

Looking beyond the 2008 election

The country is divided into two opposing political camps with roughly equal electoral strength. That division could be a source of instability, and WTA aggravates it, because even small changes in the vote shares can cause large changes in the election outcome (number of seats won), through "amplification" and even "reversal."

NAZRUL ISLAM

As election nears, there is concern whether the losing side will reject the result and indulge in boycott of the parliament, street agitation, and continuous hartals. Another concern is whether mastans and the corrupt will again dominate Bangladesh politics.

These concerns arise because reforms implemented by the caretaker government could not ensure the prevention of either of these two possible outcomes. Many attempted reforms, in particular the "minus-two" idea, were ill-conceived, and hence eventually backfired.

Two important reform suggestions are

- Shortening the government's tenure to a four-year period, and
- Switching from the "winner-takes-all (WTA)" system to the "proportional representation system (PRS)."

These reforms should have been discussed and accepted during the post-1/11 period, and the election could be held on that basis. The best that can be done now is to explain the rationale for these reforms, so that the people can see it more clearly after the election.

Many eminent persons have already voiced their support for shortening of the government's tenure. It is hoped that more people will support this reform, and it will enter the national agenda soon.

Less appreciated is the necessity for the

switch to the PRS. The ways in which the PRS can help to stabilise Bangladesh democracy are summarised below.

First, despite Bangladesh's long familiarity with the WTA system, it is the PRS that is more prevalent in developed democracies. Even in Britain, there is a shift toward PRS, as evidenced by the election rules adopted for the Scottish and Welsh parliaments. By switching to PRS Bangladesh will align herself with the more progressive tendency within democracy.

However, Bangladesh needs to adopt the PRS because of her domestic compulsions. The country is divided into two opposing political camps with roughly equal electoral strength. That division could be a source of instability, and WTA aggravates it, because even small changes in the vote shares can cause large changes in the election outcome (number of seats won), through "amplification" and even "reversal."

By contrast, PRS rules out both amplification and reversal and imparts stability to the election results. This implies that the rival camps will be sure of continued presence in the parliament, and thus be forced to think in terms of sharing power through the Parliament, rather than engage in a fight to the death.

Second, PRS can help improve the quality of people getting into the parliament. WTA forces parties to give nomina-

tion to people who hold local clout, which, unfortunately, requires money and muscle. WTA, therefore, facilitates criminalisation of politics.

By contrast, elections under PRS will be held on the basis of party lists drawn up for the country as a whole, so that the connection between candidates and constituencies will be severed, thereby forcing parties to nominate people who enjoy national reputation.

Money and muscle, though effective in building local clout, cannot be helpful in earning national reputation. PRS will, therefore, encourage good quality people to get involved with politics, and make the national parliament a body of national talents and not a magnet attracting the corrupt and criminal.

Third, PRS strengthens the political parties, while WTA weakens them. Under WTA, a person does not need to work for the party and can get nomination on the basis of his or her local clout, thereby diminishing the party authority.

By contrast, since elections under PRS will be held on the basis of national level party lists, people will have to work for the party to get into these lists, party authority will be enhanced.

Under PRS parties will seek vote as single entities and not through dispersed candidates in individual constituencies, so that chalking up party lists will be of crucial importance in order to unite parties behind their lists. The parties will, thus, be forced to hold primaries to legitimise the lists through approval by the entire rank and file, leading to inner party democracy and strengthening of the parties themselves.

Fourth, PRS will free political parties from the necessity of entering into pre-election alliances, making it possible for them to engage in a campaign highlighting their distinct ideologies and policies. In contrast, WTA encourages pre-election



Waiting.

alliances, which are often unsavoury and mar the distinctiveness of individual parties.

Fifth, PRS also helps to raise the election campaigns from local to national issues. In contrast, WTA lowers the focus from the national to the local, parochial level.

Sixth, since the PRS rules out large changes in election outcomes arising from small changes in vote shares, it undercuts the scope and intensity for manipulation.

Seventh, since the scope and utility of manipulation decrease under PRS, the usefulness of money and muscle power in election also decreases.

Eighth, PRS makes it easier for local governments to function properly. Under WTA, because of the direct link with their constituencies, MPs take on a double role of both national lawmaker and local administrator, and thus stifle local governments and usurp their power.

By severing this link, PRS forces MPs to concentrate on national issues, leaving

local administration and development to local governments.

Ninth, PRS can create a more level playing field for smaller parties and minority groups who, under WTA, cannot get their candidates elected unless their supporters are concentrated in particular constituencies.

