

Section 6:

Parliamentary Elections

- The current parliament's tenure expires on 24 Jan 2014.
- Elections must be called 90 days before the end of parliament's tenure.
- 24 Oct 2013 is the last date to announce the elections.
- During the 90 days leading up to polls, parliament and the cabinet will remain in power. This is the first time this has happened and is a result of the 15th Amendment, passed by the Awami League, thanks to its two-thirds majority in parliament. After the poll, the newly elected MPs will not assume office until the term of the outgoing parliament expires.³⁷⁰

Zero Sum Game

This term was used again and again by commentators to describe the highly confrontational nature of election politics in Bangladesh. It is personality, not political agendas, that creates the polarisation.

After an attempt on her life in 2004, many say that the Prime Minister, Sheikh Hasina, genuinely believes the opposition forces want to kill her. Some describe her as a zealot on a divine mission, who believes, like Louis XIV, that, "*L'Etat c'est moi*". They say she's created a structure of patronage and vested interests among MPs, secretaries and unelected advisors who need to keep her in power. Even party sympathisers say an Awami League victory would mean a greater degree of corruption, misgovernance, nepotism and politicisation.

On the other hand the BNP fears that if the Awami League wins another term, their party will be obliterated through a blend of coercion and bribery. If they win, the fear is they will seek to outdo their opponents in graft and abuse of power. "We have to repeat what the Awami League did to us," said one opposition leader.

"This election is high stakes; it's very very dangerous," said an Awami League sympathiser.

Many believe the root cause of Bangladesh's problems lies in its Westminster-style, "winner takes all" electoral system. In 2008 this meant the BNP won 33% of the vote but only captured 30 seats in parliament. Opposition parties felt they didn't have much voice in parliament so they boycotted and tried to settle scores on the streets. Some argue a caretaker system will not really solve Bangladesh's problems. Instead what's needed is a system of proportional representation.

Interestingly the next election may be the start of a process of transferring power from one generation to the next. Leaders from the 1940s and 1960s are still in power but may soon retire. The BNP succession is beginning, with Khaleda Zia slowly transferring power to her son, Tarique. In the Awami League it's not clear which of Sheikh Hasina's relatives, many of whom are dual nationals of other countries, might ultimately take over.³⁷¹

An Election Time Government

In June 2012, Parliament passed the 15th Amendment to the Constitution in the BNP's absence, abolishing the caretaker system that had been in place for fifteen years. The BNP reacted by saying it will boycott elections unless the caretaker system is reinstated³⁷² but it's always possible parts of the party will be willing to negotiate a deal to allow them to take part.

A May 2013 opinion poll by the newspaper Prothom Alo found 90% of people surveyed also wanted a caretaker government.³⁷³

The Awami League's argument is a caretaker set up is inherently undemocratic and last time it remained in power for two years. Sheikh Hasina wants the Election Commission to run the elections, possibly supervised by a multi-party committee of elected MPs. The Awami League needs at least some of the BNP and its allies to participate in order to lend a semblance of legitimacy to any poll. Many believe the current cases pending against BNP leaders could be used as leverage to induce them to participate in elections. Officially the BNP leaders are adamant they won't participate unless there is a caretaker government: "Without us there will be no election," they say. However, the BNP is said to have five internal factions, three of whom might join an election while the others boycotted.

Most commentators do not expect an election held under the current system, with the parliament and cabinet remaining in place during campaigning, to be free and fair. The governing party is to hold elections under its own terms. "Sheikh Hasina is only interested in an election that she wins," commented one newspaper editor. He went on to suggest that the Prime Minister had deliberately stepped up the controversy so that a few months before polls she could make a few concessions to the opposition over the procedures for holding elections and pass a 16th Amendment to the Constitution. An Awami Leaguer also suggested the new procedures for holding elections without a caretaker government were essentially a distraction for the opposition parties, to keep them busy on the streets.

An additional concern over the new system is if the governing party was unhappy with the election results, it could legally call a meeting of the old parliament because it won't have been dissolved, pass a bill with their two-thirds majority to say the polls were rigged, cancel the results and extend their term.

Key to stability, many argue, is for the two main parties to agree on an adequate election time administration. This would be comprised of politicians - rather than technocrats as in a caretaker government. Important is who is in charge of it; the thinking currently is that the BNP would not agree to Sheikh Hasina heading such an administration but might consider another Awami Leaguer, such as the Speaker of Parliament. However, some commentators expressed doubt about whether the Prime Minister would accept anybody else in her party being in charge of elections.

