

## Protecting overseas job seekers against swindlers

*New rules must be strictly enforced*

IT is welcome news that the government has decided to address the issue of overseas recruitment by formulating a set of rules that will protect the job seekers' rights. They are now highly vulnerable to swindling by recruiting agencies and middlemen across the board. The job seekers are now exploited in various ways and many of them have ended up paupers, after losing everything in their bid to get a job abroad. In some importing countries they land up in jobs they had not contracted for.

So, it is time the government did something to protect the job seekers' interests. Obviously, the most important thing is to organise the whole business of recruiting workers in a planned way. The government's decision to make it mandatory for the recruiting agents to select job seekers from the databank of the Bureau of Manpower Employment and Training (BMET) is certainly a move in the right direction. The expatriates welfare ministry is going to introduce a website for this purpose which will give people access to information in this regard.

The unscrupulous middlemen usually target the gullible and uneducated in rural areas who don't hesitate to spend their last penny for getting a job abroad. But once the new rule comes into effect, the BMET will be aware of what the recruiters are doing and chances of the workers being cheated will be eliminated to a great extent. In other words, the recruiting process will no longer be a shady deal between unsuspecting, innocent job seekers and fraudulent recruiters. Instead, it will become transparent.

It is really unfortunate that our workers, whose contribution to the national economy of a host country is huge, are being sometimes treated shabbily. Obviously, the employers are not always kind to the workers, but there is no denying that in most cases the recruiting agents and their associates in importing countries are responsible for the misery of the workers. All sorts of irregularities are resorted to, with the sole objective of maximising profit. The workers have been suffering, as there is nobody to plead their cases. The Bangladesh missions abroad should look after interests of the workers in an energetic way.

Sending workers abroad is more than an issue of securing employment for them: it has a direct bearing on our image as a nation. So, it must be ensured that no legal or procedural lacunae exist in the scheme of overseas employment. Only then can we hope to have our workers' rights and privileges protected abroad.

## Happy Bijoya

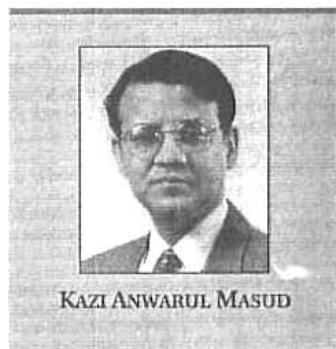
*A message of good triumphing over evil*

THE observance of Durga Puja by the Hindu community in Bangladesh as also elsewhere is in more ways than one a going back to certain ancient cultural traditions. It has especially been in South Asia that such traditions have played a significant role in the shaping of a society. Indeed, the very fact that a composite culture straddling faiths and regions defines life in the region is proof of the existence of a broad framework upon which people have through the ages related to one another.

Durga Puja, or worship of the Divine Mother, is an annual recapitulation of the many strands of thought which have gone into the formulation of the Hindu consciousness. At the same time, it is a reiteration of the idea that the Hindu faith, for those who subscribe to it, continues to be a living embodiment of what spirituality is all about for those who seek to effect a link between worldly affairs and heavenly realities. In very clear terms, Durga Puja is also symbolic of the triumph of good over evil, as demonstrated by the victory achieved by Divine Mother Durga over the arrogant Mahishasura. In a broad sense, therefore, the celebrations that take place every year in the puja season and especially those on Bijoya Doshomi are a reminder of life being a constant twilight struggle between good and evil. There are forever the forces that seek to undermine peace and stability through pitting themselves against the values that have sustained humankind through the centuries. Durga Puja serves as a reminder to people, in that philosophical sense of the meaning, that in the final reckoning it is good that defeats evil, that it is the forces of light that beat the elements of darkness back into their caves. On this day, it is a call to religiosity that goes out to men and women everywhere.

We wish the Hindu community of Bangladesh a happy Bijoya. Let the celebrations end on a note of deep reflection on life and everything it stands for.

## Return of Benazir



KAZI ANWARUL MASUD

IT is not clear yet how far Benazir Bhutto's return to Pakistan would help President Musharraf to regain his credibility (that has been going down recently). His recent election to the presidency while still retaining the post of army chief, that is being contested in the Pakistani Supreme Court, would detract legitimacy regardless of the judgment because of his election by the present pro-Musharraf legislators whose term of office is going to end in the very near future and also his broken promise to quit his army post before seeking re-election.

