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JUSTICE AND SECURITY – DIVERGENT GOVERNMENT EXPERIENCES AND THE FUTURE OF INNOVATION IN BANGLADESH AND THE UNITED STATES

Abstract

The constraint of justice system in penetrating into contemporary crimes that emanate both from within and without is acknowledged. The dramatic decrease in the white Anglo population in the United States has empowered minorities and brought enigmatic cultural change reflected in a new order with changed values. The country is in the midst of an opportunity to witness the ideals of justice put in practice, and to develop a systematic means of seeking the greatest good where diversity is its greatest strength. In Bangladesh, distributive justice is seen as a welcome gesture by people along with eternal vigilance to be maintained by the people at large. Divine law, especially the Quranic scripture, is upheld by the majority of Muslims. In the US, there is a need to address breakthroughs in areas that may be fraught with dilemmas. In Bangladesh, the public/private partnerships and sharing right to information at the right time can make a difference in getting justice. In the United States, new methods can be created by a review of failed experiences in developing problem solving techniques. Innovative ideas are necessary to meet the challenges in delivering justice. Bangladesh government has undertaken and addressed the two critical areas of Legal and Judicial Capacity Building Projects. The

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innovation in justice and security will depend on ingenuity, creativity, breakthroughs in technology, and a commitment to critical thought applied to forecasts that can be more and more predictable. Replication can be used as a tool for justice and security innovation in the United States. This can be done through innovative means to adequately predict experience and applicability keeping the human element in focus. In the paper, a number of recommendations are made in improving and assuring the delivery system of justice and security. Bangladesh has a compendium of rules and regulations but its weakness seems to be in the area of enforceability. Its police force, condition of the jails, rehabilitation of imprisoned persons, border control, Human Rights Commission, empowering women, local government, capacity building, massive and modern vocational, technical, engineering and nursing training programs and education system need improvement. The US can employ basic measures to replicate successful methods to improve disciplinary processes. The balance between government and non-governmental entities can be created through dialogue and debate to make it more structured, focused, and goal-oriented. There is a necessity of cooperation among local, state, federal and multinational governmental and non-governmental organizations.

INTRODUCTION

In this paper, we present both theoretical and practical examples of how our respective government experiences contrast yet establish common grounds to examine creative means of insuring future innovation in justice and security as both dynamic and forward-thinking. An examination of social, economic, governmental and cultural differences and similarities is a tool for greater understanding, cooperation and the establishment of common goals that are meant to improve local, regional and national justice and security measures.

We do not strive nor presume to dogmatically answer how we intend to solve problems associated with justice and security in Bangladesh, the United States or any other country. Rather, it is our intent here to present more questions than answers to begin an international debate in the spirit of working together to solve common problems and achieve common goals. To this end, we have attempted to define the terms, identify what lessons have been learned, look to how we can influence the future direction of innovative enhancements to both justice and security, and recommend what should be done to implement the means of achieving our goals.

1. BANGLADESH AND THE UNITED STATES - DIVERGENT AND CONVERGENT EXPERIENCES

1.1. Defining Justice

Justice is the quality and procedure of doling out the share or the pie that one deserves according to his merit and, at times, according to his needs. It entails the application of the principles of righteousness and rectitude in conducting affairs between one citizen and another, between a citizen and an institution, and between a citizen and the state. It involves equity, uprightness, fidelity, and impartiality. Justice is distinct and more fundamental than benevolence, charity, mercy, generosity or compassion. Equity also implies a leadership quality. Equity theory is fundamental in ensuring successful leadership. Justice also embraces human and divine law. A proper balance between divine and human law is a prerequisite in ensuring justice in this part of the world. Justice may have two perspectives: just behavior, something which is regarded as fair and equal and Administration of Law, which implies dispensation by a Court of Law to protect the victims and pursue the perpetrators lawfully.

1.1.1. Justice in Bangladesh – A Historical Perspective

Emperors, kings, or the rulers dispensed justice, as seen historically, through separate departments. Such departments generally used to work independently. Men of integrity and wisdom were appointed at different tiers for the job of dispensing justice to different stakeholders. Not only did they follow the rules and edicts as proclaimed by the emperors, they had to also take into consideration the social values, rituals, and customs. They had to take cognizance of the divine laws as also outlined in different religious scriptures. However, the application of divine law would vary from religion to religion. The overriding social customs, rituals, conventions that are seen as the embodiment of expression of common people's hopes and aspirations could not be overlooked while dispensing justice.

With the advent of British rule in the Eighteenth century in South Asia, English laws including the Penal Code, the Evidence Act, certain Anti-state or subversive laws etc. were put into practice. A well developed and structured judicial system was established. It covered different tiers in the state such as the central, provincial, district, and local tiers. Well educated, well trained, and well groomed judicial officials were placed in different tiers. However, at each tier criminal and civil matters were separately handled by different types of courts. Some of the courts enjoyed original jurisdiction while the courts above it enjoyed the appellate jurisdiction.

During the latter part of the British and Pakistan periods, there were subjects which could be handled simultaneously by both the central and provincial courts. Those subjects were called concurrent jurisdiction. Any disputes in such areas were settled by the Supreme Court, the apex court of the Federation. Apart from the structured judicial system, informal courts (an indigenous system called *shalish* courts) were managed by the village elders for dispute resolutions especially with respect to property disputes, inheritance, marriages, divorces, illicit relations, etc. They played an important role and they continue to play a similar role even today.

Under the 1956 Constitution of Pakistan, the Supreme Court of Pakistan was established as the apex court with the appellate jurisdiction over the decisions of the High Courts including the Dhaka High Court. Under the Constitution, High Courts were empowered to issue writs not only to make judicial review of executive actions but also to determine whether any law was made in violation of a provision of the Constitution as well as to declare such law void.

The Constitution of Bangladesh in 1972 established the Supreme Court of Bangladesh comprising two divisions: the Appellate Division and the High Court Division. Generally, the Appellate Division has jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of the High Court Division while the High Court Division has original appellate and other jurisdictions, powers and functions as may be conferred on it by the Constitution or by any other law. The Constitution of the country provides for the establishment by law of courts subordinate to the Supreme Court. They are broadly categorized as (I) Civil Courts and (II) Criminal Courts. The Constitution also provides for the establishment of Administrative Tribunals. Local *shalish* courts are the legacies of varying past Empires, the British colonial period, and the Pakistani period. They continue to function in Bangladesh society today, with a more structured hierarchy, by mandate of the legislature.

1.1.2. Justice in the United States – A Nation of Laws Regulating Quality of Life

Justice has taken differing meanings depending upon the context in which it has been used. A descriptive adjective preceding the term has given us a multiplicity of forms through which we have perhaps intended to create a vision more associated with the genre under examination. For instance, "social" justice has particular connotations as does "economic" or even "military" justice. The terminology used to express a given

context is more often meant to encapsulate and limit the boundaries within which justice per se may be sought. However, by dropping the adjective there is a greater need for common acceptance of what may constitute justice, albeit a much wider variation of terms that are applicable under various circumstances. Nevertheless, "justice" as a term in its own right has basic premises regardless of the context in which it is used. That is to say, whether it is due process or equity, truth, righteousness or virtue, honesty or impartiality, we are met with synonymous terms applicable without regard to the context. Whether we are describing social justice, economic justice or military justice, we can be assured that the same measure of definition would apply. What is acceptable may vary, since one cannot be expected to equate the terms of social justice with military justice for example.

The development of American justice, based upon English Common Law, employs equitable remedies depending on circumstances and facts. New areas of law that have been outside the realm of operating within any governmental-imposed rules, regulations or laws, have manifested themselves in interacting with other areas subject to regulation. These new areas develop with technological advances in fields such as aeronautics and space exploration, medicine, computer applications, food production, water conservation, energy alternatives and transportation, and information delivery among others.

The changing paradigm of how we define justice in the United States is often juxtaposed against a backdrop of correcting perceived wrongs in society. Those certain interests that are brought to the fore by spokesmen and groups seeking to advance causes that capture the attention of key decision makers, lobbyists and government representatives help define how justice is applied. It is noble and right for moral values to be weighed and measured. Yet we have had a tendency in the United States to translate moral values into laws that impose those values on society. The purpose of justice is to recognize basic human rights and to offer protection against wrongs suffered at the hands of those who violate agreed-upon principles of accepted truths. Community standards may differ and laws regulating quality of life issues after having made a determination of what is fair and perhaps ethical, provide a framework within which people strive for justice as a vague and sometimes ambiguous ideal.

There is an ever simmering conflict between state and federal government initiatives regarding what is acceptable and in the interest of justice when enforcing laws relating to controlled substances. Similarly, there are historical differences between voter-approved state measures

and what courts have held to be either unconstitutional or unenforceable because of conflicts with other laws having precedence. Although interest groups often define the will of voters, a conflict exists in defining what justice is, what justice should be, and how justice can be carried out. There can be no resolution of a dilemma without acceptance of an agreed upon principle. Though the United States Supreme Court building in Washington, D.C. bears the inscription above its entrance “Equal Justice Under Law,” in an apparent reference to the concept of due process equating justice as applied to all, the ever-changing opinions of the court shape and mold what is meant by “equal” justice to address inequities without specifically determining the purpose of the scales of justice themselves.

Costa Rican President Oscar Arias Sanchez (2008) speaks of *Lessons of the 20th Century* in describing changing values and what values should be when we identify societal wrongs and recognize what should be versus what is. Acceptance of noble ideals is admirable, yet we cannot realistically strive for unattainable goals or expect to codify equality in a manner that the former English Court of Chancery had been relied upon so strictly as to create opportunity for further injustice.

As civilization in the United States progresses in “raising the bar” with respect to what minimum standards are to be maintained and expected relating to quality of life issues, and as multi-cultural diversity accepts those standards amidst a global economy, enforcement of laws in their interests may be at odds within communities, other societies and countries. Changing values establish and characterize how laws are applied, and justice as a goal is met through regulation of our nation of laws.

1.2. Defining Justice – The Common Thread

1.2.1. Basic Guarantees of Justice in Bangladesh

Public awareness is the greatest guarantee of justice in Bangladesh. The Constitution of the Republic proclaims all powers in the Republic belong to the people, and their exercise shall be effected only under, and by the authority of the Constitution, the supreme law of the Republic. The Constitution stipulates the Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed. The national parliament is the embodiment of people’s hopes and aspirations. Parliament is the nerve centre of all activities of the state. The government in power is collectively responsible to the parliament.

Fundamental human rights (including the right to speech, thought, conscience, religion, assembly, the right to move freely, and to reside and settle anywhere in Bangladesh, etc.) are guaranteed by the Constitution. All citizens are deemed equal under law and are entitled to equal protection of law. No citizen is discriminated against on grounds only of religion, race, caste, sex or place of birth. Even the parliament on its own cannot alter the provisions regarding fundamental human rights enshrined in the Constitution. An arrested person has to be produced before the nearest magistrate within 24 hours after his arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate.

The High Court Division has writ jurisdiction over a dispute that violates the fundamental human rights of a citizen. The Constitution makes it mandatory for the state to ensure that fundamental human rights are enjoyed by all citizens except under certain exceptional circumstances. Every citizen is afforded an equal opportunity with respect to employment or office in the services of the Republic as enshrined in the Constitution.

The Supreme Court, the subordinate courts and local level courts ensure that justice is dispensed to every citizen of the Republic. The Executive organ of the state is also responsible to dispense justice to all its citizens, and citizens are afforded equal opportunity depending on the merit. The Executive organ, for dispensing justice to its citizens, is accountable to the Courts of Law and to the Parliament. Parliamentary standing committees are the watchdogs of the activities and performance of the Government. The Government in power is bound by oath to preserve, protect and defend the Constitution of the Republic. The Human Rights Commission, Anti-Corruption Commission, Law Commission, and Ombudsman are other institutions already functioning or in the offing that play a pivotal role in facilitating justice to the people.

Apart from the protection provided by the state, society at large, the civil society, media, the student community, labor unions etc. are ever vigilant to ensure justice for the people of Bangladesh. Even the political parties, that aggregate peoples' demand, have a solemn responsibility of venting peoples' grievances in the parliament and elsewhere to facilitate and ensure justice to the people. A divine law, depending on the religion one is pursuing, ensures justice to the people. However, in case of a distorted interpretation of law, the Courts of Law as established under the Constitution, assume the dispensation of justice.

1.2.2. Justice in the United States – The Paradigm Shift of Punishment, Rehabilitation and Prevention

Throughout the evolution of the criminal justice system in the United States, theorists have influenced the purpose of justice by defining it through either punishment, rehabilitation, prevention, or various combinations meant to satisfy the needs of society in maintaining order. Similarly the degree and extent to which each component has been used to achieve specific goals has been met with mixed reviews. In the United States, the rate of recidivism by criminal offenders has been historically high. To reduce the high rate of recidivism, there have been a myriad of attempts at programs designed to rehabilitate offenders to teach them trades, offer education, allow for religious practices and psychological treatment to channel their emotions and interaction with society. The increasingly significant proportion of those incarcerated for drug-related offenses has also resulted in diversion programs designed to reduce dependency and therefore the need for engaging in related criminal activities. Prevention through educating and preparing juveniles and adults to be productive members of society through gainful employment has been more accepted than investment in human resources while they are incarcerated. There can be no doubt that the first reason for incarceration is punishment for criminal offenses. Yet once incarcerated, the debate begins regarding what rights should still be maintained by convicts. Over the last century, prisoners have gained more freedoms as a result of court decisions aligned with interpreting basic human rights as applicable regardless of the degree of heinous criminal activity committed. The perception by society influenced by journalist reports of those freedoms has resulted in fewer acceptances of rehabilitation programs that are characterized as favoring inmates over those who are disadvantaged members of society. This shifting paradigm becomes more problematic with jail and prison overcrowding, early release, “three strikes” laws (where life sentences may be imposed after three felony convictions in some instances), a higher percentage of a total population incarcerated, and a racial divide with a higher proportion of male blacks incarcerated than any other segment of society.

1.3. Defining Security – The Need for Preservation and Protection

1.3.1. Protecting the People and Preserving the Government in Bangladesh

Bangladesh has a security dilemma; the dilemma is between the traditional security and the human security. Bangladesh suffers from the tyranny of geography, and as such it has defense vulnerability. Its geo-

strategic location is peculiar; its proximity to two giants i.e. India and China make it unique. In their play of the game of geopolitics, Bangladesh has to do balancing and look for multilateralism. Once again, Bangladesh is a soft state plagued by overpopulation, unemployment, transnational crimes, weak governance, skyrocketing inflation of the prices of essentials, and confrontational politics. Human security is quite critical in ensuring the state security as well. Unless both the aspects of security are taken care of sufficiently, when one has impacts on the other, Bangladesh would fail to protect its peace and preserve its territorial integrity and political sovereignty. Both aspects give rise to certain core values of the nation, and those are territorial integrity, political sovereignty, social and religious values, economic and social progress and justice, democracy, and state building.

In order to take care of these values, Bangladesh orchestrates symbiotic strategies in its national policies including democratic pluralism, the development of skilled/semi-skilled manpower mostly for remittance earning, and a vibrant economic diplomacy to uphold and reinvigorate its age-old social and religious values through extensive motivation programs to revamp its state building capacity especially its seemingly degenerated bureaucracy, and slowly and gradually modernize its military, para-military and police forces. Bangladesh is a resource starved country except that it has an enormous manpower that can be called a comparative advantage which can be converted into a competitive advantage. Bangladesh has a magnificent potential of earning billions of dollars by exporting this manpower, once turned into human resources.

Bangladesh is acutely subject to climatic change likely to result from the rise in sea level; such a sea rise, as the forecast made by the Intergovernmental Panel on Climate Change (IPCC), may engulf a substantial portion of southern Bangladesh by the end of the century at the latest. International cooperation and support are necessary to obviate the effects of this menace, and to combat transnational crimes including gun running, child and women trafficking, drug trafficking, avian influenza, AIDS, etc.

There is a lurking possibility of militancy or terrorists disturbing the integrity and fabric of Bangladesh society. Bangladesh is deprived of its genuine share of water in most of its lower-riparian rivers. It disturbs its ecology and life sustenance facilities. And that also calls for a vibrant diplomacy backed by reasonable military prowess and the support and cooperation of the international community and agencies. For state building capacity responsible for preserving the government, there is a

need for concerted efforts by all including the development partners. Bangladesh's governance is declining because of a not-so-efficient bureaucracy that also lacks transparency and accountability. Thus, capacity building is the order of the day.

1.3.2. Public and Private Security in the United States

Generally, security in the United States is a constitutional guarantee that presupposes a protection afforded to all its citizens. It may be defined as a consensus of interpretations with agreement that lack of conflict involving either the person or their property is the line that may not be crossed. In fact, the Fourth Amendment to the *Bill of Rights* (the first ten amendments to the U.S. Constitution) provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The Fourteenth Amendment states in part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Although these are protections against governmental intrusion, the intent to protect all rights has framed the governments' responsibilities to its' citizens.

Jail overcrowding in the United States has in some instances resulted in competition with government by private enterprise. Preservation of human rights, societal order and protection from victimization have also been the subject of acrimonious debate since the protections afforded to government peace officers are not completely afforded to private security officers. Further limitations on prohibited actions by private security question limits of risk and liability that are difficult to completely overcome, especially when we examine the role and responsibility of government in maintaining order.

Police powers have been transferred in some instances to typically non-police government agencies specializing in a particular area of law, such as housing, transportation, health, animal control, etc. Focus by police on keeping the peace in communities generally is related to enforcement of penal codes, although additional state and local laws that are not the jurisdiction of other agencies may be relegated unto the local

police agency. The cross-jurisdictional multiplicity of law enforcement's response to the need to exercise peace officer powers has blurred the definition between peace officer and public officer status. However, the partnership between public and private interests has increasingly become a means for democratic representation to address issues in striving to employ a greater focus on equal justice.

2. BANGLADESH AND THE UNITED STATES - LESSONS LEARNED

2.1. Stare Decisis – Building a History of Justice

2.1.1 The Bangladesh Experience – Changing Dynamics and Justice

Bangladesh is undergoing phenomenal changes in its social, political and economic life. This is generally abetted and also exacerbated by its poverty, corruption, unemployment, price spiral, transnational crimes and natural disasters which broadly impact human security. A kind of human insecurity is giving rise to new social dynamics exemplified by the enormous migration of village people for jobs to the urban centers; transnational crimes including gun running, drug smuggling (Bangladesh is mostly used as a transit route), extensive addiction by the younger generation to opium based pharmaceuticals like Phensydyl syrup, Yaaba tablets and other drugs such as white heroine coming from across the border; corruption and various other kinds of social tensions. Social habits and customs are changing with smaller family structures replacing the larger family structures, age-old family ethos and ties somewhat waning, and western lifestyles replacing the antiquated social practices of the society.

Hundreds and thousands of Bangladeshis are moving overseas for jobs. In the process, a vicious cycle has developed presumably to help the job seekers. In the sequel many of the job seekers have a problem once they are overseas. However, a huge remittance that these Bangladeshis send back to their country sustains the economy to a great extent. This again gives rise to social changes. Many rural families change their lifestyles by their exposure to modern society, education and entertainment.

Another spectacular change that is taking place in the society is the empowerment of women. Bangladesh is one country which is credited with meeting one of the United Nations Millennium Development Goals (MDGs) in the form of achieving gender parity in primary and secondary education. At the university level, there is a huge influx of women

students. Women are now occupying key positions in government, semi-government, NGOs, Police, and even in defense services. Government rather encourages employment of women by providing them an especial privilege in the form of quota. Hundreds and thousands of women are employed in the garments sector of the country, the sector responsible for 76% of its export revenue.

However, many women and children are being trafficked to different parts of India, the Middle East and elsewhere. Syndicates are working to traffic these children and women who are then usually employed in sex trade. Poverty and unemployment and the failure of the government to haul up the syndicates are primarily responsible for this social curse. Such syndicates are also likely to be involved in the gun running, smuggling and drug trafficking. It is reportedly known that there are at least 128 syndicates in Bangladesh engaged in crimes like gun running, human trafficking, extortion, prostitution, illegal occupation of land especially for shrimp cultivation and real estate business, smuggling of contraband items, drug peddling, drug dealing, money laundering, election rigging and tender snatching.

The system of justice, as in vogue now, is finding it difficult to penetrate into contemporary crimes that emanate both from within and without. The justice arena has been widened to cover the areas as much as possible. Separate courts and systems have been introduced to tackle various types of crimes such as loan default, quick disposal, serious cases, torture or trafficking of women and child, jail appeals, anti-money laundering, and anti-corruption. However, for each level there is a trial court followed by an appellate court. There is also the administrative tribunal as prescribed in the Constitution, for disposal of cases relating to public servants. However, there are weaknesses in the investigation and prosecution of the cases. Police are responsible for such actions, yet they are not adequately staffed and trained or motivated for such disposal. There are weaknesses in the availability of modern gadgets like DNA analysis, forensic tests and facilities for interception of communication of the criminals.

Government is, however, thinking of creating a separate investigation and prosecution department independent of the police. Government is already in the process of creating more independent attorneys, who would have no political leanings or inclination. A good move has been made to completely separate and make independent the judiciary of Bangladesh from the executive organ. However, there are shortages of well-trained and well-motivated judicial officials at every tier. One of the reasons could be a lack of enough incentive in the form

of perks, pays and privileges for the judicial officials. There is a tendency for corruption to creep into the judicial system which needs to be checked comprehensively.

2.1.2. Historical Influence and Agents of Change in the United States

The system of justice in the United States is based on English Common Law. This historical influence has been the foundation of a system that in its own right continues to develop and change over time. As the rate of crime and especially violent crime increases, we have experienced a concomitant need for increased security especially in urban areas that have become more densely populated. Over the past 50 years, there has also been a dramatic decrease in the white Anglo population that has empowered minorities and brought somewhat enigmatic cultural change reflected in a new order with changed values. Change manifests the diversity of the citizenry while justifying its legitimacy in relation to historical elements of development. The preservation of values, inimical to a new majority of immigrants, disproportionately impacts the degree of reliance upon stare decisis in setting a new direction and redefining the attributes of justice per se. Over the two hundred and thirty two year relatively short span of its history, the United States more recently has withstood revolutionary changes causing a paradigm shift in public perception of perpetrators as victims. Perpetrators themselves have become agents of change through misdeeds causing behavioral adjustment in the daily lives of citizens.

Agents of change act through self-interest while ostensibly furthering societal beneficence. Although people in the United States have become closer through lower-cost travel and advances in technology, the individual's need for protection in a more transient population is exemplified by building both real and artificial barriers such as fences and telephonic caller identification devices. These temporary measures result in isolation and restricted freedoms threatening quality of life and the foundations of justice.

Small town America, farmlands, and small businesses, although diminished, are increasingly popular ideals perhaps unrealistic and unachievable as population increases and the competition from big business further erode a way of life reminiscent of the 1950s. The challenge then is to accept a new vision of change where improvements in quality of life issues and greater freedoms will strengthen American society with a resolve that diversity is its greatest strength.

We are now in the midst of an opportunity to witness the ideals of justice put in practice, and to develop a systematic means of seeking the greatest good through stable interpretation and direction. New agents of change must not act through self-interest, and society must demand adherence to consistent standards of change. The new agents of change, though somewhat esoteric, will forge a new sense of justice, and the realization that historical influence is less defining will open up new frontiers approaching true justice.

2.2. Application of Elements of Justice in Modern Society

2.2.1 Identification of Elements of Justice in Bangladesh

The Bangladesh Constitution guarantees a citizen from being harmed by any other party. The citizen may be a child, a minority, a woman, a tribal, a rural, or even an illiterate. The state is honor bound to satisfy all the citizens' basic needs of food, shelter, health, education and other basic amenities of life. Professor Yunus is even talking about a micro credit program as practiced by Grameen Bank as a right to credit to the citizens of Bangladesh. However, government is finding it difficult to satisfy all the needs comprehensively, especially because of the sky rocketing of prices of essentials.

Bangladesh provides equal opportunity and equitable distribution of resources based both on merit and needs. However, extra privileges, as stipulated in the Constitution, are provided to the underprivileged sections of the society including women, tribal, physically handicapped people, etc. But the government is yet to ensure the proper availability of services in terms of education, shelter, and health to all its citizens across the board. Therefore, although desired, at times it fails to ensure the same standards in terms of justice and security, between privileged and non-privileged sections of the citizenry.

However, eternal vigilance is the price of freedom, as the saying goes, is greatly upheld by a broad cross-section of the people of Bangladesh. It really puts a check on the perpetrators against justice, systems, values and ethics as expected in the Bangladesh society. People of Bangladesh are extremely politically conscious and are critical of any violations. Such a critical attitude may be seen positively, and works as a deterrent against any injustice meted out to any citizen or a group. However, there is a tendency of an overbearing attitude of the perpetrators due to the laxity of law enforcement agencies and slow disposition by the judicial organ.

There is lack of openness, transparency and accountability in the working procedure of the government, especially in the civil service. Even the parliamentary standing committees sometimes do not have enough teeth to check such violations. Now this gives rise to corruption resulting in a huge wastage of resources that retards development. Justice and security to the people to a great extent are therefore denied to the common mass.

Distributive justice, by any authority in Bangladesh society, is seen as a welcome gesture by people at large. If properly ensured, justice based on merit, work, needs and output, will allow Bangladesh to reach the pinnacle of development within a short time. However, the leadership, both at the political and bureaucratic level, often fails to ensure ideal distributive justice to the citizens, and as such it gives rise to social tensions.

Divine law, especially the Koranic scripture, where the faith, conviction and emotions of the Muslims are involved, is strictly followed by the vast majority of Muslims. As such, any law enacted by the parliament has to take this aspect into serious consideration. Even any Court of Law would not gamble transgressing the Koranic edicts.

2.2.2. The Changing Role of Justice in Modern America

The current economic crisis in the United States, coupled with the burdensome human and monetary costs of the war in Iraq, has fueled fear and uncertainty that either delay or divert investment in improving the delivery of justice in the United States. “Justice delayed is justice denied,” is however a certainty when the realization of how we recognize the preservation of values cannot be attained without reinvestment in a mechanism of modern improvements. The framework and context of elements of justice is changing globally just as former U.S. Vice President Al Gore and American oilman T. Boone Pickens have initiated a process unprecedented since the industrial revolution, to deal with global warming and domestic sources of fuel through renewable energy.

There is no doubt about a resurgence of the disregard for human life by terrorists and urban gangs. Education, faith-based initiatives, real and meaningful enforcement that significantly and measurably reduces recidivism, and for the citizenry to be inculcated with responsibility for generational and family values, are goals that must be achieved to preserve, enhance and advance a civilized society. The investment and commitment cannot be unilaterally imposed as the sole responsibility of

the law enforcement community. Rather, it needs to be broad-based with a public and private partnership to re-establish and change values to rehabilitate the meaning, purpose and goals of justice.

As we apply new elements of justice in a modern society that is among the leaders in science and technology, health and medicine and service delivery, there is a need to address breakthroughs in these areas that may be fraught with dilemmas. Just as America will need to choose whether to resume allowing offshore drilling for oil or to protect the environment, we will also need to address dilemmas in redefining and administering justice. Shall we reinvest in education, faith-based initiatives, and meaningful enforcement, or shall we continue to outsource, continue to separate religion from government, and continue to punish transgressors? The blurred line between freedom and democracy becomes even more problematic when certain freedoms must be sacrificed to ensure security of the populace. Protections that are meant to prevent harm to many may result in unwanted searches, restrictions of movement, and submission to what some may characterize as personal injustices.

The role of justice in modern America needs to be redefined with clear understanding by the citizens it serves. No longer can we assume that greater protections must be instituted at the expense of an erosion of freedoms. It is incumbent upon government to develop an innovative means of offering greater protection with a concomitant atmosphere of more not less freedoms. This is a challenge not just to the justice community, but to all our modern society in instituting a system with goals that clearly demonstrate a commitment to preserve freedoms, democracy, civilized qualities of life, and justice to serve those ends.

2.3. The Future of Justice in Bangladesh and the United States

2.3.1. Measuring Justice – New Techniques of the 21st Century

Measuring justice, overall, should be seen from the point of developmental aspects of a society. Development entails, apart from economic growth, the peace and harmony existing in the society, adherence to the values and ethics enshrined in its social custom and followed by the society at large and creating a knowledge based and crime free society. Once such a scenario prevails, although it may be thought to be utopian, one can assume justice has rightly impacted the culture and ethos of the society, assuming the society aims for a high value culture. Bangladesh lacks quite a bit in achieving such objectives. Currently, its development objectives are mainly oriented towards

economic growth. However, economic growth contributes to other strands of development.

Equality before law and equal opportunity for all its citizens, as directed by the Constitution, are yet to be fully realized in Bangladesh society. Dispensing justice is generally a time consuming matter in Bangladesh society. Most of the time marginalized groups cannot reach the door-steps of the Courts of Law for justice and security, mainly because of a lack of knowledge and availability of means. Some of the NGOs operating in Bangladesh do assist the victims in getting justice by often intervening in gender-biased and class-biased aspects. In order to ensure justice to the vast majority of poor people, Legal Aid Committees, created under the Legal Aid Act of 2000 headed by respective District Judges, have been constituted with a panel of lawyers in each district. The National Legal Aid Committee is looking into the hitherto neglected jail appeal matter for poor convicts. One especial Bench has been constituted in the High Court Division to hear only jail appeals. However, at times the rule of law is not followed in letter and spirit and thereby justice may be denied.

Complete separation and independence of the judiciary could be taken as a yard stick to measure justice. The government, after a historic judgment given by the Supreme Court of Bangladesh to separate the judiciary (especially the lower judiciary) from the executive in 1998, implemented the Supreme Court Directives in 2008. This is indeed a positive landmark development. However, there are lacunas in terms of selection, training and motivation of the judges. Political inclination and corruption tended to corrode the efficiency of the courts.

Courts of Law generally become helpless if the investigation and prosecution of the cases are not conducted objectively and meticulously. This is primarily the responsibility of the Bangladesh Police. Police many a time fail to fulfill the expectation level of the society. Unless this is corrected, justice in Bangladesh society is likely to become stunted.

Extensive training and changing the mindset of the bureaucrats, police officials and at times the judges would also make a considerable difference in measuring the criterion for dispensation of justice. There is enough room for improvement in this aspect. Empathic and people-oriented training is lacking in the Bangladesh environment. Oftentimes elitism becomes overwhelming and thereby justice is denied.

