



**REPORT OF THE NATIONAL DEMOCRATIC INSTITUTE (NDI)
PRE-ELECTION DELEGATION TO BANGLADESH'S
2006/2007 PARLIAMENTARY ELECTIONS**

Dhaka, September 11, 2006

The National Democratic Institute for International Affairs

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NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

Acknowledgements

NDI would like to thank the individuals with whom the delegation met. We spoke with a wide range of Bangladeshi men and women, including the leaders of the major political parties, the Election Commission, government ministers, the diplomatic community, election monitoring organizations, human rights organizations, journalists, lawyers, civil servants, and business people.

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I. INTRODUCTION

This statement is offered by a multinational delegation organized by the National Democratic Institute (NDI, or the Institute). From September 8 through 11, 2006, the delegation assessed the political environment in Bangladesh in advance of the January 2007 parliamentary elections. Among its activities, the delegation conducted a series of meetings with a broad spectrum of Bangladeshi political and civic leaders, governmental and electoral authorities and representatives of the international community in Dhaka.

NDI is an independent, nongovernmental organization that has conducted more than 100 nonpartisan pre-election, election day and post-election observer delegations around the world. This delegation conducted its activities in an impartial manner in accordance with Bangladeshi law and international standards for election monitoring. The delegation followed the Declaration of Principles for International Election Observation which was adopted in 2005 at the United Nations headquarters and endorsed by more than 20 intergovernmental and nongovernmental organizations.

NDI intends to organize an international observer delegation for the election and will continuously monitor the electoral process through the post-election period. NDI does not seek to interfere in or to certify the election process. NDI recognizes that it is the citizens of Bangladesh who will ultimately determine the credibility of the 2007 elections.

Over the past 10 years, NDI has conducted a series of parliamentary, civil society and political party programs in Bangladesh, and has been active in providing technical support and monitoring for the country's elections. NDI currently conducts programs to initiate dialogue on governance issues and works with political party leaders to promote leadership development skills and encourage cooperation among parties in parliament.

The methodology of NDI for monitoring elections is based on the premise that all aspects of the election process must be considered to accurately understand the nature of the elections. These include 1) the legal framework for the elections; 2) a number of important elements of the pre-election period related to fair competition and the freedom of citizens to make informed political

choices at the ballot box; 3) the voting process itself; 4) the counting of ballots; 5) the tabulation of election results; 6) the investigation and resolution of any complaints that might be lodged; and 7) the conditions surrounding the formation of a new government. Moreover, elections cannot be separated from the broader political process of which they are a part, and the elections themselves constitute just one step in Bangladesh's democratic development. The present statement therefore does not seek to reach a conclusion about the nature of the election process.

II. THE DELEGATION AND ITS WORK

The delegation included: Tom Daschle, former Majority and Minority Leader of the United States Senate; Mike Moore, former Prime Minister of New Zealand and former Director-General of the World Trade Organization; Mu Sochua, former Minister of Women's and Veteran's Affairs of Cambodia. The delegation was assisted by Thomas Barry, NDI Asia Deputy Director; Owen Lippert, NDI/Bangladesh Resident Director; and Deborah Healy, NDI/Bangladesh Senior Program Manager.

The purposes of the delegation are to demonstrate the interest and support of the international community for a peaceful and democratic election process in Bangladesh; to provide an impartial report on the environment surrounding the upcoming elections and the state of electoral preparations; and to offer recommendations on measures that can improve the process.

III. OBSERVATIONS ON THE ELECTORAL CONTEXT

The mission takes as its starting point of reference the fact that Bangladesh has held three recent elections considered to have met international standards and which led to a transfer of power between parties. The delegation in choosing that point of reference does not assume that either the domestic or international communities should be complacent about the future of genuine democracy in Bangladesh.

The political climate of Bangladesh remains polarized, marked by inherent difficulties brought on by a lack of communication and cooperation among parties and prone to both partisan and police violence. The political parties are locked in their own internal and external conflicts and, in the eyes of many, appear estranged from the real-world challenges and needs of the 140 million people of Bangladesh.

The delegation observed that after three elections the parties remain locked into disagreements over electoral issues that overwhelm the debate over public policy issues. Even then, the discourse on electoral issues deals less with the institutions themselves than with the appointments, both made and pending, to Election Commission and to the position of Chief Advisor to the Caretaker Government.

The delegation believes it is important that legitimate questions as to the fairness of the election process be fully investigated, discussed and resolved and, at the same time, asserts that the election should not be held hostage to the intransigent positions held by either the government or any political party.

The delegation heard during its discussions that a troubled election could reduce politics to the lowest common denominator of street violence and intimidation.

The delegation found that many individuals blame the current impasse on the inability of senior political leaders to enter into discussions and to reach necessary compromises. The oft-voiced complaint was that elections were about political ambition and not the future of the country and the public welfare. The delegation observes that leaders who seek genuine dialogue and compromise may, in fact, gain not lose public support.

There is an immediate and urgent need for greater dialogue and cooperation between party leaders at all levels starting with the heads of the parties. The delegation understands and accepts that the two leaders and the two major parties have a long history filled with many difficult moments. The delegation also acknowledges that the fault lines of Bangladesh's political conflict are complex and can sometimes appear intractable. *That said, the leaders of two major party coalitions have a higher obligation to strengthen democratic practice and to improve parliamentary governance.*

As a special observation, the delegation stresses the need to remove the barriers to women and minorities to full participation in the electoral and political party processes.

