

DHAKA TUESDAY FEBRUARY 24, 2009

# Fighting corruption: Consensus to crossroads

IFTEKHARUZZAMAN

**C**ONTROL of corruption was one of the key demands for which the people of Bangladesh raised their voice loud and clear in the form of a national consensus emerging from the general election to the Ninth Parliament held on December 29, 2008.

### National consensus

The anti-corruption stance occupied the centre-stage of the election campaign by all political parties across the board. It also formed the core of public discourse, media reports and commentaries, and above all voters' choice. Influence of corruption and black money in politics was among the prime concerns that led to the amended Representation of the People's Order (RPO) achieved through some serious efforts by the Election Commission engaging various stakeholders including political parties, researchers, academe, civil society organisations, business and other professional groups. The extraordinary media coverage in the build-up to the election demonstrated very clearly the crucial importance of challenging corruption in terms of public expectation.

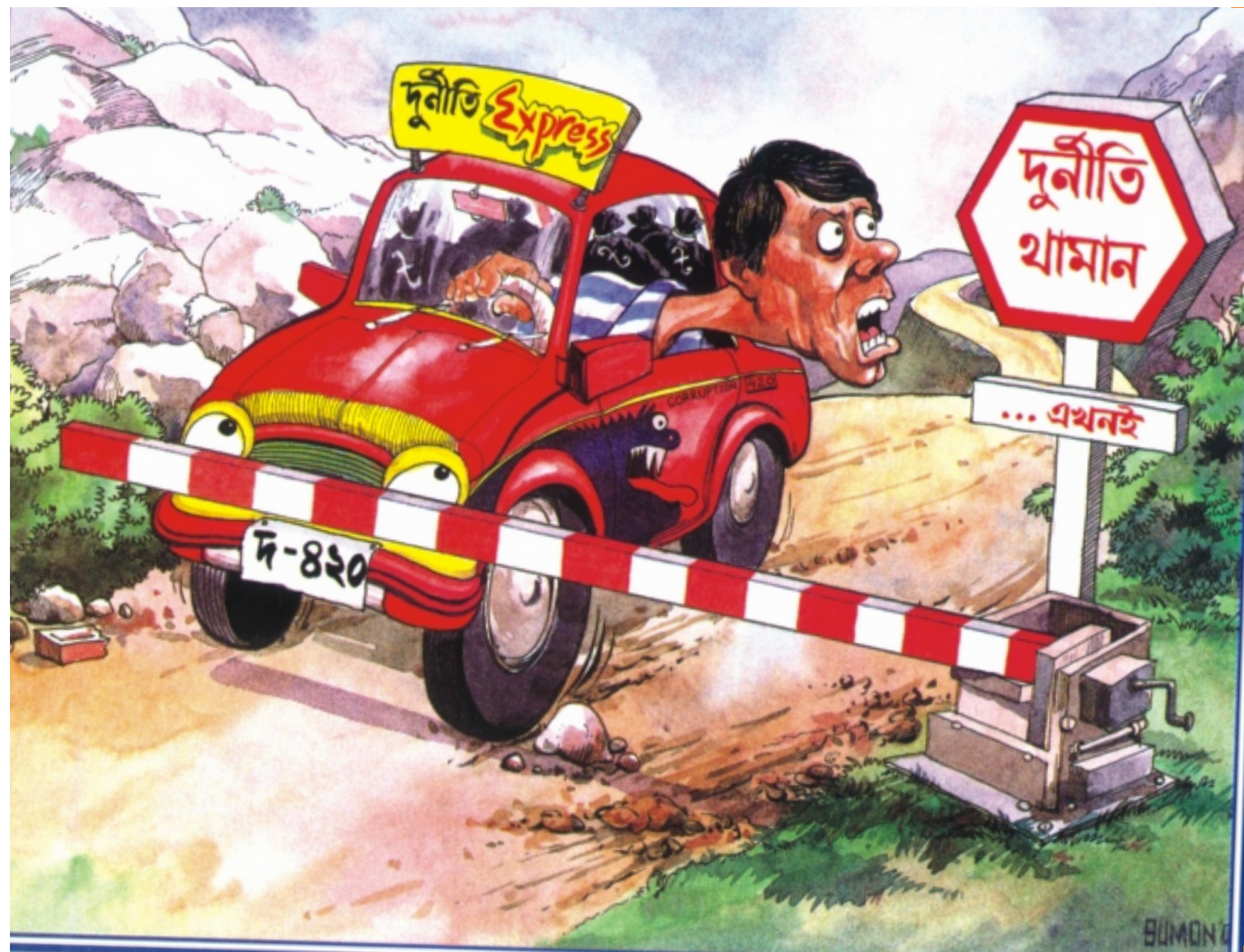
That the election was highly credible by any standard has been sufficiently documented. While the people of Bangladesh have once again demonstrated their unqualified penchant for participatory democracy, they have also voted the 'grand coalition' led by the Awami League (AL) to power with three-fourths majority reposing their trust on the AL which was clearly most effective in capitalising the issue of corruption.

### Commitment to change

The AL built its election campaign on the public concern against corruption that has been deeply rooted and widely spread over the years. The AL also promised effective action on such other issues of national priority as food price, law and order, use of religion in politics, religious militancy and trial of war criminals. The party also appealed to the young first time voters who formed 30 percent of the electorate thanks to its commitment to change under vision 2021.

### The key steps

The first major step in controlling corruption seems to have been taken. This we say, because anywhere in the world where corruption has been effectively controlled, top level political will and government commitment have been the key catalyst. The next two major preconditions, of course, are making corruption punishable and establishment of rule of law, which can be guar-



anteed by effective functioning of the key institutions of democracy and national integrity system, about which the AL spared no effort to make specific commitments. The fourth important element is of course the anti-corruption demand from the people which has been loudly voiced, but must be sustained in the form of a social movement.

### Awami League's anti-corruption pledges

A close look at the AL manifesto for the 9th Parliament elections makes it easy to realize how it gave preeminence to the issue of anti-corruption. At least 14 specific commitments stand out. These are: 1) making the parliament effective so that the government can be held accountable; 2) annual disclosure of wealth statement and source of income of the Prime Minister, members of the cabinet, Parliament members and their family members; 3) ensuring genuine independence and impartiality of the judiciary and the rule of law; 4) effectiveness and independence of the Anti-corruption Commission; 5) administrative reform to make it pro-people and free from politicisation; 6) efficiency and merit to be established as the basis of appointment and promotion in public service, and curtailing the discretionary powers of officials; 7) introduction of right to information; 8) e-governance; 9) police and other law enforcing agencies to be kept above political influence; 10) competitive market system in commerce and industry to be established by eliminating bribery and administrative difficulties and breaking the state or private monopoly; 11) strong measures against those having unearned and black money, loan defaulters, tender manipulators, and users of muscle power in every stage of state and society; 12) effective Human Rights Commission; 13) appointment of Ombudsman; and 14) introduction of Citizens Charter in every department and widespread computerisation.

### Need for a policy framework

Clearly, these are very well-conceived measures that need to be in place if Bangladesh has to make a genuine progress in fighting corruption. Given the high-profile political commitment and all the specific promises, which

need to be placed in a strategic vision and policy framework, expectations will rise for specific progress on the ground, which will depend on a number of factors.

