

Separate laws for the political parties

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A political party generally refers to an organisation that organises citizens and mobilises voters on behalf of common set of interest or ideologies. Parties play an important role in political life by setting public policy agendas, nominating candidates for public office, and even monitoring the work of the elected representatives.

In western democracies, political parties emerged at the end of an extended process, growing out of craft guilds, professional associations, local government and various interest groups. In developing coun-

tries, parties generally have grown around a particular leader or leaders or as the outgrowth of a civic movement to change the governing system.

In our country political parties first came into being during the British colonial period. In course of time it was under the banner of parties the autonomy and independence movement were organised.

In the post-independence period with the establishment of multi-party framework a process of positive political development was initiated marking a significant departure from the dysfunctional party system in erstwhile Pakistan. But unfortunately the process

was thwarted by introduction of one party system and subsequent intervention in civil politics.

Interestingly, political parties are not mentioned in the Constitution of Bangladesh nor does it identify Bangladesh as a multi-party state, and there is no legal guidance as to the formation of political parties or their status as legal entities for financial, contractual, or other legal purposes.

However, the election process in Bangladesh is highly-party driven, with recent history demonstrating characteristics of a two-party system. The political parties play a very important role within the political system and they are impor-

tant for democratic polity.

Given the role of parties in the Parliament, and their extraordinary influence in the nomination of candidates, the conduct of the campaigns, and the mobilisation of voters through demonstrations, and rallies, it is time that the parties fall under some degree of formal accountability within the system.

As a matter of principle the parties cannot effectively participate in and promote a democratic system unless they adhere to certain democratic norms and practices, and believes in a set of national values.

The time has now come for an overall comprehensive set

of laws to define the precise role and status of parties in the political system. There is a need for a separate law specifically for the political parties.

The proposed political parties laws should not serve to inhibit the constitutional guarantees regarding freedom of association; nor should they promote the intrusion of the state into the internal organisation or affairs of the political party.

Efforts are under way for reforms. Reforms of the election laws, rules and also the procedures related to election. With my experience over the years, I suggest that there be an entirely separate law drafted for political parties.

This is more appropriate than just to amend the People's Representation Order to make it compulsory for party to register. Merely amending the RPO just for election will be inadequate and will not provide the rights and privileges that the political parties should enjoy. The proposed laws should be able to clearly demarcate the rights of the parties as well as the responsibilities.

Political party laws should include the issue of the internal party organisation, which must conform to the democratic rules, about the policy making process through holding of national convention or party congress to ensure par-

ticipation and representatives of constituencies and grassroots members.

The proposed laws should also address various other issues such as accountability of the executives and the process of electing the leaders and transparency of its operations, especially of funding sources. Another major issue is the process of nominating candidates for various elections.

It is appropriate that political parties be registered with the Election Commission under the proposed political party laws, which will also clearly describe the requirements and procedures for registration

Political parties galvanise and organise the participation of citizens in the political life of a country and the multi-party system presently is undoubtedly one of the major pillars of contemporary democracy.

Within this context, it becomes necessary to define the rules that govern the activities of political parties so as to ensure their proper functioning in the country.

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French voters balance Sarkozy's power

MAHMOOD HASAN

NICOLAS Sarkozy won handsomely in the French Presidential elections last month, promising massive reforms to lift the economy. Elections to the ninth National Assembly (lower House of Parliament) of the Fifth Republic ended on June 17. The shrewd French electorate returned Sarkozy's center-right UMP with a comfortable mandate, but not the landslide as was predicted by pre-election opinion polls.

Many had predicted over 450 seats for the UMP and its allies. Sarkozy obtained 336 seats, with UMP getting 314 and the allies 22. This was an unexpected setback. The opposition parties (socialists, greens, communists) together got 204 seats, up from 178. The Socialists improved their tally from 141 to 185, though the prediction was that they would not get more than 100 seats.

Issues, even small ones like the projected 2% rise in sales tax, can swing votes in a highly politicised society like France. The Socialist campaign on this point probably cost UMP the landslide victory. French voters can be perverse. To keep Sarkozy under pressure, they could have given a majority



mandate to the Socialists -- compelling Sarkozy to "co-habit" with a leftist prime minister.

