kind of developmental programs in Nepal without their cooperation and support.

With 83 nominated members in the 329-member interim assembly, and five ministers in the interim cabinet, the Maoists are quickly de-

learning their violent trends. But, despite registering their fighters and weapons with the United Nations, the Maoists still face allegations of extortions, beatings and kidnappings -- raising doubts whether the jungle warriors have really changed their outlook.

Some members of the Maoists who have yet to adjust to their new life are habitually involved in these kinds of street crimes, and the Maoist leadership is trying to control these elements.

Last month, after a hotelier was kidnapped and beaten for failing to hand over cash to the Maoists, the business community in Kathmandu staged a three-day strike. This was a major blow for the Maoist leadership's claim regarding a "change."

Even Maoist chairman, Pushpa Kamal Dahal (also known as Prachanda), was forced to apologise and take action against the renegade former fighters. Apparently, the Maoists have understood the changed ground realities, and they want to take full advantage of the current situation.

They are in a really good position to secure enough seats in the constituent assembly, and thus fulfill their prime demand that primarily revolves around the abolition of monarchy in Nepal. The coming months are likely to be dominated by an intense debate on the future of monarchy in Nepal.

The constituent assembly's major business will be to rewrite the constitution and redefine the role of monarchy. But, given the growing disillusionment with the monarchy, there is little hope for any significant role for it in Nepal, where the people were used to viewing the King as a God-like figure.

But the "people's war" of 2006 has changed the whole scenario. Even the respected octogenarian Prime Minister Girija Prasad Koirala, who until recently was considered to be the only prominent politician in favour of the monarchy, has now changed his tone and has started talking openly about ditching the monarchy.

This is a major development that may further heat up the issue when the elections are held in the later part of this year. So, Nepal is on the track.

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