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A Crisis of Democracy in Bangladesh

ALI RIAZ

Since its independence in 1971, Bangladesh has experienced tumultuous times. The country endured prolonged military rule from 1975 to 1990, but democratic aspirations have defined the course of its politics. In the past four decades, Bangladesh has experimented with various systems of governance, including one-party presidential rule and, currently, a multiparty parliamentary system, having returned to parliamentary democracy in 1991.

Bangladesh has demonstrated favorable elements of democracy, such as high levels of political participation, a plethora of political parties, a growing middle class, a vibrant civil society, and periodic elections. Yet the nation has undergone repeated reversals of democratic gains, thanks to civilian authoritarianism and military dictatorship. The polity has suffered from an absence of strong institutions to ensure the rule of law, accountability, and transparency in governance.

In the post-1991 era, power has alternated between two parties—the Bangladesh Awami League (AL) and the Bangladesh Nationalist Party (BNP)—or, more precisely, between their respective leaders, Sheikh Hasina and Khaleda Zia. Politics remains volatile and uncertain; a lack of trust among leaders has engendered acrimonious rhetoric and street protests.

In 1996, the AL came to power with the support of the Jaitiya Party (JP), led by former military dictator Hussain Muhammad Ershad, who had been the archenemy of the AL until 1990. In 2001, a BNP-led four-party alliance won the elections. The coalition included an Islamist party, the Bangladesh Jamaat-i-Islami (BJI), which had opposed the founding of the country in 1971. The party had colluded with the Pakistani Army and created paramilitary

forces to combat the freedom fighters. Party activists and leaders participated in killings of intellectuals, political opponents, and secularists.

In the past 42 years, Bangladesh has held 10 parliamentary elections. Four were held under a nonpartisan caretaker government: These were all recognized as fair elections with high voter turnout, and each one brought a change in regime. The other six elections, held under incumbent partisan governments—both civilian and military—resulted in the reelection of incumbent regimes and were marked by fraud and blatant vote-rigging. Not one of the previous five parliaments elected under an incumbent regime completed its five-year tenure as stipulated in the constitution, whereas all four parliaments elected under caretaker regimes completed their terms.

HOLLOW VICTORY

The January 2014 election delivered a predictable but hollow victory to the incumbent AL regime. Most parties, including the main opposition party, the BNP, boycotted the election. It was held against a backdrop of unprecedented political violence: In 2013, at least 507 people were killed, according to human rights groups.

Two issues have dominated the political scene since February 2013, though both have much earlier origins. The first was a movement spearheaded by the BNP-led alliance, which included the BJI, demanding the restoration of a caretaker government to oversee the upcoming election. First introduced in 1990, the caretaker government system was formalized in 1996 by the then-BNP regime under pressure from the opposition. Elections in 1996, 2001, and 2008 were held under this system thereafter. But the AL scrapped it through the 15th Amendment of the Constitution in June 2011.

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The regime argued that a verdict of the Supreme Court had voided the system. The verdict in question had declared the 13th Amendment—which included the caretaker proviso—to be unconstitutional. However, the justices stated that the next two parliamentary elections could be “held under the provisions of the above mentioned 13th Amendment,” provided that the parliament chose to do so. The justices also agreed with senior lawyers’ opinion that there would be anarchy should the ensuing election be held under a partisan government.

A parliamentary committee comprised of AL members also favored continuing the system, but Hasina decided otherwise. The 15th Amendment stipulated that an election must be held within 90 days of the completion of a parliament’s tenure (or within 90 days of a dissolution of parliament before it completes its term).

The BNP threatened to boycott the election and has continued to agitate since mid-2011. As the election date approached, the BNP intensified its opposition. Hasina offered a slight compromise in November, proposing an “all party” cabinet during the election and inviting the BNP to join, but it declined.

WAR CRIMES AND PUNISHMENT

The second major issue overshadowing the January election was the International Crimes Tribunal (ICT), which has recently handed down convictions for crimes against humanity during the war of liberation in 1971. As one of the chief objectives in its 2008 election manifesto, the AL had called for war crimes trials over the events of 1971. The Pakistani Army unleashed a reign of terror against unarmed Bengali civilians on the night of March 25, 1971. In the subsequent nine months, as the Pakistani military committed genocide, a guerrilla war to establish an independent Bangladesh ensued. A small number of political parties, particularly the Jamaat, colluded with the Pakistani forces, and members of the Jamaat participated in various crimes. These crimes were not tried, although an attempt was made to do so immediately after independence.

