

APPOINTMENT OF NHRC MEMBERS

Call for a transparent, participatory process

AHMED SAYEED

THE tenures of the incumbent chairman and members of the National Human Rights Commission (NHRC), Bangladesh, will expire on June 23, 2016. On that day, all members of the commission, except one, will reach the end of their two consecutive terms, which is the maximum legal limit. It is thus anticipated that all the posts, including those of the chairman, full-time member and five honorary members, will be filled by new appointees. One member, however, can be considered for reappointment.

The government has around six months before making new appointments. In accordance with the Commission's founding law, a selection committee headed by the Speaker of Parliament selects the NHRC members to be finally chosen and appointed by the president. Other members of the Committee are - the Law and Parliamentary Affairs Minister, Home Minister, Chairman of the Law Commission, Cabinet Secretary and two lawmakers (one of them from the opposition party) chosen by the Speaker. The quorum requirement is met if four of the seven members of the committee are present at the meeting. This means the Speaker can make the final decision if two ministers and the Cabinet Secretary attend the meeting.

Also, the ruling party lawmaker can be easily managed to attend the meeting to meet the quorum requirement, if necessary. A careful look at the composition of the selection committee reveals that the government can easily choose candidates for the post of NHRC chairman and members, as per their interest. Concerns have been raised earlier from different quarters regarding the composition of the selection committee, while rights organisations have always raised strong objections in this regard.

This is what the International Coordinating Committee for National Human Rights Institutions (ICC), the global body under the mandate of United Nations which accredits national human rights institutions, also noted when it ranked NHRC, Bangladesh as a 'B' category institution in 2010. It observed at the time that the NHRC could not be conferred the 'A' status, as the government's control over the selection committee was obvious and it had no representation of the civil society.

After five years, the ICC did another review in March 2015 to decide whether NHRC, Bangladesh could be upgraded to an 'A' category institution. NHRC, Bangladesh then informed the ICC that it had sent a proposal to the government for bringing changes to the selection committee, including raising the

number of committee members from seven to eleven. The NHRC proposed that an Appellate Division judge, Chairman of the Public Service Commission, the Vice-Chancellor of a public university and a civil society member chosen by the Speaker of Parliament be included in the selection committee, in addition to the existing seven members.

The NHRC was guided by the Paris Principles to propose the inclusion of a civil society member in the Selection Committee. However, we are afraid that the proposal would not be able to bring any fundamental change in the independent functioning of the selection committee, as it is still very easy for the government to make the appointments as per their interest.

According to NHRC's proposal, the presence of six members should meet the quorum requirement. This means the decision could be easily made if another member of the selection committee is present at the meeting, along with the Speaker, two ministers, Cabinet Secretary and the ruling party lawmaker. In the present

scenario, it is not at all difficult for the government to influence the opinion of the Vice-Chancellor or opposition lawmaker, who will be in the selection committee.

The international standard on national human rights institutions, known as the Paris Principles, emphasise on the representation of civil society members in the selection

the government to make the appointments as per their interest. Moreover, the NHRC proposal would not have any implication as long as this is not included in the founding law through an amendment. For this reason, the ICC was not very convinced with this amendment proposal and once again accredited the NHRC as a 'B' category institution.

Apart from the selection committee, the Paris Principles also provide guidelines for the selection process, which states:

'It is critically important to ensure the formalisation of a clear, transparent and participatory selection and appointment process of the National Human Rights Institution's decision-making body in relevant legislation, regulations or binding administrative guidelines, as appropriate. A process that promotes merit-based selection and ensures pluralism is necessary to ensure the independence of, and public confidence in, the senior leadership of a National Institution. Such a process should include requirements to:

- a) Publicize vacancies broadly;
- b) Maximize the number of potential candidates from a wide range of societal groups;
- c) Promote broad consultation and/or participation in the application, screening, selection and

appointment process
d) Assess applicants on the basis of pre-determined, objective and publicly available criteria;
e) Select members to serve in their own individual capacity rather than on behalf of the organization they represent.'

According to the founding law, the Selection Committee is supposed to propose two candidates for each position and the President would finally appoint one among them. During the previous selection of the commission members, we were kept in the dark about which candidates the selection committee had considered, why they were recommended to the President. We only came to know about that after the final appointments were made.

It is crucial that the members of a key national institution like the NHRC are appointed through an open and transparent process. This is also important for the credibility of the institution. People's trust on the institution can grow and the government can also earn acclamation, if the NHRC chairman and members are appointed through an open and transparent process in consultation with different stakeholders. Will the government consider doing this?

