

The State of Democracy in Bangladesh

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**Professor Muzaffar Ahmed Choudhuri
Memorial Lecture – 2014**

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Mr. Vice-Chancellor, Ladies and Gentleman!

I am honored to be invited by the Political Science Department of Dhaka University to deliver the second Professor Muzaffar Ahmed Choudhuri memorial lecture. The first lecture was given by Professor Abdur Razzaq in 1980 which was titled *Bangladesh: State of the Nation*. His lecture was widely acclaimed and drew a large audience and readership. I was requested by the organizers of this second memorial lecture to follow Professor Razzaq's example and talk on the same theme. Since I lack Professor Razzaq's capacity to weave history, economy and politics in a single narrative I have decided to speak on a more manageable and yet a broad theme which is of current interest and debate. The topic of my lecture today is *The State of Democracy in Bangladesh*. I believe this topic would have appealed to Professor Muzaffar Ahmed Choudhuri.

The State of Democracy in Bangladesh
A critical moment for sustaining democracy in Bangladesh

In the last two and half years as the contestations between the two opposing political forces of the country, one led by the Awami League (AL) and the other by the Bangladesh Nationalist Party (BNP) about the organization of the tenth parliamentary election could not be resolved peacefully through dialogue and escalated into violent confrontation, we began to again worry about the future of our democracy. The high hopes of democratic renewal, which was kindled after the 2008 parliamentary elections that ended a two year rule by a military-backed "caretaker" government, began to fade away. We not only witnessed the failure of the two opposing sides to come to an agreement on the modalities of a poll-time government overseeing the elections, we also saw unprecedented violence unleashed on the ordinary citizens by one of the alliance partners of the BNP, the Jamaat-e-Islami

(J) whose main agenda was to thwart the trials of the war crimes of 1971.

Despite the BNP-led alliance's repeated threats to boycott and prevent the holding of the tenth parliamentary elections, and months of mayhem and destruction, the AL-led alliance government did succeed to hold a one-sided parliamentary elections on January 5, 2014. Prior to the elections many members of the government said the elections had to be organized to meet the constitutional requirement of organizing the parliamentary elections within the five year term limit.

The BNP led alliance did not participate in the elections leaving to the AL-led political forces to divide the 300 seats in the parliament among themselves. Even before the elections were held on 5 January, 2014 a record 153 Members of Parliament (MP) were declared winners as they were uncontested in their constituencies. After ensuring the majority in the tenth parliament without having a single vote cast, the government organized elections to the remaining 147 seats on January 5, 2014 which attracted little voter interest and low vote turn out. One alliance partner of the AL, the Jatya party (JP) could be persuaded to play the role of the opposition in parliament, but the JP still insisted to remain as part of the government and was rewarded with three ministerial posts in the cabinet.

Post-election each of the two opposing political forces has attempted to portray the elections as a 'victory' for its side. The AL led forces have argued that the mere organization of the elections, no matter the flaws, is a victory as they were able to overcome all the obstacles created by the opposition. The BNP led forces, on the other hand, have claimed victory pointing out the lack of credibility of the elections organized by the government. They argued that they were right in their claim that the AL-led government can not be trusted to organize a fair and credible election.

While both sides have continued with their claims and counter-claims of victory blaming each other for undemocratic behavior, the nation has remained shell-shocked reeling from the death and destruction caused by *hartals* and *oborodhs* called by the BNP-led opposition over many months, and the incredulous elections engineered by the AL-led government. While debates are raging as to which side has won, it is very clear as to who has lost. The citizens of Bangladesh have lost. They had to bear a heavy price in terms of loss of life, property and sense of security. They were deprived of an opportunity to cast their ballot and choose who will be their representatives in parliament. The state of our fragile and halting democracy has been dealt a grievous blow and it will take painstaking efforts by all stakeholders to nurse it back to recovery.

