Option for "no votes" and credible elections

MD ABDUL ALIM

THE term "no votes" is defined as the "option to choose not to vote for any political candidate in an election". Generally, the term "None Of The Above", or NOTA for short is used to denote no votes in elections; sometimes, "against all" or a "scratch vote" or a "blank ballot" is also used as a ballot option in some jurisdictions or countries. Whatever the term is, NOTA is most common and is designed to allow the voter to indicate disapproval towards all the candidates in a voting system.

Although NOTA is widely used in referendums, few countries in the world have this provision in parliamentary as well as in local body elections. The idea of NOTA originated in 1976 when the Isla Vista Municipal Advisory Council passed a resolution to put it forward in the official electoral ballot, in the County of Santa Barbara, California, in the US. However, NOTA was first introduced in 1978 by the State of Nevada.

In India, after filing a public litigation statement in favour of NOTA by The People's Union for Civil Liberties, an NGO, in 2009, the Election Commission of India (ECI) asked the Supreme Court to offer the voter a "None of the above" option on the ballot as it would give voters the freedom of not selecting any undeserving candidate. Although the Indian government was not in favour of such an idea, on September 27, 2013, the Supreme Court of India ordered the ECI to provide a NOTA button in all voting machines.

There are two types of NOTA used

in elections—symbolic NOTA and meaningful NOTA. When symbolically used, NOTA cannot make or mar a candidate or an election. Even if NOTA votes were the majority, that would not result in re-election or the constituency to remain vacant. Practically, symbolic NOTA is invalid and useless, even though the votes are counted; for example, in a constituency, 8 out of 10 people can vote NOTA, but there would still be a winner—the candidate who gets 2 votes. This is why most political analysts say that symbolic NOTA is a waste of individual franchise and cannot have any impact on making elections credible.

India is one of the best example where NOTA is used just for symbolic purposes; for example, in the last *Lok Sobha* elections held in 2014, in Uttarakhand, NOTA received 1 percent of the vote share, or nearly 50,000 votes, more than the Uttarakhand Kranti Dal which got a measly 0.7 percent.

Although, I have not found any example of meaningful NOTA being used regularly, there have been a few instances where NOTA was used for meaningful purposes. In the 1989 Polish legislative election, voters were able to vote against the only candidate running, often from the ruling Polish United Workers' Party, by crossing out the candidate's name on the ballot. As a result, voters defeated the sitting prime minister and dozens of leading Communists as had they failed to get the required majority. In 1991, in the elections that led to the break-up of the Soviet Union, the Soviet version of "none of above" led to new elections with

new candidates in 200 races for the 1,500-seat Congress of People's Deputies. More than 100 incumbents representing the Communist Party of the Soviet Union were defeated in the run-off, causing Boris Yeltsin to later say that the "none of the above"

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option had helped convince the people that they had real power even in a rigged election, and had played a role in building true democracy.

As the symbolic NOTA has no effect on making or marring a candidate or an election, or even re-

election, then why does a country introduce it? Do symbolic NOTA make elections credible? Although I have already answered this question, I still strongly believe that NOTA can affect elections in at least three ways.

Firstly, voting is a formal

expression of will or opinion in an electoral process. Voters must have the right to express dissatisfaction and rejection. Right to reject implies that a voter, while voting, has every right not to opt for any of the candidates during an election. Such a

right implies for a choice to remain neutral. This may happen when a voter feels that none of the candidates in a candidacy deserves to be elected. It happens by way of his choice, belief, thinking and expression. Right to reject has its genus in freedom of speech and expression which is guaranteed by the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.

Secondly, it creates pressure on the political parties to improve the quality of their candidates. As NOTA option gives the voter the right to express his disapproval with the kind of candidates that are being put up by the political parties, once the political parties realise that a large number of people are expressing their disapproval with the candidates being put up by them, gradually, there will be a systemic change and the political parties will be forced to accept the will of the people and field candidates who are known for their integrity. This would gradually force political parties to field "clean" candidates, out of fear of losing votes, and bring systematic changes in polls.

