

## Combating climate change impacts

EU's assurance to stand by Bangladesh is mind-lifting

THE European Union (EU) parliamentary delegation's commitment that the EU will be on Bangladesh's side in spite of the outcome of the upcoming climate change conference in Copenhagen is a hope giving one. Especially, we are reassured at the concern and empathy it expressed for us in the event of any catastrophe befalling the country, for example, in the form of triggering an exodus of climate refugees.

As a frontline state in the fight for survival against the impact of global warming, Bangladesh is direly in need of international support. Though it bears little responsibility for Greenhouse Gas (GHG) emissions that caused the global warming, it, like many other least developed and poverty-stricken countries, having to pay the price. The developed countries, in the different forums on global warming, have often expressed their deep concern about the issue, but have so far done little in terms of fund contribution to fight the calamity.

So, Bangladesh has genuine reasons to be worried. In view of the glaringly evident differences of opinion among the different groups of nations, doubts are already being raised about the result of the next crucial round of UN climate talks at Copenhagen that should come up with a protocol to replace the existing Kyoto Protocol (to expire in 2012) to prevent drastic climate changes. Anyway, it is hoped that the 170 countries, who are parties of the United Nations Framework Convention on Climate Change (UNFCCC), to represent at the Copenhagen climate talks, would bridge their differences, if only for the sake of creating a united global front to avert the danger that climate changes pose.

In the circumstances, it is therefore expected that the EU would play its due role and take a united stand at the next climate talks in Copenhagen about which it has already given some assurances. To be fair, the very advanced nations, who are still dithering over the issue, need to see reason and accept their responsibility in the matter and take a consensual approach in quest of a well-agreed climate change convention at the upcoming talks. What is more, they need also to make a firm commitment there to allocate adequate funds in order to help out the most vulnerable nations in their struggle to save themselves as well as the world at large from an impending cataclysm.

The uncertainties notwithstanding, the visiting EU parliamentary delegation's encouraging words have come as a breath of fresh air into the atmospherics prelude to Copenhagen. It is hoped that the EU's commitment has set the scene for more to come from the developed world.

## Mass transit authority

Get the priorities right and move ahead

WITH traffic congestion virtually bringing life to a standstill in the city, particularly in the peak hours, the government is reported to be ready to set up Dhaka Mass Transit Authority, replacing the existing Dhaka Transport Coordination Board (DTCB), to deal with the situation.

We believe it is a move in the right direction as the DTCB could not achieve the desired level of coordination between different agencies meant for traffic management. It ended up being traffic mismanagement, a sore point in our scheme of urban living. Loss of time and energy on the roads has reached stupendous proportions and there is still no solution in sight. The government is apparently thinking of mega-projects which if implemented properly might reduce the pressure on the traffic system. But these projects are capital-intensive and will also take a lot of time.

The situation in Dhaka today calls for quick remedial measures which will give the citizens some breathing space. So, the emphasis should be on short and mid-term projects that will enable commuters and vehicles to move at a reasonable speed. One idea floated long ago is to introduce shuttle trains which will benefit a large chunk of the city population. Similarly, introduction of circular waterways might be the answer to the nagging problem of too many people vying for too little space in public and private transports.

Then the issue of road space economy has been raised by the experts time and again. Here big double-decked buses can play an important role. The so-called minibuses which the commuters have to rely on are definitely not fit for an overpopulated metropolis like Dhaka.

The Mass Transit Authority which will be in place soon has to work on the basis of a well thought out plan. In the past, the DTCB became non-functional due to lack of coordination between the communications ministry and Dhaka City Corporation. The decision makers will have to make sure that the change of name will mean real change, and not merely an administrative measure that will have no practical implications. It must take a series of steps to bring discipline to Dhaka roads.

The decision makers have to set their priorities, and act accordingly, keeping in view the intolerable situation that Dhaka commuters find themselves in.

## Why this apathy?

There is no alternative to strict enforcement of electoral laws without discriminating between the ruling party and opposition MPs. Those MPs who hid information or gave wrong information and exceeded the expenditure limit should get their due punishment. There is no reason for the EC to be apathetic.

M. ABDUL LATIF MONDAL

CHIEF Election Commissioner (CEC), Dr. ATM Shamsul Huda, was the chief guest at a discussion on "Transparency in political funding: challenges and ways to overcome" organised by Transparency International, Bangladesh (TIB) on October 25 at Brac Centre Inn in the city. During the discussion the CEC's attention was drawn to a front-page report in The Daily Star of October 24, which said that 17 MPs including a minister, a state minister and a whip hadn't submitted copies of income-tax returns with their applications for candidacy in the last parliamentary election, ignoring electoral laws.