In Bangladesh, there are increasing caseloads in traditional courts. The introduction of Alternative Dispute Resolution (ADR), negotiation, mediation, collaborative law, and arbitration that fall outside of the

government judicial process, helps in dispute resolution. ADR has gained widespread acceptance among both the general public and the legal profession in recent years all over the world. In fact, various courts now require parties to resort to ADR of some type, usually mediation, before permitting cases to be tried. The process has started gaining ground in Bangladesh with the support of donor agencies. The Civil Procedure Code (Amendment) Act, 2002 has been enacted for early and consensual disposal of civil suits which had been made effective from 1 July 2003. A substantial number of suits have been settled through the ADR process.

As a matter of fact, the local level courts like *Shalish Courts*, basically resort to ADR type of solutions. *Shalish Courts* have the option of engaging in either mediation or arbitration to reach a solution, and they generally choose arbitration. At times, solutions are based on subjective judgments rather than on civil and other laws. However, Bangladesh has greatly structured these courts. Bangladesh needs to put much more emphasis on popularizing the technique of dispute resolution.

2.3.2. The American Model – A System of Justice by Example

The flood of immigrants, who founded the United States of America to escape religious, economic, and political persecution, continues into the 21st century. The recent rise of protectionism and concerns over resource depletion early in this century has caused the American model of justice to be reexamined amidst the same reasons for emigration from other countries. The United States has historically provided a source of refuge to those seeking a better life with unlimited opportunities. This example has also melded into societal elements including a system of justice by example. While some other countries and international organizations have turned to the United States as a leader in the effort to memorialize the system of justice delivery, others are bound by differing belief systems and expectations of what government restrictions should or should not be imposed upon their respective societies.

States' rights that conflict with national purpose, the transient movement of segments of the population, and a lack of confidence in government in general are elements that tend to cause us to restrict our ability to advance our civilization in the United States. We have yet to cast off these ties that bind us as a nation, and as a consequence change to improve our system of justice has been a slow process. If our purpose is defined, our mission is unobstructed, and our role as a world power is to be trusted by other nations, then it is clear that we must refine our system of justice to continue leading by example. Global interests

should be the objective of all people throughout the world, where our futures are intertwined by our actions today. Government self-interest is global self-interest, and to act accordingly with responsible leadership portends of acting in the best interest of all people. Thus, the American model of a system of justice should be characterized by universal principles with consideration to other experiments whether we learn from the results of justice in the former Soviet Union or in today's Bangladesh. The recipe for our success lies in taking the best ingredients from each, and then creating an even better and more palatable platform that is both transparent and convincing.

Abraham Lincoln proffered "a nation divided cannot stand," and we have learned that lesson throughout our history. The future of justice in the United States should depend upon our view of, to paraphrase Robert Kennedy, "not how things are, but how things should be." To advance our system of justice, and to continue the American model as an example for other nations to follow, those elements that are restrictive need to be reexamined with a view toward eliminating unintended consequences. Constitutional interpretations affecting the evolution of states' rights by diminished local authority with greater powers delegated to the federal government are conflicts causing expected consequences that fade over time. American citizens should not be treated differently by a system of justice in one state than in any other. Similarly, the freedoms that are enjoyed by all should not be restricted by a federal system that abridges individual rights.

3. JUSTICE AND SECURITY INNOVATION IN BANGLADESH AND THE UNITED STATES

3.1. Creating the Environment for Innovation

3.1.1 Justice and Security Environment in Bangladesh Public/Private Partnerships in Bangladesh – A New Means of Assuring Justice and Security

Without public/private partnerships it would be well nigh difficult to ensure justice and security to the people, given the all-pervasive corruption, unemployment, degeneration of values, and upsurge in the transnational crimes that have engulfed the body politic of Bangladesh. Without social mobilization, these all encompassing crimes cannot be tackled only by the public police, civil administration, prosecution, and the justice system.

ADR is a good vehicle to take care of these menaces. People in general should be made aware of its usefulness. There are hundreds and thousands of cases piling up, especially the civil suits. Unless this is

corrected, justice would continue to be denied to the people of Bangladesh. The process has started but it needs the mobilization of the social leaders.

The social contract has to be maintained, but Bangladesh society finds difficulties in its true implementation. Due to resource constraints, lack of education, and value degeneration, the social contract in its true understanding cannot be fully realized. Now, in Bangladesh public/private partnerships would play an effective role in ensuring justice and security to the people. Civil society intervention is the key to ensuring the true spirit of social contract. In Bangladesh today, civil society is gradually growing and it is playing a commendable role in alerting people about their constitutional, political and consumer rights. Civil society groups also assist the marginalized or victimized sections of the society in getting their justice and rights realized.

Lack of right to information in Bangladesh is a hindrance to ensuring justice and security to the people. Right information at the right time for the right people can make a lot of difference in getting somebody's share in due time and in due proportion. The government has already promulgated the Right to Information Ordinance 2008 which would ensure the useful information, less the classified security information, to the whole community. This would make the government agencies, responsible for certain services, more accountable and transparent. Media would then be more effective in highlighting the strengths and weaknesses of different agencies. However, in Bangladesh the media should be more responsible by being more objective in reporting. There is a lack of objectivity in the Bangladesh media.

Ensuring human security for all citizens of Bangladesh is a great challenge for the Bangladesh government. Freedom from want and freedom from fear have to be tackled comprehensively. The country has 150 million people in too little a space. Private entrepreneurs, especially the garment industries, are doing a commendable job in providing employment to thousands of people. However, government support in terms of infrastructure development, deregulation, maintenance of law and order, etc. needs definite improvement in ensuring better private/public partnerships. Costs of doing business are too high in Bangladesh. For such cost ineffectiveness, there is a need to take care of the delayed disposal of cases, too much government control, and lack of adequate support in terms of providing security.

Bangladesh is a unitary system where, however, the Constitution has made it obligatory to run the local governments by elected peoples'

representatives. But sad enough, over the years local government institutions have not been developed by successive governments as stipulated in the Constitution. Such institution building would greatly enhance better private/public partnerships in terms of development, security and to some extent, justice to the people. Decentralization would curtail the bureaucratic powers to a great extent. The human aspect of the administration will be better focused.

In Bangladesh, the police to people ratio is 1:1400 when it is around 1:400 in developed countries. So, police are finding it extremely difficult to tackle diversified crimes perpetrated by miscreants operating within a population of 150 million people, nearly half of whom live below the poverty line. The answer to this critical problem is community policing. Bangladesh has already undertaken a community policing project under the direction of the government police and in collaboration with general people. Strengthening of local government institutions would also contribute in popularizing and activating community policing. However, much care has to be taken in recruitment and motivating the people selected for community policing.

Education is a great vehicle that can ensure justice and security for the people of Bangladesh. A lack of proper education makes it extremely difficult to sensitize common people about their rights and privileges. There are different streams of education in Bangladesh which affect the social cohesion. However, education sponsored by private entrepreneurs is gaining ground in Bangladesh, especially at the university level. Although the quality is still far from satisfactory, still without private entrepreneurship, education will not make much headway. There are now more than 50 private universities with appreciable quality. This partnership has to be fostered to contribute in alleviating poverty, and make people conscious about their rights and privileges.

As discussed previously, in much of the areas there is duplication of efforts by government and non-government agencies. Such duplication complicates the systems and the result is not seen to be cost effective. However, government may gravitate toward regulatory functions and encourage the private sector and NGOs to be attracted to activities that would ensure all-round development.

3.1.2. The Importance of Justice and Security in the United States – Trends of Innovation

Innovation is associated with creative, new and different techniques, processes, methods and outcomes that are generally meant to support

optimum operational improvement and efficiency. The historical confines that define methodology and practice are within accepted parameters often building a somewhat insurmountable wall between theory and practice. Innovative ideas originating from those involved in practice tend to center on improvements in process, whereas theorists may look to solve problems by utilizing new processes. This asymmetrical frame of reference characterizes the limitations of innovation in an environment.

If we seek to create an environment more favorable to innovation in both justice and security, the lines of demarcation between practitioners and theorists should not be so defined as to prevent the genesis of new and different techniques, processes, methods and outcomes. The frame of reference should necessarily be redirected away from limitations and toward elements conducive to promoting innovation.

Problem solving techniques have traditionally built upon a platform historical in nature, taking past positive experience and changing it in some manner to create new methods. Yet often overlooked are past experiments that have failed and been discarded due to a miscalculation, an invalid assumption, or lack of adequate analysis to determine applicability. New methods can be created by a review of failed experiences with a view toward developing a multitude of new problem solving techniques. Learning from mistakes is key to success, and the risk of failure should not be an impediment to innovation.

Innovative ideas are necessary to meet the challenge in delivering justice when for instance we know that a high crime rate is unacceptable, that a high rate of recidivism is unacceptable, that high caseloads among probation and parole officers are unacceptable, and that disparity in sentencing is unacceptable. Similarly, challenges to security require innovative ideas when costs of incarceration are disproportionate to the costs of education, when one segment of the population is disproportionately responsible for criminal activity, and when gangs threaten both police and communities creating fear and dysfunction. Innovative ideas are necessary when we rely on new technology that is developed for a single purpose rather than being developed as a tool to enhance our ability to solve problems. Indicative of this is the use of DNA to prove or disprove guilt, rather than as a tool. Most recently, testing of DNA databases in Arizona has questioned the validity of statistical probability of matches, and we are left with a public less certain that DNA is proof positive as a litmus test of guilt or innocence. (*Los Angeles Times*, July 20, 2008.)

The environment for innovation in justice and security does not exist in a vacuum, and it can only be open to positive change through those who share the responsibility for encouraging both practitioners and theorists to maximize their creativity without fear of failure, retribution or distrust. The synthesis of their interaction may be synergetic if there is mutual respect, understanding, assistance, and open dialogue. While this will facilitate an environment for innovation, the results are interdependent upon independent variables the impacts of which may be reduced through identification, planning and anticipated consequences.

The first decade of the new millennium has witnessed the depletion of a significant portion of the manufacturing sector in the United States, and yet the service industry continues to flourish as global interdependence tests American resolve to protect advanced technology and natural resources. The security of the nation has taken precedence over local and regional investment in community needs, resulting in the flow of federal funds to communities to strengthen homeland security.

Computer security, integrity among justice and security officials, public trust, prioritization with emphasis on women, children, the disabled and the elderly, are but a few areas of emphasis that currently are the subject of trends in justice and security reform. Trends of innovation require more effective means of service delivery, while the importance of each area demands an ever increasing commitment of both capital and manpower at the most local level where needs can be directly fulfilled with minimum bureaucratic restrictions.

3.2. Justice and Security – The Future of Innovation

3.2.1. Internal and External Influence on Innovation in Bangladesh in the Context of Justice and Security

Globalization has somewhat changed the concept of the nation-state which directly impacts state building or the capacity building of the institutions. Globalization has its pitfalls also, as it tends to distort the age-old local values, ethos and social fabric. Any system that does not take the indigenous culture along may find it difficult to sustain itself. Such innovation may not last, rather it might bring about social disorder as it has in Africa.

However, because of the impact of globalization, Bangladesh government with the support of CIDA and DANIDA has undertaken and addressed the two critical areas of Legal and Judicial Capacity Building Projects. The Legal Capacity Building portion includes institutional capacity building of the legislative drafting wing of the Ministry and the

Law Commission. The Judicial Capacity Building portion includes technical reforms with respect to court administration and case management in the Supreme Court as well as in District Courts' infrastructural development of 23 district court buildings, and introduction of MIS in Judiciary and human resource development. Foreign donor assistance may support the capacity or infrastructural development, but unless the values are strictly upheld by all stakeholders, justice and security would continue to remain under strain in Bangladesh. Values have degenerated in Bangladesh society to such an extent that it needs concerted social movement by the social leaders to stamp out this degeneration. Bangladesh will continue to suffer at least in the foreseeable future. This is such an intricate vexed issue that it cannot be stamped out by imposing something from without. The solution has to be sought from within.

Information sharing with the developed world on prosecution, investigation, use of modern gadgets and tests, training methodology, case studies, court management, etc. can greatly influence the innovative dimension of the justice system of Bangladesh. Innovative ideas are being generated in Bangladesh, but there is enough slackness in its true implementation. There is a crisis of leadership in such areas. Leadership development and training would facilitate the forward journey of innovativeness in the justice system of Bangladesh. Stereotyped transactional management styles would not do; it demands transformational leadership at every tier for a sustained period of time.

Fast growing urbanization has given rise to newer types of crime previously identified. Urbanization has its own dynamics. Dhaka city alone has about 15 million people, many of whom are slum dwellers. Poverty, malnutrition, unhygienic condition, prostitution, drug use, breeding of terrorist activities, etc. are the hallmarks of the life of the slum dwellers in varying degrees. Many NGOs operate in the slum areas to ameliorate their condition. Donors come forward to educate the children or provide better healthcare or dissuade them from getting involved in child labor. But the problem is too gigantic to be handled in a bits and pieces manner. It needs a holistic approach where local government, central government, donor agencies, and UN agencies have to chalk out a comprehensive plan to ensure their physiological, hygiene, and social needs and thereby ensure their security. Innovative methods have to be devised to tackle these myriad problems. However, the institutions like ICDDR, B, BRAC, Proshika and a few other NGOs are doing commendable jobs in ensuring better security for these people.

Related to the problems associated with urbanization, tackling food and energy crisis for the people of Bangladesh is a gigantic task for Bangladesh, especially when there is skyrocketing of prices of food and energy in the international market. Growing high breed crops or going for energy efficiency or conservation or alternative methods of energy generation could be other means of tackling this kind of appalling problems. Innovativeness is the way forward with examples like higher breed seeds and biotechnology and genetic engineering. Such innovativeness is possible when there would be better fusion between the indigenous system and international support. Unless this synergy is developed to create new ideas, people's human security cannot be ensured in a comprehensive manner.

There is a great need of private/public partnerships in leadership development programs in every tier of social life of Bangladesh. Bangladesh needs transformational leadership if it wants to meet the challenges of the 21st century. And such leadership is in dire need in every segment and strata of social, political, administration and judicial system of Bangladesh. The leadership should be able to display commitment, fairness, vision, integrity, patriotism without which country's human security and dispensation of justice will be in jeopardy, even if intensive economic activities are undertaken.

3.2.2. Replication as a Tool of Future Justice and Security Innovation in the United States

Crime detection and prevention, and security in protection and defense suggest a guarantee of trust and greater freedom. Public demands for verifiable improvements motivate both practitioners and theorists to constantly review what they do, how they do it, and how they can do it better. Technological advancements that once were dreams are now common throughout the United States not just in communication, global positioning systems, camera and laser equipment and advanced weaponry, laboratory analysis, and improved means of identification, but also in improved organizational development and accountability that streamline processes and service delivery. The human element has also been the subject of a higher percentage of work hours devoted to a greater focus on training and knowledge acquisition with advanced training methods and practical applications.

The future of innovation in both justice and security will depend on ingenuity, creativity, breakthroughs in technology, and a commitment to critical thought applied to forecasts that can be more and more predictable. The explosion of information and access to instant

communication allow us to build upon successes without duplication or having to “reinvent” what has been developed. That is not to say that “reinventing” government or government response will not be necessary. On the contrary, the need for reinvention underscores needed change but within curtailed parameters setting the context for improvement.

Innovation requires more than reinvention to prove results justifying expedient means of solving problems and meeting challenges. How can we better prepare our practitioners and theorists? What can we do to improve human brain function and capacity? What can be done to create and improve the relationships between artificial political, economic and social barriers? How can we better predict human behavior and more precisely forecast impacts upon our systems of justice and security?

Replication can be used as a tool of future justice and security innovation in the United States. Over time, we can determine how well an innovative technique, process, method or outcome provides experience that is measurable. The challenge is to reduce the amount of time necessary for both review and replication. This can only be done by innovative means of identifying both dependent and independent variables affecting the community, to adequately predict experience and applicability. The future lies more in process than invention, more in the human element than technology, and more in prediction than application. Questions more than answers will determine how replication in future justice and security innovations can be effective.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. The Need for Enhanced Means of Assuring Justice and Security in Bangladesh

Bangladesh has an adequate compendium of rules and regulations relating to ensuring justice and security to the people. However, what it lacks is the enforceability. Laws, rules and regulations are at times flouted even by the enforcement agencies. Corruption, nepotism and favoritism oftentimes overtake the strict adherence and enforceability of the fine laws passed by Parliament.

As a case in point, the police force in Bangladesh needs a complete overhaul. The need for their better training system, motivation level, logistics, internal discipline, pay and perks, more police to people ratio, more officers at the supervisory level, more sophisticated gadgets and arms is to be addressed and necessary changes and modernization are to be brought about. Related to it is the revamping of bureaucracy in a

similar fashion. Mindset change for the bureaucrats is of urgent necessity. They also need to be depoliticized.

The dilapidated condition of the jails stunts the fundamental human rights; this also tells upon their human security. Overcrowding of the jails and the lack of adequate physiological and psychological needs make the case all the more complicated. The government formed a Jails Reform Commission; however, there is slow progress in implementing its recommendations due mainly to budgetary constraints and bureaucratic tangles. Languishing in the jails without being tried over a protracted period of time, when there are hundreds of cases pending in the Courts of Law, is a glaring example of denial of justice and security. Donor agencies may come forward more enthusiastically with systems and money to assist the government in the implementation of the Jail Reforms Commission report.

Rehabilitation of the persons who have undergone the imprisonment period, especially with employment, motivation, moral education, should be undertaken comprehensively. There should be more rehabilitation centers and preferential employment opportunities provided, based on competencies and skills. This will dissuade them from further pursuit of their criminal activities.

Border control in Bangladesh, which is porous, can greatly contribute in curbing transnational crimes. Women and children trafficking has taken a serious proportion. For this, apart from modernizing the police, manpower increase and equipment procurement of Bangladesh Rifles, the paramilitary border security force, need to be further strengthened. Added to these, the criminal justice system should speed up the disposal of the cases.

A Human Rights Commission has been constituted in Bangladesh. This watchdog body can greatly contribute in ensuring justice and security to the people of Bangladesh. However, its performance is yet to be evaluated. The Commission needs to be supported by all stakeholders.

Bangladesh has done spectacularly well in its empowerment of women, especially in education, at the primary and secondary level, as already highlighted, and in employment generation, above all in the garments sector. Sad enough in Bangladesh society principally at poorer and lower middle class level, women are oftentimes persecuted and denied their basic human needs and social justice. Now better empowerment of women can greatly ensure their justice and security.

Bangladesh needs to resuscitate and activate its local government system which would greatly contribute in decentralization and devolution

of power. It is extremely difficult for the central government to reach its service to every nook and corner of the country which ultimately tells upon the justice and security of the people. Decentralization will ensure better participatory management in Bangladesh which is a crying need of the society. Local level disputes, their resolution, local level development of infrastructure, employment generation, better local level participation in development activities and even developing community policing can be a great panacea for ensuring justice and human security to the cross section of the people.

Capacity building in all the state institutions starting from local government to the central government, covering all the tiers and organs, branches and departments, is the way forward for Bangladesh in order to reach the level of the middle income group countries which it expects to reach by 2020. A lack of capacity building, slackness, complications or inefficiency resulting in delaying the delivery of services even affects investors, both local and foreign. Unless this project is undertaken on a war footing, maybe with the assistance of development partners, human security and speedy and proper delivery of justice will always remain an enigma in a Bangladesh environment. However, there is enough potential in the private sector.

Bangladesh needs to undertake massive and modern vocational, technical, engineering and nursing training programs for the vast majority of young people, who are otherwise brilliant and bright. Upon conversion into skilled human resources, they may then either be employed internally or exported overseas, where there is a great demand especially in the Middle East, Europe, US, and Malaysia, which would boost the remittance earning substantially. The projected 20 billion dollar remittance earning by the year 2020, if the human resources development projects are taken up in right earnest, would greatly address Bangladesh's human security problems.

Bangladesh desperately needs to revamp its education system that should also cater to regenerate values, ethics and standards to the younger generation. Value laden education can wriggle out Bangladesh from injustice and human insecurity to a great extent.

4.2. Interdisciplinary Influence in Improving the System of Delivering Justice and Security in the United States

Both justice and security have become specialized areas somewhat detached from other related disciplines including the arts and sciences, humanities, information systems and technology, education, business and management. There can be no dispute of the interrelationship, and yet the more detached justice and security become from other disciplines the

less likely they are to maximize the efficiency and effectiveness from the source of influence. This interdisciplinary influence is meant to improve the system of delivering justice and security in the United States, however it is diminished by specialization and lack of adequate coordination.

The systematic delivery of outcomes is somewhat dependent upon equal expectation and application of law. Just as in scientific analysis, interpretation and prediction, the fields of justice and security in the United States can equally employ basic measures to replicate successful methods to improve disciplinary processes. Crime and punishment, education and prevention, training and prohibition are areas of justice and security that demand greater integration and influence of other disciplines for their improvement.

In modern society, the identification of Constitutional rights should not be wholly dependent upon historical influence. As we meet new challenges and determine the extent of their effect on existing rights, we tend to broaden our outlook with a seeming intent to justify means to accomplish intended results. Arguably, the well-articulated justification for any outcome is more acceptable with historical bases.

Several questions become the subject of focus on how we can improve the system of delivering justice and security with interdisciplinary influence. What is the role of government in providing security and protection? Is there a real or perceived need for increased security? Why should we be more concerned with victimization? How does social isolation by communities affect both justice and security, and what can be done to reduce and reverse adverse consequences? What is meant by "quality of life," and is there an acceptable definition that can be universally employed to preserve its fundamental characteristics? Can we direct how ideals of justice are put in practice?

Artificial political, economic and social barriers that impede interdisciplinary coordination and influence will need to be diminished or changed to allow for more flexible adaptation. The need for meaningful influence to positively affect change in the delivery of justice and security in the United States is clearly dependent upon the development of new means to identify both dependent and independent variables. It is incumbent upon theorists and practitioners to work together to improve process, prediction and the state of the human element to reach the goals of markedly different enhancements to refine and transform the innovative approach.

The balance between diametrically opposed elements of security and freedom has been difficult to achieve, and yet we are faced with a new challenge to innovatively develop a means for government and non-governmental entities to create such a balance. The meaning, purpose and goals of justice can be redefined through introspective interdisciplinary thought and analysis. What we have taken for granted as a “system” demands reinvention, and through disciplinary diversity our strengths become the American ingenuity to reach for a more perfect union.

What we have attempted here is to begin the dialogue. There can be no mistake that there is inequity in the delivery of justice and security. Similarly, there are no easy answers, no agreed upon quick fixes, and certainly nothing that can be changed without acrimonious debate. Our experience has been both pragmatic and revolutionary. It has been met with successes and failures, and yet we have built a foundation upon principles and laws that are meant to serve our nation and our people through the tenets of what is right and moral. We have learned lessons that have changed the course of our development as a society, and we cannot discard them without trepidation.

Let the debate continue. There is a need to introspectively ask more questions that reach the fundamental roots of why we deliver justice and security in the manner we do. The comparison to other countries, other systems and beliefs, and others’ definition of what justice and security means and should mean, is paramount to our own improvement. The global perspective cannot be ignored as we become more interdependent. Definition, application, and the future of justice and security through reinvention and replication demand an environment that is free to experiment and learn from successes and failures. Fairness and equality amidst changing paradigms can be both divergent and convergent, and we are left asking fundamental questions with incomplete answers. There is no “one right way” to accomplish any objective, and there is no better exercise than to juxtapose a zero-based examination of justice and security against other interdisciplinary methods.

So much is changing in our world, it seems on a daily basis we are confronted by new options that require strategic planning with potential outcomes defined by a multitude of hypothetical situations. In this new millenium we are more structured, more focused, and more likely to achieve predetermined goals through perseverance and determination, creative solutions to remove roadblocks, and cooperative diligence to jointly succeed on a global basis. Justice and security in the United States is so integrally interwoven not just between local, state and federal agencies, institutions, and non-governmental entities, but also between countries that our dynamic changes must not be counterproductive. The

view toward democracy, freedom and common purpose should not be compromised.

Decisions that are made locally affect not only state and federal laws and practices, but also have an international effect. This, then, is a call for greater cooperation between local, state, federal and multinational governmental and non-governmental organizations considering enhancements to their own justice and security initiatives.

References

1. CT onstitution of the People's Republic of Bangladesh.
2. Mahmudul Hasan, *Constitutional Law of Bangladesh*, Bangladesh Institute of Law and International Affairs, Dhaka, 1995.
3. M. Enamul Huq, *Criminal Justice System – An Analogy*, Ahsania Mission Books Distribution Centre, Dhaka, 2001.
4. Lawrence Freedman, "The Concept of Security", in Mary Hawkescoorth and Maurice Kagan (eds.), *Encyclopedia of Government and Politics*, Vol.2, 1966.
5. *Strengthening the Criminal Justice System - From the ADB Regional Workshop in Dhaka, Bangladesh, 30-31 May 2006*, Asian Development Bank, Manila, 2006.
6. *(Draft) Country Governance Assessment, Bangladesh*, Asian Development Bank, May 2004.
7. "Reforms of Civil Justice Delivery System - Promoting Good Governance and Human Security", *Bangladesh Today*, Dhaka, 22 May 2004.
8. Stephen Golub, "Non-State Justice Systems in Bangladesh and the Philippines" Paper Prepared for United Kingdom Department for International Development, January 2003.
9. Zillur R. Khan, "Report on Democracy, Nation Building and Governance", Conference on Bangladesh in the 21st Century, Harvard University, 13-14 June 2008.
10. Marc Maurer, "An Element of Justice", An Address Delivered at the Banquet of the Annual Convention of the National Federation of the Blind, Dallas, Texas, July 2006; Internet:<http://www.nfb.org/Images/nfb/Publications/bm/bm06/bm0608/bm060807.htm>
11. Justice Mustafa Kamal, "Speedy Trial Tribunal cannot be a Temporary or a Substantive Solution - Justice and People", *The Daily Star*, Dhaka, 31 January 2004.
12. Mohammad Nurul Huda, "Reform Imperatives for the Police, - Justice and People", *The Daily Star*, 31 January 2004.
13. Delwar Jahid, "Prospects of Restorative Justice System in Bangladesh", *The Weekly Holiday*, 18 June 2004.
14. Md Nur Islam, "Informal Justice System: Bangladesh Perspective", *The Daily Star*, 12 January 2003.

15. E. Anderson, & T. Patterson (Producers), *Oil billionaire Pickens puts his money on wind power* [CNN]. New York: CNN, 2008.
16. S. Borins (ed.), *Innovations in government: research, recognition and replication*, Washington, D.C.: Brookings Institution Press and Ash Institute for Democratic Governance and Innovation, 2008.
17. Council of Economic Advisers for the President's Initiative on Race. U.S. Department of Justice. 1999. "Crime and Criminal Justice." Washington, DC: U.S. Government Printing Office.
18. J. Felch and M. Dolan, "How reliable is DNA in identifying suspects"? *The Los Angeles Times*, 20 July 2008, pp. B1, B2.
19. R. Bonin, & K. Sughrue (Producers), (2008). *Al Gore's new campaign* [60 Minutes], New York: CBS.
20. Lessons of the 20th Century. (2008). In *Encyclopedia Britannica*. Retrieved June 1, 2008, from Encyclopedia Britannica Online: <http://www.search.eb.com.ezproxy.apollolibrary.com/eb/article-9389464>
21. D. Rhode, Equal justice under law, *Santa Clara University Markkula Center for Applied Ethics*. Retrieved June 25, 2008, from <http://www.scu.edu/ethics/publications/submitted/rhode/equal-justice.html>
22. J. Shutt & J. Barnes, "Reexamining criminal justice star power in a larger sky: a belated response to Rice et al. on sociological influence in criminology and criminal justice" *Journal of Criminal Justice Education*, No.10, 2008, pp. 213-226.
23. John Tasioulas (1998), "Justice, equity and law" in E. Craig (ed.), *Routledge Encyclopedia of Philosophy*, Routledge, London, Retrieved June 07, 2008, from <http://www.rep.routledge.com/article/TOO6SECT2-5>
24. "the Constitution of the United States," Amendments 4 and 14.

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CURRENT ROUND OF WTO NEGOTIATIONS AND FOOD SECURITY CONCERNS OF NET- FOOD IMPORTING DEVELOPING COUNTRIES: THE CASE OF BANGLADESH

Abstract

Access to food is a fundamental human right. Rapid globalization has been changing the traditional system of food availability and leaving the fundamental demand for food in the hands of market forces. Moreover, food security in Net-Food Importing Developing Countries (NFIDCs) is likely to face further challenges as a result of the current round of World Trade Organization (WTO) negotiations on agriculture. Although most of the developing countries depend on agriculture for their employment and livelihood, a large number of them are NFIDCs. These countries have opened up their agricultural sector to import food at a reasonable price; as a result, they have forced their farmers to face the global competition. In this backdrop, this paper examines the overall food security situation in Bangladesh as one of the NFIDCs. Countries like Bangladesh have often been made to adopt unilateral liberalization measures by the pressure from international financial institutions that in turn contribute to the stunting of the agriculture sector. To face the challenges of food security, the paper emphasizes on long-term measures such as supporting domestic food production, policy spacing to expand public expenditure on agriculture, harmonizing policies of international financial institutions, etc.

1. INTRODUCTION

Access to food is attached high priority in any development agenda. The Universal Declaration of Human Rights and several other international covenants have accorded the right to food to the poor, vulnerable and disadvantaged groups and individuals and to the enforcement of this

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right¹. For developing countries, food security and feeding of their people is no less important than the "security" of a country². However, rapid globalization has been changing the traditional system of food availability, diverting development priority from the vital focus on food security and leaving the poor peoples' fundamental demands for food in the hands of market forces. The world food situation is currently being determined by multi-dimensional new driving forces. Globalization, income growth, climate change, energy prices, gradual influence of private sector and urbanization have now become the major determinants of food production, distribution, stock, consumption and marketing. The availability of food at affordable prices is likely to face further challenge as a consequence of the current round of negotiations on agriculture under the World Trade Organization (WTO). Completion of the round with a deeper cut of domestic supports, eliminations of export subsidies and high reduction of tariff in the present round of negotiations will bring better opportunities for the competitive food producers and exporters but it will increase global food prices³. This will obviously hamper food consumption and food security in the developing countries and the poorest section of people may face worsening situation in the days ahead.

Food security depends on adequate supply, distribution, and access to appropriate level of food for every individual. It is a function of intricate social, cultural, economic, and political relationships that differ enormously from place to place and over time. Clearly, the result of the negotiations will not uniformly affect all the developing countries. The concern of the NFIDCs was raised during the Uruguay Round (UR) negotiations where members adopted a "*Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least Developed and Net Food Importing Developing Countries*". The decision agreed to review the level of food aid situation, ensuring an increasing proportion of basic foodstuff provided to LDCs and also expressed willingness to extend support for increasing the agricultural productivity and infrastructure of the poor countries. However, the Doha

¹ The Universal Declaration of Human Rights Article 25 (1), Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

² Chakravarthi Raghavan, "Food Security as Important as National Security". Third World Network Available at: <http://www.twinside.org.sg/title/ns-cn.htm>, accessed on October 10, 2008.

