

# A presidential ordinance for fair election

MUSTAFIZUR RAHMAN

FOR the greater interest of the nation, and to overcome the present crisis of trust in the electoral arrangement we, the general people, can only hope that the president and the caretaker government will come forward with an ordinance to restore trust in the election system. It is proposed that the short title of the ordinance be "Election Code Supplementary Ordinance, 2006," which shall read as follows:

Whereas it is expedient to ensure that election to the parliament or local bodies are free, fair, impartial and peaceful, and are based on an authentic electoral roll and informed choice of the voters, this ordinance is hereby made with immediate effect.

**Disclosure of a candidate's private information:** Notwithstanding anything contained in any existing electoral law, election code of conduct, the representation of the people order, 1972, and other election laws, rules and regulations --

The Election Commission (EC) shall, with the nomination paper of each parliamentary or local body election candidate, collect the following information in the form of an affidavit and disseminate it to the voters for making an informed

choice:

- (a) Candidate's brief resume including academic qualifications (with certificates when so required for confirmation);
- (b) Present criminal accusations, if any, for any offence for which a charge is framed or cognizance is taken by the court of law, and which is punishable with imprisonment for two years or more;
- (c) Any records of past criminal cases, where the candidate was sentenced to imprisonment for a term of not less than two years, and 5 years have not yet elapsed after the release;
- (d) Candidate's profession/occupation;
- (e) Source, or sources, of the candidate's income, and the record of income tax paid in the last three years, mentioning TIN number;
- (f) Election manifesto of the candidate for the coming term;
- (g) Description of the role he played in fulfilling his commitment to the people, if the candidate was a parliament member before;
- (h) Description of assets (immovable, movable, bank balances, etc.) and liabilities (including present bank loans, other liabilities and dues) of the candidate and his dependents, supported by copies of wealth statements submitted to the income tax office in the last three

years;

- (i) Particulars and amount of loans taken from banks and financial institutions personally, jointly or by a dependent, or of loans taken by a company, where the candidate is a director or the chairman, from banks or financial institutions;
- (j) Names of companies, organizations, or businesses where the candidate has an interest; and where probable conflict of interest may arise if he is elected;
- (k) Proof that he has relinquished all his executive positions or offices of profit, if he happens to hold any, in the service of the republic or in any semi-government, autonomous or private organization as an operating director, or in local government bodies as mayor, chairman or executive enjoying remuneration or benefit. And that he does not represent any foreign company or foreign interest as agent personally, or through any company owned or headed or managed by him. @
- (l) The reasons for contesting the election;
- (m) Whether the candidate acquired citizenship of, or affirms or acknowledges allegiance to, a foreign state; and
- (n) The candidate's speciality leadership vision that can contribute to good law making that may lead to national well being.

Provided that any nomination paper not including this information shall be liable to be rejected.

**Campaign meeting venue:** The Election Commission shall designate and arrange some facilities in specific public places, school or college grounds etc. for campaign meetings by all the candidates in rotation, decided by lottery or mutual agreement. Local Upazilla and Union Parishad chairmen and members, if available, shall be involved in this exercise for giving constructive nonpartisan assistance to election officials.

**Bill board:** The Election Commission shall, at its own cost, put up sufficient number of billboards in different public places, population centers, market places, etc. in consultation with local Upazilla and Union Parishad chairmen and members, for pasting posters of the candidates at specifically numbered locations allotted to them by lottery or by mutual agreement. The billboards shall be removed within 10 days after the election (where by-election is not due).

**Introduction of candidates by state radio and TV:** The Election Commission shall arrange to introduce all candidates via radio and TV during the campaign period;

**Authentic voter list:** The

Election Commission shall ensure that every enlisted voter receives a notification of his registration as voter, mentioning his voter number and the name and address of his polling center. This should be done at least 25 days before the date of voting. The notice or registration card may be delivered by post or by hand. The voter list shall be sent to all Union Parishads before, or simultaneously with, the announcement of the election schedule, and local elected body members shall be asked for assistance in correcting any omissions or duplication, or wrong/false entry in the voter list.