Thirdly, it increases the quality of an election when there is only one candidate. A few countries in the world have provision for unopposed elections; this provision hampers the acceptability of elections as voters cannot exercise their voting rights. But, when, there is only one candidate in a constituency along with NOTA, voters at least go to polling stations and exercise their voting rights, increasing the credibility of elections.
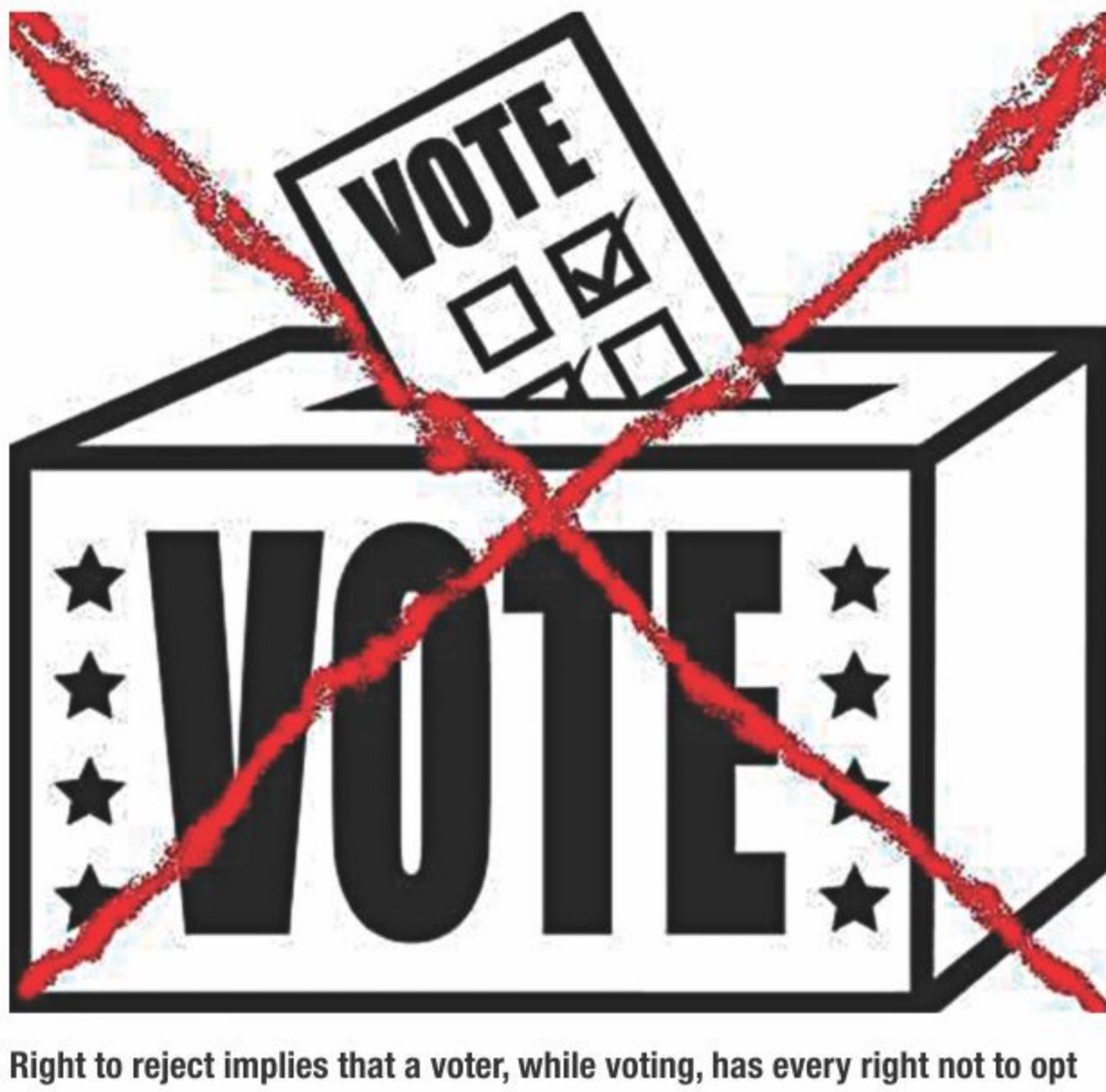
In Bangladesh, symbolic NOTA

