

On the Eve of Elections? Mapping potential scenarios for Bangladesh uncertain political future

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December 15, 2013

About the Author

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About SADF

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Bangladesh seems unable to become tranquil. Persistently oscillating within a triangle of natural disasters, socio-economic catastrophes, and parliamentary deadlocks, the current situation is once again tapering towards a critical juncture. By turning the political discourse into violent street confrontations between the major actors, ignoring any kind of code of conduct, rules and procedures, the continuity of the country's democracy is at stake again. Like a *déjà-vu*, the required democratic transfer of power and the electoral process that goes hand in hand with it, is leading the country 'as usual' into a crucial political crisis. Historically, the crux of the matter is the issue of who organizes and supervises the national elections. Being highly polarized and lacking any minimum of trust, the two leading political camps – guided either by Begum Sheikh Hasina of the Awami League (AL) or Begum Khaleda Zia of the Bangladesh National Party (BNP) – are deeply suspicious of potential manipulation and undue influences regarding any electoral procedures and outcome. In order to address this problem, the idea of a constitutionally regulated partyless (i.e. impartial) caretaker government was put forward in the early 1990s. After having successfully organized a few elections, this institution was paralyzed by the endemic political antagonism that dominates all

spheres of Bangladesh's state and society. In consequence, the Bangladeshis had to experience a two-year military-backed caretaker government until elections were finally held in 2008. Having this in mind, the last ruling coalition (the so-called 'Grand Alliance') under AL guidance with its overwhelming majority (263 seats out 300) officially abolished the caretaker arrangement in June 2011. Instead, a new procedure for conducting the elections was set up, making the respective incumbent government more or less solely responsible for forming an interim administration until a newly, freely and fairly elected, government is in power. Taking the high degree of hostility and the unrestricted struggle between AL and BNP into account, it does not catch experts by surprise that the BNP and its allies are currently vehemently opposing the start of the electoral process under the new framework. These protests have in several instances resulted in bloody clashes. Here, the policy of the protesters is clearly unconstitutional and undemocratic, trying to paralyze the country in order to blackmail the interim government to step down. As an alternative, the BNP and its allies are demanding the re-establishment of the caretaker government under the 'old procedures'. Obviously, this demand not only goes against the constitutional proceedings, but it entrenches the political

stalemate further too. In sum, the evolving atmosphere over the last months and weeks does not seem to set the ideal climate for holding a constructive 'all-party' dialogue that can lead to free, fair and peaceful elections.

Therefore, the departing AL government made a *fait accompli* by apparently ignoring all critics and opposition. On 25 November, Bangladesh Election Commission announced that the country will hold general election for the 10th National Parliament (*Jatiya Sangsad*) on 5 January 2014. This has to be understood as an unmistakable message towards all political forces to accept the formation of the acting government (cross-party interim government) on 18 November, and subsequent electoral procedures. It also means an attempt to bring the conflict about the demanded reintroduction of the (constitutionally) abolished institution of the non-party caretaker government to an end. In this context, the argument made by the opposition that only a non-party government can guarantee free and fair elections needs to be put in perspective. First, if there is no will by the leading political forces to stick to the agreed 'rules of the game', no kind of caretaker government or interim government will be able to perform its function. Second, the experience of the last caretaker

government shows that this arrangement is also an 'invitation' of the armed forces to facilitate an influential role behind the scenes of national politics. Third, due to the deeply entrenched political polarisation of state and society, even non-partisan technocrats, who are supposed to be the members of the party-less caretaker government, will be confronted with the stigma of having an affiliation with a 'certain' political camp. It will therefore almost certainly provoke resistance. However, by assessing the actual situation, it looks quite unequivocal that the rationality of the cause is working in favour of the AL. To begin with, the formation of the acting interim government is consistent with the regulation of the constitution. The earlier constitutional amendment for this was legitimate due to AL's majority in parliament. Furthermore, Sheikh Hasina is also entrusted with a moral argument, meaning that the AL cannot only claim that the party is acting constitutionally but also that Sheikh Hasina showed the 'good will' by inviting Begum Khaleda Zia not only to take part in an interim's government but also to form an 'all-party national government'. In other words, the BNP was invited to create a 'national consensus' to carry out and oversee the upcoming polls for the next parliament. But the offer was rejected by the BNP and her 18-party alliance – a decision which put the country