The writer is a human rights defender.

Paris climate deal and adaptive social protection

MAHFUZ KABIR

THE Paris deal on climate change has already created substantial optimism across the world. It is mainly due to three high notes of the deal, at least two of which are tangible in nature. First, all the parties will try to reduce greenhouse gas (GHG) emission, notwithstanding whether a country is a big emitter or not. Second, it endorsed a commitment for "zero net" GHG emissions in the second half of this century. Third, the parties will "pursue efforts" to limit the temperature rise to 1.5°C. Realisation of world leaders and vested corporate interest about the concerted need for addressing climate change is perhaps the biggest achievement so far in the context of COP21. Nevertheless, the ongoing pace of the climate change process is unlikely to alter with these important three steps, and countries like Bangladesh would continue to remain significantly vulnerable to disasters in the coming decades.

Indeed, the Bangladesh Climate Change Strategy and Action Plan (BCCSAP, 2009) recognises that the country ranks fifth among ten countries in the world most vulnerable to climate-induced disasters. To address climate adversities, it also identifies the expenditure and revenue or finance sides of climate fiscal funds, and suggests developing a transparent and sustainable climate fiscal policy. The budgetary policy framework serves as a key element of the Climate Fiscal Framework (CFF) in developing, favourable circumstances for climate fiscal policy without hampering the existing public financing mechanism. Thus, CFF is commensurate with the BCCSAP, which adopts an integrated approach to climate change, disaster risk reduction and social protection, as these are intrinsically interwoven with covariate shocks. The social protection programmes are therefore imperative to have built-in mechanisms to factor in the adversities of climate change, since those adversely affect the poor and climate-vulnerable communities through various channels in the risk-vulnerability chain.

The Bangladesh Climate Public Expenditure and Institutional Review (CPEIR) prepared in 2012, and the CFF prepared in 2014, were considered in identifying Prime Minister Sheikh Hasina as one of the "Champions of the Earth". These documents worked out the expenditures on "social protection" directly related to climate change,



Mohamed Abdul Wozad repairs an embankment protecting Gabura island in south-west Bangladesh from flooding.

while the others they referred to as "livelihoods" were assigned different climate change weights. Unfortunately, the documents do not systematically demonstrate which "social protection" and "livelihoods" programmes were identified as "climate change relevant" at national level, although they ascertain and analyse expenditures relevant to climate change at a local level. The major programmes relevant to climate change that they mention are Food for Work, and Test Relief and Employment Generation Programme for the Ultra-Poor (formerly known as '100-day Employment Scheme'). Covariate shocks from climate-induced disasters have been implicitly embedded in the country's recently published National Social Security Strategy (NSSS). The NSSS also recognises the significance of reducing risks and vulnerabilities emanating from climate change and disasters. Thus, there is an implicit overlapping between climate change interventions along with related expenditures and the social protection (security) programmes. Since every programme mentioned in the NSSS are unlikely to address the adversities and reducing

discomforts of climate change, there is a need to derive the profound implications of "adaptive social protection" for both CFF and NSSS. Quite surprisingly, the NSSS and CFF documents did not clearly define Adaptive Social Protection for mobilising climate change financing.

Therefore, a well-defined Adaptive Social Protection programme should be at the heart for allocating funds for social protection programmes. The CPEIR reveals that the definition of climate change expenditures usually excludes social security programmes that make it difficult to work out the public expenditure for climate change in the context of social protection. Indeed, adaptive social protection is an integrated approach to encompass climate change, disaster risk reduction and social protection. However, neither the CFF nor the proposed NSSS have come up with a clearly defined selection of adaptive social protection programmes. Therefore, it is imperative to develop a robust and acceptable set of criteria to identify the programmes that can contribute to the development of resilience to the impacts of climate change. An appropriate definition of

"Adaptive Social Protection" is important to fathom the actual climate change expenditure in Bangladesh.

NSSS and CFF do not fully overlap in the government's current approach to classify social protection programmes. The term "social protection" is also debated in the literature, and perceptions do not completely match with the practices and policy documents. In Bangladesh, social safety net programmes (SSNPs) are divided into social protection and social empowerment programmes. In the budget 2015-16, the total

allocation for SSNPs is Tk. 375.46 billion, in which the allocation for social protection is Tk. 269.58 billion (72 percent of total SSNP budget). However, as high as 42 percent of the total allocation for social protection is dedicated to "Pension for Retired Government Employees and their Families", although social protection programmes are perceived to be designed mainly to protect the poorest, marginalised and most vulnerable groups including climate-vulnerable populations. It also reduces the scope of allocation for adaptive social protection as majority of the programmes are climate change insensitive.