According to the report, some officials of the Election Commission (EC) said that instead of rejecting those 17 applications for non-compliance with Representation of the People Order (RPO) provision, the concerned returning officers (ROs) allowed them (15 belonging to Awami League and 2 to Jatiya Party) to contest the December 29 polls. The report further said that while examining the statements submitted by another 22 MPs, the EC secretariat found that some of them didn't pay taxes and some didn't give the EC any information on their tax records.

The CEC noted the points and, while delivering his speech as chief guest, said that the EC was least bothered if any MP hadn't pay tax before election and the EC was not trying to scrap membership of any such MP. The EC would talk to these MPs and request them to pay tax as they had been elected MPs.

As for the 17 MPs who hadn't submitted income-tax returns with their applications for contesting parliamentary polls, the CEC said that they had tax certificates tagged with their applications, even if they hadn't furnished copies of the last income-tax return.

About scrutiny of papers/data provided by the candidates, the CEC said that in 300 constituencies, about 4,500 to 5,000 candidates

dates submitted papers, and it was not possible to verify all the data provided by them within 15 to 17 days.

It may be mentioned in this connection that Article 44AA of the RPO, as amended up to 2008, makes it mandatory for every candidate contesting parliamentary polls to submit statements of probable sources of funds for election expenses and also of assets and liabilities, annual income and expenditure, and a copy of the income-tax return last submitted by him, if he is an income-tax assessee, to the concerned returning officer (RO).

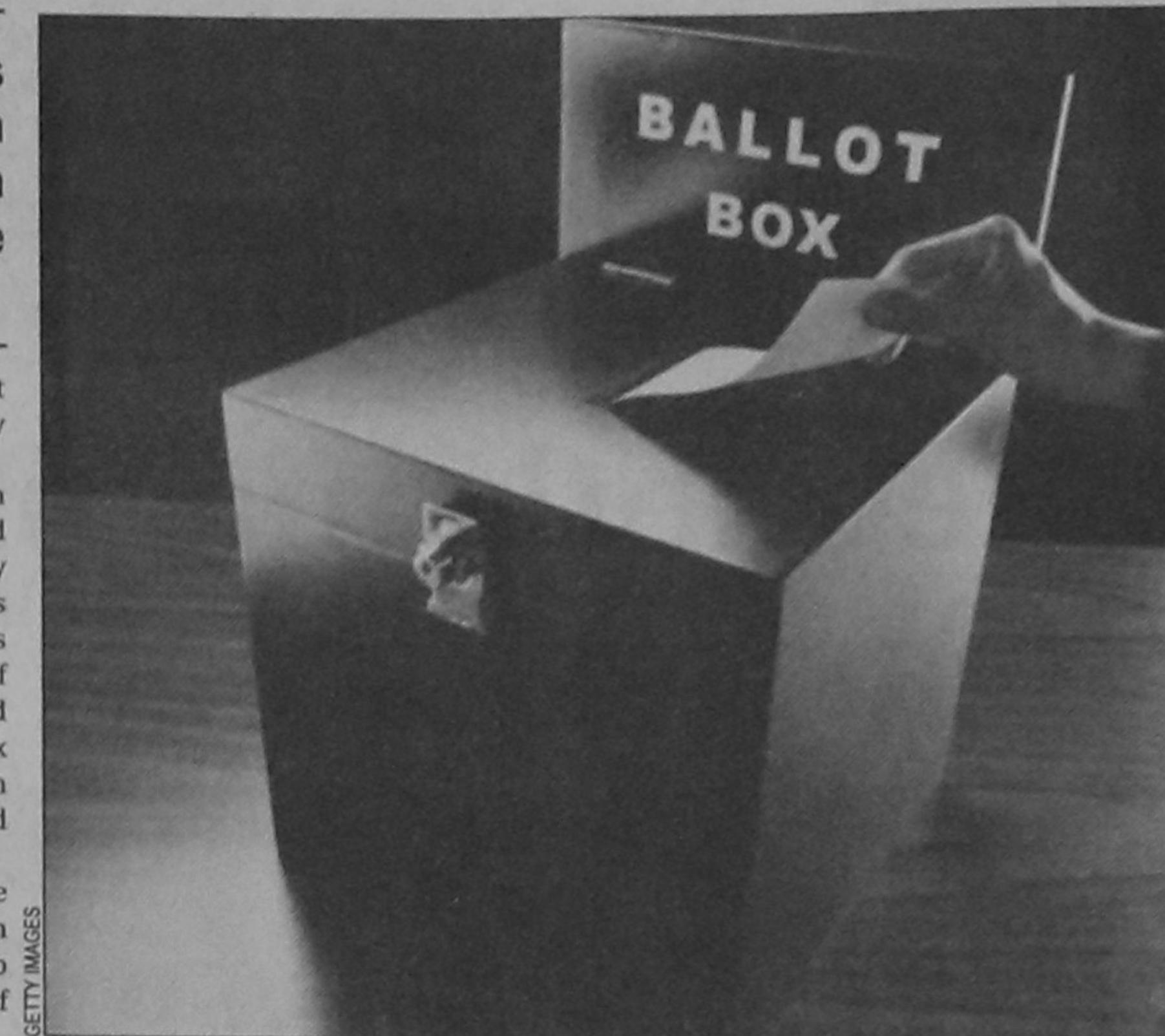
The Article further says that a copy of the aforesaid statement and income-tax return shall be sent by the contesting candidate to the EC by registered post at the time of submission of the papers to the RO.

