

## Right to Information

### A strong safeguard against corruption, misgovernance

FULFILLMENT of the people's right to information is now universally recognised as a precondition for not only ensuring good governance but also eliminating corruption and anomalies that are inextricably linked to official secrecy. So the advocates of an expeditious enactment of the Right to Information Bill, who spoke in a workshop held in the city on Tuesday, have raised a pertinent point.

The experience that we have had, even during democratic rule in the last 15 years, does indicate that government officials and politicians holding high public offices could indulge in corruption on an unprecedented scale largely because there was no transparency or accountability. Corruption stemmed from official secrecy, which always prevented the people from knowing what was happening in the government offices. The point will be made amply clear by the fact that even the parliamentary standing committees could not elicit the needed information from the ministries when they were trying to probe incidents of gross anomalies and irregularities in quite a few cases. The official secrecy only helped the corrupt to avoid being brought into full public glare.

So, people's access to official information is vital to subjecting governmental activities to public scrutiny.

The present caretaker government is going all-out to curb corruption and introduce a system that will have no place for the corrupt elements. They have already reorganised and made the Anti-Corruption Commission independent, which is no doubt a highly positive development. But the overarching need is to have a law that will force the government to share official information with the public. Barring sensitivity to clearly defined security concerns we are for the media and people to be privy to all other information. There are areas like procurement, tendering, service delivery, administrative lapses and spending of public money about which people may want to know, as they have a stake in all such matters. This is also true about the projects where public funds are utilized, yet people are left in the dark about the way the whole thing is conducted.

So the people's right to information has to be firmly established through enacting the Right to Information Bill on a top priority basis. The right to information has brought about magical changes in governance in countries where it is now a established fact. India is a good example of how the RTI has served public interest by giving the people access to the information that touch their lives. It is the best way to prevent shady and arbitrary deals that ignore the collective interest of people.

## Pull back from a retrograde step

### Duty proposals on computer, telecommunication need to be dropped

IT is ironical that two mutually contrary, if not contradictory, patterns of emphases should have found place in the finance and planning adviser's budgetary proposals relating to information and communication technology (ICT). He seems to identify information, telecommunication and information technology as thrust sectors judging by 21 percent higher allocation (from the revised budget) to them. But in the same breath, he proposes withdrawal of zero duty on computer and computer accessories together with that of duty exemption on telecommunication equipment, basically meaning increase of duties on these items.

The finance adviser could perhaps argue that a higher allocation necessitates some taxation; but the question is: should we take recourse to such a fiscal measure as would raise the cost of the ingredients that ICT development hinges on -- computer, its accessories, telecommunication equipment etc.

The private sector is willing and ready to participate in the field. The government's job is to provide infrastructure for it. Lately, we have added submarine cable to the infrastructure to connect with the world information super highway. Capital and major cities are connected with transmission networks of both public and private sectors. To utilise this connectivity computers are the basic tool. If their prices go up lower and middle income groups would be hard put to buy and maintain computers. And this will happen at a time when we need to take computer or internet coverage beyond Dhaka into districts and upazilas basically targeting younger generation.


ICT is a potential sector where hundreds and thousands of jobs can be created with comparatively less investment. Experts visualise that half of the jobs in the world will eventually belong to the ICT and ICT related sectors. Internship allowance is being given by the government to create an efficient workforce in IT. Elsewhere in the budget document, the finance adviser stresses IT products having priority export potential. Work on a hi-tech park has already begun.

Set against this overall background, the budgetary proposals presaging increase in the prices of computers, its accessories and telecommunication equipment call for reconsideration.

# The reform-wave and the crisis for the leaders

STRATEGICALLY SPEAKING

The question that is being asked is what are the options for the two leaders, and many have expressed their apprehensions whether, and how, if at all, they can survive the spate of proposed changes being contemplated in the BNP and AL where there is a growing consensus among a large segment of reformists on the need to clip the absolute power of the party head and introduce a system where the party will be run by collective decisions.



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WHILE it is not uncommon for nations to suffer occasionally from crisis of leadership, and we have had a fair share of it too, what we are seeing at present, in the midst of all the turmoil and political turbulence is a crisis for the leaders, particularly for the chiefs of the two major parties.

