

Election Commission's credibility at stake

ZAHID HOSSAIN

SOME recent developments in the Bangladesh Election Commission specially regarding the registration of voters and non-compliance of the High Court's directives in this respect have eroded the credibility and the neutral character of the organisation as a constitutional body, shattering the confidence of the people in its conducting a free, fair and neutral election.

The authority to administer elections in different countries normally vests either in a government department/ministry or with special institutions created solely for this purpose. The nature of the election management body which in Bangladesh we call Election Commission depends on both the backgrounds of its members and the mandate prescribed by law. In some countries these bodies are responsible for conducting all aspects of the electoral processes. In some cases, however, other electoral matters i.e. the demarcation of boundaries are the responsibilities of bodies (Boundary Commission) established to deal exclusively with such matters. Positions in the election management body are normally filled in different ways. Two main approaches are a) by appointing persons not affiliated to political parties and b) by appointing representatives of political parties.

These two approaches may have a heavy influence on the manner in which the election management body (EMB) operates. Where party representatives are appointed as members of the EMB, the integrity of the process is likely to be jeopardised. A much more constructive approach is the appointment of individuals who are not members of political parties. In most of the countries, the legal framework requires that for a person to qualify to be appointed a member of the independent electoral commission (IEC) he/she must not be associated with any organisation that sponsors candidates for election to a public office. Any person who is employed by the commission to perform any aspect of the commission's operations can qualify to contest an election only for certain period of time. Such measures for selecting the personnel for the EMB lay the foundation for enhancing the operational independence of the organisation.

Control over elections is vested in various levels of government, as the existing practices in different nations of the world indicate. In unitary countries such as Great Britain and France, elections are

administered by the Home Secretary / Minister of the Interior. In some federal systems, such as the United States, authorities in the states or provinces are in control. At the local level in the United States, those immediately responsible for the election administration are the county boards of elections or city clerks or similar body may be with different names. These are locally elected officials. In France departmental prefects and sub-prefects, acting as local executive officials but at the same time appointed by and responsible to the Ministry of Interior, administer the election. They act under the supervision of the constitutional Council. In Britain "returning officers" appointed by and responsible to the Crown are in control at the polling places themselves. Administration is usually in the hands of local officials. Bipartisan

Some recent experiences of organizing elections in the developing countries where multi party systems are in place show that sufficient constitutional guarantees for the independence of their Election Management Body are really essential for conducting an effective and credible election. This is needed for retaining the confidence of all political parties. Another important aspect of the election management body should be its own non partisan character as it should not care about who wins or loses the elections it is conducting. The main interest of such bodies should be in establishing a level playing field on which candidates and parties may compete and also declaring the results without prejudice towards any party or candidate. For attaining this, the key personnel of the organisation should be

stands now, will the world community accept the credibility of the election to be conducted by them?

The structure and powers of the organisation in charge of electoral administration and supervisory arrangements for ensuring the efficient and impartial functioning of the electoral machinery are of crucial importance for an honest working arrangement of the electoral system. Besides, the integrity of the electoral system and of the electoral process is the very foundation of democratic legitimacy. The electoral authority must have wide powers to discharge its responsibilities. It should be kept in mind that the electoral authority must not act arbitrarily without consulting the administrative authorities, political parties and candidates on important electoral issues.

Generally speaking the preparation of the voter list is a continuous process. Under the continuous registry system, the voter list is normally updated, as the High Court has recently issued directives to the Bangladesh Election Commission. And the Election Commission should come to their senses for the early compliance of the court directives without further delay at least for restoring the lost credibility of a constitutionally neutral body.

precinct boards perform this function in the United States.

An independent election commission is generally considered to be an essential element for the management and conduct of free and fair multi-party elections. This is because, that body is charged with the responsibility of organising elections, and the efficient management of the election machinery is a major factor in achieving the conduct of a free and fair election. In practice, the public perception of an electoral commission's independence depends largely on its constitutional status and particularly on the method of appointment to and removal from office of membership of the commission.

Election Management Body has to handle the huge and costly events like organising the elections and management of the electoral process which influences the manner in which the rest of the world views a country's commitment to democracy. The level of responsibilities that rest with the election administrators and their staff are great and as such it must have working independence and non partisan character for effectiveness and accountability both as a management organisation and as a service deliverer.

selected very carefully so that they act impartially and enjoy the confidence of all parties and players in the field of the electoral games.

All operations and activities of the election management body should be transparent so that the participating parties can oversee those, should they desire so. Accountability of all actions at all levels is also needed for its effectiveness.

