# POINT \*\*COUNTERPOINT

### Fair elections are not enough

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MAGINE for a moment that the 4-party ruling coalition has accepted the major reform proposals put forward by the opposition 14-party alliance. Consequently, a neutral caretaker government (NCG) is formed which is acceptable to all concerned. The Election Commission (EC) is also made truly independent and strong, and partisan individuals are removed from the Commission. Imagine further that the election to the 9th Parliament is held on time in a free and fair manner with utmost neutrality, and a new government is formed with wide public support at the end of January 2007.

Will the situation radically change for the better following the elections? Will the daunting challenges of criminalisation of politics, lack of good governance, and widespread poverty and deprivation of common people, religious extremism and so on be solved? Will the governance failures reflected in the crises in the delivery of various public services such as electricity, law and order etc. get better? Will the election results even be accepted by the defeated party/parties? Most of all, will the quality of our leadership improve? Finally, will we have a functioning democracy which will function for the benefit of the people?

Based on our past experiences, it is hard to imagine that things will get better, even in the best of circumstances. When Ershad regime was brought down in 1990 in a mass upsurge, it was expected that with a few free, fair and impartial elections, Bangladesh would be on its way to a better future -- a future people aspired for and deserved. However, the reality turned out to be very different. In fact, the situation turned into a sort of nightmare. Elections, instead of establishing people's rule, brought corrupt, black money and muscle power holders, and most of all, incompetents to power. Such unscrupulous elected representatives not only engaged in plundering themselves, they also politicised all institutions by employing partisan individuals, illegally doled out patronage to cronies, resulting in a rule of the largely corrupt, incompetent and partisan individuals in most spheres of the society. Because of such abuses and corruption, all the government services and institutions are now crumbling.

More seriously, the coming elections, even fair and impartial, may further lower the quality of our leadership. The few honest, decent and conscientious politicians that are still around are likely to be owners of money and muscle power. We have already been experiencing the functioning of Gresham's law in our politics -- bad people driving good people out of the political arena. Consequently politics is now practiced largely without politicians and it is increas ingly turning into a highly profitable "business". In a consultation meeting on PRSP in 2003, the former Country Director of The World Bank observed:

"In concluding my remarks today I would like to focus on ... sets of reforms that might be called 'deep reforms' ... First, reforms of the election system and political parties. The political system is being increasingly commercialised by the way the election system works. Candidates spend huge amounts of money to get elected, and if they win, many use their offices to recoup their investments, with profit. The election system generates the demand for bribes. Candidates from the major political parties violate the campaign spending limitation, and when the winners become MPs, one of their first acts is to lie, by certifying they did not exceed the campaign expenditure limit. One motive for running is ... to gain the protection that being an MP provides from being prosecuted, especially for loan default. The party organizations are not very democratic, and the party inner circles decide who will run. The lack of democracy inhibits the emergence of new leaders ... Second, law and order must be improved, especially by breaking the nexus among some politicians, the police and crimi-

Even fair and impartial elections are unlikely to lead to a functioning democracy because, as the tradition goes, the defeated party/parties will not accept the election results. True or not, they are likely to bring charges of manipulation and partiality of various interest groups. Consequently, they will boycott the Parliament sessions and resort to hartals and other forms of street agitation. Thus the cycle of non-cooperation, violence and instability will persist.

It is clear that for a true and functioning democracy, free and fair elections, as a democratic process, are necessary for orderly transfer of governmental powers However, democracy is not all about elections. Elections are necessary, but they are not sufficient for democracy. In fact, elections-only democracy, more often than not lead to one-day democracy -- only an election-day affair or mere rituals of voting. Such a The political parties have a vested interest in maintaining the status quo, and they are unlikely to easily agree to their compulsory registration and own reforms. The Court can play an important role in this regard. For example, despite all out opposition by all political parties, public interest litigations led to Supreme Court decisions in India that required disclosures by candidates information about their antecedents and the Court decisions were vigorously implemented by the EC, resulting in the identification and a serious move to ouster the tainted MPs.

system, as our own experiences amply demonstrate, lead to elected autocracy. Democracy, to function properly and in the interest of the common people, requires the practice of democratic principles. Without democratic behaviour of elected representatives, elections largely turn into meaningless exercises. If politicians practice democratic norms, the system may function even without a written Constitution, as we can see in the United Kingdom. Democracy also requires democratic institutions, such as an independent EC, independent judiciary etc. on which the democratic edifice can stand and which can check the abuses of powers by the elected. The practice of democratic principles and effective democratic institutions are needed to ensure election of honest, competent and dedicated individuals to public offices.