was introduced in the 9th parliamentary elections; the election results show that only 0.55 percent votes were cast for NOTA and the highest percentage was found in the Rangamati constituency (9.66 percent). In the first session of the 9th Parliament, the provision of NOTA was taken out from the legal framework and in the 10th parliamentary elections held in 2014, there was no provision of NOTA.

However, as per article 19 of the RPO, 153 candidates were elected unopposed in the 10th parliamentary elections; as more than 50 percent of the MPs were elected unopposed, this election was criticised by the international community, election researchers and academics. But, in the 10th parliamentary elections, if there was NOTA which was introduced in 2008, voters at least could have gone to the polling stations and cast their votes where unopposed elections were held. This would have helped them to express their dissatisfaction and rejection, which certainly would have increased the credibility of the 10th parliamentary election.

A good number of stakeholders have suggested to the EC that NOTA should be reintroduced in the upcoming parliamentary elections. My suggestion is that the EC should take its decision on NOTA, taking into consideration the peoples' right to free expression in an election. Also, if there is only one candidate contesting any poll, NOTA should be used as a meaningful no vote.

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The only way forward on North Korea

CARL BILDT

COULD the world soon witness another devastating war on the Korean Peninsula? That question looms large in many conversations these days.
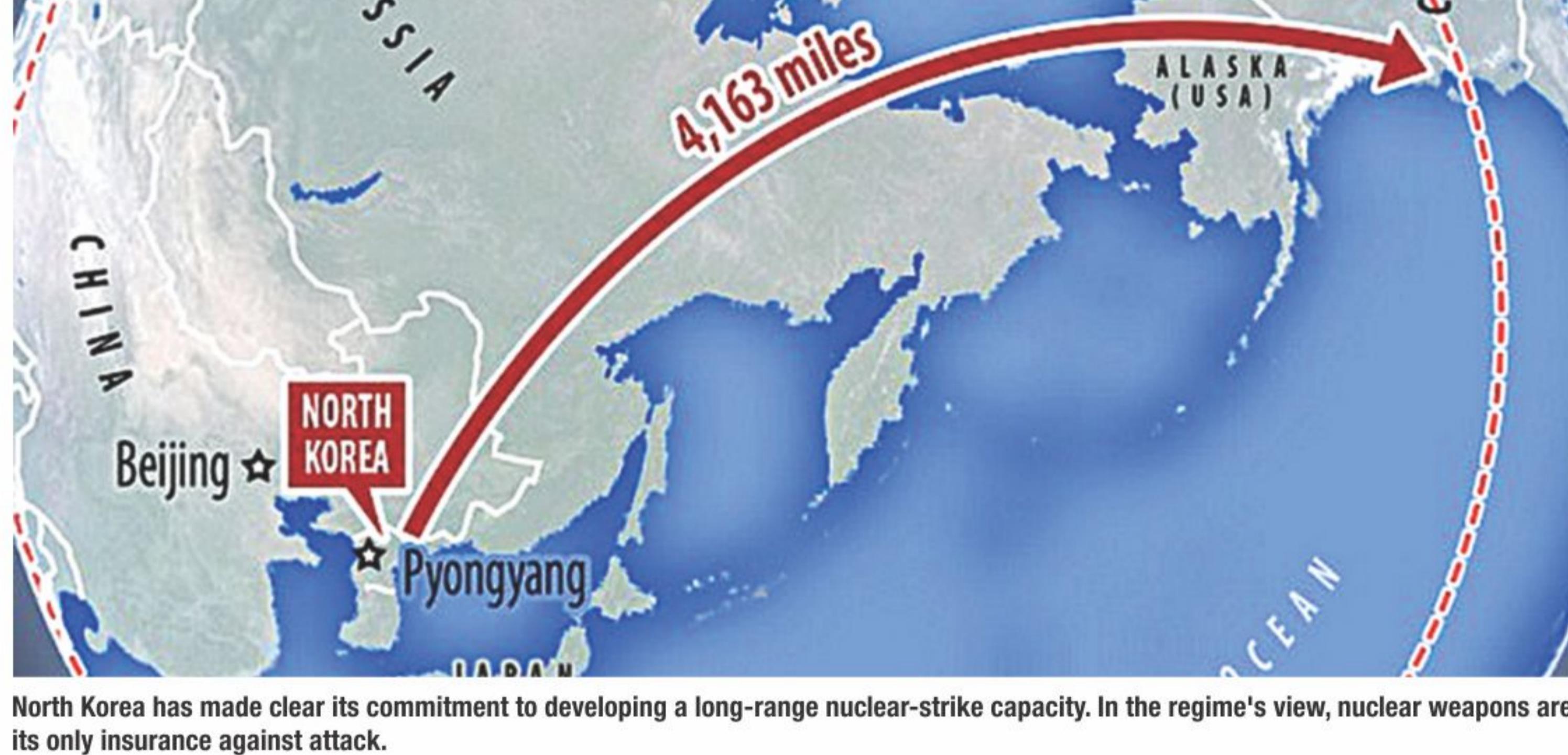
Of course, concerns about the North Korean regime's nuclear-weapons programme are nothing new. The United States first tried to resolve the issue back in 1994, with the US-North Korean Agreed Framework; but that effort gradually collapsed, owing to actions taken—and not taken—on both sides. Then, in 2006, Kim Jong-il's regime detonated North Korea's first nuclear device, and put the issue squarely back on the United Nations Security Council's agenda.