Of course as a nation we are known for our resilience overcoming many obstacles and making many fresh starts. Since our independence in 1971 our democratic journey has not been smooth. We have often lost our direction and walked on wrong paths. Though we started as a parliamentary democracy in 1972, within four years we fell under military rule which continued for the next fifteen years (1975-1990). But thanks to people's unwavering commitment we have repeatedly succeeded in getting back to the path of democracy. In 1990, as a result of a people's movement we were able to end military rule and renew our democratic journey. Over the next fifteen years (1991-2006) we made gradual progress in fulfilling three criteria of being classified as an electoral democracy. First, we organized three regular free, fair and contested elections in 1991, 1996 and 2001 under a system of Non-Party Caretaker Government (NCG). Second, there was peaceful transfer of governmental power as a result of these elections; and third and most significantly we were able to establish civilian control over policy and institutions. But we stumbled in 2007 when we failed to organize the scheduled ninth parliamentary elections as the two opposing political forces could not agree on the ground rules for

organizing elections. We had to again witness military intervention and the country was ruled by a military backed "caretaker" government for two years (2007-2008). This time, however, it was very clear that the people would not tolerate a prolonged period of military rule. The military was also sensitive to people's mood. Within two years, the military backed government organized a free and credible parliamentary elections on December 29, 2008 and handed over power to the democratically elected government. This voluntary transfer of power from a *de facto* military government to an elected civilian government was unprecedented in South Asian history.

The ninth parliamentary elections organized by the military backed government was widely acclaimed by national and international observers as the freest in the country's history. The Election Commission (EC) prepared a new voters list discarding the names of approximately 12.2 million bogus voters. New guidelines were introduced controlling election expenses and election related violence. This encouraged nomination and election of a record number of relatively clean candidates and also more women. Voter turnout was nearly 87%. The AL-led Grand Alliance won 262 parliamentary seats thus securing more than three-fourth majority in parliament. The BNP-led political opposition won only 34 seats.

We had hoped that one of the first priorities of the AL-led Grand Alliance government would be to work out a formula for a poll time government that would be acceptable to all major political parties so that we would not have to again face uncertainties regarding elections as we did earlier in 1995-1996 and 2006. But the government pushed through the 15th amendment of the constitution in June 2011 abolishing the NCG system in the face of strong opposition from the BNP-led forces. As a consequence from mid-2011 onwards we were again faced with a situation when the two main political forces of the country took opposing stands regarding the poll-time government; the AL-led government arguing in favor of the

incumbent elected political government going into a caretaker mode and the BNP-led forces arguing for the continuation of the NCG system instituted by the 13th amendment of the constitution in 1996. The two sides could not come to any negotiated settlement despite repeated appeals by concerned Bangladeshi citizens and international organizations. Finally, we witnessed a very flawed tenth parliamentary election and we face a risk of not being classified even as an electoral democracy. In 2014 we appear to be again at a crisis point, needing to make another fresh start to sustain our democratic process.

It will be pertinent to ask at this point why are we having so many break downs? Why is our democratic journey not one of linear progress? There is no easy answer. We can identify many causes for our repeated set backs. However, in this lecture I shall mainly focus on one. I shall argue that our fresh starts have floundered because we have failed to break away from the undemocratic practices of the past.

Let me now elaborate what are some of our undemocratic practices that have continued to bedevil our democratic process.

The challenge of breaking away from past undemocratic practices

Over the last forty two years we have witnessed the development of certain patterns and practices of politics and governance, which have been inimical to democracy. Some of these practices are legacies of Bangladesh's inheritance from military rule; but some have also been spawned from the cauldron of our electoral democratic process. Unfortunately, our elected political rulers did not repudiate many of the undemocratic practices of military rulers; instead they perpetuated and sometimes even exacerbated these practices. Let me then first discuss the undemocratic practices of our military rulers which have been carried over by our elected political rulers. I shall then highlight a few of the undemocratic practices which have become the hall marks of our electoral democracy.

A. Legacy of military rule (1975-1990)

During the fifteen years of rule by the two military dictators - Major General Ziaur Rahman (1975-1981) and Lieutenant General H.M. Ershad (1982-1990) - we witnessed monopoly control of state power by the chief executive who ruled unconstitutionally. We also saw their attempts to "civilianize" their regimes in order to attain a semblance of representative legitimacy through the process of election engineering. Both of them floated political parties by using state patronage and intelligence agencies. In their bid to recruit support from constituencies who were opposed to post-independent AL rule (1972-1975), the military rulers abandoned two fundamental principles enshrined by the AL in the 1972 Constitution: secularism and socialism. Islam was privileged as a state religion, and the practice of the political use of religion which was much favored by Pakistan's military dictators, was revived. Many of the undemocratic features of military rule left a profound impact on the pattern of our politics and governance. I shall highlight below four features, which have created a lasting political imprint.

