

GOVERNANCE UPDATE



ARAB REVOLT

Complexities of democratic transition

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THE Arab World is also not going to be same after the popular revolts succeeded in overthrowing long-standing authoritarian regimes in Tunisia and Egypt. The indications are abound, country after country. No new regime collapsed though ever since sudden dramatic collapse of the Ben Ali regime of Tunisia and more dramatic but rather gradual collapse of Egypt's Hosni Mubarak regime. But chain of events keeps unsettling the Arab rulers remaining in power.
By and large, there is similarity in the gathering pace of ongoing protests and the corresponding government reactions. There is consistent protest demanding for either resignation of

regime recovered most of the territory except Benghazi initially lost to the rebels. The military weakness of the rebels coupled with the international community's inertia in taking decisive action enabled Gaddafi forces to gain upper hand. There was call for military aid to the rebels and imposition of no fly zone from the earlier days of the conflict. No fly zone was finally sanctioned last Thursday and subsequently enforced through western air and missile attacks. Further escalation of conflict is apparent

"The Political Economy of Democratic Transition" published in volume 29 (no. 3) of the journal Comparative Politics in 1997. This is all the more true for the Arab countries due to their geopolitical eminence. Some of them are world's main oil suppliers and almost all of them are important fronts in the "war against terror."

The political economy context of these countries is crucial in shaping democratic transition. Interest articulation of powerful actors is likely to determine scope and configuration of the transition strategies. Organized protesters, youth groups, citizen journalists, news media, civil society, political parties, religious or social movements, ruling elites, military, intelligence agencies, civil bureaucracy, oil companies, foreign powers, religious clergy, business tycoons, Arab League and United Nations are some such actors in this case.

Among them the first 5-7 actors are at the forefront of the ongoing pro-democracy protests. Bulks of the remaining domestic actors are constituents of the authoritarian status-quo. They are suffering from legitimacy crisis at the moment against the ongoing mass protests. But they are in possession of wealth, arms, powerful foreign backers and other sources of political and social power. A democratic transition is not in their current best interests since they grew out of and gained from the authoritarian regimes. They will side with the authoritarian status-quo as long as they can. They may side with pro-democracy protesters when the regime's fall is apparent. In Yemen, for example, as anti-government protest is growing unabated powerful allies of the President are siding with them. The ever growing list so far include the head of the country's biggest tribe, a group of top military commanders and many senior diplomats including the country's ambassador to the UN. But even if powerful beneficiaries of an authoritarian regime switch loyalty amid gathering momentum of popular protest they will not necessarily facilitate democratic transition. As in Tunisia, military-

backed interim government replaced the previous regimes and they are often manned by same old faces. Interim national unity government demanded by many is yet to happen. Institutional reforms necessary for free, fair and open general elections are taking place in snail's pace.

Effective democratic transition strategies are necessary at this point for pro-democracy forces within the protesting countries as well as their foreign and international allies. The legitimacy of the public demand for democratic transition in the aforementioned countries is already established. This is evident from massive turnout in street protests, social media activism and public reactions captured in news media. But without appropriate democratic transition strategies, the pro-democracy momentum can be lost. It can descend into chaos like the civil war currently raging on in Libya or the one that followed American invasion of Iraq. Otherwise, new regimes may take over who are again autocratic or whose democratic credentials are questionable. Worse, there can be more foreign invasions for oil in the names of freedom and democracy.

However, developing effective democratic transition strategies for the Arab world is very challenging due to long lack of democratic tradition, many powerful domestic actors' lack of interest in democracy and unwillingness of powerful foreign and international actors. The pro-democracy actors mentioned above of the protesting Arab countries have to work together to consolidate democratic transition. This should be easier despite the above mentioned structural constraints with advantages of ICT and losing grip of the ruling elites. Global civil society, the pro-democracy activists, groups and foundations in other countries whom operate across border, can come to their aid. UN Secretary General can also play a crucial supportive role despite lack of actual interest among powerful UN member states. Since these states control UN Security Council, the main UN organ for political affairs, Baan Ki-moon rather capitalize on resources directly under the secretary general's office like the Department of Economic and Social Affairs (DESA) and UN Democracy Fund (UNDEF).