In the ensuing decade, North Korea has conducted five more nuclear tests—most recently in September—and demonstrated the technological mastery needed to develop advanced thermonuclear weapons. And, under Kim Jong-un's leadership, the situation escalated further when the regime began making significant progress toward developing an intercontinental ballistic missile (ICBM) capable of reaching the US mainland. And this development coincided with the arrival of US President Donald Trump, who has promised a new approach to global affairs.

North Korea has made clear its commitment to developing a long-range nuclear-strike capacity. In the regime's view, nuclear weapons are its only insurance against attack. Without them, Kim believes, he would share the fate of others who abandoned their pursuit of nuclear arms, such as Saddam Hussein in Iraq and Muammar el-Qaddafi in Libya.

In this context, the US objective of a denuclearised North Korea disarmed of ICBMs is unachievable by diplomatic means. And, at any rate, Trump has declared diplomacy a "waste of time," and ominously warned that "only one thing will work," though he hasn't explained what that means.

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Given that neither the US nor North Korea has shown any enthusiasm for talks, one could conclude that war is inevitable. Yet, for all its bellicosity, the North Korean regime is unlikely to start a full-scale military conflict, because that would surely spell its demise. At the same time, the US has no good first-strike options. Surgical strikes may sound promising, but they are hardly foolproof. As US military commanders well know, strikes that failed to eliminate all of North Korea's nuclear weapons at once could trigger a regional—or even a nuclear—war costing millions of lives.

In the US, those who argue for military action often claim that deterrence will not work against an "irrational" regime. But there is no reason to assume that Kim is bent on mass suicide. After all, when Mao's China made a dash for nuclear weapons in the 1960s, its rationale was little different from that of North Korea today, but no

one doubted that deterrence would work.

Still, even assuming that deterrence—embodied in Trump's threat that the US will "totally destroy" North Korea—does work, it will not prevent a nuclear- and ICBM-armed North Korea from fundamentally altering the strategic calculus in northeast Asia. The US nuclear deterrent protects the US first and foremost. It remains to be seen if US "extended deterrence" will continue to protect American allies such as South Korea and Japan. If the US mainland becomes a potential target for a North Korean nuclear strike, then the credibility of deterrence could depend on whether the US is willing to sacrifice San Francisco to save Seoul or Tokyo.