A vote for them in other constituencies under WTA is regarded a "wasted vote" and, thus, reinforces the strength of big parties. PRS ends the "wasted vote" problem, making all the votes in all constituencies equally important.

Tenth, by being more fair and inclusive, PRS can also be more conducive to peace. By tilting the electoral field against small parties and minorities, WTA often pushes them out of the parliamentary process and toward un-parliamentary means. PRS resists these tendencies, making more groups and parties feel included with a stake in the system, and thus, facilitates peaceful resolution of conflicts.

Sometimes it is argued that PR cannot ensure equal geographical representa-

tion. This is less of a problem for Bangladesh, given her small size and relatively homogeneous population.

Furthermore, this issue can be addressed by either allowing the PRS to apply at the divisional (rather than the national) level, and/or allowing the upazilla chairmen some additional role in national governance.

Sometimes, it is argued that PRS results in representation of too many small parties, creating a fragmented parliament, increasing political "horse-trading," and causing frequent changes in the government.

In response, it may be said that, first, there is a difference between "unstable government" and "unstable democracy." Frequent changes in government through parliamentary means may not imply unstable democracy and may not be that harmful.

Second, even WTA cannot prevent frequent changes in the government, if the underlying correlation of political forces demands so. Third, WTA actually leads to a worse type of political horse-trading in the form of pre-election alliances.

By contrast, PRS rules out pre-election alliances, and post-election horse-trading under it can take place based on accurate electoral strength as revealed in the election. Thus, even from this point of view, PRS fares better than WTA.

On the whole, a combination of reduced government term and switch to PRS holds the key to stabilisation of Bangladesh democracy. The sooner the nation can implement these reforms, the better.

(This paper is based on the author's paper, "Can Proportional Representation Help Stabilise Democracy in Bangladesh?")

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Chittagong Hill Tracts and the missing *Pahari* vote

It is in this context that we look at the EC's decision to deny registration to UPDF and PCJSS. It, in effect, penalises the *Pahari* people for participating in the democratic process, telling them they do not have the right to have their own regional political parties.

NAEEM MOHAJEMEN

BURIED in the middle of the *raja-raja* war over elections is news of the *ulu-khagra* getting crushed. I first saw the news in an item in *Shamokal*: in a list of political parties denied registration, two names jumped out. UPDF (United Peoples Democratic Front) and PCJSS (*Parbotto Chottogram Jonoshonghoti Samity*) -- the only two large political parties representing the rights of the *Pahari/Jumma* people of the Chittagong Hill Tracts.

Chittagong's regional paper *Shuprobhat* Bangladesh (27/10/08) first carried a detailed news item about this denial of election registration. Among mainstream newspapers, only *Ittefaq* (29/10/08) seems to have picked up the news. And there the matter will rest and die out. Or will it?

2007 marked the tenth anniversary of the Chittagong Hill Tracts (CHT) Peace Accord. In the CHT, there was a crack-down on political dissidents, which included not only members of indigenous political parties (JSS and UPDF), but also civil society representatives without political affiliation, who have

been vocal on the rights of indigenous people.

The year saw a continuation of the long-term unstated policy of ethnic displacement in the CHT (bringing Bengali settlers from elsewhere and displacing indigenous *Jumma* people), a trend that had accelerated during the five years of BNP-Jamaat government.

At the same time, a few positive trends emerged: BLAST lawsuit regarding district judges' court, the first meeting of the CHT advisory committee in seven years, and the appointment of Raja Devashish Roy to the Ministry of CHT Affairs.

The landmark 1997 Peace Accord, that ended Shanti Bahini's twenty-year autonomy insurgency, shows very few signs of implementation. Vital clauses that have remained unimplemented by the last two political governments include activating the Land Commission, withdrawal of all "temporary camps" of the army, BDR and APBN (Armed Police Battalion), and handing over of full control of local, civil and police administrations to three hill district councils.

The one Peace Accord clause that has been settled is the setting up of district judges' courts in 3 hill districts to clear a backlog of over 25,000 cases. This followed

a writ petition at the high court by BLAST.

The verdict, delivered by the High Court, instructed the government to set up district judge's court in all three-hill districts. Another positive development was the CHT's decision to call a meeting of the CHT Affairs Ministry Advisory Committee, the first such meeting after a five year gap during the BNP-Jamaat government.

At the same time, the pro-Bengali settler group "*Parbottho Shomo Odhikar Andolon*" (The Hill Equal Rights Movement) continued to harass *pahari* populations with the knowledge and support of local authorities.

