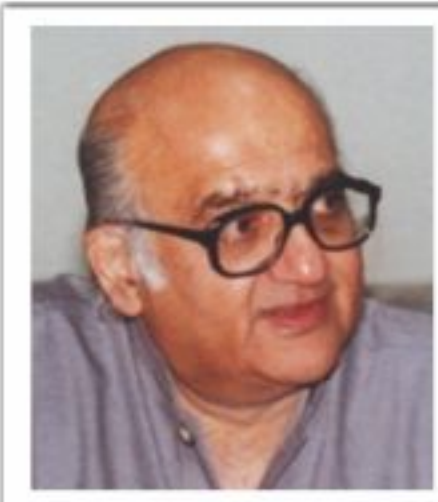


# Putting Democratic Process Back on Track



REHMAN SOBHAN

**B**ANGLADESH had performed relatively well both in its economic and social indicators, and demonstrated good prospects for doing even better. Over the last twenty years the country enjoyed a working, if far from ideal democracy, manifested through four free and fair elections each culminating in regime change through the ballot box.

At the outset of the present AL-led regime correction of the wrongs of history through the application of the rule of law had ensured that the killers of Banglambandhu and his family were finally brought to justice. Sheikh Hasina and her regime are also to be commended for their bold decision to bring to account those who were associated with the genocide committed on the people of Bangladesh in 1971 through the initiation of the War Crimes Trials.

Unfortunately, the positive developments indicated above have not yielded their full harvest due to the widening divide between the two alliances over the issue of the regime which would preside over the polls time government. This confrontation has become increasingly violent as the BNP's ally, the Jamaat-e-Islam (JI), has used this essentially political conflict to merge it with their own lethal campaign to frustrate the War Crimes Trials. The unresolved crisis has compromised the representative status of the 10<sup>th</sup> Jatiyo Sangsad which has put the democratic process at risk. This paper

ruled Bangladesh since 1975, the erosion of its democratic identity is a matter of serious consequence to a party such as the Awami League which has, throughout its 65 year life, been at the vanguard of the struggle for democracy. The Awami League had fought intensively contested elections in 1954, 1970, 1973, 1996 and 2008, where it had taken on and comprehensively defeated its principal rivals at the polls. For this historic party to now find itself holding office with such a low level of voter participation is not only detrimental to its political self esteem but also weakens the very foundations of democracy in Bangladesh.

Any regime which assumes office with a weak electoral mandate will constantly be exposed to challenges to its authority and is likely to become increasingly dependant on the coercive capacity of the law enforcement agencies and its own muscle power to stay in office, thereby compromising the democratic character of the state. In such circumstances it is imperative for the Awami League to urgently reestablish its democratic credentials through proving beyond challenge that it clearly represents the will of the majority of the people of Bangladesh through the time honoured process of a free, fair and fully participative election.

## **The BNP: The costs and consequences of political miscalculation**

The principal opposition party, the BNP, can take no comfort from the erosion in the democratic mandate of the Awami League and must assume a share of the responsibility for this flawed election. The democratic base of the BNP has weakened over the years so that it remains increasingly incapable of peacefully mobilising large numbers of

Such a fully participative election would have been overseen by over 200,000-300,000 international and national election observers, including the parallel vote count system in every polling centre put in place during the 2008 elections. A relatively independent and competitive electronic and print media had been ubiquitous across the country even on January 5 and exposed, in real time or the next morning, not just the low voter turnout but the malpractices of seizing of polling booths and illicit stuffing of ballot boxes through the intervention of musclemen of particular candidates.

## **What can be done**

What might have been is, however, yesterday's news. What is important is to look ahead and see what may be done to move beyond the political errors of commission and omission of both political alliances to resuscitate Bangladesh's weakened democratic process. The most obvious way forward is to initiate an unconditional dialogue between the leadership of the two principal alliances to work out the terms and conditions for a fully inclusive election to the 11<sup>th</sup> Jatiyo Sangsad to be held as early as possible. This suggestion is hardly original and has been articulated within the country by many people concerned with ensuring the continuity of the democratic process as well as by sections of the international community, including the United Nations, the Commonwealth Secretariat and the European Union.

While it is easy to suggest that dialogue between the alliances resume, it is more difficult to establish mutually acceptable ground rules for such a dialogue. Some suggestions are presented below as a basis for further public discussion.