One scenario is that the confrontation continues and it eventually comes to a stage where the army is reluctantly compelled to step in to maintain law and order. Another more hopeful scenario is that the politicians will get to the brink and then back off and strike a compromise on an election administration.

Many political analysts believe India, the US and the United Nations will play an important role in pressuring the various political players into participating in elections. India, with strategic support from the United States, is considered to be the kingmaker and the assumption is the Awami League still has Delhi's backing. "If it comes to a crunch, India will stick with the Awami League," said one newspaper editor.

Military

The consensus seems to be that the Bangladeshi military has no interest in stepping into power again, unless its arm is severely twisted and the security situation is totally out of control with rioting on the streets. The suggestion is if the UN threatened Bangladesh's lucrative peacekeeping roles abroad that would be sufficient leverage to persuade the army to take action.

Some argue there is more sympathy for Islamists in the military than the general population and stronger anti-Indian and anti-Hindu sentiment. Others say the Islamists who joined the army between 1975-96 are now retiring and parties like Jamaat have very little influence today. There is however no doubt there's great frustration on the part of younger and mid-ranking officers over the failure of the two main parties.

Role of Election Commission

Transparency International thought the Election Commission could function independently but it would wholly depend on the leadership of whatever political authority oversees the process. If there were a consensus government, then the Election Commission would be able to do its job properly.

However the Election Commission doesn't hold an election alone. It needs the police and civil service, both of which are extremely politically polarised. Transparency International thought it possible to deploy police and administrators to minimise conflicts of interest - especially in marginal seats where the election will be decided.

One former senior civil servant said that legally the Election Commission had unlimited powers but in reality they were very limited. An election involves deploying at least half a million government employees throughout 80,000 villages but the very centralised Election Commission has no power to dismiss them. This former civil servant estimated about 40% of the work was done by the Election Commission, 30% by the Returning Officer and his staff (controlled by the government) and a further 30% by the law and order agencies (controlled by the government). Without government support his conclusion was no Election Commission alone could hold a free and fair vote, even if it's apolitical.

Some say the politicisation of the bureaucracy has become by far the worst in South Asia. One academic compared Bangladesh to Pakistan, saying that there the recent elections had been run by the judiciary but that wouldn't be possible in his country now because "the judiciary was even more politicised than the civil service". He could see no solution, concluding the Bangladeshi system was irreparably broken.

Government servants dismissed by one regime have been reinstated by the next, with back pay and a promotion. There might be 200 vacant posts in the bureaucracy but a government will promote 800 people, leaving 600 on the payroll but without actual jobs. This leads to competition among the civil servants to please their masters in government. Even those involved in previous caretaker governments say it was very difficult to control the civil service when the political parties were urging officials not to do their bidding and offering incentives. They said the last election was perhaps 40% free but without a caretaker government it would be 0% free.

The degree of politicisation of the civil service is apparent to anyone who chats to officials, many of whom will almost certainly lose their jobs if there is a change of government. Some who've been championing secularism or targeting militancy fear they could face reprisals if Jamaat-e-Islami come to power and the Islamists have more space in which to operate. There is even talk of hit lists containing the names of journalists and police officials who have been outspoken.

Corruption and Elections:

"Politics has become a profit-making enterprise" is how one watchdog described the situation. Money is required for the muscle power required to win an election and once in office the politicians think it's within their rights to recoup their costs. This attitude regards election expenses as an investment. Advocate Itrat Amin Kalimullah of the election monitoring group, Janipop, said the Bangladeshi political system had become so eroded from within that an ordinary young person could never hope to be Prime Minister because two families ran the show and "positions were sold like in the Mughal period". He feared there was no room in such a regulated system for a third force to emerge.

Increasing numbers of parliamentarians are involved in business now. Transparency International says in the country's first parliament less than 18% of MPs declared their profession as business, while today it's 60%. One political observer sympathetic to the Awami League said politicians had already started remitting black money abroad to get it out of the country before the elections. He added that the governing party should have made more political capital out of the corruption charges against Khaleda Zia's son but couldn't because they were corrupt themselves.

