

## Shortage of Apex Court judges

### Fill the vacuum quickly

THE crisis of judges at the Appellate and High Court divisions of the Supreme Court has by now reached acute proportions. According to a report by this newspaper on Saturday, at present there are only six Appellate Division judges for more than 13,000 cases. For the HC division, the numbers are even more worrying: 86 judges for more than 4.31 lakh cases. This situation has been brought on by retirement and passing away of judges, but the problem is not one that could not have been foreseen.

The shortage is the prime reason for the massive backlog of cases that plagues our lower and higher courts. But, the numbers indicate that this problem was not of the making of one day only. The numbers of Appellate judges and HC judges were only 11 in 2009 and 100 in 2012, respectively. Now, the government is talking about promoting HC judges to the apex division, and appointing more judges for the HC. But, our report revealed that in the last one year, the government was asked twice to appoint more judges for the HC. There was ample time to act to avoid this vacuum.

All of these are detrimental to the development of an effective and empowered judicial system. With one judge for more than one lakh people in the country and the pressure of backlogged cases, our hopes of quick disposal of cases cannot be realised. We are glad of the law minister's assurances that the process of appointing new judges is in the horizon. This is an issue of utmost importance for ensuring justice in the country, and should be given due priority. Despite the delay in acting, we hope that the government would now act quickly to fill the gap.

## Jubo League attacks police

### Ruling party cadres, a law unto themselves

YET another incident has occurred on July 6 when some members of the Jubo League attacked a police outpost (OP) in Mymensingh from where they tried to snatch the owner of the vandalised motorcycle who had gone to the OP to lodge a complaint. Earlier these party activists forcibly took away the accused Apu, of Jubo League, from the police who was caught in the act of vandalising a motorcycle.

It seems that the ruling party cadres are a law unto themselves with no one to check their excesses. The fact that these activists feel it within their right to attack uniformed police is shocking. Precisely what sort of message are they giving out to ordinary people? We applaud the policemen, who are working under difficult circumstances, for nabbing one of the attackers and catching another later during a drive.

That an attack has been mounted on a police station is a direct challenge to state authority. Contrary to what these AL cadres may think, there is such a thing as 'rule of law' and they are not above it. We expect nothing short of speedy and severe action against such unruly party men to put them in their place. This incident has done little to reassure the people that ours is a society that is ruled by law.

Failure to rein in the excesses of Jubo League members and bring them to task would merely go to further reinforce the belief that their actions have the acquiescence of the administration because they belong to a body aligned to the ruling party.

## LETTERS TO THE EDITOR

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### Ensure accountability of the court

Through the verdict of Supreme Court, the 16th amendment of the Constitution of Bangladesh has been nullified. In a truly democratic country all the three organs of the government must be run and controlled directly or indirectly by the people or their representatives.

I believe that the scope of public accountability will vanish if the Supreme Judicial Council is reintroduced. This is absolutely an impediment of good governance. What we need is a system that holds judges accountable without making room for unfair political influences.

Noor A Alam Zahid

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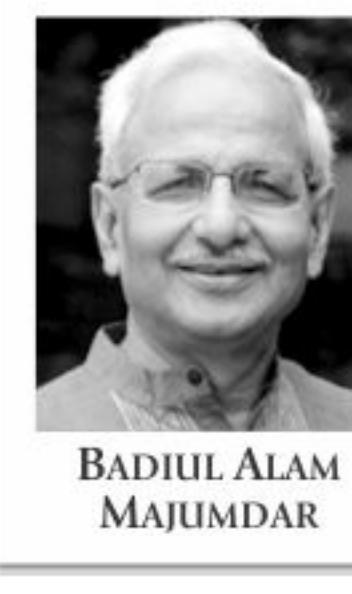
### Adulterated food is a health hazard

This is in reference to the letter titled "Harmful chemicals in food" published in your Editorial page on July 7, 2017. I would like to add a few points on the subject. Consumer food items sold in the market are rarely ever pure, be it milk, fruits, fish, or spices. Water is added to cow's milk to dilute it, carbide is used to prematurely ripen fruits, formalin is used in fish, and harmful chemicals are added to spices. These acts amount to felony. Use of harmful chemicals has a long term effect on the human body. Kidney and liver diseases, loss of hair, skin diseases, and loss of eyesight may develop in the long run due to use of these harmful chemicals. It is like slow poisoning.