Unconstitutional rule

The military rule, first and foremost, left a legacy of unconstitutional rule when the control of state power was transferred not through the ballot but through the bullet. The military first intervened on August 15, 1975 by assassinating the elected political leader, *Bangabandhu* Sheikh Mujibur Rahman, the founding father of the nation, together with most members of his family. After several *coups* and counter-*coups*, which resulted in the killing of many military officers and four major leaders of the AL who refused to collaborate with the military, Major General Ziaur Rahman emerged as the strongman of the regime in November 1975. The military assassins of *Bangabandhu* were constitutionally pardoned by Ziaur Rahman and most of them were awarded with diplomatic assignments abroad. This culture of impunity bred

its own malign nemesis. Ziaur Rahman himself was assassinated in another military *coup* in 1981.

The second military dictator Lt. General H.M. Ershad ruled for another eight years but was eventually toppled from power through a peoples' movement in 1990. During the next fifteen years (1991-2006), elected political leaders ruled the country but when they failed to agree on the ground rules for holding the scheduled parliamentary elections, and violent confrontations appeared imminent, the military again intervened in January 2007, but this time they remained in the background. A civilian "caretaker" government, backed by the military, ruled the country for two years (2007-2008) under emergency laws.

During the first two military regimes, the country remained under Martial Law for prolonged periods when the Constitution and fundamental rights were suspended. The two military dictators changed constitutional provisions and enacted laws through ordinances, which were later ratified by their handpicked parliaments. Many of their unconstitutional acts, including the killings, were subsequently indemnified. Thus, Ziaur Rahman pushed through the 5th amendment of the Constitution in the second parliament elected in 1979, which validated all acts of the military government from 1975 to 1979. Similarly the Third Parliament passed the 7th amendment of the Constitution in 1986, which validated the acts of H.M. Ershad's military government.

This practice of lawmaking first through executive ordinances, which were later validated by parliament, was continued even after the restoration of democracy in 1991. For example, during the tenure of the fifth parliament (1991-1996), 34% of laws passed by parliament were first promulgated as ordinances and were later placed before parliament for approval. This trend was diminished during the seventh (1996-2001) and the eighth (2001-2006) parliament, when less than 5% of laws originated as ordinances. But, the ninth parliament (2009 – 2013) was again faced with the task of giving legal

cover to many of the ordinances passed during the two years of the military-backed civilian government (2007-2008).

In two landmark judgments the Supreme Court declared military rule and all acts passed by military governments as illegal. The 5th and 7th amendments of the Constitution were annulled by the Supreme Court. The parliament passed the 15th amendment of the Constitution on June 30, 2011 which declared military takeover of government as an act of sedition. It is to be seen whether the judgments of the Supreme Court and the Fifteenth Amendment of the Constitution will work as effective inhibitors constraining future extra-constitutional takeover of state power by the military.

Election engineering

The second legacy of military rule is election engineering. The two military dictators, Ziaur Rahman and H.M. Ershad organized a series of elections to establish their legitimacy. But all these elections lacked credibility as the state machinery was used to gain outcomes favorable to the regime. The intelligence agencies, civil administration and the police were the three key instruments used for engineering election results. The first military dictator, Ziaur Rahman organized three elections. In 1977 he held a referendum and claimed a 87% voter turnout and a 99% 'yes' vote. He, then, organized a presidential election in 1978 claiming 76% of the vote. In 1979, parliamentary elections were held where it was alleged that the government pre-determined not only the seats that would go to the state-sponsored party, Bangladesh Nationalist Party (BNP), which Ziaur Rahman floated, but also seats were allocated to some state-sponsored opposition candidates to create an image of multiparty competitive elections.

The second military dictator, H.M. Ershad also organized three elections: a presidential election in 1986; and two parliamentary elections, one in 1986 and another in 1988. He was, however, less successful than Zia in "persuading" all opposition parties to contest the elections. Zia's party, BNP, boycotted both the 1986 and 1988 parliamentary elections.

