

Towards saving the rivers

HC directives to provide a powerful impetus to the process

THE High Court's emphatic and comprehensive set of directives to the government that it take targeted and time-bound action to reclaim the four endangered rivers augurs well. It constitutes a high-water mark in the campaign to save the choked up life-lines to the city. In fact, the judicial intervention can be seen as a turning point from what has so far been an awareness building exercise followed by a determined, yet occasionally halted, eviction operation, into giving a massive push for concrete result-oriented action from here on.

Both psychologically as well as in real terms wholesome dividends can be derived from the HC's well-thought-out initiatives. First, the problems of encroachment and pollution that have struck deep roots and branched out over time, hitherto looking so intractable are for the first time showing signs of melting. This is happening by virtue of prime ministerial intervention and judicial activism. But now comes the challenges on the ground which can be overcome through the latest series of HC directions. Secondly, just as the HC's instructions are mandatory and obligatory for the government agencies, including district administrations, DoE and BIWTA, these also go to strengthen the hands of the law enforcers vis-a-vis the encroachers and polluters.

A deeper look at the directives reveals that besides being prescriptive these provide practical guidelines for governmental actions demanding synchronisation and coordination of efforts between various agencies. The time-lines set and the linkages envisaged between them are of vital importance in effectively reclaiming the rivers from the hands of illegal occupants and polluters.

The demarcation of Buriganga, Shitalakhya, Turag and Balu under an umbrella declaration of these as 'ecologically critical areas' will be complemented by the setting up of pillars and removal of garbage heaps and illegal structures from the rivers and construction of water ways and plantation of trees on the river banks -- all within a specified and progressive time-frame. That the officials involved in survey and demarcation should be retained on their posts till the completion of their tasks, the entire operation would be non-discriminatory and security cover will be provided to them are good measures being demanded.

All said and done, the success of the massive public-interest undertaking hinges on faultless coordination between the concerned agencies and officials of the government. The High Court directives echoing public sentiments need to be fully and expeditiously complied with.

Evolving disaster management

It should not be reactive but planned ahead

EFFECTIVE disaster management has not been one of our strong points. It is disconcerting indeed that in a disaster-prone country we have no legal framework to guide protective, rescue and rehabilitation activities to minimise sufferings of the people. While various forms of calamities strike us the year round, what we do in reality is to react in bafflement and then sit down to form a committee to assess the damages wreaked and lives lost or displaced. We hardly see local level community leaders included in such committees who could come up with worthy suggestions.

It is worth taking note that for the last 37 years, national and international experts have been talking on the subject at numerous seminars and workshops placing before the administration a plethora of recommendations. But no fruitful steps have been taken so far to install a strong management mechanism in the vulnerable areas. We understand the draft disaster management act still awaits green signal from the government. A legal instrument and regulatory framework should be adopted with immediate effect to face the challenges of recurring disasters of various dimensions. At a roundtable titled 'Sustainable disaster risk reduction in Bangladesh: Opportunities and challenges for stakeholders', organised by Nirapad (Network for Information, Response and Preparedness Activities on Disaster), Brac University and Care Bangladesh at Brac Inn, speakers emphasised the need for building multi-stakeholder partnership and strengthening the local government for more effective and sustainable disaster risk reduction programme. It has been rightly pointed out that repeated occurrence of natural disasters hampers the development activities as funds have to be directed for reconstruction and rehabilitation in the wake of any disaster. There is no denying that advance preparation and sustainable planning can help reduce the impact of natural disasters and man-made hazards.

We would like to suggest that all the political parties and NGOs working at the grassroots should assist the government with data and information in formulating an effective and pragmatic disaster management policy. The main focus should be pre-disaster risk reduction instead of post-disaster reaction and recovery activism.

Democracy and development

There is consensus that development is increasingly being understood as a general improvement of the 'quality of life' for the majority of the population and as such it includes not only GDP growth but also the effective fulfilment of human rights, including civic and political rights.

