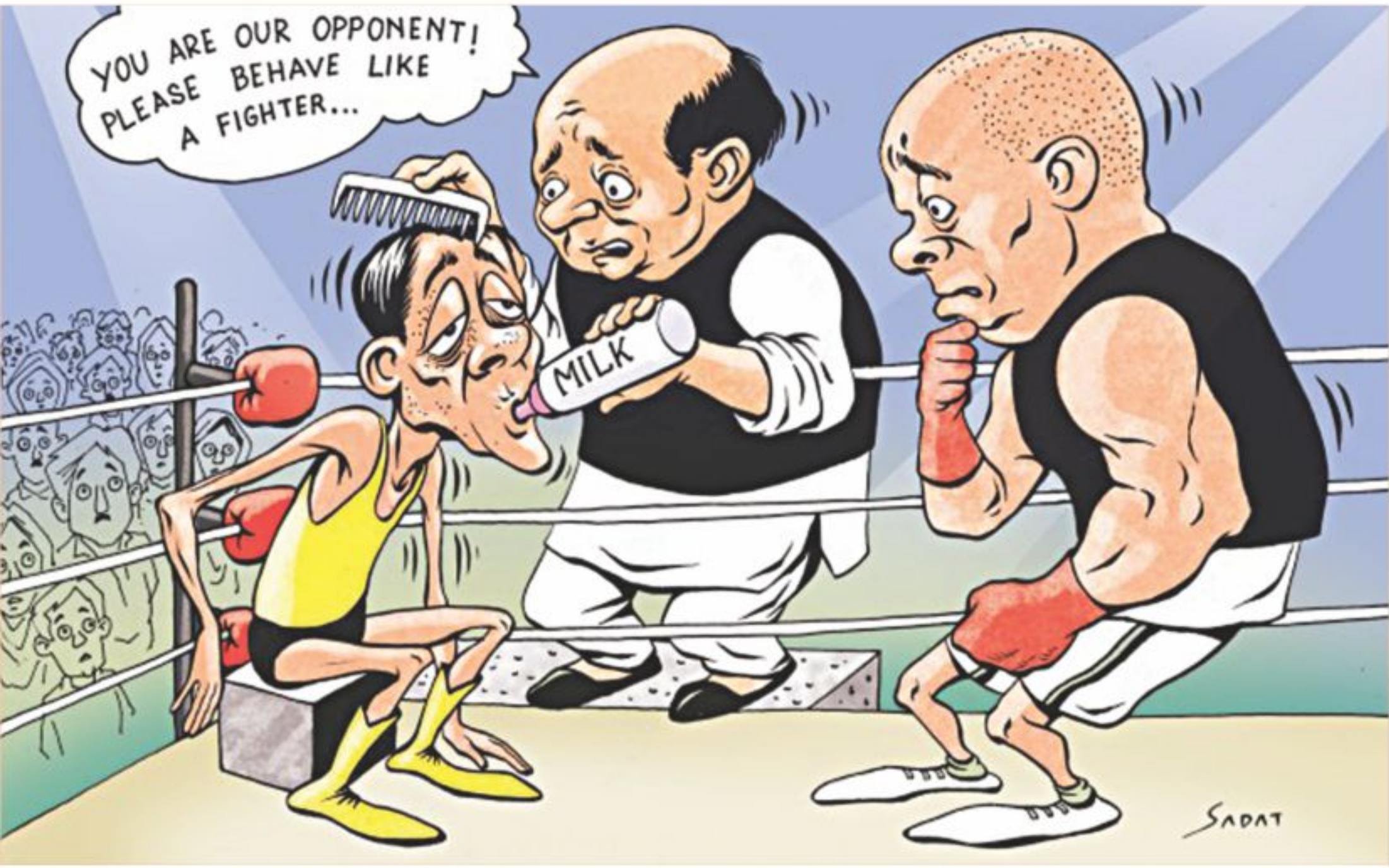


# Voter-less election and the crisis of legitimacy



MAHBUBUR RAHMAN

IN Bangladesh politics one doesn't have to be a political scientist or an expert election observer to figure out the aftereffects and consequences of a voter-less election. In fact, Bangladesh has experienced such counterfeit elections before, in 1988 and 1996, and their deleterious impact. It is rather surprising and very unfortunate that the present government is walking the same path, albeit using the same old logic—"we have to hold elections (even if it is voter-less or uncontested) for 'maintaining constitutional continuity.'" But the way the government has dealt with the opposition over the last few months was clearly to make sure BNP remained locked out of the electoral race. Thus, the political motive is for the regime to stay in power rather than genuine constitutional concern.

If there were any desire for inclusiveness, the government could postpone the election slated for January 5. It could then be held anytime before January 24, as stipulated by the constitution, or even after that date if the president dissolves the Parliament before January 24. In that case, the election would need to be held within 90 days thereafter.