A. Caretaker Government

Bangladesh's Caretaker Government is a unique institution in the development of democracy. Bangladeshis have reason to take pride in this innovation. The Caretaker Government arose out of the specific conditions of the 1991 and 1995/96 elections. Its purpose is to ensure no one party has access to state resources, physical and human, in such a way as to influence the outcome of the election. The Caretaker Government model in the past has succeeded in instilling public confidence in the electoral process and results.

The delegation notes that controversy has arisen following the government's decision to change the retirement age of High Court justices from 65 to 67 years of age. The change altered the succession of who was first offered the position of Senior Adviser to the Caretaker Government. The government should have been more sensitive to the predictable political reaction. Specifically, the change puts first in the order of succession the current Chief Justice of the Supreme Court. Objections have been raised because he served the BNP early in his career.

Having examined the issue, the delegation concluded that while the concerns raised are legitimate objections, past service to a political party should not be an automatic disqualification to public service. The credentials of a candidate for an important position must be examined in their entirety.

Furthermore, several safeguards should help satisfy those fears of biased Caretaker Government. First, the Chief Advisor to the Caretaker Government does not act on his or her own. The Constitution provides for 10 other Advisors who, the delegation notes, could be appointed in consultation with the Opposition. This needs to be handled with sensitivity to build confidence in the process. The Chief Advisor, as well, operates under intense domestic and international

scrutiny. Any partisan decisions would be apparent to the public and cause for concern as to fairness of the election. The tenure of the Caretaker Government will be carefully observed by the international community.

B. Violence

Bangladesh faces a difficult challenge in confronting rampant and escalating violence too often triggered by political intimidation and confrontation.

An election cannot meet international standards unless the authorities create conditions in which candidates and their supporters can campaign freely, without official interference, harassment or intimidation, and citizens can cast their votes without fear of reprisal. Many of those who met with the delegation asserted that intimidation is widespread and that political activists routinely face harassment. Political violence in Bangladesh is often both inter-party and intra-party.

The consequences for the electoral process of intra-party as well as inter-party strife lie in the potential for escalating corruption and violence. Members of both parties complain that nominations and elections are dominated by “money and muscle”. Politically influenced killings happen frequently within and between parties. *The responsibility for reducing violence does not rest alone with the police authorities. The leaders of the political parties, themselves, must exercise stronger party discipline over their members. The exploitation of youth for political purposes is reportedly common and disturbing.*

The delegation also received reports of incidences of intimidation and violence against women and religious and ethnic minorities. These reports are of particular concern to the delegation. If left unaddressed, such actions may undermine the reputation of Bangladesh as a tolerant society.

The delegation also heard from many citizens that police react violently and disproportionately to public demonstrations. As well, the delegation notes reports of mass detentions occurring before Opposition rallies and marches.

A more recent factor has emerged in the form of violence. Beginning in the late 1990s, extremist groups have carried out an escalating series of bomb attacks. These have included an assassination attempt on the life of the British High Commissioner, a multiple grenade attack on an Awami League rally that killed 24 people and injured Sheik Hasina and other top leaders, a fatal grenade attack on a former Awami League Finance Minister, the suicide bombing of two judges and the simultaneous detonation of nearly 500 small bombs on August 17, 2005. A pamphlet released on the day of the bombing described elections as un-Islamic as they were “man-made.” The delegation is gravely concerned that terrorist acts by extremists groups may disrupt the coming election.

The delegation recognizes that the government has undertaken efforts to uncover and arrest members of banned terrorist organizations.

C. Election Commission

The Election Commission, headed by the Chief Election Commissioner, is responsible for all non-security-related election preparations. While the Election Commission is designated as an independent body under the Constitution, its budget and appointments are controlled by the Prime Minister's Office, a situation which inevitably leads to perceptions of bias.

C.1. Confidence in the Election Commission and Chief Election Commissioner:

Confidence in the expertise and impartiality of the Election Commission plays an important role in the ability of a country to hold an election acceptable to the voters and the political parties. The perception of inefficiency or bias, may seriously erode confidence in not only the electoral process but also the electoral outcome.

An Election Commission should act as a service organization that reaches out to political parties, civil society, the media and the voters. In fact, it should build a sense of citizen ownership of the electoral process. An Election Commission should anticipate issues before they become problems, work to instill confidence both in its operations and the broader electoral process and provide solutions in a transparent and accountable manner. Unlike the judiciary where the judges wait for cases to be brought before them, an Election Commission should take the initiative to consult with political participants and the general public to better understand and respond to their needs and concerns.

The delegation was deeply concerned to hear from a broad cross-section of parties, civil society, media and independent observers of a widespread lack of confidence in the Election Commission and, specifically, the Chief Election Commissioner. When the delegates raised the issue with the Commissioner, he did not acknowledge that a problem existed and later reported to the media that the delegation had been misinformed. The delegation has identified a perception of incompetence and bias as a serious problem that requires being addressed.

The delegation believes that the CEC may be able to correct the situation, but only if the problem is acknowledged and dealt with. In the absence of a strong, corrective and urgent response, confidence in the Chief Election Commissioner will continue to deteriorate to the point that he should not continue his duties. The delegation calls upon all political parties to engage in good faith to assist in the process of enhancing the credibility of the electoral process and those charged with administering it.

C2. Technical Issues related to Election Commission:

The administration of the electoral process consists of a number of separate activities that, individually, would not pose an insurmountable barrier to the proper conduct of an election, but if deficiencies accumulate then strong administrative actions may become necessary.

The delegation notes that virtually all of the topics brought to its attention were also voiced to the previous NDI pre-election assessment mission in August 2001.

The topics include:

- Voters' List;
- campaign spending;
- electoral complaints;
- counting of votes and transmission of results;
- domestic monitors and international observers; and
- sufficient polling booths for women/women and minorities.

