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Fighting corruption: Consensus to crossroads

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CONTROL of corruption was one of the key demands for which the people of Bangladesh raised their voice loud and clear in the form of a national consensus emerging from the general election to the Ninth Parliament held on December 29, 2008.

National consensus

The anti-corruption stance occupied the centre-stage of the election campaign by all political parties across the board. It also formed the core of public discourse, media reports and commentaries, and above all voters' choice. Influence of corruption and black money in politics was among the prime concerns that led to the amended Representation of the People's Order (RPO) achieved through some serious efforts by the Election Commission engaging various stakeholders including political parties, researchers, academe, civil society organisations, business and other professional groups. The extraordinary media coverage in the build-up to the election demonstrated very clearly the crucial importance of challenging corruption in terms of public expectation.

That the election was highly credible by any standard has been sufficiently documented. While the people of Bangladesh have once again demonstrated their unqualified penchant for participatory democracy, they have also voted the 'grand coalition' led by the Awami League (AL) to power with three-fourths majority reposing their trust on the AL which was clearly most effective in capitalising the issue of corruption.

Commitment to change

The AL built its election campaign on the public concern against corruption that has been deeply rooted and widely spread over the years. The AL also promised effective action on such other issues of national priority as food price, law and order, use of religion in politics, religious militancy and trial of war criminals. The party also appealed to the young first time voters who formed 30 percent of the electorate thanks to its commitment to change under vision 2021.

The key steps

The first major step in controlling corruption seems to have been taken. This we say, because anywhere in the world where corruption has been effectively controlled, top level political will and government commitment have been the key catalyst. The next two major preconditions, of course, are making corruption punishable and establishment of rule of law, which can be guar-



anteed by effective functioning of the key institutions of democracy and national integrity system, about which the AL spared no effort to make specific commitments. The fourth important element is of course the anti-corruption demand from the people which has been loudly voiced, but must be sustained in the form of a social movement.

Awami League's anti-corruption pledges

A close look at the AL manifesto for the 9th Parliament elections makes it easy to realize how it gave preeminence to the issue of anti-corruption. At least 14 specific commitments stand out. These are: 1) making the parliament effective so that the government can be held accountable; 2) annual disclosure of wealth statement and source of income of the Prime Minister, members of the cabinet, Parliament members and their family members; 3) ensuring genuine independence and impartiality of the judiciary and the rule of law; 4) effectiveness and independence of the Anti-corruption Commission; 5) administrative reform to make it pro-people and free from politicisation; 6) efficiency and merit to be established as the basis of appointment and promotion in public service, and curtailing the discretionary powers of officials; 7) introduction of right to information; 8) e-governance; 9) police and other law enforcing agencies to be kept above political influence; 10) competitive market system in commerce and industry to be established by eliminating bribery and administrative difficulties and breaking the state or private monopoly; 11) strong measures against those having unearned and black money, loan defaulters, tender manipulators, and users of muscle power in every stage of state and society; 12) effective Human Rights Commission; 13) appointment of Ombudsman; and 14) introduction of Citizens Charter in every department and widespread computerisation.

Need for a policy framework

Clearly, these are very well-conceived measures that need to be in place if Bangladesh has to make a genuine progress in fighting corruption. Given the high-profile political commitment and all the specific promises, which

need to be placed in a strategic vision and policy framework, expectations will rise for specific progress on the ground, which will depend on a number of factors.

At the political level, commitment is one thing, while delivery can be quite different. The main difficulty in fighting corruption lies in the fact that corruption involves abuse of power. Although it can never be said that everyone in positions of power indulge in corruption, those who do so manage to abuse power either directly or indirectly. Within or outside the government, the corrupt not only have access to power, they are also creative and innovative. Therefore, whether the incentives to indulge in corruption have been genuinely curtailed or are only waiting to resurface soon, and whether commitments can be genuinely translated into actions without fear or favour remain to be seen in the days to come.