But then, Benazir Bhutto's proposed alliance with the military is a recognition of the fact that ever since the birth of Pakistan, the army has effectively ruled the country and remains, in the words of analyst Daniel Markey: "Pakistan's strongest government institution and the only one that can possibly deal with immediate threats of violence and militancy ... The real problem with pushing for a rapid democratic transition is that genuine civilian democracy in

## GOING DEEPER

**In an immediate reaction to the carnage, Benazir blamed supporters of the late Gen. Ziaul Huq as being behind the bomb blast. While not discounting the possibility of Islamic extremists being the likely perpetrators, Ms. Bhutto stressed that such groups were unable to operate without logistical support "from people in power."**

Pakistan is an unrealistic aspiration in the near term."

Markey's observation has been given a macabre touch of reality by the bomb attack on Ms. Bhutto's arrival motorcade in which more than one hundred and forty people were killed. Though Benazir herself escaped death the violent incident reflect the fact that violence remains an integral part of politics in Pakistan and that her popularity triggered the incident by those who feel her presence would marginalise their influence in Pakistani politics. Benazir herself in an interview with Wolf Blitzer of CNN only a few days back before her return to Pakistan spoke of threat against her life and of the distinct possibility of violence.

In order to understand the violent opposition to her return, one must recognise the existential gender inequality in Pakistani society that is basically patrilineal and patrilineal. Besides, two of the four provinces of Pakistan are ruled by Islamist governments who follow strict Islamic laws in regulating the day to day life of the people.

In a country where "honour"

killings (killing of women for allegedly bringing dishonour to the family) go unpunished and girls are married off at a very young age, the very idea of acceptance of a female prime minister in the country is very difficult to accept by many, despite the fact that Benazir Bhutto was twice elected to that position of power.

In Pakistani society, as in many underdeveloped societies in Asia and Africa, violence against women is pervasive and often practiced in the name of religion. In politics, though South Asia has had female prime ministers in India, Bangladesh, Pakistan, and Sri Lanka, acceptance of females in politics (as elsewhere) is not easy.

They are usually regarded as "property" of the male gender in the sense that the father rules her destiny before marriage, husband after marriage, and her own children in her old age. That the situation is changing for the better is not debatable. But these societies have miles to go to ensure gender equality and to bring about general awareness about violence against women.

It may be fallacious to conclude that the violence triggered

by Benazir's return was only because she is a woman. Similar terrorism could have greeted Nawaz Sharif were he allowed to enter the country. But the recent events show the emergence of an ideological divide in Pakistani politics.

The close coordination between the fundamentalists and the military that has been the hallmark of Pakistani politics since the days of Gen. Ziaul Huq in ruling the country may be experiencing underground fracture. It is possible that the fundamentalists through violence are trying to impress upon the military that they should not be regarded as easily expendable.

Frankly, barring few exception (e.g. India) one could argue that in countries like Pakistan where illiteracy is the norm and banned sectarian and jihadi groups supported by a network of mosques and madrasas operate openly (primarily due to the military government's dependence on the Islamist political parties combine with consequent increased influence of al-Qaeda followers) liberal democracy cannot be successfully practiced. It is not enough that contestation to fill

political offices is ex-ante uncertain, post-facto irreversible, and that elections are repeatable.

For democracy to be successful, political equilibrium must exist in the society, and "social coordination" in the form of freedom of speech and assembly is guaranteed so that aspirants for political power are able to get to the electorate with their vision and the electorate have a choice to make.

If one were to accept pre-eminent South Asian analyst Stephen Cohen's assertion that Pakistan is being ruled by a "moderate oligarchy" defined as "an informal political system that (ties) together the senior ranks of the military, the civil service, key members of the judiciary, and other elites" with an inerrant belief that India must be countered at every turn, that nuclear weapons have endowed Pakistan with security and prestige, and that the fight for Kashmir can only end with its becoming a part of Pakistan, then politics in Pakistan takes a shape different from other countries.