³ WTO Website: <http://www.wto.org>, accessed on October 10, 2008

Round launched with high ambitions in 2001 is yet to succeed. The Mini-Ministerial of WTO at Geneva in July 2008 collapsed like other earlier efforts over longstanding disagreements on agricultural issues. The failed talks signal a growing understanding that trade liberalization has destabilized local food systems, contributing to both long-term and short-term food crises⁴. Now, policy makers, both in developing and developed countries, are re-thinking about their current agricultural and trade policies. In response to recent food price hike, some food-importing developing countries have lowered their tariffs to mitigate the high prices of foods. Though importing countries can reduce tariff to solve the problem temporarily, in the long run their farmers will need local markets and incentives for them to revive agriculture production.⁵

About 850 million people throughout the world chronically go hungry and under-nourished, notwithstanding record growth of food production in the last decades. This situation is most acute in LDCs that are overwhelmingly net-food importing countries. Bangladesh happens to be one of these countries. The precarious hunger, malnutrition and poverty situation in the NFIDCs have become further fragile due to the soaring food prices in recent years. Bangladesh, with its stable exchange rate, had to endure highest impacts on domestic prices of food grains. In countries like Bangladesh, where majority of people live below the poverty line directly or indirectly, due to the planned measures in WTO the poor majority of their populations will face the real threat to maintain their livelihood⁶. It is therefore important to investigate the possible impact of agriculture negotiations on the food security of NFIDCs, particularly in Bangladesh.

The paper mainly concentrates on the trade aspects of the food security. This paper establishes linkages between food security and agricultural trade policy reform in the context of Doha Round Negotiations and at the end it will come up with some policy recommendations.

⁴ Alexandra Spieldoch, "The Food Crisis and Global Institutions" (Washington, DC: Foreign Policy In Focus, August 5, 2008). Available at: <http://fpif.org/1fpiftxt/5442> accessed on August12, 2008.

⁵ For further details see Khor M. The impact of trade liberalization on agriculture in developing countries: the experience of Ghana. TWN, Penang, 2008.

⁶ Debapriya Bhattacharya, *The Daily Star*, 25 May 2008. Available at: <http://focusweb.org/publications/1999/WTO%20Food%20Politics.htm> accessed on August12, 2008.

The paper is primarily based on secondary sources of information such as WTO documents, FAO publications, Bangladesh's policies and strategies on food security, other relevant documents and study reports. Against such a backdrop, the paper is organized in five sections, including the introductory one. The second section provides conceptual clarity of food security, linkages between trade liberalization and food security. The third section presents the salient features of the WTO negotiations on agriculture in the context of NFIDCs. The fourth section highlights the overall food security situation in Bangladesh. The final section offers a set of recommendations and makes some concluding remarks.

2. LINKAGES BETWEEN FOOD SECURITY & TRADE POLICY REFORM

This section attempts to relate the concerns of NFIDCs with respect to trade, food security and economic policy in the context of Doha Round negotiations. Food security is a multi-faceted concept and it is defined and interpreted in a variety of ways. At one end, food security involves the availability of adequate supplies at a global and national level; at the other end, the concern is with adequate nutrition and well-being. Basically, food security can be described as a phenomenon relating to individuals; it is the nutritional status of the individual household member that is the ultimate focus. *“Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy lifestyle”*⁷. Food security depends on adequate and stable food availability, access to adequate and appropriate food, and proper use and good health to ensure that individual consumers enjoy the full nutritional benefits of available, accessible food.

Trade policy has significant influences on both the global (in case of a major importer and exporter) and national food availability (through imports and production). In general, countries attempt to achieve an adequate level of food security by two broad options: food self-sufficiency and food-reliance. The former requires production of food in quantities consumed domestically, while the later one requires domestic availability. Self-sufficiency rules out import as a major source of supply while self-reliance has no such restriction. A wide range of countries follows the self-sufficiency approach in which substantial part of

⁷ In 1996 World Food Summit agreed definition was endorsed at the follow-up conference in Rome 2002 in World Food Summit.

consumption requirements are fulfilled by domestic resources. It does not necessarily imply that all households in that country have access to all the food they require. In a number of food exporting countries, sizeable number of households are suffering from malnutrition. In contrast, self-reliance approach implies a set of policies where the sources of food are determined by international trade patterns and the benefits and the risks associated with it. As global trade has become more and more liberal, this approach becomes more common to the NFIDCs.

In general, trade policy reform includes a combination of domestic support measures; export subsidies and tariffs. The implications of trade policy reform in developed countries for NFIDCs can be discussed by way of three cases - (1) The removal of domestic price support on agricultural products will lower output and raise its price in the world markets. Competitive developing countries will benefit via production and export. Conversely NFIDCs that continue to be importers after the removal of the support will lose and those that switch from being importers to exporters may benefit or lose. (2) A reduction in tariffs by the developed importing countries will increase the world price of the product, benefiting exporters, hurting NFIDCs and leading to an ambiguous effect on those turning from importers to exporters. (3) The reduction in export subsidies raises the world price of the product, benefiting exporters, hurting NFIDCs and yields ambiguous effect on those turning from being importers to exporters. The deeper cuts in subsidies in developed countries will result for NFIDCs in higher food import prices and increased food import bills, which would finally be transformed into high food prices. Since poor people spend a larger proportion of their income for purchasing food, an increase in food price would compel them to compromise their dietary habit and substitute for less nutritious food.

The linkage between trade policy reforms and food security is of vital concern to NFIDCs. Ensuring food for all also poses enormous economic, political and technological challenges. Different studies also reveal that elimination of global subsidies and protection could lead to reduction of supplies, increase prices of most foodstuffs. Aksoy and Beghin (2005) using multiple sources show that rice prices would increase by an average of 33 percent with some varieties almost doubling in price. In other food items such as sugar, dairy, and wheat, price estimates show increases of 40, 20-40, and 5-10 percent respectively. Econometric and other modeling exercises, which use general equilibrium frameworks, find slightly lower but still significant price increases, especially for the foodstuffs. Panagriya (2006) argues that

global reforms would hurt these poor countries, especially the low-income countries in Sub-Saharan Africa as well as the poor rural households in the poorest countries. Changes in import capacity have direct implications for the food security of low-income countries where food import dependency has increased because of greater demand stemming from income and population growth, as well as slow gains in domestic production. For highly import-dependent or highly food-insecure countries, any decline in import capacity stemming from rising food prices can have challenging food security implications.

3. SALIENT FEATURES OF WTO NEGOTIATIONS ON AGRICULTURE

Agriculture is relatively a new concept in the multilateral trade agreements. Up to 1995, the multilateral rules were largely ineffective in disciplining key aspects of agricultural trade. During the UR (1986-1994) a framework was set up to reduce agricultural support and protection by establishing disciplines and rules on market access, export subsidies and trade distorting domestic support. The Agreement On Agriculture (AOA) came into force on 1 January 1995. The preamble recognizes the long-term objective of the reform process initiated by the UR reform programme to establish a fair and market-oriented agricultural trading system. The reform programme comprises specific commitments to reduce support and protection in the areas of domestic support, export subsidies and market access, and through the establishment of strengthened and more operationally effective GATT rules and disciplines (Table-1).

Table-1: Numerical target for cutting agricultural subsidies and protection agreed in the Uruguay Round

	Developed Countries	Developing Countries	Least Developed Countries⁸

⁸ LDCs do not have to reduce tariffs or subsidies.

	(6 years: 1995-2000)	(10 years: 1995-2004)	
Tariffs⁹			
Average cut for all agricultural goods	36%	24%	No reduction commitment
Minimum cut per product	15%	10%	No reduction commitment
Domestic Support			
Cuts for sector (Aggregate Measures of Support)	20%	13%	No reduction commitment
Export Subsidies			
Value of Subsidies	36%	24%	No reduction commitment
Subsidized quantities	21%	14%	No reduction commitment

Source: WTO

The AOA makes a concession to developing countries and LDCs by allowing a longer implementation period (ten rather than six years) and lowering reduction commitments for programmes that support agricultural production and trade. The principle of Special and Differential (S&D) treatment was used to provide developing countries with these more favourable terms. LDCs are exempt from tariff reductions (although they must bind them to a maximum level) and allowed to cut domestic support programmes (although they are subject to a spending ceiling). LDCs are also exempt from export subsidy reduction requirements.

Decisions on NFIDCs and problems of the decisions

The NFIDCs decision establishes mechanisms which provide for:

- Provision of sufficient level of food aid;
- Initiation of negotiations in the appropriate forum to establish a level of food aid commitments sufficient to meet the legitimate needs of developing countries during the reform program;
- Adoption of guidelines to provide food stuffs in fully grant

⁹ The base level for tariff cuts was the bound rate before 1 January 1995; or for unbound tariffs, the actual rate charged in September 1986 when the Uruguay Round began.

forms/or on appropriate concessional terms;

- Financial and technical assistance under aid programmes to improve agricultural productivity and infrastructure; and
- Favourable export credit conditions in the negotiation on the AOA.

Moreover, according to Article 16.1 of the AOA, developed member countries of the WTO are required to take action within the framework of the NFIDC decision. In general, the agreement ignored the issue of food security in the food deficit countries. It did not consider how the adequate food supplies will be ensured in the poor food deficit countries. Therefore, the concern of livelihood and food security of the NFIDCs is left to the mercy of the market mechanism. There are more rudimentary problems with the decision:

- The decision is a best endeavor clause only. Therefore, there is no binding commitment for implementing the decision;
- It is a temporary measure which is valid during the reform process in agriculture. Temporary measure would not solve the concern of food security in NFIDCs;
- Food security is intended to be ensured through food aid. However, food aid is a short-term measure; it cannot be a substitute for food security. The reference of '*legitimate needs during the reform program*' makes it more complicated;
- The capacity of importing foodstuffs and food security cannot be an identical issue. Though the decision considers the difficulties of financing commercial foodstuffs as a short term measure, it fails to capture the long-term chronic shortages of foodstuffs; and
- The decision does not bind any member country to follow the specific guidelines about the requests for technical and financial assistance to improve the agricultural productivity and infrastructure.

Moreover, the AOA seriously overlooked the issue of food security in

the food deficit countries. It allows export prohibition or restrictions to prevent or relief critical shortage of foodstuffs¹⁰. In undertaking such measures, certain members will duly consider the importing members' food security. In reality it provided safeguard to the food exporting countries or food surplus countries, not the food deficit LDCs. The Agreement did not consider how the adequate food supplies will be ensured in the poor food deficit countries. Thus, the food security and the livelihood security of the NFIDCs, particularly the LDCs, are left to the mercy of the market mechanism, where they cannot compete in a fair play ground as their capacities are destroyed through a long-term plan.

Doha Mandate for Negotiations on Agriculture and Aftermath

Since the inception of WTO in 1995, the developing countries witnessed with deep frustration that the developed countries did not create real market opportunities for their agricultural products. So they desperately wanted real market opening commitment from their developed countries-partners during the Fourth WTO Ministerial Conference held in Qatar, Doha in November 2001. In the Doha WTO Ministerial conference, the trade ministers provided the following mandates for negotiations on agriculture:

- Substantial improvements in market access;
- Reductions of, with a view to phasing out, all forms of export subsidies;
- Substantial reductions in trade-distorting domestic support;
- Special and Differential (S&D) treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development; and
- Non-trade concerns will be taken into account in the negotiations as provided for in the AOA.

¹⁰ Article XI of GATT, 1947 and Article 12 of the AOA

Following the Ministerial mandate, negotiations for further reforms started in Geneva. There was a decision to review the progress and recommendations in the Fifth Ministerial Conference held in September 2003, but the conference failed to adopt a formal declaration. The July Framework was adopted by the General Council on 1 August 2004 and it was a gateway for further negotiations. Unfortunately, Hong Kong Ministerial Conference failed to produce agreed modalities on Agriculture by 30 April 2006. However, the conference provided guidelines for establishing modalities on agriculture which, however, has not yet been materialized. In the conference it was decided to establish a 'safe box' for emergency food aid.

A serious deadlock was created in the WTO negotiations after the Hong Kong Ministerial Conference. Thereafter the draft modalities were published on 17 July 2007 with subsequent revisions for a number of times. Finally, the modalities were published on 19 May 2008 containing lots of issues particularly the reduction of the overall trade distorting domestic supports, *de minimis* support, tariff reduction at the highest slap of the tiered formula and designation of the sensitive product. Moreover, the issue of expansion of the tariff quota still remains unresolved. It is argued that the Doha Round as is currently envisioned would intensify the crisis by making food prices more volatile, increasing developing countries' dependence on imports, and strengthening the power of multilateral agribusiness in food and agricultural markets. Developing countries are likely to lose further policy space in their agriculture sector, which would in turn limit their ability to deal with the current crisis and to strengthen the livelihood of small producers.

Protection of Agriculture Sector

OECD data reveal that total OECD countries' support increased from US \$367 billion in 1995 to US \$371 billion in 2006 and Producer Support Estimate, which is most trade distorting and major portion of the total subsidies (more than 70%), remains stagnant during this period. A comparison of the domestic support measures among various groups of countries shows that more than 88 percent of the green box supports and 94 percent of the domestic support are provided by the industrialized countries, the corresponding figures are 11.7 and 6 percent for the developing countries and 0.10 and 0 percent the LDCs (Appendix Table A1). As of January 14, 2005 the status of WTO member notifications on domestic support shows that since 1995 total domestic support is gradually declining, but at the same time the US support initially declined but it started increasing since 1997. In 2001, the USA alone

provided more than 38 percent of the total support. Actually, the USA added more subsidies when it passed the “2002 Farm Bill” that increased government aid to agriculture by 80% (Appendix Table A2). In June 2003, the EU took a step towards liberalizing trade in agriculture by approving reforms to its Common Agriculture Policy (CAP). Prior to these reforms, the CAP had provided European farmers with market price support, direct payments and rural development schemes aimed at raising the standard of living of agricultural workers, ensuring adequate food supply and adopting measures toward environmentally sustainable farming. Domestic supports are not the only way of protecting farmers. A large number of developed countries are protecting their agriculture through farmers by export subsidies and high tariff barriers.

The volumes of export subsidies are much lower compared to the domestic supports. In 2000, the total domestic support was US \$201.9 billion, while the export subsidy was only US \$3.21 billion, i.e. only 1.59 percent of the value of domestic support. The developed countries provide more than 90 percent of the export subsidies. Among the developed countries, the EU provides about 80 percent, Switzerland accounts for about 6 percent and the USA contributes about 1-2 percent of the export subsidies, while the rest of the world provides for 2-4 percent (Annex Table A3). It is important to note that the developed countries drastically reduced the export subsidies in 2000, one year before the final implementation of the UR agreement. Apart from the export subsidies, additional protection is provided through export credit, and export restrictions, which are not accounted for in the traditional measures of export subsidies. OECD statistics show that wheat and flour, coarse grains, sugar, rice, dairy products, meat, eggs, wine and fruits and vegetables received substantial export subsidies. Except wines and fruits, all other items are extremely important for food security. Once the export subsidies are eliminated, obviously, the exporting countries will not be able to sell those items at the present prices, hence the prices of those items will increase affecting the food security of the importing countries adversely.

The average bound tariff for the agricultural products in the OECD countries is 41.21 percent, but the average applied tariff is 22.67 percent. Countries like Japan, Norway, Mexico and Turkey have very high bound and applied tariffs, while Australia and New Zealand both have very low bound and applied rates. Although the USA has low applied duties (6.5%), but the bound duties are more than 25%, keeping rooms for increasing the applied duties (Appendix Table A4). The average discrepancy between the bound and the applied rate is 18.54. Beside domestic supports, export subsidies and tariff protection, agricultural products are subjected to various kinds of arbitrary barriers like sanitary

and phyto-sanitary measures and technical standards.

4. FOOD SECURITY SITUATION IN BANGLADESH: A CASE OF NFIDC

WTO identified 75 developing countries that are considered as NFIDCs¹¹. These countries include 50 least-developed countries¹², plus some developing member countries of WTO which are net importers of basic foodstuffs in any three years of the most recent five-year period¹³. In 1996, the number of NFIDCs was 64 and it increased to 69 in 2001 and finally it reached to 75 in 2005. According to the state of the Food Security Study Report 2006, about 294 million undernourished people live in the 54 NFIDCs, which is more than 27 percent of the total population of these countries. In terms of the absolute number of population, Bangladesh had the highest prevalence of under nourishment in 2003 (43.10 million), followed by Congo (37 million), Pakistan (35.20 million) and Ethiopia (31.50 million).

The total volume of cereal imports in 2007/08 was about US \$ 201 billion (FAO), which was US \$146 billion in the previous year. During this period, the volume of import increased only 3.46 percent. Because of the sharp increase in international cereal prices, freight rates and oil prices, the 2008 aggregate cereal import bill of the NFIDCs rose by 39 percent from 2007 (Figure-1). This will have a negative impact on the balance of payments and current account positions of the NFIDCs in general and in particular on those among LDCs where prevalence of hunger is more and the per unit import cost is US \$22 higher. FAO's analysis reveals that until 1981, LDCs were the net food surplus countries and they have gradually turned into food deficit countries

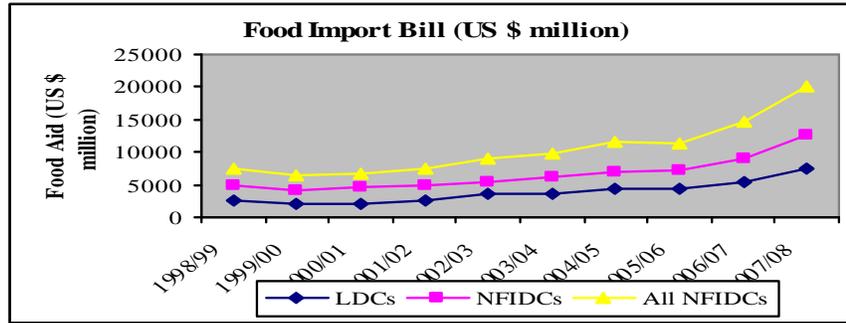
¹¹ G/AG/5/Rev.8

¹² Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea - Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Myanmar, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, Timor-Leste, Tanzania, Togo, Tuvalu, Uganda, Vanuatu, Yemen and Zambia.

¹³ Barbados, Botswana, Côte d'Ivoire, Cuba, Dominica, Dominican Republic, Egypt, Gabon, Honduras, Jamaica, Jordan, Kenya, Mauritius, Mongolia, Morocco, Namibia, Pakistan, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sri Lanka, Trinidad and Tobago, Tunisia and Venezuela.

through the global mechanism of market. FAO statistics show that a food surplus of US \$1 billion of LDCs in 1970 was transformed into a deficit of US \$11 billion in 2001, which is continuously increasing.

Figure -1: Food Import Bill of the NFIDCs



Source: FAO Statistics, 2008

Bangladesh is one of the NFIDCs having 5.5 million food insecure and the highest number (43 million) of undernourished people. It is an agrarian country and its economy still depends on agricultural production. The overall contribution of the broad agriculture sector was almost 21 percent of GDP in FY 2007. The growth of broad service sector, particularly the growth of wholesale and retail trade, hotel and restaurants, transport and communication sectors are strongly supported by the agriculture sector. Besides, about 52 percent of the total labour forces of the country are engaged in agriculture (BBS Labour Force Survey, 2002-2003). Though the population of the country has increased from 120 million in 1995 to 140.6 million in FY 2007, cultivable agricultural land has decreased from 8.75 million hectares to 8.44 million hectares in 2003 and is expected to decline further thereafter. The population growth is also pushing up the food demand. Moreover, climatic change and natural disasters have adversely affected the domestic production. At present, about 27 million people (19% of the total population) in Bangladesh live in extreme poverty in terms of daily calorie intake (below 1805 Kcal per day)¹⁴. About 56 million people (40.4% of population) live below 2122 Kcal a day.

Cultivable agricultural land in Bangladesh has been degrading over time due to population increase and urbanization. At present, the net land area available for cultivation is about 8.44 million hectares and the total cropped area is about 13.74 million hectares. About 70 per cent of the cropped area is planted with rice every year. There is a little or no

¹⁴ Bangladesh Economic Review, 2007.

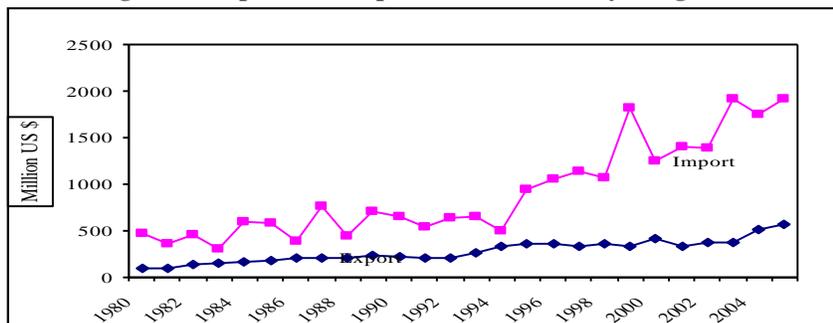
opportunity for bringing more land under cultivation. Yet, about 1 per cent of the total agricultural land is going out of agriculture every year for other uses (BBS, 2004). Land, even those with irrigation facilities, is continuously being shifted to non-agricultural use. Cropping intensity remains stagnant at around 175-177 percent, thus fails to mitigate the loss of land degradation. Climatic changes have been adversely affecting domestic production. Due to frequent floods and natural disasters, production of rice, wheat, onion, lentil and vegetables are seriously affected. Moreover, the use of mechanized technology is limited, yield per acre is low compared to many other developing countries, use of improved seed is still low, coverage of irrigated land is only 35.70 percent and ADP allocation remained stagnant around 1.5-2.00 percent for about 25 years. Thus the country has to depend on food import for ensuring food security.

The official statistics of the Ministry of Agriculture (Appendix Table A5) shows that until 1998-99, Bangladesh was a food deficit country; thereafter it became a food surplus country. A closer look at annual product specific demand and supply in 2005-06 exhibits that Bangladesh faces deficit for most of the essential food items except rice. The country can meet only 22 percent of wheat, 5 percent of edible oil, 13 percent of sugar, 42 percent of pulse, and 70 percent of onion and 31 percent of turmeric demand from the domestic sources (Appendix Table A6). As these items are essential in our day-to-day consumption, any change in international price and supply of these items would affect the domestic price.

Bangladesh's export-import situation of agricultural products reveals that it receives only 7 percent of total export earnings from agricultural products mainly from raw jute, jute goods, tea, frozen foods. On the other hand, the import of agricultural products constitutes almost 13 percent of total import payment. The major agricultural imports are cereals, pulse, edible oils and almost all kinds of spices. The total export in 2005 was around US \$572 million, while the country spent about US \$1,911 million for purchasing food items in 2005 (WTO Statistics, 2006). The country spent about 18.15 percent of its export earnings for purchasing food from the external sources in 2005-06. Food import bill of the country increased from US \$ 504 million in 1994 to US \$1,254 million in 2000 and further to US \$1,911 million in 2005. Since the global food prices are increasing at a very high rate during the last two years, it is reasonably expected that the food import cost will increase even further. Food import is increasing at a very fast rate since inception of WTO, 1995. A declining trend of food imports was witnessed between 2000 and 2002. Food grain imports marked a sharp rise during the year

2004 and 2005 reflecting a deterioration of food availability in the domestic frontier. Bangladesh has to depend on food import for ensuring food security. All the above ideas are shown in Figure-2.

Figure-2: Export and Import of Food Items by Bangladesh



Source: WTO Statistical Data base, 2006

If import price increases, a country pays more for importing food items, thus creating problems to existing foreign exchange shortfalls. Increasing prices of food stuffs, most likely, push up general price level, thus leading to high inflation. Bangladesh imports a large amount of food grain from overseas every year. Bangladesh has a two-way position in the arena of agriculture and international trade as it is a major producer of food grain especially rice and also a major importer of rice in the world market. Among the rice importing countries, Bangladesh stands second following Indonesia. Bangladesh also has a share of about 3.5 % of the total rice production in the world.

Bangladesh being an LDC is exempted from any commitment of tariff and subsidy reduction. However, the country has substantially reduced the average applied tariffs due to pressures from the IMF and World Bank. The bound tariffs in the WTO for most of the agricultural items are 200% (Table-3), except few items (13 items) where the average bound rate is 50%. The average bound rate for the agricultural products notified to the WTO is 188.5 percent, while the average applied rate is only 12.24 percent. This has not only reduced the sources of revenue earning but also forced the farmers to face open competition *vis a vis* the imported subsidized agricultural products and they were forced to leave agriculture and involve in other economic activities or remain unemployed.

Table-2: Tariff Protection in Bangladesh Agriculture

Item/Product	Bound Import Duty (%)	Applied Import Duty (%)
For all agricultural products (average)	188.5	17.3
Rice	200	0
Wheat	200	0
Lentil	200	0
Soybeans	200	15
Palm Oil	200	15
Refined Sugar	200	Tk. 5,000/ MT
Raw Sugar	200	Tk. 4,000/MT
Onion	200	0.00
Powder Milk	200	37.15

Source: Information on the applied tariffs was collected from National Board of Revenue and information on bound tariffs was collected from WTO.

When market fails to protect the interests of the majority, the has the due role to protect them from adversity - that is often made by subsidy mechanism towards the agriculture and any other thrust sector. Unfortunately, Bangladesh government has been providing very insignificant support towards agriculture since its independence until 2005 under the pressure and prescription of the WB and IMF. This means that agriculture sector received very limited attention or supports from the government. Around 1.5 -2.0 percent of the GDP is allocated to the development of the sector. But the trend seems to have changed in recent years. The amount of budget allocation for the sector increased significantly. In order to face the global food crisis, the present government has been putting more emphasis on agriculture. If these subsidies are properly managed and distributed, the sector would get a better boost in the coming days. This success of this initiative would need strict administrative and monitoring mechanisms and strong political commitment, which did not have good record in the past. Available data show that the support to agriculture as WTO defined Amber Box subsidy amounts to only 0.67 percent of GDP value addition of agriculture while it can be up to 10 percent under the negotiation made to AOA in UR.

Bangladesh has carried out a series of successive liberalization measures in agriculture sector under the guidance of the World Bank and the IMF. It has opened its agricultural market since 1980s, initially by liberalizing

the input market. Agricultural markets in Bangladesh are now substantially liberalized. Reforms have been quite extensive in the areas of:

- fertilizer marketing and distribution
- minor irrigation
- seed development and marketing
- interest rate deregulation
- food import

The conspicuous economic strategy in the agricultural sector of the past decade shows a systematic withdrawal of protection afforded to farmers. Against the backdrop of liberalization of input market in the wake of reduced public expenditure in agriculture, they are exposed to market volatility and private profiteering without adequate regulation. While there has been arrested growth of agriculture, with lack of other non-agricultural economic activities, the farmer is suffering in a generalized rural crisis. In the backdrop of imperfect nature of the input market, liberalized at the fullest extent without regulatory regime in place, the farmers assert that the burden has fallen disproportionately on the majority of them belonging to small and marginal section, particularly worsening the tenant farmers and rural labourers.

From the discussion it can easily be inferred that Bangladeshi farmers received little support from the government to improve their productivity, adopt new technologies, and adjust themselves with the global competition. They are forced to face global competition through gradual elimination of tariff barriers. Recently, government has been trying to support the sector, but would really be difficult to regain the lost paradigm. A sustainable food production system will call for increasing productivity through optimal and scientific use of all inputs. Land is a scarce natural resource for Bangladesh. As the scope of further increasing cropping intensity is extremely limited, the increase in production will have to be realized by raising yield per unit area. Raising the yield per unit area is possible with the sustainable and optimum use of agricultural inputs like seed, fertilizer, water, credit, etc. But unilateral liberalization of agriculture sector makes the input market highly disfavoured one for small producers in Bangladesh that hinders the potential of yield raise per unit area. Government has hardly any control

on the seed market as they supply only 5% of the total need of seed in the farming sector through BADC. Fertilizer market is also opened for private importers and Urea dealers often hoarding it during the peak season to make the artificial price hike. Means of irrigation is also highly concentrated to the rural elites. Though cultivable land is squeezing day by day, there is a possibility to increase production if support to agriculture is increased tremendously through technological innovation. Unfortunately, the reverse measures have been taken over the years under the forced guidance of WB and IMF that is seriously hurting agriculture in general and the poor in particular. If it continues, there is virtually no hope for increased production to feed the nation.

5. CONCLUSIONS: STRATEGIC OPTIONS

If the developed countries reduce subsidies during the current round of negotiations, global food prices will markedly increase. Bangladesh being a NFIDC will face difficulties, as its food import bill will increase. This will deteriorate its balance of payment positions, increase the domestic price level and exert inflation in the domestic economy. On the other hand, if the developed countries do not withdraw subsidies, farmers of NFIDCs cannot compete in the global market or with the imported goods available in the domestic market. Country like Bangladesh requires long-term vision and support to improve its agricultural productivity and supply of food from the domestic sources. An interesting and important point to note here is that the developing countries and NFIDCs have different interests in the arena of agriculture negotiations. All the developing countries do not necessarily have the same interests in the context of exemption of export subsidy of the developed countries. Negotiations on the Special Safeguard Mechanism would not also bring any fruitful benefit for food security of Bangladesh. From the viewpoint of food security, the following policy options are recommended to increase food production.

- The agriculture policy paradigm in NFIDCs must be allowed to change. NFIDCs should have policy space to expand public expenditure on agriculture. They should put greater emphasis on policies that increase food sovereignty, encourage local markets, support sustainable small-scale farming, safeguard local production, implement genuine agrarian reforms, etc.
- The negotiations did not deal with the role of International Financial Institutions like the World Bank, the IMF and other

regional development banks which had forced LDCs like Bangladesh to eliminate subsidies to the poor farmers as part of the Structural Adjustment Policy (SAP). The policies of these institutions should be reviewed and revised so that the policies do not continue to be barriers to food security and agricultural development in NFIDCs. Bangladesh should also go for a strategy to make subsidies available to the needy, not to the resourceful. A different box can be created to support the poverty-stricken poor agricultural producers by pooling resources globally.