The ICT was established on the basis of the International Crimes (Tribunals) Act of 1973 included in the constitution, as amended in 2009. Despite international criticism of various proce-

dural aspects, the trials continue to draw considerable support among Bangladeshis. The BJI has alleged that the ICT is politically motivated, since most of the accused belong to the BJI; until early 2013, the BNP maintained an ambivalent position on the tribunal.

As the ICT began handing down verdicts in February 2013, and particularly after it sentenced the BJI leader Abdul Quader Mollah to imprisonment for life, a youth-led campaign (popularly known as the Shabagh movement) emerged, alleging that the court had been lenient to the accused as part of a secret deal between the BJI and the government. The demonstrators demanded the death penalty and the banning of the BJI.

The government moved quickly to co-opt the movement, passing legislative amendments to allow prosecutors as well as defendants to appeal verdicts in the Supreme Court. Subsequently, another BJI leader, Delwar Hossain Sayeedi, was sentenced to death. This provoked an unprecedented wave of violent protests by the BJI, which continued for several days and cost at least 80 lives. The BNP made a decisive move in favor of the BJI; Zia described the police actions as “genocide” and called for demonstrations and general strikes.

In the following months, sensing an existential threat, smaller Islamist parties and organizations resuscitated the Hefazat-e-Islam (HI), an umbrella organization of Islamic scholars associated with privately operated traditional *qwami madrassahs*, or seminaries, under the leadership of Mufti Ahmed Shah Shafi. These organizations are ideologically opposed to the BJI.

At a rally in April 2013, the alliance announced a 13-point list of demands, including the introduction of an anti-blasphemy law that would carry the death penalty for anyone who “insults” Islam and the prophet Muhammad. The alliance staged a massive demonstration in Dhaka on May 5. While the rally itself remained peaceful, violence broke out nearby between HI activists and BJI men. At least 13 people (including a policeman) died in the clashes throughout the day.

Although there were indications that the ruling party encouraged the HI’s reemergence as an antidote to the BJI, law enforcement agencies, including the Rapid Action Battalion, responded to the Dhaka rally by launching a late-night “cleanup”

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operation. Beforehand, police cut the power supply in the city's commercial area; two television stations allied with the opposition (Diganta TV and Islamic TV) were closed down while broadcasting live reports on the police operation. The government claimed that no one died in the operation, whereas the BNP and HI leaders asserted that thousands were killed. The exact death toll could not be independently verified; the *Economist*, quoting European diplomats in Dhaka, reported the number of deaths on May 5–6 at 50.

SHARP POLARIZATION

These events, from the rise of the Shabagh movement to the police actions against the HI, revealed several things: that the government is not hesitant to use lethal force to quell disturbances and impose censorship; that the BNP has moved closer to the Islamists; and that Bangladeshi society is sharply polarized on issues such as the BJI, the ICT, and the role of religious parties in politics.

In August 2013, a court ruled that the BJI's registration with the Election Commission was void due to a conflict between the national constitution and the party charter. This made the BJI ineligible to participate in elections. Reacting to more war crimes verdicts delivered by the ICT in the following months, BJI activists once again resorted to violence, and further arrests forced the organization to go underground. When Mollah was executed on December 12, the BJI went on a rampage throughout the country.

The government confronted these violent acts with force. Over a period of three days at least 30 people were killed. The conjunction of this violence with a BNP-led blockade demanding the cancellation of the January election gave credence to the ruling party's allegation that the BNP is beholden to the BJI.

The victory of the incumbent alliance was a foregone conclusion, given the opposition boycott. The AL won 233 seats of the total of 300; the JP, led by the former military ruler Ershad, took 34. Only 12 parties out of 40 registered with the Election Commission participated in the election. In Bangladeshi history, only the parliamentary elections held in 1988 had a lower participation rate. In the 2008 election, 38 parties participated. The January 2014 election records show that there was little enthusiasm: Only 543 candidates ran for office, or one third of the number that ran in 2008.

More than half of the members of parliament—153 out of 300—were the only candidates

for their seats, practically disenfranchising more than 50 percent of voters. Official sources (including the Election Commission) claimed that the turnout was 39 percent. But the local and international press reported ballot-stuffing by party activists—particularly as it became evident in the afternoon that the turnout would be too low. The *Guardian* reported the actual voter turnout at 10 percent.

Between November 25, 2013 (the day the election date was announced), and January 4, 2014 (the day before the election), at least 123 people were killed. The BNP enforced 26 days of blockades and general strikes in six installments between November 25 and January 5. On Election Day itself, at least 21 people were killed. Immediately afterwards, a further 10 or more Bangladeshis died in clashes and police shootings.

