

Upazila chairman, MP conflict

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THE controversy over the power of the upazila chairman (UC) and the member of Parliament (MP) has generated serious debate in the political and civil arenas. Meetings, seminars, symposia, rallies, press conferences and even litigations in the court of law are taking place.

Upazila parishad was first introduced in 1988 by the then president H.M. Ershad. After the fall of Ershad regime, the upazila parishad was abolished. Subsequently, the upazila parishad system was reintroduced with more power vested in the hands of the upazila chairman.

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Of course, the MPs have got some valid reasons for opposing the enhancement of the authority of the UC. The electoral constituency of a UC and an MP is almost the same in size. During the time of election, the candi-

dates for the post of UC approach the voters with different programmes of infrastructural development in the concerned area.

After election, the (UC) tries to implement at least some of the programmes he promised to his electorates. Previously, the MPs were entrusted with, besides law-making, the implementation of local development works. This commitment to local development works gave the election of MPs a local character. People used to vote for the candidates considering their individual commitments to local development, and their personal honesty, integrity and influence.

If this local character of MP's election is lost, what will be the attraction of MP candidates to the voters of a particular electoral constituency? The MP will make laws! In the National Parliament laws are legislated for the whole country -- not for any particular area. Why will the voters of a particular area vote for a person who will make laws for the whole country?

So, if the MPs are stripped of power to manage the development works of their respective constituencies, they will lose the local attraction of the voters in their

own constituency. So, there is indeed a problem for the MPs' from the point of view of their own election.

But the above-mentioned problem of the MPs is only one of technicality whereas the strengthening of democracy at the grass-root level through strong local government system involves a fundamental principle of governance. So, let us examine the present system of people's representation in our country a bit more elaborately.

Our constitution provides for dividing the whole country into three hundred parliamentary constituencies of roughly equal size by population. Voters from each constituency elect one member to represent them in the Parliament. But the system is such that it betrays the basic spirit of democracy by making a mockery of the principle of "rule of majority."

The present system is not commensurate with the principle of democracy, where "every opinion is respected, every vote is counted." Under the present system of people's representation in our country, your opinion will be respected and your vote will be counted only if you happen to be on the winning side. Let me make the point with an example.

Suppose there are only three constituencies with roughly equal number of voters -- say, three hundred thousand. Now, suppose two parties -- party A and party B -- field candidates in each of the three constituencies. The candidates of party A win in two constituencies with just bare majority votes -- say, one

hundred sixty thousand votes in each constituency. This means that the candidates of party B secured the rest of the votes in these two constituencies -- one hundred forty thousand in each. Further, let us suppose that party B's candidate wins in the third constituency with a landslide -- say two hundred ninety thousand votes.

We can see that party B has secured 5,70,000 (1,40,000+1,40,000+2,90,000) votes out of 9,00,000 (63.3%) but has been able to send just one member to the parliament whereas party A has secured only 3,30,000 (32.7%) but has been able to send two members to the parliament. Consequently, by virtue of winning majority seats in the parliament, party A gets the right to form the government, though it has secured even less than 50% of the total number of votes in the three constituencies combined.

If we extend this example to three hundred parliamentary constituencies and in each constituency if more than two parties contest, the result will not change in any substantial way. Thus, we see that the present system of people's representation may virtually lead to a government not by real majority but by minority. And this minority passes for majority only by default.

Under the present system of electoral practice, candidates for the Parliament are nominated by the political parties. These candidates, after securing party nomination, go to the people to seek their votes for election to the Parliament.

In the United States, candidates are

given party tickets only after they have won party "primaries." Such practice of nomination of party candidates to the public office ensures democracy within the party itself. But, unfortunately, such a system is shockingly absent in our political system. Here, party workers become mere "cheer-leaders" of the persons who can secure the party nomination.