- NFIDCs should give high priority to the expansion of local food production and build up their own capacities. Government should provide and expand adequate support to the agriculture sector. Accompanying measures and policies should thus be put in place. These countries should be allowed to calibrate their agricultural tariffs in such a way as to ensure that the local products can be competitive and the farmers' livelihoods and incomes are sustained, and national food security is assured.
- Technical assistance for agricultural production, growth and infrastructure development is needed for ensuring food availability through capacity building. For a dynamic upgrading in the production situation, it is urgently required to make major investment in agricultural research, development and technological advancement. There is a need for global compensation fund to provide necessary support to the NFIDCs like Bangladesh as per the negotiations made at Marrakesh.
- A comprehensive package is needed to make agricultural production sustainable as well as maintaining livelihood of the poor. Elements of such package could be, amongst others: correction of inequities in access to irrigation; bringing all cultivators into the ambit of institutional credit, including tenant farmers; augmentation of farming through technology, extension, price and other incentives; encouragement of cheaper and more sustainable input use; greater public provision and regulation of private input supply and strong research and extension support;

protection of farmers from high volatility in output prices and enhancement of rural economic diversification to more value-added activities and non-agricultural activities.

- To address the food security of the poor countries properly, a common definition needs to be followed by the international organizations like FAO, WTO, WFP and others. Moreover, all NFIDCs are not economically and socially similar. LDCs are more vulnerable as they are not only net food importing countries but also they have limited ability to purchase food from the global market. As such, the problems of food security of the LDCs must be treated separately.

REFERENCES

Aksoy, M. Ataman and John C. Beghin (2005), *Global Agricultural Trade and Developing Countries*, Editors, Washington DC: World Bank

Aksoy, M. Ataman, (2005), "Global Agricultural Trade Policies", in Aksoy, and Beghin, *Global Agricultural Trade and Developing Countries*, Washington DC: World Bank

CENTAD (2005), *South Asian Yearbook of Trade and Development*, Available at: "<http://www.centad.org/tradereport05.asp>"

FAO (1997), *The Food Situation in the Least Developed and Net Food Importing Developing Countries*. Rome

FAO (2002), "Trade Liberalization and Food Security: Conceptual Links", Chapter 3 in *Trade Reform and Food Security*, Rome: FAO Document

Government of Bangladesh (2006a), *Bangladesh Economic Review 2006*, June, Dhaka: Ministry of Finance

Government of Bangladesh (2006b), *National Food Policy*, August, Dhaka: Ministry of Food and Disaster Management

Government of Bangladesh (2007a), *Bangladesh Economic Review 2007*, June, Dhaka: Ministry of Finance

Government of Bangladesh (2007b), *Handbook of Agricultural Statistics*, December, Dhaka: Ministry of Agriculture

Hossain, M. et al. (2004), *Food Security and Nutrition in Bangladesh: Progress and Determinants*, a report prepared for FAO, Rome

Khor M. (2008), *The impact of trade liberalization on agriculture in developing countries: the experience of Ghana*. TWN, Penang, 2008

Ng, Francis and Aksoy M. Ataman (2008), "Who Are the Net Food Importing Countries?" The World Bank, Development Research Group, Trade Team, January 2008, WPS4557

OECD, Producer and Consumer Support Estimates, OECD Database 1986-2003, Available at:

"http://www.oecd.org/document/58/0,3343,en_2649_33727_32264698_1_1_1_1,00.html"

Panagariya, A. (2006), "Agricultural Liberalization and the Least Developed Countries: Six Fallacies", The World Economy: Global Trade Policy 2005, edited by David Greenaway, Boston: Blackwell Publishers

Regmi, A., M. S. Deepak, J. L. Seale, and J. Bernstein (2001), Cross-Country Analysis of Food Consumption Patterns In Changing Structure of Global Food Consumption and Trade, ed. Washington, D.C. United States Department of Agriculture Economic Research Service

Spieldoch, Alexandra (2008) "The Food Crisis and Global Institutions" (Washington, DC: Foreign Policy In Focus, August 5, 2008). Available at: "<http://fpif.org/fpiftxt/5442>"

UNCTAD (2006), Tracking the trend towards market concentration the case of the agricultural input industry. Geneva

World Bank (2007), World Development Report, 2008, Agriculture for Development, the World Bank, Washington D.C

WTO (1994), "Net Food-Importing Developing Countries", Agriculture: Explanation, web info at http://www.wto.org/English/tratop_e/agric_e/ag_intro06_netfood_e.htm.

WTO (1995a), The results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts. Geneva

WTO (1995b), Decision on Measures Concerning the Possible Negative effects of the Reform Programme on the Least-Developed and Net Food-Importing Developing Countries: The Director-General's Consultation with the International Monetary Fund and the World Bank, Documents G/AG/W/12 and G/AG/W/12/Add.1. Geneva

WTO (1998), WTO Annual Report 1998. Geneva

APPENDIX

Table A1: Total Domestic Support by WTO Members, 1996 (\$ million)

Country Group	Green Box	Domestic Support	Total
Industrialized Countries	139,650	114,118	253,757
Developing Countries	18,468	7,269	25,737
Least Developed Countries	112	0	112
All countries	158,230	121,387	279,617
Percentage Share (%)			
Industrialized Countries (23)	88.3	94	90.8
Developing Countries	11.7	6	9.2
Least Developed Countries	0.10	0	0

Source: South Asian Yearbook of Trade and Development, 2005, published by CENTAD

Table A2: Comparison of Total Domestic Support (Billion US \$), 1995-2001

Year	EU-15	USA	Japan	Rest of World	Total
Amber box (AMS)					
1995	64.4	6.2	36.8	12.2	119.2
1996	61.3	5.9	29.8	10.8	107.5
1997	56.6	6.2	25.8	10.4	99.0
1998	51.0	10.4	6.0	9.6	77.0
1999	47.6	16.9	6.7	5.4	76.7
2000	38.9	16.8	6.4	5.6	67.7
2001	35.2	14.4	5.3	3.5	58.4
De minimis					
1995	1.1	1.5	0.4	8.3	11.3
1996	0.9	1.2	0.3	3.8	6.2
1997	0.6	0.8	0.3	4.3	6.0
1998	0.4	4.8	0.6	2.8	8.6
1999	0.3	7.4	0.3	3.5	11.6
2000	0.5	7.3	0.3	3.3	11.4
2001	0.8	7.0	0.3	1.6	9.7
Blue Box					
1995	26.8	7.0	0.0	1.1	35.0
1996	25.8	0.0	0.0	1.1	27.0
1997	23.0	0.0	0.0	1.0	24.1
1998	22.4	0.0	0.0	1.0	23.5
1999	19.7	0.0	0.8	1.0	21.5
2000	19.8	0.0	0.8	0.1	21.5

2001	21.2	0.0	0.7	0.9	22.5
Green Box					
1995	24.6	46.0	32.9	26.3	129.3
1996	26.6	51.8	25.0	26.8	130.2
1997	20.5	51.3	21.6	26.0	119.4
1998	21.0	49.8	23.4	18.7	112.9
1999	19.8	49.7	24.1	14.7	108.5
2000	19.5	50.1	23.2	14.8	107.5
2001	18.5	50.7	20.4	8.8	98.3
Total					
1995	120.2	60.8	70.4	39.7	291.1
1996	121.2	58.9	55.3	31.4	266.8
1997	99.4	58.3	47.8	34.3	239.8
1998	97.3	65.0	30.4	29.2	221.9
1999	91.7	74.0	31.8	18.7	216.2
2000	80.4	74.2	31.3	16.0	201.9
2001	74.7	72.1	26.7	15.5	189.2

Source: USDA/ERS, WTO database, and WTO member notifications through June 1, 2005.

Table A3: Export Subsidies by Country, 1995-2000 (million US \$)

Country	1995	1996	1997	1998	1999	2000
EU (15 Countries)	6,496	7,470	4,857	5,989	5,854	2,517
USA	26	122	112	147	80	15
Switzerland	455	355	295	293	269	188
Norway	84	78	100	77	116	44
Rest of the World	267	228	195	162	177	443
Total	7,328	8,253	5,559	6,668	6,496	3,207

Source: Economic Research Service (ERS) calculations from WTO export subsidy notifications, <http://www.ers.usda.gov/db/wto>

Table A4: Average Tariffs for Agricultural Products, 2006, OECD Countries

Country	Simple		Gap between Bound and Applied Rate
	Bound	Applied	
Australia	3.4	1.2	2.20
Canada	16.90	17.30	-0.40
EC	15.40	15.10	0.30
Japan	28.40	24.30	4.10
Korea	59.30	18.20	41.10

Mexico	43.70	18.20	25.50
New Zealand	5.70	1.70	4.00
Norway	137.80	61.10	76.70
Switzerland	57.20	43.80	13.40
Turkey	60.10	42.00	18.10
USA	25.40	6.50	18.90
Simple	41.21	22.67	18.54

Source: World Tariff Profiles, 2006, WTO

Table A5: Food grain Production and Requirement 1971-72 to 2020
(Figures in Thousand metric tons)

Year	Mid-year population	Food grain requirement	Total Production	Total net production	Food surplus/deficit
1971-72	72.60	12019.73	9889.20	8744.03	-3275.70
1975-76	79.90	13228.33	12777.00	11297.42	-1930.91
1979-80	87.60	14503.15	13367.00	11819.10	-2684.05
1984-85	98.10	16241.54	16108.00	14242.69	-1998.85
1985-86	100.30	16605.78	16104.00	14239.16	-2366.62
1989-90	108.90	18029.60	18603.30	16449.04	-1580.56
1990-91	111.00	18377.28	18792.00	16615.89	-1761.39
1993-94	117.00	19370.65	19187.60	16965.68	-2404.97
1994-95	119.00	19701.77	18106.80	16010.03	-3691.74
1995-96	122.10	20215.01	19088.00	16877.61	-3337.40
1998-99	128.10	21208.37	21897.48	19361.75	-1846.62
1999-00	129.80	21489.83	25027.70	22129.49	639.66
2000-01	131.50	21771.28	26907.20	23791.35	2020.06
2001-02	133.45	22094.13	26078.40	23058.52	964.40
2002-03	135.00	22350.75	26903.85	23788.38	1437.64
2003-04	136.20	22549.42	27683.70	24477.93	1928.51
2004-05	138.05	22855.71	26488.00	23420.69	564.98
2005-06	139.10	23029.55	27787.00	24569.27	1539.72
Projected Population, Food grain Requirement and Production from 2005 to 2020					
2010	148.10	24519.60	31200.00	27587.04	3067.44
2015	156.70	25943.42	33700.00	29797.54	3854.12

2020	166.90	27632.14	35000.00	30947.00	3314.86
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Source: Bangladesh Bureau of Statistics (BBS), Department of Agricultural Extension (DAE) and Ministry of Food (MOF)

Table A6: Demand, Supply of Essential Food Items, (Lac MT), 2005-06

Item	Annual Import 2005-	Annual Production 2005-	Annual Demand 2005-	Domestic Surplus 2005-06	Annual Prod. 2006-07	Annual Demand 2006-	Domestic Surplus 2006-07
Rice	10.00	265.30	230.29	35.01	266.00	233.00	33.00
Wheat	18.63	7.38	21.47	-14.09	6.50	28.29	-21.79
Edible oil	4.42	0.96	19.20	-18.24	0.96	19.20	-18.24
Sugar	1.99	1.34	12.00	-10.66	1.65	12.00	-10.35
Pulse (lentil)	0.75	1.20	3.18	-1.98	1.35	3.20	-1.85
Onion	1.69	7.69	9.65	-1.96	8.74	12.50	-3.76
Potato	no import	40.00	40.00	0.00	50.00	44.00	6.00
Ginger	0.10	0.57	0.67	-0.10	0.60	0.75	-0.15
Chile	0.03	1.55	1.60	-0.05	1.50	1.60	-0.10
Turmeric	0.01	0.92	0.93	-0.01	0.95	3.04	-2.09
Garlic	0.23	1.20	1.23	-0.03	1.05	1.53	-0.48
Salt	0.75	14.38	12.40	1.98	10.65	12.40	-1.75

Source: Ministry of Commerce, Bangladesh

CLEAN DEVELOPMENT MECHANISM (CDM): PROBLEMS AND PROSPECTS IN BANGLADESH

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Abstract

Clean Development Mechanism (CDM) is one of the three market based emissions trading mechanisms established by the Kyoto Protocol (KP) regime. This mechanism has been designed to monetise environmental values using market mechanism to contribute to the sustainable development of the host country and to encourage cleaner technology transfer from developed countries. As of June 20, 2008, a total of 1,084 CDM projects have been registered with the CDM Registration Board. Out of these registered projects, India is the host country for 35% of the projects followed by China (14.4%) and Brazil (13.6%). Compared to these numbers, Bangladesh has so far been successful in registering only 2 projects constituting 0.18 % share of the CDM projects. Such a share is highly disproportionate considering Bangladesh's population, geographical location and economic condition. However, this should not be assumed that the local entrepreneurs are not interested in undertaking CDM projects. Thus, the paper identifies the problems that exist in undertaking/popularizing CDM projects in Bangladesh against the successes of India or other countries. The paper discusses some of the institutional, technical and capacity building issues specific to Bangladesh as well as the CDM registration process. Besides certified emission reduction (CER) attainable through the CDM process, the paper also explores the prospects of verified emission reduction (VER) in the context of Bangladesh.

1. INTRODUCTION

Kyoto Protocol (KP), adopted on December 11, 1997 and gone into effect on February 16, 2005, is part of the international initiative to reduce six green house gases (GHGs), namely Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs) and Sulphur hexafluoride. KP is a legally binding Protocol that obligates the 38 industrialized countries, referred to

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as Annex – 1 countries, to reduce their emissions level of those six gases to an average of 5.2 percent below their 1990 levels. As of May 2008, 181 countries have ratified this Protocol. The Protocol not only put a cap on industrialized countries' GHG emissions but also devised several means of achieving the target reduction by putting a price for emissions. These means are often referred to as cooperative mechanisms, which allow the Annex-1 countries to achieve emission reductions at a lower cost in other countries than the costlier option at home. International Emissions Trading (IET), Joint Implementation (JI) and CDM are the three market-based cooperative mechanisms. IET allows the industrialized countries to transfer parts of their allowed emissions. JI enables an Annex - 1 country to claim credits for emission reductions as a result of its investment in emission reduction or emission removal project in another Annex - 1 country.

According to the proponents of KP, CDM projects are to be implemented in non-Annex countries with financial assistance and technology transfer from Annex-1 countries for the Certified Emission Reductions (CER) Credits. CDM has been designed not only as an emissions reduction tool, since it addresses the non-Annex country's sustainable development priorities, it also assists the recipient country to use it as a development tool and as a means of technology transfer. Thus, CDM is the most important and relevant flexible mechanism for the developing countries under the KP. The provision of depositing 2 percent of CER proceeding for the climate change (CC) adaptation fund is also important for the non-Annex countries, predicted to be the hardest hit from the impacts of CC. For the Annex-1 countries, probably, this is the most cost effective option in meeting the stipulated emission targets as JI and IET are to be implemented in developed countries where the project costs are usually higher.

The first CDM project has been registered at the United Nations Framework Convention on Climate Change (UNFCCC) Board on November 18, 2004¹⁵ and it has been estimated that the global CDM market size could be between 50 MTCO (million tons of carbon dioxide equivalent) and 180 MTCO¹⁶. As of July 21, 2008 1,128 projects have been registered with the CDM authorities. Of them, India has the largest

¹⁵ Bhat, P. (2005), **Clean Development Mechanism 2005**, available from <www.iges.or.jp/en/cdm/pdf/india/activity03/pamposh1.pdf> [accessed 12/26/08].

¹⁶ The Energy and Resources Institute (TERI) (2005), CDM Implementation in India: The National Strategy Study, p. 12 available from <<http://www.teriin.org/nss/fullreport.pdf>> [accessed 08/08/08].

number of registered projects, totalling 335 or 31.47% of the projects registered. This is followed by China with 244 projects constituting 21.63% and Brazil 12.68%¹⁷. Although India has the largest number of registered projects, it occupies 3rd position in terms of CER generation. In 2006, Indian projects sold 12 million tons of Carbon dioxide equivalent (CO₂e) compared to 46 million by China and 15 million by Brazil¹⁸. China has already taken a share of 73 percent of the total CDM fund or US\$ 5.4 billion¹⁹. The reason for China's prominence in terms of CERs is due to project decomposing HFC gases. It needs mentioning that HFCs are 11,700 times more potent than CO₂ as GHG²⁰. It should also be mentioned that 12 out of 20 CDM projects for decomposing HFC is located in China and 95% of CERs in China are from those projects²¹.

In contrast, despite having a large population, a burgeoning economy and a sizeable landmass, Bangladesh has so far been successful in registering 2 projects constituting only 0.18% of the total number of registered projects. Beside these two registered projects, there are two projects under validation. Combined together, these four projects are

¹⁷ United Nations Framework Convention on Climate Change (UNFCCC) (2008), Registered Project Activities by Host Parties, available from <<http://cdm.unfccc.int/Statistics/Registration/NumOfRegisteredProjByHostPartiesPieChart.html>> [Accessed 27/07/08].

¹⁸ Wiekert, M. (2006) **CDM Market Brief**, December 2006, available from <<http://www.kyoto-coaching-cologne.de/publikationen/CDM-Indien-Aufl2-Endversion-englisch.pdf>> [accessed 8/8/08].

¹⁹ Ahmed, I., **South Asia braces for climate change fallout**, *The Daily Star*, July 1, 2008.

²⁰ Global warming potentials (GWP) are based on the heat-absorbing ability of each gas relative to that of carbon dioxide (CO₂), as well as the decay rate of each gas (the amount removed from the atmosphere over a given number of years). The six GHGs and their GWPs are as follows:

GHG	Potential	GHG	Potential
CO ₂	1	CH ₄	21
N ₂ O	310	PFC	6,500
HFC	11,700	SF ₆	23,900

²⁰ Mitsubishi UFJ Securities and Clean Energy Finance Committee, 'Recent CDM Projects and Risk Control', available from <www.resourcesaver.com/file/toolmanager/CustomO105C399F97268.pdf> [accessed 14/12/08].

²¹ Fenhann, J. (2008), **The Global CDM Pipeline and the CDM Projects in Bangladesh**, paper presented at the First Capacity Building Workshop on CDM under the CD4CDM project, Dhaka, Bangladesh, April 8-9, 2008.

expected to take only 0.1% shares of CERs by 2012²². Such dismal performance of the country calls for a look into the reasons for its failure in attracting more CDM projects. Thus, the purpose of the paper is to:

- I. Discuss the process of CDM registration through the UNFCCC process;
- II. Analyse the reasons for feeble amount of CDM projects in Bangladesh; and
- III. Explore the options to sell carbon credits through the verified emission reduction (VER) process.

With these purposes in mind, the paper proposes to look into these issues on the basis of the available literature and personal experiences in trying to promote CDM projects in Bangladesh.

2. THE CDM PROCESS

This section draws heavily from United Nations Development Program's (UNDP) publication *The Clean Development Mechanism: A User's Guide* (2003) and Institute of Global Environmental Strategies (IGES) publication *CDM Country Guide for India* (2005).

CDM process involves the following stakeholders:

- i. *PROJECT DEVELOPER/OPERATOR*: Government bodies, municipalities, foundations, financial organizations, NGOs and private sector organisations from the developing countries can develop and operate CDM projects.
 - ii. *CDM INVESTORS / CER PURCHASERS*: These are project investors or purchaser of carbon credits from the Annex – 1 country. These credits from CDM are called certified emission reduction (CER).
 - iii. *HOST GOVERNMENTS AND DESIGNATED NATIONAL AUTHORITIES (DNA)*: A country that has signed and ratified KP is a party to the CDM project within the country. The Department of Environment of the Bangladesh government acts as the DNA for Bangladesh as the host country. DNA is
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responsible for approving each CDM project and ensuring that it conforms to the country's sustainable development criterion.

- iv. *DESIGNATED OPERATIONAL ENTITIES (DOEs)*: DOEs are domestic or international legal entities that are accredited by the CDM Executive Board to validate CDM activities at the outset of the project, make project design documents (PDDs) publicly available, ensure public participation in the document and incorporate stakeholder comments on the PDD and verify and certify CER during project operations.
- v. *CDM EXECUTIVE BOARD AT THE UNFCCC*: The CDM Executive Board is comprised of 10 elected members from both Annex and non-Annex countries. Among other responsibilities, the Board is entrusted with approving new methodologies related to baselines, monitoring plans and project boundaries, reviewing simplified procedures and definition of small-scale projects, accrediting and suspending of DOEs, developing and maintaining a CDM project registry and reviewing project validation and verification reports and issuing verified CERs.
- vi. *OTHER STAKEHOLDERS*: Local people residing at the project site and interested parties at local, national and international levels should be allowed to review and comment on the project activities. They can also be included in monitoring the project activities.

From conceptualisation to implementation, a CDM project usually goes through the following steps:

1. *Project identification*: According to the UNFCCC rules, any CDM project has to fulfill two major conditions. They are: 1. the project activities must result in reducing or absorbing GHG emission that are measurable and verifiable known as additionality (discussed later); and 2. It must demonstrate its contribution to environmental integrity and host country's sustainable development goals. In addition to these two conditions, a CDM project should not be a nuclear power project, divert overseas development assistances from the Annex

1 countries for financing it and it should not undertake other type of sequestration activities besides afforestation or reforestation (e.g. carbon capture & storage projects) After fulfilling these conditions and ascertaining support of the host country the project needs to be categorized, its technological conditions should be assessed, and a rough estimation of the project's emission reduction and its negative impact on the environment should be conducted.

During the project identification and screening phase some computer software available on the Internet can assist the project proponent in a rather basic way. These are ProForm²³ developed by Lawrence Barkley Livermore Laboratory and RETScreen²⁴ developed by the Canadian government.

Project Idea Note (PIN): If the answer to the questions asked during the Project Identification phase come out positive then the project developer should prepare and submit a PIN to the probable CER purchasers or traders to gauge the relevance and their level of interests in the project. The PIN is usually 5 pages long with the information on the type and size of the project, its location, estimated additional GHG reduction, crediting period and expected CER price (US\$/tCO₂ equivalent). However, the development of a PIN is not a mandatory requirement of the CDM.

2. *Project Design Document (PDD)*: PDD is the key and mandatory document of the CDM process. This document is submitted to the DOE for validation and after that to the CDM Executive Board for registration. The standard PDD form can be downloaded from the UNFCCC website. The PDD forms include

- a. A general description of the project activity;
- b. A baseline methodology;
- c. Crediting period;
- d. Explanation of additionality;

²³ Available from <http://poet.lbl.gov/Proform/DLProform.html> [accessed 15/04/09].

²⁴ RETScreen International, available from <http://www.retscreen.net/ang/home.php> [accessed 15/04/09].

- e. Monitoring methodology and plan;
- f. Calculation of GHG emission by sources;
- g. Environmental impacts from the project activities; and
- h. Stakeholder comments.

Stakeholder comments on the project and its impact should be documented to ensure transparency about the project. In addition, review and comment on the PDD from the local, national and international community can be invited by posting the PDD on UNFCCC and the project proponent's website.

3. *Host country approval:* Approval of the host country in the project is a key requirement by the CDM Board to ensure that the host country retains sovereignty over all its natural resources, prioritizes its sustainable development goals and are capable of mitigating emissions. The approval from the host country should be in a written format which would serve as an evidence of host country acceptance of the project. A typical letter should mention that the host country approves the project and recognises its contribution to the national sustainable development.
4. *Validation by DOE:* The PDD and the host country approval, once received, should be submitted to the DOE for validation. The DOE, during this phase, will evaluate all the documents against the KP and the subsequent Declaration and Accords. Validation is distinct from verification in the sense that the latter occurs on the onset of the project and the former during the operation. As discussed earlier, the CDM process requires consultation on the project at the international level. This is usually done through inviting comments from all interested parties by putting up the PDD on the DOE's website. In general, the DOE is responsible for project validation and requests the UNFCCC for its registration and verifies emission reduction of a registered CDM project. However, carrying both the validation and subsequently verification of the project through the same DOE require permission from the CDM Executive Board as it might result in conflict of interests.

Depending on the reviews and the comments received, it is the responsibility of the DOE to decide whether the project can be validated. After sending the validation report to the CDM Executive Board, the DOE is also responsible for making the report public.

5. *Registration*: Registration of a project is the formal acceptance of the validated project by the UNFCCC Executive Board. The DOE is responsible for sending the request for registration. Unless a review of the project is requested, upon receiving the request, the CDM Board makes the decision on the project within a maximum of 8 weeks. The Executive Board reviews the project on validation issues and a project cannot be registered unless the review is finalised. The CDM project proponent has to pay a registration fee at the registration stage. The registration fee is US\$0.10 for each unit of CER issued for the first 15,000 tons of CO₂ (tCO₂) and US\$ 0.20 for each unit of CER issued above 15,000 (tCO₂). Registration fees can be as follows:

Table: 1

Expected average annual emission reduction (tCO ₂)	Registration fee (US\$)
10,000	Nil
15,000	1,500
30,000	4,500
100,000	18,500
1,000,000	198,500

Source: Ministry of Environment, Japan and Institute of Global Environment Strategies (IGES), *CDM in Charts Ver. 5.1*, p. 41. May 2008.

6. *Implementation and monitoring*: A project can become operational as soon as the registration is done. In effect, a project can start earning CERs since its validation. According to the procedures laid out in the validated monitoring plan of the PDD, the developer needs to start monitoring the project performance after the project implementation. The monitoring results have to be submitted to the DOE for verification and certification. CERs can be issued after verification of the monitored data.

7. *Verification:* Verification is carried out by a DOE contracted by the project proponent. It is the periodic review and ex-post determination of the monitored GHG emission resulted from the project. This process confirms the total number of CERs resulting from the project for the period specified in the PDD. The frequency of verification is related with the transfer of CERs. CERs are released more frequently when verifications are done at the same pace. DOE is responsible for making the verification report public and submitting it to the CDM Board.
8. *Certification and Issuance of CERs:* Certification is a written affirmation by a DOE that during the period specified in the PDD the project has achieved reductions in GHG as stated and verified, in compliance with all relevant criteria. It is a form of liability transfer from the project proponent to the DOE. Hence DOE is responsible for any underperformance of the project due to the quality and quantity of the CERs. Once the CDM Board approves the issuance of CERs, the CDM registry administrator forwards the CERs into the appropriate accounts. Two (2) percent of the CERs are required to go to the adaptation fund.

Baseline and additionality are two of the important concepts in the CDM process. They are discussed below.

Baseline: Establishing the baseline scenario of a project is of crucial importance in a CDM project. The baseline scenario process sets the base from which the amount of GHG and subsequently the CERs are calculated. It describes the current level of GHG emission scenario before the commissioning of the project or the technological enhancement. Emission reduction or sequestered within the project boundary during the crediting period is accounted as direct emission reduction from the project. This is calculated using the following approaches:

- a. Existing actual or historical emissions data;
- b. Emissions from economically attractive technologies; and
- c. Average emission from similar projects, whose performance is among the top 20% of their category, undertaken in similar

socio-economic, environmental and technological conditions within the last 5 years.

In addition to the standardised or already approved methodologies, the project developer can suggest new methodologies to establish the baseline scenario.

Additionality: Under the CDM regime a project is additional if GHG emissions are reduced below those that have occurred in the absence of the registered CDM project activity. Proponents of the projects have to provide an explanation about how and why this project activity is additional and not the baseline scenario according to the selected baseline methodology. The tool for the demonstration and assessment of additionality, known as additionality tool, provides a general framework for demonstrating and assessing additionality. The Marrakesh Accord of 2001 define additionality as “A CDM project activity is additional if anthropogenic emissions of greenhouse gases by sources are reduced below those that would have occurred in the absence of the registered CDM project activity”.

This additionality component of CDM is important as emission reduction from the project activity would be credited to the CDM investors or CER purchaser to allow the increase of emission of Annex – 1 country. Moreover, CDM projects require validation that the proposed project is an improvement from the baseline CO₂ emission meaning that it reduces emission more than the baseline scenario. Thus, baseline scenario is closely linked with additionality.

Following four steps are undertaken to assess additionalities of a project:

- i. Whether the project activity complies with the existing laws of the country;
- ii. Determine whether the project activity is economically or financially less attractive without CER;
- iii. Analyse whether the project activity faces some barriers which prevents its replication; and
- iv. Finally, identify that the project type has not diffused in the relevant sector and region.

3. REASONS FOR LESSER NUMBER OF CDM PROJECTS IN BANGLADESH

The following observations were made during the author's involvement with the International Finance Corporation – SouthAsia Enterprise Development Facility (IFC-SEDF), of the World Bank Group, the advisory services arm of the IFC during 2007-2008.

LOW EMISSION BASELINE

Energy, both through electricity generation or transportation, is largely responsible for emitting GHGs. Energy, thus, has the largest responsibility in providing solutions to mitigating climate change. So, it is no wonder that about 63 percent of projects registered at the CDM Board are related with energy usage²⁵.

Compared to India or China, Bangladesh has a lower emission baseline. That is due to several factors. Most important of them are the low consumption of energy as well as the related emission factor and the use of natural gas. According to the International Atomic Energy Commission, India's per capita CO₂ emission is 0.96 tons and China's 2.72 tons while Bangladesh's one is only 0.24 tons. Thus, India's emission rate is four (4) times greater than that of Bangladesh's²⁶.

One of the reasons for greater emission of CO₂ by India or China vis-à-vis Bangladesh is of the predominance of coal in India's as well as China's energy mix vis-à-vis that of natural gas in the case of Bangladesh. Natural gas has been the fuel for powering more than 80% of the power generation. It needs mentioning that carbon content of natural gas is only 60 percent that of coal per unit of primary energy content²⁷.

Since Bangladesh already has a low baseline scenario in terms of energy usage, the additionality factor from energy related projects (e.g. RE, conversion) does not provide lucrative benefits to Bangladesh when

²⁵ This include projects on energy industries (RE and non-RE resources), fugitive emission from fuel and transportation.

²⁶ **Energy and Environment Data Reference Book**, International Atomic Energy Agency (IAEA), available from <http://www.iaea.org/inisnkm/nkm/aws/eedrb/data/CN-enemc.html> [accessed 28/10/08].

²⁷ Kloepfel, J. E., 'Substituting natural gas for coal offers long-term climate benefits', **News Bureau** –University of Urbana Champaign, available from <http://www.news.uiuc.edu/scitips/02/0703fuels.html> [accessed 06/08/08].

one compares with the situation in India. In this way, for example, a RE project's baseline would be 40 percent lower compared to that in India or China while the emission reduction factor would be the same. Thus, energy related projects although involving same amount of investment would generate less CERs. Therefore, a local entrepreneur would not find it lucrative to invest in an energy-related CDM project.

LACK OF ADEQUATE KNOWLEDGE AMONGST THE ENTREPRENEURS

Although no formal survey has been conducted to gauge the knowledge of the CDM process, general discussions with some of the potential entrepreneurs show a general lack of awareness about the CDM process²⁸. While some of the entrepreneurs did not have any knowledge about the CDM process, some were aware of the process but did not know about the next steps to be taken. At the same time there were some entrepreneurs who had considerable knowledge about the process but had somewhat incomplete ideas about the project beneficiaries and about where the proceeds from CERs should go.