In order to make the body properly tuned to deliver the services, it should constantly review the law it administers and the ways in which it guides its own personnel, political parties, candidates and voters about the electoral process. It should ensure that the electoral law is faithfully administered and that all candidates, parties and voters are treated equally and fairly. It should also consider how best to inform and educate the voters about the electoral process. But what about the recent activities of the Bangladesh Election Commission specially the role being played by the Chief Election Commissioner and the Election Commission Secretariat in making preparations for conducting the next parliamentary election of the country scheduled to be held in January, 2007? Is it the indication of their neutrality? As it

Political neutrality and integrity are vital concerns in the overall management of electoral affairs. The action by the electoral machinery dealing with elections must enjoy the confidence of the people. And finally the main concern of the Election Management Body should be to ensure that the people and the political parties participating in the election must own that election.

In Bangladesh, the Election Commission Secretariat is under the control of the Prime Minister's Office and naturally one cannot expect an impartial and non-partisan behaviour from them as has been made public by the recent past secretary and present Election Commissioner Mr. S.M. Zakaria.

"Universal" suffrage implies that all recognised members of a community have the right to vote. "Equal" suffrage suggests that the vote of each of those members counts the same. Governments, therefore, have an obligation both to ensure that people have an opportunity to choose their representatives by voting and to ensure that illegal voting or other manipulations do not destroy the equality of each person's vote.

Moreover, the foundation of a good and fair election is grounded on a proper register of

voters. A good register is one that, as far as humanly possible, includes the names of all eligible persons and correctly places in their constituency or the polling area where they should be. The personnel who are charged with the preparation of such a register need obviously to demonstrate impartiality and ability to ensure that the interest of democracy is served and the confidence in the electoral system is effectively maintained and enhanced. To do this both the letter and the spirit of the electoral laws must be strictly enforced. The revising officers and their assistants must, therefore, ensure existing electoral laws has undertaken an unnecessary expensive project to make a new voter's list giving birth to many apprehensions that the voting population as a whole has a fair and easy access to the registration process. But unfortunately in Bangladesh the Election Commission, in violation of ths of ulterior motives and evil designs.

Generally speaking the preparation of the voter list is a continuous process. A continuous list of voters is one in which the electoral register is maintained and continually updated by the election administration. This system requires an appropriate infrastructure to maintain the list, adding the names and other relevant information for those who satisfy eligibility requirements (attain citizenship, reach voting age etc) and deleting the names of those who no longer meet the eligibility requirements (through death, change of residency etc). Under the continuous registry system, the voter list is normally updated, as the High Court has recently issued directives to the Bangladesh Election

Commission. And the Election Commission should come to their senses for the early compliance of the court directives without further delay at least for restoring the lost credibility of a constitutionally neutral body. When the question of credibility of a constitutionally neutral body is at stake, the Chief Election Commissioner or any other member of that commission, on being appointed to that position, has not, in any way, earned the right to play with the image of that constitutional body specially considering the fact that a negative picture of this organisation totally destroys the democratic character of the country.

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Muslims and America Integration or isolation?

MOUSHUMI KHAN

Once praised a client in a property purchase on his large down-payment. He explained that he had lived for years with roommates in a one-bedroom apartment, ate rice and lentils, lived on his tips and saved his salary for investments. He also sent money monthly to his family in Bangladesh. At his closing I could not resist asking how a Bangladeshi immigrant came to have the last name "Regan (sic)." When he became a US citizen, he was asked if he wanted to change his name. A fan of Ronald Reagan's, he changed his last name.

America and American-Muslims are at significant and interdependent crossroads. As a multicultural superpower, America must reconcile competing national interests. American-Muslims must resolve tensions between our religion and nationality. Both must integrate smoothly into the world and society.

The Muslim immigrant experience differs from that of other immigrants in a troubling way. Our religious heritage is seen as harder to accommodate than those of previous groups. 9/11 created a "see something, say something" climate in which the perception of Muslims has moved from being merely different to dangerous, and where Islamic names, dress, and organizations are deemed suspicious.

I am often asked whether I am a typical Muslim. Engaging Muslim neighbours, doctors, cab drivers, one finds that the silent majority share American values and hopes for a better life. I am not a "moderate" or "progressive" Muslim, but a simple Muslim who is a better American because Islam is moderate and progressive. My family history illustrates the promise of the American Dream and the reality of a changed world. My father, like many South Asians, came here in the 1970s to study engineering. To a man constantly reminding us that he landed "with \$11 dollars in his pocket," a job offer from Bechtel began his American Dream. In time, my parents invested in real estate and profited from the stock market. They taught us hard work, financial responsibility, and appreciation of our culture. While my father helped build our town's first mosque, we also celebrated Hindu festivals with fellow Bengalis. When a girlfriend invited me to Easter services, he urged me to attend a synagogue as well since Islam encourages studying every religion. My mother stressed Islam's respect for all God's creations, love of learning and social justice.

