

Prerequisites for a free and fair election



DR. ABDULLAH A. DEWAN

DHAKA is still buzzing over the keynote speech of Prof Yunus gave on February 4 at The Daily Star's 15th anniversary celebrations," so writes Zafar Sobhan. I have since been wondering, what did I miss other than a courtesy invitation?

I believe the nation deserves further elucidation of the Microcredit Prodigy's election related proposals (summarized here) along the lines indicated in the parentheses as follows:

- We will hold a credible election (Is this an ultimatum or simply optimism?)
- Voters should speak out (What should they do and how?)
- Voters should lobby against the party candidate they don't like and instead send their nomination to the political parties and promote their own candidate (This will be a first anywhere in the world. (Guide the voters how to proceed.)
- If their candidates fail nominations, voters will be free to submit blank ballots as a protest (Should the election be declared non-representative?)
- Voters must not put up with corrupt candidates (Guide the voters how and where to find candidates who are honest and willing to contest in an election.)
- The media should publish reports identifying at least three potential clean candidates for each contesting political party, in each constituency (Isn't there a risk of media practicing "envelope journalism" similar to that of Indonesia where journalists allegedly received bribes inside envelopes for favourable reports?)
- Resolve the feud between the two leading political parties through the mediation of a respected person acceptable to both (Why a respected person like you does not take the lead or at least make some acceptable propositions?)
- Without his leadership, these proposals will be regarded as deliberately philosophical, understandably impractical, publicly euphoric, although positively uplifting. They are not feasible anywhere in the world and more so in Bangladesh, where no honest candidate would dare to run for an

ected office.

The media's role should be objectively confined to publishing the strength and weaknesses of party or independent candidates. Identifying candidates by the media itself, as Yunus alluded to, would be tantamount to circuitously nominating media's own candidate. That is not the job of a free and responsible media. In the US, editorials and columnists sometime endorse candidates to the ire of the voters, often producing undesirable outcomes.

A truly independent and impar-

come and give legitimacy to the new government. To assess if free and fair election is achievable under the prevailing political climate, I examined a list of 20 issues below, downloaded from the Internet, which are deemed as prerequisite for conducting a successful free and fair election.

To gauge the stance of these 20 issues I took a very small, but non-partisan survey from some Bangladesh elites. I recorded telephone responses from two politicians, received email responses from two academicians, two busi-

legislation (8.5);

- Clearly defined universal suffrage and secrecy of the vote (7.5);
- Equitable and balanced reporting by the media (6.5);
- Equitable access to financial and material resources for party and candidate campaigning (0);
- Equitable opportunities for the electorate to receive political and voter information (4.5);
- Accessible polling places (7.5);
- Equitable treatment of electors, candidates and parties by elections officials, the government, the police, the military and the judiciary (5.5);
- An open and transparent ballot counting process (5.5), and
- Election process not disrupted by violence, intimidation, and coercion (4.5).

To my judgment, an election held with scores of less than 7.5 in each item may be considered not free and fair given the nature of our social, political and economic conditions. Out of 20 items only 5 items scored 7.5 points and above. But these 5 items essentially refer to provisions written in the constitution and are not executed in letter and spirit in practice. However, under the prevailing acrimonious political climate and without reforming the EC and the CTG provisions, scores of 7.5 or better in each item will be unattainable. Reforms alone would not guarantee dramatic improvements, the will to enforce the law and punish the violators might (declaring election results null and void).

BNP-Jamaat's obduracy to reforms is rooted in the fear of walking on a slippery slope and losing their grip on power. The US and the EU already forewarned about the legitimacy issue implying that if election is illegitimate (meaning boycott by major parties and other irregularities), the government that will follow will also be illegitimate and will lack international recognition. That will be the ultimate political and economic blow to our already impoverished nation.

The guidelines for a neutral and effective CTG chief outlined in my October 28, 2005 article, "An open application for CTG Chief Adviser" were no soliloquies, nor are the prerequisites for a free and fair election listed above.