LACK OF LOCAL SERVICE PROVIDERS TO FACILITATE THE CDM PROCESS

The lack of awareness/knowledge about CDM amongst the local entrepreneurs is further hampered by the absence of CDM service providers in Bangladesh.

A large number of international and local firms have a strong presence in India to provide their services facilitating CDM projects. These services range from preparing the requisite project documents to preparing PDD without additional services. The presence of such large number of firms has raised competition in providing such consultancy services. Even large multinational firms like Ernst & Young or PricewaterhouseCoopers has to face stiff competition from smaller local consulting service providers. According to a July 2005 report, the charge for preparing PDDs without additional services ranged from US\$ 5,000 to US\$ 50,000 depending upon the size of the project and the reputation of the consultancy firm²⁹.

²⁸ Information from the informal meetings with the local entrepreneurs interested in CDM projects during January – February 2008.

²⁹ KFW Bankengruppe, (2006), **CDM Market brief**, available from <http://www.kyoto-coaching-cologne.de/publikationen/CDM-Indien-Aufl2-Endversion-englisch.pdf> [accessed 28/10/08].

Presence of such consultancy firms at the international or local level is almost absent in Bangladesh. Such absence is a major impediment in having a sizeable number of CDM projects in the country, particularly when there is a visible lack of knowledge about CDM process existing among the potential entrepreneurs. CDM service providers and CDM projects both could act as push and pull factors. A considerable number of CDM projects in Bangladesh could have worked as the pull factor for service providers in Bangladesh. In the same manner, presence of considerable numbers of service providers in Bangladesh could have worked as a push factor enabling Bangladesh to register more CDM projects.

STRONG CDM CLIMATE IN INDIA

According to Deutsche Investigations, India has one of the best CDM investment climates in Asia, next only to South Korea. In CDM Investment Climate Index, India scored 84.50 out of 100³⁰. The Index finds that a favourable macroeconomic climate with a present GDP growth rate of 8%, presence of 300 million strong middle class with the propensity to consume, ample supply of well trained labour, booming service sector and a rapidly growing industrial base has been conducive in attracting CDM investment in India. The report also mentions that increasing readiness of the large enterprises to enter the CDM market is a major reason for India's success in attracting more CDM projects. Some of the large Indian state-owned organizations like Oil and Natural Gas Corporation Ltd, Steel Authority of India and Indian Oil Corporation have entered the CDM market.

The following table would best illustrate India's position in the global CDM market:

Table: 2

Global carbon market	415-1250 MtCO ₂ /year
Global market carbon price range	\$1.3 – \$6.1/tCO ₂
Global CDM volume	37.8 – 26.4 MtCO ₂ /year
India's export revenue	\$4.8 – \$106.6 million/year
Share of India in CDM	10%

Source: Kelkar, U, (2005), The CDM Process: CDM Project Developers Workshop, available from http://www.wbcsd.org/DocRoot/ZKZm15uWD1gwkb3QVPV5/CDM_TERI.pdf [accessed 19/04/09].

³⁰ Martin Wiekert, *Ibid.*

Bangladesh score or standing could not be available from the report. Since attracting CDM is similar to attracting FDI, Bangladesh's failure in attracting more FDI can be one of the explanations of the country's backwardness in attracting more CDM projects.

INDIA'S ANTICIPATION OF BINDING EMISSION REDUCTION MEASURES IN FUTURE

One of the reasons for India's vigorous push to attract more CDMs, has been mentioned, as a part of its anticipation that the next phase of KP would impose binding limitations on her to offset emissions. The process of 'cleaning up the mess' through a larger number of CDM projects seem to be an effort to prepare India to face the future.

Standing at the bottom of the list in terms of per capita emissions, one does not foresee Bangladesh coming under such binding requirements for undertaking GHG mitigation measures, where adaptation measures are of prime importance for its survival. Probably, for this reason the government or the concerned agencies do not persuade CDM projects with the same zeal as India or China.

COMPLICATED, LENGTHY AND EXPENSIVE CDM PROCESS

In addition to the registration fees, the CDM project proponent has to bear additional expenses. Thus, currently the process of CDM project approval is characterized by a high degree of complexity and long lead times. In addition, the stringent monitoring and verification requirements add to the lifetime transaction costs of the CDM. A UNDP report finds that it takes 9 - 12 months, and in cases more, to develop new methodologies and getting them approved. It takes 2 - 3 years from conceptual formulation of a project to the point of registration. The delay is caused mainly due to the lengthy validation period and securing approval from the host country, to a lesser extent³¹. During this period, the CDM proponent has to bear the expenses and professional fees of the consulting firm which in effect increases the CDM implementation cost.

A study shows that on average it costs about US\$100,000 to 200,000 to develop a project³². A case study on a Ghanaian LPG plant's CDM

³¹ United Nations Development Program (2006), 'UNDP and the Clean Development Mechanism', **Climate Change Series**.

³² Mathias, A. J. (2004), CDM business opportunities for cogeneration projects, paper presented at Vietnam Cogeneration week 2004, available from <www.cogen3.net/presentations/asean/cogenweek2004vietnam/CDMbusinessopportunitiesforcogenerationprojects.pdf> [accessed 10/08/08].

process and costs shows that to generate CERs of 2,700 ton CO₂e per year the proponents had to spend US\$ 330,000³³. Cost breakdown is as follows:

Table: 3

Stage	Cost in US\$	Cost Type
Project Idea Note (PIN):	40,000	Upfront Costs
New methodology development	200,000	
Project Design Document (PDD)	35,000	
Host country approval	5,000	
Project validation	40,000	
Project registration	10,000	
Monitoring and verifications of emission reductions	8,000	Variable Cost

Such costs as well as complicated CDM project registration process make it even more difficult for least developing countries, particularly Bangladesh, to take part in the CDM process. The time and cost involved in approving new methodologies, a process Waste Concern had to go through, can be considered as a major deterrence to bring new and innovative GHG abatement projects on-board. Thus, entrepreneurs with limited funds are uninterested to go ahead with new innovative projects. So, it is no wonder that most of the projects are registered by relatively bigger and more developed countries like India, China or Brazil.

UNCERTAINTIES OVER THE FATE OF THE CDM PROCESS IN POST-2012 PERIOD

Many of the entrepreneurs met during the interview mentioned about their skepticism about undertaking CDM projects as the crediting period would end in 2012 and the future of this process is uncertain. In the words of an entrepreneur, “The KP regime is coming to an end in 2012. We do not know what is going to happen to the CDM process after that time. It takes at least two years to register a CDM project. If we start now (in February 2008) then we’ll have the registration in 2010. Then the crediting period would only be for 2 years and that is not enough to make the investment”³⁴.

³³ Chadwick, B. & Bloomgarden, E., (2006), **Effective Use of Clean Development Mechanism**, available from <www.un.org/esa/sustdev/csd/csd14/lc/presentation/chadwick.pdf> [accessed 12/26/08].

³⁴ An anonymous entrepreneur interviewed on February 5, 2008 at Mahakhali, Dhaka.

4. THE ALTERNATIVE PATH: VERs

VER or verified emission reduction has also been termed as voluntary emission reduction. VER is seen as an alternative to CERs as there is yet to be a national law or set of regulation in the US, who has yet not ratified the KP, to control GHG emissions. Several US states, like California, have adopted programs or policies to reduce, verify and register reductions in GHG emissions. These policies, along with ongoing programs of voluntary carbon reduction or becoming carbon neutral developed internationally, have stimulated growth in the market for VERs³⁵. The Glossary of Terms of the World Bank's Carbon Finance Unit defines verified emission reductions (VERs) as "a unit of greenhouse gas emission reductions that has been verified by an independent auditor, but that has not yet undergone the procedures and may not yet have met the requirements for verification, certification and issuance of CERs (in the case of the CDM) or ERUs (in the case of JI) under the Kyoto Protocol. Buyers of VERs assume all carbon-specific policy and regulatory risks (i.e. the risk that the VERs are not ultimately registered as CERs or ERUs). Buyers therefore tend to pay a discounted price for VERs, which takes the inherent regulatory risks into account"³⁶. Like CER, a VER typically represents 1 ton of CO₂e reduction.

Organizations that are willing to reduce their carbon footprint or become carbon neutral buys VERs sold at the Chicago Climate Exchange (CCX) or other organizations like the World Bank or EcoSecurities. Unlike the CDM process, there are no overarching regulatory bodies like the CDM Executive Board in the issuance of VERs but verification and certification are carried out by independent auditors like TUV SUD. The auditors provide written assurances of the integrity of emission reduction credits (ERC), in the same manner as financial audits.

There are generally three types of VERs namely pre-registration CDM, 'special situations' and small scale projects³⁷. A CDM project developer can sell carbon credits for the emission reduction for a period

³⁵ Dayal, P. (2007), **Standardization of Verified Emission Reductions**, Issue Alert, UtiliPoint International Inc.

³⁶ The World Bank Carbon Finance Unit (2008), **Glossary of Terms**, available from <<http://carbonfinance.org/Router.cfm?Page=Glossary>> [Accessed 09/08/08].

³⁷ TFS Green (2008), Voluntary Emission Reduction (VER) Introduction, available from < <http://www.tfsgreen.com/global-markets/voluntary-emissions-reductions/>> [accessed 10/08/08].

from the inception of the project to its registration at the CDM Executive Board. This is known as pre-registration CDM. Projects whose technologies or methodologies for emission reduction has not been approved in the CDM regime (e.g. land use change and forestry, carbon capture and storage, biofuels) fall within the 'special situations' typology. Small scale community driven projects with insufficient resources to meet the strict requirements and the costs of specialized consultancy services opt for lower cost options through the VERs.

Compared to CERs, VERs have some merits and demerits. On the positive side, the seller of VER transaction process is faster and less complicated than CERs. On the negative side and perhaps most importantly, the price of VERs is much lower than CERs. As of August 1, 2008 CERs were selling at US\$27³⁸ while VERs were selling at the CCX for only US\$4. CERs have individual serial numbers guaranteeing that they cannot be sold twice but in case of VERs there is no internationally recognized central issuing body. Thus, in theory, VERs can be sold twice.

Entrepreneurs who find CDM process too complicated, lengthy and expensive might explore the VER process.

5. ACTUAL AND PROSPECTIVE CDM PROJECTS IN BANGLADESH

As mentioned earlier, only two CDM projects from Bangladesh have been registered at the CDM Board. Both of these projects would be managed by Waste Concern, a local non-government research organization. These projects are 'Landfill gas recovery in Dhaka' and 'Composting of organic waste in Dhaka'. The first project is designed to handle 700 tons of organic waste each day and turn it into compost. This project would reduce annual emission of 4,300 tons of methane (89,000 tons of CO₂e)³⁹. The first project became operational, after a relatively long gestation period, on November 25, 2008. The second project was registered with the CDM Board on May 18, 2006. This project is

³⁸ Carbon Positive (2008), **CER prices fall sharply on oil**, available from <<http://www.carbonpositive.net/viewarticle.aspx?articleID=137>> [accessed 09/08/08].

³⁹ 'CDM plant opens today', *The Daily Star*, November 25, 2008.

designed to reduce 89,259 tons of CO₂e/year⁴⁰. Despite the expectation of the project proponents to operationalise the project in the last quarter of 2006, the project is yet to be online as of December 2008.

Beside these two registered projects, some of the projects have been in the process of development for quite a long time. These include the 'Installation of 30,000 solar home systems (SHS) in rural households' with Grameen Shakti and 'Improving Kiln Efficiency of the Brick Making Industry in Bangladesh'. The first project was opened for comments on December 31, 2005 and the second one on October 27, 2007. The first project is expected to reduce 6 kilo tons of CO₂e and the second one is 59 kilo tons of CO₂e⁴¹. It should be mentioned that the last project envisages bundling up of some of the brick kilns to attain the desired reductions.

Apart from these four projects, Reazuddin and Sinha identified several opportunities for CDM projects in Bangladesh⁴². These are:

1. Methane recovery from landfills with or without electricity generation (one of the CDM projects of Waste Concern of that nature is already underway);
2. Composting of urban solid waste (one of the CDM projects of Waste Concern of that nature is already underway);
3. Biogas from waste
 - Poultry droppings,
 - Tannery waste,
 - Effluent from food processing industries,
 - Human excreta,

⁴⁰ Waste Concern (2006), **Second CDM Project from Bangladesh Registered with the CDM Executive Board of the United Nations**, available from <http://www.wasteconcern.org/latestNews/Second%20CDM%20Project_WC.pdf> [accessed 12/17/08].

⁴¹ Fenhann, J., *ibid.*

⁴² Reazuddin, M. and Sinha, M., (2003) **Structure of DNA and proposed Sustainable Development Criterion for CDM projects in Bangladesh**, Paper presented at the COP9 in December 2003 in Milan, Italy, available from <www.sdnbd.org/sdi/issues/climate_change/cop9/presentation/bangladesh.pps> [accessed 12/17/08].

- Sewage treatment
- 4. Solar home systems (SHS) in the off-grid areas (BCAS in association with Grameen Shakti has undertaken such project)
- 5. Compact fluorescent lamps to replace incandescent light bulbs;
- 6. Fuel substitution and efficiency improvement in brick manufacturing (one such project is at validation stage); and
- 7. Sugar cogeneration

Besides these project opportunities, EcoSecurities, a business organization that deals with both compliance and voluntary carbon markets, has listed several projects⁴³. These are:

1. Aero derivative turbines for peak load generation;
2. Cement manufacturing (wet to dry process);
3. Conversion of four stroke vehicles with compressed natural gas (CNG) engines (Bulk of this projection has been achieved by the Bangladesh government already without taking recourse to the CDM process);
4. Introduction of electric vehicles in urban areas; and
5. Improved biomass cooking stove.

Apart from the energy based projects, for understandable reasons, there is still a large potential for Bangladesh to bag its share of the CDM projects. However, to undertake more projects to be involved in the compliance (CER) or voluntary (VER) carbon market, the main thing that seems to be missing is the right combination of the governmental policy directives, incentive structure, reduction of bottlenecks, positive drive of the entrepreneurs, consultancy firms and the local or international financial institutions to help fund CDM projects and the

⁴³ EcoSecurities, **Bangladesh Country Paper: Appendix A**, available from <www.cdmcapacity.dial.pipex.com/bangladesh/Bangladesh_country_paper.pdf> [accessed 12/24/08].

bureaucratic bottlenecks in the UNFCCC and the anxiety over the future of the carbon market after 2012.

6. CONCLUDING REMARKS

The CDM process has been initiated by the UNFCCC with two-pronged developmental goals. Firstly, to save the developing Southern nations from the impact of CC by mitigate GHG emissions. Secondly, to aid the sustainable development of the developing countries by enabling technology transfer and FDI flow. More than eight years since the initiation of the CDM process according to the KP, most of the developing countries, particularly the LDCs, have clearly failed to reap the benefits. The CDM process, as evident from the foregone discussion, is designed to reward the polluters as evidenced in the case of China and India while the case should have been the other way round as in the case of Bangladesh.

Public sector in Bangladesh along with its development partners has the bulk of responsibilities in creating awareness/educating the prospective entrepreneurs on the benefits of CDM on Bangladesh economy, society and environment. Bulk of the responsibilities in undertaking CDM projects in Bangladesh lie on the shoulders of the private entrepreneurs. However, that is not to say that the government should not or cannot undertake CDM projects. The discussion in Section 4 shows that there is ample opportunity for the Bangladesh government to replace old and inefficient power plants with the efficient ones by using the CDM option. Although CERs might not be able to cover for the whole expenses, the longer-term savings in energy, manpower, health and other socio-economic benefits should makeup for the deficit.

The Conference of Parties (CoP-15), scheduled in Copenhagen in December 2009, is expected to determine the future format of the KP. Before embarking on the new round of talks on the shape of climate change protocol in the post-Kyoto era it necessary to take a closer look at the flaws of the Kyoto process. To attain its goals, it is imperative that the proposed climate regime should be better structured, less-bureaucratic, LDC friendly, efficient and a more effective CDM regime be designed to make the process of carbon trading worthwhile.

CHANGING GOVERNANCE IN POPULATION MIGRATION: THEORIES AND PRACTICES IN SOUTH AND SOUTHEAST ASIA

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Abstract

Migration, a phenomenon that involves directly around 200 million people worldwide, and governance in the global realm are no longer isolated issues because of the fact that governance has always been seen as services that governments provide in an efficient manner to the governed. The persistent governance-migration gap has resulted in poor migration management at both national and international levels. This paper argues that the significance of migration governance at policy level is somewhat offset by the paucity of pertinent evidences of research. This paper attempts to conceptualize the relationship between global migration and governance and the variables of migration governance, to explain the corollaries of migration governance and, lastly, to investigate how governance crises influence migration pattern in South and Southeast Asia.

1. INTRODUCTION

The domain of migration governance represents a poorly investigated area of research. Migration governance has immense significance in the global migration trajectory due to its high policy relevance. However, the issue has been addressed by only few researchers in Europe. Of late, international and transnational organizations dealing with issues of migration have been underlining the significance of changing migration governance. Zincone and Caponio (2004) argue that due to the lack of governance (cooperation, coordination, and coherent policies) regarding migration, the quality of management varies considerably across the globe. The consequential outcome of poor global migration governance is often horrendous.

International migration to most states is significant for both political and economic factors and they seek to address it in a way that enables

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them to respect their international obligations and to maximize the benefits they gain from migration. International migration, a complex phenomenon, involves a diverse range of stakeholders that may have different and conflicting interests, and is increasingly linked with other pressing global issues such as development, trade, human rights and security. This complexity poses critical challenges for governance. In the domain of international migration, governance assumes a variety of forms, including the migration policies and programmes of individual countries (GCIM, 2005). In modern times, the emergence of migration as a high priority issue on the international agenda instigated a fresh debate around the legitimacy and capacity of multilateral international institutions to efficiently address new issues raised by international migration (Channac, 2007). The 1990 Migrant Workers Convention (MWC)⁴⁴ which was intended to develop a binding regime on migration is the most recent effort in governance change at the global level. However, it took ten years time to bring it into force. In practice, only 34 states have ratified it and none of them are major destination states.

Global Commission on International Migration (GCIM) therefore identifies four particular challenges that national governance of international migration faces. Primarily, due to the lack of coherence, many states failed to define clear objectives for their migration policies. Secondly, the coordination of policy-making and its implementation, for instance, in many states, responsibility for migration is divided between different ministries and coordination is often lacking. The next challenge identified is that of capacity. However, many countries, especially the poorest, lack required capacity such as knowledge, information, institutions and resources to attain the objectives of migration. Finally, the cooperation with other states, such as nature of transnational migration, demands international cooperation and shared responsibility (GCIM, 2005). The reality is that most states are reluctant to commit fully to the principle of international cooperation in the area of international migration. This might be because of the fact that migration policies that were made were country specific.

⁴⁴ [The 1990 United Nations Migrants Rights Convention while](#) reaffirming and complementing existing human rights instruments, has forged new grounds and placed human rights in the specific context of migrant rights. As its salient feature, the Convention protects all migrant workers and members of their families, irrespective of their legal status. Nevertheless, the rights granted to documented and undocumented workers are not identical. Accordingly, the rights of migrant workers and members of their families are set forth in the Convention under two main divisions: those applicable to all migrant workers irrespective of their legal status and those applicable to migrant workers in a regular situation.

Leaving Ravenstein's theory of gravity into deep challenge,⁴⁵ the gendered migration today has become dominant in the discourse of migration studies, especially in some countries in Asia where female migrants are outnumbering their male counterparts (Siddiqui, 2001, Ullah, 2008). Differing levels of governance prevail across countries. It has been well recognized that gendered migration has largely to do with governance. Governance system of some countries (such as the Philippines and Sri Lanka) creates opportunities for women to move out, while some other (such as Bangladesh) restricts their movement. Some argue that religion (basically Islam) is a primary factor that thwarts their movement, although there is a strong counter argument in that Indonesia, the largest Muslim majority country in the world, sends more female migrants than men (Ullah, 2008).

There is a prominent discourse in theories that migration decision is generally thought to be made at micro level i.e. individual levels. However, household strategy theories go beyond that and expand that notion by embracing the fact that other family members also partake themselves either directly or indirectly in arriving at a decision for any potential member to migrate (Oishi, 2002). This paper does not deal with micro level governance rather it deals with macro level governance that performs the most important part in migration management. The heightened interest in the internal affairs of foreign countries has often been seen as a challenge to state sovereignty and a source of possible conflict (Rowlands and Weston, 1998). Notably, governance has always been seen as an issue of services that governments provide in an efficient manner to the governed (Ullah, 2005). Since the emergence of interest in governance we seem to be more comfortable with talking about 'good governance' rather than "bad governance". Strikingly, the issue of migration has not been associated with governance under the rubric that migration policies are country specific. Therefore, migration governance in the global realm has largely been seen as isolated and fragmented issues.

Research aiming at ensuring linkages between governance and migration at both national and international levels is scanty. There has been little research into the linkages between governance and migration at both national and international levels, although they are linked in more fundamental ways both being critical elements of a nation's social structure and reflecting important aspects of the distribution and use of

⁴⁵ One of the components of Ravenstein's theory is that females migrate only short distances.

power and resources (Rowlands and Weston, 1998). This paper argues that the consequent significance of governance of migration at policy level is somewhat offset by the paucity of pertinent evidences of research. This paper also argues that the obvious governance gap has added many tragic events (as will be elaborated further) to migration studies.

This study conceptualizes the relationship between global migration and governance and the variables of migration governance, explains the corollaries of migration governance and investigates how governance crises influence migration pattern in South and Southeast Asia. This paper highlights the theory and evidence of some empirical investigations that substantiate the foundation of the argument.

2. GLOBAL MIGRATION GOVERNANCE CONCEPTUALIZED

Governance phenomenon has drawn the attention of development practitioners, theorists, and institutions since the mid-1980s (Ullah, 2006). Studies have provided both theoretical and empirical evidence to support an emerging consensus that the quality of public administration or governance in the narrow sense is perhaps the prerequisite for all development endeavours, including population migration. The issue of migration has been raised to the top of many national and regional policy agendas because of consistent and persistent significance in economic growth and development across the world. It does not only take place within regions, but is cross-continental and global village. The international community has not risen to many opportunities and challenges migration presents, and many governments and other actors have become aware that more needs to be done to maximize the positive aspects and minimize the negative consequences of migration. It is perceived at the government level that since migration is a trans-national phenomenon it cannot be managed at the national level only. Instead, it needs to be seen from a cross country perspective, in terms of how neighbouring states address the issue, what happens within regions and how migration occurs across regions (Jenny, 2006).

Brühl and Rittberger (2001) made a distinction between global and international governance. International governance is the output of a non-hierarchical network of interlocking international (mostly governmental) institutions which regulate the behaviour of states and other international actors in different areas of world politics. The global governance is the output of a non-hierarchical network of international and transnational institutions in which not only IGOs and international regimes are

regulating actors' behaviour - global governance is characterized by the decreased salience of states and the increased involvement of non-state actors in norm- and rule-setting processes and compliance monitoring. Nowadays, migration is considered as a poverty reduction strategy in most South and Southeast Asian nations where good governance contributes to higher per capita incomes, higher standard of living, lower infant mortality, and to higher literacy, while the cost of poor governance, manifested in terms of inefficiency and corruption, disproportionately hurts the poor and the disadvantaged, reduces investment, retards economic growth and thus hinders a nation's development pathway (Kaufmann and Kraay, 2002; Hossain and Ullah, 2004).

Governance, multi-level phenomena, takes place not only at the national and international levels such as the sub-national, regional, and local levels (Channac, 2007). International governance from the bottom up stitches together the common threads of governmental responsibilities for problem-solving purposes, often on the basis of intensive interactions among government bureaucrats, regulators, legislators, judges with similar functional portfolios. Global governance is not a matter of regulating states, the way states regulate their citizens, rather it addresses issues relating to resolving problems that result from citizens going global - from crime to commerce to civic engagement (Newland, 2005).

The governance variables often appear to have effect on emigration rate and flow; for instance, high political stability has been associated with reduced emigration and how well migration management goes. The administrative capacity and political stability variables have been significant in migration trajectory. While there is fairly broad spectrum of potential definitions for governance, it is often presumed that all forms of governance tend to have same qualitative linkage with the development process. While Mauro (1995) proposes that the explanatory variables of governance are measured based on the source country characteristics in four broad areas, Rowlands and Weston (1998) seem to contend similar ideas: (i) the average material well-being in the source country include: gross domestic product (GDP) per capita, GDP growth, the Human Development Index (HDI), levels of education, access to water, and public expenditures on health; (ii) demography: population, population density, rate of population growth, and the level of ethno-linguistic fractionalization; (iii) governance issues: political stability and administrative capacity. The final variables measure the status of women: level of female education and gender empowerment measure of UNDP (GEM) and gender development index (GDI) (Mauro, 1995).

The interpretation of governance offered by the IMF is however restricted to economic issues and it includes certain political factors, but only in so far as these affect economic efficiency in an immediate sense (IMF, 1997). However, the World Bank includes the political dimensions explicitly; for example, the governance report of 1993 considers the form of political regime as a key aspect of governance (World Bank, 1993; Rowlands and Weston, 1998). Adepaju (1995) makes the link between governance and migration by saying that political instability provokes emigration.

2.1. Corollaries of Poor Migration Governance

Governance can be thought of as affecting migration in two ways. The first effect is indirect, relating governance quality to social and economic development in general. The second effect is direct, with the quality of governance directly changing propensities to migrate irrespective of the level of development. The evident reaction of potential migrants to the quality of public administration, and political capacity in their home country is more explicitly telling that governance matters a lot in migration than many other factors researchers generally consider (Ullah, 2008). Good governance in the narrow sense refers to the quality of public administration; consequently, the elements of good governance include issues such as public sector management, accountability, the legal framework, degree of transparency, and levels of corruption (Ullah, 2005). With Adepaju (1995), I agree that political instability as a significant variable of governance triggers emigration and that often potential migrants become desperate to move over. The connection is often observable in the extreme: 'failed states' in which civil order has largely disappeared generally exhibit large-scale movements of population.

Applyard and colleagues (1987) discuss this linkage in general, while Adepaju (1995) identifies the cause of migration in the context of Sub-Saharan Africa. Weintraub and Diaz-Briquets (1992) argue that there is a direct linkage between political turbulences, such as civil war, and the major outflows of migrants from the Central American region. They further argue that either migrants or refugees respond to political circumstances in their country. The theoretical pedigree of the notion that governance issues should affect migration levels, however, is impeccable. One of the frequent complaints about the models of migration that are based on narrow economic and neoclassical foundations is the absence of the social and political context in which migration decisions are made.

We argue that the inadequacy of public services, fairness, and political inclusion affect migration decisions. Therefore, if there are two countries with identical levels of economic development, we would expect the one with better measures of governance would have lower levels of emigration. Better public administration and political sophistication, however, are public goods. Therefore, the provision of good governance demotes the incentive to emigrate without directly increasing the financial ability to relocate.

Rowlands and Weston (1996), Appleyard (1992), Russell and Teitlbaum (1992), Bohning (1991) and others have reviewed the linkages between development and migration. There are grounds to believe that governance in every sense, nowadays, has a positive impact on economic and social development and, consequently, there should be an indirect effect on migration. As an economy moves through the development process, however, the pressures for emigration appear to diminish. So, to the extent good governance contributes to economic development, it will affect the migration process by helping determine the time at which a country reaches the beginning of the development-migration cycle (Rowlands and Weston, 1996).

2.2. Migration and Governance Correlates

Zincone and Caponio (2004) introduced multilevel governance of migration in the making of immigration and immigrant policies that usually focus on actors' horizontal relations in decision-making processes at a specific territorial level i.e., at a national, local one. According to Newland (2005), the analyses of multilevel governance relations have been approached from two main perspectives: top-down and bottom-up. The top-down perspective looks at policy-making as a process going from higher level institutions and/or from formal policy-making arenas (Parliament, Government, bureaucracy, etc.) to lower level (peripheral) and informal social actors. Therefore, the bottom-up is concerned with two types of processes: a process going from lower levels of government to the higher ones i.e. from local administration to the central/regional government (Zincone and Caponio, 2004).

Most of the intergovernmental agencies⁴⁶ and programmes develop only sector-based activities in the field of international migration. At the

⁴⁶ The High Commissioner of the United Nations for Refugees (UNHCR), the High Commissioner of the United Nations for Human Rights (UNHCHR), the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Population Fund (UNFPA), the World Health Organization (WHO),

global level, only two institutions have a mandate focused on international migration: in the United Nations system, the UNHCR for the protection of the refugees and forced movements, and, outside the UN system, the IOM for the management and transportation of the labour migration (IOM, 2006). The mandates of these two organizations are different; however, ‘there has been latent hostility and a certain competition existing between these two institutions’ (Channac, 2007). With a view to tackling this said lack of unity, internal reforms and forms of inter-agency cooperation have been implemented. Primarily, at the internal level, every institution has engaged in an evaluation process of their programmes, political decision-making processes and orientations.⁴⁷ Since its creation, especially from the 1980s, the UNHCR launched internal reforms, and, today, while its programmes cover refugees and asylum-seekers, in some cases, they cover internally displaced persons (IDPs) and other categories of persons forced to move (Channac, 2007).

However, though the Programme of Action formulated for the 1994 International Conference on Population and Development (ICPD) has been recognized as realistic that was endorsed by 160 governments but rejected by the major migrant-receiving countries because they feared a bruising North-South confrontation over issues of access to their territories and labour markets. Global governance of international migration, as in a number of other policy arenas (the international flow of information, development, and environmental protection), was seen as an intrusion on national sovereignty (Newland, 2005).

Tragedies in Migration Venture: Does Governance Matter?

Global: Evidently, the end of the Cold War and bipolarity led to “serious governance gaps” worldwide (Rittberger, 2001). As an inherently cross-border transnational phenomenon and a general process of globalization, international migration ranks high on the international agenda since the end of the Cold War. Migration management has remained essentially in the realm of state sovereignty, and migration policies have mainly been determined unilaterally and bilaterally. Therefore, the necessity to develop intergovernmental cooperation has recently been felt by states for a more effective management of international migration, and to set up

the United Nations Education, Science and the Communication Organization (UNESCO), the United Nations Development Programme (UNDP).

⁴⁷ For instance, since its creation in 1951, the IOM changed twice its name and amended once its constitution; these changes reflecting an evolution in its approach to migration policy, but also an important extension of its membership and programmes.

policies addressing multi-dimensional aspects of migration and their linkages with other political sphere (Channac, 2007).

