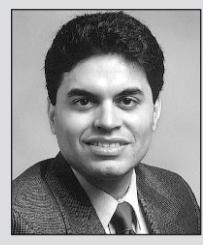


## Losing another war ... in Asia



FAREED ZAKARIA

writes from Washington

If you want to know which way the breeze is blowing in Asia, check out a bookstore in Hanoi. The two I went to while visiting there last week were stocked with the usual stuff – the writings of Ho Chi Minh and General Giap – and many signs of the new Vietnam, which meant books on business and management plus a seemingly legal Vietnamese translation of Hillary Clinton's memoirs. Prominently displayed along with all these wares were the collected speeches of Chinese leaders Deng Xiaoping, Jiang Zemin and Hu Jintao.

Talk of China's "soft power" has grown over the last year. But what I

The Vietnamese have no particular love for China. One official there, who asked to remain anonymous because of the sensitivity of the relationship, said to me: "We are clear-eyed. China has occupied Vietnam for 1,000 years. It has invaded us 13 times since then. But China is a huge presence, our biggest exporter."

And everyone I spoke to in Hanoi agreed that the Chinese were handling them with great dexterity. Before arriving in Vietnam I had been in Tokyo, during Chinese Prime Minister Wen Jiabao's state visit, and I heard a similar refrain from the Japanese. Wen finessed the many points of tension between the two countries and, instead, accentuated the positive – their booming economic ties.

China's diplomacy emphasizes its core strengths – a long-term perspective, a non-preachy attitude, and strategic decision-making that isn't bogged down by internal opposition or bureaucratic paralysis. Over the last decade, for

saw last week was not evidence of soft power in the sense Harvard professor Joseph Nye meant when he coined the term – the attractiveness of a country and its values. Few people in Asia are actively pining for "the Chinese dream" because it's not really clear what that is – and to the extent that there is one, it sounds suspiciously like the American dream.

Really, it's China's hard power that is on the rise. Beijing has become remarkably adept at using its political and economic muscle in a patient, low-key and highly effective manner.

China's diplomacy emphasizes its core strengths – a long-term perspective, a non-preachy attitude, and strategic decision-making that isn't bogged down by internal opposition or bureaucratic paralysis. Over the last decade, for

example, China has greatly improved its historically tense relations with Southeast Asia.

It's taken a more accommodating political line, provided generous aid packages (often far outstripping those provided by the United States), and moved speedily on a free-trade deal with the Association of Southeast Asian Nations (Asean). Japan wanted to cut a similar deal but has dithered, racked by power struggles between political and bureaucratic factions in Tokyo.

The United States can't even begin such a conversation with Asean because we will not talk to Burma. One result: this summer China plans to hold military exercises with some of these countries, most of which have been US allies for decades.

And yet no one is comfortable

with an Asia dominated by China. Singapore's shrewd prime minister, Lee Hsien Loong, who will be in Washington this week, urges the United States to be far more actively engaged. "You have many friends in this region," he says. "But the attitude of many Asian nations is that China will be here for 2,000 years. America is here today but may go away. And if you stop paying attention to us, we have only one savior and only one option."

The Bush administration's basic policies in Asia have been intelligent. Washington has maintained good and productive relations with China while also strengthening ties with Japan, India, Australia, Singapore and Vietnam. But the relationship is plagued by two problems.

First, the administration has been obsessed with Iraq, and so everything else, including Asia, gets too little sustained and strategic attention. Second, America is still beleaguered by the total collapse of its image abroad, which makes it difficult for countries like

Indonesia and Thailand to take measures that are seen as pro-American.

When I asked Prime Minister Lee how to change this dynamic, he reminded me that nearly half of Southeast Asia's population is Muslim and said: "The single most important thing that the US could do to shift its image in the region would be to take a more active role on the Israeli-Palestinian issue, and in a balanced way. The issue is more important for Southeast Asia's Muslims than even Iraq."

Singapore's strategic elite, with close ties to the United States and Israel, aren't trying to score ideological points. They don't offer the usual stinging criticism of America's Iraq policy, for example. When I asked Lee about it, his concern was simple: "If you lose standing (because of) Iraq, it's bad for us."