Bangladesh, because of the prevailing level of corruptions, has already been blocked out of the US Millennium Challenge Account funds. An illegitimate election will surely make funds from WB, IMF and other development partners hard to come through. The potential for so much to lose and so little to gain by being obstinate with EC and CTG reforms is simply indefensible.

The author is Professor of Economics, Eastern Michigan University.

NO NONSENSE

Bangladesh, because of the prevailing level of corruptions, has already been blocked out of the US Millennium Challenge Account funds. An illegitimate election will surely make funds from WB, IMF and other development partners hard to come through. The potential for so much to lose and so little to gain by being obstinate with EC and CTG reforms is simply indefensible.

tial CTG can perform its constitutional obligations of conducting a free and fair election only if the EC also works to achieve that goal. I recommend that a standby EC be formed and be ready to take over if the CTG feels that the existing EC is insubordinate and non-compliant. Having a standby EC ready to take over and the fear of dishonourable discharge will act as deterrents against any dysfunctional EC, even the one under the most partisan EC chairman Aziz.

Recently US Assistant Secretary of State Christina Rocca said: "Only a level playing field and elections that are free and fair will give the winners legitimacy." The EU delegation observed: "Caretaker government and the constitutional office of an independent and impartial Election Commission are principal guarantors for free and fair elections." So the pressure for EC reforms is mounting from all corners.

Isn't it asinine that the EU delegate views an independent EC and CTG as sine qua non to free and fair elections while The Tuesday Group is planning on holding a conference on the same issues having been prohibited any discourse on reform matters of these institutions? The conference, if it comes through, will be all coffee and cookies, with no goodies to deliver. However, the remark made by Christina Rocca and the EU delegation about the "legitimacy" of the election is a "No Nonsense" forewarning.

Free and fair elections ensure that losing candidates will accept the validity of the election's out-

ness executives and one Daily Star columnist from Dhaka. The average for each item is shown in the parenthesis. Each issue has been assessed based on a scale of 0 (least prevailing) to 10 (most prevailing).

- A "free" electoral process guarantees fundamental human rights and freedoms, including freedom of:
 - Speech and expression by electors, parties, candidates and the media (5.5);
 - Association, that is, freedom to form organizations such as political parties (7.75);
 - Assembly, to hold political rallies and to campaign (3.75);
 - Access to and by electors to transmit and receive political and electoral information messages (4.5);
 - Registering as an elector, a party or a candidate (5.75);
 - Violence, intimidation or coercion (2.75);
 - Access to the polls by electors, party agents and accredited observers (5.5);
 - Exercising the franchise in secret (5.5), and
 - Questioning, challenging, and registering complaints or objections without adverse repercussions (5.5)

A "fair" electoral process is one where the playing field is reasonably level and includes:

- An independent, non-partisan EC to administer the process (3);
- Guaranteed rights and protection through the constitution and electoral legislation and regulations (8.5);
- Equitable representation of electors provided through the

The clash of ignorance

MD. SAIDUL ISLAM

Historically, criticism of Muslims and Islam was confined to the discourse of religions in the west. After the horrific event of September 11, 2001, Muslims became an 'object of knowledge' and a 'new problematization' in the Western political discourse. It is interesting, yet an irony, to see how 'various problems' were gradually and suddenly discovered in Muslim societies and Muslims were 'problematized' and constructed with various negative images, and how one-fifth of the world population was put under the regime of control and intervention by discursive practices.

It is also remarkable to see how Muslims were treated as a homogeneous mass or a monolithic entity despite their political, religious and cultural diversity, and how the horrific actions of a handful of fundamentalists, a tiny deviated fraction of whole Muslim spectrum, are made a representation of the whole community, in other words, how Muslims are often judged en masse by the standards of their worst representatives.

In the Western media and academia, Muslims are discursively constructed as 'other'. Many of these constructions equate Islam with evil through portrayals of Muslims as an irrational, uncivilized, threatening and uniquely fundamentalist "other". "Islam Has Attacked Us", said Franklin Graham in North Carolina shortly after the September 11 attacks (NBC Nightly News, 16 November 2001). Like his father, the Reverend Billy Graham, Franklin Graham is one of America's most powerful evangelical leaders. He delivered the benediction at George W. Bush's inauguration, and is heir to his father's extensive ministry. Americans of all faiths were asked to embrace one another and unite against terrorism. Mr. Graham's words, however, dismiss any interfaith dialogue: "The God of Islam is not the same God", he alleged. "Islam", Mr. Graham concluded, "is a very evil and wicked religion".