Despite the government's claim of "constitutional compulsion," the way preparations for January 5 election are being made defies the structure, goal, and spirit of the constitution. The Supreme Court's verdict in May 2011 in the 13th Amendment case made an observation that "free and fair election is part of democracy and a funda-

*Bangladesh is experiencing the expected fallout of political illegitimacy even before the election.*

mental structure of the Constitution. And Parliament is the product of democratic process through a free and fair election. So, in the absence of free and fair election, Parliament cannot have real legitimacy and cannot be said to be sovereign as well, and in such Parliament, people will have no representation." Termining the upcoming January 5 election a "selection," several eminent jurists have also said that an uncontested election would be "unconstitutional" and "legally invalid" (See "January 5 Polls: Does It Violate the Constitution?" The Daily Star, Dec 24).

It's true that in every election, some candidates are unopposed, but their number is always low. And that too happens when the nomination papers of all candidates except one are found to be defective, or all but one of the candidates withdraw from the race for some reason or another. But what about an election where the main opposition party is absent or kept out of the race and the ruling party (or alliance) candidates are declared to have "won uncontested" in a majority of seats? How would that election be credible? Are not the majority of the voters denied the right to exercise their right to vote? On what grounds can the government then claim itself representative?

Since an inclusive, free, and fair electoral process is one of the main ways of achieving legitimacy for political officials and government institutions, it is extremely important to safeguard it. The system must be structured to ensure that people can express their political choices and elect their representatives from a slate of candidates. Political scientists have commonly viewed that the notion of free and fair elections refers to an electoral process in which: (a) all the citizens who are eligible to vote are enabled to exercise their voting rights; (b) voters make elec-

toral choices without illegitimate inducement or coercion; (c) electoral institutions, processes and outcomes are not manipulated by the government, groups or individuals, and (d) outcomes of the electoral process are determined purely by the votes of the electorate. To ensure the above, two additional factors must be present: first, an honest, competent, non-partisan electoral body to manage the elections; and second, a general acceptance by the political community about the rules of the game which includes the election-time government and electoral laws.

Why is Bangladesh heading for a voter-less election once again? The ruling Awami League leadership is putting blame on the opposition, suggesting that BNP "is staying away from the election because its friends in the Jamaat are on trial for war crimes." The fact, however, is that the incumbent regime didn't agree to meet the legitimate demands of the opposition that include formation of a neutral, non-partisan election-time government and reformation of the Election Commission as necessary to provide a "level playing field." Being pressured by the international community, the government did engage in dialogue with the opposition, but at one point they simply walked away, proving their lack of sincerity for holding an inclusive, free, fair and competitive election.

In most cases, a government that takes power through a voter-less or uncontested election is short-lived. Since such a government is void of legitimacy, the post-election scenario is characterised by resistance and chaos, followed by conflict and violence. This time, Bangladesh is experiencing the expected fallout of political illegitimacy even before the election, as the government has made it almost impossible for the opposition to demonstrate peacefully on the street and/or run party activities from inside their headquarters. The opposition has thus resorted to blockades and violence. This violence may increase in the coming days. The government might very well try to quell the situation by exercising further repressive measures, which they have already started.

The developments in Bangladesh are being watched closely by the external observers around the world. William B. Milam, a former American ambassador to Bangladesh, and currently a research scholar at the Wilson Center in Washington, D.C., describes the reaction of most outsiders to the present crisis in Bangladesh as "things will work out as they always have." He said: "In past crises, the incumbent party always had to give up and the opposition took office, to restore balance if not functionality." But, he points out: "History does not always repeat itself." So what could happen this time? Milam predicts: "If the government actually goes forward with its planned one-party election, the ensuing violence could bring it down and/or make another election necessary, which the opposition would probably win." He also says: "The alternative is worse, a government which, because of the perverted institutions of the state, is in a position to eliminate the opposition as a force to be reckoned with, and move towards a one-party state."

It does not appear that the government of Sheikh Hasina is going to "give up" easily. So unless there is a large-scale mass uprising, the government is not going to compromise or concede anything. We might wonder if the government will try to eliminate the opposition and move towards a one-party state, as apprehended by Milam. That might not happen by any overtly political actions or declaration, but the government could nonetheless try to achieve that through clandestine and underhanded maneuvers.

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# An election process devoid of democratic principles

SHEIKH RAHMAN

ONCE again, safeguarding the principles and practices of democracy has become paramount for realising the hopes, aspirations, goals and objectives of the people of Bangladesh. The tenth parliamentary election is coming under serious scrutiny from domestic and external quarters. A crisis is looming in the horizon that may soon engulf the nation in a fratricidal battle. Deferring the election date by 90 days after dissolution of the parliament is in conformity with the constitution. The rival political parties are yet to agree on a formula for conducting the polls. The opposition parties (18 party alliance) will have to withdraw the ultimatum for hartals and desist from inciting violence to demonstrate their good will. BNP and the ruling party have to agree to defer the date for the election.