at a crossroads again. In result, the political landscape of Bangladesh is characterised by fanatic political violence instead of constructive political debates. This very situation has provided militant extremists and Islamic fundamentalists enough room to manoeuvre to continue their attempts to transform Bangladesh into a fundamentalist state like the Taliban-ruled Islamic Emirate of Afghanistan of the 1990s.

Therefore, there are many concerns regarding the deteriorating security and political situation in Bangladesh. Consequently, observers are wondering about the implications for the electoral process. This marks an occasion to shed some light on potential scenarios one must expect in the near political future:

First, there is still the 'theoretical opportunity' of achieving a situation which could be called '*best case scenario*' in the given context. This scenario is featured by free and fair elections which will work out relatively smoothly with a relatively low level of undue disturbances and violence. This should be made possible through a 'last minute' arrangement between the AL and BNP and the bulk of the oppositional forces to carry out the elections in order to avoid a further deterioration of the security situation. Such a 'national consensus' will most -likely

be initiated through pressure of the international community. There are also no doubts that the army will play a major role in giving the 'final incentive' for the 'recalcitrant civilians' to find an agreement regarding the 'necessity' of holding election. If such a scenario was to unfold, a few key events should take place. It is essential that the current oppositional forces give up their ongoing boycott of the interim government and the electoral process, especially to end the deconstructive policy of *hartals* (general strikes). Furthermore, the BNP must join the 'national consensus'-bloc. In other words, each significant faction of the BNP must join the agreement and distance itself from religious fundamentalism and other anti-systemic notions. In the event the national consensus-bloc breaks up and one or more of the splinter groups resort to violence, the chances of seeing a smooth election process will be under acute threat. The split of minor factions are possible but will not change the trajectory of the '*best case scenario*'.

Second, the already above indicated '*boycott scenario*' could actually appear in two different versions: a '*full-boycott*' of the BNP or a '*partly boycott*'. A '*full-boycott*' would be expressed by the whole BNP and all (most) of her candidates – a phenomenon which Bangladesh is

witnessing at the moment as reaction of the formation of the interim government and the January 5th as Election Day. One of the most important features of the *'full-boycott'* is that there will be no break up of a (major) faction and no one (at least not a remarkable number) will run as an independent candidate. The *'partly boycott'* is featured by the fact that the majority of the BNP candidates and their allies will not participate in the elections but a remarkable amount of candidates will run as independents. The spilt-up of a minor faction could be possible. However, a break-up of a major faction willing to take part in the elections would automatically create the moment for a *'best case scenario'* as outlined above. However, in both versions (*'full-boycott'* and *'partly-boycott'*) Bangladesh will experience (relatively) free and fair elections (like in the *'best case scenario'*), which will be ensured by the country's armed forces. It is important to note that the military will remain subservient to the civilians, understood as the elected representatives of the last government, and the incumbent interim government (also civilians and no technocrats). There will be two major reasons for this: First, the mindset of the military internalized that any direct military intervention into politics is unconstitutional, therefore the top echelon will refrain itself. Second, there is a

significant improvement of the historically strained relationship between the army and the AL¹. Here one could state, that Sheikh Hasina's generosity regarding defence budget and the handling of the 'munity case' of the Bangladesh Rifles (now known as Bangladesh Border Guards) in February 2009², gave her greater leverage over the armed forces. The fact that former military dictator Hossain Mohammad Ershad is part of the interim government might also help to facilitate the relations with the armed forces.