**Voting by expatriate Bangladeshis:** The Election Commission shall arrange voting for eligible expatriate voters through Bangladesh missions abroad, or through postal or electronic media voting system, with effect from January 1, 2007, unless this date is changed by further notification.

**Pre-poll irregularity and corrupt practice control:** The Election Commission shall include elected local government body members in the electoral inquiry committee to keep vigilance and record all pre-poll and poll irregularities and corrupt practices, and to help prevent those whenever possible by

stoppage of polling or cancellation of poll result in the concerned polling station.

**Vote counting and declaration of poll result:** The Election Commission shall ensure that all the ballots shall be counted at the polling centers, immediately after voting is closed, in presence of the election officials and the agents of the candidates and any available elected member of a non-party local govt. body (Union Parishad or Upazilla Parishad member), and the unofficial result shall be recorded and made public right there.

**Election Tribunal:** The Election Commission shall form election tribunals before commencement of polling. They shall also dispose of all the cases of election law violation within fifteen days after declaration of the election result. If any case of reversal of election results arise in favor of the second, or the next highest vote winner due to revelation of gross violation of the election code, or cancellation of poll result or by-election, the Election Commission shall implement the tribunal judgment, including holding of necessary re-polling within 30 days after the last election, so that all the elected members can take oath and participate in the parliament from the 1st session.

In case a seat is vacated by a person elected in more than one constituency, the Election Commission shall declare the second highest vote winner as the elected member.

**Campaign and campaign period:** A candidate shall designate his agents and campaign managers, who will also be responsible for compliance of the election laws, rules and regulations, and give their names to the election office concerned. The campaign period shall be 15 days, ending at 00.00 hours (mid-night) of the day before the day of election;

**Political party registration:** The Election Commission shall recognize as political parties, in connection with the election. Those associations or organizations that are registered with the competent authority as political parties with their own democratic constitutions that account for their earnings and expenses, and include the names of the members of the elected decision making bodies. Any parliamentary group may not automatically mean a political party, unless it is registered as a political party.

**State payment for election campaign:** The Election Commission shall reimburse a total sum of Tk. 3,00,000 (Taka three lac) in any constituency, (in proportion to votes

won. Among the candidates whose direct and indirect election expense is not more than Taka three lac, and who wins at least ten percent of the total valid votes cast in the constituency concerned. The candidates shall, within ten days of declaration of the election result, submit the accounts of such expenses to the concerned election office, along with a claim for reimbursement, mentioning the number of votes earned by the candidate and the number of valid votes cast in the constituency concerned. If no election violation by the candidate, or in the constituency concerned, is reported then the payment shall be remitted to the candidate's bank account, within ten days of oath taking of the elected members.

It is strongly felt that it will be a great service to the people and the state if the president and the caretaker government urgently consider the proposal for the interest of not only a fair election in 2007 but also for setting up of a system of fairness that the people have been longing for since 1971.

Mustafizur Rahman is Chairman, The Institute of Development Strategy, Dhaka.

# Exploitation of domestic workers

NAZRUL ISLAM

SHEULI Khatun (40), an experienced nakshi-kantha maker of Bhatat Bazar of Shaikolupa in Jhenidah district, gets Tk 1,500 for stitching a kantha. She takes, on an average, a month to complete a nakshi-kantha. Some local entrepreneurs supply her the required materials. An average-standard nakshi-kantha that costs around Tk 3,000, including the wage, generally fetches at least Tk 7,000 at a city outlet. It takes at least 180 hours of strenuous labor to complete a nakshi-kantha.

Stitching a kantha is artistic work that demands ceaseless attention, boring immobility and repetitious movement of the hands and the eyes. The labor and talent required by the nakshi-kantha makers are by no means inferior to those of any other job. But the wage they get is far less than they deserve. They are subjects to exploitation by a section of middlemen and NGOs who give them a meager amount and take away the lion's share of the sales proceeds.

