

## CHALLENGES IN BUILDING A REFORMED POLITICAL ORDER

## Pathways to a new political order

THIS IS THE SECOND PART OF A TWO-PART ANALYSIS



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Between 1991, when democracy was restored in Bangladesh, and 2009, the Awami League and the BNP were each twice elected to office, through free, fair and inclusive elections. Unfortunately, the tenures of either party did not conspicuously serve to promote the practice of democracy and appeared to be more preoccupied with consolidating power and perpetuating a winner-take-all political culture.

In the backdrop of a bipartisan political system, the BNP has emerged as the largest political party in the country. In the absence of the AL in the political arena, in the aftermath of the post-July-August uprising, the prospect of the BNP forming the next government through a free and fair election appears propitious. Public attention is naturally focused on whether they will return as improved practitioners of democracy. In the aftermath of the uprising, remarks made by top BNP leaders on the state, governance, and practice of democracy project a renovated image of the party and has been widely appreciated by the public. However, the spectacle of the party's field-level workers moving to fill the power vacuum created by the exit of the AL from the field and appropriating the vacated opportunities for rent-seeking have aroused some concern that old habits die hard. Punitive actions by the BNP leadership against malfeasant party members do not appear to have done enough to discourage such predatory actions. Popular discontent against such misbehaviour suggests that the BNP leadership needs to act more decisively to discipline their party cadres if they are to persuade the public of their reformed identity.

In contrast, the forces which came together to overthrow the AL regime represent a fresh presence in politics and have generated their own political dynamic where a younger generation has begun to assert itself. The students have earned respect and legitimacy through their vanguard role in the July-August uprising, particularly among the younger people. They have been justifiably concerned that the old political order should not be perpetuated and demand that substantive reforms take place to ensure that a new, more just, and equitable order emerges. They have welcomed the reforms initiated by Prof Yunus but aspire to be more actively engaged in carrying forward the reform process. To do so, a segment of the students have launched a political party, the National Citizen Party (NCP). This is a welcome step.

Bangladesh has long needed a third party to challenge the duopoly exercised by the AL and the BNP for the last four decades, which has tribalised national politics. Prof Yunus made a rather mistimed and misconceived effort to establish such a third party in 2007. Its early demise did not rule out the need for a political force which would challenge the hegemony of the two parties. Jamaat is indeed another such force of political consequence. But its politics so far have been targeted to a specific ideological rather than a national constituency. It may now have wider aspirations to reach out to a broader spectrum of voters and promises to be a significant force in the forthcoming national election.

The emergence of the NCP as a prospective challenger to our dynastic politics has the attraction of novelty and the virtue of not carrying any baggage from past involvements

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in governance. To capitalise on such assets, the NCP would be advised to project itself as the party of the future, rather than re-fighting historical battles. Some of the student leaders have so far invested much rhetoric over rewriting the constitution and proclaiming a second (?) republic. As it transpires, their five-point declaration on displacing the four fundamental principles that have underwritten the Bangladesh constitution appears to be a largely semantic exercise, which says nothing that is not already inherent to the original fundamental principles of the constitution. Such provisions as "pluralism" are integral to the ideas of democracy and secularism. The provision of "equality" and "social justice" are essential components of the idea of socialism. Such a move to engage in constitutional dialectics appears to be driven

more by a desire to re-interpret history than to redefine the fundamental values guiding the national mission.

The preoccupation of the students in engaging in such a historical discourse has left limited opportunity for them to spell out how they aspire to create a society committed to eradicate *boishomoy* or inequality. It has also distracted them from what should have been their primary responsibility in the post-August 5 period, providing backup to the Yunus-led interim government (IG) in restoring stability to the ravaged socio-economic landscape of Bangladesh. They could have, through organising students groups, served as a reinforcement to the weakened law enforcement agencies. They could have shown an active commitment towards challenging *boishomoy* by drawing attention to the problems of vulnerable groups, and could have been more proactive in protecting such groups against acts of oppression and exploitation. Such initiatives would have given the students both visibility and credibility as a new force committed to change—not just through words but actions. Such a hands-on role in civic activism would have helped to define their political identity and widened their support base beyond their student constituency.

One of the enduring messages of politics is to fight the right war at the right time. As a consequence of their incapacity over the last several months to project a more clearly

transparent, creating an example that other political parties can follow.