Health is a basic right. The authorities should take stern action against those playing with the health of the nation and punish them exemplarily.

AKM Ehsanul Haque, Dhaka

# Can Bangladesh repeat its 'development surprise'?



**I**N the era (2000-2015) of the Millennium Development Goals (MDGs), Bangladesh had achieved outstanding success in both poverty eradication and

human development. Bangladesh's success in both economic and social fronts bewildered many astute observers, including Professor Wahiduddin Mahmud, who called it a "development surprise". Others called it the "Bangladesh paradox" or "Bangladesh puzzle".

Bangladesh's achievements surprised many observers because the country faced many daunting challenges. The challenges include political instability and uncertainty, growing violence, climate change, frequent natural disasters, poor resource base, income inequality, crumbling institutions, increased centralisation, poor service delivery, endemic corruption, dysfunctional governance and so on. Defying such odds, Bangladesh continued to make progress in improving the lives and livelihood of its people.

Bangladesh's progress in the economic arena, especially its GDP growth, is usually explained by the growth of its readymade garments (RMG) sector and export of RMG, which have made rapid progress in the last few decades. The remittances from expatriate workers have changed the face of many areas of rural Bangladesh. The growth in the agricultural sector also greatly contributed to Bangladesh's development surprise. These sectors and their contributions to the decline of poverty in Bangladesh, according to many observers, were largely immune to the prevailing "governance deficit". In fact, the dysfunctional governance prevailing in the country may have even helped the growth of the RMG sector and remittances. For example, many owners of garment factories, using their political influence, could bend the rules and many could also get away by indulging in under- and over-invoicing and other corrupt practices. Absence of strict rules and their rigorous enforcement also facilitated the movement of many illegal workers abroad, increasing the flow of remittances, although it is on the decline now.

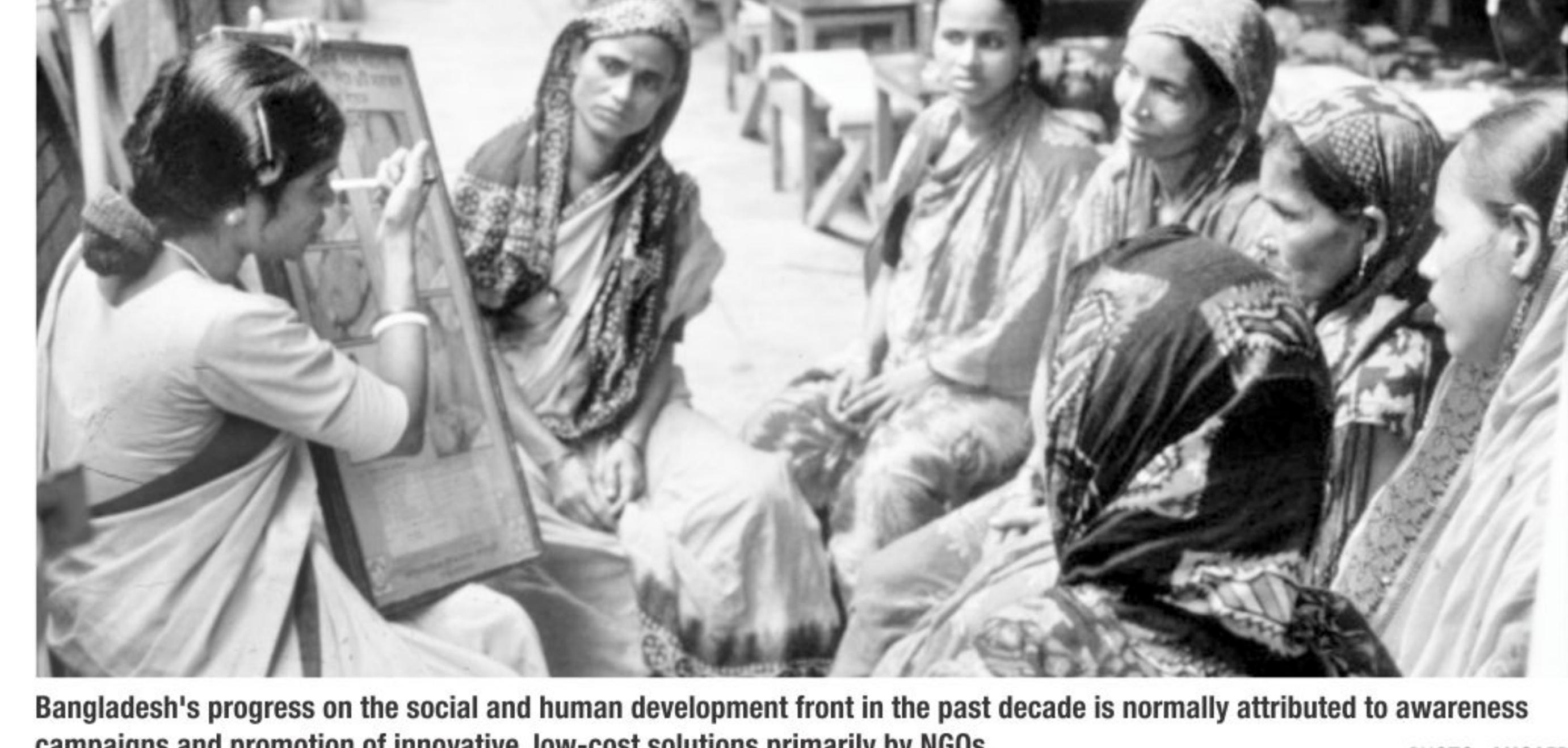
Bangladesh's progress on the social and human development front in the past decade or so is normally attributed to awareness campaigns and promotion, mainly by NGOs, of innovative, low-cost