At the political level, commitment is one thing, while delivery can be quite different. The main difficulty in fighting corruption lies in the fact that corruption involves abuse of power. Although it can never be said that everyone in positions of power indulge in corruption, those who do so manage to abuse power either directly or indirectly. Within or outside the government, the corrupt not only have access to power, they are also creative and innovative. Therefore, whether the incentives to indulge in corruption have been genuinely curtailed or are only waiting to resurface soon, and whether commitments can be genuinely translated into actions without fear or favour remain to be seen in the days to come.

### Challenging impunity

The most formidable task ahead in this regard would be to effectively challenge impunity by enforcing the rule of law. Whether it is with respect to the cases of corruption already under the jurisdiction of the courts or for any other allegations of corruption, the law must be allowed to take its own course without any political or other forms of influence or intervention. Corruption cases must be handled by the due judicial process. Much remains to be achieved in terms of the capacity and integrity of the justice system, but any effort to influence the judicial process by partisan political or other means shall be counterproductive. One abuse of power cannot justify another.

### The anti-corruption commission (ACC)

Among other institutional factors that are indispensable for any real progress towards effectively controlling corruption is the Government's delivery in terms of fulfilling its commitment to ensure the independence and effectiveness of the ACC. There is no denying that in Bangladesh a watchdog body like ACC will be as effective and credible as it is supported by top-level and unbiased political and Government commitment. In order to function with operational independence free from political or any other

influence the Commission will have to depend on the legal and institutional structure created for it by the Government.

The experience of ACC in this regard has not been too encouraging. It is well-known how the Commission was made ineffective at birth by the BNP-led Government of 2001-6 both by restricting its operational independence and by appointing Commissioners on partisan consideration. The reconstitution of the Commission under the post 1/11 Caretaker Government and amendments made to the Anti-Corruption Act enabled it to challenge the culture impunity in a manner that the Prime Minister Sheikh Hasina acknowledged in her statement on February 5 to the Parliament as a necessary shake-up.

There are good reasons to debate the successes and failures of the Commission in the Parliament and outside. Indeed the Parliament, in our view, should be the body to which the Commission should place its annual report for debate, not the president as the Act presently provides. An institution mandated to fight corruption cannot establish full credibility unless there are in-built well-designed and fully transparent processes of accountability for its own work.

However, such debate on accountability of ACC must be fully objective, non-partisan and dispassionate, without being influenced by preconceived notions. One cannot wish away the fact that there were more than one power centre that shaped the policies and actions during the period of Caretaker Government, more so in terms of the anti-corruption drive itself. Questions may be raised whether the Commission had the full operational independence even under the Caretaker Government, or whether all that happened in the name of the then anti-corruption drive can be attributed to the ACC. To say the least, the way the high-profile individuals were taken to custody and denied bails upto a certain stage, and then subsequently awarded the same in a record-speed did not leave positive commentary about a government that took the most important step towards separation of the Judiciary, nor did it send the proper signal for the then Government's commitment to the rule of law or even to the cause of anti-corruption.

Therefore, when the Prime Minister talks about reconstitution of the Commission she cannot be hopefully meant to suggest chopping off the head because of a headache. Understanding that the Government is serious about investigating into the so-called minus-two formula and alleged targeting of politicians in the name of anti-corruption drive, it will need to go deeper than looking for scapegoats in ACC.

We read important positive messages in the Prime Minister's emphasis on independence, effectiveness, accountability and transparency of the Commission. Therefore, the last thing the people would like to hear from the Government is anything that undermines the credibility and effectiveness of the Commission as an institution, which would only be interpreted as erosion of the pledge to control corruption.

### Effective parliament

Effectiveness of the Parliament has become a matter of extraordinary importance especially in view of the relatively small size of the opposition in the ninth Parliament. The ruling party's commitment to offer the position of the Deputy Speaker to the opposition remains unfulfilled. The Standing Committees in the Parliament should be formed in the very first session with the chairpersonship of some of the key Committees including the Public Accounts Committee and vital Ministries offered to the opposition. On the other hand the Opposition must also abandon negative politics and engage in positive and constructive contribution to the proceedings. Without effective functioning of the Committees the possibility of holding the government accountable will never be fully realised.

A Parliamentary Code of ethics should be adopted and enforced with special emphasis on monitoring of possible violations conflict of interest principles. The office of the Parliamentary Ombudsman as provided in the Constitution must be appointed without delay. To ensure free speech in a lively parliament and to promote integrity of parliamentary practice, Article 70 of the Constitution should be reviewed to make room for expressing independent views even if

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# Civil society role in building citizen awareness

DR. BADIUL ALAM MAJUMDAR

PRIOR to the recent parliamentary elections, large numbers of print and electronic media journalists went to the nooks and crannies of the country and interviewed many citizens from all walks of life. One thing remarkable about these interviews was that almost all who were asked about the elections stated unequivocally that they would vote for only clean candidates. More specifically, they would not vote for anyone who was not honest, competent and dedicated to public service, and, if necessary, they would cast negative votes. Large number of citizens also forcefully stated that they would vote against religious extremists and war criminals. They would support only those who wanted reforms and changes from the status quo. Such was the sentiment of a large segment of our citizens irrespective of their age, education, location and social standing, which ranged from uneducated housewives in distant villages to urban elites.

Similar voter assertiveness, it must be noted, was visibly absent even a few years ago. Even the issues of corruption, clean candidates, war crimes etc. were not relevant in the past they became important only in recent years. In fact, until recently most citizens, except the diehard supporters of political parties, were quite resigned. Many of them thought that their views and opinions did not matter and they themselves did not count. Unfortunately such dejected views became an increasing phenomenon over the years.

How did this change a clear and assertive stand of many voters on important issues before the recent elections come about? What caused issues, rather than personalities or slogans to become important? Also, who are these voters with such forceful opinions?

There is little doubt that the media played a central role in molding public

opinion and gave voice to many citizens. In the last few years, more than half a dozen private satellite television channels entered the market and they had to scramble for contents to fill the airwaves. Consequently, they designed many new programs, including regular newscasts, midnight talk shows such as “Tritiyo Matra” and free-flowing discussions on various issues using formats like the “BBC Sanglap”. In fact, watching talk-shows and discussion meetings on various issues has become a favorite pastime for many citizens in recent years. Even Bangladesh Betar and Bangladesh Television entered the foray during the Caretaker Government. BTV not only aired talk shows but also allowed programmes like “Janatar Katha,” which performed the role of a citizen’s parliament. Some private FM radio stations joined them in recent years. In the print media also there was intense competition in the last few years with some prominent entries into the market using the financial backing of large corporate houses. Such competition forced all newspapers to look for new contents and pursue own niches.

The almost unhindered freedom that the media in Bangladesh enjoyed over the years allowed them to experiment with new types of programmes. The experiment included in-depth coverage of issue-based discussions such as seminars and roundtable meetings and pursuing campaigns, sometimes in partnership with civil society organisations, on social and political issues such as the clean candidate campaign.. In fact, media activism has become an important phenomenon in the last few years.

Non-partisan citizen groups such as SHUJANCitizens for Good Governance, Nagorik Committee, TIB and many distinguished individuals provided contents for the media which the latter readily used, although sometimes with partisan twists by some media houses. These contents came out in the process of many civil society interventions. Sometimes con-



tents were developed in partnership with the media. Contents also came from political parties, although they were viewed by many as mere political rhetoric and hence enjoyed less credibility.