#### **Priority areas of reform** Clearly, reforms are needed to

ensure that honest and wise candidates get elected to public office. Indeed the Election Commission must be reformed and made independent and strong. As is mandated by Article 118 of the Constitution, it is the institution responsible for holding free, fair and impartial elections, and enforcing all electoral laws for that purpose. The neutrality of the caretaker government must also be ensured during the elections. However, reforms of EC and the NCG alone, as demanded by the opposition, while absolutely necessary for fair elections, will make very little difference in improving the quality of leadership and consequently of governance in Bangladesh

It must also be noted that the caretaker system is inconsistent with the basic structure of our Constitution, which requires elected leaders running the country at every level. It is not also a solution for our system of criminalised politics. It reflects mutual mistrust between political parties and the public's mistrust of political parties. Mutual trust and confidence are essential prerequisites for a truly democratic system.

Merely holding free and fair elections to allow public to freely



Voting for whom: Do they really know the candidate?

choose between corrupt, incompetent and self-serving candidates will not only fail to improve matters, it will further erode people's confidence in democracy as a pathway to improving lives of the people. Unfortunately, this is already beginning to happen -- many are talking about alternative government as possible solutions.

In order to ensure a functional democracy in Bangladesh, we must now focus, on a priority basis, on the following systemic reforms: Registration of political parties: Political parties and the standard of behaviour of politicians are vitally important for a functioning democracy. With dishonest and selfinterested elected representatives one cannot expect an honest and people-oriented government. According to British Parliament's Committee on Standards in Public Life, the standard of behaviour of public representatives must include selflessness, integrity, objectivity, accountability, openness, honesty and leadership. However, our elected officials have

utterly failed to comply with such standards. Thus registration of political parties must be made compulsory, as is the case in India, in order to compel them to show a higher standard of behaviour. This will also help our political parties' transition from their present state of being sort of self-serving syndicates for occupying political pow-

#### The conditions for registration must include:

- · Democracy in the internal governance of political parties: Unless political parties practice democracy themselves, it is unrealistic to expect them to govern the country in a democratic manner.
- Transparency in the finances of political parties: All financial transactions must be carried out through banks and their accounts must be audited and made public. They must also fulfil their reporting obligations under Section 44CC and 44CCC of The Representation of People Order, 1972 (RPO).
- Reform of the nomination pro-

cess: Active membership of political parties for at least five years must be a prerequisite for seeking their nomination and their primary members must have a clear say (e.g., through party primaries) in the nomination process. Parties must also explicitly commit themselves not to nominate those candidates who are corrupt, have criminal records, patronise criminals and are loan and public utility bill

Disclosures of antecedents of candidates: In May 2005, the High Court Division of the Bangladesh Supreme Court directed the EC to collect from candidates, in the form of affidavits along with their nomination papers, information regarding their educational qualifications, criminal records, income, and assets and liabilities of themselves and their immediate families etc., and disseminate this information among voters. This was intended to empower voters to make informed decisions and the Court argued that "people have a right to know

defaulters

and such right is included in the right to franchise." Unfortunately, the EC failed to fully implement the verdict, which must be urgently remedied. Candidates failing to make full disclosures or making false disclosures must either be disqualified or their election declared null and void, if already elected. There must also be strict enforcement of spending limits by

In order to ensure that voters have a genuine choice -- choice among honest and desirable candidates -- the system of negative voting must be introduced. If the negative votes in a constituency exceed 50 percent of the vote cast, there must be reelection. (The Indian EC has already made such a proposal.) In addition, voters must be given a right to recall.