In this case, Francis Fukuyama's prescription that democracy needs a certain level of economic development for the stake-holders to oppose any interruption of democratic process, neighbourhood effect (i.e. flourishing democracy in neighbouring countries would inspire people to emulate them), culture for democracy (that sadly has been lacking in the case of Pakistan), and an inner craving for democracy would not apply in

the case of Pakistan, regardless of the presence or absence of Benazir Bhutto.

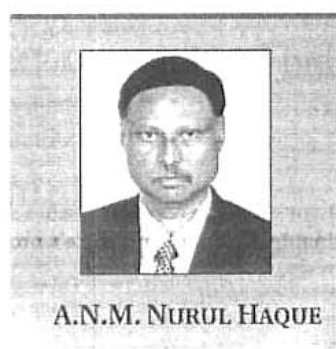
Given the fate of enquiry commissions established by authorities in this part of the world, results of investigation into the carnage of Benazir Bhutto's motorcade would be suspect. Some analyst believe that a section of Pakistan army and its intelligence apparatus retain ties to militant groups including Taliban sympathisers that they had developed during Ziaul Huq's regime. These elements would have no favour with Musharraf-Bhutto entente and logically would like to disrupt such an alliance.

These are early days yet to make any credible analysis of Pakistani politics following Benazir Bhutto's return home. In an immediate reaction to the carnage, Benazir blamed supporters of the late Gen. Ziaul Huq as being behind the bomb blast. While not discounting the possibility of Islamic extremists being the likely perpetrators, Ms. Bhutto stressed that such groups were unable to operate without logistical support "from people in power."

One hopes that Ms. Bhutto's primary aim to bring back democracy in Pakistan in cooperation with the army, however imperfect it may be, would be able to help stabilise things -- and also not disrupt the US war on terror, in which Pakistan continues to play an important part.

Kazi Anwarul Masud is a former Secretary and Ambassador.

## Debating truth commission



A.N.M. NURUL HAQUE

THE law adviser Mainul Hossain recently announced the interim government's plan to formulate laws on plea bargaining, making provisions for the formation of a truth commission so that the businesspeople charged with corruption might confess to their guilt to have their punishment reduced. He said that the proposed truth commission was an idea floated by the interim government to salvage the economy.

Meanwhile, the government has initiated a move to form a committee to be led by Anisul Haque, a senior lawyer, for formulating a draft law for the commission. The move made earlier at the highest level of the interim government for allaying the fear among the business community, has thus far failed in giving impetus to economy.

"Big businessmen got involved in corruption willingly or unwillingly for the shake of their busi-

## BY THE NUMBERS

**There are no two opinions that setting up of a truth commission needs to be debated. It should be debated among the politicians, lawyers, businesspeople, and civil society members, especially those who are well-informed of its implications. The interim government also bears huge responsibility for formation of the truth commission, as there is no parliament for debating on it.**

nesses, because of large scale corruption in politics. It is necessary to overcome the economic crisis through reconciliation with the businessmen," said Mainul while talking with the newsmen regarding this commission.

The idea of truth commission has drawn mixed reaction. The debate on it is getting momentum at this point of time. The politicians, academics, lawyers, and businesspeople are furiously debating its political and economic implications.

Though the country's apex trade body, FBCCI has welcomed the government's decision to set up a truth commission, politicians have strongly opposed it. The economists of the country, for their part, have given guarded reaction to the idea.

The key leaders of the major political parties were critical of the proposed body aiming to give corrupt businessmen a chance to escape punishment in exchange of money and expressed doubts whether the proposed commis-

sion would be able to function properly.

There are truth commissions in many other countries. But such bodies in those countries usually hear the victims of human rights violation. The Truth and Reconciliation Commission in South Africa was formed to grant amnesty to those who committed abuses during the apartheid era, as long as the crimes were politically motivated and there was full disclosure by the person seeking amnesty.

Bangladesh should go for formulating laws for plea bargain. A plea bargain is an agreement in a criminal case in which a prosecutor and a defendant arrange to settle the case against the defendant. One of the key arguments in favour of plea bargain is that, it helps courts and prosecutors manage case loads.