The Awami League, which participated in the 1986 parliamentary elections, but subsequently resigned from the parliament within two years, also boycotted the 1988 parliamentary elections. In the 1988 elections an opposition made up of once unelectable candidates, was fabricated and "ensured" a few seats in the parliament.

The repeated fraudulent elections, organized by the two military regimes, established certain patterns and practices, which were unfortunately carried over even during the years of our electoral democracy. Democratically elected governments also attempted to use state agencies to influence election results. The Election Commission (EC) was never empowered to act independently and hold the government accountable for violations of election guidelines. For example, several by-elections, held under the BNP government in the early 1990s, were grossly rigged. This led the AL-led political opposition to demand organization of parliamentary elections under a non-partisan "caretaker" government (NCG) which was an innovative idea not usually practiced in parliamentary democracies.

The BNP initially rejected the idea of NCG and went through the motions of a voter less election in February 1996, but was eventually compelled to frame and pass the 13th amendment of the Constitution institutionalising the NCG in 1996. Two relatively free and fair elections were organized under the NCG in June 1996 and October 2001. However, the scheduled January 2007 elections could not be held as the incumbent BNP-led Four Party government attempted to partisanise the EC as well as the NCG and the political opposition led by the AL refused to participate in the scheduled 2007 elections.

As discussed earlier, failure to organize a peaceful election participated by all major parties led to military intervention in 2007 but the military backed government did organize a free and credible election in 2008 and handed over power to an elected political government. But in 2014, we again witnessed a democratically elected government follow many strategies

of election-engineering which have been practiced by the military regimes. A majority in parliament was ensured through uncontested elections and an opposition party was fabricated.

State-sponsored party building

The third feature of military rule was state-sponsored party-building. When the military dictators decided to civilianize themselves and face elections they floated their own political parties. Members from both left and rightist parties joined these *Sarkari* (official) parties sponsored by the military dictators. State patronage and not ideology was the main attraction of these parties. Thus in 1977, Ziaur Rahman founded the Bangladesh Nationalist Party (BNP) by recruiting members from both the right leaning Muslim League (ML), which had collaborated with the Pakistan Army in 1971, and the left leaning Nationalist Awami Party (NAP). In 1986, H.M. Ershad founded the Jatiya Party (JP), by getting supporters from the ML, NAP as well as from a sizable rump of the BNP. As the BNP and the JP began their journey as *Sarkari* parties, people who joined these parties could aspire to draw on state patronage to immediately become members of cabinet, or parliament or local councils. These parties mobilized popular support mainly through their control of public goods and services. Again this legacy of using state patronage to build and maintain support for political parties did not end with military rule. Indeed the practice was exacerbated during the subsequent years of electoral democracy when all institutions became increasingly partisanized and the winning political party or alliance held monopoly control on all state patronage. Indeed, during the electoral democratic era the distribution of patronage became increasingly exclusionary as a "winner-take-all" culture took root.

Before the tenth parliamentary elections, we also saw the democratically elected grand alliance government pursue the strategy of breaking existing parties/alliance through a carrot and stick policy, a strategy which was followed by the two

military rulers when they built the BNP and the JP, by fragmenting existing parties.

Political use of religion

The final legacy of military rule that I shall focus on is the use of religion to recruit political support. The Bangladesh Constitution, adopted in 1972, enshrined secularism as one of the four fundamental principles of state, and religion-based parties and politics were banned. But soon after assuming power Ziaur Rahman brought back Islam as a tool of political mobilization. In 1977, through a Martial Law Ordinance he made significant changes to the Constitution. Secularism was deleted as a fundamental principle; and in its place a phrase "Trust and faith in All-mighty Allah" was inserted. The preamble of the Constitution invoked another Islamist phrase: "*Bismillah-ar-Rahman-ar-Rahim.*" The second military dictator, H.M. Ershad went one step further. In 1988, he introduced the 8th amendment to the Constitution which made Islam the state religion.

As the BNP and the JP, started portraying secularism as anti-Islamic, the AL was put on a defensive mode and after the restoration of electoral democracy in 1991, the AL also started to use Islamist symbols. The 15th amendment of the constitution illustrates the contradictory position of the AL. The 15th amendment has kept Islam as the state religion but at the same time in the fundamental principles of the constitution secularism was restored.