In a disturbing new development, a writ was filed in 2007 in the High Court by Advocate Md. Tajul Islam, a member of the Jamaat e Islami, challenging the constitutionality of the 1997 Peace Accord.

The case has been filed against various government ministries but, interestingly, did not initially include any of the CHT based institutions or *Pahari* leaders. Later, the Chittagong Hill Tracts Regional Council and the Rangamati Hill District Council petitioned the Court to become parties to the writ.

In their response to the Court, they argue that the democratically elected National Parliament passed four laws ratifying parts of the Peace Accord: *Parbatyia Chattagram Ancholik Porishad Ain*, 1998 (Chittagong Hill Tracts Regional Council Act, 1998), *Rangamati Parbatyia Zilla Sthaniya Sarkar (Shongshodhon) Ain* 1998, *Khagrachhari Parbatyia Zilla Sthaniya Sarkar (Shongshodhon) Ain* 1998, and *Bandarban Parbatyia Zilla Sthaniya Sarkar (Shongshodhon) Ain* 1998.

They also argue that reservations for

"tribal persons" of particular posts is fully mandated under Articles 28(4) and 29(3) (a) of the constitution, and also by the state's international treaty obligations.

Advocate Tajul Islam's writ, filed at a strategic moment, has already accomplished what may be its main objective -- inclusion of Bengali settlers in the *Pahari* voter list for the December 2008 national elections.

In response to this petition, a Division Bench ruled in August 2007 that until the writ was disposed, the Election Commission should not differentiate between permanent and non-permanent residents in CHT while registering voters.

This would mean that Bengali settlers who had been brought to CHT as part of government policy of displacement would effectively be able to vote in the area -- this would result in permanently dismantling the one-time numeric majority of the *Paharis*, risking lack of representation at all levels of administration and public life.

This could be interpreted as undermining the 1997 Peace Accord and the Hill District Council Acts of 1989 (Acts Nos. 19, 20 and 21 of 1989), which provide that only permanent residents of the respective Hill Districts can be enlisted as voters on the electoral roll for election in the respective Hill District Councils.

In a straight vote, without separate seat allocations for the *Pahari* vote, Bengali candidates (who would get the votes of all settlers) would most likely win most (if not all) the seats of the CHT. Thus, Bengali MPs will decide the life and future of *Pahari* people, undermining all their struggles for self-representation.

It is in this context that we look at the



Citizens without representation?

EC's decision to deny registration to UPDF and PCJSS. It, in effect, penalises the *Pahari* people for participating in the democratic process, telling them they do not have the right to have their own regional political parties.

Among the reasons stated by EC, as reported by *Ittefaq*, the parties have been denied registration because they lack offices and committees in ten *zilas* and fifty *upazilas*. There are several other "technical" reasons given as well, but this is the one that jumped out at me. Chittagong Hill Tracts has a total of three *zilas*.

Based on this logic, a regional party representing indigenous people would never be able to contest the national election -- now or in the future.

In a writ petition currently being filed on behalf of United People's Democratic Front (UPDF), each of the EC's arguments

for non-registration is refuted. But legal arguments are not sufficient to sway the courts. One government official I spoke to said: "There is not enough time to reverse the decision."

What it boils down to is political will. We have seen many rules being bent over the last six months (and even now) to accommodate the negotiations of the large political parties. What will it take to show a similar spirit of accommodation here? In order to allow UPDF and PCJSS to run their own *Pahari* candidates in their own indigenous land.

It is really up to you. Each and every silent one of you.

(Portions of this op-ed are adapted from the author's chapter in the 2007 Ain O Salish Kendra Annual Report.)

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Two faces of India

Whether the assailants in India came from within, or were foreign agents sent from Pakistan or the Middle East to undermine the country, the fact is, their motives likely originated in alienated circumstances.

Sameer Reddy

SHORTLY before the bombs went off in Mumbai, Krsna Mehta, a graphic and textile designer who lives in South Bombay and a close friend of mine, had hosted, of all things, the launch of his new line at the Bombay Store, India's first lifestyle store which was founded in 1906 to market goods made in India.

The product line of custom-printed cushions, notebooks and table accessories celebrated Bombay masti -- a Hindi word that, in this context, describes the city's particular magical appeal. "Everyone was there and people were buying like there's no tomorrow," he told me.

"I was the last to leave, and I was headed to the Taj for dinner, but at the last minute I changed my mind," opting instead to go to a local club. "At that moment, I heard the first blast. I had no idea what was happening. The irony is

that an hour earlier people had come together to celebrate the spirit of Bombay and the new India, while at the same time people were mobilising to tear that spirit apart.