Further, our election process for the membership of Parliament is too personal. To the candidates of each constituency of the Parliament, the election becomes a matter of personal power and prestige. Cases of vote-rigging, false voting, vote-business, intimidation of voters etc. become more intense, frequent and wide-scale. Election to the Parliament becomes the monopoly of the moneyed-people. The honest, sincere, dedicated, committed, experienced and longtime politicians are often ignored and sidelined.

Thus, we see that the current system of people's representation in the Parliament (1) creates scope for friction and rivalry between the UC and the MP belonging to the same constituency; (2) is not truly democratic in the sense that it does not reflect the opinion of the majority of the voters; (3) makes the political parties less democratic and, worst of all, (4) makes the election process violent, fraudulent and "personalised" warfare.

However, most of these drawbacks may be overcome to a large extent if we introduce the proportional representation system in the election for Parliament. According to our proposal,

all the registered political parties of the country will contest election for the Parliament on the basis of their respective party manifestos and symbols. Registered voters throughout the country will vote for the party -- not for any particular candidate of any constituency.

Party workers and activists will encourage the voters to vote for their respective parties. The representation of the parties in the Parliament will be determined by the percentage of total votes secured by each party throughout the country. Of course, who sits in the Parliament on behalf of a political party will be decided by the party, preferably through internal voting by the party workers.

This will make the MPs from each party directly accountable to the workers of the concerned party. The level of such accountability may be raised even higher by giving the party workers the right to "call back" a certain percentage of their MPs periodically, depending on their performance and commitment to the party programmes.

The party or coalition of parties commanding support of the majority of MPs will form and run the government. Since these MPs will not be elected from any definite constituency of the country, there will be no reason for any rivalry between the UC and the MP at the local levels of governance.

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What impedes effectiveness of Anti-Corruption Commission?

The law stops short of indicating any follow-up, nor does it indicate any other accountability mechanism. A mechanism has to be developed to make the Commission accountable.

M. ABDUL LATIF MONDAL

WHILE speaking as chief guest at a seminar on "Making the Anti-Commission effective," organised by Transparency International Bangladesh (TIB) on December 10 to mark the International Anti-Corruption Day 2009, the Anti-Corruption Commission (ACC) Chairman Ghulam Rahman termed the Anti-Corruption Commission Act 2004 quite sound, and added that he did not want any tampering with it.

A look into the ACC Act 2004 shows that the powers and functions of the Commission are comprehensive and adequate to make it an effective watchdog against corruption. It naturally gives rise to the question, what

impedes the effectiveness of the ACC?

The TIB's seminar paper and the discussion that followed identified the following factors that blunted the effectiveness of the ACC.

Lack of strong political will: When Bangladesh topped the list of the most corrupt countries for successive years starting from 2001, there was strong pressure on the BNP-led four-party government from various quarters to establish an independent anti-corruption commission in place of the government controlled anti-corruption bureau. Although the BNP-led four-party alliance government passed the ACC Act and established the ACC, it created all sorts of hurdles to prevent the Commission from becoming functional.

The reconstitution of the

Commission by the post 1/11 caretaker government and amendments made to the ACC Act 2004 provided it some degree of dynamism and vibrancy, aiming at making corruption a punishable offence and challenging the culture of impunity.

The AL-led alliance government that came to power following the December, 2008 general election has not only not shown any commitment to strengthen the Commission, but has also moved to clip its wings by reducing some of its powers.

Inaction of the Commission in allegations against ruling party men: Most people considered the ACC as a government tool. When the country repeatedly topped the list of the most corrupt countries during the time of the BNP-led four-party alliance government, the Commission failed to initiate any action against the alleged corrupt leaders of the BNP-led ruling alliance. Hardly any change is noticed in the behaviour of the Commission during the present AL-led alliance

rule.

Commission's unwillingness to institute suo moto inquiry: Although the ACC Act authorises the Commission to institute inquiry into any allegations of corruption on its own initiative, it is not interested in exercising this power at the moment. The ACC chairman confirmed this in the aforesaid seminar. The Commission has been given this power because it is sometimes risky for others to make complaint(s) against influential persons. Failure to exercise this power will defeat the purpose of the provision of the law.