C.2.a. Voters' List:

The delegation is deeply concerned that the new Voters' List runs to over 93 million names, a size that is substantially inconsistent with the 2001 census data. A Voters' List containing two-thirds of the population strains credibility. Questioning the accuracy of the census did not appear to the delegation as a helpful response to a difficult situation.

Registration of voters is compulsory in Bangladesh; as a result, it is important that the number of persons registered correspond to the official published voting age population.

Part of the problem with the current Voters' List, the delegation acknowledges, originated in the convoluted process by which it was assembled. In December 2005, the Chief Election Commissioner announced that the Election Commission would conduct a completely new voter enumeration. Opposition party lawyers challenged this decision in the High Court and won a stay order against the Election Commission in January 2006. The Election Commission then launched a series of appeals while continuing to collect and tabulate the "new" voters' list. When the size of the "new" voters list, with over 90 million voters, was announced, the media pointed out that the Bangladesh Bureau of Statistics reports that, on the basis of 2001 Census, the voting age population was approximately 80 million people.

In July 2006, the Supreme Court instructed the Election Commission to conduct its enumeration with reference to the 2001 Voters' List. After a few weeks, the Chief Election Commissioner announced that a new Voters' List referencing the old list would be compiled. The enumeration period has now ended and the results have been posted, though several groups and individuals have pointed out that the Voters' List was unavailable in many locations.

C.2.b. Campaign Spending:

While the law requires the reporting of campaign spending, the Election Commission has not devised an enforcement plan to date nor signaled that it would put any additional resources into this responsibility.

A group of civil society organizations in cooperation with a newspaper and a television station has initiated a series of public meetings to promote "clean" and "competent" candidates. The response of both political parties appears to be lukewarm at best. While the delegation applauds such initiatives by civil society, it does encourage the participants to clarify their intended program.

C.2.c. Electoral Complaints:

The quality and impartiality of the highest courts in Bangladesh has remained generally high and consistent since 1991. Access-to-justice, cost and delay are difficulties as they are in many other countries. Greater challenges to the Rule of Law exist in the lower courts as they are not separated from government administration. The politicization of the lower courts remains a concern despite 18 High Court rulings to separate the courts from the administration. Of the 26 known cases filed alleging election fraud, none has ever reached open court.

C.2.d. Transparency of Counting and Transmission Procedures and Publication of Results:

Several individuals described to the delegation situations in which the counting of ballots were irregular, voting results were altered during transmission from the polling center to the district election office and that polling center officials and polling agents had signed off on implausible election results.

NDI Bangladesh has collected the polling center election results for the 1991, 1996 and 2001 elections. This information is available to interested parties and researchers. Preliminary analysis has found a sufficient number of polling centers in which voter turnout exceeded voter registration to warrant concern.

C.2.e. Domestic Monitoring:

Domestic monitors and international observers have made a contribution to the integrity of parliamentary elections in Bangladesh and around the world.

In the last election, serious issues arose as to the accreditation of inappropriate domestic monitors. Similar allegations concerning the partisanship among domestic monitors have arisen again in advance of the upcoming election. It is important to note that non-partisan election monitors can instill confidence and transparency in the election process.

The delegation is appreciative of the Foreign Minister for his statement that assistance would be made available to international observers.

C.2.f. Women's Polling Booths:

Women's groups, domestic election monitors and female party activists all testified to the delegation of the urgent need to increase the number of polling booths available to women in the polling centers.

IV. RECOMMENDATIONS

The delegation makes the following general and specific recommendations:

General Recommendations:

- The Caretaker Government should be formed according to the rules provided in the Constitution and discharge its duties in a transparent, impartial and non-partisan manner.
- National and local authorities, the police agencies, the military forces, the political parties and civil society should discuss and devise strategies to curb the rampant violence that threatens to destabilize not just the electoral process but also society, itself.
- The Chief Election Commissioner should undertake immediately to take the necessary steps to address the perceptions of incompetence and bias which are undermining public confidence in the electoral process. He can enter into a dialogue and work cooperatively with the political parties, civil society and the media to devise and implement a strategy to address concerns such as the improvement of the registration process and the correction of the Voters' List.

Specific Recommendations:

- Caretaker Government:

The additional Advisers to the Caretaker Government should be appointed through a process of dialogue and consent between the major political parties.

- Violence:

National and local authorities should urgently take steps to ensure a free and open political process in which all participants can operate without interference or fear of reprisal. Confidence in the election process will increase if requests for rallies and meetings are routinely approved and all legislated political rights upheld.

A high-level committee should be formed in order to review police behavior before, during and after the election. The committee would be empowered to hear witnesses and make recommendations.

Election monitors and human rights groups should be encouraged to play an important role in the prevention, documentation and investigation of political violence.

The Bangladesh authorities should continue their vigilance and work with international law enforcement authorities in confronting terrorism while fully respecting fundamental human rights.

It is essential that all appropriate measures be taken to ensure the safety of the media, particularly in rural areas.