Qualifications and role of MPs: Corrupt, criminal, owner of black money, loan and public utility bill defaulter must be prevented from running for election to Parliament. Election to Parliament must be a full-time occupation and elected MPs must be prevented from directly and indirectly participating in any other gainful and profitable activities. Their roles also must be restricted to law making and parliamentary oversight functions. In addition, there must be restrictions on the boycott of Parliament. Furthermore, elected MPs must not interfere with the activities of local

Reform of Article 70: Article 70 of the Bangladesh Constitution prevents floor crossing by MPs. Any parliamentarian who violates this provision can be removed from office by their party -- a dictatorial policy that sets the will of the party leaders above the voice of the electorate. This restriction must be eased, if not fully removed, so that ndividual elected representatives are free to vote according to their conscience without fear of losing their seat by party retribution.

### Action needed

Chapter VIA (sections 90A and 90B) of RPO already provides for optional registration of political parties. These sections may be amended to make the registration compulsory and the registration requirements more specific and stringent. However, a more desirable option will be to add a chapter on political parties to the Constitution.

The requirements for disclosures, as directed by the High Court, need to be included in the RPO. The provisions for disclosures that are already existing under sections 44AA, 44C and 44CC of the RPO must

enforced. The provisions for negative voting, right to recall, etc. must be introduced again by amending the RPO. Qualifications of elected officials are included in Article 12 of the RPO, which can be strengthened further. Article 66 of the Constitution on the qualifications MPs may also be made more stringent. These reforms must also be introduced in local elections.

According to Article 65 of the Constitution, the Parliament is already vested with the "legislative powers" only, which must be enforced. Reform of the Article 70 will require amending the

Although the ruling 4-party coalition has the necessary parliamentary strength to unilaterally introduce these priority reforms, it must be done based on negotiations with the opposition. The proposal given by the Honourable Prime Minister at the recently concluded Parliament session to form a Committee may provide a pathway for negotiations. We hope the government will take immediate initiative to form such a committee in order to demonstrate its sincerity and seriousness

Lest we forget, the political parties have a vested interest in maintaining the status quo, and they are unlikely to easily agree to their compulsory registration and own reforms. Thus there will have to be outside pressure on them. The Court can play an important role in this regard. For example, despite all out opposition by all political parties, public interest litigations led to Supreme Court decisions in India that required disclosures by candidates information about their antecedents and the Court decisions were vigorously implemented by the EC, resulting in the identification and a serious move to ouster the tainted MPs. Pressure must also come from broad-based citizen activism which SHUJAN -- Citizens for Good Governance -- has already initiated all over the country. Other conscientious citizens must now come forward.

If we are really to have a functional democracy in Bangladesh, there must be systematic reforms requiring compulsory registration of political parties, stringent disclosure requirements of their finances and qualifications of elected representatives, and the opportunity for them to apply their conscience.

Secretary, SHUJAN, and Global Vice President and Country Director, The Hunger Project-

### Bird flu -- basic facts

detected in North West Frontier Province of Pakistan, Last month Italy, Greece, Bulgaria, Germany, Austria, France, Slovenia and Egypt confirmed their first cases of H5N1 in wild birds. Now people in Bangladesh are anxiously watching all information related to Avian Influenza or Bird been detected so far in those two neighboring countries, some

people were being tested for the disease. Lot of us really do not aware of this disease! We all know that Influenza is caused by a virus. This virus has several main types and many subtypes. The human immune system is prepared to deal with a few of them, but there are many others that infect first and foremost birds and some other animals. Like humans, birds are also

prone to flu. There are 15 types of bird (Avian) flu. Of these, H5N1 is one of the most contagious strains, which is usually fatal in birds, and can prove fatal to humans too. According to concerned scientists this virus can infect humans in close contact with birds. Virology professor Dr. John Oxford (UK) believes that the basic virus could be passed between humans. Then again, at present there is no clear evidence that it can be passed from human to human. The H5N1 strain has killed at least 90 people since early 2003. It is interesting that Bird flu was previously thought only to infect birds until the first few patients were seen in Hong Kong in May 1997. Most cases of bird flu infection in humans have resulted from contact with infected poultry (e.g., domesticated chicken, ducks, and turkeys) or surfaces contaminated with secretion or excretions from infected birds. The spread of these influenza viruses from one ill person to another is