Absence of a capable prosecution team: The ACC Act provides that the Commission will have a permanent prosecution wing. The Commission badly needs a capable prosecution team for conducting its cases, but the government seems reluctant to facilitate it.

Absence of research activities: The ACC Act provides for reviewing the legally accepted measures for prevent-

ing corruption, carrying out research on the prevention of corruption and identifying the sources of different types of corruption, and submitting the recommendations to the president for appropriate action. The participants in the seminar stressed the need for strengthening the Commission's research activities on the prevention of corruption.

Lack of transparency in accountability: There is a lack of transparency in the accountability of the Commission. The ACC Act provides no accountability or self-regulatory mechanism except under Section 29, which only stipulates that within March every year the Commission shall submit to the president a report on activities completed in the previous calendar year, following which the president will take measures to place it in the Parliament. The law stops short of indicating any follow-up, nor does it indicate any other accountability mechanism. A mechanism has to be developed to make the Commission

accountable.

Absence of constitutional base of the Commission: The Commission has no constitutional base. It has been created by an act of Parliament. TIB trustee member Professor Muzaffer Ahmad proposed in the seminar that the ACC be made a constitutional body through an amendment for its independence and effectiveness. It may be mentioned that the Anti-Corruption Commission of Maldives was recently established pursuant to the provision in the 2008 Constitution of the Republic of the Maldives.

In view of what has been stated above, the government must extend necessary cooperation to make the ACC fully functional and effective. The Commission should also discharge its assigned functions and responsibilities impartially to earn confidence both at home and abroad.

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Myanmar gas bypasses India, Bangladesh

Bangladesh is yet to realise the severity of an upcoming gas crisis in the mid to long-term future. For this small country with limited resource and a very large population, it is perhaps inevitable that she will look beyond her border for gas to meet the ever-increasing demand.

BADRUL IMAM

IN a conclusive move, Myanmar decided to sell its newly discovered offshore gas to China, dashing Indian and Bangladeshi hopes. It is only recently that Bangladesh showed its interest in reviving the Myanmar-Bangladesh-India tri-nation gas pipeline talk with its neighbours, which perhaps came from the realisation that it would bring economic benefit through transporting gas to India, and also through importing gas from Myanmar.

But Bangladeshi handling of the tri-nation pipeline proposal, first placed about a decade ago, was initially marked by no decision to delayed decision. And after she decided to get on board, she left the platform in 2005 because of disagreement on some bilateral issues with India. India, on its part, tried to get an alternate route for gas transport from Myanmar but failed to make it economically viable. In the meantime, Myanmar decided not to waste further time on these partners and signed an agreement with China. Commenting on the recent Bangladeshi interest in tri-nation gas pipeline, a western observer commented that the train Bangladesh wants to catch has already left the station.

Some tend to believe that the tri-nation gas pipeline will not bring much

benefit to the country, and that it may have an in-built element of risk of creating conflict between the two nations. Others hold an opposite view, and believe that the tri-nation gas pipeline would bring economic benefit to all the three countries in the same way that the trans-border gas pipelines in many countries of the world have proved beneficial. In particular, for a country like Bangladesh where the present gas shortage will turn into a crisis in future, the tri-nation gas pipeline will bring the option of tapping the gas resource of a neighbouring country. The question is, has Bangladesh missed an opportunity?

Losng the gas race: The discovery of three large gas fields a few years ago in the Bay of Bengal off the Arakan coast of Myanmar and the willingness of Myanmar government to export the gas brought about the possibility of trans-border gas trade among its neighbours. The three gas fields -- Shwe, Shwe phu and Mia -- were discovered by a Korean oil company, Daewoo International, with two Indian partners. India, has been very eager to buy the gas from the very beginning.

