

Media, transparency, and combating corruption

ZIAUDDIN CHOUDHURY

FOR the past several months we have been enthralled by the saga of the amassing of incredible wealth by our former ministers and political leaders through larceny, extortion, and abuse of office. As the net is cast wider and wider, we hear more stories of mind boggling plunder and loot, to the point that we wonder that the country was left with anything at all to feed the masses. The scale and volume of venality have been such that past examples of money making at public expense have paled into insignificance. We are in a brave new world, where our leaders considered stealing on a scale that would lead to wealth which could be comparable to that of the tycoons of countries awash with oil. But we have now read enough stories of filching and money

making to a nauseating point. Perhaps we now want to read about how those already caught in the net are being dealt with, and not about a never-ending net. An anti-corruption drive has three key phases: investigation, prosecution, and prevention. Next in this chain of events, as every one expects, would be the prosecution of the incarcerated lot, and, hopefully, punishment fitting their crimes for some. But this can only come if the first phase, investigation, is completed. And we hope for our own sake that we keep our focus on the cases at hand, and do not embark on new ventures. A challenge that any government faces in dealing with highly publicized corruption suspects is coming up with evidence that can prove the allegations. Investigation is a time consuming affair, particularly if that investigation concerns

individuals holding high public office or those with high visibility. Two essential conditions of investigation of such high value cases are quality and speed. Quality in investigation leads to better results for the prosecution, and respect for due process. Speed in investigation helps justice. An investigation that straggles over time invariably leads to manipulation and disappearance of evidence and, of course, red faces all around when the much-publicized indictment results in no conviction. My own experience with district anti-corruption committees in two districts in the seventies was exactly such. Poor quality of investigation, primarily for lack of skilled investigators, and resultant delays affected the cases so badly that the government prosecutors in two major cases affecting two parlia-

mentarians were unsure about bringing them before the court. Hopefully, in the current nationally known cases we can avoid this. Our anti-corruption campaign has raised public expectations to new heights. With such high value suspects in custody, and daily doses given by the media of their ill gotten wealth, it is time that some transparency in the process was brought in by arraigning them before the court with evidence of their misdeeds. Delays will only lead to conjecture and speculation, hampering justice and public expectation for anti-graft measures that would prevent recurrence of rapacity of public officials in the future. This is where our media also need to play their role properly. In the run up to the current campaign the media has served as an echo chamber of public feeling against corruption, which also acted in

some ways as endorsement of government actions. But if we want to view this campaign as only the beginning, we have to think beyond the near term anti-corruption measures. This takes us to the next phaseprevention of corruption. Literature in good governance and combating corruption lists two fundamentalstransparency in government actions, and freedom of information. Both go hand in hand. Transparency in government actions without freedom of information is meaningless. If I cannot get access to information on what the government or a public official is up to in my backyard, no amount of disclaimer on transparency is any good to me. Freedom of information is a fundamental precept of democracy, and the mass media is an important purveyor of this information to the public. The commend-

able role that our media has played in the current anti-corruption drive helped to wield a tremendous amount of public opinion. This trend can be channeled in the future to demand accurate and investigative journalism that can work as a watchdog to prevent abuse of public office, expose networks of corruption, and act as an outlet for public grievances. What we can learn from the ongoing corruption saga that is unraveling today is that opacity of government transactions can lead to grand scale plundering of government resources. Lack of information on government contracts and their awards, surreptitious privatization of government property, unexplained public expenditure, and quiet squirreling away of public assets have led us to where we are today. Without an enabling environment for freedom of infor-

mation, we will continue to face this demon of corruption. There are three central elements in freedom of information: Giving rights to citizens to get information, and enacting appropriate laws to make information available to public. Creating organizational capacity to provide information. Ensuring a free and capable media to disseminate information. All three of these are in the government domain, and a government determined to combat corruption should create the enabling environment by implementing all three. It does not require a law to give right to information to the citizens. In every democratic government this right exists with all other rights. However, this right is valid when the conditions for enabling access to information are avail-

able. This enabling environment comes from making public officials responsible for making the information available to the public. Imagine the powerful impact of availability of information related to services that every government agency provides to the public, how they are accessed, and redresses for public grievance against them. We not only expect the current campaign to yield results that are commensurate to public expectation, but also to create an environment that would help to deter future occurrences of malfeasance by our public officials and their business cohorts.