Transparency says there are three main ways in which money is used:

(I) **Visible election expenses** are capped by law. In terms of rules on disclosure of campaign financing, Bangladesh is ahead of other countries in the region; there is for example a cap of 1.5 million taka per candidate on expenses. The problem is enforcement of the laws. Transparency looked at political parties' financing and found that although there was a law saying any donation more than 20,000 taka must be made only by A/C payee cheque (and not cash), in practice contributions to parties are never declared and no accounts are kept. Transparency International said parties submitted audit reports but quite often these were bogus. After the last election it found, on average, political parties took 2.5 years to declare their financial statements to the Election Commission and no action was taken against those who filed fictitious statements because the administration did not want to antagonise the political parties, irrespective of which one.

(II) **Securing a party nomination** is thought to require payments by the candidate but nobody in the party talks openly about this murky area. Local political leaders spend their funds on the party but when it comes to nominations they're asked for yet more. Instead a bureaucrat or ex-army officer comes in, with fewer roots in the constituency, but more money. The price of a nomination is said to be between 5-10 crore taka depending on the return on investment possible. Jamaat-e-Islami and the leftist parties are described as more disciplined and transparent. In the last election an ordinance stated that the preferences of the local party leadership were supposed to be reflected in the decision on candidates but very few parties complied with this rule. Subsequently, when the ordinance was made law, this provision became non-mandatory. Transparency International says the Awami League did hold a consultative exercise in 2008 but the BNP did not.

(III) Vote Buying & Stuffing Boxes: this involves deploying agents to buy or capture votes by force. Transparency says voters are getting smarter and sometimes even take money but vote for whoever they like. Corruption seems to have spread even to those who are bribed. The average price for the vote of a villager is 500-1000 taka, according to the election-watch NGO, Janipop. The price drops if it's being sold to someone with kinship ties or following the same religious leader, such as pir. Janipop says ballot box stuffing or switching tends to happen at lunchtime when voting is slow and it only takes five or six thugs about five minutes to destroy, add or steal ballot papers. They say it's also easy to buy polling officials and observers, using a mix of coercion and threat, especially in remote areas with makeshift polling booths. Mid-ranking military officials deployed to polling stations, they argue, can be influenced by money and friendship – colleagues from cadet college and other clubs.

The BNP

Some say the influence of Khaleda Zia's son, Tarique, is growing within the party, especially among younger members who are more radical. Many in the party hope he can return home if corruption charges (which he says are politically motivated) are lifted. They hope he can act as a unifying factor for the party machinery. Tarique has applied for political asylum in the UK and there is a Bangladeshi warrant for his arrest, which has been conveyed to the British authorities.³⁷⁴ There's been criticism of some of Khaleda Zia's decisions, such as issuing a 48-hour ultimatum in May during the Hefajate protests to the government to restore the caretaker system. Even her alliance partners say it was a baffling demand.

One group within the BNP believes the Awami League is so unpopular that the BNP will win an election. These people point to the way the Awami League has antagonised several parts of society: small shareholders, those concerned about financial scandals, Hefajate Islam supporters in the madrasa and garment factory workers over safety and minimum wage issues. This group will take heart from the fact candidates supported by the 18 party opposition alliance did well in municipal polls in Syhlet, Barisal, Khulna and Rajshahi in June 2013.³⁷⁵

Another group is busy fighting off court cases and thinks the Awami League should be allowed to win power and then they can launch a fresh movement against them. While a third faction believes the BNP should not participate in polls at all.

Some in the party question the alliance with Jamaat. It began in 1995 when the BNP realised that if there were an electoral alliance of anti-Awami League forces the votes would be transferable between the BNP and Jamaat in key constituencies. Some say if the issue of an interim election administration was sorted, the party might consider ditching Jamaat on the grounds that the anti-Awami League vote will be strong this time. They worry that anti-Awami League voters don't support the BNP because of its alliance with Jamaat. The consensus in Bangladesh is that votes for the BNP are anti-Awami League votes, not pro-BNP ones.

Within Jamaat today there's also quite a bit of unhappiness about allying with a party that is tainted by allegations of corruption.