A private company in Bangladesh, Mohona holding Ltd, placed a proposal before the respective governments for building a tri-nation gas pipeline to transport gas from Myanmar to India via Bangladesh. Bangladesh, for a long time, did not show much interest in the

proposal. However, at a later time, all the three countries agreed on principle to go ahead with the proposal. After the ministers of the three countries concluded their meeting with positive notes, the responsibility of drawing up details of the proposal was given to a tri-nation Technical Committee.

In early 2005, the tri-nation Technical Committee met in Rangoon. Bangladesh proposed some changes in the original proposal, which are: 1) The pipe line will enter Bangladesh via the southern Teknaf border instead of Brahmanbaria border and would proceed towards Chittagong before proceeding toward India, 2) The pipeline would be constructed under the sponsorship of an international consortium instead of Indian sponsorship, 3) The Bangladesh section of the

pipeline will be operated by a Bangladeshi company -- (GTCL) -- for which it would charge a fee for gas transport, and 4) The pipeline should have open access nature with provision for injection and siphoning of gas by Bangladesh, and India at designated intake and off-take points along the line. These points were accepted in principle both by India and Myanmar, subject to further discussion.

Bangladesh gave India three more conditions: 1) India has to allow Bangladesh a corridor to import hydroelectricity from Nepal and Bhutan, 2) India will ensure unhindered access of merchandise to travel between Bangladesh, Nepal and Bhutan through a corridor, and 3) India will take measures to reduce huge trade deficits of Bangladesh. The Indian side declined to negotiate or accept these points in a tri-nation gas pipeline forum. In response, Bangladesh withdrew from the project.

After Bangladesh backed out, India

tried to find an alterative pipeline route bypassing Bangladesh. It considered a route from Myanmar via Mizoram, Tripura and Assam to Siliguri and finally to Kolkata. But this route was 500 kilometres longer than the one proposed via Bangladesh, and an extra Tk.2,500 crore would have to be added to the cost of construction. Furthermore, the security of the pipeline was an issue nobody was comfortable with because of the militant activities of the Assamese and Garo rebels in the area. With little other options in hand, India fell behind other competitors in the Myanmar gas race and was eventually left out.

The Myanmar government wasted no time with her westerly neighbours and instead concluded the gas deal with China in late 2008. Daewoo International signed the deal with China National Petroleum Company (CNPC). It will invest \$5.6 billion to develop the gas fields. Gas will be supplied to China for 30 years beginning 2013, initially at a rate of 600 million cubic feet per day. Chinese will build the pipeline from Myanmar to Yunan province in China.

The way ahead for Bangladesh: The energy needs of most developing nations outpace their internal resources, which results in their quest for foreign resources they can possibly source. As the newly discovered gas reserves off the Arakan coast (Myanmar) were put up for sale, Indian buyers competed with China and Bangladesh. India could not produce a blueprint of a pipeline to get the gas and lost the race to China. The recent Bangladeshi request to import the gas from Myanmar was also turned down. However, Myanmar said that Bangladesh could purchase gas from

any new gas discovery in future in that area. In the context of the looming gas crisis in medium to long term future, Bangladesh should take this offer seriously and prepare ahead of time, should such an opportunity arrive.

Bangladesh should keep open the options of a tri-nation (Myanmar-Bangladesh-India) as well as a bi-nation (Myanmar-Bangladesh) gas pipeline for bringing in the gas. In case of a tri-nation pipeline, Bangladesh may earn money on a yearly basis and thus may get at least part of the gas free, in addition to having the gas pipeline infrastructure added for no cost. A bi-nation gas pipeline would be exclusive and dedicated although there would not be any free gas for Bangladesh.

Bangladesh is yet to realise the severity of an upcoming gas crisis in the mid to long-term future. For this small country with limited resource and a very large population, it is perhaps inevitable that she will look beyond her border for gas to meet the ever-increasing demand.

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How will Bangladesh meet increasing demand?