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Land of refuge

UTTAM KUMAR DAS

BANGLADESH has been hosting thousands of Rohingya refugees from Myanmar for the last 16 years. According to the records of the government of Bangladesh and the UN refugee agency, UNHCR, there are now about 26,000 refugees living in two official camps in Cox's Bazar, a southern district bordering Myanmar. They are the remainder of some 258,000 Rohingyas who came to Bangladesh during 1991-92, after suffering gross violations of human rights at the hands of the military rulers of Myanmar. The government of Bangladesh

registered this group of refugees, and extraordinarily (i.e. through an executive decision/order) recognized them as refugees. According to official claims, 237,000 Rohingyas have returned to Myanmar so far. However, local people believe that some of these refugees went to Myanmar to receive benefits from UNHCR and WFP, and later on came back to Bangladesh and mixed with the local population. There has been no repatriation since 2006. A total of 92 persons went back in 2005. On the other hand, there are an estimated 100,000 to 300,000 Rohingyas who are reportedly staying in Bangladesh without any status.

Some of them even managed to migrate to different countries with Bangladeshi passports. A significant number of them have reportedly been enlisted in the voter rolls through various means, including patronization of a section of religion-based political parties. Indeed, Bangladesh is not a party to the UN Convention on the Status of Refugees, 1951, and it's Protocol of 1967. It also does not have any national legislation to deal with asylum or refugee issues. Though Article 31 of the Constitution guarantees equal protection of law for "every other person" staying in the country for the time being, however, there is a

lack of judicial interpretation and common understanding of the clause. On the other side, Bangladesh has been a party to major international human rights instruments. It has also been a member of the UNHCR's Executive Committee since 1995. So, the state is already under obligation to extend protection to asylum seekers and refugees in the country. Empowerment through Law of the Common People (Elcop), a research and advocacy NGO, recently (05-07 May) organized a three-day residential training on Refugee Law at the Proshika Human Resource Development

Center Trust at Koitta, Manikgonj. The United Nations High Commissioner for Refugees (UNHCR) sponsored it. Professor Dr. M. Shah Alam of the Department of Law, University of Chittagong, a former Member of the Bangladesh Law Commission said in the training that Bangladesh has been hosting refugees for years, and extending assistance and protection to them, although it has not signed the Refugee Convention. He observed that the government probably does not want to accept any legal obligation by being a party to the Convention. According to this expert on international law this is not the right stance. He observed that Bangladesh has already become a party to major international human rights instruments, which oblige it to protect refugees' rights anyway. So, no logic is valid here for not being a party to the Refugee Convention. Underscoring the need for a legal regime, and an institutional mechanism for refugee status determination (RSD) by the government of Bangladesh, Dr. Naim Ahmed, an advocate of the Supreme Court of Bangladesh and an expert on refugee law, said that accession would facilitate creation of an effective tool for the protection of refugees and identification of illegal immigrants in the country. Referring to the Rohingyas from Myanmar, he said that due to absence of a registration mechanism and status determination procedure, there is no authentic data on the Rohingyas and other foreigners staying in Bangladesh. A significant number of the Rohingyas have already got de facto citizenship here. In some villages in Bandarban district, bordering Myanmar, the Rohingya immigrants out-numbered the local Bangali population, Dr. Ahmed pointed out. The recommendations of different presentations during the three-day training included:

- Bangladesh's accession to the Refugee Convention and it's Protocol.
- Adoption of a comprehensive national legal framework on refugees.
- Policy on the Rohingyas in Bangladesh.
- National judicial authority for refugee issues.
- Proper training for government officials and NGO workers dealing with refugees.
- Better and humane treatment for recognized refugees.
- Judicial and legal activism to set up a legal regime.
- Involvement of NGOs and civil society in refugee operations.
- Effective role of the international community and UN agencies to find a durable solution for the Rohingya problem.
- Initiatives of the government of Myanmar and Bangladesh.
- Continuous international support for care and maintenance of refugees in Bangladesh.

I am of the opinion that there should be thorough discussions and debates in the country on this issue, with participation of concerned experts, policy makers, representatives of development partners, and international and relevant UN agencies.

The present government should pay serious attention to this. It has already decided to accede to two more UN Conventions (i.e. UN Convention against Corruption, and Convention on the Rights of Persons with Disabilities). So, immediate steps should be taken on the refugee issue, with a view to enacting a comprehensive policy and legal framework. Initiatives should be there for finding a solution to the plight of the Rohingya refugees as early as possible.

The writer is a lawyer and researcher specializing on human rights and refugee law. Currently, he has been working as the National Protection Officer with UNHCR in Dhaka.