However, in this scenario the whole electoral process (especially the election results) would lack legitimacy if a major segment of the political party spectrum and most likely a substantial part so the electorate will boycott the elections. Undoubtedly, the Islamist fundamentalists will make a huge effort to try to sabotage the polls and declare any result as illegitimate not only because they were banned but also because of the boycott of their allied BNP. Nevertheless, the current interim government and the subsequent new government can claim that

¹ The major reason therefore is the fact that Mujibur Rahman, the father of Sheikh Hasina got assassinated by a group of army officers.

² On 25 and 26 February 2009 at Philkhana (Dhaka) a mutiny of the para-military Bangladesh Border Rifles (BRD) was staged. During the violent clashes, numerous commanding officers (including their families) of the armed forces deployed at the BDR were killed.

they tried to incorporate the opposition but that is was Zia who refused to participate. As such, Sheik Hasina holds a *carte blanche* to continue with the ongoing preparation of the elections. Therefore it looks like a cynical reflection of the unfortunate political situation that Khaleda Zia side-lines herself and former autocrat Ershad, who was forced to resign more than two decades ago by an alliance of the two arch rival Begums, is now part of the interim government and is jointly responsible to carry out the democratic transfer of power.

Last but not least, there is the '*worst case scenario*'. This scenario will emerge if no agreement on holding peaceful elections is made between the AL and the BNP. Furthermore, militant resistance against the electoral process or the boycott will turn into an existential crisis (i.e. a national emergency) which will make it mandatory to call in the armed forces to ensure law and order and the basic functions of public service and state administration. In this context, there is an extraordinary threat that the deployment of the soldiers could happen in an extra-constitutional manner. In other words, the military will intervene in the political process. This could find its expression in two ways: First, the current interim government will extend its tenure beyond the constitutionally fixed 90 days

with the blessing of the armed forces. Second, the armed forces could intervene to oust the acting interim government and install a caretaker government, most likely consisting of technocrats. The timeframe for holding elections would depend on the security situation and the cooperation of the AL and BNP as well as their respective allies. However, for obvious reasons such a government will not be in power for a long period of time. It will be limited by the following crucial determinants: The acceptance of civil society and the general public, and the goodwill of the international community. Here the bargaining chips (potential sanctions) will most likely be the withdrawal of peace keeping opportunities, aid programs/grants, and preferential trade agreements (especially with the European Union), and the economic performance of the extra-constitutional government. Any (further) worsening of the living conditions of the common people will provoke large scale protests. These determinants will function as push factors to bring such a 'caretaker' or 'interim' government to an end. However, the concrete moment will be defined by additional pull factors. One of the pull factors would be the achievement of a 'national consensus' between the leading political parties. This could be either enforced by the military (even perhaps with the threat or realization of the so called minus-two-

formula) or through a constructive dialogue to end the path of conflict. A second potential pull factor could be factionalism within the two or at least one of the two parties. More concretely, the break up of a major faction which is willing to join the electoral arena again would end the political stalemate, paving the way for elections.

Last but not least, after elaborating on potential scenarios one must state that the confrontation over the electoral rules and procedures is not only about technicalities. It is also not only about the personal crunch between two political leaders and their followers. The conflict is about nothing less than the patterns of Bangladesh future political trajectory and the nature of the country's normative foundation. In other words, the country is in the middle of an ideological battle: does it want to keep up the principles of democracy, secularism, and tolerance – which were the normative determinants of Bangladesh's struggle for independence – or does it want to give in to radicalism, extremism, and intolerance imposed on Bangladesh people by Islamist fundamentalists represented by groupings like Jamaat-e-Islami or Hefazat-e-Islam? After more than four decades since the emergence of Bangladesh it is high time for the Bangladeshi people and its

leadership to recall the reasons for the birth of their nation and make it finally happen – a secular democracy in a Muslim society. This can be achieved through free and fair elections only.