

Arrangement for Rohingya repatriation

The devil is in the details

BANGLADESH has always preferred problem-resolution with its neighbours through dialogue and negotiations. Thus the Arrangement signed between Bangladesh and Myanmar, we feel, is a positive development of sorts. But any optimism that we would like to hold will have to be guarded since like all other mutual understandings the devil is in the details. The success of the Arrangement depends on how effectively the repatriation is completed within a specific timeframe.

It is evident that Myanmar has wilted under international pressure which was being ratcheted up increasingly with newer revelations of Rohingya persecution every day. We are happy to note the support we have received from the West on the matter. And we note the shift in India's stand on the issue from its open support to Myanmar initially. Though China is a good friend of both Bangladesh and Myanmar, it works with the latter on a different equation. Thus the importance of China's role in the quick repatriation of the Rohingyas as well a permanent resolution of the problem, cannot be over emphasised.

Needless to say, given our past experience there is ground for pessimism regarding the final outcome of the arrangement. And it is for Myanmar to dispel all misgivings by taking actions on the ground that would attest to its positive attitude towards fulfilling the objectives of the understanding. Thus, pending the finalisation of the terms of reference of the Joint Working Group, Myanmar must ensure that all violence on the Rohingyas cease forthwith. It must also create a conducive atmosphere for its people to return.

But there are several other issues that must also be thrashed out if the deal has to be followed through. For example, the burden of proof of identity of the forcibly displaced is on the victims. How does one expect people running for their lives to carry their ID? They were living in an apartheid condition with no school to go to or business to run. We feel that the final decision, in cases of disputes regarding eligibility to return should not be left alone to only one of the two parties.

The Arrangement, we must emphasise, does not mean the end but only the beginning of the end. Neither should it mean the end of engagement of the international community with the Rohingya issue. The focus of the world must not be shifted, instead, international pressure on Myanmar for a permanent resolution of the problem must continue unabated.

Banking Companies (Amendment) Act-2017

A disaster in the making

A parliamentary body recently recommended the passing of the Banking Companies (Amendment) Act-2017, which would allow for the number of directors in a bank's board from a single family to double and extend the tenure of directors. We believe that such a move risks concentrating banks' decision-making powers onto even fewer hands and, thus, endangers the wellbeing of the sector and the economic health of the nation in general.

Over the last several years, our banking sector has continually been a hindrance, at a time when other sectors of the economy have done well. Had that not been the case, it is very likely that Bangladesh's economic performance would have been much better.

Despite repeated assurances to address the rapidly increasing non-performing loans, the government still has nothing to show for—defaulted loans again increased by Tk 6,159 crore to Tk 80,307 crore in September compared to the figure a quarter ago. And yet the government continues to downplay allegations and reports of widespread corruption and nepotism taking place in the sector. Amidst all of this, why the government would consider passing an act which would increase chances of greater monopolisation of the banking sector escapes us.

We have already witnessed numerous instances where banks based their lending decisions on connections, rather than on solid business credentials. This has led to turmoil in the sector, the burden of which the government has time and again pushed onto taxpayers. By passing the proposed amendment, the government would simply risk increasing the already existing problems that predictably arise from the concentration of power in the hands of the few.

LETTERS TO THE EDITOR

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Save children from hazardous work

Many countries around the world, including Bangladesh, banned child labour. At an age when children are supposed to receive primary education, many in our country are forced to work, sometimes seven days a week. According to an estimate, there are about 1.7 million child workers in Bangladesh, mostly working in hazardous conditions.

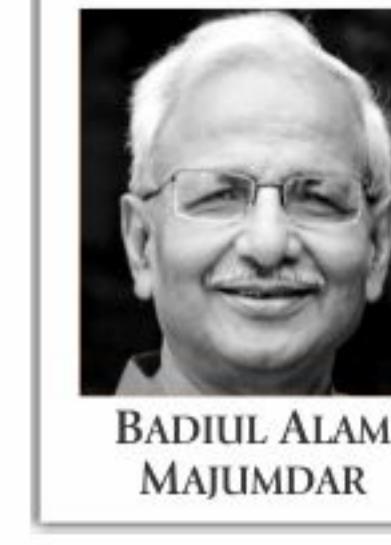
I think every sensible citizen of the country is aware of the danger that child labour poses. Many international and domestic organisations as well as the media have long campaigned to create awareness about it. Yet the practice persists.

Often these children, coming from lower-class backgrounds, have to work to support their families. I think the government should introduce a nationwide child welfare scheme to identify them and fund their schooling and upbringing, as well as create a congenial atmosphere for their respective families so they can also extend support to their children.

Sumon Kumar Paul, By email

ELECTION 2018

Will the EC live up to its mandate?



