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The 'Caretakers'

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of major constituency support and this can only be sustained when major political forces committed to such reforms, are engaged. An elected political government is thus, better suited to implement political reforms.

Performance: Elections and Reforms

The "caretakers" took power with two publicly announced broad agendas: organisation of a free and fair parliamentary elections and implementation of governance and political reforms. Though the second agenda is not supposed to be a remit of the "caretakers", it received their priority attention, but finally it was the successful conclusion of the first agenda that salvaged the reputation of the "caretakers".

Elections

Despite criticism from political parties and some elements in civil society that they were taking unnecessarily long time in organising the elections, the 'caretakers' should be given due credit for finally deliver-

down from its earlier versions, it did succeed in limiting the use of money and muscle power involved with electioneering. The elimination of violence and wasteful expenses associated with showdowns, color posters and wall writings seemed to be appreciated by ordinary voters who showed up on record numbers on election day without the enticement of those wasteful practices. Fourth, the 'caretakers' succeeded in ensuring the neutrality of administration and law enforcement agencies, which made the losing side's complaint of election engineering look ridiculous. Fifth, law and order was maintained in the run up to the elections, and the election day and many observers noted that in many constituencies minority voters could exercise their voting rights for the first time free of fear and intimidation. Finally, the voting, vote counting and reporting were done through a transparent process and that helped establish the credibility of the electoral outcome.

Certainly more improvement can

and activists were imprisoned and tried under emergency rules, doubt and skepticism started to set in about the legality and sustainability of the anti-corruption drive. First, many jurists started expressing concerns as to what would happen to these cases once the emergency rule is withdrawn and the normal law of the land would prevail. This was particularly applicable in the denial of bail to those detained under emergency powers, since under the normal law of the land bail in such cases is generally admissible. Indeed only a few corruption cases were actually taken to trial before specially convened tribunals set up under emergency rules. All such cases at the lower courts invariably ended in a conviction of the accused. But as the elections of December 2008 neared, many of the political leaders arrested on corruption charges and previously denied bails were set free on bail by the higher judiciary and many were left free to participate in the elections. Even some of those convicted by the lower courts were permitted to con-

compromised the credibility of the anti-corruption drive. The credibility was further strained when the two leaders were released, and the two sons of Khaleda Zia, charged with more glaring acts of corruption, were released on bail and permitted to go abroad for medical treatment as part of a political deal to bring the BNP into the election. Thus, the initially popular anti-corruption drive lost its credibility. The manifest political use of the laws eroded the authority of the ACC. Once the upper courts tuned in to the message that the anti-corruption drive was to be used as a political resource, they took their own initiative, notwithstanding the emergency rules, to release virtually every detainee on bail, thereby undoing both law enforcement as well as the political impact of the anti-corruption drive.

The concomitant political agenda of party reforms became the primary casualty of the failed "Minus-2 strategy", which was based on the false assumption that the so called "reformist" leaders within the two

tary backers who were the primary drivers of the government had been able to draw some lessons from their successes as well as failures.

Two major lessons about the military's role stand out. First, the military can be used effectively to perform technical jobs which have specific job descriptions and time frame. The military performed exceedingly well in assisting the preparations of the voter IDs and national IDs as well as in maintaining law and order before and during the elections.

Second, the military is not well suited to perform open-ended political tasks such as reforming political parties and political processes. Such open-ended political involvement invariably makes the military controversial and hurt the military's corporate interests. The military needs bipartisan support and needs to be insulated from the partisan contestations of the political arena.

What lessons can the political parties, who have generally been critical of the "caretakers", draw from the last two years' experiences?



ing on their core mandate of organising a free and fair parliamentary election. The task was not easy as the previous BNP led 4 party alliance government left an unacceptable Election Commission (EC) and a flawed voters' list. There were also demands from civil society about a number of reforms to make the elections free from the influence of mastaans and black money.

The "caretakers" took a variety of steps to meet these challenges. First, they reorganised the EC staffing it with more credible and acceptable commissioners and other officials and made the EC more autonomous. Second, they prepared a more acceptable and credible voters' list of 81 million voters discarding 12.7 million ghost/fake voters from the previous list. The preparation of the voters' list created some controversies, for example, whether to simply go for a voters' list with a photo ID or to simultaneously go for a national ID card. However, the final outcome was universally acclaimed. Third, though the final RPO was a come-

be made in the future but the "caretakers" should be lauded for laying the foundations of various processes that are essential for organising a free and fair election.

Reforms

The "caretakers" performance in implementing governance and political reforms was rather more controversial and open to contestations. The agenda unfolded in various ways pushed by different agencies and mechanisms of the government, sometime without coordination and adequate preparation. Two much talked about reform initiatives were the anti-corruption drive, and the so called "Minus-2 strategy". Both in fact became intertwined and compounded problems for the "caretakers".

When the "caretakers" first initiated the anti-corruption drive it was well received. The reconstitution of the Anti-Corruption Commission (ACC) was appreciated. But as hundreds of political leaders

test in the elections. The future of all the corruption cases after the withdrawal of the state of emergency thus appeared to be uncertain.

Second, the anti-corruption drive became even more contested when it was conflated with the so called "Minus-2 strategy", which sought to remove the two long standing leaders of the two major political parties, the Awami League (Sheikh Hasina) and the BNP (Khaleda Zia) from politics, on the belief that these two leaders were the main obstacles blocking democratisation of party politics. The "caretakers" initially sought to persuade the two leaders to voluntarily go into exile. When this approach failed, they filed anti-corruption cases against the two leaders on the assumption that if they were convicted, they would be disqualified from participating in the elections and also would stand politically discredited.

This attempt to use the anti-corruption laws to serve a manifestly political purpose, proved to be not only politically unpopular but

mainstream parties could mobilise support within their respective parties to challenge the two supreme leaders and support the government's reform agenda. But these "reformists" proved to be ineffective in challenging the two dynastic leaders and the rank and file members of the two parties remained loyal to Sheikh Hasina and Khaleda Zia. The "caretakers" then had to come to terms with the reality that democratic reforms could not be engineered from outside the political system. As pressures built up from within and outside the country on the regime to deliver on its principal agenda to organise free, fair and credible elections, the 'caretakers' had to put their reform agenda on the back burner and focus on the elections.

Lessons

An noted earlier the successful implementation of the election agenda had paid rich dividends for the 'caretakers'. It is hoped that the 'caretakers', particularly the mili-

Obviously, they need to think hard about the future of the caretaker (CTG) system. By being able to organise a credible and acceptable election, the "caretakers" demonstrated once again the positive role the CTG can play in our highly partisan political environment. But the problems with the CTG system, particularly the partisanisation of the judiciary, have also become apparent in the last few years. Political parties and civil society need to assess the caretaker system objectively in the light of our ground realities. We need to decide whether in the absence of trust among the political parties about the neutrality of an incumbent administration, we would need to continue with the caretaker system, and if so, what changes we would need to make to ensure the non-partisan character of the "caretakers".

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