Our parents valued education over a more lavish lifestyle. Now that their children have joined America's mainstream as a lawyer, a United States Air Force Captain, an investment banker, and a pre-med student, we face a different world than the one they tried to prepare us for. They could not protect us from an "either you are with us or against us" mentality where American-Muslims questioned if they belonged. They could not anticipate that my father's and his Air Force son's names would match ones on the "No-Flylist."

Although American-Muslims should not be expected to apologize for every bad act committed by Muslims, they can be expected to act responsibly. They are rightfully upset at Muslims being deported or profiled and should become organized and involved in the legislative process to address this. Many first generation Muslims felt "home" was their country of origin, and America was a temporary stop for education or work. This sentiment was a meta-

phor for their life, one foot in America, one foot back "home," rooted nowhere. Such thinking hampered institution building and the civic and political engagement of American-Muslims. Often these immigrants had left corrupt systems and disdained political activity. Despite cautionary advice from native, more politically seasoned Muslims, national Muslim organizations collectively endorsed Bush in the 2000 elections based on his expressed concerns about using secret evidence. They now face the disillusionment of having elected a president who rewarded them with the Patriot Act and Special Registration. Our growing numbers do not yet translate into commensurate influence; Muslim votes and issues are still taken for granted or ignored by leaders we elect. In the last presidential election when Muslim organizations requested a meeting with Kerry, he declined.

Muslims must engage with America, but America also has to engage with Muslims. At a time when America needs friends within its Muslim population and in the Muslim world, it is alienating both. Despite President Bush's insistence that the "War on Terror" was not a War on Islam, his rhetoric rings hollow. Similarly, in spite of continuous and repeated condemnations of terrorism by American-Muslims and organizations, they are not heard. The Bush Administration's domestic and foreign policies have had a disparate negative impact on American-Muslims and the Muslim world, which public diplomacy cannot ameliorate. One Muslim leader listed the causes of the Muslim world's anger as the invasion and occupation of Iraq, the Israeli/Palestinian conflict and America's support for undemocratic regimes. The US government should be forthright about its interests but act as a humble, honest broker. Not only our credibility, but our way of life depends on it.

Our legitimate security interests should balance civil rights. As a lawyer representing Muslim immigrants, I see a critical gap between policymakers' perceptions and grassroots reality which jeopardizes national security. At a meeting with NYPD Counterterrorism representatives when examples of "suspicious behaviours" were identified as including many men living together, keeping odd hours, and not socializing with neighbors, I pointed out most of my clients share such characteristics and none are terrorists. I wondered whether my client Mr. Regan would be considered "suspicious" for his frugal ways. Sending money abroad is now harder under new Treasury Department guidelines causing many banks to discontinue international money transfers. Unlike Ralph Lauren, born Ralph Lipschitz, Mr. Regan's name change may not hasten his assimilation, nor will his entrepreneurship guarantee his family prosperity.

The American Dream means the son of an immigrant house painter can go on to define American fashion. Eroding civil rights and misguided immigration policies are not only wrong - they don't work. What American Dream will our children inherit? Will we uphold the Constitution, even as terrorism weakens our security? Will America welcome future engineers from Muslim countries and remain the world's innovator? Will Muslims embrace America as home and strengthen our great country? Or will both withdraw to a place of fear and isolation? These questions require soul-searching for all Americans; for American-Muslims they shape our existence and future. The fate of American-Muslims, America and the world is inexorably linked. There is no "us and them," we are all in this together.

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Political rivalry: People the ultimate loser

ANWARUL HAQUE

THE bitter rivalry between the two major political parties of Bangladesh, has brought about much evil effects for the whole society. If one dispassionately and objectively analyzes the whole range of the effects, one can gauge the extent and magnitude of the damages that have been done, wittingly or unwittingly, to the nation. Leaving aside the partisan and biased political opinions, let there be a sensible, conscientious, and patriotic approach to the unpleasant truths about the state of democracy and nature of politics that have been prevailing since the fall of Ershadian autocracy and restoration of democracy through a mass upsurge. In their irresistible quest for power through ballots, both BNP and AL have thrown almost all the traditional norms and values overboard. In their mad scramble for power, it seems they are prepared to embark on any venture with no holds barred.