Migratory birds, particularly wild ducks, which usually come to our country during winter season, are natural carriers of the viruses, but they are unlikely to actually develop an infection. But they pass it on to domestic birds -- chicken and ducks -- which are much more at risk to this virus. Humans usually



contact with live infected chickens and ducks. Infected birds shed influenza viruses also in their saliva and nasal secretions. Chickens or ducks excrete the virus in their faeces -- one of the main roots of transmission. Susceptible birds become infected when they have contact with contaminated secretions or excretions or with surfaces that are contaminated with secretions or excretions from infected birds. The H5N1 virus is transmitted between affected poultry. People, vehicles, and other non-living objects such as cages can be vectors for the spread of the virus from one farm to another. When this happens, Bird-flu outbursts can take place among poultry.

Signs and symptoms are similar to other types of influenza -- fever,

malaise, sore throats and coughs. Sometimes patients develop conjunctivitis. Some researchers believe that the virus can affect all parts of the body, not just the lungs. According to bird flu experts, this is not a food-borne virus, so eating chicken is not dangerous. The only people thought to be at risk are those involved in the slaughter and preparation of meat that may be infected. Nevertheless, the WHO recommends that all meat should be cooked at a temperature of at least 70C. Eggs should also be thoroughly cooked. But we need to be careful with 'FRIED CHICKEN' as the temperature in core part of the chicken may not reach the required 70C. Some scientists are saying about the negligible risk but at the same time do not rule out the

Principally, humans have contracted the virus following very close contact with infected chick-Antiviral drugs, such as Tamiflu which are already available in India (so far controlled by governand reduce the chances of spread.

ment) may help limit symptoms But, in actual fact there is not yet a perfect vaccine; prototypes that offer protection against the H5N1 strain are being produced Wetlands in Bangladesh play host to hundreds and thousands of migratory birds. Thus Bangladesh is also exposed to a potential risk Bangladesh health ministry should stockpile antiviral drugs like Tamiflu and take some actions for public awareness. As well as we need to establish facilities for diagnosing this virus in couple of diagnostic laboratories immediately. Some scientists suggested that it may be helpful to have stocks of other drugs from the same family such as Relenza.



## Is Myanmar the next Iran?

IAN BREMMER

HE United States and its European allies worry that if they simply accept a nuclear Iran, other states will be encouraged to pursue nuclear ambitions of their own. But that ship may already have sailed. As the world watches the twists and turns of Iran's path toward the Security Council, the military regime in Myanmar may be quietly selling its energy resources to finance the acquisition of nuclear technology.

During her Senate confirmation hearings in January 2005, Secretary of State Condoleezza Rice labeled Myanmar an "outpost of tyranny." Not without reason. Since 1962, a military junta has ruled the country and carefully maintained Myanmar's isolation from the international community. A popular uprising in the late 1980s forced the regime to gamble on multiparty legislative elections. But when the opposition National League for Democracy won a landslide victory in 1990, the regime voided the result and jailed many of the NLD's leaders -- including Nobel Prize-winner Aung San Suu Kyi. A decade and a half later, Suu Kyi is again under house arrest without access to even a telephone. Most of Mvanmar's more than 50 million people live in poverty -- though the government has blocked international efforts to document their

Myanmar's generals, known in state-controlled media as the State Peace and Development Council, routinely harass and imprison opposition activists. Citizens have been used as slave labour. The iunta's security police have been known to strafe demonstrators with gunfire. In December, an Asian human rights group issued a 124page report on the Myanmar government's "brutal and systematic' torture of political prisoners.

To deepen the country's isolation, last November the generals began to move Myanmar's capital from the southern coastal city of Rangoon to the mountain stronghold of Pyinmana, deep in the country's interior. Perhaps the regime's oft-stated fear of a US invasion prompted the retreat from the coast. That would explain press reports that the junta has surrounded its new capital with land mines. Perhaps the regime is even more afraid of the ethnically diverse and impoverished students of

Rangoon. We can't look for answers pressure to ban all investment in the does. Myanmar's fear of an to the United Nations' envoy to Myanmar. He resigned in January after failing for nearly two years to

gain entry into the country. Despite the regime's aversion to international attention. Myanmar generated international headlines January 11 when the Korean conglomerate Daewoo announced a substantial gas find off Myanmar's northwest coast. Media reports describe the field as "massive," though Daewoo won't know just how massive until intensive exploration and testing are completed next year. The company announced that a petroleum consultant, the Ryder

country -- so energy firms Unocal and Total can join in the scramble.