## REFORMS VERSUS ELECTIONS

Yunus is himself a strong believer in the need for reforms, but his promise to hold free and fair elections remains his most tangible commitment to the people of Bangladesh since it remains his most realisable objective. He has indicated that elections may take place between December 2025 and June 2026. This target is still to be firm and a roadmap clearly laid out to take the country towards elections. But there appear to be pitfalls ahead which could complicate the design of a clear guidepost.

Yunus sensibly argues that holding free and fair elections may serve little purpose if the inherited state of political malgovernance is perpetuated. Such a position, which is possibly widely shared, particularly among the students, indicates a lack of confidence in the credibility of the promises made by various political parties, but more specifically the BNP, that they are committed to structural reforms.

Yunus and the students demand substantive institutional reforms, which can bring about real change. To this end, he has set up a number of commissions populated by well-known and respected intellectuals and retired bureaucrats to recommend institutional reforms in such areas as the constitution, judiciary, public administration, police, an anti-corruption commission, an election commission, media, women's affairs, local government, health, and a task force as well as a White Paper on the economy. Many commendable reform proposals have emanated from these bodies. Surprisingly, the students/youth have been underrepresented in these commissions. Nor has there been adequate representation of women and religious or ethnic minority groups in the commissions.

It is one thing to write up reforms

options for implementing the reforms whether by executive order of the IG, an elected constitutional assembly, or to be left to an elected parliament. This complex set of governance challenges are also spelt out in synoptic form in the spreadsheet. As anyone who has conducted such US-style examinations knows, such a process may not be able to capture the nuances and complexities which underlie each question. Nor does the spreadsheet provide scope for discussing the process through which each reform will need to be enacted and eventually

(ICT) will be able to convict and sentence a significant number of AL leaders, apart from SH, through a credible judicial process remains to be seen. Many of these AL leaders, whether as ministers or MPs, may also be expected to be held accountable for various acts of corruption. This would also need to be done through a judicial process which may determine their eligibility for contesting elections.

Moving from jail cells and remand to the courtroom and passing sentence in Bangladesh is a time-consuming process if it is to be done within the rule of law. So AL's capacity to eventually contest elections remains a grey area. If such issues are resolved in time and the AL is permitted to contest, with the right to campaign on the streets for their nominated candidates, take out processions, and organise public meetings, this is likely to introduce a highly incendiary element into the electoral campaign.

Moves by the IG, under pressure from the NCP and their allies, to ban the AL or keep them out of the elections is likely to be open to contestation, both legally and politically, within the country. Nor may it find favour at the international level, particularly within the UN system. The UN has called for an inclusive election. India, in particular, is likely to make an inclusive election into an issue of both bilateral and international concern. It should be kept in mind that the exclusion of a major party such as the BNP from contesting the national elections of 2014 and 2024 and the fraudulence of the 2018 election put the legitimacy of the AL-led regime at the national and global levels under challenge throughout the last decade. The exclusion of a major political party such as the AL, however discredited it may be, is hardly likely to keep the forthcoming elections immune from challenge.

Prof Yunus recently said that the next election in Bangladesh would be the most free and fair. In this context, we can recall that in 1991, the Justice Shahabuddin Ahmed caretaker government, of which I was privileged to be a member, received much applause both at home and abroad for holding a free, fair, peaceful, and fully inclusive election. In that election, the ousted military dictator HM Ershad's Jatiya Party won 35 seats in parliament. Ershad himself won in five constituencies while he was under house arrest in Gulshan. A veteran Indian journalist, Nikhil Chakravarty, editor of the weekly *Mainstream*, who was a member of a team of election observers, termed the Shahabuddin election as the freest and fairest election he had witnessed in his lifetime.

The pathway to national elections, whether in December 2025 or in 2026, is not likely to be so smooth. Whenever the election campaign hits the streets, we will get a sense of how far the attempt by the IG to build a consensus to ensure a more peaceful political process has built up any traction. The contested social and political landscape is already manifesting itself through the growing visibility of attempts by extremist forces to use the more congenial environment provided by the IG to more openly express themselves. This has created an increasing sense of insecurity for women in public spaces and an enhanced sense of vulnerability for indigenous and religious minorities. Threats of violence voiced by extremist groups and expatriate influencers using social media indicate that the freedom to practise a particular brand of politics or voice uncomfortable opinions can no longer be taken for granted. If such acts of violence are to remain a relevant factor in the practice of democracy, even under the Yunus-led government, the emergence of a reformed democratic order based on public reasoning is going to remain elusive.