MUHAMMAD ZAMIR

DEMOCRATIC political systems are generally seen as best suited to protect and guarantee human rights and to deliver social and economic development. From that point of view, it is also accepted that a democratic process is vital for addressing the political aspect of poverty. Being accountable to citizens, enable democratic governments to chart a political course supported by people and to be able to change it when needed. This will however be possible only if we are able to bring together a broader understanding of democracy where there is juxtaposition of the procedural and institutional aspects with the delivery element.

The very question of the ability of democracy to deliver on citizens' needs and expectations has gradually emerged as a major challenge across the world. Development partners all over the world are now re-examining their experiences over the past decade.

It is this factor that led the International Institute for Democracy and Electoral Assistance (IDEA), based in Stockholm, Sweden, for the past year, to carefully

examine the nexus between democracy and development. This exercise has led them to carry out dialogues with partners in Latin America, in the Arab world, in South Asia and in Southeast Asia. Intensive discussions have also been carried out with senior officials of the Organization of American States, the League of Arab States, past Secretary Generals of South Asian Association of Regional Cooperation and ASEAN.

There is consensus that development is increasingly being understood as a general improvement of the 'quality of life' for the majority of the population and as such it includes not only GDP growth but also the effective fulfilment of human rights, including civic and political rights. Democracy is also being understood as a value that needs to be pursued not only for its own sake but also as a system of governance that is expected to deliver better opportunities that will enable citizens to attain a higher standard of living. In this context, it was also observed that in Latin America as well as in South Asia, evidence is surfacing that point towards large disparities in income distribution and the failure of governments to deliver on economic

issues and basic services.

The next factor that has been taken cognisance of is the role of civil society. It has been found that the role of such an actor is important but sometimes excessive emphasis on representatives from civil society undermines the functions of other actors in political systems-such as parliaments and political parties.

Another significant conclusion has been the awareness that countries that have succeeded over time have invested in developing long-term visions. In this regard it was also found that they created the institutions to translate long-term visions into reality, supporting them and following up.

Accordingly, there was general agreement among the participants that development cooperation agencies within the European Union and elsewhere should shift towards the inclusion of democratic politics in their development policies, moving beyond just a focus on the executive and the judiciary, to include a stronger emphasis on parliaments and political parties as key institutions, that should be involved and supported in the development of the country.

This supposition was accepted after taking into consideration that globalisation is a fact and that economic, political and strategic challenges are no longer confined within borders. This also led to the assumption that there is a corresponding need for states to act in cooperation and in real partnerships to face them. It was suggested that it might be a good idea to focus on nurturing homegrown initiatives on issues of com-

mon interest in the partner regions. In this context, it was felt that the best way to face such global challenges would be through cross-regional cooperation and recognition of neighbours' and partners' needs and perspectives.

Sharing of experience from different regions also underlined the need to shift from 'a realist, zero-sum approach to a positive-sum paradigm'. It was agreed that an approach based on mutual benefits for both parties would be more sustainable and effective, securing motivation for all parties 'to buy in to the process'. Such a paradigm shift would, in all likelihood, also provide the platform for the development of 'real' partnerships.

We in SAARC need to take serious note about how the European Union is approaching the concept of democracy and successful regional integration. The EU is creating working structures and mechanisms for regional cooperation. Their intra-dialogue and exchange of ideas is also based on equal partnerships. This is helping it to meet regional challenges more efficiently and to solve problems with the aid of neighbours. This is happening despite the bureaucratic approach of the European Commission.

It would also be worthwhile to point out here that democracy building is part of the solution, not a hindrance to objectives such as trade and security. Capacity building of democratic institutions encourages participatory engagement and creates connectivity. That assists in making the dynamic more sustainable.

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India's Tiananmen Square

The reason why the world and India should recall the Emergency is the forfeiture of individual liberty. India's democratic structure was converted into dictatorship.