One of the first significant civil society interventions for creating mass awareness on electoral issues dates back to 2002 when a group of us formed the Citizens for Fair Elections (CFE) with the intention of helping elect clean candidates in the impending Union Parishad (UP) elections. Based on consultations with many voters, we developed a questionnaire to seek information from candidates regarding their background such as education, profession, income, criminal records, assets and liabilities etc. Using the questionnaire, the CFE volunteers collected information from candidates and used the information to prepare candidate profiles, which they turned into posters and leaflets for distribution among the voters. The volunteers then arranged “Candidate-Voter Face-to-Face” meetings where candidates had a chance to present their election “manifestos” and voters had the opportunity to ask them questions. Despite the warning that seeking such information would put our volunteers’ safety at risk, the exercise was successfully carried out in 55 UPs, and the work received a great deal of acclaim from various quarters. A subsequent survey also showed that a significant proportion of voters changed their voting decisions based on the information they received. The same exercise was subsequently conducted in several Paurashava elections.

Another far-reaching initiative toward creating mass awareness was the launching of a campaign for political reforms in Bangladesh in September 2004. It was launched jointly by SHUJAN (which is the new name for CFE) and The Daily Star. Later The Prothom Alo joined the campaign and in a subsequent joint roundtable discussion held in April 2005, a comprehensive set of reform proposals was presented. The proposal detailed reforms of the electoral process, the Election Commission and political parties, and also the requirement for the disclosure of antecedents of candidates. Subsequently similar roundtable discussions and workshops on reform issues were held all over the country, which have been continuing to-date. Rallies and human chains in support of such reforms were also held throughout the country. In addition, SHUJAN launched unique initiatives like “Election Olympiad” and “Electoral Debates,” abridged versions of which were televised by Channel-i as part of its public service initiative. All these initiatives helped identify issues which were highlighted by the media leading to public education and awareness. In fact, all these efforts helped foment a movement for change from the status quo.

One milestone event in molding public opinion was the High Court judgment of 2005, in response to a writ petition filed by a group of lawyers, which required candidates for parliament elections to disclose a set of personal and financial information about themselves and their families. An appeal was filed against the judgment on behalf of an imposter named Abu Safa, using fraudulent means. SHUJAN unearthed the fraud and brought it to the attention of the Court, and, after much drama in the highest judiciary, the judgment was upheld. The Court proceedings invited much publicity which created mass awareness and a strong public sentiment in favor of the issue of clean and competent candidates.

Following the initial Court judgment, efforts were

made by SHUJAN volunteers to implement it in five by-elections, despite non-cooperation by the EC led by Justice M.A. Aziz. The summaries of affidavits submitted by the candidates were distributed to voters by SHUJAN volunteers and “Candidate-Voter Face-to-Face” meetings were arranged in three constituencies. These activities, after much persuasion, received significant media attention, contributing to the mass support for disclosures as a means to identifying clean candidates. In the course of these initiatives, it may be noted, SHUJAN units cropped up in many parts of the country and it truly became a platform for those who wanted to change the status quo and were willing to take actions to that end.

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# Civil society role

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Process of Creation of Public Awareness		
Creation of public opinion/awareness	<= Media coverage	<= Civil society initiatives
<ul style="list-style-type: none"><li>• In favor of honest, clean and competent candidates</li><li>• In favor of reforms of the electoral process and institutions</li><li>• In support of strong local government</li><li>• In support of negative vote</li><li>• Against hooliganism</li><li>• Against religious extremists/war criminals</li><li>• Against corruption</li></ul>	<ul style="list-style-type: none"><li>• Coverage of issue based roundtables/debates/election olympiad etc</li><li>• Coverage of citizens' dialogues</li><li>• Coverage highlighting candidate profiles</li><li>• Coverage of EC dialogues</li><li>• Hosting talk shows</li></ul>	<ul style="list-style-type: none"><li>• Clean candidate campaign during UP/Paurashava elections</li><li>• Campaign for political reform</li><li>• Campaign for strengthening local government</li><li>• Legal battle for disclosures</li><li>• Legal battle on electoral rolls</li><li>• Clean candidate campaign by Nagorik Committee</li><li>• Citizens Dialogue / Candidate-Voter Face-to-Face Meetings and distribution of candidate profiles during local elections</li><li>• Citizens Dialogue / Candidate-Voter Face-to-Face Meetings/ distribution of candidate profiles during Parliament elections</li></ul>

A watershed event in creating public awareness for change was the fiasco involving the electoral roll. It may be recalled that after the reconstitution of the EC with Justice Aziz as the CEC, the EC prepared a fresh electoral roll with more than nine crore voters. The authenticity of the electoral roll and the manner in which it was prepared generated considerable controversy and the matter was ultimately brought before the High Court for decision. SHUJAN prepared a database of the entire electoral roll and uploaded it on its website, [www.shujan.org](http://www.shujan.org), and in the process helped demonstrate inaccuracies in the electoral roll. This massive task of posting over nine crore names was reported in Time magazine and this initiative ultimately paved the way for the preparation of a permanent electoral roll with photographs a task acclaimed by all concerned. The drama surrounding the electoral roll caused a media uproar leading to widespread voter outrage.

In March 2006, a partnership of CPD, The Prothom Alo, The Daily Star and Channel-i launched a clean candidate campaign around the country to delineate “the role of civil society in accountable development efforts” and a “Nagorik Committee” was formed with a group of the most distinguished citizens of the country. The Committee held 15 “Citizens Dialogue” in different locations and received widespread

media coverage, creating demands for clean politics. The Daily Star also, in January 2006, held a seminar with the same theme featuring Professor Muhammad Yunus to celebrate its ...th anniversary.

After the second Caretaker Government took over in January 2007, SHUJAN submitted a comprehensive draft to revise The Representation of People Order, 1972 to ensure free and fair elections and focused its attention to creating public opinion for the proposed reforms. These efforts gave new impetus to the movement for change that was already underway. It may be noted that a big breakthrough in public opinion came with the news conference held by Awami League President Sheikh Hasina on behalf of the Fourteen Party Alliance in July 2005 in which she proposed a unified outline for reforming the Caretaker Government, the Election Commission and the electoral process for free and impartial elections issues that were already identified by civil society organizations like SHUJAN. This received a further boost with her declaration in November 2005 of a unified minimum program on behalf of the Grand Alliance.

Strengthening local government is another issue that received media attention and galvanized popular support in recent years. A good number of academics and thoughtful citi-

zens and organizations like The Hunger Project have been for quite sometime advocating reforms to strengthen our local government system. The last Caretaker Government, primarily due to the advocacy of SHUJAN, formed a Committee which recommended major changes in the present system. Nearly two dozen consultation meetings were held by the Committee and several roundtable meetings were also organized by SHUJAN, Governance Coalition, Democracy Watch and others. These events, covered extensively by the media, made strengthening local government a major issue with widespread public support.

Corruption has always been a big issue in our society. But because of the politicalization of crime and criminalization of politics, it has become an all encompassing problem and the most important issue in our recent parliamentary elections. Transparency International-Bangladesh (TIB) played a critical role in bringing this issue to the forefront and gaining widespread media coverage. Corruption Prevention Committee (CPC), SHUJAN and many other groups and individuals also played a significant role in making corruption an election issue.

Another important civil society initiative was launched by the Sector Commanders' Forum in 1997 calling for the trial of war criminals. This initiative caught the imagination of many citizens and was quickly echoed by many citizen groups. In fact, thanks to the widespread media support, by election time this issue was on the lips of many voters.