- Election Commission:

Technical teams from the major political parties should discuss and resolve the following issues and frame the options for approval by the senior leaders of the respective parties:

1. The Voters' List be electronically compiled and published in order to allow for a more extensive revision of the names. If this task is done expeditiously and transparently, then it will provide an opportunity for political parties and civil society to work cooperatively with the Election Commission to correct the Voters' List. The Chief Election Commissioner should meet frequently with the political parties and civil society on this issue.
2. The Election Commission must update its regulatory campaign spending limits and put into place more effective audit procedures to enhance the enforceable spending limitations.
3. The Election Commission should move swiftly to put into place an impartial electoral complaint and appeal process. The Election Commission should publicize the penalties for violation of the laws related to the election process and be prepared to implement such penalties when appropriate.
4. Alleged violations of the law during the election campaign should be promptly investigated and prosecuted, and the results distributed widely to participants in the process and through the news media.
5. The Election Commission should publish on their Website detailed election results down to the polling station level. This undertaking will contribute to transparency and voter confidence, particularly if it is done within 24-48 hours after the end of voting. Such detailed information should also be made available to party poll agents, observers and the media in hard copy format immediately at the Election Commission in case there are problems with the Internet or the website.
6. The Election Commission should devise a streamlined process of accreditation that respects the right of domestic monitoring groups and international observers to monitor elections but is also cognizant of the responsibility of such monitors and observers not to contribute to difficulties of officials as they manage often congested polling centers.

7. The Election Commission should ensure that there are sufficient polling booths in the polling centers are for women.

National and local authorities, the police agencies, the military forces, the political parties and civil society should discuss and devise strategies to curb the rampant violence that threatens to destabilize not just the electoral process but also society, itself.

V. CONCLUSION

The delegation believes that in the long term interests of Bangladesh, its security, stability and progress, a mechanism should be considered after the election to provide a vehicle for the reconciliation and peaceful resolution of the deep entrenched political differences between the major participants that has so polarized the country.

The delegation concludes that despite the challenges they have identified that there is sufficient time for government, political parties and civil society to work together to address the deficiencies and build confidence in the electoral process and electoral outcome.

The delegation wishes to extend its thanks to all the individuals and organizations which assisted in the completion of this mission.

VI. CONTACT INFORMATION

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APPENDIX I:

PRE-ELECTION ASSESSMENT DELEGATES



SENATOR THOMAS A. DASCHLE

In January 2005, Tom Daschle completed 26 years of public service, having represented the state of South Dakota for eight years in Congress and eighteen years in the United States Senate. Senator Daschle holds the distinction of being one of the longest serving Leaders in history, holding that position from November 1994 to January 2005.

Today, Senator Daschle is an advisor to the law firm of Alston & Bird where he provides strategic advice on public policy issues such as energy, health care, financial services, trade, agriculture, tax policy and telecommunications. He is also a Distinguished Fellow at the Center for American Progress.

Senator Daschle serves on the boards of InterMedia Partners, the Freedom Forum, CB Richard Ellis, the Mayo Clinic, the National Democratic Institute for International Affairs, and CaroLinks, Inc., and is a member of the Council on Foreign Relations. He is also a Visiting Professor at Georgetown University's Public Policy Institute.

Born in 1947 in Aberdeen, South Dakota, Senator Daschle grew up as the eldest of four brothers. He became the first person in his family to graduate from college when he earned a political science degree from South Dakota State University in 1969. Following college, he served three years as an intelligence officer in the United States Air Force Strategic Air Command and then five years as an aide to Senator James Abourezk.

In 1978, Senator Daschle was elected to the House of Representatives, serving four terms. In 1986, he was elected to the Senate and was appointed to the powerful Senate Finance Committee, an unusual honor for a freshman. In 1988, then-Senate Majority Leader George Mitchell named Senator Daschle the first-ever co-chair of the Democratic Policy Committee, making him the first South Dakotan ever to hold a Senate leadership position.

In 1994, Senator Daschle was chosen by his colleagues as their new Minority Leader. In the history of the Senate, only Lyndon Johnson had served fewer years before being elected to lead his party. When Democrats gained control of the Senate in 2001, he became Majority Leader and held that position until 2003. During that period, he worked with members of both parties in Congress and the Administration in crafting the response to the attacks of 9/11/2001. In addition to the Leader's post, Senator Daschle served as a member of the Agriculture, Veterans Affairs, Indian Affairs, Finance and Ethics Committees.

During his long public career, nothing better characterized Senator Daschle's priorities than his annual "unscheduled driving" tours, when he would travel across his home state of South Dakota in his car with no staff and no schedule, visiting each of the state's 66 counties. Senator Daschle continues to spend a significant amount of time in his home state of South Dakota, where he uses his influence on behalf of South Dakota's interests.



MIKE MOORE

Mike Moore is a past Director-General of the World Trade Organisation (WTO). He is well-known internationally as an articulate proponent of the advantages of a free and fair global trading system. Mr. Moore is widely credited with restoring confidence in the system, following the setback of the third WTO Ministerial Conference held in Seattle in 1999, by launching the Doha Development Round. His period in office saw the successful accession to the WTO of China and Chinese Taipei along with Estonia, Jordan, Georgia, Albania, Oman, Croatia, Lithuania, and Moldova, bringing the majority of the world's population within the rules-based trading system. He also initiated significant changes to the way the WTO operates and important organisational changes within the Secretariat by introducing a range of strategic management techniques.

Mr. Moore is a former Prime Minister of New Zealand. In a long and distinguished career in politics, he held portfolios in a wide range of areas and served in a number of senior political positions including Trade Minister, Foreign Minister, Minister of Tourism, and Deputy Minister of Finance.

Mr. Moore currently holds numerous appointments with global policy and business organisations. These include Member of the United Nations Commission on the Legal Empowerment of the Poor, Commissioner for the UN Global Commission on International Migration; senior counsellor for Fonterra; member, and Special Advisor to the UN Global Compact for Business and Development. Mr. Moore is on the Economic Development Board of South Australia, and is an Advisor to other Governments through "The Moore Group International Ltd." which has interests and projects in the Middle East and elsewhere. Mr. Moore is a Trilateral Commission member and a member of the Privy Council. Mr. Moore is an Adjunct Professor at Adelaide University, Australia, and La Trobe University, Australia, is Honorary Professor at the Chinese University for Political Science & International Law in Beijing, and has worked with a number of other Universities and Development agencies. Former Board Member of SGS.