They have become the focus of attention of the senior party members as well as the people, insofar as reform of the political parties is concerned. Whether that should be the case is a question that one would like to put, along with a corollary as to how the two party bosses would acquit themselves under the changed circumstances.

The crisis, or predicament, that they face stems from the reform-wave, which is surging in the minds of the leadership of the major political parties. It is very heartening to note a concordance of views among the parties on the need for change. Detractors see it as a mechanism for self-survival, but we feel comforted to see them seized with the

issue, devoting their time to come up with the best rules of business for their respective parties.

Political reform, with more bias towards reform of political parties, is a popular demand. It bears repetition that the people are not willing to allow the politicians to run their parties and the country as they had done so far.

The near autocratic manner in which the country had been run, particularly in the last five years, was the result of absolute power residing in the hands of the party chief, who either lacked the sagacity to differentiate between the government and the party, and between the party and the country, or deliberately diluted the difference for self-aggrandizement.

The country was treated as a personal fiefdom; power was used and misused at the pleasure of the chief and the cohorts. The consequence is so painfully clear in front of the nation.

What is disquieting is that none in the parties could manage to gather enough moral courage to stand up

against the ills that were willfully committed against the interest of the country. One wishes that the gusto with which some of the party senior leaders are talking about the imperative for party reform, particularly the need for collective decision-making, had been shown sooner.

It is good to see the politicians, for a change, responding to the demands of the people and of the times. There are all the positive aspects of it and, happily, nothing negative. However, one hopes that the need for change, and the urgency demonstrated by their actions to bring in the changes, are motivated by their conviction in the rationale rather than by any extraneous influence. Otherwise the changes might only be cosmetic, an expedient only, and may not be permanent.

However, clearly noticeable are the two distinct trends within the major parties, that are likely to determine in the long run how and what reforms are brought about in them. While the positive trend is the con-

sensus among the top leadership on the need for change, what is perhaps disconcerting is the intra-party difference on how and what changes are to be brought in.

The rift in this matter is evidently very acute within the BNP, whereas within the AL it is very subtle but nonetheless palpable. And the difference relates more to the "how," including whether the two party chiefs will be taken on board in the process of implementation of those changes.

As for the specifics, although nothing has been made official as yet, reportedly there are as many as six reforms that the BNP reformists are seeking to bring in, whereas the AL proposals are almost thrice that. Some of them relate to the decision making process, while one (in the case of the AL) put an age bar on the members of the working committee.

There is also the provision to de-link the party from the government, in that one cannot, at the same time, wear a party hat and a government hat. These are very welcome developments, indicative of the growing

realisation that the parties must conform to the requirements of the times.

However, one wonders whether the reforms in the political parties should be predicated entirely on the future role of the two leaders. The discussions are revolving entirely around the two when the focus should really be on the reforms in the political parties.

While leaders are important factors far more important are the issues that influence the future character of our polity. And in determining it the parties must not fail to assess their role so far. It was dysfunctional to say the least that had brought democracy almost to a collapse.

The question that is being asked is what are the options for the two leaders, and many have expressed their apprehensions whether, and how, if at all, they can survive the spate of proposed changes being contemplated in the BNP and AL where there is a growing consensus among a large segment of reformists on the need to clip the absolute power of the party head and introduce a system where the party will be run by collective decisions.

So what is the political future of the two ladies? It should not escape their notice that no one is indispensable, and contrary to what some scholars say, new situation will always throw up new leaders; "cometh the time cometh the man" (or woman) is an old adage that holds true even today.

For a start it seems that the two are either incapable or unwilling to

critically assess their performances while in power. A good leader is one who is capable of not only self criticism but prepared to accept mistakes and rectify those. Their recent interviews with The Daily Star convey only too clearly that admitting mistakes is not one of their forties.

However, it seems that they have not failed to read the writing on the wall and have, perhaps willy-nilly, agreed to go along with the idea of reforms. And they are even willing to put up with the dilution of their absolute authority. While it is for the parties to decide how they will involve the two leaders in their future working, how they fare politically in future would depend on several factors that are entirely in their control.

First, it will depend on how they read the situation, and adapt and adjust their position; how they see the needs of the times, and whether they take a proactive role in the changes. This is what we refer to as situational leadership. That, or otherwise risk being discarded. And both seem to have realised that there is no alternative to change.