Plea bargaining was introduced in India by Criminal Law (Amendment) Act, 2005, which amended the Code of Criminal Procedure and introduced a new

chapter XXI(A) in the code which was enforceable from January 11, 2006. This affected cases in which the maximum punishment was imprisonment for seven years; however, offenses affecting the socio-economic condition of the country and offenses committed against a woman or a child below the age of fourteen are excluded.

Plea bargain as a formal legal provision was introduced in Pakistan by the National Accountability Ordinance 1999, an anti-corruption law. Special feature of this plea bargain is that the accused applies for it accepting his guilt and offers to return the proceeds of corruption as determined by investigators or prosecutors.

After endorsement by the chairman of the National Accountability Bureau, the request is presented before the court which decides whether it should be accepted or not. In case the request for plea bargain is accepted by the court, the accused stands convicted but is

neither sentenced if in trial nor undergoes any sentence previously pronounced by a lower court if in appeal. He is disqualified to take part in elections, hold any public office, obtain a loan from any bank and is dismissed from service if he is a government official.

The introduction of a limited form of plea bargaining in France was highly controversial. In this system, the public prosecutor could propose to suspects of relatively minor crimes, a penalty not exceeding one year in prison; the deal, if accepted, had to be accepted by a judge. The critics argued that plea bargaining would give too much power to the public prosecutor, and would incite defendants to accept a sentence simply to avoid the risk of a bigger sentence in a trial, even if they did not really deserve it.

Estonia is another country where plea bargaining has been introduced in the 90s allowing to reduce penalty in exchange for confession and avoiding most of the court proceedings. In that country plea bargaining is permitted for the crimes punishable by no more than four years of imprisonment. Normally one-third reduction of penalty is allowed there.

In Italy, the procedure of pentito (the who has repented), was first introduced for counter-

terrorism purposes, and generalised during the Maxi trial against the Mafia in the 1980s. The procedure has been contested, as since pentiti received lighter sentences as long as they supplied information to the magistrates, they have been accused, in some cases, of deliberately misleading Italian justice.

The critics of the system claim that the plea bargain system can put pressure on defendants to plead to crimes that they know that they did not commit, and that the outcome of a plea bargain may depend strongly on the negotiating skills and personal demeanour of the defense lawyer, which puts persons who can afford good lawyers at an advantage.

There are no two opinions that setting up of a truth commission needs to be debated. It should be debated among the politicians, lawyers, businesspeople, and civil society members, especially those who are well-informed of its implications.

The interim government also bears huge responsibility for formation of the truth commission, as there is no parliament for debating on it. No doubt, the formation of a truth commission to salvage the economy sounds quite exciting, but many remain doubtful as to whether it would be able to function properly.

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## Is globalisation to blame?

PRANAB BARDHAN

ECONOMIC inequality is on the rise around the world, and many analysts point their fingers at globalisation. Are they right?

Economic inequality has even hit Asia, a region long characterised by relatively low inequality. A report from the Asian Development Bank states that economic inequality now nears the levels of Latin America, a region long characterised by high inequality.

In particular, China, which two decades back was one of the most equal countries in the world, is now among the most unequal countries. Its Gini coefficient -- a standard measure of inequality, with zero indicating no inequality and one extreme inequality -- for income inequality has now surpassed that of the US. If current trends continue, China may soon reach that of high-inequality countries like Brazil, Mexico and Chile. Bear in mind, such measurements are based on household survey data -- there-

fore most surely underestimate true inequality as there is often large and increasing non-response to surveys from richer households.

The standard reaction in many circles to this phenomenon is that all this must be due to globalisation, as Asian countries in general and China in particular have had major global integration during the last two decades. Yes, it is true that when new opportunities open up, the already better-endowed may often be in a better position to utilise them, as well as better-equipped to cope with the cold blasts of increased market competition.

But it is not always clear that globalisation is the main force responsible for increased inequality. In fact, expansion of labour-intensive industrialisation, as has happened in China as the economy opened up, may have helped large numbers of workers. Also, the usual process of economic development involves a major restructuring of the economy, with people mov-

ing from agriculture, a sector with low inequality, to other sectors. It is also the case that inequality increased more rapidly in the interior provinces in China than in the more globally exposed coastal provinces. In any case it is often statistically difficult to disentangle the effects of globalization from those of the ongoing forces of skill-biased technical progress, as with computers; structural and demographic changes; and macroeconomic policies.