OFFICIAL OPPOSITION

The outcome of the election positioned Ershad's JP as the parliamentary opposition. But a series of events before and after the election show that the JP was handpicked for—or perhaps coerced into—that role. Although the JP was a member of the AL-led grand coalition, Ershad announced in early November that his party would boycott the election unless other opposition parties joined.

Subsequently, he announced his departure from the coalition on November 18, only to join the all-party government on the same day. A few days later, on December 3, he changed his mind again, deciding to boycott the election and asking his colleagues in the cabinet to resign. In a meeting the next day, Indian Foreign Secretary Sujatha Singh urged Ershad to participate in the election but was rebuffed.

As a large number of JP candidates withdrew their nominations, a small group under the leadership of Ershad's wife, Rowshan Ershad, remained in the race. Several meetings between her and the prime minister took place. The Election Commission denied Ershad's request to withdraw his own candidacy. Finally, on December 12, he was picked up by the Rapid Action Battalion from his home and admitted to a military hospital. He remained incommunicado while some members of his party continued participating in the election. He himself was elected in one constituency.

After the election, even as the JP was designated as the official parliamentary opposition, two members of the party were named to the new cabinet, which was sworn in on January 12; General

Ershad was named special envoy of the prime minister. The inclusion of the JP in the cabinet essentially turned the 10th parliament into one without any opposition party. The emergence of one-party authoritarianism is a real danger and an unwelcome reminder of 1975, when the Awami League introduced a one-party system.

ACHILLES' HEEL

Although public opinion polls since mid-2011 showed widespread apprehension that a partisan government would not be able to conduct a fair election, the BNP failed to translate this into popular mobilization against the government in the days leading up to the vote. Nonetheless, the way events played out provided evidence for the BNP's insistence that some form of neutral administration is badly needed to organize a credible national election in Bangladesh.

Several factors explain the failure of the BNP to halt the election. First, the party lacks mobilizing capacity. The fact that the party has not appointed a permanent secretary general in the past five years is an indication of the infighting and lack of enthusiasm among party leaders.

Second, the party's alliance with (or perhaps dependence on) the BJI, which was once enormously beneficial to the BNP, became its Achilles' heel.

Since the Shahbagh movement started in late February 2013, and particularly after the movement was co-opted by the ruling party, the BJI has been on the defensive. The movement's adoption of violence has damaged the BNP, whose activists attacked bystanders during the general strikes.

The BNP has also hurt itself with a lack of clarity on the issue of the war crimes trials. Pro-regime media and intellectuals have successfully painted the campaign for a caretaker government as an attempt to "save the war criminals." The distinction between the BJI's movement against the war crimes tribunal and the BNP's campaign for a caretaker government was completely lost due to the BNP's inability to highlight its own demands. The party's wavering position on the tribunal has cost it dearly.

INTERNATIONAL REACTION

The January 2014 election may have received more international attention than any in Bangladesh's history. Countries such as the United

States, the United Kingdom, Japan, and China, as well as multilateral organizations including the United Nations and the Commonwealth, called for an inclusive election. But India stood by the AL and echoed the regime's argument that the election was a constitutional requirement, implying that the nonparticipation of the BNP was acceptable to India.

The UN special envoy Oscar Fernandez Taranco made three visits in 2012–13 in an effort to find a solution. Although he succeeded in bringing the AL and the BNP leaders to the table in December 2013, his mission failed due to the intransigence of both parties, particularly on the part of the AL's leadership. The government did not entertain his implicit proposal to defer the election.

Policy makers in New Delhi were concerned that a BNP victory would be detrimental to Indian interests. Indian Foreign Secretary Sujhata Singh's comments to General Ershad during her visit to Dhaka before the election made this clear. Indian External Affairs Minister Salman Khurshid suggested that the United States should view the situation in Bangladesh through

the lens of India, which does not want to see a repeat of the BNP regime between 2001 and 2006. Those years saw an increasing presence of regional militant groups, including the use of Bangladesh as a sanctuary

by Indian insurgents.

However, India's decision to overtly support the AL put at risk the transformation of the Indo-Bangladeshi relationship into one based on state-to-state, rather than party-to-party, ties. There is a general perception in Bangladesh that the Indian government, and especially the Congress Party, has a preference for the AL, which is seen as a pro-Indian party. In the past few years, particularly with a 2012 visit by Khaleda Zia to India, India signaled that it was willing to work with any elected government. But Indian policy during the election crisis has strengthened the perception that New Delhi would like to see the AL in power. Supporting the AL might have benefited India in the short term but is likely to engender more skepticism about Indian intent and foment more anti-Indian feeling among Bangladeshi citizens in the long run.