THE Election Commission (EC) held a post-dialogue press briefing on October 26. At the briefing, the Chief Election Commissioner said that the commission must conduct elections in accordance with the laws made by the government. His statement, although significant, raises serious concerns.

A government is run by the representatives of political parties. In fact, political parties are created with the purpose of being voted to power, forming government, and then remaining in power, ideally to do public service. And this is the way it should be. However, in a society where democratic values are absent, democratic institutions fragile, and civil society either weak or subservient to those in power, governments often remain at the helm by changing laws and rules to suit their narrow, party interests, and bending democratic institutions to that end. The demand for a neutral caretaker government, which was included in our Constitution, arose to remedy this problem.

According to Article 119 (1) of the Constitution: "The superintendence, direction and control of the preparation of the electoral rolls for elections to the office of President and to Parliament and the conduct of such elections shall vest in the Election Commission which shall, in accordance with this Constitution and any other law— (a) hold elections to the office of President; (b) hold elections of members of Parliament; (c) delimit the constituencies for the purpose of elections to Parliament; and (d) prepare electoral rolls for the purpose of elections to the office of President and to Parliament."

Election necessarily means free and fair election. According to the constitutional expert Mahmudul Islam, our "Constitution does not envisage anything else than free and fair election and any law which stifles the hand of the Commission in ensuring free and fair election will not pass the test of constitutionality." (*Constitutional Law of Bangladesh*, Third Edition, p. 973)

The CEC's statement raises concerns because the EC's responsibility is not just to hold elections according to the government's design, but to ensure free and fair elections—elections that would consolidate and institutionalise democratic system. An essential precondition for institutionalising democracy, obviously, is to ensure free, fair and credible elections.

The EC has been created as an independent constitutional body to carry out election-related responsibilities.



Bangladeshi election officials open a ballot box to count votes after polls closed in a polling station in Dhaka on January 5, 2014.

PHOTO: AFP

accountability, there should be no justification for its members, including the CEC, to continue to retain their constitutional positions.

With the dialogue over, the ball is now in the EC's court. It is now the responsibility of its members to assess the recommendations received from the dialogue and elsewhere, and accept the ones that would be absolutely necessary for free and fair elections. The commission's next priority must be to implement those recommendations that are within its jurisdiction.

Elections will be "genuine," in the language of international laws, if such conditions are met.

The EC has been given wide inherent powers to hold genuine elections. Our Appellate Division, in Altaf Hussain vs. Abul Kashem [45DLR(AD) (1993)], stated that "the Election Commission's inherent power under the provisions of 'superintendence, control and direction' should be construed to mean the power to supplement the statutory rules with the sole purpose of ensuring free and fair elections."

We are afraid that our EC is not fully aware of the extent of its powers, nor of the importance of its accountability. A political party is accountable to its members but, as a constitutional body, the Commission is accountable to the people. If it fails in its constitutional responsibility to ensure free and fair elections, it not only fails to perform its duty, but also fails to uphold its accountability to the people. Therefore, if the EC fails to uphold its

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The government may or may not accept the requests of the Commission, although it may be relatively easy for it to accept some of the potential requests.

For example, if the commission requests

the dissolution of the Parliament before elections to ensure a level-playing field, that will be very easy for the government

to accept. Incidentally, in the observations of the 13th amendment judgment, Justice Khairul Huq recommended the dissolution of the Parliament 42 days before the election. It may be noted that currently the mayors and chairmen have to resign before local government elections.

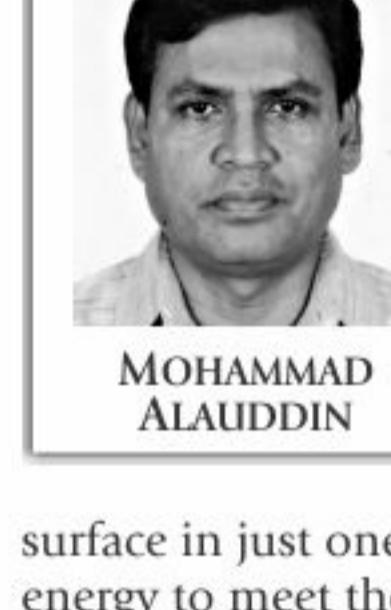
If the government ignores the EC's requests, then it will have to determine whether, under the circumstances, it can conduct free and fair Parliament elections. If it feels it cannot do so, then members of the commission will have to decide whether to go ahead with the election or not. If not, the alternative before the EC members would be to step down, just as the Dr Huda Commission was about to resign before the Narayanganj City Corporation election in 2012.