The real problem with our Asia policy is not the Bush administration but the U.S. political system. Congress is in a narrow-minded and protectionist mood, unlikely to



see the need for trade agreements, foreign aid and far greater engagement with a crucial country like Vietnam. Minor issues, ideological obsessions and small but tenacious domestic lobbies hold back sustained strategic movement in foreign policy.

There is little time for this. Singapore's senior statesman, Lee Kuan Yew, believes that the United States will be able to bounce back from its current troubles. But, he says: "By the time you get around to focusing on the region, you will find a very different Asia."

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## EC recommendations under the microscope

BURHANUDDIN AHMED

THE law that regulates elections is called "The Representation of the People Order, 1972." This order, issued on December 26, 1972, created a legal framework for holding election to the first parliament of the People's Republic of Bangladesh. Since then, many changes have taken place in the society, and in the election process. The candidates have invented new fraudulent practices, which have reached to such a height that the existing provisions of the law are no more capable of guarding against those extra-legal activities. Because of this, immediate reform of the existing electoral law is needed.

The draft reform proposals are, to a great extent, based on the recommendations made by Fema about 2 years before the last general elections. Some of the recommendations were fully, and some partly, implemented by the caretaker government on the eve of the last general election. However, it is satisfying that the present election commission has appreciated the need and importance of the reform of the existing electoral law well before the 9th parliamentary election. This initiative deserves unreserved support and appreciation from all.

The first proposal seeks to make the registration of the political parties compulsory. But the second part of the proposal, imposing conditions on independent candidates, seems to be a bit harsh and undemocratic. The commission's proposal is that an independent candidate should submit, along with his nomination paper, signatures of at least one percent of the total voters in his constituency. The number of voters in a large number of constituencies is 5,00,000 lacs on average. This means that an independent candidate from such a constituency will have to procure signatures of five thousand voters. This shall, undoubtedly, be a hard task.

Further, all citizens are equal before the law, and are entitled to equal protection of law. In view of this, the aggrieved persons in the Court of law may question the proposed modification in the law being discriminatory in nature. This is one side of the issues. The other is that it will be impossible for a returning officer to scrutinize such a large number of signatures in the time available. Hence, the proposed amendment may create insurmountable problems for the returning officer.

The second proposal is to make a provision in the law disqualifying, for the purpose of election, government officers, and officers of the semi-government organizations and the statutory bodies, for a period of 3 years following the date of their retirement. The aforementioned categories, after their retirement, cease to be the servants of the Republic. Hence, disqualifying them will curtail their fundamental rights. Further, it seems to be unethical to snatch away the political rights of citizens qualified for election under the Constitution.

The third proposal is to debar retired NGO officials from the participating in the parliamentary election. Since the law does not debar them from participation even while they are in service,

what could be the justification for disallowing them from contesting for 3 years after their retirement?

The fourth and fifth proposals, for declaring loan or utility bill defaulters ineligible, are acceptable.

The sixth proposal seeks to restrict candidature from three constituencies in place of five. This is a good proposal, but the limit should be two seats only. But such a change needs amendment of clause (2) of article 71 of the Constitution, which expressly says that a candidate can contest in two or more constituencies, but in the event of his being elected from two or more constituencies, he shall have to surrender all seats except the one he wishes to retain.

In the circumstances, the proposed amendment cannot, perhaps, be made by an Ordinance, in view of the provision contained in clause (2) of article 7 of the Constitution, which says that if any law enacted is inconsistent with any provision of the Constitution, it shall be void.

The other part of the proposal is that when a person contests from more than one constituency, he shall have to deposit Tk. 5,00,000/- (five lac) for each constituency, and in the event of his returning from all the constituencies his deposits, except the one related to the seat he has retained, shall be forfeited.

The proposal for making deposit compulsory for each constituency contested by a candidate is obviously justified, and the law may be amended accordingly. But the proposal for



forfeiting the deposits of the constituencies vacated seems to be arbitrary, because it is a punishment, which is imposed on a candidate for his failure to secure one-eighth of the total votes cast. In view of this, the proposal is unjust and unprecedented.

The seventh proposal is for making provisions for appeal against the returning officer accepting nomination papers of the candidates. This proposal has a serious and unmanageable implication because it will open a floodgate. To eliminate adversaries, the candidates will file appeals on the flimsiest grounds, the number of which will be so large that it will not be possible for the commission to dispose of within the prescribed 3 days. The commission may make such a provision if it is satisfied that it would be able to cope with the situation described above.