The origin of rivalry The rivalry started from the top with Khaleda Zia and Sheikh Hasina vying with each other for political supremacy. The general election victory of Khaleda Zia in 1991, was perhaps too bitter a pill for Sheikh Hasina to swallow. She being quite adept in the art of agitational politics, enforced a whopping 173 days of hartal during that 5-year term of BNP. The introduction of the concept of non-party and neutral Caretaker Government was the main demand of the opposition parties led by the Awami League. Khaleda Zia's government was forced to concede the demand by the dissolution of Jatiyo Sangsad, but not before completing her term. Then she arranged a fresh countrywide General Election, (which was boycotted by the opposition) that resulted in a pyrrhic victory for BNP. But it was unnecessarily rigged by overenthusiastic BNP men earning a bad name for itself. That, however, allowed BNP to make necessary constitutional amendment for the non-party caretaker interim government in between two general

elections. Hasina's party resorted to another stratagem by staging a partial bureaucratic revolt through the so-called 'Janatar Mancha', engineered by a number of partisan Awami-leaning top bureaucrats led by Dr. Mohiuddin Khan Alamgir, who was later rewarded with a ministerial post in her cabinet when she came to power in 1996.

Politicisation of bureaucracy Obviously, that was the beginning of politicisation of bureaucracy which set a very bad precedence for BNP to follow. Sheikh Hasina's government by the end of the term placed a number of

in the Jatiyo Sangshad; d. Contribution of both towards the rise of Jamaat-i-Islami; e. Creation of extensive division along party-lines among citizens and so on.

a. Intrusion of 'big money': Probably the most potent factor for polluting our democratic politics is the intrusion of 'big money' or 'black money' into our national politics. With covert or overt patronage from both the major parties 'big money' holders made their entry into our politics by getting nominations from both the major parties initially in small numbers in 1996 General Elections. But in 2001 General Elections that small number had become very

of similar kinds unfortunately from among BNP ranks. The advent of RAB has stopped a number of mastans in their tracks, many of them having been eliminated in so-called crossfire. These terrorist elements, if we can go by our past electioneering records, are due to play a major role in the next General Elections. We have to keep our fingers crossed.

c. Parliament boycott game: Some patriotic observers question the use of democratic general elections spending hundreds of crores of taka after every five years if the Jatiyo Sangshad is boycotted for months together by the opposition. Whatever be

being spent to maintain 300-seat parliament with all the perks and privileges plus duty-free cars, free air and land tickets not only for MPs (boycot or no boycott) but also for scores of ministers in a top-heavy cabinet?

d. Contribution in the rise of Jamaat: The rise of Jamaat-i-Islami as a political party could not have been possible without implicit or explicit support from both the major parties. For short or long term electoral gains, imaginary or real, both the parties in their respective periods of rule have courted the favour of Jamaat which had been the most hated party for its dirty unrepentant role of abject collaboration with the killer Pakistani occupation army during our 9-month long Liberation War in 1971. It has found itself in a position of strength now mainly because of bankrupt policies of both BNP and Awami League.

Division among citizens: This is also an incontrovertible fact that mainly because of schism between these two parties the once solidly unified nation in the pre-and post-Liberation period seems to have been divided along major party lines. This is certainly not desirable for the people with genuine patriotic feelings. This is surely not the nation that millions of our liberation martyrs visualised or desired.

Conclusion The confrontational and divisive politics of the major parties has certainly dragged the nation into a quagmire of uncertainty and unease. This has been very graphically illustrated and described in a recent satellite TV channel interview by Mahfuz Anam, Editor of The Daily Star as two cars on collision course with all headlights on in a dark highway with both drivers not prepared to dim their lights to avoid the inevitable disaster. Indeed such a disaster looms large for the whole nation if sanity and good sense do not prevail over our top leadership. May Allah grant them timely wisdom and sagacity to spare the nation further man-made calamity.

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Who is 'containing' whom?

SEEMA SIROHI

IN the competition for global energy resources, India is being repeatedly outsmarted by China. This week it was beaten to the finish line in its own backyard when Myanmar announced it had finalised a deal with China to sell 6.5 trillion cubic feet of gas over 30 years rather than supply it to India for a proposed gas pipeline through Bangladesh. The reason: India and Bangladesh weren't able to reach an agreement while the more nimble-footed and cash-rich Chinese worked on the junta in Yangon to accept their offer.

It was the latest in a series of nasty surprises. China has recently beaten Indian oil companies in Kazakhstan, Angola, Ecuador and in Nigeria where India withdrew its bid for a 45 percent stake in an oil and gas field citing "risks" leaving it to the Chinese to snap it up. Petroleum Minister Mani Shankar Aiyer's explanation that India's entry raised the price for the Chinese hardly assuages the stark reality on the ground - that China is frantically grabbing oil and gas rights, stakes and companies all over the world and resolutely preparing for the future.

