LATE S. M. ALI

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A welcome beginning

Dialogue must lead towards a free and fair election

HE commencement of formal dialogue between the government and the political parties is a welcome step forward. In fact, the first meeting with the Workers Party of Bangladesh (WP) and subsequently with Bikalpa Dhara Bangladesh (BDB) has opened a new window of opportunity for everyone towards resolving the ongoing political stalemate, especially centering around the issue of holding elections within the stipulated time. We believe both the government and the two political parties deserve a pat on the back for taking the first steps to set the ball rolling. It is now for the others to follow suit. This perhaps needs to be said that the entire nation was waiting for the dialogue to start, considering that it is something that the political parties have been demanding for quite some time.

It is no doubt too early to guess the outcome, nevertheless, we note with optimism that the representatives of the two political parties and the government have openly shared their views concerning lifting of emergency, creating conditions for political activity, holding general elections before local body polls, stopping military and non-military agency interference, redistribution of power between the president and the prime minister, four-year term of the government, formation of constitutional commission etc. Most importantly, the government side had given a patient hearing to the opinion of the political leaders on the issue of forming a national charter, which has been termed as a consensus building process. It is a new card on the table, therefore, only through further interaction will the government be able to correctly fathom the minds of the people on this new concept, as it was articulated by the Chief Adviser in his recent speech.

We feel that the mood demonstrated in the dialogue should be exploited to the fullest by both sides for the very reason that the nation's future is at stake. We must remember how on many occasions destructive politics had pushed the country on the verge of chaos. Therefore, it is imperative that they keep in mind what political situation had caused the advent of the present caretaker government. They must not be oblivious of the past and at the same time they must have clear perception of the expectations of the people from them in the future. While negotiating with their set of demands with the government, political leaders need to share with the people their vision about the future; how they plan to strengthen democracy and make parliament effective to ensure good governance; and how they plan to address major national issues and so on.

There is no denying that general election is the center piece in getting an elected government in place. It sets the stage for multiparty democratic rule in the country where the constitution remains the supreme law. The ongoing dialogue should therefore identify the major obstacles on the way to holding a free and fair election and reach a consensus to remove those. We feel both sides must show maximum flexibility and adopting hard positions by anybody will be counter-productive. We should now work together to facilitate promotion of democracy instead of jeopardising it. Hence, we believe, the onus of steering the dialogue towards a conclusive and fruitful end rests equally on the government and the politicians.

Water pollution is the least addressed issue

There should be a single empowered body to do it

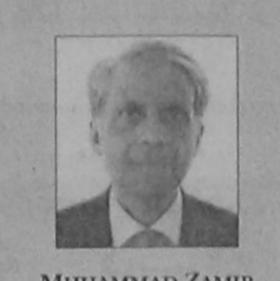
T is a typical syndrome with civic, industry monitoring and environmental bodies that the firmness with which they take a decision would invariably taper off into a whimper as the dusts blown by newspaper reports would settle down. There are clear reasons for such shameless volte-face. First, the original decision when announced was more a reaction to pressure rather than a product of self-realisation. It carried no conviction, what was said was not meant.

The case in point is the listing out of 36 industrial plants as the main polluters of the Balu river and subsidiary canals as early as in 2003 by the environment cell of Dhaka WASA. After years of sitting on the finding, the ministries of industry, environment and forest in a meeting in April 2007 with business community leaders gave an ultimatum to the delinquent factories through them: Install effluent treatment plants (ETP) by October the same year or face disconnection of electricity, gas and water supplies. The threat has drawn a blank. Today, most of the 150 industrial plants in Tejgaon industrial area are operating without any ETP whatsoever. Human waste and industrial effluent are dumped in Begunbari canal polluting Balu river in the process, which is one of the major sources of water for Saidabad Water Treatment Plant, itself the principal source of treated safe water for the capital. While human waste is biodegradable, the dumped effluents reduce the oxygen level in the water bodies to a point where the survival of any creature is threatened.

Now, what can be done about the grave environmental dangers The first necessity is to do away with the multiplicity of agencies that disjointedly oversee the issue. We suggest a composite but compact and fully empowered taskforce comprising representatives from WASA, ministries of industry, forest, environment, DCC, and civil society members be immediately formed to address the task energetically and effectively without ado.

Included in the terms of reference of the taskforce should be the task of following up on the decisions for installation of Effluent Treatment Plants by industrial units and Common Effluent Treatment Plant at five points of Tejgaon industrial area.