solutions to problems. Many service-delivery type development NGOs have been providing multiple interlinked services to low-income families, improving their conditions. For example, child mortality in Bangladesh was reduced by awareness campaigns, simultaneously implemented for the use of oral rehydration therapy (ORT) to reduce diarrhoeal death, along with deworming campaigns, child immunisation, and the use of low-cost, affordable sanitary latrines using rings and slabs rather than more expensive water-sealed ones promoted by UNICEF.

In providing services, NGOs also in general empowered the 'agencies' of women and targeted them and their families for self-interested activities, such as adopting family planning measures

intended to reduce hunger and poverty by half, but SDGs are designed to finish the job. MDGs were also intended to make, for example, quantitative increases in education. But achieving SDGs would require qualitative changes in education, which would be much harder to achieve. Furthermore, the most exciting intention of SDGs is not to leave anyone behind, which also creates additional challenges.

Facing these challenges would require a type of governance, which would "ensure responsive, inclusive, participatory and representative decision-making at all levels" (SDG 16.7). It would also require peace, justice and strong institutions at all levels. That is why SDG 16—the goal that makes the achievement of all goals possible—is made an integral part, rather the "crown



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PHOTO: AUSAID

and sending their children to schools. Such self-interested, initiative-driven activities of women and their families largely brought about significant reductions in birth rates and maternal mortality. The reduction of maternal mortality was further helped by pre-natal care for women and screening complicated deliveries. The government's willingness to include the development NGOs in service delivery activities played a critically important role in this regard.

Can Bangladesh continue its development surprises in the SDG era (2016-2030) despite its democratic and governance deficits? The challenges of achieving SDGs, requiring integrated and indivisible economic, social and environmental development, are more formidable. In addition, MDGs were

jewel" of SDGs.

Many experts are of the opinion that Bangladesh has already reaped the benefits of awareness campaigns and low-cost solutions to problems offered by NGOs. To achieve the SDGs, it would not only require higher economic growth, allocation of more resources to the social sector to offer more service, but also substantial increases in the quality of those services. Such changes in the service delivery would require citizens to increasingly demand more quality and corruption-free services at affordable costs. This would, in turn, require "citizen activism" for asserting their rights, which would further involve mobilising the people by NGOs for collective action. The traditional development NGOs are either not

involve a participative and consultative process for developing the necessary strategy for their achievement ([www.localizingsdgs.org](http://www.localizingsdgs.org)). That is why SDG 16 emphasised on creating strong institutions and ensuring inclusive decision-making. Fortunately, some NGOs are already pursuing rights-based activities at the grassroots level and strengthening local government bodies, particularly Union Parishads, as a means of localising SDGs.

For Bangladesh to repeat its development surprise in the SDG era many changes and reforms must take place in the coming days, including the removal of governance dysfunction.

The writer is Secretary, SHUJAN: Citizens for Good Governance.