A major initiative by SHUJAN on the eve of elections attracted considerable media attention. SHUJAN volunteers collected the affidavits and tax returns, if applicable, of all 1566 contestants, prepared candidate profiles and distributed them in all 300 constituencies. Leaflets and posters were also distributed urging voters not to vote for candidates with tainted backgrounds. Several news briefings were held to share with the media the candidates' profiles. They were also posted on the website: [www.votebd.org](http://www.votebd.org), which was widely visited by newsmen and other

interested stakeholders. The website also includes an archive of over 5,000 stories of political criminalisation published in major national dailies in the last few years. The media widely used the information and highlighted the criminal records, educational qualifications, financial background etc. of the candidates. Some enterprising newsmen also prepared investigative reporting using the information compiled by SHUJAN. All these activities and information generated an innumerable number of media stories and reports which helped many voters make informed decisions.

SHUJAN volunteers also arranged “Candidate-Voter Face-to-Face” meetings in 87 constituencies throughout the country, some in partnership with CCC (Committee of Concerned Citizens) formed by TIB and CPC. In these unique events candidates signed a declaration promising, among other things, to stay away from corruption and hooliganism, disclose their assets and liabilities each year, and not to interfere in the affairs of local government etc. The most distinguishing aspect of these events is that all the voters present took a oath that they would vote for “candidates who are honest, competent and committed to public service.” That they “would not sell their vote for money” nor would they vote for the “corrupt, hooligan, tool collector, liar, war criminal, abuser of women, drug seller, smuggler, convicted criminal, loan defaulter, bill defaulter, misuser of religion, land grabber, black money owner ...” Many voters were deeply moved when they pronounced the words contained in the oath.

SHUJAN volunteers developed two other tools for its awareness campaign. They developed a video entitled “Vote For Whom?” which was played in different areas of the country. They also developed “SHUJAN in Songs” a package of songs to articulate various issues. These songs were used by many SHUJAN units around the country and they were quite effective in creating voter awareness of issues.

The innumerable number of post-editorials and articles published in major newspapers and magazines on various issues in the last few years

made a significant contribution toward creating public opinion for change. As I recall, when we started generating reform ideas in 2002-03, the media published almost nothing on reform and the relevant issues. To remedy this void, I myself became a newspaper columnist and over the years wrote several hundred articles in major dailies articulating almost every reform issue. We also tried to encourage others to write columns and provided materials.

Obviously many voters were impacted and their voting decisions affected by the interventions of the civil society and the coverage of those interventions by the media. But, who are these voters? What are their identities?

Some simple arithmetic can be used to identify the segment of voters most influenced by the civil society interventions. According to knowledgeable observers, nearly a third of all voters are diehard supporters of Awami League, a similar percentage have allegiance to BNP. Other parties, including Jatiyo Party and Jamaat-e-Islami supporters account for roughly another 15 percent of the voters. Thus, between 20 to 25 percent of voters, many of whom are young, are not loyal to any political party. During the recent parliamentary elections, the issues articulated by the civil society and publicized by the media found expression in this segment of voters, and they gave the Grand Alliance a thumping victory. This support, it must be noted, may disappear if the government fails to deliver.

To conclude, it is clear that the people of Bangladesh were fed up with the governance failures and criminalization of our politics by successive governments and they have been yearning for change. Civil society organizations like SHUJAN defined issues that needed to be addressed for that change. The media gave expression to these issues and those expressions became the voices of the people. Needless to say, the Grand Alliance embraced those issues and the rest is history.

Dr. Badiul Alam Majumdar, Secretary, SHUJAN (Citizens for Good Governance).

# Fighting corruption

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contradictory to one's party position except on such instances as voting in the budget session or impeachment motions.

## Administrative reforms

As far as administrative reforms are concerned, much would depend on the extent to which anti-corruption agenda can be mainstreamed in the public service. The Finance Minister's announcement to set up a permanent pay commission is a step in the right direction, but only partial. Reform of salaries and benefits of employees in the public sector so as to make these consistent with the rising cost of living and sufficiently competitive to attract the best candidates is indispensable.

But equally, if not more important are specific measures to free public service from the partisan political influence. If appointments, promotions, rewards and punishments are determined on the basis of anything other than merit, efficiency, performance and other professional qualities the possibility of integrity in public service will remain a far cry. The Public Service Conduct Rules must be drastically reformed to introduce a comprehensive code of ethics and integrity that would institutionalise positive and negative incentives against cor-

ruption.

I have already argued elsewhere that the scope of work of the proposed permanent pay commission should be expanded to give it the mandate of a Public Service Integrity Commission. It should on the one hand have a comprehensive set of jurisdictions including salaries and benefits such as a built-in system of cost of living adjustment, housing and rationing, and on the other hand a set of strictly enforceable codes of conduct to prevent erosion of integrity in public service and to promote zero tolerance against corruption and other forms of abuse of power.

## Private sector

Among the key actors of corruption there is almost invariably a third and crucial actor in addition to politicians and public officials, namely the private sector which acts as the supply side of the win-win game. As a State Party to the UN Convention against Corruption (UNCAC), Bangladesh is under obligation to criminalizing not only private to state sector corruption but also corruption within the private sector. To what extent such commitments will be fulfilled and whether effective motivations can be in place to promote integrity and anti-corruption practices in

the private and non-government sector is anybody's guess.

## Right to information

No anti-corruption campaign can succeed and be sustainable without freedom of information, the mother of all freedoms. Right to information is among commitments of Bangladesh under the UNCAC, as are those for strengthening the institutional capacity and policy framework to combat corruption. The Government must move ahead fast in fulfilling its electoral commitment to ensure right to information (RTI) by adopting the RTI Ordinance as an Act with due amendments, especially with the inclusion of provision for whistleblower protection and expanding the jurisdiction down to the lowest tier of local government, e.g., the Union Parishad. Appointment of sector-wise Ombudsmen as per Article 77 of the Constitution can make a difference in ensuring accountability, especially in the key sectors of public service delivery.

## At the crossroads

As the new Government settles down and takes full charge, it remains to be seen as to what extent it will develop the capacity and political acumen to deliver the expectations raised. Bangladesh, therefore, stands at the

crossroads in terms of potentials of corruption control. Empowered by the extraordinary popular mandate, it is a historic opportunity to create solid foundations to control corruption. On the other hand, failure to properly handle this mandate may lead to deep frustrations and outcomes that can be highly counter-productive for the future of anti-corruption movement in the country.

The people of Bangladesh have once again given the message that they love to exercise their democratic right. They have also demonstrated their capacity to turn heroes into zeroes if they fail to meet public expectations, which most observers would expect the new Government to remember throughout its tenure.

## Post-script: A global exception

Bangladesh has made history once again. No other country in the world has achieved what we have - the extraordinary feat of simultaneously having women as the Head of the Government and the Leader of the Opposition for four successive democratically elected governments has been reinforced by the fact that four key ministries - Home, Foreign, Agriculture and Labour - are headed by women, not to speak of the several others held by the Prime Minister.

These are not necessarily indicative of women empowerment per se in the ground level, though no one can deny that openings in that direction have been reinforced.

But this unprecedented accession of women to the highest echelons of power has added new impetus to the prospect of controlling corruption. Numerous international behavioural studies have found women to be more trust-worthy and public-spirited than men. Results of such research suggest that women should be particularly effective in promoting honest government. There are also evidences in cross-country research that women are less likely to be involved in bribery. It has also been empirically found that the greater the representation of women in parliament and top leadership and policy-making position, the lower the level of corruption. Bangladesh has therefore created for itself new opportunities to contribute to the thesis that anti-corruption movement stands a better chance of success in situations where women are more empowered.