Looking for a 'healthy and stable' democratic process



MUHAMMAD ZAMIR

HE Administration's efforts over the past year has been aimed at reforming the factors associated with the holding of a fair, free, neutral and credible election. I shall try in the next few paragraphs, with the help of quoted texts from the Chief Adviser's latest speech, to analyse the emerging situation.

In this context, the Election Commission has been busy in creating a new flawless voters list and identity cards. Available reports indicate that more than 70 million voters have already been registered. Some of the gloss of this remarkable task was however unnecessarily tarnished through the controversy of the doctrine of necessity. Fortunately, efforts are now underway to undo this mistake.

There has also been the relent less pursuit against corruption, which has been identified as the 'main enemy to national progress and development'. Efforts have been taken to 'come out of the vicious circle of corruption at any cost' so that 'all avenues for corruption get closed in the future'.

This jihad against corruption appears to have been undertaken with the indirect hope that this will rid the 'entire election process' from 'black money, muscle power, administrative biases, nomination trade and excessive expenses for poll campaigns'. It is believed that if all these measures can be put in place, we will then be able to not only establish 'a proper sustainable democratic process' within the country but also be able to hold a 'free, fair and acceptable election as per the earlier announced roadmap'.

at different times that there was a hidden agenda. There were also rumours that efforts were being

Towards these ends, we have had point of departure. Their suggesin the first round, exchange of tions that the election needs to be views between the Election held before the end of 2008 and Commission and representatives that, to make it more credible, be from various political parties. This held not in a state of emergency but process of dialogue has however without it (absolutely yes), has not always been above disagree- added another dimension to the ment as to the procedure being unfolding political process. followed by the Election Whatever the reason, the views of Commission. Allegations surfaced our development partners are considered relevant and heard the loudest in our corridors of power.

Elections are taking place all

knowledge sharing in the nonurban areas inhabited by nearly 75 per cent of our total population.

There are some who will say that we have had exchange of views with representatives of political parties and the civil society and professional groups. That, in my opinion is not totally correct. It has not been comprehensive in nature. Have we actually been able to arrive at least common denominators without the presence of the tailor-made to suit the quest of over the world. It is nothing new. | real leadership? Most of the so-

'balance' in the 'power structure'. It has been mentioned that 'too much centralized power is not helpful at all for a stable and responsible governance'. It has mean substantial changes in the also been pointed out that 'power re-structuring among the highest constitutional posts can play positive role for political stability'. Indirectly, it has been hinted that this could be an important aspect of discussion in the upcoming

It is at this point that we need to

Like Dryden I believe that the

fault lies not in poetry but in the

tion of mindset. Any analysis of the

political activities within and

good democratic accountable

governance was due to the absence

of bipartisanship and total disre-

gard about the proper functioning

tary standing committees were

made useless and important issues

partial Speaker. This was in sharp

contrast to the manner in which

use of one's individual conscience

in determining the correctness of

party position on an issue have

been negated through a undemo-

sued in neighbouring India.

of the parliament. The parliamen-

bad poets. There is also the ques-

ponder a bit more.

tions that there is need to create cratic provision that does not exist in other real democracies like Germany or even the European Parliament.

Re-structuring power would spirit of the existing Constitution These are elements that could be considered after the election by the newly elected Parliament. We could set up for this purpose a Constitutional Commission composed of representatives from every single party in the Parliament. Amending the provision contained in existing Article 70 (1) could be one of their responsibilities. Political parties ahead of the election could agree on this during their dialogue with the Chief Adviser and his team. Their report could eventually be discussed on the floor of the House and necessary amendments incorporated.

This interim caretaker government has been given the task of holding a credible election. Let them do so. Please leave ideas of restructuring to elected Members

of Parliament. There are many important reforms about the political parties that have been considered and spoken off. The Election Commission could insist on the incorporation of some of them within the constitution of each political party at the time of its registration with the Election Commission. They will then have to follow the agreed guidelines. That will also usher in accountability and transparency within the political parties. One would hope such transparency would be simi-

lar to the transparent ballot boxes. parliamentary democracy is pur-We have already had discussions with some of the smaller political There is also the question of the parties. More likely than not, such existing constitutional provisions parties will win less than five seats in Article 70 (1) that restrains MPs in the new Parliament. In this of any party from voting against context, the organizers of the diathat party in Parliament. This, over logue will now have to ensure that the years has contributed largely there is also participation of the towards the misuse of parliamenmajor parties. Otherwise, the tary powers by different parties in process of dialogue will not be seen power. The scope of protest and the as successful.

