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

civil society members in the selection

Call for a transparent, participatory process

AHMED SAYEED

HE 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, fulltime 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 selection committee. The international standard on national human rights institutions, known as the Paris Principles, emphasise on the representation of

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

committee. 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. 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

represent.'

publicly available criteria; e) Select members to serve in their own individual capacity rather than on behalf of the organization they

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 considered, and also the names 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

Paris climate deal and adaptive social protection

MAHFUZ KABIR

HE 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, nonwithstanding 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

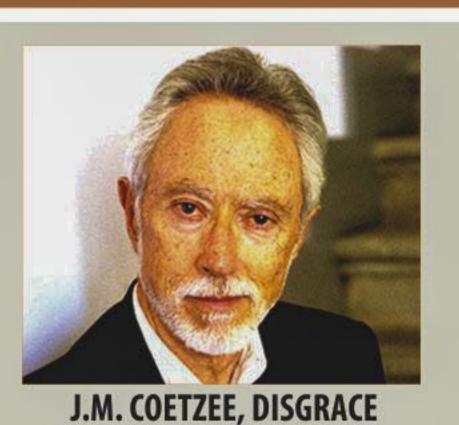
allocation for SSNPs is Tk. 375.46 billion, in which the allocation for social protection is Tk. 269.58 billion (72 percent of total SSNP budget). However, as high as 42 percent of the total allocation for social protection is dedicated to "Pension for Retired Government Employees and their Families", 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 climatevulnerable populations, many of whom engage in carbon sequestrating 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 (BIISS).





(I)f we are going to be kind, let it be

out of simple generosity, not because

we fear guilt or retribution.

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

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 30 -- tree

CROSSWORD BY THOMAS JOSEPH

45 Winter gliders

46 Hardy heroine

2 Battle site of 1836

6 Pronto, in memos

8 Newspaper issue

5 Aladdin's find

7 Cardinal's cap

9 Course unit

3 Move borders, perhaps

DOWN

4 Total

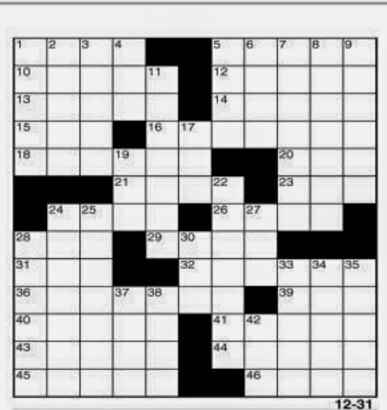
1 "Dig in!"

34 Pays to play 35 Byways 37 Previously owned

42 Brewery sight

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

33 River through Nantes 38 Reduced amount I B E T N E U T E R C E D E E S P A N A



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