If it is a matter of political survival, it can be addressed if they take note of the warning that The Daily Star made in one of its recent editorials in respect of the political parties -- change or perish from the political world.

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# Coal policy and energy security



NATURAL forces in previous geological eras determined the distribution of energy resources in the earth's crust. Men, however, make the decision to mine the resources they discover. The impact of such decisions is truly momentous for the entire nation, as well as for energy security and economic development.

For example, the decision for underground mining at Barapukuria in north-west Bangladesh will have a major impact on the economy of the west zone, across the river Jamuna, and its natural environment. The proposed strip mining, or open-pit mining, at Phulbari, immediately south of Barapukuria, would mean that large areas will be removed from (three crop) food production, and thousands and thousands of families will lose their ancestral homes, depending on the extent of mining in future.

There are always some in government who can appreciate the views of the people. Chief among them is the energy advisor Mr. Tapan Chowdhury, who very categorically said in a round table meeting held on June 10: "Finalisation of the national coal policy is now in the final stage, and I hope it will be finalised by the next month. Experts would decide on the methodology for coal extraction from two

CHRONICLE

Under the old concession system, foreign companies were granted, in exchange for royalty payment, more or less complete ownership of mineral rights on vast tracts of land. Foreign companies determined the rate of development, and amount of production, from their "concessions," and also set the price. In the same manner, for instance, under the open-pit mining Phulbari project, an unknown and inexperienced Asia Energy Corporation (AEC) managed to acquire the "assignment" right from BHP in 1998 (the year of their registration in Bangladesh).

choices -- open-pit and underground mining. No policy will be taken which will go against the interest of the people."

He also welcomed all to give their suggestions in formulating the coal and energy policies. He further added that the proposed coal policy would be integrated into the national energy policy.

This has prompted me to write. I regret that I could not attend the round table meeting. I knew, as everyone else did, that the advisor was unhappy about the steady deterioration in electricity supply. He might even be thinking: "Why can't Bangladeshis be even-handed in their policy?" He, perhaps, by now, knows that the omissions in the draft coal policy paper were deliberate. There have also been behind-the-scenes battles of words between those who favoured speaking in terms of royalties and those who felt it would be politically unwise to invite controversy at a time when corruption revelations were everywhere.

Nevertheless, adequate energy supply is an essential pre-requisite for fulfilling the hope that millions of Bangladeshis will be able to live in reasonable material circumstances and dignity in this country in future.

Under the draft coal policy, 2007, the lessee may decide to extract all 1,460 million tons of coal within the

next twenty years and export it. Incidentally, the value of the coal at today's international market price (\$60 per metric) ton may be around \$88 billion. This would be given away against a royalty payment of \$7 billion. Isn't this highway robbery?

In addition, the environmental implications of decisions regarding underground or open-pit mining method for extraction of coal will need to be assessed in a proper manner. The Environmental Impact Assessment (EIA) report received on this particular proposal has been "managed," as it was in many such energy projects during 2001-06.

In fact, under the Mining Law, even the post of chief inspector of mines has not been filled, and standards have not been established at the national level or below. It is unlikely that the Bangladesh government will permit any outside interference in its sovereign prerogatives on legal or environmental grounds. The rest of the world has no alternative but to trust the good judgment of the actual owner of the resource -- the people.

Speaking of the 6% royalty, royalty payment was an old practice in case of oil and gas exploration conducted by British, American, or Dutch companies. After the formation of Opec, or even

earlier, many oil producing countries rejected the royalty considerations and nationalised their oil production and marketing.

In this sub-continent, under British India, royalty payment for coal extraction was introduced under the Mining Act, 1923. In Bangladesh, with the formulation of the Petroleum Act, 1974, concession/royalty policy was revoked, and a new policy was formulated to establish the ownership of the people.

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In the same manner, for instance, under the open-pit mining Phulbari project, an unknown and inexperienced Asia Energy Corporation (AEC) managed to acquire the "assignment" right from BHP in 1998 (the year of their registration in Bangladesh). AEC's parent company was reportedly registered two years later. If this is true, the son was born two years before his parent.

Nevertheless, to restate what had been stated earlier regarding

the provisions in Bangladesh constitution, the following may be viewed in the context of resource extraction:

First, the draft coal policy, once approved, would allow a local or foreign company to mine coal under the royalty basis. Other than the royalty measures, in all other options, ownership of the property would be retained. Royalty is an out-dated and exploitative system.