It is learnt that the EC issued a circular in November, 2008 asking the ROs to turn down an application if any required document was missing or if it contained fake information. The circular further asked the ROs to send soft copies of all documents to the EC.

On receipt of the soft copies, the information contained in them was posted on the EC's website before election. The question is, why didn't the non-submission of the copies of income-tax returns by the 17 candidates contesting parliamentary polls come to the notice of the EC?

Why is an election held? According to T.N. Seshan, a former CEC of India, an election is the only thing that produces checks and balances during the administration of democracy. Failure to scrutinise the papers/data furnished by the candidates contesting in the election is the first stumbling-block in holding a free, fair and impartial election, and jeopardises democracy.

The CEC's argument of not being able to scrutinise all the papers/data furnished by the large number of candidates from 300 constituencies due to shortage of time and/or manpower does not appear to be convincing. Further, Article 126 of the constitution has made it mandatory for all executive authorities to assist the EC in the



Playing by rules is of the essence.

discharge of its functions, and all the governments have always been complying with this constitutional direction.

The EC may say that acceptance or rejection of an application of a candidate seeking election is the responsibility of the ROs. The EC comes into the picture when a candidate files an appeal with the EC against rejection of his nomination paper by the RO. This just reminds us of the former CEC Justice M.A. Aziz's statement that the EC was a post-box. The amended RPO has adequately empowered the EC to take disciplinary actions against registered political parties and candidates, which include, among others, cancellation of registration of a political party and cancellation of a candidate's nomination for violation of certain electoral laws.

The chairman of the TIB trustee board, M. Hafizuddin Khan, who presided over the aforesaid roundtable discussion, said that submission of income-tax returns by the candidates was very important. If an MP didn't earn taxable income and spent millions of taka then there was a possibility that he was hiding information, which is an offence. The MPs might lose their seats if it was proven that they hid information or gave wrong information.

It needs no repetition that money and muscle are still the two most important factors in the elections of Bangladesh. The findings of TIB's recent sample survey highlight the overspending by the candidates in the last parliamentary election. The survey, titled "Tracking National Election Process," in 40 constituencies shows, inter alia, that 88 candidates in the surveyed constituencies spent Tk. 4,420,979 on average during the legal time frame for election campaign. The highest amount spent by a candidate was Tk. 28,100,000. This was the position against the highest expenditure limit of Tk. 15 lakh by a candidate in a constituency.

In view of what has been stated above, there is no alternative to strict enforcement of electoral laws without discriminating between the ruling party and opposition MPs. Those MPs who hid information or gave wrong information and exceeded the expenditure limit should get their due punishment. There is no reason for the EC to be apathetic.

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## Democracy, development, and rule of law

In these countries, the population lacks the values and customs needed to make democracy function. Besides, antagonistic politics, lack of rule of law, overlooking of political corruption, intimidation of the media, government's intolerance to criticism, and non-adoption of scientific and technological advances also deter the proper functioning of democracy.

ABDULLAH A. DEWAN

A Boston based organisation, "Democracy and Development in Bangladesh Forum" (founded by Professor Kazi Jalal in 2006), and the Ash Institute for Democratic Governance and Innovation, Harvard Kennedy School, which co-sponsored the October 9 and 10 conference with the Bangladesh Development Initiative, have made democracy and governance (DAG) issues one of the prime focuses for the participants.

The discourses on strengthening DAG in seminar and plenary sessions were lively but not much edifying -- mostly rehashing what we already know. The paper, "Role of Civil Society in Bangladesh's Democratic Transition," presented by Professor Badiul Majumdar of Shujan drew my keen interest.