Socialist president Francois Mitterand had to co-habit with rightist Prime Minister Jacques Chirac in the 80s. It shows that the French are willing to give the new president the wherewithal to push his radical reform package. But then, the French have not gone so

far as to give a crushing majority to UMP, so that it didn't become despotic.

Like the presidential elections, the assembly elections were also held over two rounds. A total of 7639 candidates from 14 parties fought for 577 seats of the assembly. A candidate winning more than 50% votes in the first round would win the seat outright. If there is no

clear winner, all candidates who score more than 12.5% in the first round qualify for the runoff.

A total of 44.5 million voters were to cast their ballots in 85,000 polling stations. What was noteworthy was that 41% of the candidates were female. French election law requires that parties nominate equal numbers of male and female candidates.

Parties failing to maintain the quota lose the government campaign fund. Interestingly, neither UMP nor the Socialists met their quota this year. Nominating female candidates does not necessarily mean that they will win. In the outgoing assembly only 12% were female deputies (assembly members).

The major parties that contested the elections were -- UMP, the Socialist Party, Union for French Democracy (UDF), the Greens, the National Front, and the Communist Party. Francois Byrou, who emerged as a force during the presidential election, established a new party "Movement Démocrate" (MoDem), which failed to make any impression in the elections (3 seats).

The National Front of Le Pen has all but collapsed. His vote bank went down from 11% to

4.6%, and did not get any seat. This is surely the end of racist Jean Marie Le Pen, who is now an old man of 79.

Since April this year, France has gone through unending election campaigning -- first the presidential and now the assembly, each of these with two rounds. Evidently, there was fatigue, which was reflected in the lower turn-out of 60% this time. At the presidential, it was 84%. The lower turn-out did deny a landslide to the "Blue Wave" of Sarkozy.

What is significant is that a record number of black Africans, Arabs, Muslims, and other minority groups also contested the elections this time. This year, at least 250 candidates contested the elections. In 2002 there were only 12 candidates. Weeks of street rioting in the autumn of 2005 have demonstrated the serious undercurrent of dissatisfaction amongst the immigrant population.

The emboldened immigrant population had tried to send their representatives to the assembly, so that their voice would be heard. This time around the minority candidates openly debated racism and discrimination during the campaign -- which until now was a taboo. France has the least

diverse government in Europe, because of its furtive racist policies.

Over the years the National Front of Le Pen helped in creating a strong anti-immigrant sentiment amongst the indigenous whites. If one looks at the French government, the parliament or the corporate world -- one shall not find a single black African or Arab Muslim in any responsible decision-making position.

Minorities have only 13 seats in the assembly, and all these "deputies" are from French Overseas Territories. In the eighth assembly there was not a single minority representative from Continental France -- though over 10% of the population is made up of Africans, Arabs and other minorities. The entry of the minority communities into active politics portends a seismic shift in French politics.

The induction of several women ministers and leftist leaders into the cabinet has given the wily Sarkozy a kind of wide acceptability. Unfortunately, the number two in the cabinet Alain Juppe, a former prime minister, lost his Bordeaux seat and immediately announced his resignation from the Sarkozy team. This will lead to a reshuffle of the month-old cabi-

net of Prime Minister Francois Fillon.

The better than expected results for the Socialists has triggered off an unusual power struggle within the Socialist Party. Segolene Royal, the vanquished Socialist presidential candidate, has announced that she was ending her 27-year old unmarried relationship with her partner Francois Hollande, the incumbent Secretary General of the Socialist Party. Segolene Royal has announced her candidacy for the position, when Hollande's term ends next year.

The ninth assembly shall meet for a special session on June 26, to discuss reforms. The composition reveals that the center-right UMP and its allies will dominate the assembly, while the opposition led by the Socialist will be a force to reckon with. In a duolitic assembly -- divided into "center-right" and the "left" -- the government will have to be alert. France is known for its notorious street violence. Differences in the assembly can quickly spill over onto the streets, and block all grandiose reform projects.

When Sarkozy won the presidential elections, he described it as a mandate for a moral renaiss-

sance and for radical reforms of the welfare state. He also resigned from the UMP and declared himself as president of France with a single identity.

