

## Hartals punishing citizens

### Step back before the brink

BNP Chairperson Khaleda Zia has exhorted her party leaders and workers to be prepared for a longer movement against the government. The BNP's ire has to do with the prime minister's taking a stand recently against a continuation of the caretaker system following a Supreme Court judgement on the matter. Sheikh Hasina has since softened her stance by publicly asking the BNP to make its own position known in the Jatiyo Sangsad. Her unambiguous statement that nothing one-sided will be done should have been taken advantage of by the BNP. Unfortunately, by opting for yet another hartal and implying that there will be more, the opposition has only contributed to a muddying of the waters.

We have always emphasised the primacy of Parliament in our politics. Because we have, we believe the BNP should be taking a hard look at the situation and return to the JS in order for the nation to hear it out on its position on the caretaker system. The JS is the only place, by virtue of its being an elected body, where the opposition can test the government's sincerity on a negotiated approach to the caretaker issue. Let the BNP come back to the House, present its arguments and in the process build up public opinion in its favour. What the opposition can gain through a lively presence in the House is something it cannot quite do through agitation on the streets. We note here Begum Zia's thinking on the need for a movement along the lines of the 1990s' struggle against autocracy. The analogy is wrong. It ignores present-day realities. By harking back to the 1990s, the BNP is only creating a myth around itself that is as unreal as it is fatuous.

Hartals cannot be supported or condoned, for reasons only too obvious. They punish citizens by impeding them in their normal pursuits; they damage an already frail economy, beset as it is by so many negative factors.

The opposition has opted for far too aggressive a course than finds a resonance with realities on the ground. If Begum Zia does not step back from here, the nation can only see the possibility of spiralling confrontation and violence. So, we urge BNP Chief to step back before the brink is reached.

## Decimation of mangroves

### A brazenly culpable act

WE find it hard to understand the senseless act of plundering of national wealth, and that too at the behest, reportedly, of a lawmaker. This is an atrociously insensitive act that merits immediate cognisance of the relevant authorities.

A tract of land has been cleared by cutting down a large number of trees in Bhola, which is a part of a 20,000 acre mangrove forest, to construct a two and half mile of road designed to link the remote island of Char Kukri Mukri. This piece of land is not only a mangrove forest that helps to withstand the effects of tidal surge, it has also been designated as a wildlife sanctuary which shelters a large number of wildlife species. And the project does not have the clearance of the ministry of environment or the forest department, which is mandatory under the law of the land. The damage to the local ecology will be irreparable.

We find it outrageous that the local lawmaker would himself break the law and indulge in such senseless acts. For one thing the High Court had issued injunction on the proposed road in 2010 following a writ by BELA. And what is even more outrageous is that it was announced in the name of the lawmaker that the road project would continue no sooner the order was verbally passed on 8 June by the Court.

There are a few more questions that we need answers to. We cannot rationalise why the project was proceeded with without necessary clearance, and why the two alternatives, as suggested by the forest department, had not been explored.

Clearly, the order of the High Court has been defied, which amounts to contempt of court. We would hope that the people concerned will be proceeded with for defiling the environment and defying legal injunctions, irrespective of the political affiliations.

## THIS DAY IN HISTORY

June 13

**1373**  
Anglo-Portuguese Alliance between England (succeeded by the United Kingdom) and Portugal is the oldest alliance in the world which is still in force.

**1917**  
World War I: the deadliest German air raid on London during World War I is carried out by Gotha G bombers and results in 162 deaths, including 46 children, and 432 injuries.

**1934**  
Adolf Hitler and Mussolini meet in Venice, Italy; Mussolini later describes the German dictator as "a silly little monkey".

**1982**  
Fahd becomes King of Saudi Arabia upon the death of his brother, Khalid.

**1991**  
Yeltsin wins first Russian elections. Boris Yeltsin celebrates victory as Russia's first popularly-elected president.

**2000**  
President Kim Dae Jung of South Korea meets Kim Jong-il, leader of North Korea, for the beginning of the first ever inter-Korea summit, in the northern capital of Pyongyang.

**2002**  
The United States of America withdraws from the Anti-Ballistic Missile Treaty.

# Right to information: Making state work for the poor

IRENE KHAN

TWO years after Bangladesh adopted the Right to Information (RTI) Act it is time to ask whether and how well the law is working.

Described as "the sunshine law" -- because it throws light on how the state governs -- the right to information is recognised both as an international human right and as an essential ingredient of democracy and good governance. Today, some 90 countries/territories have RTI laws, among them India, Nepal and Bangladesh.

