

Garment sector still in trouble!

Intense brainstorming needed to set it right

TUESDAY'S road blockade at Kanchpur by garment workers demanding pay hike made it evident how unrest in a sector affects public life in general. But why should the local commuters and long-distance travellers have to suffer in the gridlock with the loss of thousands of man-hours because there has been irregularity in the payment of salary and benefits in a garment factory?

Undesirable though the situation may appear, yet it has been happening persistently since long. Being deprived of their dues, the workers take to the street, block the traffic for hours and often turn violent ransacking and damaging vehicles, shops and whatever they find on their way.

Now the question that troubles the already anxiety-ridden public is: why are the garment industry owners and their apex bodies like the BGMEA (Bangladesh Garment Manufacturers and Exporters' Association) and BKMEA (Bangladesh Knitwear Manufacturers and Exporters' Association) are allowing the problems relating to the workers demands fester for so long?

The situation is causing harm both to the industry and the economy as well as projecting a negative image of the industry, which is otherwise a success story with enormous potential for taking the economy forward.

All concerned including garment owners and their apex organisations need to be earnest and dispassionate and go to the heart of the problem to find out the root causes of this continuing volatility in the garment sector that is behind the sporadic eruption of violent workers' unrest in this highest foreign currency earning industry. However, to the outside observer, it appears that there is lack of any effective channel of communication between the management and the employees. Which is why neither the workers can convey their grievances to the management properly, nor the latter can respond in a proper manner. As a result, it's not only the workers, who are behaving destructively, the garment industry owners are also not following the rules of the game.

But such an unhealthy state of relationship between the workers and the management should not be allowed to continue for an indefinite period to the detriment of the industry itself. The tested and the standard way for the workers to voice their legitimate grievances and demands is through their registered unions. So, to find a way out of the mess the government and the representatives of the management should contemplate allowing the workers to form their unions where there are none.

Until and unless acceptable standards of payment structures and safe working conditions can be ensured, we do not see an end to interminable turmoil in the sector.

Channel 1 shutdown unexpected jolt to the media

THE decision of the Bangladesh Telecommunications Regulatory Commission to shut down Channel 1, a private television company, on grounds of alleged breach of terms appears arbitrary, abrupt and detracting from the spirit of free media. Obviously, closing down of a television channel by an administrative fiat based on a technical, rather than any substantive point, doesn't seem to be consistent with the notion of fair-play.

The television channel has been charged with illegal use of 'rented equipment' which of course is not permissible under the existing terms and conditions between the channel and the BTRC. However, a closer look will reveal that Channel 1 was the original owner of the equipment, they lost the ownership after they failed to repay bank loan, and the bank sold the equipment through an auction and the bid money reportedly has not been paid either. On the face of it, the matter appears inconclusive so that a precipitate action could have been avoided.

The point that we would like to make is that channel 1 could be engaged in a process leading to a legal action being initiated against the channel, instead of closing it down unceremoniously. The reasons behind our taking this position need a little elaboration. First, the circumstances in which the channel was using the 'rented equipment' are open to legal interpretation. In a situation like this, only the law can determine the extent of the breach of contract. Secondly, the closure will inevitably lead to Channel 1 personnel losing jobs in these hard days for no fault of their own. This is a matter that should have been taken into consideration before switching the channel off since unemployment is still a major problem for our journalists. Thirdly, the government is fully committed to growth of free media so that BTRC perhaps should have been more circumspect in a pluralistic democratic society. Thus, before taking such a stringent decision the BTRC could issue warnings, besides considering other options that would have given Channel 1 a chance to explain themselves, come out in the clear and commit to abide by the rules.

Neutered ACC

There has always been a propensity, of all the governments in the past, to impose restraints on institutions that seek to establish a regime of accountability on the government and its functionaries.

nae in the Act of 2004, ACC function was hamstrung by internal dissension and bickering between the chairman and the other two members. Some felt that loopholes were left intentionally to exercise a degree of control on the ACC. During the 4-party regime the Commission failed to take off, although the 4-party alliance

One can't help feeling that our politicians nurture a nagging apprehension of such an eventuality; in spite of all the talk about democracy and rule of law such misgivings hardly evoke public confidence in them.