Mr. Moore is the recipient of numerous honours from governments in Africa, Europe and South America. He was awarded New Zealand's highest honour, the Order of New Zealand. Mr. Moore also holds honorary doctorates in commerce from Lincoln University, New Zealand; in economics from the People's University of China, Beijing; in commerce from Auckland University of Technology and Canterbury University, and law from La Trobe University in Australia.

He is also the author of a number of books including: *On Balance; Beyond Today; A Pacific Parliament; The Added Value Economy; Hard Labour, Fighting For New Zealand; Children of the Poor and a Brief History of the Future*. Mr. Moore's most recent book is on globalisation entitled, *A World Without Walls*, now published in Chinese and Turkish. He has a regular newspaper column that is published in 5 countries.



MU SOCHUA

Mu Sochua, one of only two female cabinet ministers of the 2nd Royal Government of Cambodia from 1998-2004 is a social activist, elected representative and nation-builder who has dedicated her life to the advocacy of the rights of women in Cambodia and around the world.

Mu Sochua grew up in Phnom Penh but was forced to flee for her life as a refugee in the early 1970s as the Vietnam War spilled over into Cambodia. Her parents were trapped in the country as it fell under the command of the murderous Khmer Rouge in 1975, and they vanished during the genocide that would claim the lives of roughly one quarter of Cambodia's population. Mu Sochua remained in exile for the next 18 years. She earned degrees in Psychology and Social Work from Berkley before returning to South-East Asia to help rebuild a society shattered by war.

Since 1989 Mu Sochua has been an active and tireless participant in the rebirth of Cambodia. She began by assisting refugees in the camps in Thailand, and joined FUNCINPEC, the royalist party of the current coalition government. She then served as advisor on Woman's Affairs to her country's co-Prime Minister. She was elected to Cambodia's National Assembly in 1998 with a seat in Battambang, in the North-West of Cambodia, one of the most war-torn provinces and where her parents lost their lives. She also served as Minister of Women's and Veteran's Affairs in Cambodia.

When it became clear that retaining her high position in the government would require playing a part in corruption and exploitation of the poor, Mu Sochua renounced the leadership and joined the primary opposition party to focus on rebuilding Cambodia from the bottom up. She has served in many different capacities in the Sam Rainsy Party and the nation, currently acting as a leader in many different organizations.

In 2005, she received a Leadership Award in Washington from the Vital Voices Foundation, co-founded by Senator Hilary Rodham Clinton, and was co-nominee for the Nobel Peace Prize. She received an honorary PhD in Law from the University of Guelph in 2006. She played a large role in the forthcoming revealing documentary on trafficking, "Virgin Harvest". In a recent book on human rights, her essay appeared alongside those of Kofi Annan, Romeo Dallaire, and Judge Richard Goldstone.

APPENDIX II:

SELECTED NEWS ARTICLES ON NDI'S PRE-ELECTION ASSESSMENT MISSION

THE DAILY STAR

September 16, 2006

Hope rekindles for a last-minute dialogue

Repeated pressure from the international community seems to have rekindled the hope of a dialogue between the ruling and the opposition parties over the proposed electoral reforms before the handover of power to the caretaker government next month.

Sources said a group of diplomats are trying to convince the BNP secretary general and Awami League (AL) general secretary to resolve the current political dispute at the negotiating table.

They are ready to mediate the much-awaited talks if the two parties respond positively, added the sources.

Both the opposing sides are under pressure also from the civil society and business community to hold a dialogue on the reform issue.

In a latest development, Prime Minister Khaleda Zia on Thursday called for a dialogue between the secretaries-general to break the stand-off.

The opposition leaders have questioned the sincerity of the call but in their immediate reaction they did not reject the offer.

They said the government must prove their sincerity by developing a ground for the talks.

"It rests with the government to create a climate in which a fruitful dialogue can take place," AL General Secretary Abdul Jalil told The Daily Star yesterday.

He added that first they will have to be convinced that the prime minister's offer is genuine as on different occasions she had rejected the reform proposals.

BNP Vice-chairman and Agriculture Minister MK Anwar yesterday told the reporters, "The prime minister has done her part and now it all depends on the way the opposition will respond to her call."

Sources said the donors as well as the international community have already made it clear to the BNP and AL leaders that they must hold a dialogue on the reforms.

Now both the parties are working on their strategy in this regard. They want formal proposals from their counterpart, said sources.

Referring to the pressure from the donor and international community on the political parties, Hafiz Uddin Khan, former adviser to the caretaker government, yesterday told The Daily Star,

"Now we can see a ray of hope that there might be a dialogue and the groups concerned should not squander this chance to ensure peace and stability."

Earlier, in response to an initiative of the business community for talks, BNP Secretary General Abdul Mannan Bhuiyan told the reporters, "We have no objection to sitting across the table but the proposal must come from the opposition."

"Now it is almost sure that a one-to-one dialogue on reform proposals will take place before the handover of power to the caretaker government. But the question remains who will take the initiative," a ruling party leader seeking anonymity told The Daily Star yesterday.

Sources said the National Democratic Institute's (NDI) assessment of the existing political situation has helped to change the prime minister's stance on dialogue. On the other hand, the international community has kept the opposition under pressure so that they do not reject her proposal.