KULDIP NAYAR

INDIA and the world remember the protests by students and workers at the Tiananmen Square in Beijing and China's ruthless suppression through tanks. But the world, particularly India, has forgotten the imposition of the Emergency which had suspended even the fundamental right to live. Significantly, both tragedies occurred in the month of June -- the first on the 4th, two decades ago, and the second on the 26th, some 34 years ago.

The first saw military crushing hundreds of peaceful agitators and workers (official figure of casualties has never been given out). In the second, people were silenced to suffocation. The press was gagged. The police were let loose on critics and more than one lakh people were detained without trial. It was a death of sorts.

The reason why the world and India should recall the Emergency is the forfeiture of individual liberty. India's democratic structure was converted into dictatorship. Only after undergoing the sufferings for 23 months did people assert themselves and threw out the rulers to be free. The lesson learnt was that vigilance was the price one paid for freedom.

Pakistan's own experience should make it realise that it could not remove the shackles of martial law until the lawyers regained

to have the judiciary independent. That movement gave back Pakistan its democracy. Terrorism, which the country is facing, is the lack of courage to stand up and be counted. The army is reaping what its ISI wing had sown.

Bangladesh too has been able to defeat fundamentalists to a large extent through elections where people brought back their popular leaders. Here the light at the end of the tunnel came only when the military-backed caretaker government realised that the right to elect rulers was that of people, not theirs.

The right to choose is what Prime Minister Indira Gandhi confiscated when she imposed the Emergency. The Allahabad High Court disqualified her for having used the government machinery for election purposes. After getting a stay from the Supreme Court, she suspended the constitution itself and played havoc with the nation. Her son Sanjay Gandhi, who had by then emerged as extra-constitutional authority, helped her. Later, he took over and ordered the arrest of practically every known critic of his mother, smothered protest and used the government machinery to implement his scheme of things: one-person rule.

Three of those who assisted Mrs Gandhi and Sanjay Gandhi are today ministers in the Manmohan Singh cabinet. They are

Finance Minister Pranab Mukherjee, Information and Broadcasting Minister Ambika Soni and Minister for Highways and Road Transport Kamal Nath.

During the Emergency, the Communist Party of India sided with Mrs Gandhi. It even supplied information on those who worked against the autocratic rule overtly or covertly. The CPI (M) was opposed to the Emergency but supported the Chinese when they attacked India in 1962.

The fallout of what happened more than three decades is more visible now. Abuse of law has become a precedent. The police have no hesitation in doing anything illegal at the behest of superiors. They are especially cruel to the aam aadmi. It is a daily occurrence. There is no report recorded, no document prepared. The legality of detention cannot be challenged because there is nothing on paper.

The worst outcome of the Emergency is the unaccountable bureaucracy. It has ceased to follow the rule of law and finds ways to circumvent it. Traditional practice of not violating the basic tenets of governance -- independence, fairness and justice -- have been thrown to the wind. Having overcome the initial hesitation, the civil servants do not know where and when to stop. Placating political masters has become a duty for them. In return, they got out-of-turn promotion or a cushy posting. Sanjay Gandhi put so much fear in the mind of bureaucrats that it still works.

I am not surprised over the findings of a study that India has the most corrupt bureaucracy. When you snap moorings you drift. Civil service, from top to bottom, has lost the moorings. Desire for self-

preservation is what motivates it.

I am told that Mrs Indira Gandhi realised that she had committed a mistake in imposing the emergency. Had it been so, she would not have pursued or punished the few officials who did their job to bring the perpetrators of excesses to book. She was back in power before the delinquent officers could be punished. The biggest casualty was the police reforms. She shelved an outstanding report because the Dharam Vira Commission, which made the recommendations was appointed by the Janata government, which succeeded her.

I wish Prime Minister Manmohan Singh had offered an apology to the nation for the excesses committed during the Emergency. Sheer arrogance of power guided the Congress at that time. From what I have seen of new crop of Congressmen in Parliament it is no mood of admitting any mistake made by the party in the past. No doubt, the Congress MPs have come through the process of election.