This happens due to the absence of a national policy for the home-based workers. According to Bangladesh Bureau of Statistics, there is an active labor force of some 40 million women in the country. Among them, approximately 15 million are engaged in various home-based or household work. Home-based work is something that a person carries out at his/her home, and not in a formal workplace, for which s/he gets remuneration. Realizing the widespread existence of home-based work, and the importance it carries for women and the economy of developing countries as a whole, the International Labor Organization (ILO) introduced a convention for this kind of work and workers.

The ILO Home-work Convention No. 177, adopted in

June 1996 in Geneva, stipulates equal treatment and better working conditions for people engaged in home-based work. As per the convention, the term home-based work is defined as: "work carried out by a person, to be referred to as a home-worker, in his or her home or in other premises of his or her choice, other than the workplace of the employer, for remuneration, which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used."

The rural women in Bangladesh are usually involved in home-based work like producing various handicrafts items such as embroidered quilt or nakshi-kantha, wall mats, floor mats, carpets, hand fans, clay jewelry, decoration pieces, bamboo and cane products, sewing, embroidery and tailoring, poultry farming and homestead gardening.

Poor rural women generally do not have enough capital to invest for producing handicraft items. Moreover, marketing of the produced items is another big problem for them. The middlemen or intermediaries take advantage of this and assign the rural women to produce various items on contractual or piece-rate basis. The remuneration they offer is too low compared to their employed labor. Thus, the women are deprived of their due shares.

According to Bangladesh Home Workers Women Association (BHWA) estimation, the annual contribution of the home-based workers to the GDP is about Tk 150 billion. But unfortunately, this contribution is not reflected in the government statistics. The BBS data shows that the contribution of the industrial sector in GDP in FY 2002-03 was Tk 462.37 billion (constant price of 1995-96). Of the amount, the contribution of large-scale industry was Tk 325.58 billion, while small scale contributed Tk

136.80 billion. The statistics show that the contribution of home-based workers is larger than that of the small-scale industry.

But the demand for recognition of the home-based working women as industrial laborers was not met by the policy-makers and authorities concerned, despite their huge contribution to the economy. Bangladesh is yet to ratify the ILO convention 177 adopted for the economic and social emancipation of the home-worker women. Sub-section 2 of section 206 of the Labor Law of Bangladesh also contains a provision for recognizing the home-based women workers as laborers, and their working places as factories. But the law is not being followed.

Due to the absence of any legal framework the women home-workers do not get the wages they deserve, or the proper price for the items they produce. They also become victims of disparity while marketing their items. Although these women are producing quality goods and exportable items, their contributions are not recognized to be at par with their counterparts in the garments and other sectors.

Bangladesh Home Workers Women Association (BHWA) and Homenet Bangladesh have been working for the betterment of the home-based workers in Bangladesh. Homenet South Asia, an alliance of Homenet of Bangladesh, India, Pakistan, Nepal and Sri Lanka, have also been working for realizing the legitimate rights of the home-based workers in the region. BHWA and Homenet Bangladesh recently arranged a roundtable to formulate a national policy for the home-based workers.

There is great prospect for the flourishing of the handicraft industry in the country, as demand from abroad for non-traditional items is increasing day by day, compared to stagnation of

export of many traditional items. But, at first, it would require adoption of a national policy providing adequate protection to the workers' interests so that they are not subject to exploitation by the intermediaries.

At the very outset of the article we saw how the main architect of a nakshi-kantha is being deprived of her due share of the profit. To protect the interests of the workers, the policy should incorporate the following submissions: recognition of the home-based workers as laborers; inclusion of the home-based workers in the national statistics; formation of wage board for the home-based workers, announcement of minimum wage and wage structure for the home-based workers; health security for them at the workplace; ensuring working atmosphere; maternity facilities for the home-based workers; housing and travel facilities; insurance and social security; education facility for their wards; setting minimum age-limit for the home-based workers and introduction of old-age allowance.