It is clear that in 2014 the Rakibuddin Commission conducted a one-sided, controversial election, and in the process failed to uphold its constitutional responsibilities and the interests of the people. That controversial election has created many daunting problems that we face today. If the present commission also fails to conduct the upcoming election in a free and fair manner, we may fall off the cliff, from which we may not be able to recover. We hope that all the stakeholders will show good sense and work towards holding a free, fair and credible parliamentary election.

Dr Badiul Alam Majumdar is Secretary, SHUJAN: Citizens for Good Governance.

Power of the sun

Using water bodies for solar power generation



THE sun is the source of almost unlimited energy. Given the sheer scale of the sun's energy, a point is often made in the energy literature that the sunlight striking the earth's

surface in just one hour delivers enough energy to meet the global energy need for an entire year. But the more important point is how to convert solar energy into a controllable, useful form of energy such as electricity.

In the past, scientists were in the dark about how light can produce electricity. It was Albert Einstein who, for the first time, explained the photoelectric effect in one of his 1905 papers titled *On a Heuristic Point of View Concerning the Production and Transformation of Light*. Afterwards, in 1921, Einstein was awarded the Nobel Prize for his discovery of the law of photoelectric effect.

It would take half a century after Einstein's paper for the real breakthrough in putting the theory to practical use. In 1953, scientists at the Bell Labs unveiled the first photovoltaic (PV) cells, otherwise called solar cells, capable of producing useful amounts of power. Since then, solar PV technology attracted attention of researchers worldwide. Recently, scientists at the Bangladesh Council of Scientific and Industrial Research (BCSIR) have been successful in fabricating solar PV cells.

Since its inception, solar PV technology suffered mainly from two disadvantages: high cost and low efficiency. Research and technological development over time have brought about significant cost reductions of solar PV, but when it comes to efficiency, it is still below 20 percent in operative conditions. Due to low efficiency, it requires a huge area for

useful power generation from ground-mounted solar PV.

The latest technological innovation that has minimised the burden of intense land requirement is Floating Solar PV. A floating solar PV system can conveniently be installed on still water bodies such as ponds, lakes, dams and reservoirs. Floating solar PV technology has a number of advantages over land-based equivalents. The foremost benefit is that it takes the advantage of idle water surfaces, and hence there is no direct competition with agriculture or other uses of land. Secondly, floating solar PV panels have higher power generation

low-dust environment. Finally, operation and maintenance costs are also often reduced because the water needed for cleaning is available at source and components are less likely to overheat.

Considering its benefits, around a dozen countries worldwide have set up floating solar PV plants with capacities ranging from a few kilowatts (kW) to as high as 50 megawatts (MW). For example, Japan has installed a 13.7MW floating solar PV plant on a dam reservoir and China has installed a 40MW plant on a lake that formed following the collapse of a coal mine in the Anhui province. Three states of the neighbour-



The 13.7 MW floating solar PV plant on Japan's Yamakura Dam reservoir, the largest installation of its kind in the world.

efficiency, which may be even more than 10 percent, as compared to the ones installed on land, owing to the cooling effect of water underneath the panels.

Thirdly, floating solar panels can shade the water they float on and reduce evaporation which is crucial for water conservation in dry season. Fourthly, floating solar PV is potentially less prone to shading and typically performs in a

ing India—Madhya Pradesh, West Bengal, and Kerala—have installed floating solar PV plants with capacities of 1kW, 10kW and 50MW respectively.

Such systems are fast emerging as an alternative to conventional ground-mounted PV systems, which are land intensive. Deployment of floating solar PV in diverse countries at different scales signals the maturity of the technology to

be replicated elsewhere with similar conditions.

Bangladesh possesses an enormous quantity of water bodies including rivers and streams, lakes and marshes, haors, baors, beels, reservoirs, ponds, and estuarine systems with extensive mangrove swamps. Many of them contain standing water throughout the year, making them suitable for installation of a floating solar PV system. Kapta Lake, the lonely reservoir in the country with storage capacity, for example, appears to be a good site for setting up a floating solar PV system. The country's largest irrigation project, the Teesta barrage project, offers another suitable location for installation of a scalable floating solar PV system.

The abundance of water bodies dispersed throughout the country offers a wider scope and potential for installation of floating solar PV systems, provided the authorities concerned might find them out.

Bangladesh, a land-hungry country, simply cannot afford to keep its water bodies underutilised when there exists a potential to use them for solar electricity generation. Unexploited and non-revenue-generating water surfaces may be turned into commercial solar power plants taking advantage of the floating solar PV technology.

The authorities in charge of the management of water bodies may take initiatives to find out the ones suitable for solar power generation. They may either take steps to set up floating solar PV plants themselves, or let private-sector sponsors set up the same, and then they may sell the electricity to power utilities. A small initiative may launch a long journey to boost up solar electricity generation while ensuring better management of water bodies otherwise left unutilised.

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