Sufia Kamal: The legend



MAKHUMA NARGIS

SOME years have passed since our dear Khalamma left us. But the legacy of this legendary figure remains. Based on my association with her for over three decades, what follows is my humble attempt to explore the relevance of the life and works of this great soul to the contemporary world.

Sufia Kamal, during her seven decades of active life, had many faces: pioneer of women's liberation, fighter for democratic values, champion for the poor and disadvantaged the world over, and leading cultural and social activist. These were not separate issues to her. I would argue that all of them, to her, were an integral part of the struggle for a common humanitarian goal.

I feel that her life-time achievements were the result of her intimate and comprehensive understanding of our society, forward looking approach, and her strength to take a moral stand on all emerging issues. Thus, this great lady in one life-time could achieve so much, and endear herself to all across the social and political divide. Unfortunately, in contemporary Bangladesh, such a multidimensional but highly focused approach is largely missing.

Sufia Kamal was the president of the largest women's organization, Bangladesh Mahila Parishad, from its founding days till her death. Coming from a conservative Muslim family, she observed and nurtured women's emancipation to raise the status of women in the family, society and state.

She realized the need for mainstreaming, empowerment and the slogan "Women right are human rights," many years before these words entered the vocabulary of international women's movements. This was possible because the essential element in all her activities was to change the social attitude towards women.

Even today, in this respect, women in Bangladesh have a long way to go, and it will be achievable only through perfect understanding of Bangladesh society at large, and its intrinsic strengths and limitations. Sufia Kamal was an ardent believer in democratic and secular values, and in women's rights as an integral part of the broader democratic rights, which had to be fought for by men and women together. She had been on the streets for democracy since the early 50's. All these years, she and Bangabandhu shared mutual respect. She, against all odds, fought against political and social distortions after Bangabandhu's death. Now, our

country is passing through a critical time, trying to reinvent democratic practices and values. So, we need her presence more than ever.

To her, democracy did not just mean election and power plays; to her, secularism did not mean only fair and equal rights for people of all religions; rather, religion has no role to play in influencing the decision making process of the government.

I have rarely seen an individual so deeply religious, but still truly non-communal in letter and spirit. Thus, she embodies our motherland Bangladesh, whose people are deeply religious and generally non-communal.

Over the last few years, religious extremists have been resorting to both constitutional and violent means to distort democratic values and sow the seeds of religious intolerance in public minds. She knew that these were the dark forces that try to push back all our achievements in democracy and women's rights. So we need, more than ever, a Sufia Kamal to fight back the trend.

Sufia Kamal had the foresight and courage in taking principled and moral positions on all issues. It is not limited to the oft-quoted story of how she reacted to General Ayub Khan's remark that Banglees were animals. She had the courage to stand by the disadvantaged when others stepped back and dared not intervene.

When greedy land grabbers evicted sex workers of Narayanganj, she was the sole voice to protest, and demand punishment for the clients and for those who brought these unfortunate girls to the flesh trade. She had the courage to fearlessly lead protest marches during the communal riots-Hindu-Muslim or Banglee-Bihari.

Still in captive Bangladesh, she had the courage to refuse to sign a statement favouring the Pakistani junta during the liberation war. More than ever today, we need such courageous social leaders.

Sufia Kamal led cultural movements as part of her overall mission. She was president of Chhayanganj, till her death. The songs of Tagore and Nazrul inspired her throughout her lifea believer in blend of nature and love for humanity. These two great Banglees inspired her to achieve her singular mission to create a better and fairer Bangladesh. Sufia Kamal remains forever in our hearts.

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GREG CONSTANTINE

Bogged down in Baghdad

LARRY KAPLOW AND CHRISTOPHER DICKEY

THE call from President George W. Bush came hours after terrorist bombs brought down the minarets of the Golden Mosque in the Iraqi city of Samarra. The attack last week was a replay of the conflagration that destroyed the golden dome of the same Shiite shrine on Feb. 22, 2006the date Iraq's sectarian strife took the turn toward open civil war. So in Baghdad, embattled Prime Minister Nuri al-Maliki was scrambling: he imposed curfews, blamed Al Qaeda, pleaded with his people to forgo their vendettas. His situation looked desperate and his credibility shot. (Only the day before, he'd told visiting Deputy Secretary of State John