Mr. Graham's perception of Islam as an "evil" religion strikes a familiar tone in the United States. Here, hostilities with elements within the Muslim world are commonly constructed and presented as a conflict between good and evil. President Bush responded to the September 11 attacks by launching a "crusade" against terrorism (Washington DC, 16 September 2001). He promises to "rid the world of evil" (Washington, DC, 14 September 2001), to "fight the evil ones" (New York, 6 February 2002), and has inventoried an "axis of evil" (Washington, DC, 19 January 2002) constituted primarily of Muslim nations. His rhetoric fits a pattern. His father, in the crisis leading up to the 1991 Gulf War, implored Americans to "confront evil for the sake of good" (Washington, DC, 29 January 1991). Their predecessor, President Reagan, in 1986 referred to Libya's Colonel Gaddafi as an

Constructing lampoons on the holy prophet Muhammad (peace be upon him) via caricatured images in the Danish newspaper and their reappearance in other European papers show the genealogy of hate crime against Muslims which subvert the possibility of interfaith dialogue and a peaceful coexistence. On the other hand, reacting to the hate crime in the form of violence by a quarter of Muslim fanatics is in no way better than the crime itself.

"evil man" (Slevin 2002) before bombing his country.

The discursive construction of Muslims in the western discourse is very painful, yet interesting. Muslims have been constructed with negativity as opposed to the positivity of the West. "America was targeted for attack", said President Bush, "because we're the brightest beacon for freedom and opportunity in the world" (Televised Address to the Nation, 11 September, 2001). "This conflict", he continues, "is a fight to save the civilized world", because the terrorists hate freedom and democracy (In China, 20 October 2001). He is joined by other politicians. Newt Gingrich, speaker of the House of Representatives, insists that "civilization must win" in this conflict (The Observer, 28 October 2001). US Secretary of State Colin Powell adds that the terrorists hate "civilization" (PBS, 13 September 2001).

From the outset, we were told that this is a war in defence of freedom, democracy and civilization itself, even before we knew who the terrorists were or what motivated them to act. The rhetoric is vague and obscure. All that is clear in this haze of ambiguity is that it is something to do with Islam and the Middle East that we are fighting. The President's declaration, "you are with us or you are with the terrorists" (Financial Crime Enforcement Network, Vienna, VA, 7 November 2001) implies a binary construction of spaces. The social

production of space implicit in these terms is bound with the production of difference, subjectivities, and social order. This distance, which is not a simple marker of cultural diversity, is branded with inferiority and negativity (terrorist, evil, militant, backward, underdeveloped, poor, lacking, traditional and so forth). When these kinds of negative images are constructed on a group of people, they automatically become preamble to certain treatments and interventions, and thus, the former justifies the latter.

The construction does not stop there; rather, permeates in the arena of psychology. One example of a negative construction of Muslim comes from Ann Coulter, a best-selling author, prominent political analyst and columnist. One of her recent articles (6 September 2002) recounts an incident where a 'Muslim' passenger en route from Germany to Kosovo attacked a stewardess on the flight. In it, Ms Coulter bitterly complains about how few newspapers reported the story and how "not one mentioned that the attacker was a Muslim". At first glance, the basis for her complaint is confusing. It seems nonsensical that we should strive to identify the religion of any given criminal when reporting stories about their criminal acts. How is Islam relevant to this story? The relevance, sadly, is found in the minds of people like Ms Coulter who seem to believe that only Islam can serve as the

motive for a Muslim's actions. For this reason, they find it necessary to condemn newspapers that do not identify this erroneous connection between Islam and violence, and that do not thereby further isolate Muslim communities and further instil dangerous anti-Muslim stereotypes among their readership.