There is no doubt that statutory bodies must also be accountable. And the only institution that can hold them to account is the one that has created them -- the parliament. The act of 2004 has provisions for the ACC to furnish a yearly report to the president, who shall then cause it to be placed before the Parliament. Therefore, the fresh stipulation to the same effect appears to be irrelevant.

What, however, has caused the most consternation is the proposal to curb the power of the ACC to take independent action against government officials with allegations of corruption against them. Let us not forget that the consequences of corruption at higher levels are far more damaging than in lower levels, and that is where the feeling of impunity will reside with the new arrangement.

Looking at the ACC record it has not done badly at all. Although it did initially try to bite more than it could chew, owing perhaps more to its enthusiasm to deliver, the conviction rate has not been bad at all. However, the ACC's job has been made none the easier by the government's decision to recommend withdrawal of more than 300 graft cases instituted by it.

There is little doubt that the unpleasant experience of some politicians during the CTG tenure has a lot to do with the current fate of the ACC. It is true that there were aberrations during the CTG tenure in the fight against corruption. It is true too that the ACC had to accept the recommendations of a body called the Coordination Committee, which had no locus standi at all, and which was acknowledged at that time by one of the advisors of the CTG. It is also true that the majority of cases were against politicians and businessmen. But misuse of the system should not cause the dilution of its authority and power -- which most people feel the proposed changes would bring about.

The fault for corrupting a system lies with those who operate the system and not in the system per se. And the remedy lies in strengthening it, and not the other way round.

Brig Gen Shahedul Anam Khan ndc, psdc (Retd) The Author is Editor, Defence and Strategic Affairs, The Daily Star.



SHAHEDUL ANAM KHAN

THE proposed changes to the ACC are surprising. It is certainly renegeing on the AL's electoral commitment to make the Anti-Corruption Commission (ACC) independent in the real sense of the term.

One had hoped that the AL, with such a huge mandate, would actually dare to do what it had promised to the people. It would mean, if the proposals are passed in the Parliament, restoring the commission's character to that of the Bureau of Anti-Corruption (BAC); with so many caveats proposed in the amendments it would become what the BAC was, an adjunct of the administration.

It seems too, from the provisos stipulated in the amendment that the government was all but captive to the pressure of the bureaucracy and it is the bureaucrats

who have managed to assert their preferences on the structure and function of the ACC.

There has always been a propensity, of all the governments in the past, to impose restraints on institutions that seek to establish a regime of accountability on the government and its functionaries. The BAC was a handmaiden of the government, a handy tool of all governments of the past to go after their detractors and political opponents primarily. And it was a common saying that the BAC was the most corrupt agency of the government.

The revamping of the anti-graft body, with a new act in 2004 to reinvigorate its function, was a positive step, and it raised expectations of the people who wanted to see the end of pervasive corruption in the society. But the beginning of the ACC in 2004 was hardly encouraging.

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does not hesitate to take credit for crafting the ACC.

The CTG brought in certain functional changes through several ordinances, but that was necessitated by the changed circumstances and the unique situation obtaining at that time, and which, to the newly elected alliance government led by the AL, did not merit enough importance to be adopted as law.

It is interesting to hear the rationale of some ruling party MPs articulated in the electronic media in favour of the changes. We are told that one of the reasons that the changes had become necessary was to make certain that the distortions, caused by the exploitation of the commission during the CTG's tenure, would not be possible should such a political dispensation (by extra-constitutional elements) ever occur in future.

Political shake-up in Pakistan

A democratic and stable Pakistan will be of enormous benefit to the neighbourhood. However, unless the Kashmir dispute is settled, it would be naïve for South Asian countries to assume that these steps to democracy mean that peace in the region is now closer to reality.



HARUN UR RASHID

PAKISTAN has had a turbulent relationship with democracy since its inception. Unlike India, which in spite of all its problems has kept faith with its constitution and democracy -- barring the unfortunate event of the Emergency in 1977 -- Pakistan has been subject to military rule and the pruning of democratic powers by dictators.