In this fast-evolving political environment, the IG may find that its most challenging agenda remains to prevent a further deterioration in the condition of the economy and to bring about some visible improvements within their tenure. While some improvements in the economy have been registered under the IG, the recent decision by the Trump administration to expose Bangladesh's principal exports to a regime of high tariffs has added a further element of uncertainty for the IG's management of the economy. The law and order situation remains a matter of continuing concern. Failure to effectively manage the economy and the law and order situation could erode the credibility and authority of the IG, which remains crucial to ensure a transition to a free and fair election with a peaceful transfer of power to an elected government.

Fortunately, prospects for change are not without hope. Bangladesh is today led by Muhammad Yunus, a universally respected person of unquestioned integrity. Attempts across the border to paint him as an intolerant fundamentalist with a hunger for power lack credibility and hence appear tendentious in intent. His presence as the head of the IG has provided the country with a rare moment where governance and policy decisions are largely made not for personal benefits, but for the greater good. Some of these decisions may be unwise, governance may be deficient in some areas, but the commitment of the regime remains sincere. If such a regime cannot lead the way towards substantive change, then Bangladesh may indeed face another era of disappointment and discontent.



VISUAL: ANWAR SOHEL

articulated vision for the future, the student movement has lost some of its lustre. The NCP's capacity to reach out to the mass of students who participated in the July-August uprising is eroding as various sections of the student's movement have remained reluctant to follow them into the NCP. It should be recognised that students are not a homogenous class with shared political views. Their immediate goal is to study, pass exams, and enter the job market, so political engagement remains a passing commitment.

To retain its student base and broaden its outreach, the NCP needs to recapture the dynamism of the July-August movement. To do this, they need to establish their political autonomy and project their promise of delivering a fresh agenda before the people.

In practice, the NCP has already unnecessarily engaged themselves in the same historical dialectics which frustrated the emergence of a more workable two-party democratic system.

The NCP is already politically identifying itself on such issues as the urgency of elections (not high) and antagonism towards India, where its position is closer to the JI. The emerging political contradiction today pits the NCP and the JI against the BNP, which daily demands an early election, which it expects to win comfortably in the absence of AL as a major challenge. In contrast, the NCP needs more time to build their party, so they argue that reforms should be initiated and implemented before elections are convened, a position supported by the JI but strongly resisted by the BNP, who views this position as a delaying tactic for elections.

As the NCP moves ahead to prepare for elections, whenever they may be, it is facing up to one of the realities of Bangladeshi politics which have sadly not been resolved by any of the reform commissions. It needs to build up a sizeable war chest to contest elections. The party should, however, aim to build an election fund for itself that is above board and

beyond indicating their preferences on each reform proposal, the political parties are also expected to tick-mark their preferred

on paper and quite another to secure political consensus on reforms as well as to operationalise them. The IG has constituted a so-called Consensus Commission, made up of the chairs of the six commissions, headed by Yunus, and coordinated by the chair of the Commission on Constitutional Reforms, which has been empowered to draw up a concise agenda of reforms distilled from the reports of the various commissions. This agenda is to then be presented to and discussed with the political parties to establish a consensus behind the reforms.

Such a route to reform appears unusual because it does not involve either Yunus or his interim government in participating in or guiding the political task of consensus-building. As a result, the reform agenda is not identified with Yunus or his government and is the outcome of the diverse views of six different groups of experts who have themselves not been mandated to establish coherence in their particular vision for reform. It is the Consensus Commission which has now been invested by Yunus with the political challenge of building consensual support for the reforms among a heterogeneous group of politicians with widely disparate electoral support and political agendas.

The initial modus operandi of the Consensus Commission has yielded a spreadsheet which puts together their proposed reform agenda in a synoptic form of 167 itemised questions on specific reforms, which are expected to be answered by each party through a quiz format limited to responses through tick-marking one of three possible options: "agree," "disagree," or "partially disagree." There is also a box attached to each question for parties to attach comments, if any, relating to the proposed reform.

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How far the International Crimes Tribunal