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POST BREAKFAST

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certain quarters in bringing about their version of reforms to the electoral law, rules and regulations. Consequently, instead of consensus, we have had acrimony and legal cases in courts. This greatly reduced the impact of the exchange of ideas.

discussions staggered over 22 days. Five Advisers of the government completed this process with representatives from different political parties and later submitted their own report to the Chief Adviser. Their report included suggestions about possible objectives that might be pursued in the main dialogue as well as the procedure to be followed in this regard and the 'different action programmes' that might be adopted in this context. As expected, confidentiality was the most important element of the report prepared by the Advisers. On the flip side, lack of transparency again created rumours and a communication gap between those desiring a dialogue and those in charge of preparing for such an

In between, we have had many foreign visitors and free advice from diplomats, resident or on the

We have democracy being practiced in the parliamentary format not only in South Asia but also in most regions of the world. Selection of the party nominee for the presidential format in the USA has been the focal point of attention all over the world.

We had after this, pre-dialogue Unfortunately in Bangladesh, it dialogue at the grassroots level. We that the failure of the process of has till now, been a very restrictive bandwidth of engagement as far as the election progression has been concerned. In flat terms it is now being pointed out that 'a national charter needs to be adopted through concerted discussion' so that eventually we can 'launch a healthy and stable democratic process in the country'.

Such an approach has been decided upon on the basis of a continuing perception that reforms to the political process, the electoral dynamics and changes within the election laws and within political parties can be achieved through limited dialogue, urban in nature and scope, within the matrix of emergency provisions. Restrictions accordingly have continued to be in place through emergency provisions and the broader picture overlooked. This in turn, has denied opportunity for discussion and

called reformist leaders have skeletons in their closet and are seen (by the common man) as agreeing to proposed reform measures to avoid being hauled off on various charges.

There could also have been greater inter-action and analytical outside the parliament will reveal seem to have forgotten that in our rural framework, schoolteachers, lawyers, doctors and civil society workers wield considerable influence. We are having these dialogues with urban-centric leaders who rarely visit their villages -probably once a year. Do the never discussed, thanks to a totally authorities think that having a dialogue and a contract with these urban-based representatives will actually ensure lasting reforms?

I agree with the Chief Adviser on the need to create consensus on factors that will lead to 'rule of law, healthy politics, effective Parliament and an accountable administration'. I also endorse his belief that in this 'competitive and fast moving' world, we need to 'shun all forms of destructive and negative politics' like 'hartal, blockade and violent opposition'. So far so good.

However, I do question sugges-

On mindful application of anti-terror law



MUHAMMAD NURUL HUDA

HE advisory council has reportedly approved the draft anti-terror ordinance. It is, therefore, a matter of time by which the long-awaited anti-terror legislation becomes a reality. Events in the country and the neighbourhood have convinced many that gone are the days when the need of anti-terrorism law was questioned.

The issue now is the details of what shape such a law should take. This is welcome development because a surreptitiously crafted law can have only divisive impact.

It would be relevant to recollect at this point that the incidents of 9/11 facilitated the easy passage of US Anti-Terrorism Act of 2001 because normally citizens and lawmakers there are almost fanatic about privacy and related issues such as constitutional safeguards for individual liberties.

However, the huge change in attitude can be seen in the law that legitimises the use of technology as a "neutral standard in intelligence gathering", giving the government absolute powers to monitor private committing mischief. One has to political context in order to

sonal information.

We have to remember that in the absence of a global framework domestic legislation remains the only legal remedy against terrorism. In fact, procedural matters such as the norms for the collection of evidence, powers of arrest and detention, and proscription can have a significant impact on the fight against terrorism.

The anti-terror law is likely to

remember that there cannot be an across the board guarantee of human rights to all, irrespective of the means they in turn use to achieve their ends, or whether they respect the human rights of others.

We cannot countenance a situation where all the human rights are reserved for the practitioners of terrorism, while the authority shall be routinely arraigned for real or imaginary violation of human rights. The need is to delineate the

STRAIGHT LINE

We have to remember that any anti-terror legislation would necessitate some loss of liberty and human freedom.

Therefore, the transgression of individual rights is a necessary compromise citizens should be willing to accept if we

seek lasting peace. However, it has to be ensured that our anti-terror legislation will depart as little as possible from

criminalise a certain mode of political expression. The right to legitimise violence as part of a larger social movement has to be office. In sum, if there is a will,

While applying the law one must be able to avoid the unnecessary clubbing of disruptive activity with terrorist activity. This is necessary because while every terrorist may be a criminal, every criminal is not a terrorist. One has to remember that there is an inherent subjective

national crimes and cross-border offences would demand skillful diplomatic efforts from our foreign concerned governments can narrow down the definition of a political offence to make extradition of terrorists quicker.