Negroponte, "We have eliminated the danger of sectarian war.") Then, at about midnight Baghdad time, the White House called. Maliki welcomed the friendly American voice on the other end of the line. "President Bush called me, and he declared his deepest sympathy and readiness to reconstruct the whole shrine of Samarra," Maliki told Newsweek in an exclusive interview. The Iraqi praised Bush's human touch. Indeed, the dour-faced Shiite politician's aides say he often brightens up after talking to the US president one-on-one, whether by phone, in person or in a videoconference. "You can see how happy he is," says Sami Al-Askari, a close adviser, speaking of past encounters. "Mr. Bush encourages him." Their bond has a lot to do with fate, says Maliki: "Destiny wanted to bring together two people who strongly stick to their principles." But the two men are also linked by their precarious political positions. The US military has acknowledged that its surge in forces is not likely to bring stability to Baghdad by the end of summer. Elsewhere in the region, the Hamas takeover of Gaza and the latest assassination of an anti-Syria legislator in Lebanon sug-

gest the impotence of American policy. So pressure is rising for some sort of political breakthrough in Iraq. In recent weeks a parade of American legislators, generals and diplomats have tramped through Baghdad to push Maliki for quicker progress on a range of stalled measures, from a new oil law to reconciling with former Baathists. Bush's unflagging support runs the risk of undercutting that message. Perhaps it's not surprising that a stubborn president of the United States and this equally stubborn prime minister of Iraq find solace in each other's company. They're both increasingly isolated from the people they are supposed to lead. They are contemporaries (Bush is 60, Maliki is 57), and both spent most of their lives as relatively unworldly men, albeit worlds apart. Both have had to learn on the job while in the top job. Both are surrounded by small circles of confidants who have given them demonstrably bad advice where the future of Iraq is concerned. Both are at odds with fractious legislatures. Both are deeply religious and have important fundamentalist constituencies. Each of them very much needs the other to succeed, and

neither has any real alternative. But while Bush reassures Maliki, the American public's patience is running out. Last week in quick succession three senior US officials flew to BaghdadAdm. William Fallon, the top commander in the Middle East, Negroponte and Defense Secretary Robert Gates. The message the US officials wanted to hammer home to the Iraqis, Gates said, is "that our troops are buying them time to pursue reconciliation, that frankly we are disappointed with the progress so far." Under the circumstances, another man might push harder and faster for change. But Maliki says he needs time in order to make long-term decisionsones that will be "written in stone"and says he's confident that Bush understands. "The timetables given, sometimes I do not find them in President Bush's mind so much as they are in the minds of some people who make (public) statements," says Maliki. As for the US Congress: "Every time I meet President Bush through the videoconference I tell him that I have a hard time dealing with the Parliament or the political blocs (in Iraq). He says, 'I have a worse time dealing with

the Congress.'" In fact, the system Maliki's working in does share much of the blame for the political stalemate. On many days the Iraqi Parliament cannot manage a quorum; several legislators spend most of their time out of the country. Cabinet positions are apportioned out to parties, and ministers answer to their factions before they do to Maliki. He told a closed-door session of Parliament that the sectarian bickering kept him "in handcuffs." But questions remain about Maliki's commitment to true reconciliation and power-sharing. Maliki's office has reasserted a law allowing it to block corruption probes against ministers and used it to protect political allies, according to documents obtained by Newsweek and a knowledgeable source who did not want to be identified for fear of reprisals. US commanders have said that orders still occasionally come from high levels in the government ordering the release of captured Shiite militiamen though Maliki has also authorized the arrest of ranking militia commanders. Maliki admits that he is deeply suspicious of Baathists, but insists he is reaching out to Sunnis in

general. As Maliki told Admiral Fallon, "There are two mentalities in this region: conspiracy and mistrust." Those currents run deeply through his own psyche. Maliki fled Baghdad in 1979 under threat of death, hiding in the marshes. Friends say more than 60 members of his family, including a brother-in-law, were killed by Saddam Hussein's thugs. He has some reason to be suspicious even now. Iraq's Sunni-dominated Arab neighbors are hostile to Maliki, whom they see as ceding too much influence to Iran. That's led to constant rumors of coup plots. Former prime minister Ayad Allawi, a secular Shiite who was once a Baathist and then a favorite of the Central Intelligence Agency's, has been openly trying to organize a bloodless parliamentary putsch against Maliki with support from Jordan, Egypt, Saudi Arabia and others. "He has enormous pressures from all sides that he has to grapple with," says a senior US military officer, who was not authorized to speak on the record. But at least he knows one person in Washington he can call for support.

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NOTE
In yesterday's issue of The Daily Star, the article, "The plight of rickshaw pullers," was inadvertently printed on both page 10 and page 11. We regret the error and apologise to our readers for any inconvenience.