Challenging impunity

The most formidable task ahead in this regard would be to effectively challenge impunity by enforcing the rule of law. Whether it is with respect to the cases of corruption already under the jurisdiction of the courts or for any other allegations of corruption, the law must be allowed to take its own course without any political or other forms of influence or intervention. Corruption cases must be handled by the due judicial process. Much remains to be achieved in terms of the capacity and integrity of the justice system, but any effort to influence the judicial process by partisan political or other means shall be counterproductive. One abuse of power cannot justify another.

The anti-corruption commission (ACC)

Among other institutional factors that are indispensable for any real progress towards effectively controlling corruption is the Government's delivery in terms of fulfilling its commitment to ensure the independence and effectiveness of the ACC. There is no denying that in Bangladesh a watchdog body like ACC will be as effective and credible as it is supported by top-level and unbiased political and Government commitment. In order to function with operational independence free from political or any other

influence the Commission will have to depend on the legal and institutional structure created for it by the Government.

The experience of ACC in this regard has not been too encouraging. It is well-known how the Commission was made ineffective at birth by the BNP-led Government of 2001-6 both by restricting its operational independence and by appointing Commissioners on partisan consideration. The reconstitution of the Commission under the post 1/11 Caretaker Government and amendments made to the Anti-Corruption Act enabled it to challenge the culture impunity in a manner that the Prime Minister Sheikh Hasina acknowledged in her statement on February 5 to the Parliament as a necessary shake-up.

There are good reasons to debate the successes and failures of the Commission in the Parliament and outside. Indeed the Parliament, in our view, should be the body to which the Commission should place its annual report for debate, not the president as the Act presently provides. An institution mandated to fight corruption cannot establish full credibility unless there are in-built well-designed and fully transparent processes of accountability for its own work.

However, such debate on accountability of ACC must be fully objective, non-partisan and dispassionate, without being influenced by preconceived notions. One cannot wish away the fact that there were more than one power centre that shaped the policies and actions during the period of Caretaker Government, more so in terms of the anti-corruption drive itself. Questions may be raised whether the Commission had the full operational independence even under the Caretaker Government, or whether all that happened in the name of the then anti-corruption drive can be attributed to the ACC. To say the least, the way the high-profile individuals were taken to custody and denied bails upto a certain stage, and then subsequently awarded the same in a record-speed did not leave positive commentary about a government that took the most important step towards separation of the Judiciary, nor did it send the proper signal for the then Government's commitment to the rule of law or even to the cause of anti-corruption.

Therefore, when the Prime Minister talks about reconstitution of the Commission she cannot be hopefully meant to suggest chopping off the head because of a headache. Understanding that the Government is serious about investigating into the so-called minus-two formula and alleged targeting of politicians in the name of anti-corruption drive, it will need to go deeper than looking for scapegoats in ACC.

We read important positive messages in the Prime Minister's emphasis on independence, effectiveness, accountability and transparency of the Commission. Therefore, the last thing the people would like to hear from the Government is anything that undermines the credibility and effectiveness of the Commission as an institution, which would only be interpreted as erosion of the pledge to control corruption.

Effective parliament

Effectiveness of the Parliament has become a matter of extraordinary importance especially in view of the relatively small size of the opposition in the ninth Parliament. The ruling party's commitment to offer the position of the Deputy Speaker to the opposition remains unfulfilled. The Standing Committees in the Parliament should be formed in the very first session with the chairpersonship of some of the key Committees including the Public Accounts Committee and vital Ministries offered to the opposition. On the other hand the Opposition must also abandon negative politics and engage in positive and constructive contribution to the proceedings. Without effective functioning of the Committees the possibility of holding the government accountable will never be fully realised.

A Parliamentary Code of ethics should be adopted and enforced with special emphasis on monitoring of possible violations conflict of interest principles. The office of the Parliamentary Ombudsman as provided in the Constitution must be appointed without delay. To ensure free speech in a lively parliament and to promote integrity of parliamentary practice, Article 70 of the Constitution should be reviewed to make room for expressing independent views even if

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