A series of tragedies that claimed alarming number of lives worldwide over the past years has pushed forward the issue of governance to the migration discourse. Researchers and policy makers started paying greater attention to the fact and are arguing that these are the consequences of global and national governance gaps. Here we would draw on some examples of how governance gap can bring about distortion in the normal pattern of migration. We would further argue that, whatever we call them - illegal or undocumented or irregular migrants – they are in general a product of poor global governance and domestic governance in particular either at receiving or sending ends.

As mentioned earlier, migration is no longer a fragmented phenomenon rather it is an integrated global issue. Tragedies that took place in the past decade have percolated geographical frontiers. Several sources estimate that during the last five years from 2000, around 4,000 migrants have either drowned or disappeared in the sea on the way from Morocco to Spain (Ullah and Mallik, 2005). According to the *New Zealand Herald* (2008), 170 migrants from Africa jumped over the 6-metre high border fence with Morocco at dawn with make-shift ladders to get into Spain, many of whom were likely shot. Again, six men were shot dead when Moroccan troops opened fire on more than 100 migrants in 2005. Separately, a few days later, Moroccan authorities found the bodies of 21 migrants who drowned when a boat carrying them towards Spain's Canary Islands sank off the coast of Western Sahara. Eighteen corpses were washed up and three were found later (*New Zealand Herald*, 17 June 2008). In November 1999, an Israeli warship discovered a smuggler ship bound for Italy that has been drifting for 20 days, carrying 70 migrants from Bangladesh, Iraq, Egypt and India. While the ship's crew disappeared with their passports and their travel fees, the ship was approaching the Greek coast.

Again, in October 1994, two boats sank with 51 Albanian migrants where many died, 11 were missing and 8 rescued. In September 1995, a boat with 28 Albanians on board sank where 3 were dead, 9 missing and 16 rescued. In 1997, with the prospect of mass arrivals of Albanian migrants, the Italian corvette *Sibilla* collided with an old Albanian ship, with 109 migrants on board, among whom 61 died and 44 were rescued (Guirado, 1999). On June 19, 2000, about 60 irregular migrants were discovered in a refrigerator container, which was full of tomatoes from Belgium. Of those migrants, 58 had died from lack of oxygen by the time they reached the port of Dover in England (*Los Angeles Times*, 1996),

which came to be known as the Dover tragedy. Between 1991 and 1993, as many as 24 ships, with 3000 illegal migrants on board, were intercepted by US police. Most of them came from the Fujian province of China. In 1993, an old ship carrying 293 Fujian illegal migrants sailed in the Indian Ocean and Atlantic Ocean for three months (Zhuang, 1997) and when ran aground, many swam in the dark to the land near New York, many drowned and the rest were all arrested, except for another six who escaped (Buzan, 2004).

Each year, thousands of migrants from the Middle East, Asia and Africa pass through Turkey on their way to European countries. In 2001, more than 25 illegal migrants died off Turkey's south coast when a Georgian-flagged ship carrying them to Greece hit rocks on New Year's Day. Most immigrants on board the ship were from Pakistan, India and Bangladesh. In August 2000, 24 people drowned when a Turkish boat with 31 illegal immigrants capsized in the Aegean Sea. Around 60 illegal immigrants were feared drowned on 21 December 2003 after their boat was shipwrecked off south-west Turkey. At least seven bodies were recovered near the Greek island of Rhodes (Aygin, 2003). The following sections now demonstrate how poor governance makes migration dangerous in Asia.

South and Southeast Asia

If we take a look on some incidents that took place in South and Southeast Asia in the recent past, it becomes evident that the regional governance gap could largely be held responsible for the tragedies. The following narratives as Islam explains (2005) speak of the poor migration governance. Twenty six Bangladeshis, aged between 17 and 30 years, tried to cross the Mediterranean Sea⁴⁸ from Morocco to reach Spain and ended up in a disaster in which 11 died in February 2005. The aspirant migrants were lured into this dangerous journey by the promise that their status would be regularized in Spain if they could reach the country that year. The group set out by an engine boat that lost direction and sailed towards Algeria instead of the destination they were told by the brokers. After nine days, its stock of fuel and drinking water exhausted and 10 of them, one by one, died of starvation. Later on, an Algerian naval ship rescued the rest of the youths and took them to Central Hospital in Boro where another youth died (*The New Age*, 12 March 2005). They were without food, water and fuel and after four days some of them began to

⁴⁸ The Mediterranean Sea is an intercontinental sea situated between Europe to the north, Africa to the south, and Asia to the east.

die. The survivors were compelled to throw the decomposed bodies into the sea. One reported that hunger made them drink each other's vomit (Islam, 2005). They were floating on the waters of the sea but their thirst was like a desert. They kept watching the series of deaths of their peers (Ullah, 2008). A registered travel agent handled their migration process. The argument is that government gave license to agencies without considering eligibility criteria. Widespread complaints are there that concerned government agencies provide license to them for bribes. Moreover, there are many travel agencies who work without any legal documents from the government. Therefore, they could not be held accountable for any incidents occurred that promote further tragedies of such kind.

Following the 'Mediterranean Tragedy' in 2005, another incidence took place in the Sahara desert⁴⁹ with similar level of casualties. Less than a month after the Mediterranean incident, this horrible story came to light as 24 Bangladeshi "fortune-seekers" returned home a year after travel agents had sent them to the western African country of Mali promising to get them job in Italy. The manpower agents dumped them in the deep Sahara desert where they wandered about for a few days with no food and water, and were thrown into jail in Mali after police rescued them from the desert. Manpower agents, taking an amount of TK 6-7 lakh⁵⁰ from each of them, sent them to Mali on tourist visa a year ago and kept them in Bamako, capital of Mali, for a month. Later on, 13 died in the desert tragedy which was known as 'Sahara Tragedy' (*Prothom Alo*, 20 March 2005; Ullah, 2008).

One month after the Mediterranean and Sahara tragedies, a group of 90 potential migrants, who had started their journey to unknown destinations from the Bellapara area near the river Karnaphuli in Bangladesh, were intercepted on 18 April 2005 (*The Inqilab*, 19 April 2005). The travel agencies promised them to send to European countries including Greece, Cyprus and Italy by a ship anchored at the Saint Martin's Island⁵¹ (*The New Age*, 19 April 2005; *Ittefaq*, 19 April, 2005; Ullah, 2008). However, there was no Greece- or Italy-bound ship waiting

⁴⁹ The Great Desert is the world's second largest desert after Antarctica and the world's largest hot desert. At over 9,000,000 square Kilometer, it covers most parts of northern Africa; an area stretching from the Red Sea, including parts of the Mediterranean coasts, to the outskirts of the Atlantic Ocean.

⁵⁰ One hundred thousand taka equals to one Lakh. US\$ 1 equals to 70 Taka (2008).

⁵¹ St. Martin's Island is a small island in the northeast part of the Bay of Bengal, about 9 km south of the tip of the Cox's Bazar-Teknaf peninsula, and forming the southernmost part of Bangladesh.

for them in the Kutubdia Channel or on the Saint Martin's Island. Eight more Bangladeshis, who had left the country for Italy, were jailed on their way to Mauritania, and returned to Dhaka empty-handed (*The New Age*, 15 March, 2005; Ullah, 2008). On 2 March 2008, twenty boat people from Myanmar and Bangladesh starved or dehydrated to death after their wooden trawler stalled at sea, and a group of 71 survivors found adrift off Sri Lanka. Sixty-seven potential immigrants originally set sail from Myanmar on 9 February 2008, stopping in Bangladesh to pick up another 24 passengers, before the trawler's engine failed on February 20 en route to Malaysia or Thailand. Out of the 91, three Bangladeshis and 17 Myanmar nationals have died from starvation and dehydration (Gardner, 2008). Miserably, deportation of illegal migrants and sending back the corpses are few and far between because who to incur the costs involved. It was reported (01 July 2008) that 15 Bangladeshi desperate migrants again tried to sneak into Italy but died in the Mediterranean Sea as they were on a boat that sank.

Remittance⁵² is another significant part of migration process wherein widespread governance crisis prevails. With regard to the contribution to the national development budget in Bangladesh, the share of remittances remained below 20 percent during the 1970s, increased to 40 percent in the 1980s, and even rose to above 50 percent during certain periods in the 1990s (Siddiqui and Abrar, 2003). Murshid *et al* (2002) calculated its contribution towards the development budget at 12.8 percent from 1977 to 1978, 49.3 percent from 1982 to 1983, and in the range of 30 percent to 50 percent thereafter (Khan, 2008). Researches conducted in South and Southeast Asia show that most of the migrants remit through informal channels (such as *Hundi*, luggage party, friends, and airlines officials) while only a few used formal channels i.e. bank transfers sometimes. Therefore, an indefinite amount of remittance remained unaccounted for in the government's estimate. Some claim that the amount could be even higher than the recorded amount.

Studies showed that almost all the migrants who remitted through official channels had to bribe bankers either in cash or kind. Official channels, such as banks, wanted to know the sources of their income. Inefficient handling of the formal channels, bribery, unnecessary questions to the remitters, harassment, poor relationships with the clients

⁵² Most countries in South Asia have to heavily depend on the remittances for the balance of payment, yet little attention has been paid on the channels through which migrants remit their hard-earned money with minimum possible loss probability. In Bangladesh, remittances have been integral in easing foreign exchange constraints and balance of payment issues.

forced them to remit through the informal channels. Clearly, improvement of governance would encourage the migrants to remit through proper channels. The rhetoric of good governance should be transformed into reality and its results should be brought into practice in funneling the remittances into the government account (Ullah and Panday, 2006).

The above narratives explain the underlying fact that there have been governance problems globally as well as nationally. The potential migrants who experienced tragedies in their routes would be second or third generation of migrants. There has been a theory that information on migration smoothen migration process. All the incidents were widely covered by the media. However, the media coverage and information did not work for them as the incidents with similar tragic dimensions continued unabated. Malaysia was the destination for many of them. However, Malaysia,⁵³ a demand-pull country in the eighties and nineties, is no longer a priority choice for Bangladeshi labourers in general. Crackdowns targeting Bangladeshis, banning Bangladeshi labour import, declining salary base, prejudices of employers and the police department, incidences of brutalities, termination of the agreement signed between these two countries without showing a simple diplomatic courtesy dented the good image that Malaysia held from the late eighties till early nineties. All this only manifests poor governance related to migration (Ullah, 2006; *Malaysia Sun*, October 2007).

Push in and push back politics: Some call ‘push in and push back’ an eternal and intentional border politics between India and Bangladesh,⁵⁴ which is an obvious transnational migration governance failure. The argument is that it is not too realistic to let that hostility persist for long between the two neighbouring countries at a point in time when the border concept in countries in Europe has weakened. Nandy (2005) writes that by the middle of July in 1971 (during Bangladesh’s Liberation War – March-December 1971) as many as 6.9 million people

⁵³ Malaysia has no longer been an attractive destination for Bangladeshi labourer. Hundreds of Bangladeshi workers are stranded in Malaysia after they found that the employers there could not offer jobs (*Malaysia Sun*, October 2007).

⁵⁴ Bangladesh is bordered on three sides by India and frequent disruptions erupt in the border areas. Incidents of small conflicts and tension are common phenomena in the border areas. Trespass into Bangladesh territory by the Indian Border Security Force (BSF) has caused terrible human rights violations in many of the border areas. Bangladeshi people are killed and kidnapping and incidents of mugging and extortion have been alleged to occur (Odhikar, 2006).

from Bangladesh moved into India in 1000 camps - a massive migration in so short a time, unprecedented in recorded history. With Bangladesh's liberation on 16 December 1971 and the Awami League having assumed power thereafter in Dhaka, most of these refugees (about 80 percent) returned to their respective districts. However, it was alleged by the Government of India in 2008 that there were about 20 million (around one-sixth of total population of Bangladesh!) Bangladeshis living illegally in India (as reported by Lawson (2003) of the BBC).

Based on the controversial information, for the last few years, Indian Border Security Force (BSF) has been pushing Bengali speaking people from India into Bangladesh and Bangladesh Rifles (BDR) has tried to push them back. This 'back and forth' on and off has been creating border tension leading to deteriorating bilateral relationship. The two neighbours have frequently clashed over the last few years and both sides are now on a high state of alert. Senior politicians from both countries are calling for bilateral talks for improvement of relationship between the two countries (Lawson, 2003). The state police contingents and the border task force units are either used for duties other than for which they are meant or they have no real desire and incentive to go about preventing illegal migration. The statist policy of territorial control and restrictive border policies backfired on both the Indian and Bangladesh states creating two hostile peoples on either side of the border. It did not limit illegal immigration of people, and it gave a fillip to illegal trade and planted the seeds of communal conflict (Nandy, 2005). As many as 461 Bangladeshis were killed inside the Bangladesh territory by the members of the Indian Border Security Force in six years from January 1, 2000 to December 31, 2005 i.e. one Bangladeshi was killed every five days, on an average. The members of the BSF violated human rights in a total of 1838 incidents from 1 January 2000 to 12 March 2005. During the same span of time, 51 people including 8 children went missing, 519 people were injured, 493 arrested, 540 abducted and five women were raped, while 52 incidents of snatching and looting occurred – all allegedly by members of the BSF (Odhikar, 2006).

Changing governance in migration

The number of people who have settled down beyond their country of origin is estimated at 191 million worldwide representing three percent of the world population (UNESCAP, 2006). Therefore, researchers agree that all the countries in the world have to be brought into a global governance system to manage migration efficiently. The imperative for managing migration at regional level has been recognized by the governments of different countries (Koppenfels, 2001). As most

transnational, international and national organizations dealing with migration issues have underlined the necessity of migration governance, the ILO reassessed and reconsidered its programmes concerning migration that resulted in the development of coordination between international organizations and programmes. Two examples are particularly interesting: the Geneva Migration Group – renamed recently the Global Migration Group – and the International Programme for Migration Policy Development (IMP) (Channac, 2007).

Major governance changes that have taken place in migration over the years include: establishing a comprehensive and coherent approach in the overall institutional response to international migration or even exchanging information and expertise to improve understanding, inter-agency cooperation and collaboration, to promote synergies and avoid duplication. Enhancing the efforts of individual states, regional bodies, regional and global consultative processes and finding appropriate mechanisms to interact with states are some other changes in migration governance. The second global initiative is a concrete experience of inter-agency coordination. Created in 1998, the IMP is a sustained inter-agency activity for training, capacity building and government cooperation, which relies on the expertise from all global and regional institutions dealing with migration, forced displacement, population, development and related matters, including UNITAR, IOM, UNFPA, ILO, UNHCR, OHCHR, OCHA, UNAIDS, UNICEF, ED, AU, IGC, ICMPD, ICRC, RCMRI, ECLAC, CARICOM, ACP, SAMP and other regional organizations and expert groups (Koppenfels, 2001).

The Regional Consultative Processes for Migration (RCPs)

The RCPs around the world seem to be largely inspired by former regional informal cooperation processes between European countries and other industrial immigration countries. By the replication of model of informal and non-binding multilateralism, a convergence in the nature of intergovernmental cooperation and governance at the regional level seems to be getting organized gradually (Koppenfels, 2001).

The first RCP was created in Europe in the 1980s. Since the end of the 1990s, these processes have multiplied in various regions of the world. The instances are, for Africa - the MIDSA (Migration Dialogue for Southern Africa, 2000) and the MIDWA (Migration Dialogue for West Africa, 2001); for central and oriental Asia - the Bali Conference (2002), the Manila Process (1996) and the Issik-Kul Dialogue (2000); for North America, Latin America and the Caribbean Islands - the South American Conference on Migration Lima Process, 1999), the Regional

Conference on Migration (Puebla Process, 1996) and the Seminar for the Caribbean Region; and, for Europe - the IGC (Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, 1985) and the Budapest Process (1991-93). Four essential factors explain the emergence of the RCP: a) migration pattern has undergone a sharp shift after the Cold War: irregular migration comprising trafficking; b) today many more states have been involved in migration than ever before and new focal points have emerged; c) majority migration occurs in regional context, on the same continent; and d) RCPs are non-binding (Koppenfels, 2001).

Promoting Multilateral Governance

Three initiatives were launched at the global level to lead the debate on the governance of the international migration: a) the Berne Initiative; b) the Global Commission on International Migration (GCIM), and c) The Hague Declaration.

The Berne Initiative: The Swiss government launched this initiative in June 2001 with the support from the IOM. The Berne Initiative is defined as a State-owned consultative process with a goal of obtaining better management of migration at the regional and global levels through cooperation between States (Solomon, 2006). This Initiative enables governments from all regions of the world to share their different policy priorities and identifies their longer-term interests in migration, and offers the opportunity of developing a common orientation to migration management, based on notions of cooperation, partnerships, comprehensiveness, balance and predictability.⁵⁵ The Berne Initiative was set up, after a series of consultations at the regional and global levels, for an “international agenda for migration management” (IAMM) in 2004 that included a list of 20 “Common understandings for the management of international migration” and a list of “Effective practices for a planned, balanced, and comprehensive approach to management of migration (Berne Initiative, 2004).

⁵⁵ Removal of internal border controls in the EU began in 1985 with the adoption of the Schengen Agreement. Controls had been removed among 13 of the 15 members (excepting Ireland and the United Kingdom) by 2001. With the removal of internal border controls, control of the EU external borders assumed great importance, as did the harmonization of member states’ immigration and asylum policies; with free movement within the continental EU, anyone admitted to one of the 13 states would have easy access—physically if not legally—to all of the others (Newland, 2005).

GCIM: The GCIM, a global commission launched in December 2003 by the UN Secretary-General and sponsored by a group of countries of origin and destination, was given the mandate to provide the framework for the formulation of a coherent, comprehensive and global response to the issue of international migration. In October 2005, the Commission in its final report to the UN Secretary-General reported that the international community had failed to realize the full potential of migration and had not risen to the many opportunities and challenges it presented. GCIM emphasizes the need for greater coherence, cooperation and capacity to achieve a more effective governance of international migration and recommends “6 ‘Principles for Action’, 33 related recommendations that can serve as a guide to the formulation of migration policies at the national, regional and global levels. The Commission reminds that the State actors always have a central role to play and that their sovereignty in the field of international migration should remain unchallenged, sovereignty not being incompatible with multilateral cooperation, but being rather a condition for an efficient management of international migration and the reaffirmation of States’ responsibilities in this area (Newland, 2005).

The Hague Declaration: The Hague Process (THP), launched in 2000 by the Society for International Development’s Netherlands Chapter, gathers almost 800 persons – from governments, academics, non governmental and civil society actors, international organizations, etc.⁵⁶ The Hague Process intends to have a “multiplier effect” and play a “catalytic role”. The tools THP uses are: (1) the provision of relevant information; (2) dialogue within and spreading from networks; and (3) the dissemination and amplification of key messages through the high-profile membership of the Club of The Hague, whose members have ready access to policy makers and other relevant actors. The Hague Process’ main purpose is to establish a think-tank network to promote exchange of views and sharing of experiences between all the stakeholders in the international migration domain; that is not only States and intergovernmental organizations, but also private actors, business leaders, non governmental organizations, and associations of migrants and refugees (CCRE, 2007).

Policy Options and Conclusions

⁵⁶ In 2003 a Club of The Hague, non-political platform has been established to guide, advice and position The Hague Process.

The search for enhanced multilateral governance of international migration should begin with a consideration of what functions it would need to carry out for the well being of countries of origin, destination and transit and for migrants themselves. The platform for the development of international governance of migration will have to begin with a limited number of widely agreed functions that respond to the felt needs of states and address real issues in the societies affected by migration. The call for establishing coherent national migration policies that are based on agreed objectives takes account of the related policy issues and are consistent with international treaty law, including human rights law recognized by policy makers, researchers and civil society.

Newland (2005) proposes some significant functions that have to be carried out, such as: monitoring of trends of migration, policy research and development, technical assistance and training, provision of services, a platform for discussion, support for negotiations, anti-trafficking initiatives, promotion of migration-related development initiatives, and coordination. Some specific proposals that follow have been put forward to fill the governance gap in the arena of international migration.

Creation of a new agency: The *de novo* creation of a World Migration Organization within the United Nations system is essential for ensuring a top down governance system. The advantage of doing so would be to consolidate responsibility for many overlapping categories of forced and voluntary migrants into one entity, thereby reducing problems of coordination, overlap, and gaps. States, especially the major migrant-receiving countries, are unlikely to agree to the creation of a new agency, for financial and even more for substantive reasons. Most would see it as encroaching upon domestic policy-making prerogatives and fear that it would foster dissension between North and South.

Designating a 'lead agency' from among existing agencies: UNHCR and ILO are the most likely candidates in the UN system who can assume responsibilities of a lead agency for migration. An institutional arrangement has the advantage of avoiding a divisive and probably fruitless debate on the creation of a new agency. Neither has the expertise to cover the full spectrum of migration issues, however. Furthermore, the ILO's unique tri-partite structure would probably disqualify it in the eyes of many states that would not accept the participation of employer and trade union associations in decision-making on migration policy.

The IOM to bring into the UN system: The International Organization for Migration has the broadest mandate for migration issues among all the related international institutions. Therefore, there is strong interest within IOM's leadership and among some member states of its Council in seeing IOM becoming a specialized agency of the United Nations.

Coordination model: Analogous to the 'Comprehensive Approach' for Internally Displaced People, this model has been quite heavily discredited by the lack of commitment of participating agencies genuinely to coordinate their migration-related work.

A leadership model: One objective of this avenue would be to forge greater cooperation among agencies, but the emphasis would be on conceptual and policy leadership for member states as well as for international agencies and programmes, including the Bretton Woods institutions and the regional development banks.

A WTO model: Another option would be to replicate the World Trade Organization model and proceed through successive rounds of negotiation toward multilateral agreements on specific migration issues. This route is lengthy and painstaking, and riddled with compromises that would undoubtedly be painful to those in whose minds migrants' rights are uppermost. The WTO model rests on the assumption of mutual self-interest in a well functioning trading system; an analogous assumption is a hands-on starting point for international cooperation on migration (Newland, 2005).

References

- Adepoju A. 1995. Emigration Dynamics in Sub-Saharan Africa, *International Migration* 33(3/4): 315-390.
- Appleyard R. 1992. Migration and Development: A Global Agenda for the Future. *International Migration* 30 (Special issue): 17-31.
- Appleyard R, Abandan-unat N, Laroque P. 1987. The future of migration. *Int Migr Rev.* Spring;21(1):128-54.
- Aygin Esra. Dec 22, 2003. Sixty feared dead as immigrants sink in Mediterranean. *The Independent*, London.
- Berne Initiative. 25-26 March 2004. Berne Initiative Regional Consultations for Africa, Chairman's Summary, Addis Ababa, Ethiopia.
- Berne Initiative. April 2003. The Goal of the Berne Initiative, downloadable at: http://www.iom.int/DOCUMENTS/OFFICIALTXT/Goal_E.pdf.
- Bohning, W. 1991. Integration and Immigration Pressures in Western Europe, *International Labour Review* 130(4): 445-458.
- Brühl, Tanja, Rittberger, Volker. 2001. From international to global governance: Actors, collective decision-making, and the United Nations in the world of

- the XXIst century. in Rittberger, Volker (ed.), *Global Governance and the United Nations System*, Coll. *The United Nations System in the 21st Century*, United Nations University Press, Tokyo, 2001.
- Buzan Barry. 2004. *From International to World Society? English School Theory and the Social Structure of Globalization*. Cambridge University Press.
- CCR. 2007. *Declaration Of The Hague. On The Local And Regional Dimension of Active Citizenship And Integration Draft On The Occasion Of The European Year Of Equal Opportunities For All 2007*. The Hague, Netherlands
- Channac Frédérique. June 2007. *Global or International Governance for Migration? Building up Co-operation and Enhancing Multilateralism from Regional to Global Level*. Sciences Po Bordeaux and University Montesquieu-Bordeaux IV. GARNET Working Paper: No 19/07.
- Glauser Wendy. Mar 13, 2008. *Governance at Root of Global Shortage of Health Care Workers*. *World Politics Review*. <http://www.worldpoliticsreview.com>
- GCIM (Global Commission on International Migration). October 2005. *Migration in an interconnected world: New directions for action*. Report of the Global Commission On International Migration. Geneva.
- Gardner Simon [Ed], Sanjeev Miglani. Reuters. 3 March 2008.
- Guirado Ana. 21 December 1999. *Clandestine migration from the south of the Mediterranean into Europe*. Report. Committee on Migration, Refugees and Demography. Spain, Socialist Group.
- Hossain Mallik Akram and Ullah AKM Ahsan. 2004. *Urban governance in Bangladesh: Hossain Mallik Akram and Ullah AKM Ahsan*. 2004. *Urban governance in Bangladesh: exploring the contemporary issues*. Dhaka. *BISS Journal*. 25(2):187-206.
- Islam M. Towheedul. July-September 2005. *Deaths in Chasing the Golden Deer*. *SaMRen. Udbastu*. Issue 33. Dhaka.
- Jenny Rolf Kurt. 2006. *Successes and Failures of the current global architecture, and prospects for New Solutions*. IRRI-KIIB EXPERT SEMINAR ON "The Global Governance of the international Migration: A Belgian Perspective" Brussels, Egmont Palace, 12 June.
- Khan Safi Rahman. 2008. *Diaspora Giving: An Agent Of Change In Asia Pacific Communities? Bangladesh*. Asia Pacific Philanthropy Consortium. Manila.
- Kaufmann Daniel and Kraay Aart. 2002. *World Bank policy research working paper*. No 2928. Washington DC.

- Koppenfels Amanda Klekowski von. 2001. The role of regional consultative processes in managing international migration. International Organization for Migration (IOM). Geneva.
- Lawson Alistair. 1 February 2003. Dhaka angry over 'forced migration. BBC News. South Asia.
- Los Angeles Times*. USA. June, 20. 2000.
- Malaysia Sun*. October, 2007. Duped Bangladeshi worker dies in Malaysia. Malaysia. Sunday 7th.
- Mauro, P. 1995. Corruption and Growth, Quarterly Journal of Economics CXI: 681-712.
- Nandy Chandan. November 2005. Illegal Immigration from Bangladesh To India: The Emerging Conflicts. Slifka Program In Inter-Communal Coexistence. Mellon-MIT Foundation o NGOs and Forced Migration. Brandeis University. Calcutta.
- Newland Kathleen. September 2005. The governance of international migration: mechanisms, processes and institutions a paper prepared for the Policy Analysis and Research Programme of the Global Commission on International Migration. Migration Policy Institute. Geneva.
- New Zealand Herald*. Tuesday June 17, 2008. Nearly 6,000 immigrants died on the frontiers of Europe since. New Zealand.
- Odhikar. January 2006. Odhikar report on human rights violations in the Indo-Bangladesh border. Indian Border Security Force (BSF) and Indian miscreants kill 461 Bangladeshis in 6 years. Dhaka.
- Oishi N. 2002. Gender and migration: an integrative approach. The Centre for Comparative Immigration Studies. Working paper no. 49. USA.
- Prothom Alo*. March 20, 2005. Young repatriated with tragic memories from the Sahara desert. Dhaka..
- Rittberger, Volker (ed.). 2001. Global Governance and the United Nations System, Coll. The United Nations System in the 21st Century, United Nations University Press, Tokyo.
- Rowlands Dane and Ann Weston. May 12, 1998. Governance, gender, development assistance and migration. Report for Citizenship and Immigration Canada. Canada.
- Rowlands Dane, and Ann Weston. 1996. How Aid, Trade and Development Affect Migration, Canadian Foreign Policy IV(1): 1-47.
- Russell, 5. and M. Teitlbaum. 1992. International Migration and International Trade. Washington D.C.: World Bank.
- Shahin Nurul Amin. 1 July 2008. 15 Bangladeshi died in Mediterranean Sea. *Jajaidin*. Vol. 3(26). Dhaka

- Shaptahik 2000*. 15 April, 2005. Got rid by dying and fall in danger by surviving. Vol.7(48) Dhaka.
- Siddiqui Tasneem. 2001. Transcending boundaries: labour migration of women from Bangladesh. (Bangladesh) University Press Limited.
- Siddiqui, Tasneem. and Abrar, C.R. 2003. Migrant worker Remittances and Micro-Finance in Bangladesh. Geneva: International Labor Organization (ILO).
- Solomon Michele Klein. 2006. Berne Initiative.. International Organization for Migration. Geneva.
- The New Age*.12 March 2005. Mediterranean tragedy: three more identified. Dhaka.
- The New Age*. 11 March 2005. Dreams die in Mediterranean. Dhaka.
- Ullah AKM Ahsan. 2005. Poverty alleviation in Bangladesh: does good governance matter? In. The role of public administration in alleviating poverty and improving governance. Edited by Jak Jabes. The Network of Asia-Pacific Schools and Institutes of Public Administration and Governance (NAPSIPAG), Asian Development Bank. pp.423-442.
- Ullah AKM Ahsan and Hossain Mallik Akram. 2005. Risking lives beyond borders: reflection on an international migration scenario. In Iontsev Vladimir A (ed). International Migration of Population: Russia and Contemporary World. Faculty of Economics, Moscow State 'Lomonosov' University. Russia. Max Press, Moscow (15):pp.216-228. Russia.
- Ullah AKM Ahsan. 2008. The price of migration from Bangladesh to distant lands: Narratives of recent tragedies, Asian Profile. in press. Canada..
- UNESCAP. March-April, 2006. Impact of cross-border migration discussed. Population headlines. No.311. Bangkok.
- Weintraub, S. and S. Diaz-Briquets. 1992. The Use of Foreign Aid to Reduce Incentives to Emigrate from Central America, World Employment Programme Working Paper (Geneva: International labour Organization).
- Zhuang Guotu. 1997. Some thoughts on the International Migration of Oversea Chinese. Historical Researches on Oversea Chinese. Xiamen. Institute of Southeast Asian Studies.
- Zincone Giovanna and Tiziana Caponio. 3-4 December 2004. The multilevel governance of migration: State of the art report Cluster C9. Paper presented to the first IMISCOE general conference: Coimbra.

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WATER IN WEST ASIAN CONFLICT

Abstract

The gap between demand for fresh water and its supply has been ever increasing globally, with the consequence that the number of countries joining the list of water deficit region has continuously been on the rise. The case of West Asian countries is no different. On the one hand, the demand for fresh water supplies has been growing very fast in the region whereas, on the other, its supplies have been declining. The demand for water in the neighbouring countries of Israel and also in the occupied territories of Palestine depends solely on the natural growth of their population. However, the same is not true for Israel. In case of Israel, her total annual demand for water is determined by the natural growth of population as well as the annual Jewish immigrant population. Studying various aspects of this issue, the paper finds that a drastic revision in Israel's immigration as well as agriculture policies is urgently required.