Congratulatory messages after the election came only from a handful of countries with global influence besides India, including Russia

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and China. China was the only country that had previously called for an inclusive election yet congratulated the incumbent government on its victory.

UN Secretary General Ban Ki-moon called on Bangladeshi leaders “to resume meaningful dialogue and to urgently address the expectations of the people of Bangladesh for an inclusive political process.” The US Senate, the British Parliament, and the European Parliament expressed concerns over the ongoing violence, called on the opposition to shun violent protest, and asked the government to release opposition leaders. But most importantly, all of these resolutions have underscored the need to hold a genuinely inclusive election. In the words of the European Parliament’s resolution, the government and the opposition should “find a compromise which would give the Bangladeshi people a chance to express their democratic choice in a representative way.”

ECONOMIC PARADOX

Throughout 2013, as Bangladesh faced a violent political situation and the human cost of the crisis rose by the day, many feared that these events would threaten the economy. The situation warrants a closer look at the country’s economic and social achievements, and the challenges it faces in those areas. In recent years, the term “Bangladesh paradox” has gained currency, encapsulating the seeming contradiction of continued economic growth and improvement in various social indicators, despite the country’s lack of political stability and good governance.

In 2006, the World Bank concluded that Bangladesh was one of only eighteen developing nations with an annual growth rate that had never fallen below 2 percent. Available data show that in the first decade of independence (1972–79), the average rate was 1.88 percent; in the second decade (1980–89) it was 3.22 percent; and in the 1990s it was 4.8 percent. From 2000 to 2012, with the sole exception of 2002, Bangladesh achieved annual growth at a rate of more than 5.5 percent. The recent political unrest may have contributed to a decline in projected growth from 6.2 percent to 5.7 percent for the 2013–14 fiscal year (ending in June 2014).

This growth continued at a time when the global economy experienced several upheavals,

including the prolonged recession following the 2008 financial crisis, and the Asian financial crisis of the late 1990s. Concurrently, the structure of the Bangladeshi economy has undergone a shift from an agriculture-based model to a one based on services. In 2013, the agriculture sector’s share of GDP was 17.5 percent, compared with 28.5 percent for manufacturing and 54 percent for services.

Two factors have played pivotal roles in the economic success of the country: the ready-made garment industry and remittances from Bangladeshis living abroad as short-term migrant workers, primarily in the Middle East. Remittances increased from \$23.71 million in 1976 to \$13.83 billion in 2013. In the past two decades, between 1993 and 2013, the revenue generated by remittances increased thirteenfold.

Bangladesh is the eighth-largest recipient of remittances in the world. Currently, 5.38 million migrant Bangladeshis, or 3.3 percent of the total population, contribute almost 11 percent of nominal GDP. In recent years, though, remittances began to decline slightly as the countries employing short-term migrant workers in the Persian Gulf region and Southeast Asia contended with recessions.

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WORKPLACE SAFETY

Despite adverse global trade conditions, the garment sector has emerged as the second-largest apparel exporter in the world, thanks to Bangladeshi entrepreneurs and 3.6 million workers, of which 2.8 million are women. Almost 2.5 percent of the Bangladeshi population is now employed in this sector. Revenue from the garment sector was almost nonexistent in 1978–79 (\$0.04 million) but a little over three decades later, in the 2012–13 fiscal year, the sector generated revenue of \$21.51 billion.

This dramatic success can be attributed largely to low wages and a lack of compliance with basic safety standards in garment factories. This negligence has contributed to a number of deadly accidents. Two high-profile accidents in the past two years illustrate the hazardous environment that workers face on a daily basis.

The November 2012 fire in the Tazreen Fashions factory, an export-oriented garment plant, took 112 lives. This was followed by the worst industrial accident of the country’s history: the April

2013 collapse of Rana Plaza, a building in which a number of garment factories were located. A total of 1,129 bodies were identified, while hundreds were still missing almost nine months after the accident.

Low wages have also been a focus of labor discontent for almost a decade. The Rana Plaza disaster brought safety to the attention of global consumers and international brands. The tragedy led to two agreements: the Accord on Fire and Building Safety in Bangladesh, signed by 73 of the largest international brands; and the Alliance for Bangladesh Worker Safety, joined by 15 major US retailers.

Whether these agreements will substantially improve worker safety remains to be seen; steps toward the necessary reforms have yet to be taken. But in the wake of these agreements and pressure from both international consumers and local activists, the minimum wage for the garment workers has increased by a nominal amount.