Over the years, Badiul has contributed significantly on issues of DAG in all media outlets. During lunch, he asserted that rule of law was far from being functional and the government's going back on the promises of empowering the local elected government was a shocking disappointment to the people. We realise that seminars and conferences won't solve endemic maladies that are politically ingrained. We all agreed that democracy, rule of law, and prosperity were entrenched.

However, with autocracies like China and Russia poised for economic prosperity, making the case that democracy and prosperity are inextricably linked isn't easily convincing. A just published study by the London based independent think tank Legatum Institute claimed that, based on "wealth and well being," the top countries of the 104 (comprising over 90% of the global population) surveyed were flourishing democracies, with Hong Kong (ranked 18) and Singapore (23) being two aberrations.

Democracy is now being enjoyed by the former European communist countries. Taiwan (24) and South Korea (26), long

ruled by military autocrats, are examples of how democratisation and rising prosperity can thrive in tandem. Legatum's "Prosperity Index" makes a powerful case for the long-term benefits of democracy, free speech and the rule of law. Unfortunately, in Bangladesh, whichever party comes to power democratically rule of law tends to become "ruling party's law."

Lack of enforcement of the rule of law is the only reason why 17 lawmakers, including a minister, a state minister and a whip, had violated the legal requirement of providing income tax information with their applications for contesting in the last election. For the same reason, 42 lawmakers from both the treasury and the opposition benches, including three state ministers, have never paid any income tax (claiming no taxable income) even though they each spent over Tk. 15 lakhs in parliamentary election (NBR report).

Property right is one of the pillars of development and growth in a country. Once that right is breached, life and living become burdensome and loathsome. Unfortunately, land grabbing and extortion have become a daily occurrence. How dare the sons of a ruling party MP grab a ship-breaking yard in broad daylight as reported in the media?

Textile minister Latif Siddiqui recently observed that tender manipulation and land grabbing had become a social problem. Actually, to me, it's not a "social problem" -- it's a problem of whichever party comes to power. In his October 24 piece Asadullah Khan wrote: "Increasingly, people are joining politics to make money or stay out of jail."

On October 28, ministers Ashraf and Sahara warned that stern action would be taken against tender manipulators, land grabbers, extortionists and other criminals. Why say "would be" -- why not tell us what actions are being taken against the perpetrators of crimes already committed?



The people are the power in a democracy.

So far "actions would be taken" are unheeded as mere warning, and has become another tired expression which party affiliated crime kingpins hardly take seriously. This claim is instantiated by the responses of three poll questions posted in The Daily Star's Internet issues:

October 18: Do you think NBR will be able to take action against the MPs who're not paying taxes? No: 76.6%; Yes: 21.9%.

October 20: Do you think the administration will be able to take legal actions against the land grabbers, river encroachers -- no matter how influential they are -- following the PM's directive? No: 84.6%; Yes: 13.5%.

October 24: Do you think the 17 MPs intentionally or knowingly violated electoral laws by not submitting tax returns? Intentionally: 92.8%; Unknowingly: 6.4%.

Although, four parliamentary elections were held since 1991, democracy in Bangladesh is still evolving with the recurrence of antagonistic environment. Democracy watchers at home and abroad are still doubtful about the prospects of a properly functioning democracy in Bangladesh.

Professor Adam Przeworski of New York University conducted an extensive study linking per capita income (PCI) and the survival of democracy, which included every transition to democracy around the globe. His findings: Transition to democracy is virtually guaranteed if PCI exceeds \$6,000; those between \$3,000 and \$6,000 survival of democracy is less than 50-50;

and those below \$3,000 have virtually no chance of survival as a functional democracy.

Throughout human history, about 70 democracies that have crumbled over time were in low PCI countries -- whereas as many as 35 democracies prevailed over 1,000 years under more economic affluence.

Professor Przeworski's estimates further reveal: Between 1951 and 1999, the expected life of democracy (ELOD) in countries with PCI under \$1,000 is about 11 years; with PCI ranging \$1,000 to \$3,000, the ELOD is roughly 27 years; between \$3,001 and \$6,055, the ELOD is 78 years; and above \$6,055, democracies are expected to be everlasting.

The biggest threat to democracy in a vast majority of the low PCI countries, including Bangladesh, isn't only low PCI. In these countries, the population lacks the values and customs needed to make democracy function. Besides, antagonistic politics, lack of rule of law, overlooking of political corruption, intimidation of the media, government's intolerance to criticism, and non-adoption of scientific and technological advances also deter the proper functioning of democracy.

In prosperous democracies criminals are punished -- not warned. So, stop telling us what "would be done;" instead, tell us what you have done to enforce the rule of law.

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