Doubt about the US nuclear umbrella in the region could lead South Korea and Japan to decide to develop their own nuclear options. In fact, South Korea had a nuclear-weapons

programme long before North Korea. That programme was abandoned when South Korea signed on to the Nuclear Non-Proliferation Treaty in 1975, but restarting it has become a subject of debate in Seoul. Needless to say, further nuclear escalation on the Korean Peninsula would be very dangerous, not least because the Kim regime would feel even more threatened than it already does.

So far, the US approach to North Korea has been to tighten sanctions and outsource the problem to China. But while China

does have strong economic ties to North Korea, it is unclear whether China has the clout to change the Kim regime's behaviour, even if it wanted to. Success would probably require something close to regime change.

It is thus unwise to rely wholly on China. Clearly, a broader diplomatic approach is needed, and it should start by addressing a fundamental issue at the heart of the problem: namely, that no peace treaty has ever been signed to end the 1950-1953 Korean War.

A dialogue to replace the 64-year-old armistice with a formal peace agreement could pave the way for broader discussions about nuclear escalation and other threats to regional stability. And, at a minimum, it could break today's diplomatic stalemate and give the parties involved more reason to refrain from further provocations.

More broadly, a new round of diplomacy would have to address North Korea's security concerns, and provide space for the North to evolve politically and economically, as China has done over the past few decades. This may seem like a distant prospect; but if the security situation on the peninsula is resolved, it would not be out of the question.

The alternative is to continue on the current path and risk a military conflict or a full-scale war. Even if those worst-case scenarios were averted, the region would have nothing to look forward to but instability for years to come.