Information empowers people to claim their rights and better represent their interests; popular demand makes democratic government more responsive and effective. The argument for RTI is persuasive; the practice is more challenging as the case of Bangladesh demonstrates.

The RTI Act of Bangladesh, adopted in April 2009, requires public bodies and non-governmental organisations that receive or use public/foreign funding to disclose to citizens information about what they do and how they work. The Act has set up an Information Commission to ensure compliance with the law. Despite some weaknesses (such as too many exemptions from disclosure) the statute is a significant achievement in a country where administration is steeped in secrecy.

The Information Commission believes good progress is being made with thousands of requests for information having been processed, officials designated to handle these requests at the local level, a website and a mobile phone campaign to sensitise citizens on the law.

Civil society groups claim little has changed in the official culture where citizens are treated as subjects and demands for disclosure as impertinent. Most people -- including some designated officials -- are not aware of the law and therefore do not use it. There is considerable confusion between request for information that is publicly available and RTI disclosure. Poor government records are a major obstacle even where officials want to respond positively.

RTI is about holding the government to account, and so its successful

implementation depends on people actually using the law. Neither citizens at large nor NGOs nor the media have engaged much with the law. Why such lukewarm reception to a law that could potentially transform governance and democracy?

Unlike India, where the RTI law was the outcome of a mass movement demanding open government, in Bangladesh it was the result of pressure from a select group of civil society organisations and leaders. In that sense the RTI law is an elitist product -- and elites do not need the Act; they use their networks.

It is the poor and the disempowered that could benefit the most from RTI. But most poor people in Bangladesh do not know about the law, and if they did, would be sceptical about it. The state has constantly failed the poor -- so why should they believe that if they demand information they will get it?

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Or that they will not face reprisals if they dare ask a question? And even if they receive the information, the path from information to action to outcome is so arduous that even the wealthy sometimes fail -- so what chance do poor people have of achieving change?

More engagement by NGOs could help to overcome the ignorance, fear and cynicism of poor people. But RTI is a double-edged sword for most NGOs who are not only its clients but also its subjects. Some NGOs fear that if they press the government, it will retaliate by using the law to expose their own weaknesses. So they keep a distance from RTI.

Besides, most NGOs in Bangladesh are service oriented. They do not understand rights and even less how RTI can be used to empower people and improve governance and democracy.

The media are ambivalent about

RTI. The process is cumbersome and many journalists can get better and faster information through their own informal channels. Indeed, some journalists pride themselves on their secret, exclusive sources. So they too have kept away from RTI.

It is against this background that the work of Research Initiatives Bangladesh (RIB) provides some interesting insights. In a year-long initiative RIB trained animators selected from marginalised communities on the RTI law. These animators then worked with their communities to create awareness and instil confidence in the people that they could use the law with results and without fear of reprisals.

These efforts generated some 230 RTI requests for information on safety net programmes, health services, land distribution, scholarships and other government services. Of these queries, 65 led to appeals at the higher level

and 15 complaints ended up with the Information Commission. In total, 45 applications succeeded in the first instance and 6 on appeal. A success rate of around 22% may not seem impressive at first sight -- but for those whom the state has never acknowledged before, it has been riveting.

Furthermore, in a number of cases, when people demanded disclosure, they didn't get an answer but they got the benefit, the denial of which had motivated their query. Officials, fearful that RTI would expose their corrupt practices, pre-empted the process by conceding the benefits. *Arishi* community got an arsenic-free tube well; several elderly *robidas*, *bedes* and *Munda* persons were given old age pensions; others were enlisted for the government's homestead programme for the poor, and so on.

So, what can we learn from this exercise? The poor can ask questions -- not just any question but those that

are uncomfortable and expose vested interests, and the state is compelled to respond when challenged by empowered, persistent citizens. Demand (for information) creates supply (for responsive government), and so the strategy to make RTI work has to be to generate more demand.

What organisations like RIB, *Nijera Kori* and some others are doing is only scratching the surface of what can potentially happen. RTI is about much more than resolving individual grievances. It is about making government open and accountable, shifting power from the ruler to the ruled and transforming the relationship between citizen and state.

In the words of Aruna Roy, a leading Indian activist, "...the right to information lets the cat amongst the pigeons, upsets comfortable but unholy alliances and opens the doors for democratic debate." In Rajasthan, where Roy worked, a demand for information about public works instigated a mass public campaign and social audits that not only challenged corruption and the arbitrary exercise of power but also created a new model of participatory democracy and political accountability of the powerful to the poor.