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DHAKA TUESDAY FEBRUARY 24, 2009

# Managing outside actors and minimising interference

SYED MANZOORUL ISLAM

**L**IKE most low-income countries struggling to maintain a sustained growth for graduating into the middle income bracket, Bangladesh has to depend on outside actors such as donors, multinational corporations and non-governmental organizations (NGOs) who, for a host of reasons, often find it convenient to interfere in the country's internal affairs, even to the extent of dictating terms. Not that all these interferences are tolerated or heeded there is indeed a great deal of resistance from the civil society and socio-cultural bodies, as well as from government agencies, but the supervisory role of outside actors has never been seriously challenged. Bangladesh has to depend on these actors for funding many of its development projects and for assistance in expanding its export base. Besides, support of these actors is necessary in safeguarding Bangladesh's interests abroad, such as the welfare of its expatriate citizens in European, North American and Middle-Eastern countries, for ensuring continued involvement of its peacekeepers in different flash points of the world, and for securing uninterrupted supply of fuel, food grains and other necessities in both normal and crisis situations. In a globalised world where Bangladesh's development depends on its ability to mobilise and manage financial and technical resources, a smooth relationship with outside actors is considered essential.

From a security standpoint too, the country has to maintain the best of terms with such powers as USA and India. And in the power and energy sector, where Bangladesh lacks both technical expertise and financial resources, the role of the multinational oil companies, who often work in tandem with their home governments, becomes indisputable. Hardly any

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sector of Bangladesh economy and development remains immune from outside involvement. The more the involvement, the stronger the tendency among these actors to interfere and regulate things according to their own interests.

In a world sharply divided into wealth and technology rich and poor nations, outside actors such as those mentioned above are seen to increasingly encroach upon the functions and privileges of poorer nation states. Many countries in North America and Europe have traditionally performed donor roles some for constitutional obligations, others to assist their markets to expand while maintaining the mask of benign helpers, and, until 1989, to counter Marxist ideologies which were seen to be a threat to capitalist enterprises. Multinational corporations always strive to establish their market share in countries like Bangladesh whose production bases are not strong enough to counter over-

seas encroachments into their economies. In the process, the growth of local industrial and financial enterprises is stifled. International NGOs also get involved in implementing projects and providing services that are difficult to carry out nationally because of resource constraints, and often seek to influence government policies. Such NGOs also work as donors to local NGOs, and become their life line. NGOs, we may add, are among the biggest job providers in Bangladesh.

In a globalised economy, developing countries often compete against each other to attract mobile capital and foreign direct investment. In the process, they have to make vital concessions that lead to loss of state autonomy, since providers of such capital usually influence policies to make them work to their advantage. Economic treaties that poorer countries sign with their richer counterparts usually favour the latter in the long run, although there may be some short-

term benefits as initial justification. Then there are interferences in the affairs of the poorer countries by the richer ones for perceived or real security threats, and for protecting human rights which often is defined in terms that favour the richer countries but appear flawed and hypocritical upon close scrutiny. One remembers the incident a few years ago when the FBI picked up a suspect from a street in Dhaka and flew him to USA without the knowledge of the law enforcing agencies here. Let Bangladesh Police try doing that with someone it wants back from USA and see what happens! Bangladesh is also vulnerable to natural calamities and climate change consequences that often bring in outside actors. After the cyclone Sidr devastated the southern coastal areas of the country in November 2007, Bangladesh had to seek foreign help. That help also took the shape of foreign military presence. While outside help after the disaster was certainly benefi-

cial and the country and the people did not fail to show their gratitude to the parties involved, the presence on our soil of foreign military personnel that too on their own terms was a reflection of our vulnerability in a crisis situation.

Along with these outside actors, Bangladesh has to contend with, what is commonly termed "super-empowered individuals and groups." These individuals and groups, as far as Bangladesh is concerned, include religious extremists and terrorist who are promoted by outside organisations. In the last decade, particularly after the BNP led four-party alliance came to power in 2001, these individuals and groups became so strong and organised that in August 2005, one group carried out simultaneous bomb explosions in all but two districts of Bangladesh, and there were attacks on the country's leader of the opposition, as well as writers and intellectuals such as Shamsur Rahman and Humayun Azad. It is alleged that the religious extremists get their funding from the Middle East and their training from Pakistan. While Pakistan is itself under persistent attack from such groups and sub-state actors, it is unable to stop its territory from being used as training ground for different terrorist outfits. Bangladesh has been fortunate in tackling terrorism and keeping it under control, but there is no guarantee in the near future. It all depends on the government's resolve to fight terrorism, and how effectively its intelligence agencies perform in locating, uprooting and neutralizing terrorist groups. At the same time, addressing the root causes of terror poverty and unemployment being the two most persistent ones should be an effective way of ending religious extremism and terrorism in the country.

It would be wrong to assume

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# TIME TO TURN A CORNER

## PART-2: REVISITING THE CARETAKER GOVT

18<sup>th</sup>  
ANNIVERSARY OF  
The Daily Star

DHAKA TUESDAY FEBRUARY 24, 2009

# Iajuddin --- a flash-back on his presidency

SYED BADRUL AHSAN

IN these nearly four decades since the liberation of Bangladesh, the office of the country's president has gone through vagaries of various and sometimes an unanticipated sort. The just-concluded era, if it can truly be called that, of Iajuddin Ahmed is perhaps the point where we can begin to understand the travails the presidency has regularly gone through. When he was elected to the office of head of state during the period of the Bangladesh Nationalist Party-led four party alliance government in 2002, the general expectation was that while he would not be a remarkable president, he would at least be one who would end his term on a generally dignified note. After all, his predecessor AQM Badruddoza Chowdhury had only days earlier been run out of the presidency by his own party. And that was of course the BNP.

But a dignified exit for Iajuddin Ahmed was not to be. And the earliest sign of it emerged when, once the BNP-Jamaat government finished its tenure in office and prepared to hand over power to a caretaker government in October 2006, President Iajuddin unabashedly skipped the necessary constitutional provisions relating to

the appointment of a chief advisor and with alacrity took over the job himself. There was a clear violation of the constitution here, for the simple reason that where the President was required to explore a number of options, four in all, in his search for a chief advisor, he readily dispensed with them and went for the fifth, namely, foisting himself on the coun-

try as president-cum-chief advisor. When he took that step, it was not difficult for many to suspect that the general elections scheduled for January 22, 2007, would eventually end up as a stage-managed affair and, worse, would likely push the country to wide --- and widening --- chaos.

The events of the subsequent few weeks were to give credence to such fears. As one of the advisors in his caretaker administration would later

tell anyone interested in that scandal of a caretaker government, Iajuddin would leave meetings of the council of advisors at some point, ostensibly (as it later emerged) to consult with the Bangladesh Nationalist Party on what action he needed to take! Four of the advisors, frustrated with the president-chief advisor's patent reluctance to create an atmosphere condu-

When the advisors protested, the press secretary was conveniently elevated to the rank of a minister of state and so authorised to attend the meetings.

Outside, politics was in free fall. And the country was headed towards anarchy with the decision by the Awami League to withdraw from the January 22 elections. And then came

the state of emergency on January 11, 2007, with all its ramifications.

