

## Farhad Mazhar rescued

**Relieved, but many questions remain**

We are happy and relieved that Farhad Mazhar was rescued and returned to the family unharmed after an 18-hour ordeal. The efficiency of the police is certainly commendable, but there are several questions surrounding the entire episode because the way the whole incident has played out creates much apprehension and confusion.

There are several questions that stir our thoughts. Firstly, if, according to the police, his movement was being constantly tracked, why was he not waylaid in any one of six locations that he was tracked in?

Secondly, we wonder why he could not be recovered while still in the custody of the "abductors" or at least immediately after he was released. Because, reportedly, Mazhar, after being released from captivity, went to a restaurant where he had his meal and then boarded a bus for Dhaka. It means that a considerable length of time had elapsed between his release and rescue from inside a bus by the police. Had a rescue operation been mounted while he was still in custody of his "abductors," many questions would have been answered.

Thirdly, how did Mazhar manage the ticket of a bus that had only three other passengers on board, a rarity given the heavy post-Eid rush on private carriers?

Fourthly, how does one reconcile the matter of his carrying a bag when he was accosted in the bus, which his family members have contradicted, and which the CCTV shows he was not carrying when he left the house?

The home minister has added a totally unexpected twist to the story by expressing his relief that the victim was not sent across the border. How would the abductors benefit from that?

There is a sense of unease in the public mind because apparently there are powerful gangs in the country who are not only capable of abducting an individual by whatever means and methods, but are also able to carry him across one end of the country to another with impunity.

The sooner these questions are answered, the better it is for all.

## Boiler explosion in Gazipur

**This was no accident**

Yet another industrial disaster—the death toll from a boiler explosion in the factory of Multifabs Ltd in Gazipur has risen to 13 as of Tuesday. Had all the sections of the garment factory remained open on Monday, the number of fatalities might have been much higher. According to reports, the reasons behind the boiler explosion are, unsurprisingly, a lack of proper inspection combined with the usage of outdated boilers.

In fact this was a disaster waiting to happen. It was well-known that the expiry of the certified period of the boiler was June 24—nine days prior to the explosion. In a brash statement, the chairman and managing director of the company has said that he didn't "feel it necessary to replace the boiler" which was installed in 2005 and according to him the "lifespan of such equipment is 25 years". And in a blatant and deliberate disregard for workers' safety, the boiler continued to be operated. Furthermore, Multifabs Ltd is an Accord-covered factory and according to the executive director of Accord for Bangladesh operations, 82 percent of overall remediation items had been verified as completed as of the day of the explosion. Despite all this, this avoidable disaster could not be averted.

The tragic Tampoco Foils factory fire last September—which was also triggered by a boiler explosion and left at least 34 dead—is still fresh in our memory. The death toll from boiler explosions alone in the last five years is nearly a staggering 100. It is clear that some owners have simply refused to heed the warnings.

Clearly, the system of factory inspection currently in place is inadequate to ensure the minimum standards of safety. Not only are there not enough industrial inspectors but the process of inspection also seems to be substandard. The identities of all those individuals responsible for the Gazipur industrial disaster immediately need to be established, and they ought to be tried in a court of law.

## LETTERS TO THE EDITOR

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### Freeing up space in Dhaka

As a city of close to nine million people, it is no wonder that crowdedness and maneuverability are becoming a growing concern in Dhaka. The masses of obstacles, both in the form of both people and things, at times prevent children from safely and easily walking to school. The situation also causes difficulties for elderly people attempting to take a stroll around. Even for the average physically able person, getting around in Dhaka is no easy task.

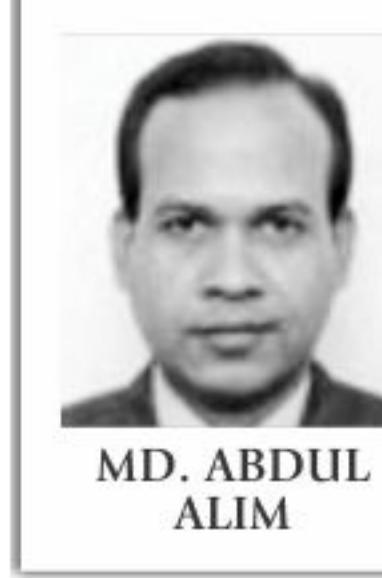
Extreme traffic jams during school hours, and slightly more mild ones during all hours, are a regular feature. The roads filled with cars, buses, scooters and rickshaws contribute even more to the congested environment.