SOCIAL PROGRESS

Several other factors have contributed to the country's economic success. These include the innovative interventions of nongovernmental organizations such as the Grameen Bank in micro-

credit and the BRAC in education and health programs. These groups have particularly benefited rural women. Many have described the NGOs as the magic ingredient in the continuing economic expansion.

These economic accomplishments have been accompanied by progress in the social arena, as reflected in human development indicators. Take, for example, the decline in the incidence of poverty. The poverty rate declined from an estimated 70 percent in 1971 to 58.8 percent in 1992, and to 31.5 percent in 2010. The rapid expansion of the garment industry has not only provided job opportunities for younger women, but has also contributed to a precipitous decline in the total fertility rate (the average number of children per woman) as female workers defer marriage and childbirth. From 6.94 in 1971, the rate fell to 2.24 in 2011. This in turn is easing pressure on resources.

Other noteworthy improvements have occurred in maternal mortality (from 322 per 100,000 in 2001 to 194 in 2010); in infant mortality (from 97 per 1,000 live births in 1990 to 37 in 2011); in mortality rates for children under five years old (from 139 per 1,000 in 1990 to 44 in 2011); and in increasing equitable access to education (the

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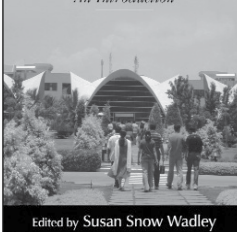
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net enrollment rate in 2012 stood at 98.7 percent. According to the UN Development Program's 2013 Human Development Report, Bangladesh's life expectancy at birth increased by 14 years between 1980 and 2012, from about 55 to 69—a notable achievement indeed.

These successes demonstrate the resilience and ingenuity of Bangladeshis. And a country in which the median age of the population is 23.9 years has a lot to look forward to. But whether it can maintain this development trajectory depends on the handling of structural challenges, such as meeting the increasing demand for energy, improving infrastructure, and diversifying exports. While these long-term problems remain unaddressed, failure to adequately reform the garment sector has damaged the country's global image.

Far more pressing is the political situation: Major trading and development partners such as the United States, the European Union, and Japan worry that political instability will adversely affect investment and trading conditions. The United States is the biggest foreign investor in Bangladesh and the largest single country destination for Bangladeshi apparel. The EU is Bangladesh's main trading partner, accounting for around 12 percent of the country's total trade. Bangladesh benefits from favorable trade status with the EU, which has helped its apparel gain a large market share in Europe.

Japan, a major development partner that has made significant investments in infrastructure building and has emerged as a new destination for Bangladeshi apparel in recent years, asserted that the January election did not represent the people's aspirations. It is possible that these growing calls from major trading partners for dialogue with the opposition and a new, inclusive election will be backed by economic leverage. If the political situation affects trading relations, it could undermine the country's economic and social achievements.

COURSE CORRECTION

Now that the disputed election is over and a government is in place, what will come next? There is growing concern, at home and abroad,

that Bangladesh has moved away from the democratic path and that the emergence of a de facto one-party state is not an unlikely scenario. Calls for a “democratic dictatorship” from pro-regime intellectuals after the election, continued arrests of BNP leaders, police action against opposition media, belligerent posturing by some ruling party leaders, and a rise in enforced disappearances and extrajudicial killings are adding to these concerns. Hasina has asserted that those who believed in the spirit of the war of independence cast their votes and those who believed in militancy boycotted the election. She is not setting the tone for compromise that she promised before the vote.

Hasina and the AL should recognize that the election has provided the party with a mandate not to govern for the constitutionally stipulated full term, but to end the violence, complete the war crimes trials within a short period, and organize an inclusive election at the earliest opportunity. The party's poor record of governance over the past five years will not soon be forgotten.

The BNP, for its part, must do some soul-searching as to what strategic mistakes it made, which of its policies demand revision, and how its leadership failed. Khaleda Zia's postelection moves indicate some moderation, particularly in moving away from the Islamists. But whether these gestures will convince nonpartisan citizens is an open question. Meanwhile, Zia and her son face a corruption trial set to start in April.

It was not only the BNP that boycotted the election, but nearly all of the opposition parties. Therefore, the ruling party should consider holding a dialogue involving all parties and members of civil society to chart a course toward reinstating an inclusive system of governance. The absence of street agitation and the apparent weakness of the main opposition should not be read as citizens' tacit acceptance of this flawed election.

The prevailing uncertainty has the potential to create further violence. If the ruling party continues to marginalize the opposition, deny it the space for peaceful protest, and disregard the need for a political roadmap for moving forward, it will encourage extremists to take over. Bangladesh must not allow this to happen. ■