### Going back into presidential history

The Iajuddin assumption of the office of chief advisor in October 2006 was clearly without precedent. It left the constitution reeling; and it forced a situation where an extreme measure, in this case the emergency, could not be avoided. But go back to the past, to

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*Bangladesh's presidency has been a victim of political manipulation. Paradoxically, it has been responsible for some of the biggest blows that have been hurled at the political system. It has been an emasculated institution at certain points in national history. And at other times, it has been a terrifying symbol of the arrogance of the state.*

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how the presidency has fared in Bangladesh since the day Justice Abu Sayeed Chowdhury took over from Bangabandhu Sheikh Mujibur as head of state. That was January 12, 1972. Chowdhury's ascension to the high office was acclaimed across the country because of the integrity he brought to bear on it. Unfortunately, Justice

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# Presidency flash-back



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Chowdhury, less than happy with the state of politics as it then was, resigned less than two years after entering Bangabhaban. He was swiftly replaced by the speaker of the Jatiyo Sangsad, Mohammadullah, who, however, saw his stewardship of the office end in slightly over a year. On January 25, 1975, through having the country adopt a one-party Baksal system, Bangabandhu once more assumed the office of president of the republic, albeit this time with absolute authority over the state. Parliamentary government had been discarded in favour of a presidential form of government. And

Bangabandhu was its symbol.

The powerful presidency that Bangabandhu established in early 1975 was to continue for a long number of years after his assassination in a coup d'etat on August 15, 1975. But that the presidency could pass into improbable hands was first made obvious when, on the morning of the coup, Bangabandhu's commerce minister Khondokar Moshtaque Ahmed took over as the country's new president. The act was in clear violation of the constitution (which had not been suspended by the imposition of military rule), seeing that Vice President Syed Nazrul Islam was still around.

Moshtaque's illegitimate presidency disintegrated in less than three months' time when Major General Khaled Musharraf staged a coup aimed at ejecting Moshtaque and his cohorts from Bangabhaban in November 1975. And installed as the new president was the chief justice of the Supreme Court, Justice Abu Sadat Muhammed Sayem. The jurist-president was not to last long in office, though. In April 1977, an increasingly ambitious chief of staff of the army, Major General Ziaur Rahman, eased him out of the presidency and took the job for himself. Later that month, Zia organized a referendum to have himself confirmed as

Bangladesh's new president.

The Zia presidency, an unusually authoritarian one for Bangladesh, remains noted for some gross violations of the constitution, notably the tampering with the four principles of state policy as enunciated through the war of liberation in 1971. Zia would survive in office until May 30, 1981, when a coup d'etat led by Major General M.A. Manzoor (eventually to be abortive) led to the president's murder in Chittagong. Zia's successor as acting president, Vice President Abdus Sattar (a former jurist), won the presidency in his own right when he defeated the Awami League's Kamal Hossain at the presidential election held on November 15, 1981.

By any measure, popular legitimacy characterized the Sattar presidency. But within months, on March 24, 1982, the president was overthrown in another coup d'etat, this one led by army chief Hussein Muhammad Ershad. For a few months, the coup leader let Justice Ahsanuddin Chowdhury operate nominally as president. And after that it was back to the old game: General Ershad decided that he would be president of Bangladesh. It was the beginning of a long process of autocratic rule that would lead to the further erosion of whatever remained of the social and political values associated with the armed Bengali struggle against Pakistan in 1971. General Ershad intensified the mutation of the secular Bengali state into a communal dispensation through declaring Islam as the religion of the state. He did something else, perhaps worse: he broke up the High Court into seven different branches, which act was of course revoked by a later decision by the Supreme Court.

Ershad's fall through a mass upsurge in 1990 was a harbinger of change in the nature of the presidency. The military leader was replaced, as acting president, by the chief justice of the Supreme Court, Justice Shahabuddin Ahmed. The acting president, in his capacity as chief of the caretaker administration, presided over general elections that led to the victory of the Bangladesh Nationalist Party in February 1991. And once a necessary amendment to the constitution had been adopted by the Jatiyo Sangsad, providing for the return of parliamentary government (for the first time since January 1975), Abdur Rahman Biswas was elected the new president of Bangladesh. He would continue in the office till 1996, when the Awami League returned to power and went into the business of formally electing Justice Shahabuddin Ahmed as the country's new president.

Bangladesh's presidency has been a victim of political manipulation. Paradoxically, it has been responsible for some of the biggest blows that have been hurled at the political system. It has been an emasculated institution at certain points in national history. And at other times, it has been a terrifying symbol of the arrogance of the state.

We will need to wait for quite some time to know whether President Zillur Rahman will make a positive difference or his occupancy of Bangabhaban will be a continuation of the old tale of conflict and controversy. Few presidents of Bangladesh have had the entire population of the country for their constituencies. That has been the saddest of tales.

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DHAKA TUESDAY FEBRUARY 24, 2009

# Quest for independent Election Commission

MOHAMMAD ABU HENA

IN structural patterns election management bodies (EMBs) vary in democratic systems where elections are regularly held. There are essentially three models of such bodies across the world. The first model is an election commission that is independent of the executive, permanent in tenure, and responsible for the direction and management of elections. This model is by far the most common in new democracies and accounts for more than half of EMBs in the world. Many EMBs in South and South-East Asia, Latin America and Sub-Saharan Africa represent this model.

The second model is the government running the elections under the oversight of an independent commission with some regulatory, supervisory and judicial authority. The second largest number of democracies falls into this category. This type of electoral body is in operation in continental Europe, some African countries (mainly former French Colonies) and in Argentina, Turkey, New Zealand and Japan. EMBs in the United States (Federal

Electoral Commission—a permanent and independent body originally responsible for party finance regulations), Germany, Canada, the United Kingdom and Ireland also represent, more or less, this type. The third model is the government managing the elections exclusively. We see this model at work in a number of countries in the Caribbean, the Middle East and Africa.

There appears to be an increasing recognition throughout the world, of the overriding merit of the first model of EMBs in a multi-party democratic system. There is thus a general trend now, worldwide, particularly in new democracies, to move towards an independent electoral commission. An electoral institution, independent of any executive control, is considered to be an essential element in the organisation of free and fair multi-party elections. The conclusion reached by various election observer groups, both domestic and international, is that the independence of the election management body is of critical importance for ensuring free and fair elections in any multi-party democratic society. The independence is considered imperative to

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ensure the neutral role of the electoral body and to safeguard the legitimate interests of opposition political parties.

Independence is thought to be crucial to ensure transparency in the entire electoral process and efficiency. It is imperative to see that the Election Commission is so constituted as to command respect from all and its image is in no way tarnished.

b. A m e n d m e n t t o t h e Constitution or law should be made providing that the CEC and ECs are appointed from amongst persons of proven administrative ability, unquestioned integrity and neutral-

ity. It is necessary to incorporate specific provisions in the law for qualifications and disqualifications and the procedure of selection of the CEC and ECs to avoid any possible controversy over them.

c. The President should consult the leader of the Opposition in Parliament and other political leaders and give due consideration to their opinion before he makes the appointment. Alternatively, there should be a Search Committee for the preparation of a panel of candidates for these offices and the recommended panel should be presented to the President through the Business Advisory of the election

machinery. Even in advanced democracies the importance of independence of the EMB is being increasingly recognised. As regards the legal status of an EMB, the general pattern all over the world is that it is embodied in a country's constitution along with its charter and powers as a mechanism to forestall the possibility of easy amendment by ordinary law or action by the executive.