Dhaka city mayors have so far made quite a few improvements to the project of freeing up footpaths in parts of the city. Banani Road 2, particularly from Mohakhali to Gulshan 1, on the side facing the Jal Khabar restaurant, should be next on the agenda to free up space. Currently, it is fully occupied by shops, vendors and makeshift eateries. I firmly believe that the ease of mobility will go up tremendously if more actions are taken to get rid of all such illegal establishments which are making the lives of city-dwellers harder.

Jamshaid Taher

Dhaka

# For a fairer electoral process



MD. ABDUL ALIM

**N**EWSPAPER reports say that the Election Commission (EC) is going to start 'drawing' or 'redrawing' boundaries of parliamentary constituencies in the country. Delimitation of boundaries is one of the most fundamental pre-election activities; it is a complicated and technical job that sometimes creates controversy. If the process does not ensure a level playing field for all candidates and parties, and if voters and other stakeholders suspect that the electoral boundaries have been unfairly manipulated to produce a particular political outcome, this affects the credibility of the whole electoral process. Hence, electoral boundaries must be drawn in a manner that promotes credible and fair elections.

When electoral boundaries are manipulated to favour one party or class it is called gerrymandering. In order to avoid gerrymandering as well as ensure fairness and proper representation in delimitation, there are a few recommended guiding principles given by Commonwealth Secretariat, Venice Commission, International Foundation for Electoral System and few other international organisations.

'Impartiality' is one of the most fundamental principles for delimitation; it means that the delimitation process should be managed by an independent and impartial professional body, comprising persons with the appropriate skills. This guiding principle suggests the EC should not conduct delimitation. In India, there is a separate Delimitation Commission led by a judge of the Supreme Court, to be appointed by the central government. While in the UK, delimitation is done by Boundary Commission, an independent and impartial non-departmental advisory public body consists of (i) a chairman; (ii) a deputy chairman; and (iii) two members. The speaker generally plays no part in the substantive work of the commission; hence the deputy chair leads the commission in the conduct of the review. He must be a serving judge of the High Court, and is selected and appointed by the Lord Chancellor. The members are appointed following an open appointment selection process. In

order to involve technical expertise, India has the provision to include Registrar-General and Census Commissioner, Surveyor General and an expert in geographical information system, while in the UK, the commission must include the Statistics Board and the Director General of Ordnance Survey as assessors.

'Representativeness' is another guiding principle for conducting delimitation. Electoral constituencies should be drawn such that constituents have an opportunity to elect candidates they feel truly represent them; this means that the electoral constituencies should be drawn taking into account cohesive communities, defined by such factors as administrative boundaries, geographic features, and communities of interest. In the UK, except the protected constituencies, a constituency shall not have an area of more than 13,000 square kilometres. Geographical considerations, including in particular the size, shape and accessibility of a constituency, local government boundaries, boundaries of existing constituencies and any local ties are also considered.

'Equality of voting strength' is the most fundamental principle for delimitation. The population of constituencies should be as equal as possible to provide voters with equality of voting strength. The establishment of a population deviation tolerance limit helps guarantee equality. In 2002, Venice Commission identified that the permissible departure from the norm should not be more than 10 percent, and should certainly not exceed 15 percent except in special circumstances. In the UK, the law clearly says that the number of voters of any constituency must be no less than 95 percent of the UK electoral quota and no more than 105 percent of that quota. Except few exceptions, the UK followed this legal provision in all the recent elections including the last election held on June 8, 2017. For delimiting boundaries for the next election, the UK calculated a range that has roughly the same number of electors: no fewer than 71,031 and no more than 78,507. India also follows the range - or + 10 percent except few exceptions.