Second, the proposed policy is seen as a stand-close policy, having no connection with the National Energy Policy (NEP) 1995, or its updated version of July 2006, or even the latest updated version of June 2007. The National Energy Policy 1995/updated 2006, Power System Master Plan (PSMP) 1995, Gas Sector Master Plan (GSMP) 2006 have not been consulted. The proposed policy emphasises export.

Third, no domestic demand-supply exercise on coal has been incorporated, as had been done in all previous energy-related plans such as NEP, 1995, PSMP, 1995, or even GSMP, 2006. Unless total energy supply-demand balance is made, no production of coal can be agreed upon. In fact, the proposed coal policy is bound to have serious adverse impact on the mid to long term energy planning of the country.

Fourth, the energy demand supply already shows a serious deficit, which will be aggravated in the coming seven or eight years. With the exhaustion of natural gas by around 2015 (GSMP, 2006), coal must take its place at the earliest. But, the large-scale coal production plan: 20 million tons per year in the first ten years, and 40 million tons in the next ten years, and export of around 80 to 85 percent of the annual output, would simply bring disaster for the country. In fact, there would be hardly any coal left for domestic consumption

tion in the long-run. What is the hurry? Why would the Ministry of Energy, or even the present people-supported caretaker government, take such a fancy to this export oriented coal policy?

Fifth, why does the ministry wish to create a situation that would help to exhaust the second commercial energy (coal) so quickly? Is there a conspiracy behind to revive the coal policy and the Phulbari coal mining project? On every count, they go together. Approve one, the other one will survive. How could the ministry promote a case where lessee will also fix the price of coal as well as production?

Sixth, the expression that long-term sustainable energy security in the country is expected to be achieved through maximum recovery of coal at the quickest possible time (stated in the draft coal policy, 2007). One can easily assume such a production pattern will be followed to match the company's export plan, not to match the country's demand-supply plan.

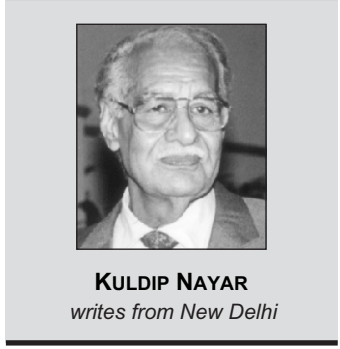
Seventh, a pre-emptive decision on the method of mining as envisaged in the proposed policy is illegal. This is a sovereign right of the people as per law.

Eight, a list of companies who have been allocated some coal fields has been appended to the policy paper. This is a clean violation of norms and laws, and as such cannot be considered a policy document.

There was no apparent need to re-open the faulty and misleading draft coal policy. It should have been properly and adequately amended to reflect the wishes of the people. The thoroughly revised document must be made public so that national interest does not suffer.

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# Will Bangladesh go Pakistan way?



NOBODY hides it. Everyone at Dhaka assumes that you know about the army's presence behind the caretaker government. Chief Advisor Iftikhar Ahmed himself tells you about it. But he emphasises that the army is in charge of only law and order and all that can reveal corruption and crime of politicians.

Yet, the fact remains that the army has spread to the districts and "guides" deputy commissioners in the administration. Whatever your fears, the people in Bangladesh have felt relieved. They have welcomed the army action without reservation.

BETWEEN THE LINES

On balance, I can say that I have every hope that Bangladesh will not accept the army in any role or shape permanently. There is, however, one proviso: politicians, particularly Hasina and Khaleda, should stop playing games in their pursuit of power and personal gains. But then politicians are not made that way. Bangladesh would have to begin from a clean slate and revive the spirit of liberation -- all for the country and the country for all.

They were so sick of the misrule and corruption by former prime ministers Khaleda Zia and Sheikh Hasina, that the public would have accepted anything, however drastic. Otherwise, Khaleda would have returned to power and she had arranged to the last detail to get a majority at the polls.

Whether the constitution allows the extension of the caretaker government beyond six months or not is hardly a topic of discussion. People are too engrossed in witnessing case after case of corruption and criminality at high places. They applaud every disclosure and every arrest as if it is an emotional purification of their involvement in

the wasteful *hantals* and bands that has cost the nation dearly.