## **1. End all forms of violence**

### *Immediate actions*

(i) The BNP should put into abeyance its programme of agitation manifested through *hartals* and *oborodhs* and ensure that all acts of violence, originating not just from its own workers but particularly its alliance partners, instantly cease. Mindless violence has become abhorrent to all segments of the population as well as the international community and has discredited the opposition. Resort to violence could serve as the principal electoral liability of the BNP in any prospective election. Khaleda Zia has sensibly already anticipated these suggestions through her press conference on January 15 and should continue to abjure *hartals* and violence in the near future.

(ii) This cessation of violence should not just apply to the opposition but also the ruling party who must immediately curb the stick wielding party goons who invaded the High Court premises and were photographed beating a woman lawyer. Furthermore, we should recognise that the massive deployment by the regime of both law enforcement agencies as well as party musclemen to frustrate peaceful public mobilisations of the opposition, and the widespread arrests of the members of the opposition, are also recognised as a form of violence which remains inconsistent with democratic practice.

(iii) All those members from the opposition who have been detained in large numbers across the country should be released as a gesture of good will. This blanket release need not cover those who have actually been caught in the acts of violence but should certainly cover a wide range of opposition leaders who have by no stretch of imagination engaged in violence. In addition, the right of public assembly through convening of public meetings or even organising demonstrations should be restored as long as they do not involve any form of violence.

## **2. Initiate a dialogue**

A dialogue, initially between selected key leaders of each alliance, should commence as early as possible following actions taken by both sides at (1) above. This dialogue should address among others the following issues:

(i) Reaching agreement on the specific composition of the government and the necessary institutional arrangements to oversee elections to the 11<sup>th</sup> Sangsad.

(ii) To facilitate an early election the suggested agreement should preferably remain within the framework of the prevailing constitution. However, if one or more parties aspire to a more definitive solution which may require further amendments to the constitution such specific proposals should be taken forward through the election manifesto of the concerned parties who should seek an electoral mandate for such as amendment through the election to the 11<sup>th</sup> Sangsad.

## **The need for a settlement**

### *The doctrine of perverse incentives*

No such dialogue will proceed unless both sides recognise that the continuance of the *status quo* is unsustainable. The ruling alliance, once again in office, always argued that the elections to the 10<sup>th</sup> Sangsad were a constitutional necessity and that dialogue may resume after the elections on negotiating the terms of an election to the 11<sup>th</sup> Sangsad. They never specified when this fresh election may be held. Now that the elections have been held and have exposed the much weakened electoral mandate of the government it would be in their interest to initiate a dialogue with the opposition for organising an early and more inclusive election. The opposition must in turn recognise that they command inadequate mobilisational power to unseat the present government, however debilitated its authority.

The danger threatening any move to a dialogue lies in the perverse incentives which originate from the awareness by each party of their rival's weaknesses. The ruling alliance may deduce that it can continue to remain in office until it is exposed to sufficient challenge in the streets. The opposition may respond by continuing its violent street agitations, now increasingly outsourced to the Jamaat whose level of violence may intensify.

Such a response to what may be termed the doctrine of perverse incentives will drive the country into an unending cycle of violence, and oppressive governance. Time is, therefore, not on the side of either the government or the opposition and least of all for the sustainability of the democratic and development process. If we are to move through 2014, exposed to endemic violence which perpetuates a state of uncertainty throughout the land, where the political mandate of the government remains contested and its international authority compromised, many of our positive gains would come under threat.

### *Reinvesting in democracy*

If the present government aspires to carry forward its ongoing and prospective agenda it must reclaim its democratic credentials. To take the War Crimes process forward and put an end to the associated cycle of violence the regime must establish substantive public support for this process through a credible electoral mandate. Nor can a regime which has set ambitious goals for realising *din bodol* extending to 2041 aspire to begin such a journey without strong representative credentials. Similarly, if the BNP-led opposition believes it

**Greater awareness within the BNP of its own limitations to engage in peaceful democratic mobilisation would have made it more sensible for the party leadership to participate in the 10<sup>th</sup> Sangsad by availing of the offer extended to the party by the prime minister to participate in a multi-party government to oversee the elections.**

can command enough popular support to once again assume power it must come to terms with the reality that it can only do so through the political process and not through insurgency underwritten by violent allies or even the benediction of the international community. In defining its political agenda the BNP will need to spell out its position on the War Crimes Trials so that the electorate would know where they stand on this vital national issue.