Ms Coulter's views resurface in a subsequent article she wrote following the revelation that one of the suspects in the 2002 DC area sniper shootings was a Muslim convert. She ridicules attempts that were made to find psychological or other non-Islamic causes for the sniper's violent behaviour. 'He's a Muslim', Ms Coulter implores. 'That's his condition and his diagnosis' (31 October 2002). In this way, Ms Coulter presents Islam as a disease responsible for the alleged sniper's violence and the violence of countless other 'Muslim' criminals. There is no sense in blaming anything else. Not the US army, where the sniper developed his marksmanship skills, nor his chronic unemployment, nor any mental delusions he might be suffering from.

Even where the motives of these criminals have religious elements, why are their actions automatically attributed to Islam rather than to distortions of it? Other popular figures have joined in the attacks. Oriana Fallaci, one of Italy's most renowned journalists who lectured at such respected institutions as Harvard, Columbia and Yale, published a book shortly after September 11 entitled Rage and Pride (2002). It quickly became a best-seller in Italy and elsewhere in Europe. In it, Ms Fallaci refers to Muslims as the peculiar 'sons of Allah'. She describes them as 'vile creatures' that like to 'urinate on baptisteries' and 'multiply like rats'. Freedom of expression arguments aside, one is left to question whether the publication of such hateful words about Jewish or other vulnerable religious minorities would today be tolerated in the West, let alone render an author a best-seller.

Debasing the holy Qur'an in the Guantanamo Bay as well as in the Abu Gharib prison and recently constructing lampoons on the holy prophet Muhammad (peace be upon him) via caricatured images in the Danish newspaper and their reappearance in other European papers show the same genealogy of hate crime against Muslims which subvert the possibility of interfaith dialogue and a peaceful coexistence. On the other hand, reacting to the hate crime in the form of violence by a quarter of Muslim fanatics is in no way better than the crime itself. It's not a "clash of civilizations" but rather a "clash of ignorance" as Edward Said once said.



Protest in Malaysia

MD. SAIDUL ISLAM is a PhD candidate in Sociology at York University, Canada. He can be reached at msaidul@gmail.com

Proposed reforms and our thoughts as citizens

DR. BADIUL ALAM MAJUMDAR

LAST November, the opposition 14-party alliance made public a 23-point common minimum agenda for election and future governance. The agenda includes some significant reform proposals. Despite some initial positive reactions, in recent weeks the ruling BNP appears to have taken a hard-line and ruled out the possibility of any reform at all. Nevertheless, the European Union and other donors have continued to advocate reforms.

What are our thoughts as citizens on reforms? What must also be a comprehensive reform agenda include? Why reform, anyway?

At the time of the fall of the Ershad regime in the face of a mass upsurge, it was generally believed that with free, fair and impartial elections, democracy would develop deep roots and consequently become institutionalised in Bangladesh. Such elections would, it was further naively believed, establish people's rule and hence good governance in the country.

Unfortunately, the reality turned out to be far different from the expectation. Reasonably free and fair elections even under neutral caretaker governments did not lead to the election of honest and competent individuals dedicated to public welfare to public office. Rather they created opportunities for largely self-interested individuals to occupy state power, making the state machineries largely ineffective in meeting the basic needs and aspirations of the common people. This has obviously caused great harm to the nation and also largely shattered our illusion about the outcome of free and fair elections.

The recent rise in religious extremism and the suicide bombing, it must be noted, appear to be deeply rooted in the demonstrated failures of the state. If we are now to remedy this situation which we must, we need to urgently need in our electoral, rather political, system.

There must also be other accompanying reforms in our governance and economic systems in order to institutionalise our hard

earned democracy and fully reap the benefits from it. The ruling BNP must come to term with such a realisation. We must further recognise that the reform agenda proposed by the 14-party alliance also does not go far enough to confront the challenges the nation faces today. It appears to be incomplete and sometimes ambiguous.

It is clear that we as a nation face three types of challenges. One set of challenges relates to politics, that is, criminalisation of politics. The second set of challenges concerns governance or lack of good governance. The third set of challenges has to do with socio-economic backwardness of nearly half of our population and the growing disparity of income, wealth and opportunities between the rich and the poor.