His popularity rating now is the highest, at 64 %. Strangely, his active disapproval rating is equally high, at 31%. The violence in Bastille area of Paris for four days in a row after Sarkozy was declared president was an indication of the anger of his detractors.

Political swings in France can be rapid, and the French are known for their impatience. Sarkozy's short-lived honeymoon with the electorate seems to be over. It is now time for hard reckoning over radical reforms. Victory, at times, can be baneful. The preponderance of UMP deputies in the assembly may breed arrogance, indiscipline and vicious internal squabbling.

Sarkozy shall do well to keep his deputies under control. The election results are a clear signal to Sarkozy that he should tread softly, and with caution. He would do well not to forget the history of failed reforms of his predecessors.

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The *bhadrolok* foreign affairs adviser of Bangladesh

ABDUL QUADER -- writes from Canberra

DR. Iftekhar Ahmed Chowdhury, the adviser for foreign affairs, recently visited Australia. He met with his Australian counterpart, Alexander Downer, and had engagements with politicians and government officials.

On June 13, Dr. Chowdhury delivered a key-note speech on "Evolving challenges for Bangladesh in South Asia," at a public seminar at the Australian National University (ANU). His presentation highlighted the current political and administrative reforms being pursued by the caretaker government of Dr. Fakhruddin Ahmed. This writer also attended the seminar at the ANU.

The adviser spoke of the role of the so-called *bhadrolok* (gentleman) in Bengali renaiss-

sance and nationalism during the British rule in India, and tried to establish that the intellectual and cultural pursuits of this *bhadrolok* class were instrumental in having a modern society based on Western values of democracy, rule of law and egalitarianism.

Talking about sociological history in British India, he suggested that the reawakening of the urban *bhadrolok* class, who are highly educated, intellectually superior and culturally sophisticated, is influencing the evolving state of affairs in Bangladesh.

However, the adviser did not talk about other aspects of the social life of this *bhadrolok* class -- their love for anything foreign, including wine, comforts and other luxuries, and the consequent moral degradation of some segments of this class.

He also failed to provide a

real perspective of Bangladesh against the political, economic and security developments in South Asia, especially in countries such as India and Pakistan. I consider that his speech did not adequately reflect the challenges that Bangladesh is now facing, and he did not touch on key strategies that need to be adopted and pursued in meeting these challenges. In this regard, the title of his speech, "Evolving challenges for Bangladesh in South Asia," was a misnomer.

Dr. Iftekhar Chowdhury stated that the former governments were highly corrupt, and mismanaged the political administration to the detriment of the country's politics. He further stated that Bangladesh needed to follow the United Nations and Commonwealth values for moving forward.

His assertion implied that the

establishment of Western style democracy in Bangladesh in the context of a globalised world would be good for the common people.

I find it difficult to agree with the *bhadrolok* theory that the foreign affairs adviser invoked in explaining the changing political scenario in Bangladesh. The current caretaker government was established in response to a series of unending and violent conflicts that posed a serious threat to public safety and to the economy.

It was not the culmination of concerted and conscious efforts by the intellectually and culturally advanced classes of the civilian society. The caretaker government came to the surface in January this year, as a stop-gap solution for averting further disaster. It was considered as a logical response to the political developments at that point in time.



Does Dr. Ahmed mean that those behind the current care-

taker government are the *bhadrolok* class who are trying

to establish a true democracy in the society and root out all sorts of corruption in the country? He bragged at the seminar that he had spent most of his civil service career overseas, implying that he understood all the values and virtues associated with Western society.

It seemed that he meant that the UN and the Commonwealth systems represent those values, and are good for any developing country. Does this imply that there is no need for the home-grown values, beliefs and aspirations of the common mass in the country?

At the end of his speech, the adviser confronted a barrage of intriguing questions from the audience. He handled the questions relatively well, and repeated the essence of his speech that the reform initiatives were good for the country against the backdrop of past corruption, inefficiency and

maladministration perpetrated by the previous governments.

The adviser looked quite embarrassed, and fumbled a bit when a member of the audience commented that he was now lecturing about all the good values and virtues associated with the current efforts of the military backed caretaker government, while he used to defend the former government of Khaleda Zia at the United Nations as the Bangladesh ambassador to that organisation.