Both parties will need to realise that democracy does not limit itself to holding a free, fair and participative election. Both sides need to recognise that the elected government must move away from the prevailing winner take all culture and the opposition must discharge its responsibilities within parliament and not on the streets. The complete negation of such a tradition has subverted the democratic process in Bangladesh over the last two decades. The astronomical benefits and severe costs of victory and defeat have become a major threat to a peaceful democratic transition at the end of a regime's tenure.

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explores what we can do to put the democratic process back on track.

**The political consequences of the election to the 10<sup>th</sup> Sangsad**

**The Awami League: The erosion of a democratic inheritance**

It is not intended, at this point, to revisit all the arguments and counter-arguments over who is responsible for blighting our hopes for the future and pushing us into a one-sided election which is exposing us to an uncertain future. At this stage, it will be more useful to take stock of where exactly we stand in the wake of the elections of January 5, and to explore what may be done to ease the tensions permeating the country and enable Bangladesh to resume its journey towards a more positive and predictable future.

The recently concluded election has diminished the democratic character of the polity. Here again we can argue over who is responsible for this situation but the objective fact remains that the 10<sup>th</sup> Sangsad has been elected with a historically low voter turnout. 153 out of 300 members, representing 53% of the electorate, were declared elected without the inconvenience of a single vote being cast in their favour. Even if we accept the strongly contested official tally of the Election Commission (EC) which reported a 40% voter turnout in the remaining 147 constituencies where some electoral contestation took place, the final voter turnout comes to approximately 18%. Since a large number of ministers sworn into office on January 12 were among those elected without any vote being cast in their favour the representative character of the new government has been weakened, compared to the 87% mandate to govern which the present ruling alliance received through the hotly contested election to the 9<sup>th</sup> Sangsad at the end of 2008.

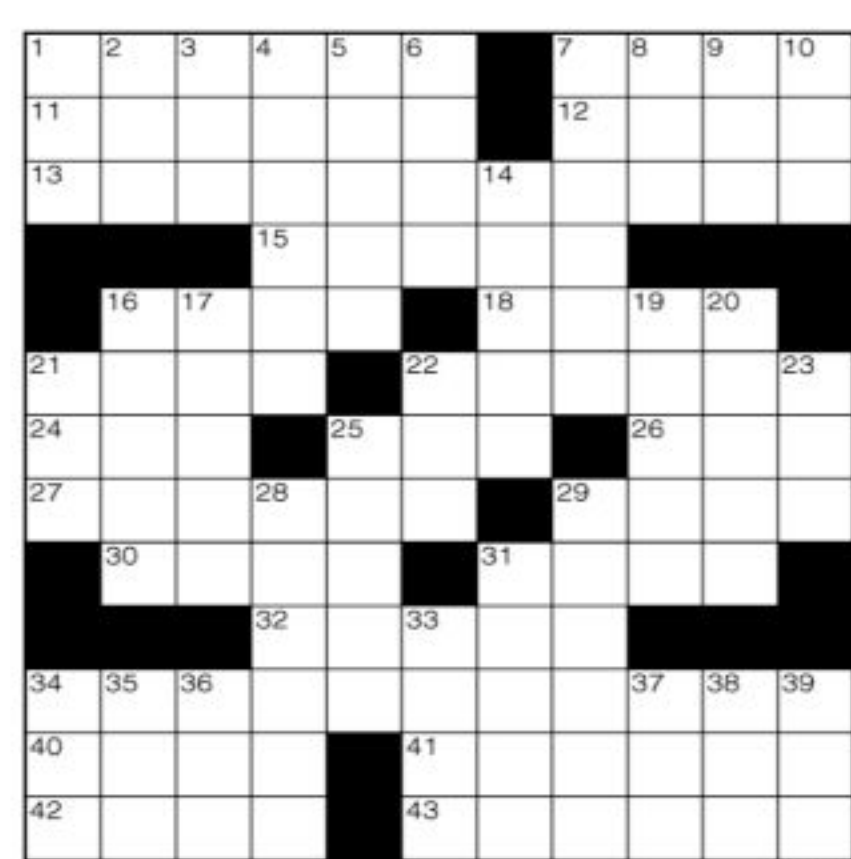
Whilst such an erosion of their democratic credentials may be of little consequence to the various cantonment born regimes which have

people to challenge the ruling party. Limited mobilisation capacity and weak organisational skills have compelled the BNP to become increasingly dependent on the capacity for street violence and terrorism of its principal ally, the Jamaat-e-Islam (JI).