A related overarching issue is the burgeoning religious extremism, which to a great extent is the outgrowth of criminalisation of politics, governance failures and extreme socio-economic deprivations of the common people. These challenges seriously threaten the future of our nation and the safety and security of us as its citizens. The reform agenda must be designed to effectively address these challenges. Thus, the proposals for change must be precise and result-oriented, rather than vague or rhetorical.

Preventing criminalisation of politics: Our election process, as is practiced today, encourages the involvement of criminal elements/owners of black money and muscle power in politics. In Bangladesh, elections are taken as synonymous to democracy. However, election is only the democratic process for orderly transfers of governmental power based on the consent of the people. An effective democratic system also requires the practice of democratic principles and the creation and strengthening of democratic institutions. In order to decriminalise our political system, we must embark on major reforms in our electoral process and the related institutions to prevent the criminal elements from getting into and remaining in politics. This would obviously require our politicians and political parties to practice

democratic norms and values.

Reform of the democratic process: Fair and impartial election is necessary, although not sufficient, to create opportunities for honest and competent individuals committed to people's well-being to be elected to public office, which may pave the way for pro-people governance. However, without significant reform of the electoral process, free and fair election is hardly possible in the present situation. Electoral reforms should therefore, among other things, require: (a) developing a strict code of conduct and aggressively enforcing it; (b) preparing an accurate voter list; (c) issuing photo identity cards for voters; (d) providing for negative

lakhs in order to allow individuals of lower financial means to run for office.

Practice of democratic principles: Unless politicians and political parties demonstrate good behaviour and democratic norms, free and fair elections will never be held, democracy will never be institutionalized, and criminalisation of politics will continue to be a serious menace. The British Committee on Standards in Public Life recommended seven important principles for politicians and political parties. They include selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Unfortunately, our politicians have failed to develop appropriate

Fair election and change of guard are not sufficient at this time for there would not be any changes in our state policies and the system of governance unless election brings about significant changes in the quality of leadership. Political parties must also now come forward with clear action plans to remedy selfishness in politics, corruption, pervasive politicisation, patronage system, nepotism, extremism, sheltering the criminals and giving them nominations.

voting so that voters can reject undesirable candidates; (e) using photographs of candidates rather than party symbols in ballot paper so that candidates' personal qualities, rather than party affiliations, become important; (f) preventing dummy candidates from contesting; (g) ensuring the impartiality of the election process by engaging non-partisan election/polling officers; (h) preventing fake voting, ballot stuffing and ensuring the security of polling centres; (i) multiple counting of votes cast so that there is no manipulation of election results; (j) expeditiously disposing of election disputes; (k) introducing technological safeguards (e.g. voting machines) against vote tampering; (l) reducing and accurate reporting of election expenses. Election expenses may be drastically reduced by having the Election Commission publish leaflets/posters based on information submitted by candidates in their affidavits, as mandated by the High Court last May, and arranging projection meetings. We must also lower the present election expense ceiling of Tk 5

systems and mechanisms to ensure compliance to such standards. Thus, something needs to be done about it. One possible means to enforce such conducts is through compulsory registration of political parties under an independent Election Commission. Conditions for registration must include: (a) practicing democracy within political parties that is, holding regular elections of office-bearers of political parties; (b) carrying out all financial transactions through bank accounts; (c) there is no manipulation of election results; (d) expeditiously disposing of election disputes; (e) introducing technological safeguards (e.g. voting machines) against vote tampering; (f) reducing and accurate reporting of election expenses. Election expenses may be drastically reduced by having the Election Commission publish leaflets/posters based on information submitted by candidates in their affidavits, as mandated by the High Court last May, and arranging projection meetings. We must also lower the present election expense ceiling of Tk 5

aid and assistance that may be required for holding the general election of members of Parliament peacefully, fairly and impartially, it should not have any direct role in elections, in reality the NCG can influence elections. That is why politicians try to manipulate the caretaker system. It must be noted that the caretaker arrangement represents the total lack of trust and confidence of political parties toward each other and a complete repudiation of the democratic process itself, and hence cannot be a permanent solution for our criminalised political system. If our democratic system is to develop deep roots and become mature, the elected party government rather than the NCG, must be able to play the caretaker role during elections. Otherwise through the caretaker system we would only be avoiding the problem rather than solving it. Therefore, it is important that we limit the use of the NCG to a few (eg. 2-3) terms which will allow sufficient time to strengthen the EC and build confidence of all concerned in our democratic system.

equity, transparency and accountability, protection of human rights, effective participation of people in governance and so on.