'Non-discrimination' is also an important guiding principle for delimitation; it means that the delimitation process should be devoid of electoral boundary manipulation that discriminates against voters on account of race, colour, language, religion, or related status. Many countries such as India, Singapore, Australia and New

Zealand have the legal provisions to ensure non-discrimination in boundary delimitation. In India, the number of Scheduled Caste and Scheduled Tribes is taken into consideration in every district.

'Transparency' is the other key principle to be followed for conducting delimitation; it means that the process should be as transparent and accessible to the public as possible. A delimitation process that is transparent and provides stakeholders with the information necessary to assess the process and even affect its outcome is more likely to receive public support. Consultations and public hearings at every stage of the process are critical to address the grievance of the stakeholders. In the UK, the Boundary Commission, as per law, organises consultation at two stages. At the first stage, the commission prepares a draft proposal which is made open to inspection at a specified place within the proposed constituency as well as on the website; this is called 'initial consultation' and written feedback with respect to the proposals may be made to the commission during a specified period of 12 weeks. The commission reviews the feedback received through initial consultation and goes for the second round of consultation. The consultation organises at the constituency level.

Despite the significance of delimitation of constituencies in conducting credible elections, Bangladesh is lagging behind to ensure international guiding principles on delimitation. As per the Constitution, the EC is the responsible authority for the job, which means that the country does not have any separate professional body to conduct delimitation. In 1976, the Delimitation of Constituencies Ordinance, 1976 was promulgated which was later revised in 1978, 1990 and 1991. The law is outdated and does not follow most of the guiding principles recommended by the international organisations. Although, the 'representativeness' is followed in hill districts, 'the size of the constituency', 'transparency', 'non-discrimination' and 'equality of voting strength' have not at all been followed in the country since 1973. For example, the 2014 delimitation observed 40 percent or more deviation in voting strength in more than 60 percent of constituencies; however, the biggest gap was found between Dhaka-19 (voters: 678,549) and Jhakholathi-1 (voters: 154,334).

Due to the lack of legal framework as well as the traditional method inherited

from colonial regimes, all the ECs in Bangladesh mainly follow geographic features and administrative boundaries. Although the 1976 Act falls short of international guiding principles, Article 3 authorises the EC to "regulate its own procedure". But it is unfortunate that none of the ECs in the history of Bangladesh prepared any regulations on delimitation — instead, most of the times, they prepared very brief ad-hoc "working procedures" and drew or redrew electoral boundaries in an impetuous, non-transparent and unprofessional manner, mostly without involving technical experts.

But the voters and other electoral stakeholders are now more aware about delimitation, its impact and gerrymandering; therefore, the EC led by KM Nurul Huda is expected to address the issues to ensure the credibility of the upcoming parliamentary elections. The EC could move ahead with any of the following options.

It could revise the 1976 Act in line with international guiding principles and request the government to pass it in parliament. But, this is a time-consuming issue as it needs expert opinion including international experts and consultation experts as well as modern technology on delimitation.

Or, as per the legal framework, the EC could promulgate detailed regulations to conduct delimitation. The regulations should include a professional technical committee led by the CEC or other EC. The other members of the committee could be geographers, statisticians or representatives from the BBS, surveyor general/representative, and representatives from the local government ministry. The regulations must also include detailed terms of reference for the committee including (a) meetings of the committee; (b) methodology that addresses international guiding principles as well as possible; (c) timeframe for the preparation of draft and final proposal; and (d) provisions of consultations at the constituency level.

No doubt, conducting delimitation in Bangladesh is a big challenge mainly due to population density. But, if the EC follows the second option, we might see a professional and fair delimitation for the first time in Bangladesh which would build stakeholders' confidence on the electoral process and certainly help the EC conduct credible parliamentary elections.

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## PROJECT SYNDICATE

# The rebirth of the TPP

**THE ASIAN CONVERGENCE**  
KOICHI HAMADA

**W**HEN Donald Trump, in one of his first acts as president, announced that the United States would not participate in the Trans-Pacific Partnership (TPP), many assumed that the mega-regional trade deal was dead. But such assumptions may have been premature.