The Myanmar junta knows when it approves these deals that it's giving its Asian neighbors an important stake in the regime's survival. China, a veto-wielding permanent member of the Security Council, is an especially useful provider of diplomatic cover. Energy revenues also help finance the domestic repression that keeps the opposition in check and the generals in

What else might this new wealth buy? The riches generated by Myanmar's natural-gas deposits

The United States and several other countries would like to move Myanmar onto the Security Council's formal agenda and pressure the junta into reform and greater transparency. But the more dependent Myanmar's neighbours become on the country's energy resources, the less likely it is that any international body can force change on this regime. As a similar scenario unfolds in the diplomatic battle over Iran's nuclear weapons, Myanmar's generals will be watching closely from their new mountain fortress.

Scott Co., estimates that the find may produce between 2.9 trillion and 3.5 trillion cubic feet of gas, the equivalent of about 600 million barrels of crude oil. Whatever the final numbers, the discovery provides yet another reminder that Myanmar has become an important natural-gas provider for Asia's wealthiest countries.

Just as Iran's energy wealth frustrates US and European efforts to sanction Tehran, foreign competition for gas contracts will obstruct international attempts to pressure Myanmar toward democratic reform. China has profited time and again by forging commercial deals with states that are the objects of international scorn, and other energy-dependent Asian countries (India and South Korea, in particular) don't want China to monopolize Myanmar's energy reserves. These states and others will continue to chase energy deals there. including agreements to build the infrastructure needed to pipe gas or petroleum directly to their consumers and industries. Even the United States and European Union have resisted

may provide the junta with enough cash to realize its long-standing ambition to purchase nuclear technology. In 2002, the Russian government approved an agreement with Myanmar to help the regime build a civilian nuclear reactor. The deal was never consummated. according to the Russian foreign ministry, because Myanmar lacked the money to pay for it. But when Russia's atomic agency announced last October that talks on the subject had resumed, Western governments reacted with alarm and dismissed official Myanmar claims that the facility is meant only for medical research and the production of radiopharmaceuticals for cancer treatment. More worrving still, the junta's long-rumored highlevel contacts with North Korea may well include discussion of the transfer of nuclear technology.

Maybe the Myanmar government believes a nuclear weapon offers the ultimate insurance against a US invasion. After all, the United States invaded Irag, which did not have nuclear weapons, but has not attacked North Korea, which

American attack tells us more about the junta's paranoia than about US intentions. But the Myanmar generals cannot have been pleased when President Bush, during last month's State of the Union address, included Myanmar on a shortlist of states in which "the demands of justice and the peace of this world require freedom."

Another reason Myanmar matters for regional stability is that it adds to the growing list of irritants in US relations with China. Myanmar provides China with the use of a military base on the Indian Ocean. Sino-Myanmar trade grew by more than 10 percent between 2004 and 2005 to more than \$1.1 billion. Late last year, China outmaneuvered India for an agreement to buy 6.5 trillion cubic feet of gas. As China's dependence on Myanmar's energy grows, we can expect Beijing to help the junta resist international pressure -- just as they have done for authoritarian regimes in Iran, North Korea, Sudan, and Zimbabwe. (China has invested around \$300 million in Zimbabwe in return for mining concessions and direct supply of gold, diamonds, chrome, bauxite, and possibly uranium.) That will only add to Washington's diplomatic frustrations.

The United States and several other countries would like to move Myanmar onto the Security Council's formal agenda and pressure the junta into reform and greater transparency. But the more dependent Myanmar's neighbours become on the country's energy resources, the less likely it is that any international body can force change on this regime. As a similar scenario unfolds in the diplomatic battle over Iran's nuclear weapons, Myanmar's generals will be watching closely from their new mountain

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