Introduction

Since the creation of Israel in 1948, water has remained a crucial issue of discord between Israel and its neighbours, namely Syria, Jordan and Lebanon and later on in the post 1967 period with the occupied territories of Palestine. The rising population, massive increases in agricultural, industrial and other economic activities, and the emergence of new and diverse source of consumption of fresh water have put strain on its availability in many parts of the world. As the demand for water grows gigantically, its supply cannot be stretched in the same manner. This results in the ever-growing gap between the demand and supply of water. And hence an increasing number of countries are joining the list of water deficit regions. The case of these West Asian countries is no different. On the one hand, the demand for fresh water supplies is growing very fast in the region whereas, on the other, supplies are

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declining. Water is a natural resource, which cannot be regenerated as fast as the demand grows. This results in the rapid exhaustion of existing water resources. A look at the following table gives a clear picture of the state of water availability in the countries of this region. In Israel, the per capita availability of water declined from 1024 cubic meters per annum in 1960 to 467 cubic meters per annum in 1990. It was estimated to decline further to 311 cubic meters per annum by 2025. This has been despite Israel's occupation and exploitation of water resources of neighbouring countries since 1967.

It should be mentioned that, as a consequence of the 1967 war, Israel was in occupation of not only the territories of its neighbouring countries but also of the vast level of their water resources. The per capita availability of water in Jordan declined from 529 cubic meters per annum in 1960 to 224 cubic meters per annum in 1990. It was further estimated to decline to 91 cubic meters per annum by 2025. In addition to the withdrawal, the decline of water availability in Jordan is also due to Israel's occupation of substantial Jordanian water resources during the 1967 war. Lebanon's per capita availability of water declined from 2000 cubic meters per annum in 1960 to 1407 in 1990 and was estimated to further decline to 809 cubic meters per annum by 2025. The per capita availability of water in Syria declined from 1,196 cubic meters per annum in 1960 to 439 cubic meters per annum in 1990 and was estimated to further decline to 161 cubic meters per annum by 2025. As a result of the 1967 war, substantial Syrian water resources were also occupied by Israel.

Water: Availability and Withdrawal 1960 – 2025

Country	Renewable resources per capita [*]			Share of withdrawals ^{**}		
	1960	1990	2025	Domestic	Industry	Agriculture
Israel	1,024	467	311	16	5	79
Jordan	529	224	91	29	6	65
Lebanon	2,000	1,407	809	11	4	85
Syria	1,196	439	161	7	10	83

* Cubic meters per year ** per cent

Source: *Middle East Economic Digest*, London, 8 January 2000, p.7.

The demand for water in the neighbouring countries of Israel, namely Jordan, Lebanon, and Syria and also in the occupied territories of Palestine, depends solely on the natural growth of their population and economic activities associated with them. In case of Israel, the same is

not true. In addition to the demand for water arising from the natural growth of population and associated economic activity, there is another significant dimension. Every year Israel not only welcomes but also invites Jews from all over the world to settle in Israel. It was practised to the extent that the Jews of the Palestinian origin are miniscule minority now. The vast majority of Jews in Israel are either immigrants or children of immigrants who migrated to Israel from all over the world. Whereas millions of Palestinians displaced from their own country by Israel are not allowed to move to their land and stay as refugees in the neighbouring countries. Any way the annual inflow of Jewish immigrants to Israel is also an important determinant in its demand for water. Thus, for Israel its total annual demand for water is determined by the natural growth of its population and economic activities associated with them as well as the annual Jewish immigrant population and economic activities associated with them. This unnatural rise in water demand forced Israel to look beyond its borders for the solution of its water problem. And, thus, water became a crucial factor in Israel's conflict with its neighbours.

The Question of Water in Israel

The early Zionists realized the importance of water in their scheme for the creation of a Jewish state of Israel in Palestine. A Zionist leader named Chaim Weizmann, in 1919, two years after the Balfour declaration, presented to the British Prime Minister his minimum requirements essential to the realization of Jewish national home. His requirements included extensive territories in the north including the valley of the Litani (that later became Lebanon) and the western and southern slopes of the Hermon range.¹ During the same year, the Zionists put their demands at the Versailles peace conference arguing for the control of sources of Palestine waters. They argued that the Hermon was Palestine's 'father of water' and without it there would be no economic life.² For the Zionists, control of water sources was crucial for the economic security of the future state of Israel. The massive Zionist programme of Jewish immigration and settlement required water for large-scale irrigation and generation of hydropower. However, for this they required the acquisition of the head waters of the Jordan, the Litani river, the snows of Hermon, the Yarmuk and its tributaries and the

¹ Nadav Morag, "'Water, Geopolitics and State Building: The Case of Israel'", *Middle Eastern Studies*, London, Vol.37, No.3, July 2001, p.191.

² *Ibid.*

Jabbock.³ However, in 1947, when United Nations approved the two state partition plan of Palestine, the Zionists were disappointed. Although the newly created state of Israel was made a riparian of the Jordan river along with Lebanon, Syria, Palestine and Jordan, only three percent of the Jordan river's basin fell within Israel's pre-1967 boundaries.⁴ What Israel was not awarded by its creators, it tried to gain through its sustained strategy of expansion and occupation. By 1967 Israel not only occupied the whole Palestinian territory but also the Golan Heights and Gaza. In addition to the territorial expansion, Israel was also successful in greatly expanding its hydro strategic position. With the Golan Heights, Israel now held all of the headwaters of the Jordan river, with the exception of a section of Hasbani, and a commanding position over much of the Yarmuk, which made even the diversion of Jordan headwaters impossible.

The Israeli occupation of the whole of the West Bank of the Jordan river not only provided it with the access to the entire length of the Jordan river but also gave it the absolute control over three major aquifers in the region.⁵ Now only the Litani river's water remained beyond the reach of Israel. This was also brought under Israel's access with the Israeli invasion and occupation of Lebanese territory in 1982. With this, the Zionist dream of complete control over the whole of the water resources of the region was realized.⁶ Although the immediate threat to the Litani river was reduced with the subsequent Israeli withdrawal from South Lebanon, Israel has been using waters from Wazzani spring and Hasbani river.⁷ In addition to these, Israel has an eye on Nile waters of Egypt also. As far back as in 1903, Theodor Herzl, the founder of the Zionist movement, proposed to divert the Nile waters to Sinai and settle Jews there.⁸ During 1977-80, when Sadat was president of Egypt, negotiations took place between Egypt and Israel to carry the

³ Aaron T. Wolf, "*Hydro Politics along the Jordan River: Scarce Water and its Impact on the Arab-Israeli Conflict*", United Nations University Press, 1995, p.20.

⁴ Jad Issac, "The Essentials of Sustainable Water Resource Management in Israel and Palestine", *Arab Studies Quarterly*, Vol.22, No. 2, Spring 2000 p. 14.

⁵ Aaron T. Wolf, 1995, *op.cit.*, p.52.

⁶ Salim Haddad quoted in Arnon Soffer, "The Litani River: Fact and Fiction", *Middle Eastern Studies*, London, Vol. 30, No.4, October 1994, p.970.

⁷ "Water Crisis May Renew Lebanon-Israel Strife", *The Asian Age*, New Delhi, 16 October 2002.

⁸ Kamel Zuheiri, "Development Projects on the Nile and Israel's Water Objectives", in Abdel Majid Farid and Hussein Sirriyeh (eds), *Israel and Arab Water*, Ithaca Press, London, 1985. p. 58.

waters of the Nile to Negev. Israel planned to bring Nile waters through canals and bring it to Negev to join it with the diverted Jordan river waters in Negev. However, the project had to be shelved in the face of strong opposition to this scheme in Egypt.⁹

Israel's Occupation and Exploitation of Water Sources

The main surface water source for the region is the Jordan river system. The Jordan river has two sections, the upper Jordan and the lower Jordan. The upper or northern headwaters of Jordan are formed by the confluence of three rivers - the Hasbani, the Dan and the Banyas. These three rivers join to form the upper Jordan river which flows through Lake Hula into the northern end of Lake Tiberias. The Jordan river then flows out of the southern end of Lake Tiberias and is joined ten kilometers south of the lake by the Yarmuk river. Off the Lake Tiberias, it is called lower Jordan and travels to meet the Dead Sea.¹⁰ As indicated above, the Zionist ambition was for the control and utilization of the region's water for the purpose of creation of Israel and for supporting her abnormally growing population due to continuous and massive inflow of immigrants. Immediately after its birth and following the 1948 war, Israel launched her National Water Carrier project to divert the Jordan river water towards the coastal plain and the Negev desert. In 1951 Israel began draining the Huleh Marshes and in 1964 it completed the ambitious plan of complex pipelines and tunnels to carry water from Lake Tiberias to the Negev.¹¹ The neighbouring countries seriously resented this action of Israel. The out-basin use of Jordan river water was against international law, that is, a state cannot divert a river if this is disadvantageous to the other riparian states. This was also against the Ionides plan. In 1937 Great Britain had assigned M. Ionides, hydrologist, to conduct a study of the water resources and irrigation potentials of the Jordan valley basin. The Ionides study served as the main reference in the preparation of the United Nations partition plan of Palestine. The Ionides plan published in 1939 had recommended that the secured

⁹ El-Sayyid Zohra, "Egypt's Water Needs and the Dangers of Diverting Nile Water to Israel" in Abdel Majid Farid and Hussein Sirriyeh (eds), *Israel and Arab Water, op.cit.*, p.67.

¹⁰ Marcia Drezon-Tepler, "Contested Waters and the Prospects for Arab-Israeli Peace", in *Middle Eastern Studies*, Vol. 30, No.2, April 1994, p.283.

¹¹ Sara Reguer, "Controversial Waters: Exploitation of Jordan River, 1950-80", *Middle Eastern Studies*, Vol. 29, No. 1, January 1993, p.53.

irrigation water of the Jordan river system was to be used primarily within the Jordan valley basin.¹²

In reaction to Israel's National Water Carrier, its neighbours envisaged to build dams on tributaries of the Jordan and Yarmuk rivers. In 1965, Syria began building dams to divert water from the Banias and Dan river in the Golan Heights. Israel sent its fighter planes to destroy the work sites. The West Ghor Canal envisaged to provide Palestinians with Jordan river water could never be implemented. The Jordanians also, in the meantime, had proceeded to prepare for the construction of a part of the East Ghor Canal proposed in the Ionides plan to divert its share of Yarmuk water to irrigate land east of the Jordan river. However, a significant portion of this project was yet to be constructed because of Israel's opposition.¹³ The strategies of the other riparian countries of the Jordan river to restrict Israel's illegal diversion of its water to the Negev desert was put to a full stop in the aftermath of 1967 war. This war resulted in radical benefits for Israel. The occupation of Golan Heights provided Israel control over Banias and part of the Hermon range as well as the entire coast of Lake Tiberias. Furthermore, by securing control over a longer portion of Yarmouk, Israel successfully prevented Jordan from constructing any dam upstream. And thus the 1967 war resulted in Israel getting complete domination over the waters of Jordan rivers system.¹⁴ Israel is now getting one-third of its consumption of drinking and agriculture water from the water of Golan and Hermon mountains.¹⁵

The worst sufferers of Israel's diversion of the Jordan river water have been the Palestinians. With the diversion of most of the fresh waters from the Jordan to coastal plains and the Negev desert, the lower Jordan river has now turned into a drain of saline and sewage water. Israel allows only 60 MCM of water downstream from the Lake Tiberias, basically consisting of saline springs, which previously used to feed the lake, and sewage water. These are then joined by what is left of the Yarmouk. Both in quantity and quality, this water is unsuitable for

¹² Jamal Laurence El-Hindi, "Compensation as Part of Equitable Utilization in the Israeli-Palestinian Water Context", *Arab Studies Quarterly*, Vol. 22, No. 2, Spring 2000, p. 124.

¹³ "Jordan: Running Hard to Cover the Deficit", *Middle East Economic Digest*, 28 January 2000, p.13.

¹⁴ Ashok Swain, "A New Challenger: Water Scarcity in the Arab World", *Arab Studies Quarterly*, Vol. 20, No.1, Winter 1988, p.2.

¹⁵ "Key to Mideast Peace Drive", *Arab Times*, 4 October 1999, p. 7.

irrigation.¹⁶ Thus, the Palestinians are denied the use of water resources from the Jordan and Yarmouk rivers, to which Palestinians are riparian. Israel's occupation of the Palestinian territory in 1967 also gave it control over the Palestinian underground water. With the Israeli diversion of the Jordan river water to the Negev and worst quality of water flowing through the lower Jordan because of saline and sewage, the ground water remained the only major source of freshwater for Palestinians in the West Bank as well as Gaza Strip. There are three main aquifer systems in the West Bank.¹⁷ The Western Aquifer System is the largest of them. Eighty percent of the recharge area is located within Israeli borders. This is a shared basin between Israelis and Palestinians. Israel exploits the aquifers of this basin through deep ground water wells located to the west of the 1967 borders and also through deep wells within the West Bank and consumes 92.5 percent of its safe yield. The Palestinians consume only 7.5 percent of its safe yield. The North East Aquifer system is also located within the West Bank boundaries. Most of this water, about 82 percent, is consumed by Israel whereas Palestinians are able to consume only 18 percent of the safe yield. The Eastern Aquifer System lies entirely within the West Bank territory. After 1967, Israel tightened its control over this aquifer and has been extensively exploiting it to supply her ever-growing settlements in the occupied territories. Israeli settlers in the West Bank and Gaza Strip have been overdrawing water from the aquifers. The main Gaza aquifer has been over-pumped at the rate of 110 MCM, resulting in the lowering of the ground water table below sea level and saline water intrusion in many areas.¹⁸

Thus, since 1967, Israel has occupied not only Palestinian lands but their surface and underground water also. Israel has complete control over the West Bank aquifers and puts severe restrictions on Palestinian water usage. More than 85 percent of the Palestinian water from the West Bank aquifers is taken by Israel, accounting for over 25% of Israel's water requirement.¹⁹ Thus in totality about 60 percent of Israel's

¹⁶ Jad Issac, "The Essentials of Sustainable Water Resource Management in Israel and Palestine", *op.cit.*, p.14.

¹⁷ Hillel I. Shuval, "A proposal for an equitable resolution to the conflicts between the Israelis and the Palestinians over the shared water resources of the mountain aquifer", *Arab Studies Quarterly*, Vol.22, No.2, Spring 2000, p.36.

¹⁸ Jad Issac, "The Essential of Sustainable Water Resource Management in Israel and Palestine", *op.cit.*, p. 17.

¹⁹ Praful Bidwai, "Dispossessed, Defrauded in Ones' Own Land" *The Hindu*, 6 May 2004, p. 13.

total water consumption is supplied from the occupied water sources of her neighbouring countries. The Israeli schemes to expand and establish an industrial and agricultural state to sustain the continuous flow of Jewish immigrants into Israel have been responsible for the abnormal growth of demand for water in Israel. And it can be safely concluded that this has been an important motivating factor behind Israeli occupation of land and water resources of her neighbouring countries. Therefore, water remains a very important factor in West Asian conflict.²⁰

Pattern of Water Consumption

Israeli occupation of regional water sources has resulted in severe hardships to the Palestinian population. On an average, the per capita water consumption in Israel is estimated at 340 m³ whereas the same for Palestinians stands at 82 m³. The water consumption for domestic purposes stands at 30 m³ per person for Palestinians whereas the same for Israelis is estimated to be 100 m³. The Jewish settlers in occupied territories consume huge amounts of scarce Palestinian waters. The settlements receive continuous water supply mainly from the Palestinian wells.²¹ Palestinians are not allowed to construct new wells whereas Israel puts severe restrictions on Palestinians to draw water from existing wells. In short, the water situation for Palestinians is inhuman and unbearable.²² The Oslo peace process, though did not try to rectify water discrimination, agreed that Palestinians should be allowed to extract more water from the West Bank aquifer but it was to come from new sources. However, it gave Israel control over new Palestinian projects to extract water through the newly established joint water committee. And Israel continues to maintain total control over the water sector in occupied territories.²³ Palestinians keep on suffering for lack of water.

The early Zionists were obsessed with agriculture. For them domestic food production was an essential element of the concept of the total defence. The domestic food production even costlier than imports

²⁰ "Serious Water Crisis Round the Corner for Arab Nations", *Kuwait Times*, 5 October 1999, p. 1.

²¹ Jad Issac, "The Essentials of Sustainable Water Resource Management in Israel and Palestine", p.21.

²² For details see Jessica McLallin, "Water Torture", *The Middle East*, Issue No. 323, May 2002, p. 20.

²³ *Ibid*, p.22.

was considered necessary for the defence of Israel.²⁴ This also determined the utilization of water in Israel. And about 80 percent of water in Israel has been consumed by the agriculture sector. This is far above the world wide agricultural consumption of 69 percent.²⁵ Israel's need for water is superficial, uneconomic and irrational. It is in the sense that Israeli agriculture is economically unviable and is heavily dependent upon subsidies from the United States and the world Jewry. Further, agricultural sector in Israel enjoys massive subsidies that include cheap or free infrastructure, tax remissions, special credit facilities and export assistance.²⁶ To persist with such kind of agriculture sector in the age of globalization, when free trade between nations and production specialization based on the principle of comparative advantage is being adopted all over the world, is simply irrational. It should be mentioned that backed by massive inflow of oil revenues, Saudi Arabia began a drive for agricultural self-sufficiency in the 1970s. However, the opportunity cost of this programme, both in financial and water terms, became too great. And this heavily subsidized programme had to be abandoned, as imports became a much cheaper option.²⁷ The Saudi experience provides a valuable lesson for Israel. Israeli economy would be better off by redeploying the resources to sectors other than agriculture.

Conclusion

From the above discussion it can be concluded that water remains an important and crucial factor in West Asian conflict. The limited water resources cannot sustain Israel's abnormal growth in water demand. The unnatural growth in demand for water is basically on account of Israel's immigration policy. Further, the scarce water resource is mostly consumed by an economically unviable agriculture sector. The immigration as also the agricultural policies of Israel are historical legacies, which no government in Israel would dare to change easily by taking recourse to rational policy options. However, without any drastic

²⁴ Thomas Stauffer, "Arab Waters in Israeli Calculations: The Benefits of War and Costs of Peace", in Abdel Majid Farid and Hussein Sirriyeh (eds), *Israel and Arab water*, Ithaca Press, London, 1985, p. 75.

²⁵ "The Quest for Security amid the Scarcity", *Middle East Economic Digest*, 24 January 1997, p.7.

²⁶ Thomas Stauffer, "Arab Waters in Israeli Calculations: The Benefits of Water and Costs of Peace", *op.cit.*, p.75.

²⁷ "Private Progress", *Middle East Economic Digest*, 28 January 2000, p. 8.

change in immigration and agricultural policies, there could be no solutions to Israel's abnormal growth of demand for water. By now, Israel has been able to fulfill this demand by occupying and exploiting the water resources of her neighbouring countries. But, even the occupied water resources would not be sufficient enough to sustain Israel's growing water demand in the long run. In such a scenario, water-based conflicts are bound to grow in the region. Achievement of peace in the region and Israel's evacuation of occupied territories and water resources of her neighbouring countries seem to be an impossibility as long as Israel can defend the occupation militarily. Israel's withdrawal from Gaza strip is a pointer in this direction. The over pumping of the Gaza aquifer by the Jewish settlers reduced the water level to below sea levels. The infiltration of salt water from the Mediterranean Sea has resulted in Gaza aquifer water becoming unsuitable for agricultural use. The depletion and degradation of Gaza water has been an important factor in Israel's decision to dismantle its settlements in Gaza. Therefore, the strategic water resources of Palestine and the importance of the Golan Heights to control the occupied water resources would play a spoiling element in any meaningful peace negotiations between Israel and her neighbours. Therefore, solutions to the conflicts in the region require a solution to water issue first. This, in turn, requires serious and drastic revision in Israel's agricultural and immigration policies.

References

1. A.M. Farid and H. Sirriyeh (eds), *"Israel and Arab Water"*, The Arab Research Center, London, 1985.
2. Aaron T. Wolf, *Hydropolitics along the Jordan Rive: Scarce Water and its Impact on the Arab-Israeli Conflict*, United University Press, New York, 1995.
3. Arnon Soffer, "The Litani River: Fact and Fiction", *Middle Eastern Studies*, Frank Cass, London, Vol. 30. No.4, October 1994, pp. 963-974.
4. Calvin Goldscheider, *Israel's Changing Society: Population, Ethnicity and Development*, West View Press, Boulder, 1996.
5. Daniel Hillel, *Rivers of Eden: The Struggle for Water and the Quest for Peace in the Middle East*, Oxford University Press, New York, 1994.
6. Daniel J. Elazar (ed), *Judea, Samaria and Gaza: Views on Present and Future*, American Enterprise Institute, Washington, 1982.
7. Peter H. Gleik (ed), *Water in Crisis*, Oxford University Press, New York, 1993.

8. Hillel I. Shuval, "A Proposal for an Equitable Resolution to the Conflicts between the Israelis and the Palestinians over Shared Water Resources of the Mountain Aquifer", *Arab Studies Quarterly*, Washington, Vol. 22, No.2, Spring 2000, pp 33-62.
9. Jad Issac, "The Essentials of Sustainable Water Resource Management in Israel and Palestine" in *Arab Studies Quarterly*, Washington, Vol. 22, No.2, Spring 2000, pp. 13-31.
10. Joyce R. Starr and Daniel C. Stall (eds), *The Politics of Scarcity: Water in the Middle East*, West View Press, Boulder, 1988.
11. Marcia Drezon-Tepler, "Contested Waters and the Prospects for Arab-Israeli Peace", *Middle Eastern Studies*, Frank Cass, London, Vol. 30. No. 2, April 1994, pp.281-303.

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CHINESE DEMOCRACY IN THE MAKING: IS IT A WAY FORWARD IN DEMOCRACY PROMOTION?

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Abstract

As the most populous country of the world, China maintained the largest economy on earth for most of the recorded history of the past two millennia but its stable performance in terms of economic growth in the last few decades has been the envy of others around the world. The Financial Times noted that China has been the world's largest economy for 18 of the past 20 centuries, while according to The Economist, "China was not only the largest economy for much of recorded history, but until the 15th century, it also had the highest income per capita - and was the world's technological leader." As early as 1820, China accounted for 33% of the world's GDP. Barely a hundred years later, the scenario was completely different. By the early part of twentieth century, China accounted for only 9% of world's GDP. The primary explanation for the relative eclipse of China lies in the fact that the industrial revolution of the nineteenth century, which made Europe and then America rich, almost completely bypassed China. But they gained the momentum again and did not take long to be on track of stable economic growth again. What are the factors that made China so promising in the wide horizons of world economy? How does the economic system of China adapt with the changing dimensions of global economy? How does the communist political system shape the economic system of China that maintains its staggering economic performance? What are the distinct features that China has to adopt in this era of globalization? Is China diffusing itself with the virtues of democracy or is it acquiring a unique embodiment of political system? The article explores these questions and come up with conclusions based on China's political and economic experience.

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1. INTRODUCTION

In the summer of 1989, an essay entitled the 'End of History' was published by Francis Fukuyama, arguing that the establishment of political perfection and peace had been uncovered in the 'ideal' twin pillars of a liberal democratic state and a market economy. That same summer, student protests presented the ruling Chinese Communist Party (CCP) with the most serious challenge to its leadership since the onset of economic reforms in the late 1970s. With Soviet and Eastern European authoritarian and communist regimes giving way to some form of rapid political and economic opening in the late 1980s and early 1990s, the stage was set for China to follow suit. Consistent with Fukuyama's thesis, Western powers adopted the policy of 'constructive engagement' with remaining authoritarian states; implying that through trade, investment, and exchange between cultures and people, China would come to depend on Western funds and technology, which could in turn be used as leverage to oblige further opening and reform, and perhaps even regime change in the world's most populous nation (Lynn, 2002).

However, far from collapsing under its own weight and confirming the consensus of Fukuyama and other leading neo-conservative thinkers, China's particular authoritarian regime, having sustained remarkable average annual growth rates and poverty reduction over the last two decades, "is not supine, weak, or bereft of policy options" (Ravallion and Chen, 2004). As such, and in contrast to Soviet and Eastern European reform experiences, "the new Chinese leaders do not feel that they are at the end of history." (Nathan, 2003:15) With the Chinese government proving to be more resilient than previously thought, some have questioned if China's path of development provided a rebuttal, if not a refutation, of Fukuyama's argument. As Birdsall *et al* asked,

The idea may sound radical, but would China have been better off implementing a garden-variety World Bank structural adjustment program in 1978 instead of its own brand of heterodox gradualism? (Birdsall, Rodrik and Subramanian, 2005).

In seemingly going against the grain of an international consensus, China's rise on the international stage comes at a propitious time in democracy studies, as a backlash against democratic promotion has emerged in response to a lacklustre record of multilateral and unilateral interventions to rebuild failed states and establish democracy in developing countries; culminating to a pinnacle following failed US efforts to stabilize and rebuild Iraq in the aftermath of the 2003 invasion. (Wolf, 2006, Ignatieff, 2005) Meanwhile, Fukuyama has ideologically detached himself from his neo-conservative colleagues to stress nuances

in the importance of sequencing of democratic and economic liberalization, working in conjunction with institutions, as essential in achieving the twin pillars of development in any meaningful and substantive sense (Fukuyama, 2005, 2006). This has created new catchphrase qualifications for the liberal ideal, such as: Fukuyama's 'realistic Wilsonianism', or Wolf's 'liberal realism'. As Wolf remarked,

This does not mean abandoning the goal of democracy: as market economies take hold, democracy tends to emerge, as happened in Taiwan and South Korea, and democracy remains an attractive ideal, as the "colour revolutions" in the former Soviet Union have shown. But it does mean accepting that democracy is one of several desirable aims, recognising the obstacles to imposing it from outside, admitting that elections do not alone create freedom and, above all, understanding what makes each society's evolution unique (Wolf, 2006:13).

Thus, as an international 're-think' on the quality of democracy promotion is possibly underway, this paper uses the development experience of China's post-1978 reforms, in recognition of its successful unorthodox application of political and reform policies in order to highlight an institutionally innovative and domestically driven alternative to prevailing approaches to democratization. If these arguments are persuasive, a deeper appreciation and acceptance of unorthodox policy practices and challenges may result, as well as a (pragmatic) willingness on the part of Western governments and international organizations to more effectively engage developing countries, emerging or otherwise, and assist them with policy prescriptions that are for both their sake and that of multilateral stability, not short-sighted domestic political pressures.

The paper argues that despite the many challenges that lay ahead for China's current and future leaders, its gradual and incremental approach to economic reform, with slight political reform, has exuded a maturing institutional capacity similarly found in the development of neighbouring Japan, South Korea, and Taiwan - the other so-called East Asian 'miracle' economies (World Bank, 1993). This can be seen, for instance, in comments by Pei,

Moreover, the Chinese leadership has retained its ability to intervene in the marketplace and, consequently, avoided the catastrophic mistakes made by developing countries that have fully embraced neoliberalism (Pei, 2003:74).

As Chinese leaders have often used these countries as templates from which to design their own unique reform plans, China's economic reforms are already showing strong indications of following in similar

developmental footsteps (Wolf, 2005, Prasad and Rumbaugh, 2003). Although its future prospects are difficult to accurately surmise, China's focus on transforming its economic structure and creating new sources of wealth, if distributed relatively equitably, can contribute to a development trajectory that reinforces the growth and strengthening of a domestic constituency calling for substantive democratization of Chinese politics and society.

Following the introductory discussion, the rest of this article examines, among others, the reasons underpinning a backlash against democracy, and its apparent failure to flourish in many developing countries around the world. It also provides a spectrum of the various arguments put forward by academics on the future prospects of democracy in China. Although many of these views offer negative assessments for future Chinese democracy, this paper also emphasizes evidence of strong similarities between China's chosen path of development and that of its East Asian neighbours. If these similarities hold, particularly related to patterns of income distribution, the prospects for democracy in China could indeed be greater and sooner than what many commentators currently predict. Finally, the article concludes with key points of China's development framework, and how this flips conventional Western policy prescriptions onto its head, followed by a discussion on whether lessons from China can act as a broad framework for other developing countries.

2. BACKLASH AGAINST DEMOCRACY

In the past few years, the broader public backlash against democracy promotion has spread across the globe, from the former Soviet Union, to Western Europe, Latin America, the Middle East, and elsewhere. Much of this hostility, it is argued, has to do with the manner that President George W. Bush has made democracy promotion the central plank of American foreign policy. Firstly, US democracy promotion has come to be equated with 'regime change' of governments not favoured by Washington. This has made the 'freedom agenda' even more menacing and hostile to authoritarian governments worldwide, allowing these leaders to portray themselves as resisting encroaching US interventionism and further curtailing any political opening. Secondly, the Bush administration has severely damaged the credibility of the US as a moral symbol of democracy and human rights. This has allowed dissenters of democracy promotion to inquire about the apparent US

double-standards: “How can a country that tortures people abroad and abuses rights at home tell other countries how to behave?” (Carothers, 2006).

Of course, the record of democracy promotion extends beyond the years of the latest Bush administration. Such efforts can be said to have gained prominence particularly in the 1990s, as previous international norms of strict non-interference in the internal political affairs of other countries seemed to dissolve. This led to a flurry of international democracy promotion programmes that can be said to have only produced mixed results to date. Among the most common reasons leading to failure is the lack of understanding of the local context and culture. All too often, programmes have fixated with an export industry with the aim of maximizing the volume of trade between donor and recipient countries. As such, rather than being individually tailored, many programmes have been “taken off the shelf of Western experience”, with little effort to consider local conditions, or previous initiatives to reform political institutions. As Miller noted,

Too often governance has been approached as if it were a purely technical problem where once you have got the techniques right – the rules, procedures and organization – all else will fall into place. Nothing could be further from the truth. The real challenge is to achieve alignment between the tip of the iceberg – the rules and procedures – and the three-fifths that is below the surface – the norms, customs, and values (Miller 2005).

In the light of this record of performance, the following quotations’ unexpected consequences with democratic development in many developing countries may not come as a surprise,

Since the fall of communism, crime has proved the quickest route to consumption rather than the advent of democracy and a well functioning market economy (Gotze, 2004).

In some cases, such as Namibia and Mozambique, elections clearly played a vital role in making a decisive break with the past. In others, such as Angola, flawed elections created more problems than they solved. In Haiti, administrative inefficiencies undermined the credibility of the broader electoral process. By contrast, in Cambodia, technically successful electoral processes were soon overwhelmed by the realities of power politics. And in Bosnia, premature elections helped to kick-start the façade of democratic politics, but also helped nationalist parties cement an early grip on political power (Reilly, 2002).

Such inconsistent outcomes are a result of the ahistorical approach to democracy building that took place in many countries worldwide. As Miller noted, implanting the ‘trappings’ (rules and procedures) of democracy cannot ensure its quality or its consolidation within society at large (norms, customs, values). Indeed, if political rights are not embedded in well-established civil rights, the resultant political order will deviate from the basic contours of liberal democracy as “political freedoms may open the door for a distorted type of democratic policy.” (Armony and Schamis, 2005).