Deferring the election will create a negotiating space for a UN representative and allow the talks to continue between BNP and AL. In case the two parties do not succeed in reaching a solution a mediator may be appointed by the UN to resolve the differences between them. A committee for elections should be formed for resolving the short to medium term issues pertaining to the holding of the elections. A committee for political and democratic reform should be entrusted with the responsibility of constitutional and institutional reform consistent with democratic principles.

Credible, free and fair elections will benefit both parties. This will add legitimacy and assure the ruling party of continued support from the people and the international community. Lack of cooperation from the people can make any government fail. Loss of legitimacy of the re-elected government is the biggest

threat facing AL. BNP has a significant support base and may win more than the expected number of seats due to the recent decline in the popularity of the ruling AL.

A one-sided election runs the risk of being rejected by the people and the international community. Rejection of the results of the polls would mean re-election within a short period of time. The uncontested elections to 154 seats and the January 5 polls may be unacceptable to the people and seriously undermine the reputation of the AL government. PM Hasina risks losing the credits as well as the good name earned from the international community by keeping the

*What may seem to be a win-win strategy for AL now may end up being lose-lose strategy for all in the end.*

election pledges of 2008, and also the optimism about Bangladesh's future. The new regime will have to face the consequences of loss of legitimacy in the event of outright rejection of the results of the elections by the people. During the tenure of the 10th Parliament, the government might also have to deal with domestic instability fueled by the threat of fundamentalism amidst escalating violence.

In the ongoing stalemate support for a new leadership is expected to grow from the politically conscious people, civil society, and moderate minded leaders. Ultimately, the people may succeed in exerting enough pressure upon the leadership to bring about the desirable changes for an acceptable system for

ensuring democratic participation of the people based on social and economic justice. In responding to the ongoing crisis, global as well as regional powers can be expected to campaign for the restoration of democracy in Bangladesh.

Therefore, political instability in Bangladesh would continue to hamper the government in its external relations. Eventually, the regime may even face the consequences of an economic decline and run the risk of becoming ineffective. However, it may continue to rule by blocking the people's movement with use of force. Therefore, violent demonstrations and civil strife may be foreseeable in the near future. Security forces will have to be deployed to address any militancy. The opposition forces aligned with the extremists may acquire arms and escalate the anti-AL campaign by increasing the intensity and level of violence. Violent anti-state activities of the opposition led by the Jamaat-Shibir activists may lead to excessive use of force by the law enforcing agencies.

Therefore, the government may have to face allegations of repression and human rights abuses that would greatly undermine any attempt to regain political stability. It may lose support of the international community and may even lead to Bangladesh's isolation. In the not too distant future, Sheikh Hasina may have to give in to the demands for re-election and relinquish power. What may seem to be a win-win strategy for AL now may end up being lose-lose strategy for all in the end. After all, BNP also stands to lose by non-cooperation and resorting to political violence, and for its connection with Jamaat.

In the end, one cannot dismiss the possibility of the emergence of a new democratic party.

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## AL's election pledges to.....

SHAKHAWAT LITON

A political party makes election promises to the people to win the polls. But the Awami League on Saturday unveiled a set of election pledges with no such an objective. 154 candidates have already been elected unopposed, setting a record in the world of parliamentary democracy. This has denied more than half of the 9.19 crore voters the rights to cast votes to choose their representatives.

AL looks all set to win a two-third majority in this election. Then why should it announce an election manifesto? What will the voters of 154 constituencies do with those promises as they have already been denied their voting rights? They have nothing to say about the AL election manifesto. Voters in the remaining 146 constituencies also have little to say as their votes do not matter much in determining the January 5 polling results. There is no strong candidate in those seats to challenge the contenders nominated by AL and its allies. Our election law is also peculiar—if one vote is cast then the candidate who gets it will be declared elected. So, the people, who are the owners of the all powers of the State, do not need to vote.

Yet Sheikh Hasina, in her party's election manifesto unveiled on Saturday, made promises and sought wholehearted support from the people. What will the AL do after it forms the government following the January 5 so-called polling? How will the AL-led government deliver on the new electoral pledges? Take some crucial promises related to good governance for discussion here.

In the manifesto called 'Bangladesh Moving Forward,' AL promised to build national consensus among all the political parties, professional bodies and civil society organisations to uphold democratic process and ensure unhindered development. The promise sounds good. But the reality is different. The crucial question is: will the government to be formed after the one-sided election be acceptable to the opposition parties that are boycotting the January 5 election, let alone the people and civil society organisations? Of course they will not welcome the new government. Then how will the new government build a national consensus? If opposition parties keep waging agitation against the government even after the election, will the new government take steps to build national consensus? Or will it try to build the national consensus sans the opposition parties and civil society organisations that have been opposing the January 5 polls?