In Bangladesh we have an election commission stipulated in our country's Constitution. The commission's composition, appointment, tenure of the Chief Election Commissioner (CEC) and Election Commissioners

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# Independent Election Commission



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(ECs), functions and time for holding elections have been laid down in the Constitution. The independent character of the Commission has also been underscored emphatically in the Constitution saying, "The Election Commission shall be independent in the exercise of its functions and subject only to this Constitution and any other law" (Article-118). Referring to the Election Commission's functions, the Constitution says, "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..." (Article-119). As regards the removal of the CEC and ECs, the Constitution prescribes "... an Election Commissioner shall not be removed from his office except in like manner and on like grounds as a judge of the Supreme Court". With regard to the staff, Article 120 says, "The President shall, when so requested by the Election Commission, make available to it such staff as may be necessary for the discharge of its functions....". Assistance to the Election Commission in the discharge of its functions has also been made obligatory for all government agencies. According to Article 126, "It shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions."

The above provisions in the Constitution throw some light on the nature and extent of independence

*The authority to approve the organogram, appointment of staff and the budget lay not with the Election Commission, but with the government. Funds within the approved budget were supposed to be released with the clearance of the Finance Ministry as was the normal case with other government ministries/divisions. To the consternation of many, the Election Commission Secretariat was tagged with the office of the Prime Minister in the Rules of Business, giving an impression that the Secretariat owed its allegiance not to the Election Commission, but to the head of government.*

of our Election Commission. Taking a critical look at this independence has been rather a recent phenomenon. In the past people took the independence of the Election Commission for granted and bothered only about the outcome of the elections. Neither the government of the day nor the civil society including the political parties bothered to ponder whether the Commission was functioning without interference or exercising its independence (guaranteed by the Constitution) in actuality and if so, to what extent. If I am not wrong, it is only in the recent years, particularly since 2001 that the civil society has been addressing this question seriously when certain disturbing things came to the surface. It came as a shock to many that the process of selection and appointment of the CEC and ECs was left to the discretion of the highest authorities. There were no prescribed qualifications for such nationally crucial assignments

and no restriction on the number of incumbents (we may recall the situation prior to 1/11 when the number of Election Commissioners was as many as five). The authority to approve the organogram, appointment of staff and the budget lay not with the Election Commission, but with the government. Funds within the approved budget were supposed to be released with the clearance of the Finance Ministry as was the normal case with other government ministries/divisions. To the consternation of many, the Election Commission Secretariat was tagged with the office of the Prime Minister in the Rules of Business, giving an impression that the Secretariat owed its allegiance not to the Election Commission, but to the head of government. Personally speaking, I did not experience any impediment worth mentioning on these counts during my tenure (1996-2000). After the

general elections, we did, of course, direct our attention to extensive deliberations on electoral reforms, not so much about the above-mentioned issues but different other aspects, considered more important to us at that time, such as registration of political parties, regulation of election expenditure, regulation of campaigning, cancellation of candidature etc. To my amazement, a few years back (after my retirement from the Election Commission) I was confronted by the local head of an international donor agency with the question as to who was the virtual boss of the Election Commission Secretariat and whether the Secretariat was obliged to report to the Prime Minister's Office. Stories were published in newspapers about the helplessness of the Election Commission when it failed to dislodge a senior government official on deputation in spite of repeated efforts. Rumour has it that the official in question did not

care a fig for the Election Commission as he enjoyed the patronage of the administration. I was literally horrified and wondered how and why things had come to such a pass. It was, however, heartening to witness the importance the issue of independence gradually assumed in various circles in the subsequent years.

During the last few years the question of independence of the Election Commission happened to become a key issue featuring prominently in seminars and workshops organised by NGOs and in dialogues arranged by the Election Commission on electoral reforms. Print and electronic media also took up the issue in right earnest, resulting in numerous articles in newspapers and talk-shows on the TV. The recommendations made by the Task Force on Democratic Process (led by Prof. Rehman Sobhan) constituted by the Centre for Policy Dialogue (Vide Monitoring the Implementation of Bangladesh's Development Policies - published by the United Press Ltd., 2005) and those by a group of Eight former Civil Servants headed by Mr. Md. Matiul Islam (Vide Report on Electoral Reforms published in The Daily Star on June 1, 2007), amongst others, reflect, by and large, the consensus of the civil society. They are well-thought-out and central to the Election Commission's independence. I feel, the following points deserve special mention and may help strengthen the capability of the Election Commission to discharge more effectively the functions entrusted to it by the Constitution:

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# Managing outside actors

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that all outside actors, except the super empowered individuals and groups take their involvement in Bangladesh as an opportunity to advance their own agendas or that these agendas are all made to address their own interests. Multinational corporations such as those in the energy sector are driven solely by profit, and care little about local interests, the environment, even local laws. Aid agencies, on the other hand, work from a very different perspective that of advancing development but there are also significant differences between the way outside state funded development agencies such as DANIDA or NORAD and USAID work. Even within the UN system, a particular agency might have bigger clout than another because of its high visibility, and the range and scope of its work. But not all UN agencies work at the same level of intensity or effectiveness. Although these agencies work in close contact with Bangladesh government, it is not clear how much accountability they have with the government. UNICEF, to take one example, has been performing admirably in advancing children's issues in Bangladesh and is rated highly for its recent efforts to help achieve millennium development goals. But back in the 1970s, some international agencies headed by UNICEF took up a massive tube well project to provide clean water in the rural areas. UNICEF paid for nearly a million tube wells apparently without testing the groundwater for arsenic. The result has been, according to the World Health Organization, as quoted by Fred Pierce, a UK-based science journalist writing in The Unesco Courier (January 2001), "the biggest outbreak of mass poisoning in history." UNICEF maintains that tests for arsenic have not been conducted because arsenic has never been found in "the

kind of geological formations that exist in Bangladesh," but Pierce quotes a geochemist who scoffed at the suggestion, saying underground water cannot be equated with safe water. Mitigating measures were initiated once arsenic contamination took alarming proportions, but so far little has been done to help the victims. Even UNICEF admitted in 2000 that it would take 30 years to complete testing all tube wells for arsenic contamination: a longer time than it took to sink these tube wells! If Bangladesh government has evaded its responsibility in creating the disaster, so has UNICEF, but there hardly seems to be any accountability from any side to the victims.

If UNICEF's tube well project is an example of a well meaning project gone wrong because, among other reasons, the Bangladesh government decided to forego its proactive, leadership role, there are other examples of the government's passive role encouraging outside actors' involvement in its business, particularly in its economic and financial policies. Such involvement has been blamed for economic downturns and growing disparities between the rich and the poor. Economists have accused the World Bank and IMF for interfering in key areas of our economic policy making. The two institutions are unabashed promoters of capitalist economic models that hardly address Bangladesh's economic and social realities. The World Bank is firmly against subsidies of any kind from farm subsidies (fertilizer, seeds, pesticide) to food rations to urban poor-- although Bangladesh cannot ignore the plight of the farmers and the poorer sections of its populations and its constitutional obligation to meet their basic needs. The World Bank was given legal immunity in 2004 by the government, in line with all UN agencies, and the Asian Development Bank given earlier (in 1973), exempting

it from any legal action. Even before the immunity though, the Bank conducted itself in a manner that was contrary to popular aspirations, while the government appeared to have no option but to listen to its 'advice.'

Ironically, the recent meltdown in US economy has prompted the government there to 'subsidize' (i.e., bail out) banks and automobile companies, just as it has been subsidizing its farmers on crop pricing for so long. The Bank has been silent on US farm subsidies, or to the latest exercise of 'philanthrocapitalism' (not the Bill Gates or George Soros type, but more direct involvement of the US government). If anything, let's hope that the US financial crisis will prompt reforms in the policies of both the World Bank and IMF to bring them in line with global realities.