The JI today is deeply compromised through the War Crimes Trials which have once again brought into public focus the party's collaborationist role and association with the genocide inflicted on the people of Bangladesh by the Pakistan army in 1971. The JI's resort to terrorism through indiscriminate violence which has largely targeted innocent citizens and vulnerable minority communities, has compounded its discredit in the eyes of the people of Bangladesh. For the BNP to remain tied to a political entity which remains increasingly dependent on violence as a form of political expression undermines its own democratic credentials.

In such circumstances greater awareness within the BNP of its own limitations to engage in peaceful democratic mobilisation would have made it more sensible for the party leadership to participate in the 10<sup>th</sup> Sangsad by availing of the offer extended to the party by the prime minister to participate in a multi-party government to oversee the elections. The BNP could have negotiated some further advantages once it committed to participate in the elections. Such a compromise may have fallen well short of its demand for restitution of an electoral process under a non-partisan caretaker government. But if the BNP was confident of its electoral success after the party's victory in the city corporation elections it could have taken its chances.

Experience from the recent elections has established that in a fully participative election where the opposition parties were strong enough to place polling agents in every booth, where virtually everyone of voting age is likely to be in possession of a cell phone, electoral malfeasance, even by an incumbent ruling party occupying the driver's seat, would have been extremely difficult.



## **CROSSWORD by Thomas Joseph**

### **ACROSS**

- 1 Christmas symbol
- 7 Letter after alpha
- 11 Portugal's place
- 12 Keen
- 13 Christmas treat
- 15 Pick from the menu
- 16 Pillboxes and porkies.
- 18 Not recorded
- 21 Flag creator
- 22 Santa's transport
- 24 Checkup sound
- 25 Distress call
- 26 Lingerie buy
- 27 Snowman of song
- 29 Garden pest
- 30 Dancer or Prancer
- 31 Santa keeps one
- 32 Kind of candle
- 34 Christmas treat
- 40 Nevada city
- 41 Christmas song word
- 42 Plow pullers
- 43 "Black Beauty" writer Anna

### **DOWN**

- 1 Barrister's topper
- 2 Battering stat
- 3 Poet's contraction
- 4 Criminal slangs
- 5 Cake layers
- 6 Knotty
- 7 Peter Pan's creator
- 8 December 24, e.g.
- 9 Aunt, in Acapulco
- 10 Find a sum
- 14 Sleigh ringers
- 16 Be miserly
- 17 "Who lived in"
- 19 Lionel Hampton's instrument
- 20 White water
- 21 Brit. fliers
- 22 Tofu source
- 23 Possessed
- 25 Barber's aid
- 28 Church address
- 29 Target for Jack Frost
- 31 Eggnog server
- 33 Cocoa servings
- 34 Debate side
- 35 Superman foe Luther
- 36 French article
- 37 Anger
- 38 Zero
- 39 Guy's friend

### **CRYPTOQUOTE**

NXAJXR EQJ PRRUF HQR NITKTHA HJ  
FRR IRNOHA TX RCRYA NVB JB KTBR  
YRNKKA XRCRY VYJEF JKG.  
- BYNXD PNBPN

Yesterday's CRYPTOQUOTE: NOTHING IN THE  
WORLD IS MORE DANGEROUS THAN SINCERE  
IGNORANCE AND CONSCIENTIOUS STUPIDITY.  
- MARTIN LUTHER KING JR.

## **Yesterday's answer**



### **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.

## **BEETLE BAILEY**

by Mort Walker



## **HENRY**

by Don Trachte



**QUOTABLE Quote**

Learning is the beginning of wealth. Learning is the beginning of health. Learning is the beginning of spirituality. Searching and learning is where the miracle process all begins.

Jim Rohnn