To ensure successful application of the anti-terror law, the aspect of intimidation of jurors and witnesses has to be firmly tackled. Similarly, as a preventive measure, affect every citizen and provide the parameters that harmonise the element in the implementation of suspected terrorist organisations

valuable tool in criminal investigation. Confronted with evidence of intercept evidence, even tough terrorists plead guilty. Regarding powers of arrests

there is a need to enhance the

pre-emptive element in combating terrorism. There is often a need to act against suspects without waiting for complete proof. At the same time there should be a complex set of restraining rules so that arresting officers are careful not to transgress it. There is a need to skim powers

of arrest and make the period of detention without trial much shorter. The power of judicial scrutiny should be generally retained. Intercept evidence should be admissible in court, by suitable amendments as the case may be.

We have to remember that any anti-terror legislation would necessitate some loss of liberty and human freedom. Therefore, the transgression of individual rights is a necessary compromise citizens should be willing to accept if we seek lasting peace. However, it has to be ensured that our anti-terror legislation will depart as little as possible from internationally recognised principles and from the traditions of natural justice.

The aim should be to guarantee that security forces have required assistance in their task of bringing terrorists before the courts and the integrity of the legal system is maintained.

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law and that it would not be logical to say, that we cannot have a draconian law because it is liable to be What in fact we must have is ise opponents do not use the law.

Many countries in the world including India have almost'stopped availing the loans of WB, IMF. It is high time for our

country as well to explore alternative sources of long term loans. Fortunately now 60 lacs of expatriate Bangladeshis

internal structures and safeguards against possible use and abuse of tive supervision should be able to the legislation. There cannot be an arrangement with enough power to answer legitimate needs and at the same time appear incapable of

executive a near permanent alter-

native to the existing penal and

criminal procedure code and

might also infringe on the right to

information. In this regard we have

to remember that an extraordinary

situation calls for an extraordinary

the respect for human rights.

internationally recognised principles and from the traditions of natural justice.

In the application of the antiterror legislation it has to be amply clear that the interpretation of the law does not become the personal turf of a political party and is not subject to personal prejudices or opinion. In other words it has to be ensured that unscrupulous or vindictive governments to neutral-

The law enforcers under effecremove the possibility of subversive activity cloaking itself as ideology. There is logic in separating an act of terrorism from its socio-

defense of national integrity with even the most precise, narrow definition of terrorism.

Our government should make sustained efforts to de-link terrorism from political offences so that enforcement measures become stricter and more narrowly focused. The goal should be to get a political consensus on domestic anti-terrorism law. In order for our anti-terror law to

produce results, extradition process should be profitably used. One has to remember that the success or failure of extradition as an instrument of tackling terrorism remains mired in the political wills of the governments concerned. Therefore, the fight against transelement at fighting militancy. Simultaneously, a terrorist organisation should be sapped of its material base, their existing assets should be seized and their routes of material replenishment stopped. Interception of communications should be treated as essential to the collection of intelligence about terrorist organisations. The government has to be allowed

some intrusive rights to collect

evidence to charge terrorists who

plan and direct terrorist activities.

Interception has already become a

ate Bangladeshis abroad remit

almost 50,000 crores Taka every

should be subjected to proscrip-

tion. Without doubt, the effort to

proscribe, if carried out seriously

and earnestly, could be a central

Unprofitable loan should be discouraged

ALI IDRIS

development.

finance an additional railway Bridge on the river Jamuna (The Daily Star 18 Mar., 2008) . Cost of the new railway bridge has been estimated at USD 300 million or Taka 2100 crore. As one of the steps of implementation of the twentyvear long strategic transport plan, the World Bank has proposed this loan for construction of the bridge.

The Bangabandhu Bridge over the Jamuna was completed in 1998 with a cost of about Taka 4,000 croe. Due to appreciation of the exchange rate of US Dollar against the bridge is 100 years. The cracks which have appeared in bridge are, these projects should be included

according to the opinion of the engineers, repairable and these OANS are taken to be cracks have not appeared due to utilised ultimately for use of the railway track. Thus it benefit. Such loans as transpires that the railway track is ultimately bring benefits are infact useable, the disadvantage may be tools of development. But such that speed of the trains may not loans as can not be utilised exceed say 20 KM per hour. Even in the 20 year long strategic trans- old material. The objective of the undertaken. To determine the beneficially are just burdens. These then a train might take only 18 eat away the benefits of minutes to cross the bridge and 75 trains may cross the bridge during The world Bank has proposed to the whole day. In this situation construction of a second railway bridge next to the Bangabandhu bridge on the river Jamuna may be unnecessary and wastage of In our country there are more