Yet the moral of the story is that the victory does not justify the wrongs done to win. People in India should continue to recall the dark days of the Emergency. People in China too will one day openly pay homage to the martyrs at the Tiananmen Square. The pain inflicted goes away, but not the fact of tyranny. Rulers in India, China or, for that matter, in any country are the custodian of the people's ideals, beliefs and faith which make the nation out of a mere aggregation of individuals.

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Contentious Tipaimukh

In any discussion of water management we recollect the Farakka barrage issue at the initial stage of our independence. We failed to handle the issue properly because of our lack of preparation and the result is a desert-like weather condition in Rajshahi and Pabna.

A.B.M.S ZAHUR

IT is true that without strong and close Indian support Bangladesh could not have attained independence. It is also true that at the initial stage of our independence India helped us rehabilitate and reconstruct our country. Thus the relationship between India and Bangladesh should have been close and cordial based on a clear mutual understanding. Of course when the interest of the states clash the strength of understanding is tested. Building the Tipaimukh dam for production of hydro-electricity, irrigation and to control flood has created an atmosphere of mutual suspicion.

Water dispute has become a very important issue between India and Bangladesh. Since the start of the Farakka barrage to maintain river flow of the Ganges at Kolkata the people of Bangladesh have started losing confi-

dence in India.

The effects of Farakka are distinctly visible in the northern districts of Rajshahi, Pabna and the Sundarbans. Now India is planning to complete the work of the Tipaimukh Dam by 2012 (according to reports) without any consultation (formally or informally) even though there is a joint river commission. It appears that India is not much interested in obtaining consent of the riparian state in the distribution of river waters.

India has invited Bangladesh to send a team to visit Tipaimukh so that Bangladesh can have a clear idea about the Indian objectives and its possible effects on Bangladesh. The government is taking necessary preparations for sending a team consisting of all-party members of parliament, assisted and advised by Bangladesh experts. On receipt of report from the team the gov-

ernment may take further action.

India has been involved in building the dam for the last 54 years (1955-09). The location of the dam was selected thrice and rejected three times between 1955 and 1980. At last the site was fixed at Tipaimukh. Feasibility report was completed in 1985. An agreement was signed between the union government and the state government of Manipur on 09/01/03. Ever since then the work has been going on.

As per our experts there may be many adverse effects on the economy and environment of Bangladesh. They are -- (a) reduction of river flow of Surma, Kushiara and Meghna basin, (b) as per a research report of UNDP (2005) river flow will be reduced by 10% in June, 23% in July, 16% in August and 15% in September and flood plains to be reduced by 26% in Sylhet area, (c) arable land of Surma, Kushiara and Meghna basin will lose its fertility and districts to be affected are Sylhet, Moulvibazar, Hobigonj, Sunamgonj, Brahmanbaria, Kishoregonj and Netrakona, (d) increase of salinity in the Meghna basin, and (e) increasing possibility of earthquakes in the affected area because the dam is situated in a quake-prone area.

Negotiation on water management is not an extremely difficult job. There are

examples of more than 200 successful water management negotiations. Bangladesh may take ample lessons from these negotiations. The best option for Bangladesh appears to be diplomatic efforts to negotiate with India at the foreign minister or prime minister level. Other options may only be considered if this does not work.

In any discussion of water management we recollect the Farakka barrage issue at the initial stage of our independence. We failed to handle the issue properly because of our lack of preparation and the result is a desert-like weather condition in Rajshahi and Pabna. At that time the people's life and living were not taken into consideration. This time the situation is different. Now we cannot accept any proposals that are not acceptable to everyone.

It has been learnt that the new government has accepted the invitation of India to visit Tipaimukh. It is taking the necessary action. Meanwhile, the government of India has provided requisite data to Bangladesh for examination and analysis.

As neighbours we must appreciate the problems and difficulties of each other. But we should take positive attitude without sacrificing our interest.

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