The eighth proposal is for making a provision for counting of votes and declaration of results at the polling stations, and affording adequate opportunity to candidates, election agents and their polling agents to witness the count, and also for supplying a statement to each of them. These provisions are perhaps already in the law [Section 36(1), (2) and (ii)] and, as such; making new provision in the law is unnecessary.

The ninth proposal is for fixing the number of polling agents at 2 for a polling station with a single booth, and 4 for one with more than four booths. The commission, in all parliamentary and local bodies elections held in the past, allowed deployment of one polling agent for each candidate in each booth.

The ninth proposal seeks to modify the provision of clause (1) of Article 41 of the Representation of the People Order, 1972, providing for the return of deposit of a candidate who has received at least one-eighth of the total votes cast. The proposal of the commission is that the deposit should be made forfeitable if a candidate fails to secure more than one-fifth instead of more than one-eighth of the total votes cast.

Though the ground for the agent of each candidate in each booth for valid reasons.

If the maximum number of polling agents for a polling station is fixed at 4 it will defeat the purpose of deployment of polling agents, which is to observe whether or not the proceedings are being conducted strictly in accordance with the law and the rules, and to raise objections if any provision of the law is violated. Another important task is to help the presiding officer in identifying voters before the issue of the ballot papers.

If the number of agents per candidate is limited to 4 for a polling station having more than 4 booths, the other booths will remain unguarded, to the detriment of free, fair and impartial polls. The polling booths without agents will be the safest place for dishonest candidates to carry on fraudulent activities. In the circumstances, the said proposal might be a dangerous one. The best thing would be for the commission to follow the existing principle that allows deployment of one polling agent for each candidate in each booth.

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Though the ground for the

modification of the existing provision has not been given, it seems that it is meant to discourage non-potential candidates. But this may not happen, as there is no dearth of people like Krishak Sadeque in the country.

The tenth proposal, for submission of statements of probable sources of funds along with the nomination paper, instead of submission of the same within 7 days following the withdrawal day is better. But this amendment will require submission of that statement by the candidates who might withdraw on or before the last day for withdrawal.

Under the existing law, the withdrawing candidates need not submit the statement in question. The proposed amendment will make the withdrawing candidates submit the said statement, but it serves no purpose in the context of the election.

The eleventh proposal seeks to impose embargo against acceptance, by the political parties, of any funds from foreign nationals or organizations. This is a good proposal.

The twelfth proposal, for making a provision for submission of a consolidated statement of election expenditure by each party, within 60 days of the publication of results, to the election commission. Presently, the election agent of each candidate submits the return of election expenses within 45 days following the publication of results, endorsing a copy thereof to the election commission.

However, if the commission feels that submission of a consolidated statement by a political party directly to the commission will facilitate the audit of expenditure, it may go for a provision in this regard.

The thirteenth proposal, for making provision in the law enabling the commission to publish on its web-site all statements, returns and connected documents submitted by all candidates and their election agents. This is a good proposal for making things transparent, and the commission may proceed with it. But the publication of the said documents on the web site will deprive the government of the fees prescribed under Article 44 D of the Order.

The fourteenth proposal, a good one, is for fixing time limit for the final disposal of election petitions. Fema made a recommendation in 2000 to fix 6 months for the disposal of election petitions, and 3 months for the disposal of appeals against the decision of the tribunal.

The caretaker government, on the eve of the last general election, amended the RPO providing for the disposal of election petitions by the High Court Division instead of the election tribunal, but no time limit was fixed for resolution of the disputes. This arrangement has not improved the situation, because the High Court Judges are overburdened with their normal work.

Owing to this fact, they are unable to give sufficient time for the speedy disposal of the election petitions. For the expeditious disposal of the petition, one Tribunal with a retired High Court Judge should be constituted at each divisional headquarter. The law should be amended fixing 6 months for disposal of the petition and 3 months for the disposal of appeal, if filed by the aggrieved person with the High Court

Division.

