

Why is there no law for key EC appointments?

A legal basis is vital for the validity and accountability of those conducting elections

IT may come as a shock to any observer of elections in Bangladesh that there is no specific law for appointments in the key posts of Election Commission, namely the Chief Election Commissioner and other commissioners. According to a report by *The Daily Star*, none of the governments in the last 49 years since the independence felt the need for such a law, despite a constitutional obligation to form one. Instead, many of these governments constituted the EC by appointing persons of their choice. In the absence of a law, the president formed a search committee in 2012 and another in 2017 for appointing CECs and other commissioners.

To be clear, even if there was a law, the decision to appoint would still rest with the president, as the constitution mandates. But the devil is in the details. Without a law laying out the rules and terms of engagement for these vital posts, there are no fixed criteria to determine their qualifications or disqualifications, if it comes to that. This makes their eligibility or lack thereof subject to interpretations, allowing dominant political parties to weigh in with their own agenda. We have often seen how such interpretations failed to reach bipartisan consensus, leading to disputed appointments based on political allegiances. The current practice of forming an ad hoc search committee, according to a constitutional expert, is “nothing but a sham”. It’s not an independent body, nor can it be a permanent solution going forward.

Understanding the questionable manner in which such appointments are made is important because, as past experience shows us, it marks the beginning of a trend in which the Election Commission often acts as an arm of the government, serving the interests of the party in power. All the controversies, electoral fraud and irregularities that marred the past two national elections, and numerous other local and municipal elections, conducted by the two commissions in the last nine years can be traced back to their point of origin.

We agree with experts that there can be no excuse for not having a proper law governing the appointments of CEC and other commissioners. The draft law prepared by the EC in 2011 upon consultation with legal and constitution experts can form the primary basis for formulating such a law. The draft law, one may recall, had suggested that the president should appoint commissioners who are skilled, honest, righteous and neutral. Among other suggestions, it also proposed that one of the commissioners should be a woman. Such an elaborately and sensibly laid out law about the qualifying and disqualifying traits of an election commissioner is especially vital today amidst the widespread backlash over allegations of financial corruption and irregularities against the current EC, which is in its final year now. It’s high time the government took the initiative to form this law to keep the office of the EC above all controversies.

Chattogram city's waste management system in shambles

Where are the waste collectors, and the dustbins?

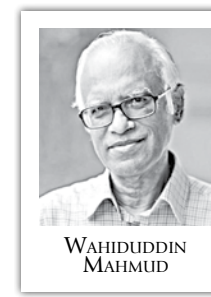
WE are dumbfounded by the situation that has been created in Chattogram city regarding waste collection from households. Reportedly, the garbage collectors of the Chattogram City Corporation (CCC) stopped collecting household waste regularly since the beginning of the pandemic and over time, their absence has only become more frequent. While in an ideal situation, the waste collectors should come to collect waste every day, in the CCC areas, they only come twice a week now. Besides, there are no dustbins in the city areas where the citizens themselves can dump the waste. The result is, residents are being forced to dump all kinds of household waste in open spaces, which is ruining the city's overall environment. Our reporter recently visited some of the areas of the city and found household waste wrapped in polythene bags lying on roads and in front of houses, with dogs, cats and other animals spreading them around.

Reportedly, in 2017, the CCC appointed over 2,000 conservancy workers and started their door-to-door waste collection programme. During that time, the city corporations also removed most of the open and container dustbins of the city. Now that the waste collectors, appointed on a daily wage basis, are not doing their job properly, the port city's waste management system has completely broken down.

The questions that should be asked here are, why are the workers remaining absent from work? Do they have any grievances about their jobs? Are they being paid regularly or not? Could it be that they are engaged in other work, besides waste collection? Are the supervisors, appointed at every ward to monitor the particular ward's waste collection programme, doing their jobs? What was the logic behind removing all the dustbins from the city areas? The Chattogram city authorities must answer these questions in order to solve the problem.

Having a proper waste management system should be the top priority for any city. In the absence of such a system, it is not only the residents who suffer, but the overall environment of the city also becomes polluted. We urge the new mayor of Chattogram to look into the matter and solve the problem as early as possible.

Assessing economic development: An unconventional approach



WAHIDUDDIN MAHMUD

ECONOMIC development can be viewed from different perspectives, but the overriding theme is one of improving human well-being. Although economic development is commonly measured by growth in the gross domestic product or GDP, its shortcomings in representing the well-being of a nation are well-known. GDP ignores non-income aspects of well-being, it does not take into account the environmental damage caused by economic activities, and it tends to ignore or undervalue things that contribute to the quality of life but are not amenable to valuation in monetary terms. The estimation of GDP is based on market prices that reflect society's preferences only at the given distribution of purchasing power in the economy, which is often highly unequal.