## PROJECT SYNDICATE

# A G20 refugee agenda



**E**VERY day, an average of some 34,000 people are forced to flee natural or manmade disasters. In the last six months alone, more than 2,000 lives have been lost in the

Mediterranean; over the last weekend in June, 12,600 migrants arrived in Italy by sea. Financial and political pressures are overwhelming the countries in the Middle East, Africa, and Europe that are on the receiving end of this human wave.

At the moment, an alphabet soup of non-profit and multilateral agencies tackles elements of the challenge. These include independent groups like Refugees International (IR) and Médecins Sans Frontières (MSF). Even the World Trade Organisation (WTO) plays a role in managing economic migration. But at the intergovernmental level, the two

the migration governance system with proactive protection policies that would enhance people's trust in international leadership. Although past summits have produced little more than talking points, the prospect for action is better this time, given that the talks have been held in Europe, where the impact of the migration crisis has been deeply felt.

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ability to act. UNHCR interventions fail when countries are uncooperative, as we saw with Haitian and Cuban migrations to the United States in recent decades.

But the UNHCR also suffers from internal shortcomings. Its communication with refugees on the ground is inconsistent. While an increase in UNHCR protection officers would help, it is equally important that the agency get its facts straight. For example, when host countries move to repatriate refugee populations forcibly, without informing the UNHCR, the agency itself looks unreliable, if not incompetent.

The UNHCR, as currently conceived is not the independent, nonpartisan agency it claims to be. Heavily dependent on



A migrant wears a t-shirt saying 'Open The Way' at the border crossing on the Mediterranean Sea between Italy and France. In the last six months alone, more than 2,000 lives have been lost in the Mediterranean.

Unfortunately, in many cases, help is not on the way.

The scale of forced migration today has revealed troubling flaws in the organisations intended to serve as the last line of defence. Weak mandates, insufficient funding, disorganised structures, and the absence of a global governance system have weakened intergovernmental agencies' ability to act with authority in the name of the most vulnerable.

As I argued in Germany this week, G20 leaders meeting in Hamburg on July 7-8 have had an opportunity to reshape

most important players—the Office of the United Nations High Commissioner for Refugees (UNHCR), and the International Organisation for Migration (IOM)—are also under the greatest strain.

For the UNHCR, the challenges are systemic. For starters, it lacks broad enforcement powers, and must rely on government cooperation, which is not always guaranteed in conflict zones or forthcoming from neighbouring states. Countries that ratified the 1951 Refugee Convention have never fully adhered to it in practice, which limits the UNHCR's

donors and host governments to launch relief operations, it is beholden to their interests and does not always have the political support it needs to get the job done.

The other major multilateral migration agency, the IOM, assists in the return of migrants, asylum seekers, refugees, and the internally displaced to their place of origin, or to other countries or regions that have agreed to accept them. But, like the UNHCR, governance issues plague the IOM.

In particular, the IOM lacks a mechanism to evaluate whether national

equipped or not interested in such mobilisation activities as they involve some political risks. Thus, achieving SDGs would require a new breed of advocacy-type NGOs, which will work on a rights-based approach.

Achieving SDGs would also require the localisation of goals. Localisation is a process to empower all local stakeholders, aimed at making sustainable development more responsive, and therefore, relevant to local needs and aspirations.

Development goals can be reached only if local actors fully participate, not only in the implementation, but also in setting and monitoring the agenda. Localising thus would require more than the implementation of SDGs at the local level by sub-national actors; it would also

key guardians of the world's refugees, these two organisations must adapt to today's challenges. Proactive policies on inter-agency coordination and financial burden sharing are essential. Elements of the Refugee Convention, like language on asylum policies, also should be updated to reflect current realities, and both agencies need to develop holistic and consistent policies on refugee advocacy and protection. To this end, the member states of both organisations should support their continued integration within the UN structure, which would give them more tools to influence the causes, not just the effects, of forced displacement.

These are just a few of the governance upgrades that I have recommended for the G20. Both the UNHCR and the IOM could benefit from stronger multilateral support, and the G20 is uniquely poised to offer it. If we cannot end war, famine, corruption, or poverty, then the next best solution is to improve the organisations helping those who flee them.

The writer, Chairman of The Institute for Policy, Advocacy, and Governance (IPAG), an international think tank, led a review of global migration governance for the 2017 G20 summit held in Hamburg, Germany on July 7-8.

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(Exclusive to The Daily Star)