Although these considerations have resulted in greater awareness and study of the quality of democracy, Plattner cautiously highlights two dangers of such trends: first, in order to develop measurable indicators of democratic quality, there is a tendency to oversimplify the complexity of the issue; second, the tendency to frame specific political preferences of academics as objective standards of quality (Plattner, 2004). As such, it may be useful to provide an alternative, if older, model to frame how democracy promotion should be conducted. As Chen commented,

Until about a half-century ago, movement toward democracy was an incremental, long-haul process whose origins could be traced back to a tradition of political pluralism. Progress toward liberal democracy would occur against a broad political background in which virtually all the democratic components, such as separation of powers, constitutional rule, and parliamentary sovereignty, had been gradually instituted. Democracy became fuller as the right to vote extended to ever wider classes of people (Chen, 2003:52).

In short, consolidated institutional and democratic development cannot be removed from its historical context and “regarded as an institutional form that owes little or nothing to the historical forces that created it.” (Miliken and Krause, 2002) As such, democracy promotion needs to be viewed in a context of dynamic and evolutionary institutional change over time, as opposed to simple traits somehow acquired and crossed-off a superficial, if misleading, checklist of ‘good policies’ to be implemented. To this end, Rose-Ackerman offers an alternative approach in her study of how to effectively establish property rights law in weak states,

Detailed work on particular societies suggests that mixed systems sometimes can function well where elements of traditional property relations survive in the modern world. There appear to be numerous examples of property rights regimes that depart from the standard economist’s solution of clearing title to individual plots. The explanation for the survival of these mixed systems seems to be a blend of economic rationality and political expediency (Ackerman, 2004).

3. DEMOCRACY WITH CHINESE CHARACTERISTICS

While China's path of post-1978 reform certainly presents an illustrative case of a country pursuing its self-defined goals and strategies with a great deal of success, there is also a consensus that issues of socio-economic disparities, environmental degradation, and lack of civil rights are ongoing challenges that are increasingly undermining the legitimacy of the CCP regime (He, 2003:67).

Thus despite signs of resilience, there is also the question of whether China's political system is currently undergoing a process (or trajectory) of institutional learning or one of crony capitalism and decay. A spectrum of perspectives in this debate is first surveyed, followed by evidence of institutional capacity allowing China to follow a path of development similar to that of East Asian neighbours - Japan, South Korea and Taiwan. Given that these countries only substantively democratized about 30 years after the beginning of their respective periods of fast growth and industrial transformation in the 1950s and 1960s, could China follow suit? Although China's development obviously remains a work in progress, it is the management of fast growth with relatively equitable income distribution that will ultimately determine whether it is truly following in the footsteps of its neighbours.

3.1. Democratic Trajectory

There is little disagreement that the Chinese regime still faces massive challenges to its survival. However, diverging views on China's democratic development can be understood as different interpretations of the character of China's political system, its institutional capacity and motives, and thus on prospects for democratization.

On the edges of this debate are Nathan (2003) and Yang (2003), on the one hand, and Gilley (2003), on the other. Nathan stresses the seeming resilience of China's authoritarian system, seen in its increasing tendency to institutionalize, if informally, political behaviour and rules. Rather than succumb to the normally fragile conditions of its governance, such as weak legitimacy, excessive reliance on coercion/patronage networks, and centralization of decision making, Nathan focuses on four areas where the Chinese regime has shown increasing signs of institutionalization, i.e., (a) norm-bound process to succession politics; (b) meritocratic over factional consideration in the promotion of upper-level elites; (c) differentiation and functional specialization of party, enterprise and government; and (d) establishment

of 'input' institutional mechanisms to enhance political participation and legitimacy of CCP among the public (Nathan, 2003:6-7). Although he does not try to predict whether the government can surmount the many challenges that lie ahead, there has been a clear regime shift "from utopia to development" that appears increasingly stable as a classic authoritarian system (Nathan, 2003:15-16).

Yang, similar to Nathan, contends that beneath the surface Chinese leaders have worked furiously over the past decade to remake the institutions of governance (Yang, 2003:44). Aside from village and local urban elections (which do not belong as part of the state apparatus), Yang looks more closely at economic institutions, observing that central authorities have substantially strengthened the central state's revenue base, while also establishing regulatory institutions to ensure orderly market competition and financial stability. Yang, thus, adopts a more optimistic tone,

In the short and intermediate run, such reforms help bridge the gap between the elite and the masses, and go some way toward curbing rampant rent-seeking. In the long run, an efficient and well-governed administration will be indispensable if and when elite politics do make a democratic transition (Yang, 2003:49).

Gilley takes a much more critical approach to the current Chinese regime, in offering evidence that contradicts Nathan's notion of greater institutionalization. As such, he focuses on the regime's tendency to concentrate power in the hands of a few individuals or factions, which results in the abuse of power, government mismanagement, corruption, weak norms of political conduct, and deteriorating government legitimacy (Gilley, 2003:18). This is seen using the same indicators for institutionalization that Nathan relied upon. For instance, norms and rules governing elite promotions and assignment of portfolios is often violated to the benefit of elite loyalists rather than based on merit. By his account, seven of the nine new members of the Politburo Standing Committee (PBSC) in 2002, the highest decision making authority, were a result of personal loyalties (Gilley, 2003:20-21). Moreover, input institutions such as village elections, local legislatures, or petitions have generally improved governance at the local level, but are very much exposed to 'rule-rigging' by central authorities, which ultimately limits their democratic character. As Gilley contends,

By these standards, the evidence of PRC [People's Republic of China] institutionalization remains faint. Nor does it seem likely that such institutionalization will eventually strengthen. Indeed, since 1949, there have been discernable cycles of consolidation and breakdown in China:

The limits of regime institutionalization have been reached before and, in response, the “logic of concentrated power” has reasserted itself. Something similar is likely to happen again and, in due course, weaken the institutionalization apparent at the CCP’s recent Sixteenth Party Congress (Gilley, 2003:18).

The remaining authors surveyed here focus on the CCP’s efforts to co-opt emerging social elites (successful entrepreneurs, managers, other white-collar employees of foreign or domestic companies, and professionals) and what this means for greater democratization in China. From Dickson’s point of view, despite the Party’s efforts to reinvigorate rural branches, grassroots CCP organizations are weak and show low recruitment. As such, the Party has pursued a two-pronged strategy of corporatism and cooptation that seeks to include technological and economic elites that have no alternative political agenda, while continuing to exclude those that do. In taking steps to forestall organized political demands from emerging outside of the Party, Dickson strongly doubts modernization theorists’ prediction of economic and social development, ‘naturally’ leading to democratization. Thus, co-opted elites are expected to further defend authoritarian rule, rather than push for democracy. As he noted,

In an authoritarian context, democratization is not the inevitable result of economic growth but rather the consequence of actions by political leaders within the regime and democratic forces in the society at large. Most of China’s private entrepreneurs and technical elites have shown little interest in promoting democratization (Dickson, 2000).

As co-opting new elites is seen as a survival strategy merely to adapt to a new social reality, democratization in China is more likely to be obstructed than diffused. Dickson’s views are similar to those of Chen, who also believes that efforts to co-opt new social classes are not likely to lead to democratization. He contends that the alliance between ruling elites and other affluent classes will result in further socio-economic polarization in Chinese society that will push China’s nouveau riche to further back authoritarianism rather than to demand political reform from the state (Chen, 2003: 54-55). Moreover, state institutions incapable and unwilling to diminishing socio-economic disparities will only heighten class conflict, while the state’s alliance with business elites constrain it from adopting much needed measures of income redistribution. As a consequence, China may be trapped in a vicious circle in which political repression and the revolutionary impulse reinforce each other in a deepening class conflict that precludes a peaceful political opening.

Chen and Dickson's remarks are consistent with a more recent assessment of China's political development by Pei (2006). With the state in control of key sectors of the economy (financial services, banking, telecommunications, energy, steel, automobiles, natural resources, and transportation), it is ultimately Beijing that drives China's business cycle. With the co-opting of new social elites, Pei believes the Chinese economy has fallen victim to crony capitalism with Chinese characteristics: the marriage between unchecked power and illicit wealth (Pei, 2006: 35-37). Pei argues that,

China's much-praised gradualism has produced a bastard system in which bureaucrats, not markets, set certain commodities' prices; banks take big losses on loans that government officials order them to make; and money-losing state-owned enterprises (SOEs) dominate key sectors. Moreover, the government has failed to provide the people with education, public health, a clean environment, or safe workplaces (Nathan, 2006).

Given these trends, Pei believes that China's political system is more likely to undergo decay than democracy. Ironically, he believes that it is the policies the Party used to generate high growth that are compounding the political and social fissures that threaten the regime's long-term survival.

Xiao (2003), however, offers a contrasting view of China's purported crony capitalistic development. Like Dickson, Chen, and Pei, Xiao would agree that new social elites (i.e., technocrats) have become the new power base of the Chinese regime, but rather than merely acting as obedient sheep in support of authoritarianism, Xiao sees these actors as a middle ground (or depolarization) between factional ideological extremes: Western-style reformers, and orthodox communist leftists. As such, technocrats are less encumbered by ideological squabbles, and free to make more or less independent decisions on the basis of "functional rationality and cost-effectiveness as they seek pragmatic ways to handle various problems arising from modernization." (Xiao, 2003:63). Xiao, unlike Dickson, Chen, and Pei, believes that these new social forces will lead to greater political pluralism, and possibly an eventual transition to democracy. This is because new social elites' support for the Chinese regime is on the understanding of the historical phase through which China is now progressing. As Xiao explained,

As economic growth continues and middle-class values continue to spread, this expanding new bourgeoisie will come to see itself as the country's dominant political force, and to identify the adoption of democratic processes and institutions as keys to its own empowerment.

In the end, this class will form the social engine driving China's democratization as middle-class citizens impose ever more stringent tests of legitimacy on their government (Xiao, 2003:62).

Thus, the future of democracy in China would seem to fall on whether the Chinese regime can be characterized as crony capitalism, or as an effective development state (Wolf, 2006). This latter term has often been used to describe the successful development experiences of China's East Asian neighbours, notably Japan, South Korea and Taiwan, countries known to have influenced the development strategy of Chinese leaders since the late 1970s. Indeed, many of the authors surveyed have made the link between China and the development experience of its neighbours, with various interpretations. Gilley (2003:24), for instance, does not believe a 'voluntary withdrawal' of the CCP from power is likely, given its weakness. Dickson is most critical of the modernization theory, and does not see it happening in China for the simple reason that any such initiatives are bound to be at the expense of the CCP's authority (Dickson, 2003:34). On the other hand, Gallagher reveals an important point,

While the business classes in Korea and Taiwan, did not play the role of enlightened, politically liberal bourgeoisie as occurred with their counterparts in the European model of democratization, their growing independence made the united front of authoritarian government and domestic capitalism untenable. In the PRC, however, there is little chance of a private economy to play a central role in political change. Of a small scale and dependent on local government support for its survival, private industry in China is still in its infancy (Gallagher, 2002).

3.2. Following in East Asia's Footsteps?

The remainder of this paper seeks to briefly explain the East Asian model of development, followed by evidence that China is showing signs of institutional capacity in replicating some of the model's core requisites. Thus, the question remains: are there convincing indications that China, up to this point, is also successfully pursuing a similar national development strategy that could lead to the creation of democracy's driving force in China?

In explaining the East Asian model, it is helpful to dissociate it from what is commonly regarded as 'modernization theory'. Although the theory is broadly accurate in describing the economic basis enabling a solid foundation for democracy, it is often misunderstood as a mere formulaic policy exercise in economic reform, privatization, and

integration into the world trading system that will lead to democratic governance. However, while this may seem akin to Fukuyama's 'End of History' thesis, the actual policy package applied by East Asia was almost exactly opposite from what neoclassical economic theory would advise. These countries can hardly be considered poster children for today's global economic rules, having combined their outward orientation with unorthodox policy measures.⁵⁷ Indeed, many of these measures are highly discouraged by international institutions, such as the IMF and World Bank, and reveal that East Asian countries did not treat the market as a magic bullet of development, but as complementary to public sector-led planning and goals (Rodrik, 2001). Their national development strategies oversaw two major objectives: (a) broad-based industrial transformation of the economy from low- to higher-value (i.e., inclusion of technology) production and export; and (b) maintenance of relative equitable income distribution, thus allowing wealth to be diversified, while allowing per capita incomes to steadily rise (Wade, 2003; Akyuz and Gore, 1996).

3.3. Industrial Transformation

Since the onset of the reform period, China has used a gradual and experimental approach to reforms that is guided by general principles instead of a detailed blueprint. Part of the strategy was the application of a dual-track strategy, whereby a (already existing) planned track was maintained, while a market track was encouraged in different areas of the economy. This produced efficiency gains at the margin, without creating loser in an absolute sense. This approach, known for its flexibility, adaptability, and pragmatism, is often credited for China's high and stable growth for over the past two decades (Prasad and Rajan, 2006). The dual-track approach was extensively applied by Chinese policy-makers, ranging from sectoral reform, price deregulation, enterprise restructuring, regional development, trade promotion, foreign exchange management, central-local fiscal arrangements and domestic currency issuance. For the purposes of this paper, however, a description of China's dual-track approach to industrial transformation is useful in showing whether there are possible 'agents' for democratization in China.

Although the Chinese government still retains about 38 percent of the country's GDP (Pei, 2006), China's early reform period saw the

57 Such measures include: high levels of tariffs and non tariff barriers, public ownership of large segments of banking and industry, export subsidies, domestic-content requirements, patent and copyright infringements, and restrictions on capital flows (such as foreign direct investment).

contracting out, leasing, selling, or closing of small and medium-sized SOEs, which typically produced labour-intensive, low technology goods (Nolan and Xiaoqiang, 1999). Thus, in the first 15 years of reform from 1979 to 1993, most new firms entering the Chinese market were neither private nor central government owned, but locally-owned rural township and village enterprises (TVEs) that evolved out of the agricultural commune system of the 'Great Leap Forward' in 1958. In the early 1990s, growth was led by increasing industrial output by TVEs using local agricultural surpluses to invest in manufacturing in small-scale, low-technology and labour-intensive production. Although TVEs further underwent privatization in the late-1990s, they are noted as having played a key role in aligning the interests of local governments with economic reforms, as they began to see it in their own interest to invest in public goods for the local economy despite the lack of clearly defined property rights (Qian, 2003).

In the light of these processes, by the late-1990s, the share of industrial output accounted for by the central government roughly fell from a level of about 80 percent to less than 30 percent, while the share contributed by TVEs and other 'non-state' firms (private, foreign-owned, and joint ventures) had both doubled from 20 percent to 40 percent, and from about 0 percent to 20 percent, respectively (Perkins, 2001:255). Meanwhile, the value of goods being exported and produced in China is also of increasing technological content, with a greater share involved in sectors such as telecommunications equipment, electronics and computers, as well as other electrical equipment (Francis, Painchaud, Morin, 2005). This has led to the rise of dynamic non-state enterprises that are increasingly upgrading into more technologically demanding activities (Roberts and Rodrik, 2006). All in all, China appears to be pursuing dual-track industrial reforms by simultaneously maintaining the role of large SOEs in the economy, while encouraging entrepreneurial activity through the proliferation of science park incubators on the mainland. This approach, it is believed, will allow smaller dynamic firms to play a complementary role to flagship SOEs by exploiting small, but profitable and disruptive, technological niches that incumbent businesses largely avoid (Linden, 2004:3-4).

3.4. Wealth Inequality

While broad-based industrial transformation may be underway, this alone is no guarantee that reforms will create a growing constituency of democracy. This is due to the extent to which economic resources can be

distributed so as to diversify economic wealth, while also consistently improving the quality of life of the public at large. So far, China's record on income disparity reveals contradictory evidence as to whether, as in East Asia, it can create the adequate conditions for democratic transitioning. As Chen noted,

On the eve of democratization in Taiwan and South Korea, the wide diffusion of the benefits of economic growth had significantly enlarged the middle classes and shrunk both the traditional working class and the underclass. This new class structure favoured democracy by: 1) moderating class antagonism and its attendant tendency toward political extremism; and 2) enabling the now very large middle class to picture itself as the likely overall winner under democratic conditions (Linden, 2004:56).

As is commonly known, indicators of wealth inequality in China have gradually risen from a Gini coefficient⁵⁸ of 0.29 in 1981, to 0.39 in 1995 (Shang, 2002), to about 0.48 in 2005 (*China Daily*, 2005). Furthermore, it is estimated that urban dwellers earn about four times more than their rural counterparts, which make up about two-thirds of the Chinese population (or 800 million).⁵⁹

While the problem of income inequality appears acute, there are other indicators providing a more nuanced perspective. First, it should be noted that Gini estimates have not increased throughout the post-1978 period. As early reforms involved the agricultural sector, the Gini coefficient actually declined to a low of 0.25 in 1983, before steadily rising in subsequent years (Gelb, Jefferson and Singh, 1993). Although this may seem inconsequential, the later rises in Gini coefficients perhaps reveal sequencing of reforms by Chinese authorities, with a return to agriculture policy changes in later stages of development. Second, real wages in Chinese manufacturing, between 1994 and 2002, have

⁵⁸ The Gini coefficient is a widely used measure of income inequality: with a value of zero meaning completely identical per capita household incomes, while 1.0 represents maximum inequality, where the richest person has all the income (Martin Ravallion and Shaohua Chen, "Learning from Success: Understanding China's (uneven) progress against poverty", *Finance & Development*, (December), 2004, p. 17.

⁵⁹ James R. Keith, Prepared statement for, 'Major Internal Challenges Facing the Chinese Leadership', the US-China Economic and Security Review Commission (USCC) one hundred ninth congress, 1st session, (Washington: Bureau of East Asian and Pacific Affairs, U.S. Department of State: 2006), February 2-3, pp. 9-11.

increased at an average rate of about 8 percent per year (Flassbeck, 2005:9). This is consistent with recent reports in April that Shenzhen economic zone (found along China's coast) raised monthly minimum wages by as much as 23 percent from Rmb 690 (\$86) to Rmb 800-850. These increases were affordable due to labour productivity increases that have grown in parallel, as firms have increasingly added value to their production (Mitchell, 2006). Third, national accounts data show that China's high saving rate (as percent of GDP) is as much from high enterprise and government saving, as from high household saving. As of 2000, enterprise saving actually surpassed household saving for the first time, as a result of higher profits and retained earnings, combined with relatively stable excess saving over investment in households, and government transfers (Kujis, 2005). From these figures, China's financial system has perhaps been more effective in channelling financial resources to enterprise investment, than normally believed. As Kujis notes,

In this context, a judgement on the economic efficiency of China's financial system would be more favourable than the more common judgement on financial efficiency (Kujis, 2005:8).

Fourth, as part of the recently promulgated 11th five-year plan (2006-2010), central leaders announced the 'New Socialist Countryside' initiative that is aimed to improve conditions in rural areas by modernizing agricultural production, building rural infrastructure, removing ancient-times agricultural taxes, and increasing government transfers for social services such as education and health (*The Economist*, 2006). This initiative is the third of a slew of regional 'poor-area development programs' aimed to promote and rebalance China's growth in the rural countryside. Other such initiatives included: the Western Development program (*The Economist*, 2005) and the Northeast Rejuvenation program (World Bank, 2006). Although the outcomes of these various programs are not immediately evident, they hint at a concerted plan and recognition by central leaders that these areas will not be left too far behind.

4. CONCLUSION

Is the Chinese political system unravelling into crony capitalism? Or is it emerging as a coherent development state, as was the case of much of East Asia? To frame the question another way, would it be better to characterize China's development according to Wolf's 'liberal realism'

or Fukuyama's 'realistic Wilsonianism'? Regardless of how its experience is labelled, it is clear that most important to understanding its democratic development is, as Wolf put it, "above all, understanding what makes each society's evolution unique" (Wolf, 2006:13).

As discussed earlier, China's chosen path of development has been unique, while also borrowing from the strategies of other countries, particularly East Asia. However, in forging its own path, it has made use of an unorthodox package of policies anathema to many international and leading policy analysts. Such a predicament leads to contradictory policy prescriptions that need to be reconciled. For instance, seemingly counter intuitively, Yang contends, "Government reform and defacto privatization have been accomplished not by dismantling state power, but by reconstituting it (Yang, 2003:47)." Moreover, as opposed to the conventional wisdom of the smaller, less intrusive state, it is state capacity that should be emphasized. As Bruton explained, "That a government makes mistakes is inevitable. That it does not learn from those mistakes means that it needs to find ways to learn. Government learning, not government minimizing, is the object" (Bruton, 1998).

However, it is often argued that China's 'lessons learned', as well as those of East Asia, are not relevant for other developing countries that lack the institutional capabilities to design and effectively implement their own unique development strategies (World Bank, 1993:26). This argument is somewhat misleading, for three reasons: first, it is not the context-specific policy lessons that are applicable, but broader process-related dynamics (Brynen, 2005); second, while national development strategies may require a fair amount of institutional capacity, so do more market-oriented models as espoused by much of the international community. As such, if the level of bureaucratic competence required for purely market-oriented strategies could be attained, "the additional implied by other models would be institutionally within reach (Evans, 1998)."; third, national strategies as adopted by China and in East Asia belong as part of a historical pattern of such strategies as pursued, in an earlier time period, by today's leading industrialized nations. As Wade (2003) explained,

Almost all now-developed countries went through stages of protectionist policy before capabilities of their firms reached the point where a policy of (more or less) free trade was declared to be in the national interest. Britain was protectionist when it was trying to catch up with Holland. Germany was protectionist when it was trying to catch up with Britain. The US was protectionist when it was trying to catch up with Britain and Germany. Japan was protectionist for most of

the twentieth century right up to the 1970s Korea and Taiwan to the 1990s. And none of them came close to matching our criteria for 'democracy' till the late stages of their catch-ups.

References

- Ackerman, Susan Rose. 2004. 'Establishing the Rule of Law'. Robert Rotberg (ed.), *When States Fail: Causes and Consequences*. Princeton: Princeton University Press, 2004), pp. 182-221.
- Akyuz, Yilmaz and Gore, Charles. 1996. "The Investment-Profits Nexus in East Asian Industrialization". *World Development*, Vol.24, No.3, 1996, pp 471.
- Armony, Ariel C. and Schamis, Hector E. 2005 "Babel in Democratization Studies", *Journal of Democracy*, Vol.16 No.4 (October), 2005, pp.113-128.
- Birdsall, Nancy, Rodrik, Dani and Subramanian, Arvind. 2005. "How to Help Poor Countries", *Foreign Affairs*, Volume 84, No. 4 (July/August), 2005.
- Bruton, Henry J. 1998. "A Reconsideration of Import Substitution". *Journal of Economic Literature*, Volume. XXXVI, 1998. pp.903-936.
- Brynen, Rex, 'Donor Assistance: lessons from Palestine for Afghanistan'. Gerd Junne and Willemijn Verkoren (eds.). *Postconflict Development: Meeting New Challenges*. (Boulder: Lynne Rienner, 2005). pp.223-248.
- Carothers, Thomas. 2006. "The backlash against democracy promotion", *Foreign Affairs*, March/April, 2006.
- Catherine Gotze. 2004. "Civil Society Organizations in Failing States: The Red Cross in Bosnia and Albania". *International Peacekeeping*. Vol.11 No.4 (Winter). 2004. pp.664-682.
- Chen, Shaohua. 2003. "Measuring Pro-poor Growth", *Economics Letters*. Volume 78, pp. 93-99.
- China Daily. 2005. "Income gap in China widens in first quarter". *China Daily*. June 19, 2005.
- Dickson, B J. 2003. *Red Capitalists in China: The Party, Private Entrepreneurs, and Prospects for Political Change*. (Oxford 2003). p.34.
- Dickson, B J. 2000. "Cooptation and Corporatism in China: The Logic of Party Adaptation". *Political Science Quarterly*. Volume 115, No. 4 (Winter), 2000.
- Evans, Peter. 1998. "Transferable Lessons? Re-Examining the Institutional Prerequisites of East Asian Economic Policies". *Journal of Development Studies*. Vol.34, No.6, 1998. p.68.
- Flassbeck, Heiner. 2005. 'China's Spectacular Growth since the Mid-1990s—Macroeconomic Conditions and Economic Policy Changes'. UNCTAD. *China in a Globalizing World*, (New York: UNCTAD, 2005). p.9.

- Francis, Michael, Painchaud, Francois, and Morin, Sylvie. 2005. "Understanding China's Long-Run Growth Process and Its Implications for Canada". *Bank of Canada Review*. Spring, 2005.
- Fukuyama, Francis. 2006. "After neoconservatism", *The Sunday New York Times Magazine*. Feb 19, 2006. p. 4; Fukuyama, Francis. 2005. "Stateness First". *Journal of Democracy*. Vol.16, No.1, 2005, pp.84-89.
- Gallagher, Mary E. 2002. "Reform and Openness: Why China's Economic Reforms Have Delayed Democracy". *World Politics*. 54 (April), 2002, pp.338-72.
- Gelb, Alan, Jefferson, Gary, and Singh, Inderjit. 1993. "Can Communist Economies Transform Incrementally? China's Experience". *World Bank Policy Research Department*. WPS 1189. (October). 1993, pp.38-41.
- Gilley, Bruce. 2003. "The Limits of Authoritarian Resilience". *Journal of Democracy*. Vol.14 No.1 (January), 2003.
- He, Qinglian. 2003. "A Volcanic Stability". *Journal of Democracy*. Vol.14 No.1 (January). 2003, p.67.
- Kuijs, Louis. 2005. "Investment and Savings in China". World Bank Policy Research Working Paper 3633. June, 2005, pp.10-13.
- Linden, Greg. 2004. "China Standard Time: A Study in Strategic Industrial Policy". *Business and Politics*. Vol.6, Issue. 3. 2004, pp.3-4.
- Lynn, Barry. 2002. "Unmade in America", *Harper's Magazine*, June, 2002, p. 39; Mary E. Gallagher. "Reform and Openness: Why China's Economic Reforms Have Delayed Democracy". *World Politics*. Volume 54 (April). 2002, pp.338-72.
- Miller, Robert. 2005. *The Role of NGOs in International Democratic Development: The Case of Legislative Development*. (Institute for Research on Public Policy). pp.8-9.
- Mitchell, Tom. 2006. "An alpha delta: how southern China is handling cost rises by boosting value". *The Financial Times*. May 8, 2006.
- Nathan, Andrew J. 2003. "Authoritarian Resilience". *Journal of Democracy*. Volume 14. No. 1 (January). 2003, p.15.
- Nathan, Andrew J. 2006. "Present at the Stagnation: Is China's Development Stalled?". *Foreign Affairs*. Vol.85. Issue 4 (July/August), 2006.
- Nolan, Peter and Xiaoqiang, Wang. 1999. "Beyond Privatization: Institutional Innovation and Growth in China's Large State-Owned Enterprises". *World Development*. Vol.27, No.1, 1999, pp.183-185.
- Pei, Minxin. 2006. "The Dark Side of China's Rise". *Foreign Policy*. (March/April). 2006.
- Pei, Minxin. 2003. "Contradictory Trends and Confusing Signals". *Journal of Democracy*. Vol.14, No.1 (January), 2003. p.74.

- Perkins, Dwight H. 2001 'Industrial and Financial Policy in China and Vietnam: A New Model or Replay of the East Asian Experience'. Joseph Stiglitz and Shahid Yusuf (eds.), *Rethinking the East Asian Miracle*. Washington, D.C.: World Bank, 2001. p.255.
- Plattner, Marc. 2004. "Evaluating Democracy". *Journal of Democracy*. Vol.15 No.5, 2004, pp.106-111.
- Prasad, Eswar S. and Rajan, Raghuram G. 2006. '*Modernizing China's Growth Paradigm*'. IMF Policy Discussion Paper. March 2006.
- Qian, Yingyi. 2003. 'How Reform Worked in China'. Dani Rodrik (ed.) *In Search of Prosperity: Analytic Narratives on Economic Growth*. Princeton: Princeton University Press, 2003. pp.310-314.
- Ravallion, Martin and Chen, Shaohua. 2004. "Learning from Success: Understanding China's (uneven) progress against poverty". *Finance & Development*. December. 2004, pp.16-17.
- Reilly, Benjamin. 2002. "Post-Conflict Elections: constraints and dangers". *International Peacekeeping*. Vol.9 No.2 (Summer). 2002, pp.118-139.
- Rodrik, Dani.2006. "What's So Special about China's Exports?". *NBER Working Paper Series*, No.11947, January. 2006, p.20.
- Rodrik, Dani. 2001. "Trading in Illusions". *Foreign Policy*. (March/April), 2001, pp.55-59.
- Roberts, Dexter. 2004. "China's Power Brands". *Business Week*. November 8, 2004.
- Shang, Jin Wei. 2002. "Is Globalization Good for the Poor in China?" *Finance & Development*. Vol.30, No.3 (September). 2002.
- The Economist*. 2006. "Fat of the land". March 25, 2006.
- The Economist*. 2005. "Under the thumb: China's far West". December 3, 2005.
- Yang, Dali L. 2003. "State Capacity on the Rebound", *Journal of Democracy*. Vol.14 No.1 (January). 2003.
- Wade, Robert H. 2003. "What strategies are viable for developing countries today? The World Trade Organization and the shrinking of development space". *Review of International Political Economy*. Vol.10, No.4 (November). 2003, pp.621-644.
- Wolf, Martin. 2006. "America needs 'liberal realism' at the heart of its foreign policy". *The Financial Times*. Comment, June 14. p.13; Ignatieff, Michael. 2005. "Who are Americans to think that freedom is theirs to spread?". *New York Times Magazine*. June 26, 2005.
- Wolf, Martin. 2006. "Present at the Stagnation: Is China's Development Stalled?", *Foreign Affairs*. Vol. 85. Issue 4 (July/August). 2006.
- Wolf, Martin. 2005. "Why is China growing so slowly?". *Foreign Policy*, Issue 146 (January-February). 2005, pp. 50-51; Eswar Prasad and Thomas

Rumbaugh.2003. "Beyond the Great Wall". *Finance & Development*. (December), 2003, p.48.

World Bank. 2006. "*China Revitalizing the Northeast: Towards a Development Strategy*". Poverty Reduction and Economic Management Unit. East Asia and Pacific Region. January 20, 2006.

World Bank. 1993. *The East Asian Miracle: Economic Growth and Public Policy*. Washington, D.C.: World Bank.

Xiao, Gongqin. 2003. "The Rise of the Technocrats". *Journal of Democracy*. Vol.14, No.1 (January), 2003.