AL, in the run up to the 2008 parliamentary polls, had made almost the same promises in its electoral manifesto 'A Charter for Change.' In the wake of pervasive confrontational culture in politics, it had promised to take steps to inculcate decency and tolerance in politics. AL had also pledged to formulate a code of conduct on consensus to improve the political culture. But in

the past five years, the party did nothing in this regard. Politics has turned more confrontational than any time in past. So, it will not be easy for the AL-led new government to build a national consensus.

AL this time also promised to establish good governance, though many crucial pledges the party made before 2008 election remained unfulfilled. In the latest manifesto, AL promises to take necessary measures to make the parliament effective. It made a similar pledge before the 2008 election. But the parliament formed through the 2008 polls could not be effective thanks to boycott by the opposition MPs and the tendency of the treasury bench to use the House as a rubber stamp. In such a situation how will AL make the new parliament, which will be formed through a controversial election, effective?

AL in its electoral manifesto for the January 5 polls also promised to strengthen the local government system and the Anti-Corruption Commission. It had made similar promises before the 2008 polls. But after assuming office, the AL-led government did the opposite. It amended the upazila parishad law making MPs advisors to local government bodies with the power to meddle in their functions. In the last five years, the government did not allow upazila parishads to function independently. In spite of the electoral pledges the government did not hold elections to zila parishads. Rather, it appointed ruling party men as administrators of the parishads. It split the Dhaka City Corporation more than two years ago, but did not allow the Election Commission to hold the elections for it.

The government could not strengthen the fight against corruption, which it pledged to do in the 2008 polls. Wealth statements of prime minister, ministers, MPs and others were never made public in last five years though AL had promised to make them public every year. People came to know how many AL ministers and MPs amassed wealth in last five years when they submitted their statements to the Election Commission to contest the January 5 polls. Embarrassed by the disclosures, AL stopped the EC from publishing the wealth statements. Now, AL promises to enact laws to ensure accountability and transparency in the activities of MPs in and outside parliament.

AL, in 2008, had promised to keep members of law enforcement agencies beyond partisan influence. But in the last five years, the police administration has been politicised more. AL promised to keep the police and other law enforcement agencies beyond partisan interests a day before the opposition's 'March for Democracy.' But the way the government abused the police forces to foil the opposition's programme on Sunday is a glaring example of using the police forces for narrow partisan interests. This raises questions about the government's sincerity to honour its electoral pledges in future.

The writer is Senior Reporter, The Daily Star.

## QUOTABLE Quote

Education's purpose is to replace an empty mind with an open one.

--Malcolm Forbes

By THOMAS JOSEPH

ACROSS

- 1 Highway picking
- 6 Sensational
- 11 Poor sport's cry
- 12 Permit
- 13 Dissing
- 15 Have lunch
- 16 Equip
- 17 Overhead trains
- 18 Prom rentals
- 20 Accept eagerly
- 23 Temple leader
- 27 Farm team
- 28 Nullified
- 29 Piper of rhyme
- 31 Reach
- 32 Picture puzzle
- 34 Commotion
- 37 "Oh, wow!"
- 38 Casserole bit
- 41 Frisking
- 44 "The Waste Land" poet
- 45 Tanager of Leda
- 46 Takes a breather
- 47 Corrupt

DOWN

- 1 Ready for picking
- 2 Blue hue
- 3 Pooch
- 4 Peach
- 5 Agitate
- 6 Checkout worker
- 7 Archaic
- 8 Ice chunk
- 9 Quail and pheasants
- 10 Pos-sesses
- 14 Disallow
- 15 Drill part
- 18 Radio dial
- 19 Goalie's answer
- 20 Cut off
- 21 Cut drastically
- 22 Parrot or puppy
- 24 Program that performs repetitive tasks
- 25 Drill part
- 26 Groom's answer
- 30 Sends, as payment
- 31 Zealous
- 33 Prohibit
- 34 Mimic
- 35 Secluded valley
- 36 Singer
- 38 Redding
- 39 Warsaw native
- 39 Rams' mates
- 40 Last of the House of Stuart
- 42 Infant
- 43 Cotillion girl



A XYDLBAAXR IS LONGFELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

11-23 CRYPTOQUOTE

DAWH VUZ AQOW JUHBGFWHJW,

VUZ JQH AQOW Q YUX UB

BZH. QHF DAWH VUZ AQOW

BZH, VUZ JQH FU QKQMGHC

XAGHCN. — RUW HQKQXA

Previous Cryptoquote: YOUR PAIN IS THE BREAKING OF THE SHELL THAT ENCLOSURES YOUR UNDERSTANDING. -KHALIL GIBRAN

BEETLE BAILEY



HENRY