A delegation of the Washington-based NDI arrived here on September 8 on a visit to assess the environment leading up to the next election. Before leaving the country, Leader of the delegation Tom Daschle said there's still enough time for the political parties to sit and solve the problems.

The visiting European Union (EU) exploratory mission too implicitly favoured negotiations between the government and opposition to resolve the crisis.

Then on Thursday, US Ambassador in Dhaka Patricia A Butenis requested AL General Secretary Abdul Jalil to sit down with the government and settle the issue of electoral reforms immediately.

The US is ready to mediate the talks, if required, Jalil quoted Butenis as saying.

AL President Sheikh Hasina placed the reform proposals in parliament on February 12 while Prime Minister Khaleda Zia on February 28 proposed forming a committee to discuss the issue.

But a stalemate followed over the inclusion of Jamaat and Islami Oikya Jote in the proposed committee.

The opposition had urged the government to leave Jamaat out of the committee while the government refused to do so. The upshot was an uncertainty over a settlement.

THE NEW NATION
Bangladesh's Independent News Source
September 15, 2006

EDITORIAL PAGE
NDI'S DELIBERATION AND APPEAL

NDI's reflections on the current political scenario as well as the stalemate arising out of Election Commission and Caretaker Government issues can very logically be termed as a fairly objective evaluation reflecting the nation's thinking as a whole. Arguably, Tom Daschle and his NDI (National Democratic Institute) -- a Washington-based organisation which has been helping Bangladesh in its polls with technical and monitoring assistance for the last 10 years -- team left us the message, that is, putting country first or ahead of party, which was consistently being pressed by all the conscious and patriotic forces and people of the country for long.

He, perhaps, did not want to delve further. Otherwise, -- I am sure -- he could very well have found that most of our leaders put self-interest first followed by party and then country. Had our key political figures thought so passionately as to the well-being and future of the country as had been felt by the NDI team, the countrymen must have been over the moon and could easily have found their interests safe and sound in the hands of our all-knowing and all-powerful political leaders -- especially the ruling party leaders irrespective of party affiliation and regime -- on whose hands the fate of the countrymen and, of course, of the country rest.

Though I hate being pessimistic, our leaders have so far fared miserably to make the countrymen find sort of peace and solace. Ironically, however, some supposedly responsible official incumbents are making things all the more worse and constantly playing with the future of the country in total disregard of national and international reaction.

Our floundering Election Commission (EC) and its inefficient and demoralised officials including the pain in the neck CEC Aziz represent the hard necked people of the cursed officialdom entrusted with the sacred job of conducting the next crucial general elections scheduled to be held in January, 2007.

As things stand now, there is absolutely no point in having this far-fetched optimism that the Election Commission with the current official set-up -- which could not prepare a genuine voter list in so many months and after so much of wastage and idiocy -- would be able to conduct the next high-voltage general elections in a free, fair and impartial manner. And, this message has been categorically conveyed by the NDI team which only mirrors the very flagrant reality of the hour. The NDI team deserves a vote of thanks for this flair and clairvoyance in feeling the pulse of the nation.

I wonder what punishment awaits the EC men for this unmatched disservice to the nation. I believe a genuine voter list -- in absence of an identity card system -- is an invaluable asset for a nation and the Election Commission is responsible for making the vital national document. Yes, the current Election has recently presented the nation with an updated voter list which only made

the countrymen's worries multiplied as the EC officials, too, disclosed its flagrant loopholes and feared fake voting which might be really stupendous given the abnormal rise of voters.

Perhaps, the current EC officials made amends for the lapses in getting ghost voters in the scrapped fresh voter list made previously by CEC and Co. in violation of the High Court directives. Following questions thus haunt every conscious citizen of the country. How does one explain well over a crore voters who have not been accounted for? How is it that there are 17 lakh new voters that have come to be included in the updated list, a considerable increase in numbers from the scrapped list?

How is it that a large number of persons have been left out of the list of the enumerators, including some very prominent personalities?

How is it that about 65 percent of the population is eligible voters, when statistics show that only 55 percent of our population is above the age of fifteen! The NDI team, however, expressed real dismay and surprise as finding the list substantially inconsistent with the 2001 census data which, it thinks, further erodes the credibility of the voter's roll.

It was an unforgivable vice on the part of Election Commission and a complete debacle on the part of the government as the EC was formed by them. Though the government averted the share of failure previously pointing out the EC's constitutional identity, it can now ill afford to hold on to that.

As the EC's budget and appointments are controlled by the Prime Minister's office, its exalted office and constitutional pedigree seem only to coax the people. I dare say use of the term "constitutional post" by the CEC and the government is not to serve any altruistic motive but to legalize all the vices of current EC.

We heard of positive discrimination, positive formalism and even enlightened despotism all of which carry fairly positive connotations. May be, the current EC refers to something like constitutional despotism which is anything but positive and thus can be labeled -- in my opinion - - as negative constitutionalism as well.

Meanwhile, the NDI's observation regarding the next probable Caretaker Government Chief Advisor makes sense. Indeed, the extension of retirement of High Court judges and Mr. KM Hasan's past political affiliation with BNP has already created an aura of controversy, it is still difficult to comment how things shape up in future in so far as KM Hasan is concerned. It is also difficult to predict how he conducts himself.

Who knows he may even opt for going down in our history by not accepting the post of Chief Advisor thus saving the county form an avoidable disaster. Anyway, it deserves to be repeated that the NDI team, despite being a foreign delegation, very fervently tried to arouse patriotism among our stubborn political leaders. Hope, they respond positively not to please the foreign powers but to provide sort of serenity to the anxious countrymen for which the latter will keep their fingers crossed.