The most striking example of market prices not doing a good job is perhaps provided by such precious metals as gold or diamond, which not only happen to be perhaps the least useful among all minerals, but also the mining of which causes huge environmental damage. The idea of gauging economic development by indicators other than GDP, such as the Human Development Index, or other measures that reflect footprints of environmental damage, has grown out of

the dissatisfaction with GDP.

When a visitor from a less developed country arrives at an affluent, or a relatively more advanced country, he can see the difference instantly from casual observation; he does not have to check with publications of the World Bank or the UNDP to find the relative ranking of that country in terms of per capita GDP or the Human Development Index. Knowing what those apparently visible signs of

transport—whether a time schedule is maintained and passengers get in and out at fixed stops and not in the middle of the road, and the very look of the vehicles; (2) How orderly is the traffic—adherence to traffic rules and the extent of sound pollution through honking, whether roads are well maintained and there are not many potholes, how much priority is given to pedestrian facilities, and the extent to which the sidewalks of main roads are

signs of development, such as the outward look of the homesteads, the availability of power supply, or the nature of agricultural implements on farming land.

A visiting economist will, however, be interested to delve deeper, possibly by staying longer in the country he is visiting. What signs will he be looking for to assess the stage of development, and the quality of governance that goes with it? The Nobel laureate economist Douglas North once noted that an economic expert arriving in a developing country should refrain from providing policy advice to the government until he has spent at least six months in that country.

A discerning economist will note how much time, trouble and speed money (that is, bribe) it takes to get even a simple thing done, like getting a permit to stay longer than originally permitted by his visa. Are things done more through personal connections or according to impersonal rules that do not discriminate between the elite and the ordinary citizens? He may be trying to assess the quality of human resources and the education system as reflected, say, in the number of expatriates in technical and managerial positions, and in the quality of the college and university graduates; do many of these educated young seek a job abroad, which may be a sign that the education they have received has not contributed much to their employability at home, and also may indicate their lack of confidence in the country's economic future?

Are there many large-scale infrastructure projects of only “prestige value” but not well-planned to serve their purpose? Even amid a general environment of deficient governance, do there still exist at least some government agencies that are well-resourced, professionally competent and able to work out solutions and act promptly? Such dynamic agencies can potentially set examples for the work culture in other agencies, or at least can act as agents of change in their spheres of activity.

Overall, one may be looking for a system of governance in which there are vertical mechanisms for accountability of the government functionaries at each layer of administration, as well as horizontal coordination across various government agencies. The opposite extreme is perhaps an unwieldy leviathan-like governance structure in which even the well-meaning and honest actors feel alienated; although aware of the pitfalls of the system, they are unable to do anything about it on their own, like the characters in Kafka's novels.

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ILLUSTRATION: BIPOLO CHAKROBORTY

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development are may sometimes help one to have a reality check on the claims of his government regarding economic development, and may also reveal some missing elements of development in his own country.

So, is it possible to list some readily visible indicators of development in a way that a scoring system based on those indicators can reasonably correspond to the degree of development across countries? After all, a student of economics, doing elaborate statistical exercises in measuring and comparing economic development across countries, should not be accused of missing things which even the untrained eyes of a visitor can easily spot. Leaving aside a visitor's first general impression about how orderly the immigration procedures are at the entry airport, the signs of development will be obviously more detectable in metropolitan areas, since that is where economic development has the most impact.

The following could perhaps serve as a tentative list: (1) The quality of public

crowded by hawkers, vendors and makeshift shops; (3) The quality of tap water, the efficacy of the waste management system and the availability of public toilets; (4) The availability and quality of public libraries; and (5) The aesthetic beauty of the main riverside or the lakeside that grows naturally with the development of urban amenities, as distinct from any artificial beautification projects that give a lacklustre look because of poor maintenance.

There may be other candidates for inclusion in the list, but there is also no point of lengthening the list if a single indicator can represent many other hidden indicators. Notice that we have not included such indicators like the degree of air pollution or the number of pavement dwellers, since there may not be a regular pattern to match with economic development (the San Francisco area in the US may have more pavement dwellers than in many cities in poor countries). If the visitor happens to venture into the countryside, there may be a few visible

Why did the Myanmar military overthrow the NLD government?