In my opinion, Dr. Chowdhury presented an "elitist" view of the world as far as the current state of affairs obtaining in Bangladesh are concerned. In a sense, this could be taken to represent an urban, opportunistic, view of the new and emerging rent-seekers in the country. The *bhadrolok*? Who knows, only time will tell.

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The army's dilemma

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THE Pakistani people continue to vote with their feet against General Pervez Musharraf's military regime. The crowds turning up to hear ousted Chief Justice Iftikhar Muhammad Chaudhry are getting larger, even as the summer heat is becoming more oppressive.

Popular sentiment favours restoration of the constitution and establishment of rule of law under civilian leadership. Justice Chaudhry has become a hero simply for defying a uniformed head of state and government, who is viewed by the people as having overstayed his welcome as interim ruler after eight years in power.

Activists of existing political parties are waging the campaign on behalf of the chief justice. It reflects the ground reality of Pakistani politics. The political

forces which Musharraf claims are discredited remain alive and well, and are stronger than they were in 1999 when Musharraf

seized power in a military coup. Pakistani public opinion appears to have matured. Whereas in 1999 there were



expressions of relief at the toppling of a civilian government that seemed to be committing excesses, there is widespread recognition now that military intervention is not the solution to Pakistan's political problems. Only continued constitutional rule, and an uninterrupted political process which enables the people to vote out governments, will bring stability to Pakistan.

On his part, Musharraf is relying on support from the army and the United States to ride through the current crisis. The army needs the US and the US needs the army, the argument goes, and both need Musharraf.

Daniel Markey, a fellow at the Council on Foreign Relations, in an article in Foreign Affairs, summed up the dilemma for US policy. "Washington should not rely on Musharraf alone, but it cannot assume that his departure would advance America's main

goals of fighting terrorism and promoting democracy," he wrote. "In order to achieve long-term success, Washington needs to build trust with the Pakistan army as it works to expand the capacity of civilian institutions."

There is no question about the army's pre-eminence in Pakistan, and most thoughtful people would not recommend ignoring it as an institution. But as the peaceful protests increase in frequency and size, the Pakistan army also cannot ignore the sentiment of the Pakistani people, and neither can US policy makers seeking "to build trust with the Pakistan army."

For five decades, Pakistan's army has played a role in Pakistan's politics with the acquiescence of the people. But now there is widespread questioning of the army's objectives and contribution -- a situation military officers are most likely viewing

with justified concern.

The Pakistan army is a national institution, and if resentment against one of its generals spills over into resentment for the institution as a whole, far greater harm could come to the army's ability to defend Pakistan than even the most ardent Musharraf backer says is likely in case of Musharraf's removal from power.

An orderly withdrawal from politics might actually be more in the army's institutional interest right now than is conceded by those who see it as being indefinitely tied to Musharraf's absolute power.

Major General Sher Ali Khan advised Pakistan's second military ruler, General Yahya Khan, that the reason the military was able to snatch the initiative from politicians after the fall of Field Marshal Ayub Khan was not its fire-power but its charisma.

Sher Ali wrote: "If we had to

shoot our way through Nawabpur Road (the main road in Dhaka) we would have had a conflagration on our hands that no amount of fire-power in our control could have handled."

According to General Sher Ali, the Pakistan army's charisma was "the precious political resource that once lost would not be easily retrieved. It existed because the masses had not actually encountered the army directly. For them it was a mythical entity, a magical force, that would succor them in times of need when all else failed. In the minds of the people, unlike the bureaucracy and the politicians with whom they had daily contact, and whom they knew to be corrupt and oppressive, the army was the final guarantor of Pakistan and its well-being."

What the army, as an institution, will most likely take into account in the next few months

is whether it can retain its charisma without disengaging from politics, and without persuading its chief to pursue politics separately from the normal functions of the army.

Few people believe that a free and fair election can be held in Pakistan as long as Musharraf rules in uniform. Already there is a major controversy brewing over electoral lists for the next polls. In a sign of how an election under Musharraf would not solve any problem, the number of registered voters seems to have declined by 20 million since the last election-- foreshadowing the crisis that will come once the Chief Justice issue is resolved.

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