The Islamist parties were first rehabilitated during military rule. Ziaur Rahman withdrew the ban on religion-based parties. The Muslim League and the *Jamaat-e-Islami* were revived. Many of the Islamist politicians and alleged collaborators with the Pakistani military junta in its genocide committed on the Bengalis in 1971 joined the BNP. Their political revival continued through Ershad era. The *Jamaat-e-Islami* followed a shrewd strategy of political alliance building. The *Jamaat* participated in the 1986 parliamentary elections. They also later joined the anti-Ershad movement.

The Jamaat's strategy of electoral participation as well as participation in mass movement through shifting alliance building with the AL and the BNP yielded rich dividends for the party. Though Jamaat had a small share of the popular vote, it could exert a much bigger political influence as the deciding arbiter because parliamentary elections were closely contested between the AL and the BNP. Thus, in 1991, the BNP was able to form the government with the support of the Jamaat. In 1996, the AL was successful in winning the election when it managed to keep the Jamaat away from an electoral alliance with the BNP. Again in 2001, the BNP won the elections when it formed an electoral alliance with the Jamaat. This alliance was carried over in the contestation for the 2008 elections but proved less fruitful for the BNP. However, during the last few years, Jamaat has emerged as an invaluable partner of the BNP as only the Jamaat cadres have demonstrated street fighting power to continue agitation against the AL-led regime.

Let me now turn to a discussion about the undemocratic practices introduced by our elected political governments which have hindered our transition from electoral to a more consolidated democracy.

B. Undemocratic patterns and practices under elected political governments

While the democratically elected governments perpetuated many of the undemocratic practices of military rule, we witnessed the emergence of several additional undemocratic patterns during the tenure of elected political governments. Despite the restoration of the parliamentary form of government in 1991, through the adoption of the 12th amendment of the Constitution, the parliament hardly functioned. The parliamentary opposition, claiming lack of voice, persistently boycotted the sittings of parliament and instead chose to agitate on the streets demanding either resignation of the elected government or threatening to overthrow the elected government. In the absence of a

functioning opposition in the parliament, we could not develop a system of checks and balances within the government which is very critical for sustaining democratic governance. The parliament is the constitutionally empowered body to scrutinize the activities of the executive and hold it to account. In the absence of parliamentary scrutiny, the executive branch became increasingly more powerful under democratically elected political governments. Civil administration, police and lower judiciary came under partisan political pressure which eroded the rule of law. The political competition between the two major parties, the AL and the BNP, instead of ensuring a peaceful transfer of power between the two parties escalated into an enduring political confrontation. Bangladesh consistently scored low in various assessments of the quality of democracy conducted by different organizations such as the Freedom House and the World Bank. I shall identify weak rule of law, lack of accountability, and confrontational style of politics as three persistent undemocratic patterns that have marked Bangladesh's electoral democracy.

Weak rule of law

After the restoration of democracy in 1991, successive elected political governments attempted to politicise the civil and police administration and lower judiciary by using the government's power of appointment, transfer and promotion. Supporters of the ruling party or parties were rewarded while those deemed loyal to the outgoing government or who were not conspicuously loyal to the incumbent government were ignored or punished. Law enforcement became partisan and arbitrary.

The country was also plagued by pervasive political as well as non-political violence. Inter-party and intra-party contestations were often settled through violent means. To improve the law and order situation the BNP-led alliance government from 2002 onwards began a series of anti-crime drives using the military and the paramilitary forces, eventually setting up a

specially equipped quasi-military body, known as the Rapid Action Battalion (RAB). These drives were marked by incidents of extra-judicial killing and torture by law enforcement agencies, which drew widespread criticism from the human rights organizations inside and outside Bangladesh.

When the AL-led Grand Alliance government came to power in 2009, they pledged to eliminate or at least reduce extra-judicial killings. But the media reports indicate many instances of extra-judicial killing over the last five years. *Goom* (forced disappearance) has become another instrument of partisan use of law enforcement. Overall, the country's performance in establishing rule of law was rated poorly by both the Freedom House and the World Bank in their successive global assessments.