Throughout the developing and least developed parts of the world, home-based workers are neglected and are not given the recognition and respect that workers of the formal sector are given. Yet they play an important role in fighting unemployment in a society. They make a significant contribution to the national earning of a country. However, these facts often remain undocumented due to the informal nature of the work, and also due to general neglect of home-based work and workers. The ILO Convention No 177 stipulated that home-based workers must be recognized as genuine workers and accorded similar rights like minimum wage, eligibility to form trade unions, occupational safety, compensation for work related illness, old age pension and so on.

Nazrul Islam is a freelance contributor to The Daily Star.

# Annan's farewell swipe

IMRAN KHALID

THE last few days of Kofi Annan's long stint as the seventh secretary general of the United Nations have seen an unprecedented, frantic war of words between him and the Bush administration. During his long innings, Annan had never tried to veil his disapproval of the Bush administration's hegemonic and adventurous global agenda, but it was not expected of him to make an extremely caustic, farewell swipe at the Bush administration just few days before leaving the stage.

On December 11, while addressing the gathering at the Truman Presidential Museum & Library, Missouri, Mr. Kofi A. Annan made one of the most pricking and pragmatic talks of his career. Seldom do we see a diplomat of his stature come up with such a candid evaluation of the global political scenario, and the role of one superpower in enforcing its own dictation while bullying the world body. In the speech, Mr. Annan talked about five lessons he learnt during ten years as UN secretary general. But his speech can be viewed in many different perspectives.

One view could be that, being a relatively "flop" secretary general who failed to arrest the growing erosion of the influence of the UN in putting the brakes on Washington's hegemonic tendencies, Annan simply wants to justify his failure by putting all the blame on the bullying strategy of Washington and using the populist theme of Bush-bashing. The other interpretation could be that Kofi Annan is genuinely concerned about the Bush administration's misadventures, and its negative impact on the evolution of the United Nations as a truly world body to effectively monitor the functioning of global system, and that he sincerely wants to divulge his frustration when he has nothing to lose at this stage of his career.

Ostensibly, regardless of the actual motivation behind his acerbic swipe at the Bush administration, the fact is that Kofi Annan has bared his heart. The five lessons -- that he asserts he has learnt in one decade as UN secretary general --

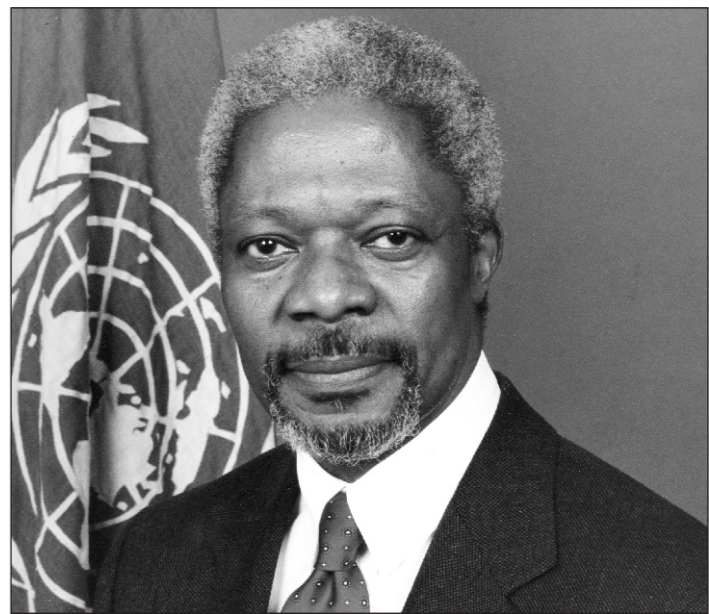
revolve around collective responsibility of all the nations for each other's prosperity, security, development, respect for human rights, the rule of law, individual governments' accountability to domestic and international community and democratization -- and re-organization -- of the international institutions like the UNO. This sounds like perfect academic material.