Indian efforts at securing energy by comparison look half-hearted and mired in confusion. And, above all, soft. If India is to play the big game, it must use big muscle -- both financial and strategic. It must develop an integrated approach that includes its foreign, trade and energy policies and geo-strategic goals. It must offer carrots where needed and have the gall to leverage its power where necessary. The competition for oil is likely to get red hot in the future, creating a dog-eat-dog world. There will be no friends, especially among the big buzzers. To think that India and China can cooperate as "strategic partners" while they hunt for sources of energy as the ministers say is to live in an ideal world.

China has given no hint that it wants to be India's partner, official rhetoric notwithstanding. China will partner India or any other country only to the extent it makes Beijing a little more palatable to the international community and less frightening. It may do a joint bid but only to show that it is not on an all-out grab. Having got the US and EU by their tails by making them dependent on cheap Chinese exports, China has created a dependency from which weaning will be difficult, if not impossible. With smaller countries, specially India's neighbours, China has been proactive, mercilessly exploiting every gap, every shortcoming of Indian foreign policy.

And four years of neo-con talk in Washington of containing China by promoting India has only served to alert the dragon. It is positioning itself faster than Capitol Hill can summon an experts' conclave. In hind sight, perhaps the most unfortunate formulation for India might have been the American offer to help it to become "a world power." Beijing took careful notes and prompt action while India and the US struggle on convincing each other they are good for each other.

Beijing, while modernising furiously at home, is creating links abroad aimed at marking alternate trade routes, highways to the sea and catching countries in a web laced with honeyed deals and outright bribes. From Africa to South America, from East Asia to South Asia, China is intrepidly laying down a solid foundation for the future -- its future. Right under Indian and American noses.

Let's just examine a few recent offerings from China

which directly impact India. After brazenly blocking India's entry for years in Asean and other Asian economic forums, China surprised, rather shocked India's sleepy diplomats, when it announced its intention last November to be a part of South Asian Association for Regional Cooperation. When the bomb dropped, it spoke lengths about how shut India's eyes and ears were in its own neighbourhood.

No one knew that Pakistan, Bangladesh and Nepal were all behind China's bid to eclipse India as the largest Saarc country. Nepal even threatened to veto Afghanistan's entry into Saarc, which India supported, unless China was allowed in. In the end, China was given observer status after India's mumbling efforts to block procedurally what it couldn't substantiate.

No sooner was the ink dry on the path-breaking Indo-US nuclear agreement signed last July, China was brazenly working the Pakistanis to ask for the same from the United States. Knowing full well that Washington wouldn't offer a similar deal to Pakistan, given the A.Q. Khan memories, Beijing lost no time in stepping in. What Uncle Sam won't sell, China will. As a result, Pakistan is busy working out an agreement to purchase six to eight nuclear reactors from China for nearly \$10 billion. Chinese Atomic Energy Chief Sun Qin was recently in Minawali to discuss civilian nuclear cooperation. China is already building Chashma II, a power reactor, in Pakistan. Prime Minister Shaukat Aziz has talked of raising Pakistan's nuclear power generation to 8,000 Megawatts by 2030.

China knows that nuclear cooperation with Pakistan will certainly raise questions in Washington about the efficacy of the Indo-US agreement which must pass muster on Capitol Hill where the non-proliferation hard liners are already working to scuttle the deal. China's timing was deliberate -- it killed two birds with no stone. It showed the Americans that China will do what it pleases in Asia and prevent India from breaking free of the nuclear chains.

In fact, every Chinese move lately appears aimed at hemming in India by working its neighbours. It is getting ready to open a consulate in Biratnagar on the Indo-Nepal border, apparently to help build a highway between Tibet and eastern Nepal. Chinese ambassador to Nepal Sun Heping said it was a top priority to develop a corridor along the Kosi river. Pakistan is reportedly trying to open a consulate in Birganj where India opened one in 2004 to facilitate the high volume of traffic and trade between the two countries. Using the current dip in Indo-Nepalese relations because of King Gyanendra's autocratic takeover, China and Pakistan are working together to deepen the rift.

India's eastern neighbour Bangladesh, with whom New Delhi has a difficult relationship, too is on Beijing's scanner. New Delhi has issues with Bangladesh, and since both the illegal immigration and the movement of militants are irritants for India, China has little reason to worry as it steps in to cultivate Bangladesh, offering it aid and trade while gaining another "friend" and outlet to the sea. Meanwhile, India's relations with its neighbours have been southwardly mobile.

Did anyone say anything about containing China? It seems China is containing India even before it expands.

Courtesy: Outlook