The TPP was originally envisioned as a rules-based economic area spanning the Pacific and comprising 12 member countries — Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the US, and Vietnam — which collectively account for about 40 percent of the world economy. The negotiations, which lasted five years, were undertaken with great care and diligence. In Japan's case, for example, the negotiators, headed by Akira Amari, then the minister of state for economic and fiscal policy, worked day and night to assuage opposition by various sectors of the domestic economy (say, rice growers) and to secure favourable outcomes.

Trump's announcement in January, which came just as the deal was set to be ratified, certainly shook the endeavour at its core. But many relevant players, eager to prevent the TPP from crumbling, soon began to discuss moving forward without the US.

By May, Japanese Prime Minister Shinzo Abe was declaring that, though he still hoped for America's return to the TPP, Japan was willing to take the lead in bringing the deal to fruition. Soon after, Japan and New Zealand announced that they would seek an agreement with other signatories by November to move the TPP forward. If they succeed, TPP signatories will benefit substantially — and the US will well find that it has missed a massive opportunity.

In general, there are two distinct approaches to achieving free trade. First, there is the global model embodied by the World Trade Organization. The chief advantage of this approach is its scale: it ensures that a huge share of the world economy is interconnected, with most of its constituent economies adhering to a common set of rules and submitting to a dispute-resolution mechanism that enables these rules' enforcement.

But scale may also be the WTO's chief weakness, given the difficulty of getting so



many countries to agree to a single set of rules. Indeed, the negotiation process is often painstaking and time-consuming — even more so than that leading to the TPP. That is a key reason why WTO negotiations lost momentum during the Doha Round of trade talks, which began in 2001 and petered out without an agreement.

The second approach to achieving free trade, bilateral agreements, mitigates the challenge of scale. With only two (or a few) countries involved, negotiations are far more straightforward and often take less time. Japan and the European Union, for example, have recently redoubled their efforts, which began in 2009, to reach a bilateral trade deal, and an end may be in sight, despite continued disagreement on a small number of key points.

But this approach, too, has its downsides. Not only does it produce benefits for only a couple of countries, a win-win deal for the participating countries may also hurt non-participating countries. In the case of the Japan-EU deal, one such country may well be the US, given that American companies compete in Japan with European businesses in many of the same sectors.

The TPP, with its 12 (now 11) participants, falls somewhere between these two approaches — and is intended to secure the best of both worlds. The TPP's mega-regional approach can bring

greater economic gains than a bilateral deal, as it spurs trade and investment flows — including by harmonising regulations and standards — across a larger swath of the global economy. But, unlike the WTO, it is not so large, and does not encompass such diverse parties, that it is overwhelmingly difficult to reach an agreement.

The mega-regional approach may have one more advantage, shared with the WTO: the involvement of more parties can dilute the authority of a major country and thus limit its ability to strong-arm its negotiating partners into an unbalanced agreement. Indeed, this may be precisely why Trump, with his penchant for "deal-making" and promises of an "America first" trade policy, rejected the TPP. In his view, bilateral negotiations put the US, as a political and economic hegemon, in a stronger bargaining position.

What Trump fails to recognise is that, while a small country may feel intimidated by the US at the negotiating table, it can still stand up and walk away. More important, even if the US can use its weight to secure more favourable provisions in a bilateral negotiating context, the benefits do not necessarily outweigh those of larger-scale agreements.

That is certainly the case with the TPP, which contained some provisions that were highly beneficial for the US

economy. Specifically, the agreement would have given US businesses access to markets that had long been largely closed. The provisions on intellectual property rights, accounting, and conflict resolution were so favourable to Wall Street and US lawyers that they have been criticised for being unfair to the other parties. They were agreed, however, because of the expectation that China would eventually have to adhere to those standards.

In that sense, as Columbia University's Jagdish Bhagwati said to me, "the TPP was a bit like allowing people to play golf in a club, but only if they also attended a particular church over the weekend." The deal's signatories were in it for the golf — that is, the expanded trade and investment flows. But they couldn't avoid the obligation to accept rules that would benefit the US, in the hope that the liturgy might help to constrain China's behaviour.

The US is unique in this scenario, because it had a strong national interest in both the golf and the church. Now it will get neither. And when the new TPP, excluding the US, begins to flourish, US businesses will be wishing Trump had not cancelled their tee time.

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