THE DAILY STAR

September 13, 2006

'Alarm bells are ringing'

Mike Moore, former prime minister of New Zealand and ex-head of the WTO, was in Dhaka from September 8-11, as one of the multi-national delegation organized by the NDI to assess the state of Bangladesh's electoral preparations. The delegation issued its report on its findings on September 11. Moore met with The Daily Star's **Zafar Sobhan** later in the day to make clear the delegation's thinking.

Zafar Sobhan: What further role does NDI contemplate playing in the electoral process here?

Mike Moore: NDI has been on the ground with staff and research in Bangladesh for many years now and intends to be for many years to come, and there is likely to be a major delegation with international credibility at the time of the election. Having said that, there are also going to be other international delegations coming. The Commonwealth and the EU will do their own pre-election assessments, and they will be speaking to us about our report.

We wanted to express that the alarm bells are ringing here of the possibility of things going wrong. I suspect another delegation, if they find the same problems we have identified, and these have not been corrected in the next few weeks, the criticism will be quite intense.

We are saying that there are serious problems which need to be addressed and can be addressed - but next month is too late. This has to start immediately.

So there is nothing wrong that cannot be fixed?

That's right. There have been problems before. But that doesn't make this right. This is a new game. It has got to be better. We think, for instance, that the electoral list can be substantially improved.

We are a bit confused as to the Election Commission. The Election Commission does not recognize the problem. If they think they haven't got a problem, how can they fix it? And if they think they don't have a problem, they are the only people we have met who think so.

Now, if you have problem, how do you fix it? You take corrective action. Part of the action is building confidence. How? You meet with the opposition. The ones represented in parliament. Meeting 110 parties is no good. Civil society and the media want to help. And we want to encourage civil society and the media to help, to publicize what needs to be done. We found a lot of people who want to help and who can help.

And the chief election commissioner needs a lot of help. But if he won't take action, if he thinks everything is OK, and he is not listening, something bad is going to happen.

It will never be perfect, But the cleaner you can get the list, the easier it will be to monitor on election day. Building confidence. Taking corrective action. That's what needs to be done right now.

Is there time to fix the voter list?

Only just. Only just. We're talking weeks.

If there is no corrective action by the end of the month would it be too late?

I would have thought that it would have to start as soon as you can. Obviously, you can't have a change in everything, but steps can be taken. We would expect to see a change in attitude, in behaviour.

There will be terrible costs to Bangladesh if this is not done with dignity and coherence. And it can be.

The world is watching. If things go badly, there are all these people out there in other parliaments who will want to take what they think is appropriate action. Sanctions. Tariffs. Garment exports. It's a political world.

The report says NDI will not certify the election process as fair or unfair. But will NDI be proffering an opinion? A report?

Make no mistake, this is a wonderfully open world. People are interested. The world watches these things.

So what happens if things are not fixed?

I can't predict at this point. But let me say that it would be enormously harmful and potentially dangerous to the stability and progress of the country if any major party decided to boycott the election.

Therefore confidence has to be built so that there is no reason for a boycott. Look, it has happened before. There are still two months. No reason it can't happen again. But if the same things are being said in two months' time, I would be very worried.

Page five of the report states: "In the absence of a strong, corrective, and urgent response, confidence in the chief election commissioner will continue to deteriorate to the point that he should not continue his duties."

You can argue whether it should be "should" or "could" -- but it is hard to see how he could walk down the street -- he is a man of dignity -- with his head held high, if he didn't. But bluntly, he didn't recognize the problem. He didn't seem to welcome engaging with other political parties or civil society. He was dismissive in the media of there being a problem. It is hard to fix something if you don't think you have a problem.

This still can be improved. There is time for things to be corrected, to bring in the opposition and civil society and build confidence in the process. I am sure the chief election commissioner, who is a dignified man and a justice, would not want his name to be in a dark corner of Bangladesh's history.

Is it not possible to hold a credible election with the present voter list?

You're a good journalist and that's a hard question. I'll say this. Unless the list is improved, it will make it difficult for people to perceive a fair result.

What one would do if one were the election commission or the government is to have a time-line. By this time, we need this done. The caretaker is coming. We need consultation and consensus.

It is not just the law and the constitution -- it how you deal with it. It is good faith.

Same for the opposition. It is not good enough for them to say they weren't consulted. There are always reason you can choose not to go to a meeting. Notice wasn't given in time. But there has to be good faith.

The caretaker government doesn't have a mandate for wholesale changes. There is a time line. It must be respected.

The Commonwealth and EU are sending serious delegations. EU delegation is here now the other one will be here in three weeks. We should know something by then.

We will see whether the chief election commissioner has got the message. We have been very polite and diplomatic. But if nothing has happened, then others will respond to that.

A good journalist would go down to the Election Commission and see what he says this week and what he says next week, to see if the chief election commissioner has got the message.

THE DAILY STAR

September 12, 2006

NDI concerned over public distrust of CEC

Questions credibility of voter list, extension of retirement age of SC judges; but says early career of a caretaker govt chief should not be barrier to appointment

National Democratic Institute (NDI) yesterday expressed its deep concern over the widespread lack of confidence in the Election Commission (EC), specifically the chief election commissioner (CEC).

It also said the new voter list that contains over 9.3 crore voters, a number that is substantially inconsistent with the 2001 census data, strains credibility.

An NDI delegation, that held discussions since September 7 with the ruling and opposition political parties, EC, and civil society members on the preparation for the next election and present political situation, made its observations public at a news conference in Radisson Hotel in the capital yesterday.