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LAW WEEK

Col Taher's trial illegal: HC

The High Court on 22 March declared the trial of Col Abu Taher and some other freedom fighters by a military tribunal in 1976 illegal and unconstitutional. Delivering the judgement on four separate writ petitions, the court directed the government to prosecute Abdul Ali, alive judge of the military tribunal which tried and sentenced Col Taher and others. It said the trial and execution of Taher was a cold-blooded assassination, which was masterminded by late president Ziaur Rahman. Unfortunately Zia is not alive to face the trial, the HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain said. Zia was directly involved in killing Bangabandhu Sheikh Mujibur Rahman and is responsible for killing several thousands of freedom fighter army personnel, it continued. The judges directed the government to constitute a high-profile committee to investigate all the allegations against Ziaur Rahman and unearth the truth. A military court in July 1976 tried Taher and sixteen others on mutiny and treason charges. -The Daily star online edition 22 March 2011.

Shah Alam appeals against conviction

Detained Bashundhara Group Chairman Ahmed Akbar Sobhan Shah Alam yesterday filed an appeal with the High Court (HC) against the trial court judgment that sentenced him to eight years' imprisonment in a tax evasion case. Shah Alam in the appeal also sought bail from the HC in the case in which he was sent to jail Sunday. The HC bench of Justice Md Shamsul Huda and Justice Abu Bakar Siddiquee is likely to hear the appeal today. Earlier on Tuesday, the Special Judge Court-3 led by Judge (in-charge) Kader Newaz ordered to send Shah Alam to jail upon his surrender. An anti-graft tribunal on September 30, 2007, handed down eight-year imprisonment to Shah Alam in the case filed by NBR. - The Daily star 21 March 2011.

HC asks to stop Gumti river encroachment

The High Court yesterday directed the government to take steps immediately to stop earth filling and constructing structures in the river Gumti in Comilla and its encroachment until further order. The court directed the authorities concerned of the government to demarcate the areas of the river Gumti by conducting a survey, and to submit a report in this regard to this court within two months. In response to a writ petition, an HC bench of Justice Mohammad Mamtaz Uddin Ahmed and Justice Gobind Chandra Tagore also issued a rule upon the government to explain within three weeks why it should not be directed to dredge river Gumti to save it from encroachment and grabbing. Human Rights and Peace for Bangladesh recently filed the writ petition as public interest litigation following a newspaper report published in January this year. -The Daily star 21 March 2011.

Hearing adjourned till April 7

A Dhaka court yesterday adjourned the hearing on charge framing against Arafat Rahman Koko, youngest son of BNP Chairperson Khaleda Zia, till April 7 in connection with a tax evasion case. Judge Mohammad Zohurul Haque of the Senior Special Judge's Court passed the order after Koko's lawyer submitted a petition seeking an adjournment of the hearing. In the petition, the lawyer said they had earlier filed a writ petition with the High Court (HC) challenging the legality of the case. NBR filed the case on March 1, 2010. -The Daily star 21 March 2011.

HC asks govt for SC judges' remuneration

The High Court yesterday issued a rule upon the government to explain within three weeks why it should not be directed to implement recommendations of the parliamentary sub-committee concerned to increase salaries and allowance of Supreme Court judges. The HC bench of Justice AHM Shamsuddin Chowdhury Manik and Justice Sheikh Md Zakir Hossain issued the rule following a writ petition filed by two SC lawyers, Manzill Murshid and Asaduzzaman Siddiki. A parliamentary sub-committee in January last year recommended making the salaries and other privileges for the chief justice Tk 1.52 lakh, for each of the Appellate Division judge Tk 1.20 lakh and for each of the High Court judges Tk 1.08 lakh per month, the petitioners said. -The Daily star 21 March 2011.

Case against Huda couple quashed

The High Court on March 20 acquitted former BNP minister Nazmul Huda and his wife Sigma Huda in a bribery case in which they were convicted and sentenced to different terms of imprisonment. The Anti-Corruption Commission filed the case against them with Dhanmondi Police Station on March 21, 2007 on charge of taking Tk 2.40 crore from a businessman in favour of their weekly newspaper Khoboror Ontorale. The HC bench of Justice Siddiqur Rahman Miah and Justice Md Ataur Rahman Khan on March 20 delivered the verdict after granting two separate appeals filed by Huda and his wife against the trial court judgment. Earlier, the couple got bail from the HC in



incumbent government (as in Yemen, Bahrain and Libya) or large-scale political and economic reforms (as in Jordan, Morocco, Saudi Arabia, Iran and Oman). The incumbent governments on the other hand are in the mood of playing 'carrot and stick' with protesters until there is enough momentum to force them out of power.
The most gruesome exception is Libya where the anti Gaddafi protest movement evolved into a civil war accompanied by human casualties, destruction of property and population exodus in large-scales. Gaddafi regime lost most of the country except the capital Tripoli and some adjacent towns to the opposition in the initial setback. However in massive and violent counter-attack the

while fall of Gaddafi and subsequent transition to democracy seems unlikely any time soon.