important and urgent projects which need to be implemented. These are Padma bridge with railway track, many flyovers, underground trains in Dhaka city, Dhaka- Chittagong electric or magnetic trains ,Dhaka-Cox's Bazar railway, Conversion of 2 lanes highway of Dhaka-Sylhet, Dhaka- Cox's Bazar into 4 lanes highway. Purchase of aeroplanes Taka the present value of this sum for national airline etc. With a view would be almost double. The life of to reducing traffic jams and expediting economic development all

port plan. It is praiseworthy that project is to arrange exhibitions of method of selling, the British conthe World Bank has promised a 300 seeds, acquaint the farmers with million dollar loan for construction new seeds, and motivate them to and their advices had to be proa bridge. It would more praiseworthy if the WB provides the 300 million dollar to finance the expedite advancement and expan-Padma bridge instead of financing sion of agriculture. This version of

Tk 1242 crore with WB has been executed on 28th February 2008 (Prothom Alo 27 Mar., 2008) by the ERD for advancement of agriculture. . According to opinion of the agriculturists an agreement which failed a decade ago has been trans-

formed into a new package with

consider that this project would another railway bridge over the the WB is questioned by the agriculturists since mere exhibitions Jamuna.. Because a country like ours cannot afford to digest loans seminars, counseling would not for financing unnecessary projects be enough unless the seeds are when more urgent projects have supplied. Moreover major portion been lying unimplemented for of the fund would be spent in salaries, allowances, housing, aircon-Another agreement of loan for ditioning, transports etc for the consultants. Such project was in force from 1996 to 2001 when the WB itself withdrew the remnant Tk9.5 core of the fund because of its

ing by the WB the task of selling the state-owned Rupali Bank was

sultant firm GBRW was appointed use the seeds. The WB experts cured at cost of TK 17 crore whereas had a local consultant firm the bank through auction or the Dhaka Stock Exchange, only a few lacs of Taka would have been paid. Then again another 17 crore Taka was spent by the Privatization jobs. Board for making Road Shows abroad. It is necessary to determine the justification and genuineness of this big sum expenditure According to the terms of financ- which was incurred from public exchequer. An audit may be carried out on the expenses.

abroad remit almost 50,000 crores Taka every year, but most of it is spent out for unproductive purposes. The sick Oriental Bank was privatized through the efforts of Bangladesh Bank without appointment of consultants and without road shows. It is therefore imperative to justify the profitability of the been appointed to revalue the loans from WB and IMF before assets and liabilities and privatize making decision to avail them of Sonali, Janata, Agrani Banks, Bangladesh Biman, Sonrgaon Hotel, Sheraton Hotel are going to In privatization of Desco, Power be partly privatized soon . It is Grid Co, Jamuna Oil, Meghna necessary to see that the costly Petroleum etc crores of Taka was consultancy services of the WB, not spent for hiring consultants. IMF, or foreign firms are not procured for accomplishing these Many countries in the world

including India have almost stopped availing the loans of WB, IMF. It is high time for our country as well to explore alternative sources of long term loans. Fortunately now 60 lacs of expatri-

year most of which is spent out for unproductive purposes in the rural areas for procurement of land building of luxurious houses, purchase of car, etc . Had there been riskless investment sources administered by the government, then the wage earners abroad would have invested their savings in those ventures. There are wage earners development bonds, Dollar bonds, Non-resident foreign currency accounts wherein the expatriates and NRBs are putting their savings. But since these are short term savings schemes the government cannot utilize these in long term projects. It is therefore proposed that The

government establishes an NRB Bank which will have share capital of say 100,000 crore Taka subscribed by the expatriates and NRBs who will be 100 percent owners of the Bank. The government will extend a sovereign guarantee to make the liabilities of the shareholders limited. In consideration, the government will have a Ali Idris FCA is a finance executive. E mail right to borrow long term loans alidnis446@yahoo.com

from the Bank in order to finance the productive mega projects viz. Padma bridge, long flyovers, underground trains in the city, long highways, big housing projects, electric or magnetic intercity trains and so on. The shareholders will have 50 percent voting and the government 50 percent voting right in the Board. There will be advisors like Bangladesh Bank, BSRS, BSB, FBCCI, ICB, ICAB, ICMAB, etc .The terms of borrowing will be determined between and by the shareholders and the representatives of the GOB and any disagreement will be settled by the majority votes of the advisors.

If this Bank is established a big capital market for the GOB will be created from where the GOB can take loans and thus shall seek it down any longer from WB, IMF, IDB etc The Bangladeshis abroad will be benefited, the country's dignity will go up and economic development of the country will be expedited.