But it was the explanation of the background of these lessons that contained really caustic stuff for President Bush's coterie. For example, while assessing the role of the US leadership in ensuring respect for human rights across the globe, Annan said: "Human rights and the rule of law are vital to global security and prosperity. But that lead can only be maintained if America remains true to its principles -- including in the struggle against terrorism. When it appears to abandon its own ideas and objectives its friends abroad are naturally troubled and confused."

So, without mentioning Guantanamo Bay and the Abu Ghraib prison, he has divulged everything that a responsible UN secretary general should have boldly said -- though not at the end of his career. This also reflects the helplessness of a UN secretary general who was unable to use his influence as the leader of the world body to force the United States to abstain from human rights violations in its much-touted war against terrorism. His main focus of attack was perhaps the Bush administration's handling and execution of the war against terrorism.

He used some very piercing words to castigate the Bush administration's war against terrorism. "That is why secret prisons have no place in our struggle against terrorism... Leading promoters of human rights undermine their own influence when they fail to live up to their own principles," is how Annan expressed his frustration in his speech. He also indirectly criticized the US-led invasion of Iraq to topple Saddam Hussein, and to destroy the weapons of mass destructions there.

He seriously argued that no nation could legitimize its military



actions against any other nation without convincing the world that the use of military power was justified, and for "broadly shared aims in accordance with broadly accepted norms." He further warned the United States that the security of each nation was the collective responsibility of all the nations, and no nation can alone tackle the threats like weapons of mass destruction and biological weapons of. "Against such threats as these, no nation can make itself secure by seeking supremacy over all others. We share the responsibility for each other's security," said Annan.

He indirectly instigated the American people to take note of their leadership's hegemonic tendencies that have been negatively affecting the complexion of global political structure. "As things stand, poor and weak states are easily held to account because they need foreign aid. But large and powerful states, whose actions have the greatest impact on others, can be restrained by their own people," he said.

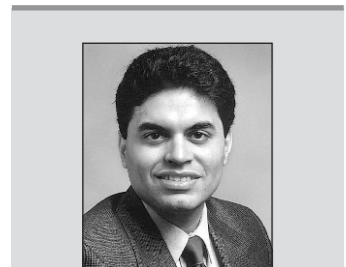
Obviously, such straightforward comments have invited a vitriolic response from the Bush camp, which is now trying to find fault with the performance of Mr. Annan. So much so that Henry Hyde, the outgoing chairman of the house international relations com-

mittee has directly accused Mr. Annan of presiding over "rampant financial and moral mismanagement at the UN." This shows the limit of sensitivities of the Bush administration which has opted to retaliate with a series of counter-allegations and highly personalized mud-slinging.

Even Condoleeza Rice labeled Annan's speech as a missed opportunity by completely neglecting and disregarding the existence of cooperation between the United States and the UN. Nonetheless, Kofi Annan has sparked off a chain reaction, and now he has to face it. Though it is quite difficult to trace the real motive behind Annan's onslaught of words against the Bush administration at this juncture, one thing is certain that, despite being well aware of the "real cause" behind the UN's failure to evolve into an effective institution, Mr. Kofi Annan also failed to dispel the clouds of desperation and wretchedness that have enveloped the world body during the last one decade. But the real concern is, despite the diagnosis being known these clouds are getting thicker, with no remedy in sight.

Imran Khalid is a freelance contributor to The Daily Star.

# Losing the war, as well as the battle



FAREED ZAKARIA writes from Washington

IT'S relatively easy these days to point out all the ways in which George W. Bush has been ill-informed, misguided and wrong about Iraq. And in case you run out of examples, the president provides fresh ones continually. But on one central issue, Bush

has been right. He has argued from the start that a modern, liberal, democratic Iraq would be an example, an inspiration and a spur for progress in the Middle East. The trouble is, the Iraq of today is having precisely the opposite effect. If Bush wants to save his freedom agenda, he needs to decouple it from Iraq.