No one knows how many more corrupt politicians and their supporters in business and elsewhere will be brought to book. People want the cleansing of the stables once and for all. So far, only 130 or so cases have come up but the number is said to be "plus 420." They mostly relate to members of Khaleda's Bangladesh Nationalist Party.

Her son, Tarique, who was an extra-constitutional authority as Sanjay Gandhi was during the emergency in India, is on top of the list. His wealth runs into hundreds of crores. Khaleda's other son, Kokko, owns a house in Dubai under

a fictitious name.

From among Khaleda's ministers in the limelight is her home minister. He hushed up a murder after pocketing 20 crore taka (roughly Rs 40 crore). Many former ministers have fled the country.

Hasina is reportedly herself involved. Three bank owners have given in writing that they paid her in Tk 1 crore, 3 crore and 5 crore respectively before getting permission to open their bank. Roughly 40 cases against her party men have come to light.

She believes that all this has been done to put pressure on her to quit politics. This may well be true, but the taint of those involved

cannot be denied. The scale of corruption and the close involvement of top politicians have shocked the nation. It knew that corruption was there but the disclosures have been beyond their wildest guess.

The army has set up a task force to dig out instances of corruption. Once the task force identifies the suspects and collects evidence, it passes on the case to the Anti-Corruption Commission for instituting proceedings before the specially-designated court. The commission, headed by a top retired army officer, is a constitutional body and also has civilian officers as members.

People have not raised any objection to the chief advisor's statement that elections will be held towards the end of 2008, the postponement by two years. The Election Commission, which is engaged in revising electoral rolls, also has the public support. The army's help to the Election Commission for a quick job is seen as a plus point.

So far so good; one ominous thought, which crosses the mind is whether the army would quit after it

has done the cleansing job. Since the end of 2008 is yet one and a half years away, not many talk about what after that. Even otherwise, people are so much impressed by the manner in which the army is using the broomstick that they keep the doubts to themselves. They want a thorough cleansing job.

Eyebrows were, however, raised when Lt Gen Moeen U. Ahmed, the chief of army staff, said in a written speech in the presence of the country's president Iajuddin Ahmed: "Democracy itself requires a secure environment for it to thrive and spread its roots." He went on to add: "Both democracy and security are complimentary features of the system now being put in place by correct initiatives."

True, the army chief flinched after The Daily Star questioned: "Was it a mere intellectual exercise or a purposeful floating of ideas to gauge public reactions?" The paper went on to say that "our first trust with a general in politics was with Ayub Khan back in 1958 and he wanted to 're-invent democracy according to the genius of the people' and we ended up having 'basic democracy' that was thoroughly rejected by our

people, though it took a while." The Daily Star's forthright opinion received support all over. In subsequent observations, the general tried to water down what he had said earlier.

I asked the chief advisor at Dhaka the other day the same question: Would the army quit after the cleansing? He had no doubt that it would and he based his reading on talks with the army chief. The chief advisor, a simple and straight person, who wears his integrity on his sleeve, is confident that by the time the cleansing job is over, the system would have been reformed and institutions like the media, the judiciary and the Election Commission would have become strong enough to protect the polity.

The chief advisor may turn to be right. The disgust and disdain with which people view the politicians indicates the nation's determination to stay alert from now onward. Yet I have seen how Ayub and Ziaul Haq promised to quit after holding free and fair elections within 90 days and stayed on for years to turn Pakistan into a military-ruled country.

Likewise, I fear, Bangladesh may go the Pakistan way, the khaki behind the kurta and pajama. But the silver lining is the irresistible Bangladeshis. He is defiant and determined, different from the phlegmatic Pakistanis.

The first has fought even against the Pakistan army to liberate the country. The second has had cosy relations with the army. True, the lawyers' agitation over the suspension of the Pakistan chief justice has evoked a sustained country-wide agitation, never witnessed before. Yet, the anger is primarily directed against President General Pervez Musharraf, not the army.

On balance, I can say that I have every hope that Bangladesh will not accept the army in any role or shape permanently. There is, however, one proviso: politicians, particularly Hasina and Khaleda, should stop playing games in their pursuit of power and personal gains. But then politicians are not made that way. Bangladesh would have to begin from a clean slate and revive the spirit of liberation -- all for the country and the country for all.

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