Hefajat Votes

BNP analysts say the Hefajat vote bank may be significant in certain constituencies in Chittagong and Sylhet, comprising 20-30,000 votes. One academic estimated the Hefajate Islam vote block as 4-5% of the total. This assumes it's not just the madrasa students and their families, but also village Imams trained in the Deobandi madrasa, who may vote against the Awami League in protest at the violent dispersal of the Hefajat protestors in Dhaka in May. It's not that voters relate to Hefajat's 13-point demands but they have an emotional and respectful response to elderly clerics and a soft corner for religion, though not an Islamic state. Many Bangladeshis didn't know who the bloggers were, but heard that the Prophet was insulted.

Jamaat estimates more than 70% of Imams and Muezzin in mosques were educated in *quomi* madrasa and have spread the message that religious people were mistreated. It's not just mosques but also social media and mobile phones (through Bluetooth and MMS, not especially the Internet) that are being used to spread photographs of the violence against Hefajat. However it's not clear how many of the *quomi* madrasa people actually participate in elections. Jamaat analysts describe Hefajat as a top down organisation, saying the leader, Shah Ahmad Shafi, would need to instruct his followers to vote for a particular party to impact the elections.

Recently Jamaat sources say the *quomi* madrasa students have been allowed to read the pro-Jamaat newspaper *Naya Diganto* for the first time, even though it had previously been banned for publishing pictures of women without hijab. Mosque Imams have also started handing out leaflets against the bloggers with what looks like the assistance of local Jamaat activists. Journalists suspect that Jamaat is helping Hefajat with much of its media push, especially its English emailed press releases.³⁷⁶

Impact of War Crimes Trial

The unknown factor is whether the government will carry out one or two death penalties before the elections. There is still the appeals process but it's expected that could be completed in time. Some suggest executions might lead to a surge of popular support, especially among a younger generation that takes pride in the trial and derives a sense of national identity from it. It's even possible the government could carry out a few executions and then say vote for us if you want to see the rest of the accused hanged. It's not clear what response this would receive from traditional Islamists who perceive the ultra secularists close to the Awami League as a threat to Islam.

Jamaat activists of course warn there could be "total anarchy" if the death sentences are carried out. They say if the threat of executions were taken off the table, the current level of violence would cease. Some even say a deal between Jamaat and the Awami League might be possible now, especially as the government needs the opposition parties to participate in elections. "The situation is quite desperate in the Jamaat camp," said one Jamaat figure, stressing that anything could be negotiated if there was a promise not to execute their leaders.

Marginal Seats

Since 1991 the two main parties have alternated in power and there's an assumption there is always a swing against the incumbent.

Generally it's assumed there is 10-15% of the vote that changes each election, going back and forth to the pro-Awami League or anti-Awami League forces. This swing can be enough to deliver a two-thirds majority for a party. If support is static³⁷⁷ then Jamaat's 5-6% of the vote becomes crucial, especially in marginal seats. There are 40-50 seats that are marginal and decided by a balance of less than 2000 votes, or as little as 1% of the vote. If Jamaat doesn't contest in such a seat then the BNP will get their 5000 odd votes, which can make all the difference. So the relationship with Jamaat is key for the BNP.

The election monitoring group, Janipop, believes in about 50 marginal constituencies there may be high levels of violence that could result in voters remaining at home and allowing others to cast their votes.

According to research based on a National Democratic Institute data-set, the 1991 and 2001 Bangladesh election results "could have been different given the razor-thin margins by which many seats were won, and the huge number of minority voters that were prevented from voting in those very seats". Out of 300 constituencies, there were 71 where minority voters were significant (ranging from 11% to 61%) and 50 where they were visible (5-10%).³⁷⁸ Minority constituencies are often subjected to election violence and worth watching given the level of attacks in early 2013 as well as during the 2001 elections.

Some suggest 12-14% of the voters belong to civil society groups who could swing the outcome for the Awami League. These are 5000 or more human rights, women's and professional organisations that work at village level and represent social democrats, liberals and those who supported the War of Liberation, but are not pro-Awami League as such. In the face of a perceived Islamist threat these groups may have no choice but to hold their noses and vote Awami League, whatever their reservations over poor governance.

In conclusion some of the key areas to watch over the next six months will be:

- **the formation of an election time administration to oversee polls**
- **death penalties being carried out for war crimes**
- **violence against religious minorities, especially in marginal seats**
- **a realignment and possible unifying of rival Islamist forces**
- **legal procedures against Khaleda Zia's son, who is in the UK**