Since the martial law of 1958, Pakistan has had a presidential form of government, except for a few years when Z.A. Bhutto was the prime minister.

It was General Zia-ul-Haq who passed the controversial 8th amendment to the

constitution in the late 1970s, which restricted the powers of democratic institutions in Pakistan including those of the prime minister.

Since the election in 2007, politicians have not been comfortable with the enormous powers vested with the president. Many are saying that there is an attempt being made to clip President Asif Zardari's powers.

Amongst its many problems, the over-dependence on the military to run the country is what has prevented Pakistan from growing as a democracy and indeed what has thrown it into the maelstrom of Islamic fundamentalism and made it the terrorist hub of the world.

Another welcome reform is the devolution of power to the provinces, as they will have greater autonomy on several policy areas including education and finance. This reform may stabilise the Balochi population, who allege that they are being deprived of the income from the mineral wealth of the province.

It is hardly surprising that the amendment has the backing of most of Pakistan's political parties.

Following the National Assembly's passage of the 18th amendment package of constitutional reforms, Pakistan's upper house Senate approved the measure on April 1, and President Zardari approved it on April 19, thereby making it a law.

This historic event is the culmination of unprecedented cooperation and consensus between Pakistan's political parties. Prime Minister Yusuf Raza Gilani said that he believed this was the first time in the country's history that the president, the prime minister, both houses of the parliament, and even the opposition, were on the same page.

The proposed 18th Constitutional amendment aims to strengthen the post of the prime minister and reduce the powers of the president. It removes the power of the president to dissolve the national and provincial assemblies, and appoint military chiefs and provincial governors. These powers enabled past presidents to dismiss civilian governments, with tacit support of the Pakistan's military establishment.

The amendment (100 separate changes in the Constitution) does not just limit the powers of the president vis-à-vis the prime minister but also includes a slew of reforms ranging from right to information to repealing the president's power to dismiss the national assembly to no longer restricting a prime ministerial term to two years. It also includes renaming of the NWFP to Khyber Pushtunkhwa, but the main indigenous minority has violently opposed the name change.

The amendment abolishes a clause that bars election of a prime minister for more than two terms. This would allow popular opposition leader and former prime minister Nawaz Sharif, toppled by General Musharraf in 1999, to become prime minister again.

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army was also supporting the current democratic regime. Speaking to the upper house of the parliament, he said that the whole nation was proud of the Senate for approving the 18th amendment.

Some political observers say that the 18th amendment falls short of the following reforms:

First it does not roll back the Islamisation of the constitution commenced under Islamist pressure in 1973, effectively turning women and non-Muslims into second class citizens, including the members of the Ahmaddiya sect of Islam who have been branded apostate. The 18th amendment's inability to address this is considered as a major lapse of the politicians.

Second, the Pakistan army remains entirely beyond civilian oversight at a time when the US has increased military aid and links. It cannot be assumed that the army will suddenly convert to political freedom and constitutional sanctity.

Third, the extremism that lives off marginalised frontier tribal communities remains excluded from the constitutional amendment. The status of the tribal areas will remain as they are.

Fourth, the amendment does not touch on good governance and accountability of the government to the people in concrete terms and, unless politicians in government and opposition are determined to take steps that benefits Pakistan's poor -- who, according to political economists, make up some 75 percent of the country's estimated population of 170 million -- the country will face political instability. It is not reforms but jobs, shelter and food, that the ordinary people want from the government.

Finally, although President Zardari has not been popular in the country, history will record Zardari as the first president in Pakistan who voluntarily curtailed his powers. That represents a significant shift from the past history of authoritarian president's rule.

A democratic and stable Pakistan will be of enormous benefit to the neighbourhood. However, unless the Kashmir dispute is settled, it would be naïve for South Asian countries to assume that these steps to democracy mean that peace in the region is now closer to reality.

Barrister Harun ur Rashid is a former Bangladesh Ambassador to the UN, Geneva.