There is another kind of interference the Bangladesh government has to contend with, and this comes from some members of the diplomatic corps stationed in Dhaka. While western diplomats in Dhaka enjoy more privileges than those enjoyed by their colleagues in other Asian countries such as India or Thailand, in recent years some have begun to interfere directly in the country's internal affairs. Because of Bangladesh's status as a low income, dependent country, western ambassadors can meet any ministers, even the Prime Minister, at a short notice, and can advise them on how to conduct a particular piece of business, often ignoring diplomatic protocol. In times of crisis, such as during October 2006 to January 2007 period, and indeed during the whole of 2007 and 2008, their 'advice' bordered on downright interference in the country's affairs. Frustrated by such conduct by a section of the diplomats, the Foreign Ministry on 20 March 2008 said: "There has been a renewed perceptible tendency on the part of some foreign dip-

lomats to make remarks in public that a section of the media has perceived to be interference in Bangladesh's internal affairs." The ministry described the interference in heavily cushioned diplomatic language as the perception of a section of the media, but the message was nonetheless clear: the diplomats were expected to mind their own business. One can understand that if the message came from a country like India or China, diplomats would certainly mend their ways. Bangladesh however, has no such clout. Ever since Henry Kissinger described it as a basket case, it has suffered from an image crisis from which it has never recovered, despite its many accomplishments in the recent years. USA finds it convenient to describe Bangladesh as a 'moderate Muslim country' although a section of its press went to the extent of describing it as a failed state. Western diplomats can do away with diplomatic niceties when dealing with Bangladesh. They have power and they have knowledge, and the Foucauldian nexus therefore works nicely for some form of hegemony to work. The ministry's notice also admits, in a manner of speaking, that diplomats may or do interfere in private; it is their making such interference public that miffed the ministry.

For managing and successfully neutralizing outside actors' interference, Bangladesh first has to have strong democratic practices that promote a bipartisan culture and by extension, solid political pluralism and an effective parliament. In a stable and tolerant democracy, scope for outside interference is minimized. Bangladesh also needs good governance and a corruption free administration. There is a positive correlation between corruption and outside interference. Rogue oil companies landed lucrative deals in Bangladesh by bribing corrupt officials. Even a reputed

firm like Siemens bribed high officials and influential people (including a son of the former Prime Minister, according to reports) to get a money-spinning job in Bangladesh. While corrupt officials are sometimes investigated, and charge sheeted (few see any conviction though), there has been no instance of corrupt multinational corporation officials ever taken to task. Commonsense tells us that if corruption is brought within a tolerable level, outside actors will find fewer palms to grease for netting lucrative deals. But before Bangladesh can really stand up to these actors, it has to attain a level of economic and social development that ensures a measure of respect from the outside world. Bad imagery that taints Bangladesh must be transformed into good imagery.

At the same time, it has to learn self respect. Why should ministers in droves flock to a party thrown by a western ambassador? Why should half of the Secretariat turn up at some country's national day reception? Why should a minister meet an ambassador when the Secretary or an Additional Secretary of his ministry can very well do it on his behalf and brief him/her if necessary? Why should two warring political parties call up an ambassador as a referee when they can very well sit across a table and cool things down? It is these practices over the years that have given the diplomats the visibility and the clout beyond their diplomatic privilege, and made them important players in our internal affairs. These practices should stop since no self respecting country can allow itself to be dictated by others. The new government has promised a politics of change. Let us hope it changes the way the government here deals with outside actors.

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# Independent EC

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a. It would be advisable not to leave the process of selection and appointment of the CEC and ECs to the discretion of the highest authorities (Prime Minister and President). Committee of the Parliament, headed by the Speaker.  
d. The number of Commissioners should be specified in the Constitution. From experience I may suggest that it is not necessary to have more than three members including the Chairman to handle the work-load.

e. In the matter of approval of organogram and the budget of the Election Commission, it should enjoy similar powers as are enjoyed by the Parliament Secretariat.

f. The Secretariat of the Election Commission should be independent of the government and should be under the full administrative control of the Commission. It should be detached from the Prime Minister's Office and the Rules of Business should be amended accordingly.

g. Except for those on deputation, the Election Commission should be the authority for appointment and termination of the staff members recruited directly on the recommendation of the Public Service Commission. In respect of the staff on deputation, the Election Commission's order for replacement of such staff members should be final.

h. The Election Commission should be allowed to write special confidential reports on those deputed for election duty for the period they are attached to the Commission. These reports should be given due weight in the matter of

*It is in the interest of the people, political parties and democracy to ensure the appointment of persons of required qualifications through an established process to the Election Commission, as on them devolves the burden of discharging great constitutional responsibilities with dignity, courage and integrity. It is, therefore, crucial that there is strong legal basis for these qualifications and the process of selection. We expect that the appointment of the CEC and ECs in the legally established manner will pave the way for the independent and vibrant working of the Election Commission.*

promotion and posting to sensitive assignments.

What matters most in the effective running of an organisation is, to my mind, the person who leads it. It is the leader who should have a clear perception of his responsibilities, should set forth realistic and achievable goals, must know the direction in which he should move to reach these goals and must carry his men along with him. If the organisation does not have the right leader, it cannot move rightly, however strong you seek to make it with authority and resources. Without the right type of people at the helm of affairs, the organisation is likely to drift and go astray. The point I am trying to make is that the Election Commission must have the right type of leader in whom people can repose confidence and in whose hands authority and resources may remain safe. This is why the appointment of the CEC and ECs,

being extremely sensitive, should not be left to anyone's discretion and the current practice of appointing persons of the government's own choice should no longer be in vogue.

It rebounds to the credit of the caretaker government that they recognised the existing limitations impinging on the independence of the Election Commission and addressed some of them through the promulgation of an ordinance, known as the Election Commission Secretariat Ordinance, 2008. The ordinance, happily, declared the Election Commission Secretariat as the Election Commission's own Secretariat, not under the control of, or attached to, any ministry or division of the government. It provides that the overall control of the EC Secretariat shall vest in the Chief Election Commissioner. It also provides that the prior clearance of the government shall

not be necessary for the Election Commission to incur expenditure from authorised allocations under different heads, once the EC's budget was approved by the government. Provisions have been made for rules to be framed by the Election Commission for appointment of his officers and staff and for disciplinary action against them. The ordinance also includes a provision for a standing committee on TO & E headed by the Chief Election Commissioner to review EC's manpower requirements from time to time and to make recommendations to the government in this behalf.

Are the points covered by the ordinance adequate? Should our quest for an independent Election Commission now cease? Can we then expect the Election Commission to prove equal to its task and act independently without any undue hindrance? There is, how-

ever, room for defining in still clearer terms certain important aspects like the approval process of the budget, appointment and withdrawal process of officers on deputation or the status of the recommendations of the Standing Committee on TO & E. Above all, the core point that counts in relation to independence remains still unaddressed. It is about the members of Election Commission itself. It is not understood why the matter, so widely acknowledged, has been left unattended. We look forward anxiously to the present political government (which has come to power after a brilliant electoral victory) endorsing the recommended process of selection of the CEC and ECs and carrying out necessary amendments in the law.

It is in the interest of the people, political parties and democracy to ensure the appointment of persons of required qualifications through an established process to the Election Commission, as on them devolves the burden of discharging great constitutional responsibilities with dignity, courage and integrity. It is, therefore, crucial that there is strong legal basis for these qualifications and the process of selection. We expect that the appointment of the CEC and ECs in the legally established manner will pave the way for the independent and vibrant working of the Election Commission.

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