MOHAMMAD ABDUR RAZZAK

MYANMAR started its democratic journey in 2011 with a quasi-civilian government headed by the retired General U Thein Sein. Before becoming President, he worked as a member in the military junta's State Law and Order Restoration Council (SLORC) in 1997. Later, he was made the Prime Minister in General Than Shwe's cabinet (2007 to 2011). Ahead of the general elections in 2010, General U Thein Sein, along with 22 other military officials, were sent on retirement from the Army to form and lead the Union Solidarity and Development Party (USDP). USDP won the majority in a controversially contested election in 2010. General U Thein Sein was sworn in as the 8th President of Myanmar on March 30, 2011.

Myanmar has a somewhat unique system of state governance. Two governments—the elected civilian government and the standing military government, run the country. While the civilian component of the government is elected by the people, the country's “standing military government” is conferred by the military drafted constitution in 2008. A military-run referendum passed the constitution.

The key components of the standing military government are the choice of one of the two Vice-Presidents, 25 percent of parliamentarians to be selected from the military, and three key ministers and five out of 11 members of the National Security Council to be selected from the military. All of these are appointments made by the Commander in Chief (CC) of the Myanmar Defence Services.

According to the constitution, 25 percent of the members of parliament in the Upper House, Lower House and in all State Parliaments shall be from the military. The CC appoints “military parliamentarians” who do not have any association with the common people in the country. They take directions from the office of the CC and work in close collaboration with the military-backed USDP. The military and USDP parliamentarians are two sides of the same coin. The military-drafted constitution has exceptional provisions, like allowing the military to seize state power whenever the CC thinks that

national security is at risk, requiring more than 75 percent of votes in the parliament to change any provisions of the existing constitution, Presidential prerequisites targeting the barring of Suu Kyi from becoming President, etc. The constitution provides the military with *de facto* control over the civilian component of the government.

The CC appoints three key ministers—the Ministers for Defence, Internal Affairs and Border Security Affairs, all of whom report to the CC. The armed forces of Myanmar are not accountable to the civilian component of the government.

and take” deal. Suu Kyi joined the cabinet as State Counsellor and became the *de facto* head of state and the government. Senior General Min Aung Hlaing, who was to retire in 2015, continued for another five year term.

The strained relations between the two worsened following a move in January 2019 by the NLD to change certain provisions of the constitution that empowers the military. It was one of their election promises. The move did not succeed. The military viewed the move as a direct threat to its authority and influence in national politics and

delay of the vote due to the Covid-19 pandemic. The UEC also turned this down. We all know what happened next, after the election results came in. The Commander-in-Chief addressed the people of Myanmar on February 08, 2021, justifying the ousting of the NLD government. The address was dominated by the “huge account of fraud in the November 2020 elections”. He alleged that “The UEC failed to take complaints into consideration many times. Political parties sought the assistance of the Tatmadaw, which is taking part in the leading role of national politics.” Before the military takeover on February 1, True Information News Team, the propaganda platform of the military, had been propagating allegations of election fraud since the declaration of results by the UEC. Threats of a military takeover of the government were aired during a press briefing in Nay Pyi Taw in January 2021.

According to an online report in *The Diplomat*, “...the military launched the coup because it was wary and paranoid over its loosening control over the country's legislative decision-making powers.” The NLD's landslide victory in the most recent elections in 2020 is also a huge cause of concern for the military. Perhaps it was viewed a big step forward towards putting the military out of national politics by 2035, which Suu Kyi envisioned.

Ahead of the elections, Senior General Min Aung Hlaing reshuffled the military's higher echelons to keep control over the army after he retires. There were media reports and commentaries about his ambition to become the President of Myanmar. Military and USDP votes would not be enough to usher in the Senior General as the President of Myanmar. There was no good reason for the NLD to elect him either. This was perhaps also a serious conflict of interest between the Senior General and the NLD. Fear of losing the control over state affairs seem to have led to the military coup on February 1, 2021. Senior General Min Aung Hlaing formed 16 member State Administrative Councils on February 2 to govern country, and Myanmar returned to the junta's rule.

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File photo of Min Aung Hlaing with Aung San Suu Kyi.

PHOTO: AP

NLD participated in the second parliamentary elections held on November 8, 2015, and won 330 (out of 440) seats in the House of Representatives (Lower House) and 168 (out of 224) in the House of Nationalities (Upper House). The tug of war between Aung Sun Suu Kyi and the CC began at the formation of the government. Suu Kyi was barred by the constitution to take the office of the President. There were long and complex negotiations behind the scenes to strike what seemed to be some sort of a “give

governance. As elections were closing in, the dispute between the military and the NLD government widened on electoral issues. For example, the military demanded not to shift polling stations which were within the cantonments/military establishments for the military personnel and their families. This would ensure that no one from the military votes outside the military-backed USDP candidates. The Union Election Commission (UEC) ignored this demand, much to the anger of the military. The military also demanded a