Pervasive corruption was another indicator of weak rule of law. Allegations of corruption, particularly by politicians, were given wide publicity in the media but these allegations were rarely investigated or prosecuted without prejudice. Indeed successive elected governments increasingly used anti-corruption laws to pursue partisan interests. High profile corruption cases were lodged against leaders of the political opposition but the government rarely moved to file anti-corruption cases against high-ranking members of the ruling party. Again, Bangladesh scored poorly in all global surveys with regard to her efforts to control corruption.

The current government has recently sent signals that it will take action against members of the ruling party in corruption cases. We still have to wait and see the outcomes of this intention of the government.

Lack of accountability

Though during the era of electoral democracy, some of the institutions to ensure what we call in political science jargon "vertical accountability" such as the media, civil society and the electorate became stronger which resulted in Bangladesh consistently scoring high on "voice" indicator in the World Bank's assessment of democratic governance, we still had

problems with what is called "horizontal accountability" institutions such as the parliament, judiciary, Election Commission (EC), Anti-Corruption Commission (ACC) etc which continued to remain weak. As pointed out earlier, the parliament which is the most important horizontal accountability institution to hold the executive accountable, became dysfunctional as the main opposition party started to boycott parliamentary sittings and chose street agitations to register their protest and destabilize elected governments. Nearly half of the parliamentary sittings were boycotted by the opposition – 75% of the fifth parliament, 41% of the seventh parliament 60% of the eighth parliament and over 80 percent sittings of the ninth parliament. In the absence of the opposition, the ruling party members also lost interest in attending parliament, which frequently faced a quorum crisis and mostly tended to rubber stamp the decisions and actions of the government.

The parliament not only failed to discharge its scrutiny and oversight functions, members of parliament also refused to bring themselves under a parliamentary code of conduct to ensure their continuing accountability to their electorate. The media reported many cases of misconduct and corruption of MPs but they never faced investigation or punishments. As a result media reports had little impact in changing the conduct of the MPs.

Other horizontal accountability institutions such as the judiciary, the Election Commission (EC) and the Anti-Corruption Commission (ACC) were not empowered to check the misbehavior of the government. The judiciary, particularly the lower judiciary, remained under the control of the executive branch of the government and was often used to further the partisan interests of the party/parties in power. The EC was not empowered to challenge the government's electoral malpractices. The ACC also remained weak and could not move against anybody independently without the green signal from the government.

Politics of confrontation and exclusion

However, it was the politics of confrontation and exclusion practiced by the two major parties, the AL and the BNP, which was identified as the most deadly legacy of our electoral democracy. The confrontational politics not only dead-locked resolution of all contested issues as the two parties refused to engage in any political dialogue, it also led to repeated violent clashes between the supporters of the two major parties, often resulting in murders and grievous injuries. Vendetta and violence marked inter-party as well as intra-party contestations. In the initial years of elected governments, the incidence of political violence was confined to the less well known party workers but as the confrontation between the two major political forces intensified, top level leaders were targeted for assassination. For example, on 21 August 2004, a grenade attack at an AL rally in the capital city, Dhaka, killed 23 people including senior AL leader Ivy Rahman. The AL Chief, Sheikh Hasina was targeted, narrowly escaping death but with some injuries. On January 27, 2005, another AL leader, S.A.M.S Kibria, a former finance minister was assassinated while addressing a public meeting in his constituency in Sylhet.

During the last five years of the AL-led Grand Alliance government (2009-2013) the style of political confrontation become less lethal as there was no incidence of killing of top leaders. But other means were used to silence the opposition. Top leaders of the opposition were repeatedly taken into prison and the BNP chief Khaleda Zia was prevented from going out of her house for several days during the 10th parliamentary elections.

Let me now turn to the question that is agitating all of us. What is the way out? Again there is no simple answer and there is no magic bullet. Following the 10th parliamentary elections, the most discussed issue is the organization of a credible parliamentary election participated by both major parties. While organization of such an election is necessary to

establish the representative credentials of the government I do not believe mere organization of a free and participatory election would solve our deep seated problems that have repeatedly derailed our democratic journey. Before coming to an agreement about the next parliamentary elections, the two sides first need to at a minimum agree to give up the practice of "winner-takes all" political culture and commit themselves to discard the politics of vendetta and violence.