Good governance would require: (a) separating the judiciary from the executive to ensure the rule of law; (b) strengthening the Anti-Corruption Commission by appointing courageous, competent and non-partisan individuals as commissioners; (c) ensuring true political empowerment of women by increasing women's representation in Parliament and holding direct elections to those seats; (d) creating an upper chamber of the Parliament to include representations of all segments of the society, especially the poor and the disadvantaged; (e) setting up a Human Rights Commission; (f) enacting a Right to Information law to empower people with information; (g) embarking on a massive program of decentralisation and devolution of power, authority and resources in order to create a truly autonomous, strong and financially empowered system of local government; (h) appointing one or more ombudsmen; (i) reforming

and restructuring the bureaucracy and the law enforcement agencies; (j) making the parliament effective.

In order to make it effective, continuing boycott of the Parliament must be outlawed, Article 70 of the Constitution amended, functions of the MPs restricted to legislative activities as per Article 65 of the Constitution, and oversight role of the Parliament strengthened by making the standing committees effective.

Improving condition of the people: Our prevailing development approach is founded on the growth-oriented trickle down approach. This approach has created opportunities for a small minority to become quickly very rich, resulting in growing disparities of income and opportunities. Our past commitments to make economic growth pro-poor have not worked because growth-oriented development never protects the interests of the poor.

Thus, we must consider an alternative, people-oriented development approach based on fully utilising people's innate power and capabilities. Such an approach would require empowering the common people by unleashing their human spirit, awakening and mobilising them, utilizing their creative genius, and ensuring that they receive their due share of the political power and economic resources of the state so that they themselves can become authors of their own future.

This will further require massive decentralisation and many other related reforms. Major reform initiatives will also be required to improve the quality of publicly provided services, including in the areas of health, education, family planning and so on. Urgent reforms in education will be particularly needed to make the Madrasa education compatible with modernity and embrace science. An important focus of the reform proposals must be to establish local accountability of grassroots level government functionaries. Furthermore, important reforms will be necessary to protect us from the ill effects and take advantage of the opportunities of globalisation.

It is clear that we as a nation are at a crossroad in the face of the recent rise of religious extremism and suicide bombing. Important and urgent reforms are now needed to move the nation in the right direction: the direction of democracy and broad-based development through the transformation of our criminalised politics, institution of good governance and rapid improvements in the socio-economic conditions of the poor.

But what appears to be most urgently needed at this time is for our major political parties to engage in immediate dialogue to remove the impasse over the caretaker system in order to ensure that the forthcoming election is held on time. At the same time we must take steps on a priority basis to remove the controversy over the Election Commission and initiate reforms to make it a strong, independent and credible institution in order to make the democratic process acceptable to all concerned.

However, the most neutral caretaker government and the most independent EC would not be able to deliver free, fair and acceptable elections unless the political parties do their part and behave. In addition, fair election is not a panacea. Thus, the political parties must now come forward with an agenda for their own reform. They must agree to compulsory registration and reform their nomination process.

Fair election and change of guard are not sufficient at this time for there would not be any changes in our state policies and the system of governance unless election brings about significant changes in the quality of leadership. Political parties must also now come forward with clear action plans to remedy selfishness in politics, corruption, pervasive politicisation, patronage system, nepotism, extremism, sheltering the criminals and giving them nominations.

Dr. Badiul Alam Majumdar is Member-Secretary, SHUJAN, and Global Vice President and Country Director, The Hunger Project-Bangladesh.