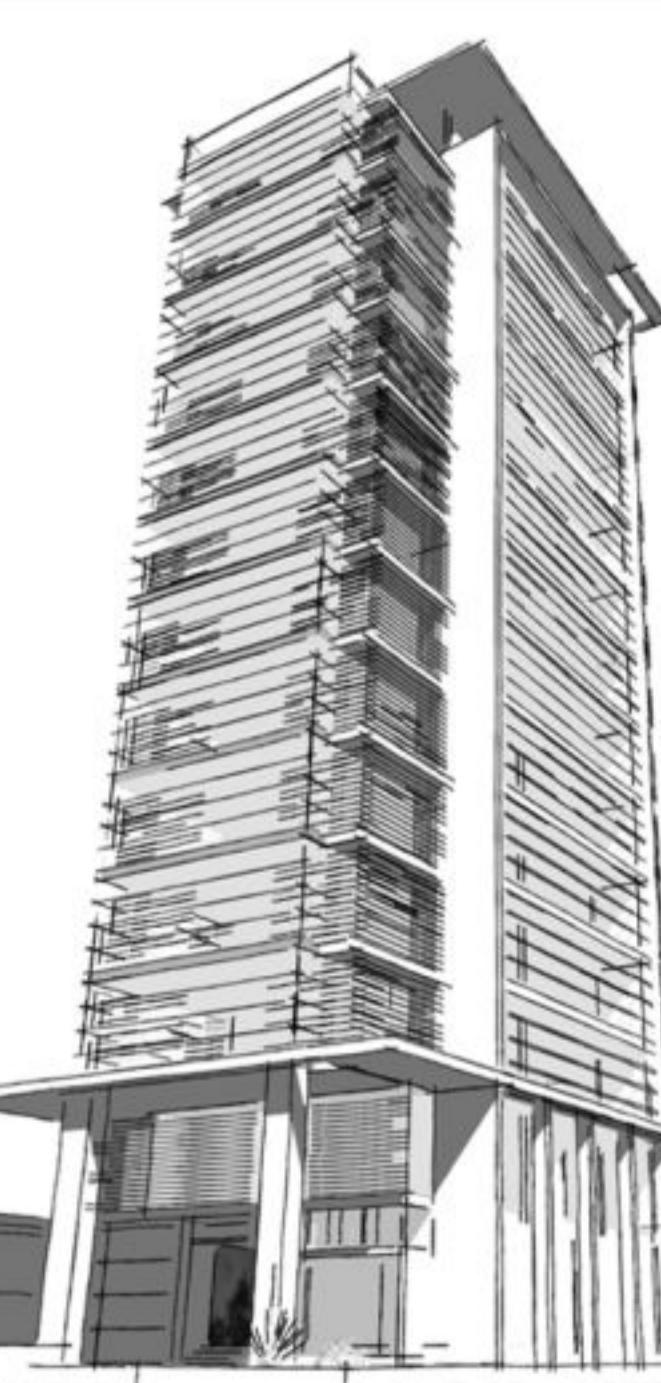Carl Bildt is a former prime minister and foreign minister of Sweden.
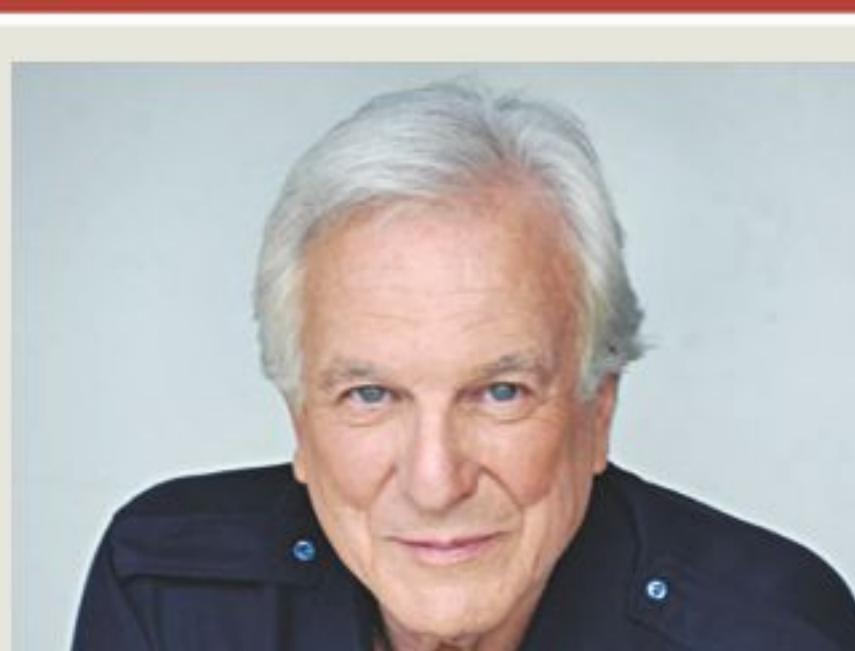
CROSSWORD BY THOMAS JOSEPH

ACROSS

1 Bugler's evening call
5 Old footwear
10 Fighting
11 Singer Twain
12 Fizzy drink
13 On the FBI's list
14 Opportunity for a singer or comedian
16 Realistic
20 Missing
23 Bright beam
24 Like some communities
25 Kentucky hero
27 Peyton's brother
28 Fired
29 Off-road vehicle
32 Reason to cut the

cable
36 Treat badly
39 China setting
40 Venus' love
41 Easter lead-in
42 Bops on the bean
43 G-men

DOWN

1 Tex-Mex snack
2 Resting on
3 Heap
4 Spider-Man's creator
5 Tremble
6 Seminar group
7 Picnic invader
8 Bind
9 Blue
11 Speedy

15 Look after
17 Pressing need
18 Welles role
19 Looked over
20 Like some cheeses
21 Island east of Java
22 Commotion
25 Make brownies
26 Partner's share, perhaps
28 Refers to
30 Tree support
31 Foundation
33 "Understood"
34 Sort
35 Puts away
36 Buddy
37 Wedding promise
38 Abel, to Adam

10-26

YESTERDAY'S ANSWER