I, therefore, prefer to take a long term view about curing our political malaise and if I am pressed to give a one sentence answer then I will say our main challenge now (and it has been there for quite sometime) is to implement measures to "democratise" our electoral democracy.

The Challenge of "democratizing" electoral democracy

"Democratizing" electoral democracy has been identified as a major challenge not only for Bangladesh but also for all countries in South Asia. Indeed various studies assessing the quality of democracy in different regions of the world have noted the poor quality of many electoral democracies. Some of these democracies have developed features of what Fareed Zakaria has called "illiberal democracy". In some others, such as in Latin America, progress has been made in routinizing democratic elections and reducing the power of the military, but checks on the power of the executive have been limited. Studies on South Asia have highlighted the influence of criminal elements, *mastaans* (hooligans) and people with black money, in electoral and party politics. Governance style of all South Asian states, whether unitary or federal have tended to be highly centralized and accountability on the whole has been weak.

In Bangladesh academics and civil and political party activists have been advocating for a long time specific proposals of reforms to improve the quality of our electoral democracy. The most widely discussed reform ideas encompass democratizing party and electoral politics. I shall also prioritize this challenge.

Democratizing party and electoral politics

Lack of internal democracy within political parties has long been identified as a major constraint inhibiting consolidation of democracy in Bangladesh. Dynastic inheritance has emerged as the dominant route to party leadership positions. Two dynastic inheritors, Sheikh Hasina and Khaleda Zia have headed the two main parties, the Awami League and the BNP, for more than thirty years, Sheikh Hasina as the daughter of the AL leader and the founding father of the nation, *Bangabandhu* Sheikh Mujibur Rahman and Khaleda Zia as the widow of Ziaur Rahman, founder of the BNP. These two women have been the uncontested leaders of their respective parties since the early 1980s taking all key decisions. The third major party, Jatiya Party has also been headed by its founder, Lt. General H.M. Ershad since 1986 and at present the leadership of the parliamentary party has been transferred to his wife Roushan Ershad. The Islamist party Jamaat-e-Islami has also been led essentially by two leaders – Ghulam Azam (1992-2000) and Matiur Rahman Nizami (2000-2010).

Though the rules of organization of all parties provide for various processes of grassroots consultations, in practice decision-making is controlled by the top party leadership. The office bearers of various tiers of party organization and the candidates seeking party nominations for election depend on the support of the top party leadership. The party agenda and election manifesto tend to be designed by a few professionals in consultation with a few leaders and are rarely exposed to debate within the party or with the public. There is very little debate and discussion within party forums about various policy issues. Political parties recruit a large number of party workers but they are mostly used as mobilizers during election campaigns or for public agitation campaigns.

The deficiencies of political parties have generated many reform proposals over the last ten years regarding party financing, recruitment, leadership, decision-making process,

representation of groups and interests and so on. But the major parties have not taken any concrete action. Apart from the Awami League, the other two parties, the BNP and the JP do not bother to organize party council meetings. Since its inception the BNP has organized only 5 party council meetings (one in every 6 years) though the party constitution stipulates council meetings every three year. There was a gap of 16 years between the BNP's last two council meetings held in 1993 and 2009. The AL has been more regular in organizing its triennial council meetings, but these meetings are generally big public shows where the party president (and in the last two meetings the general secretary) is unanimously elected through voice vote. The council then authorizes the party president to select all other officer holders.

The top party leadership, in the three major parties, AL, BNP and the JP, has the final say in selecting candidates for elections and can ignore the recommendations of the grassroots committees. Though policies and strategies are discussed in central party decision making bodies, the final decisions are, again often left to the party chief. At local levels, party activists mainly spend time planning celebration of special days or organizing rallies.

Inter-party and intra-party violence is endemic amongst all parties. Various human rights organizations have regularly reported on high level of violence such as killings and injures as a result of clashes between party activists. Generally students and youth organizations associated with political parties engage in violent clashes. Some of this violence occurs between parties and some are happening within parties. In many cases, the conflicts are not due to ideological differences but due to struggles over distribution of patronage. Recent data that I have collected for my study on political parties show that incidence of intra-party violence is generally higher than inter-party violence. Additionally, incidence of intra-party violence is higher within ruling parties compared to opposition parties. This implies that most of the intra-party violence is

caused by factional feuds over grabbing of business contracts or other patronage deals.