Leader of the Delegation Tom Daschle, who is also a former majority and minority leader of the US Senate read out to journalists a report prepared by the delegation and said, "The CEC may be able to correct the situation, but only if the problem is acknowledged and dealt with. In absence of a strong, corrective and urgent response, confidence in the chief election commissioner will continue to deteriorate to the point that he should not continue his duties."

He went on, "When the delegates raised the issue with the commissioner, he did not acknowledge that a problem existed and later reported to the media that the delegation had been misinformed.

The delegation has identified a perception of incompetence and bias as a serious problem that requires being addressed."

The perception of inefficiency or bias may seriously erode confidence in not only the electoral process, but also the electoral outcome, he added.

While the EC is designated as an independent body under the constitution, its budget and appointments are controlled by the Prime Minister's Office (PMO), a situation that inevitably leads to perceptions of bias, Daschle said.

The Washington-based delegation observed that the present government has not been sensitive enough to the predictable political reaction to the extension of retirement age for the High Court judges, which created controversy regarding the next caretaker government.

Referring to the release of a pamphlet by Islamist militants on August 17 last year, during the simultaneous countrywide bomb blasts, that described elections as un-Islamic, NDI said it is gravely concerned that terrorist acts by extremists groups may disrupt the upcoming election.

In wake of the controversies and in light of the possibilities of violence in the upcoming election, the delegation said there is an immediate and urgent need for greater dialogue and cooperation between political parties at all levels for holding a free and fair election by giving priority to the country instead of the parties.

It suggested compilation of a voters' list electronically and publication of it for more extensive revision of the names. This will provide an opportunity for the political parties and civil society to work cooperatively with the EC to correct the list, the delegation said.

Responding to a question Tom Daschle said the objections regarding the possible chief of the next caretaker government have been raised because he served the ruling BNP in his early career.

"While the concerns raised are legitimate objections, past service to a political party should not be an automatic disqualification to public service. The credentials of a candidate for an important position must be examined in their entirety," he said.

The chief adviser does not act on his or her own, he said. There will be 10 other advisers who will be appointed in consultation with the opposition, he added saying that the chief adviser operates under intense domestic and international scrutiny.

Any partisan decision will be apparent to the public and cause for concern as to fairness of the election, he pointed out.

Asked if there is any possibility of a dialogue between the ruling party and the main opposition, Daschle said it is possible only if the parties put the country ahead of themselves. "I believe the political parties here put their country first and so will find ways to overcome the problems."

Asked if there is any possibility of the military coming to power in case of a failure to hold a free election as the opposing political fronts are still rigid on their stands, he said, "People of Bangladesh support civilian government and we the international community also support the same."

"It is premature to make any comment," he said when asked about his take on whether the election will be held or whether it will be acceptable without the participation of Awami League-led 14-party.

Asked if the ruling and opposition parties have attitude of compromise, he said compromise should be inevitable if the country is put before the parties. "It is not too late for them to sit and solve the problems."

The delegation stresses the need for removing the barriers to women's and minorities' full participation in the electoral and political processes, the written report said and suggested formation of a high level committee to review police behaviour before, during and after the election.

It recommended that the EC should devise a streamlined process of accreditation for election monitors that will respect the rights of domestic and international monitoring groups and observers.

It also recommended that the EC should ensure sufficient polling booths for women, publish detailed election results down to the polling station level, investigate alleged violations during election campaigns, and regulate campaign spending limits strongly.

The delegation concluded that a mechanism should be considered after the election to provide a vehicle for reconciliation and peaceful resolution of deeply entrenched political differences between the major participants that has polarised the country.

Former prime minister of New Zealand, Mike Moore, and former minister of women and veteran's affairs of Cambodia, Mu Sochua also answered questions.

U.S. group says Bangladesh poll body seen as biased

Reuters

Monday, September 11, 2006; 9:54 AM

DHAKA (Reuters) - A U.S.-based election monitor said on Monday it had received complaints that Bangladesh's election commission was incompetent and biased, which could lead to serious problems when it conducts a general election next year.

"We have identified a perception of incompetence and bias as a serious problem that requires being addressed," said Tom Daschle, leader of a three-member delegation of the National Democratic Institute for International Affairs.

Daschle, former majority and minority leader of the U.S. Senate, was speaking to reporters after a NDI team compiled a report on Bangladesh's preparations for parliamentary elections next January.

The team held meetings with the election commission, leaders of the ruling and opposition parties, civil society and media.

"The delegation was deeply concerned to hear...of a widespread lack of confidence in the election commission, and, specifically, the chief election commissioner," said a copy of a statement given to reporters at a news conference.

Law and Parliamentary Affairs Minister Moudud Ahmed rejected the report.

"We do not accept it," he said. "Every individual or group has a right to say anything, but they cannot dictate to an elected government of a sovereign nation."

A 14-party opposition alliance led by the Awami League of former prime minister Sheikh Hasina has been demanding the removal of the chief election commissioner, M.A. Aziz, and his deputies, accusing them of a pro-government bias.

The opposition has enforced a series of often violent strikes and blockades and held rallies and marches in pursuit of the demand. But the government has refused to back down.

The opposition parties also want a say in choosing the head of a caretaker administration that will supervise the election, but Prime Minister Begum Khaleda Zia has rejected the idea.

"Leaders of major political parties should put the country ahead of the party and negotiate to remove differences for the sake of democracy," Daschle said.

The NDI delegation was deeply concerned that the new voters' list runs over 93 million, out of a population of about 140 million, a size that was "substantially inconsistent with the 2001 census data," the statement also said.

"A voters' list containing two thirds of the population strains credibility."