For all his intellectual shortcomings, Bush recognized that the roots of Islamic terror lie in the dysfunctions of the Arab world. Over the last 40 years, as the rest of the globe progressed economically and politically, the Arabs moved backward. Decades of tyranny and stagnation -- mostly under the auspices of secular, Westernized regimes like those in Egypt and Syria -- have produced an

opposition that is extreme, religiously oriented and, in some cases, violent.

Its ideology is now global, and it has small bands of recruits from London to Jakarta. But at its heart it is an Arab phenomenon, born in the failures of that region. And it is likely only to be cured by a more open and liberal Arab culture that has made its peace with modernity. Look for example at two non-Arab countries, Malaysia and Turkey, whose people are conservative and religious Muslims. Both places are also reasonably successful economies, open societies and functioning democracies. As a result, they don't produce swarms of suicide bombers.

Iraq after Saddam presented a unique opportunity to steer history on a new course. But, instead, the

Bush administration drove it into a ditch. As a result, the effort to create an Iraqi model for the Middle East has failed. No matter what happens over the next year or two, the country has developed into more of a warning about the dangers of democracy than a symbol of its promise. When people around the world -- and, most importantly, in the region -- look at Iraq, they see chaos, religious extremism and violence.

Donald Rumsfeld frequently says, as he did again in his last appearance at the Pentagon, that if you were to "fly over" Iraq as he does, you would see that the violence is greatly exaggerated. In fact, if Rumsfeld had dared to brave the roads of Iraq -- as report-

ers do every day -- he would have discovered that the reverse is true.

The Iraq Study Group report -- which Rumsfeld boasts he has not really read -- points out that "there is significant underreporting of the violence in Iraq... A murder of an Iraqi is not necessarily counted as an attack. If we cannot determine the source of a sectarian attack, that assault does not make it into the database. A roadside bomb or a rocket or mortar attack that doesn't hurt U.S. personnel doesn't count. For example, on one day in July there were 93 attacks, or significant acts of violence, reported. Yet a careful review of the reports for that single day brought to light 1,100 acts of violence."

Now look at the "safe" areas.

The south of the country, which the administration claims is stable, is run by fanatical religious parties, militias and street gangs, most of whom impose Iranian-style restrictions on people's rights and liberties. For minorities (like Christians) and for women, the new Iraq has been one of persecution and punishment.

In many Sunni areas in the center of the country, a Taliban-style puritanism is being enforced. Amid the chaos, the groups that can provide security tend to be the most thuggish and extreme in their political views. And wherever there are mixed populations -- throughout Iraq's cities -- a gruesome campaign of ethnic cleansing has produced hundreds of thousands

of internal refugees. Almost 2 million Iraqis -- 8 percent of the population -- have fled the country entirely.

In the wake of this "model," not a single Arab regime feels any pressure to reform. They say to their people: "Do you want a democracy like they have in Iraq?" (The refrain echoes beyond the region. Vladimir Putin makes the same point in Russia, to justify his own usurpation of power.) Look around. The Saudi royals are stronger than ever. Egypt's Hosni Mubarak has jailed his opponents. The Syrian regime, once troubled, is more confident. Iran is ascendant. And the United States has become radioactive. Were America to come out in favor of clean water, we

would find people opposed in the Arab world today.

George W. Bush needs to understand that he now has to choose between Iraq and his broader Middle East project. Only by realizing that Iraq has gone awry and reducing America's involvement there can he credibly push a different, more incremental reform in other countries. If, instead, he insists on digging deeper in Iraq, America's war will drown out all else. For the sake of his own freedom agenda, President Bush must move beyond Iraq.

Fareed Zakaria is Editor of Newsweek International.

(c) Newsweek Inc. Reprinted by arrangement.