The other reaction, usually on the opposite side, puts aside the issue of inequality and points to the wonders that globalisation has done to eliminate extreme poverty, once massive in the two Asian giants, China and India. With global integration of these two economies, it is pointed out that poverty has declined substantially in India and dramatically in China over the last quarter-century.

This reaction is also not well-founded. While expansion of exports of labour-intensive manufacturing lifted many people out

of poverty in China during the last decade (but not in India, where exports are still mainly skill- and capital-intensive), the more important reason for the dramatic decline of poverty over the last three decades may actually lie elsewhere.

Estimates made at the World Bank suggest that two-thirds of the total decline in the numbers of poor people -- below the admittedly crude poverty line of \$1 a day per capita -- in China between 1981 and 2004 already happened by the mid-1980s, before the big strides in foreign trade and investment in China during the 1990s and later. Much of the extreme poverty was concentrated in rural areas, and its large decline in the first half of the 1980s is perhaps mainly a result of the spurt in agricultural growth following de-collectivisation, egalitarian land reform and readjustment of farm procurement prices -- mostly internal factors that had little to do with global integration.

In India the latest survey data suggest that the rate of decline in

poverty somewhat slowed for 1993-2005, the period of intensive opening of the economy, compared to the 1970s and 1980s, and that some child-health indicators, already dismal, have hardly improved in recent years. For example, the percentage of underweight children in India is much larger than in sub-Saharan Africa and has not changed much in the last decade or so. The growth in the agricultural sector, where much of the poverty is concentrated, has declined somewhat in the last decade, largely on account of the decline of public investment in areas like irrigation, which has little to do with globalisation.

The Indian pace of poverty reduction has been slower than China's, not just because growth has been much faster in China, but also because the same 1 percent growth rate reduces poverty in India by much less, largely on account of inequalities in wealth -- particularly, land and education. Contrary to common perception, these inequalities are much higher in India than in

China: The Gini coefficient of land distribution in rural India was 0.74 in 2003; the corresponding figure in China was 0.49 in 2002. India's educational inequality is one of the worst in the world: According to the World Development Report 2006, published by the World Bank, the Gini coefficient of the distribution of adult schooling years in the population around 2000 was 0.56 in India, which is not just higher than 0.37 in China, but higher than that of almost all Latin American countries.

Another part of the conventional wisdom in the media as well as in academia is how the rising inequality and the inequality-induced grievances, particularly in the left-behind rural areas, cloud the horizon for the future of the Chinese polity and hence economic stability.

Frequently cited evidence of instability comes from Chinese police records, which suggest that incidents of social unrest have multiplied nearly nine-fold between 1994 and 2005. While the Chinese leadership is right to be

concerned about the inequalities, the conventional wisdom in this matter is somewhat askew, as Harvard sociologist Martin Whyte has pointed out. Data from a 2004 national representative survey in China by his team show that the presumably disadvantaged people in the rural or remote areas are not particularly upset by the rising inequality. This may be because of the familiar "tunnel effect" in the inequality literature: Those who see other people prospering remain hopeful that their chance will come soon, much like drivers in a tunnel, whose hopes rise when blocked traffic in the next lane starts moving. This is particularly so with the relaxation of restrictions on mobility from villages and improvement in roads and transportation.

More than inequality, farmers are incensed by forcible land acquisitions or toxic pollution, but these disturbances are as yet localised. The Chinese leaders have succeeded in deflecting the wrath towards corrupt local officials and in localizing and

containing the rural unrest. Opinion surveys suggest that the central leadership is still quite popular, while local officials are not.

Paradoxically, the potential for unrest may be greater in the currently-booming urban areas, where the real-estate bubble could break. Global recession could ripple through the excess-capacity industries and financially-shaky public banks. With more internet-connected and vocal middle classes, a history of massive worker layoffs and a large underclass of migrants, urban unrest may be more difficult to contain.

Issues like globalisation, inequality, poverty and social discontent are thus much more complicated than are allowed in the standard accounts about China and India.

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