Some social empowerment and development programmes, such as the emergency cyclone recovery and restoration programme, the water supply and sanitation project in cyclone prone area, and coastal climate resilient infrastructure improvement project, are helpful in generating employment and protecting livelihoods of the climate and disaster vulnerable populations, but they are excluded from the social protection programmes. Therefore, a robust working definition of adaptive social protection is needed, which has to be accepted by policymakers, practitioners, civil society, academia, and media through debates and discussions. It will help segregate the programmes related to climate change, social protection and livelihood programmes.

The Paris deal reminds us that the onus is on our part to reduce emissions and financially protect the millions of climate-vulnerable populations, many of whom engage in carbon sequestering ecosystem services and ozone-depleting activities. It is, thus, high time that adaptive social protection is introduced in Bangladesh.

The writer is Senior Research Fellow at the Bangladesh Institute of International and Strategic Studies (BISS).

QUOTABLE Quote

J.M. COETZEE, DISGRACE

"If we are going to be kind, let it be out of simple generosity, not because we fear guilt or retribution."

CROSSWORD BY THOMAS JOSEPH

ACROSS

- 1 Shucking units
- 5 Record company
- 10 Inuit's cousin
- 12 Digression
- 13 Sandra Dee role
- 14 Slugger Roger
- 15 Thurman of "Kill Bill"
- 16 Cute girls, in British slang
- 18 Cotton fabric
- 20 Uncle, in Acapulco
- 21 Movie pooch
- 23 Great weight
- 24 Extremely
- 26 Speckled horse
- 28 Soup buy
- 29 Asian sport
- 31 Supporter's vote
- 32 Willow's cousin
- 36 Hot
- 39 Lennon's wife
- 40 Clear
- 41 Musical set in Argentina
- 43 Is furious
- 44 Took a risk

DOWN

- 1 "Dig in!"
- 2 Battle site of 1836
- 3 Move borders, perhaps
- 4 Total
- 5 Aladdin's find
- 6 Pronto, in memos
- 7 Cardinal's cap
- 8 Newspaper issue
- 9 Course unit
- 11 Pool participants
- 17 Neighbor of Mich.
- 19 --Palmas
- 22 Like tanks
- 24 Like some elections
- 25 Short, as a report
- 27 Alley--
- 28 Pickled garnishes
- 30 --tree
- 33 River through Nantes
- 34 Pays to play
- 35 Byways
- 37 Previously owned
- 38 Reduced amount
- 42 Brewery sight

YESTERDAY'S ANSWER

S H A D O W E R I G O R
R E M O V E R N E R O
O X Y G E N K N E W
G R O U S E
N A V Y S I N A M I
A L E T S U N A M I
D A N W A R T O V
A M E N I T Y E T A
L O R E N T E D E N
A G E N D A
T A T A O U T A T E
I B E T N E U T E R
C E D E E S P A N A

Independent University, Bangladesh

Admission Spring 2016

Master of Science

- Computer Science
- Software Engineering
- Electrical & Electronic Engineering
- Telecommunication Engineering
- Computer Networks & Communication

Application Eligibility

- Completion of 4 years undergraduate degree in relevant discipline from any accredited university.
- Applicants from other disciplines may also join the programs after completing the prerequisite courses.

Financial Assistance

- Financial assistance is available in the form of Teaching and/or Research Assistantship.
- 15% discount on tuition for IUB graduates.
- 30% discount on tuition for meritorious students on the basis of their result of the first semester.
- Payment of fees in installments.

Length and Duration

- Students have to complete a total of 33/36 credits of graduate course work with or without a thesis.
- Students who have completed all their pre-requisite courses will be able to complete the required program in 3 regular semesters.

Our Graduates

- Our graduates are successfully employed in software industries, telecommunication industries, university teaching and other multinational companies.
- Some graduates have also gone ahead to do their doctoral studies overseas.

Application Deadline: Sunday, 10 January 2016
Classes Commence : Sunday, 17 January 2016

please contact
School of Engineering & Computer Science
Plot-16, Block-B, Bashundhara R/A, (Academic Block, Level 4), Dhaka-1212. Tel: 880-2-843 1645-52, 843 2065-76
e-mail: nkabir@iub.edu.bd, web: http://www.secs.iub.edu.bd

Apply Online at
<http://msc.secs.iub.edu.bd/>