In recent years, the global media has been abuzz with glowing headlines about India's economic leaps and bounds, the emergence of its consumerist middle class, and its status as one of the last frontiers for luxury conglomerates looking to consolidate their recent gains.

But, as the ongoing terrorist assault on Mumbai indicates, maintaining its recent momentum will be a delicate task, and one that it cannot accomplish without bringing all of its citizens on board, including, most importantly, its disaffected Muslim underclass.

India is the globe's largest democracy, and one of its most dynamic emerging economies. By virtue of its social and political structure, with a large Muslim minority of approximately 150 million, it

straddles the worlds of Islam and Westernisation.

The hope is that it could, ideally, function as a bridge between competing sets of values, an object lesson in how to get along, but the reality is that India's Muslims are an oft-neglected minority, economically disenfranchised and increasingly radicalised.

They've been left behind in the country's spectacular economic expansion. Ongoing tension with poor, Muslim neighbour Pakistan (a key player in America's war on terror as well) is the other principal obstacle to sustainable Indian growth.

A lot hinges on the country's ability to close the gap between its different socio-economic and religious groups, and to secure a lasting peace with Pakistan. If it fails to accomplish these goals, the consequences will be felt around the world, and India will become an even more attractive target.

The density of its urban centers and lack of adequate, modern infrastructure makes comprehensive policing almost impossible; and although an effort to achieve better security is, of course, necessary, a parallel investment in outreach to the Muslim minority needs to occur as well.

As with 9/11, dark talk of conspiracy

became moments after the attacks. I received calls from friends saying that, for reasons unknown, security in the previous week in Colaba (which, as a tourist center, had been on higher alert since the September suicide-bomb attack on the Islamabad Marriott) had been dialed down.

Then there was what appeared to be the targeted killing of Hemant Karkare, the chief of the Mumbai anti-terrorist squad. Collusion on the part of politicians eager to manipulate upcoming elections, and the more mundane spectre of a corrupt police force being bought off, were also suggested as hidden elements of the plot.

I spoke with another friend, Shital Ghia, who said that, [The terrorists] are lying to journalists, saying they're from Hyderabad, but they have distinct Kashmiri accents, what you would hear in Pakistan's Punjab province.

One journalist asked them "what do you want in return?" and you could hear him asking someone behind him for what answer to give. Someone is telling them what to do. A thorough investigation into the attack's origins will doubtlessly be trumpeted by the authorities in the coming days, but in the meantime, one can easily imagine how dangerous this kind of speculation might prove on India's

streets, where Muslims and Hindus often live side by side.

This, in fact, is probably the terrorists' goal: to foment internal unrest between India's Muslim and Hindu population, while endangering the tenuous thaw in relations between India and Pakistan.

If there is a quantum of solace to be extracted from this tragedy, it's that it serves as an urgent call to address the underlying causes of terrorism, the most pressing issue of our time, with a targeted effort to counteract the destabilising effects of poverty, lack of basic education, health care and civil rights.

Whether the assailants in India came from within, or were foreign agents sent from Pakistan or the Middle East to undermine the country, the fact is, their motives likely originated in alienated circumstances.

Much will hinge on how India chooses to deal with the situation, and what shape the narrative takes. If the story becomes about 'us versus them,' with 'them' defined as the Indian Muslim minority or the Pakistani state, there will be bloody repercussions.

Historically, Indian political parties have taken advantage of public tragedy by stoking social tensions that allow them to consolidate their hold on power, but this time India's politicians need to recognise

the wisdom in keeping the peace and insist on some measure of introspection in order to better understand how this came to pass.

With a new US president about to be installed in the White House, who built his campaign around the rhetoric of mutual responsibility, and a global economic crisis that clearly illustrates our interdependency, there is hope that, at this historic juncture, change is within the world's reach.

If our faith and actions fail us now, what happened on Wednesday night will be the latest salvo in an accelerating spiral of violence. Whether in Manhattan or Mumbai, people share a belief in the human potential for progress, but it's easy to forget that it's a promise that must be fulfilled for the many, not just the few, if it is to survive.

Tonight my friend lies safe, for now, in his beautiful flat, and perhaps he rests his head on a pillow emblazoned with a colourful image symbolic of Bombay's chaotic, joyful spirit.

I hope that the purest form of that spirit can manifest itself in a New India that reconciles citizens at opposite ends of the economic and religious spectrum.