The fifteenth proposal is for compulsory registration of all political parties. An independent and comprehensive law should be made for the registration of political parties with the election commission. The proposed law should clearly spell out what can be done and what cannot be done by the political parties and their nominees in an election. Violation of any provision by any political party, its nominated member, should be an offence for which the registration can be suspended, withdrawn or cancelled for a particular period.

The sixteenth proposal is to make a provision for income-tax rebate on the donation made by a member of the party to augment its fund. This is a good proposal.

The seventeenth proposal is for conferring of authority to the election commission for cancellation of nomination of any candidate who breaks an electoral law, or the rules and orders issued by the commission. The commission must have this right, to enforce discipline in the parties and the candidates nominated by them.

The eighteenth proposal is for deletion of the provision which enables the administrator, deputy administrator and ward commissioners of the City Corporation to take part in the parliamentary election. If this provision has lost its value, it should be omitted.

The nineteenth proposal seeks to amend penal provisions with regard to pre-poll offences, 16 of which have been enumerated under Clause (3A) of Article 44B of the Representation of the People Order, 1972. Committing any of those is punishable under Article 73 of the Order, with rigorous imprisonment for up to 7 years, and not less than 2 years, and also with fine.

The commission should ensure that none of those 16 pre-poll offenses is bracketed with other pre-poll offences, for which minimum Tk. 20,000/- and maximum Tk. 1,00,000/- have been proposed as penalty in the recommendation package.

The twentieth proposal, for bringing the speaker and the deputy speaker within the explanation contained in clause (2A) of article 66 of the Constitution, is a fit proposal, but it involves amendment of the said article of the Constitution. However, the commission may take a decision on this issue in consultation with the Ministry of Law.

In conclusion, this is a good attempt on the part of the commission to cover the deficiencies, and plug the loopholes in the law, which are major obstructions to free, fair, impartial and credible election.

The author is the Executive Director of Fema and held the post of the Deputy Secretary in the Election Commission from 1979 to 1992.

## Budget offers opportunity

DHIRAJ KUMAR NATH

T HE budget mirrors economic promises of the nation, especially in a developing country like ours. The budget provisions of every year indicate economic goals of the country and entail measures to address priorities in spite of impending challenges. The budget provides long-term perspectives and immediate remedies to resolve acute core problems that continue to hinder development initiatives.

It reflects the image of the government and its vision to guide the destiny of the nation and offers opportunities to overcome avarice and rampant corruption. Thus, the budget is neither an accounting procedure nor a simple system to forecast next year's expenditure heads and tax and non-tax revenue recovery measures. The budget should be a visionary one to identify the areas of national priorities keeping in view the demands and expectations of the people at large.

**Priorities of the nation**

In Bangladesh, at present, sound and comprehensive strategic planning containing measures to overcome indiscipline and inefficiency is essential for addressing good governance issues. To this end, there must be enough and appropriate fiscal measures to achieve targets and overcome hard challenges.

There are a lot of issues for the government to identify and address adequately. The immediate need is to ensure good governance, strengthen the anti-corruption drive, prepare for the election with proper electoral roll, voter ID card, transparent ballot box, and establish rule of law in the country.

Above all, the achievement of the targets of PRSP and MDG demands the highest consideration. The fiscal coordination committee might feel complacent with the annual growth rate of 6.53 percent, although it was 6.71 percent last year. To reduce poverty by half within 2015 AD, our GDP growth must be around 9-10 percent annually. Thus, the challenge is enormous, and the task is stupendous.

**Resource mobilization**

The caretaker government has started preparing the budget for the year 2007-2008. The availability of internal resources to meet the demand of the budget, both development and revenue, is not encouraging due to the unstable political situation prevailing during the first half of the current fiscal year.

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difficult even to maintain the size of the existing budget.

**Corruption free society**

Most of the development partners identified governance issues, especially combatting corruption, as the major obstacle to improving the social and economic situation. Civil society organizations believe there cannot be a free and fair election unless corruption is controlled, and good governance established.

The reality is that corruption thwarts development initiatives in different ways. Illegal gratification and under-hand dealings influence the important decisions of the government. Misuse of funds inflates the project cost, and is an impediment toward achievement of the project target.

Most important is that the accumulation of money through dishonest means can easily prop up dictatorship, encourage terrorism, and finance the abuse of human rights. Thus, good governance has been given the priority in all types of planning and budgeting processes.

**Strengthening of institutions**