Over the years electoral politics has increasingly become dependent on patronage politics where money and *mastaans* have played a dominant role. Elections have become a costly process. While in the earlier years businessmen used to donate funds to election campaigns, increasingly they have become directly involved in electoral politics as candidates. For example, the percentage of businessmen as Members of Parliament has steadily increased from 24% in 1973 to 48% in 1996 to 57% in 2001 and 56% in 2008.

Mastaans have also emerged as a political resource and are used widely by all parties to ensure retention of authority in various constituencies as well as state patronage to access public resources. The student and youth fronts of the parties are dominated by *mastaans* who have frequently turned campuses of educational institutions into battle fields. Many of these *mastaans* later become party bosses. In various constituencies successive elected governments have used law agencies to protect their own *mastaans* and drive away the *mastaans* of the opposition. The *mastaans* have used their immunity from law enforcement to extract toll from various business and construction contracts. The dominance of money and *mastaans* have excluded the participation of two important groups, women and the income-poor, from electoral politics since neither group commands these two resources; yet it is women and the resource poor who constitute the majority of the voting population. The nexus between politicians, businessmen, *mastaans* and the law enforcement agencies has, thus, become embedded in our political system during the period of electoral democracy.

Some of the reform proposals geared towards minimizing the influence of money and criminal elements in party and electoral politics were adopted by the Election Commission in its guidelines for the 2008 parliamentary elections. These measures helped in the nomination and election of a number

of women and also a number of relatively clean candidates. However, there are still many more specific actions regarding party financing and control of political violence which have been proposed by civil society and political activists. These need to be further refined and pushed as priority agenda for adoption by political parties and government.

Conclusion

It is not easy to predict the future of democracy in Bangladesh. There is no doubt that we have overwhelming popular support for a democratic system of governance. This support has been strengthened during the two years of rule by the military-backed "caretaker" government when all major players came to the realization that there was no other alternative but to return to electoral democracy. We had hoped that with our renewed democratic journey in 2009 we would be able to break away from many of our past undemocratic practices and take bold steps to democratize our electoral democracy. At a minimum we had hoped that the two main political parties and their two supreme leaders have learnt some lessons and would be able to come to some agreement about the basic rules of the game of electoral democracy. Unfortunately it appears that the two main parties and their leadership are still on a confrontational path, and they cannot even agree on the ground rules for parliamentary elections.

Fortunately for us there is a growing awareness amongst the citizens that we have to do away with the past patterns of bad politics that have stood in the way of good governance. People are increasingly showing their disapproval of old style confrontational politics. It is this shift in popular will, an overwhelming desire to see our past undemocratic patterns broken and the beginning of a new era of accountable and responsive governance that makes me hopeful about the prospects of our democratic renewal.

Who should take the leadership of this project of democratizing party and electoral politics? Obviously the primary responsibility falls on the shoulders of the party

leaders and activists. They can not continue the rhetoric of being the sole champions of democracy unless they practice what they preach. They need to first put their own house in order. They need to introduce democracy within their respective parties and in electoral politics.

The media, civil society and the academics also have a very important role to play. They need to be independent in collecting information and take up positions based on facts. They need to tell truth to power. Here, we can draw good examples from Professor Muzaffar Ahmed Choudhuri's own life. He stood up for what is right and resisted police from entering Dhaka University campus in 1952 when he was the Proctor and was arrested and imprisoned. For this act he was not inspired by any party political interest or personal gains. He did this because he felt he needed to defend the autonomy of the institution he serves and discharge his proper duties as the Proctor of the university. Later, when he was the Vice Chancellor of Dhaka University after independence he resisted student pressure and said "no" to the demand for auto-promotion. If all of us are willing to follow these examples of Professor Muzaffar Ahmed Choudhuri, stand up for what is right and defend our democratic rights, I see no reason to be pessimistic about the prospects of our democratic future.



Professor Muzaffar Ahmed Choudhuri
(1923-1978)