In Bangladesh, the first two years of RTI has demonstrated -- if only in a very limited way -- that individual citizens can force the state to improve its delivery. But in the next phase, if those efforts are to lead to systemic change, there needs to be a scaling up of individual requests into collective demands and mass campaigns. Just as public interest litigation has changed judicial decision-making, public interest information campaigns can energise grassroots participatory democracy and change the face of development in this country.

That will require leadership from civil society and the media. The Information Commission too will have to become more mass-oriented. Media and NGOs often criticise the democratic deficit in Bangladesh. The means for changing it is staring them in the face -- will they have the courage to take it and shape it to transform democracy and development?

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## KALEIDOSCOPE

# Hartal that came out of the blue



SYED FATAHUL ALAM

THE proposed budget for the fiscal year 2011-12 could hardly initiate a long debate among different cross-sections of society,

when the unanticipated 36-hour hartal was called by the main opposition Bangladesh Nationalist Party (BNP) and its allies. Though the nationwide shutdown programme was enforced immediately after the day that Finance Minister A.M.A. Muhih placed the budget in the Jatiya Sangsad (JS), it had no connection whatsoever with the budget.

There was no inkling of it even in the BNP's reaction to the budget as its acting secretary general had told the press that they were reviewing it (budget). So, it is really intriguing why BNP had chosen this particular point of time to call the hartal in protest against what it said the recommendations of the parliamentary special committee on constitutional amendment and demanding continuation of caretaker government system.

If the length of the hartal is any indication of the seriousness the opposition attaches to the issue of caretaker government and other constitutional amendments the ruling Awami League is trying to press home with the brute majority it enjoys in the JS, then one wonders, if the June 5's hartal was not enough? Why has the need for such a long hartal arisen so soon? Do they truly have any cogent reason to justify another hartal?

The leader of the Opposition and BNP Chairperson Begum Khaleda Zia made it clear during her first meeting

with the leaders of the newly formed Dhaka city committee of BNP on Thursday that it was their fight for existence, adding that there was no room for compromise.

But questions still remain. If protecting the caretaker system of government and other issues covered by 51-point recommendations for constitutional amendment put forward by the parliamentary special committee were the issues that the opposition feared the Awami League would cause to pass in the JS by dint of their sheer majority, why did the opposition not join parliament in the first place to make their position clear to the Treasury Bench as

other alternatives for movement. And other issues of religious significance made part of the Constitution, the ruling Awami League has already promised to retain.

Had the opposition joined the JS and tried to take hold of the opportunity to speak their mind there, but the Treasury Bench did not allow them to do that, then the opposition would at least be in a position to justify their present action to the people. But even in that case there would be reason for employing a hundred and one other means to build public opinion against the government's intransigence, if any, in relation to their cause. That would also make

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well as to their own constituencies and to the people at large? Had the prime minister and the leader of the JS not been repeatedly making it clear that the matter was not closed and that there was still room for dialogue on the caretaker issue? Why is not BNP willing to exhaust this process?

It is only after using up all the options for a negotiated settlement on the possibility of retaining the form of interim government called non-partisan caretaker system of government for holding parliamentary elections for at least another two terms as observed by the Supreme Court's Appellate Division, should they think of

people understand why it was necessary for the opposition to opt for a stronger means of agitation.

It is exactly for this reason that many are yet unable to understand what had really prompted the opposition to call a second hartal within such a short span of time after the last one enforced on June 5.

But do our political parties really need any reason to foist their political movement programmes on the people?

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mere onlookers as the events go, or have to digest that on sufferance.

In fact, the oft-quoted phrase by our politicians that "people participated in their agitation programme" is more often than not a thing of past. The same is also largely true of hartals.

In the past, even during the anti-autocracy struggle in the late 1980s, the hartal was still able to retain some of its edge and significance as a tool of political agitation. But we have long past that era after the return to democracy in the early 1990s. One may recall that the characteristic feature of the political movement of that time was the unified struggle of the parties across the political spectrum, the students, the professional groups and the civil society as well as the mass people holding one another's hand as one against the military autocracy. And there is a world of difference between the political reality of that time and that of now.

Interestingly, while inspiring her party workers to spearhead the present campaign against the Awami League-led grand alliance government, the leader of the opposition did hark back to the movement of the '90s. But given the situation at hand, is she not drawing the analogy too far?

We believe there is still room for a dialogue between the ruling Awami League and the opposition to sort out their differences. And we are convinced that reason has not lost its appeal to either of the determining political forces of the country. In that case, they must sit and talk to resolve the issues they cannot see eye to eye with and leave the rest of the society to its own devices.

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