Throughout the region, this was a blowback to pro-democracy protests and a form of encouragement to the regimes facing them. That is why government crackdown on protesters is becoming much more violent in Yemen and Bahrain. Yemen stepped up its crackdown after expelling all foreign journalists from the country. Bahrain slapped a 3-month emergency and Saudi military is joining with Bahrain security forces in curbing protests.

There is always a political economy of democratic transition as noted by renowned scholars Stephan Haggard and Robert Kaufman in their article titled

RIGHTS ANALYSIS



Right to equal development

OLI MD. ABDULLAH CHOWDHURY

THE link between poverty and human rights violation is obvious. People whose rights are denied - victims of discrimination or persecution are more likely to be poor. Generally they find it harder or impossible to participate in the labour market and have little or no access to basic services and resources. Meanwhile, the poor in many societies cannot enjoy their rights to education, health and housing simply because they cannot afford them. The case of deprivation is almost similar in Bangladesh also.

Bangladesh although has attained commendable progress in human development, regional disparities still exist. While there are distinct progresses made in health and education sector, some sub-districts are still lagging behind. Largely due to geographical isolation, benefits of the economic growth have not reached to thousands of disadvantaged living in remote areas of hills, haors and chars.

Constitution and disparity
Removing disparities has been instructed in the constitution of Bangladesh. It has been said in Article 16 of the constitution, "The State shall adopt effective measures to bring about a radical transformation in the rural areas through the promotion of a agricultural revolution, the provision of rural electrification, the development

of cottage and other industries, and the improvement of education, communications and public health, in those areas, so as progressively to remove the disparity in the standards of living between the urban and the rural areas."

Composite Deprivation Index

The term 'absolute poverty' is used for cases where children have been exposed to two or more severe deprivations. The seven dimensions assessed were shelter, sanitation, safe drinking water, information, food, education and health. The report found that people in the lowest poverty quintile are typically deprived of four of these seven basic services, and that for each rise to the next quintile in the poverty ladder, people are deprived of access to one less basic service.

The composite index allows for multi-sector social targeting of the most deprived regions. It also serves as a tool for identifying areas where multi-sector service deprivation occurs.

Mitigating inequalities

UNICEF, Bangladesh has recently published a study on regional deprivation. The report entitled, "A Case for Geographic Targeting of Basic Social Services to Mitigate Inequalities in Bangladesh" reveals relative poor performance of the isolated regions in terms of achieving development goals.

The composite deprivation index includes 4 indicators. They are high school enrolment, skill birth atten-

dance, proportion of population using improved sanitation and adult literacy.

Equity at the divisional level

The composite deprivation index (CDI) by division is most negative in Sylhet Division (minus 4) and highest in Khulna and Barisal Division (3). Despite the very small differences, three divisions are in quintile 2 (Khulna, Barisal and Dhaka) and the other three are in quintile 3. The following table illustrates deprivation index by quintiles:

	Quintile 1 (best performance)	Quintile 2	Quintile 3	Quintile 4	Quintile 5 (worst performance)
Interval CDI values	6-12	1-5	0- minus 6	minus 7- minus 12	minus 13 - minus 18
Divisions		3	3		
Districts	4	30	22	8	0
Upazilas	53	167	181	55	25

Disparities at district and sub-district level

The study has identified 8 districts as most deprived. They are Bhola, Sherpur, Netrokona, Khagrachhari, Cox's Bazar, Sunamganj, Habiganj and Bandarban. Those districts are also

prone to natural disasters.

The study reveals real disparities at upazila level, particularly between upazilas within the same district (especially urban districts or districts with isolated areas). The ranges are enormous for every indicator at the upazila level. The most deprived eight districts also contain 45 of the most deprived upazilas.

To recapitulate, there are clear advantages of geographic targeting in order to ensure basic service delivery to the most deprived areas of Bangladesh.

It will not only help in achieving MDGs with equity, but accelerates the overall reduction of poverty. Removing the disparity in the standards of living is a state responsibility suggested in the constitution of Bangladesh also.

The writer is a human rights worker.

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