# The Political Challenges for Free and Fair Elections in Bangladesh

Nurul Momen and Marzina Begum

#### Abstract

There is a perception among the political scientists that a free and fair election is the keystone of good governance. People in Bangladesh expected that the democratic journey in 1991 would bring significant qualitative political changes, but the new democracy has not brought any changes to the lives of the people. Therefore, this article examines the case of Bangladesh and explores about how political issues challenge a free and fair election. Although, elections provide a test of the political system in a country, but political environment in Bangladesh is a threat to the credibility of electoral process. However, every research requires methodology to execute the study. In doing so, both historical and empirical data was used. In the findings, the research found that the current political environment negatively affects to ensure a free and fair election in Bangladesh. This study examines free and fair parliamentary elections by engaging in political analysis of the so-called democracy in Bangladesh. This study mainly focused on political challenges from 1991 to 2012 in the area of parliamentary elections, since the country started their democratic journey from 1991.

**Keywords:** Awami League (AL), Bangladesh, Bangladesh Nationalist Party (BNP), Free and Fair Elections.

## Introduction

Democracy was likely to take root when Bangladesh emerged from a long period of military government in December 1990. Bangladesh is still struggling to foster a democratic political environment due to an intense political conflict over the rules of the political game. It has been noted that parliamentary elections in Bangladesh have been obstructed politically. This article tries to assess how turmoil in political environment can negatively affect free and fair elections in the country.

#### Hypothesis

With the purpose of setting a consistent direction for the study, the following hypothesis will be tested; the extent of ensuring free and fair elections depends on the degree of commitment and the competence of political environment.

## Source of Data

The data was collected from both primary and secondary sources. Silverman (2006) observes that it is very crucial for social science research to explain the criteria for the selection process of the respondents. In the present study selection

of participants (n=15) for the interview was determined on the relevance of their contribution to the understanding of the research problem. For conducting a case study research, interview serves as an important and relevant source of information. The respondents were from the professional groups in the field on elections so that the researcher can generalize the findings. Prominent personalities from different walks of life were invited for interview. Participants included bureaucrats, social activists, leaders of different social movement, top level/retired professional and other high ranking people of policy making level. On the other hand, the secondary sources of data were largely from documents on free and fair elections in Bangladesh.

#### **Conceptual Analysis on Free and Fair Elections**

Beetham (1994) argues that an important principle can be assumed to have good governance; free and fair elections. Elections have always been deemed important in the democratic system. It has been noted that election is the main guarantee against oppressive governments. In this context, American founding fathers saw the elections as an essential protection against oppressive rulers, and against tyranny. Therefore, in the Declaration of Independence of America it was argued as a 'self-evident' 'truth' that government derived "their just powers from the consent of the governed".

Nepali political scientist, Dahal (2001) opined that election basically reflects three things; weight of public opinion, consideration of popular interest and broadbased representation of social, economic and political concerns of citizens. Election has other purposes too, for example, selecting political authority, providing legitimacy to government, and making the government accountable to the citizens. Way back in 1795 Thomas Paine in his dissertation on the principles of government argued that there are only two '*primary divisions*' of government. It is the government by election and representation. Paine (1795, cited by Basnet 2007) holds that "*the right of voting for representatives are the primary right by which other rights are protected*" and argues the system of representation as the key of good governance.

There are serious failures in the conduct of a free and fair election in many countries. Instances of such failed elections are conducted in Asia, Africa, Middle East, and even some European countries as well as Russia. These elections are sometimes heavily rigged. This is known to be one of the causes of intra-states conflicts in Africa primarily due to weak election institutions. On the other hand, it is observed by Aliyu (2009), that in the case of China, elections are not faulted on the basis of rigging, but rather electorates complain about the lack of alternatives regarding representatives. Thus, due to its electoral process, China is regarded as a non democratic country by Europe and US.

The results of the election should accurately reflect the wishes of the voters. Despite increased international pressure, and the presence of election monitors during the election processes, many nations fall into chaos after the election results are released. In some situations, despite the reports of the international election

observers that the election was free and fair, citizens take to the street, opposition revolts, and violence begins. Therefore, Sue (2001) argues that the goal of elections is to have an open and competitive process that allows voters to voice an issue or choose a representative.

Elections require a multitude of actors and issues whose interplay is important in holding free and fair election. Sue (2001) further pointed out certain essential elements for the conduction of free and fair elections;

An equitable and fair electoral framework; a professional neutral and transparent election administration; a generally accepted code of ethical behavior in political and press freedom; accountability of all participants; integrity safeguard mechanism and the enforcement of the election laws and other relevant laws.

However, it is claimed that democratic nature of elections is measured by the extent to which they are free and fair. Hence, free and fair elections have implications for political stability. Therefore, it is argued that a free and fair election is critically important for the institutionalization of good governance in any country. In a democratic country, every citizen has an equal right to freely choose his or her representative through an election. Therefore, a free and fair election is the best means by which political parties and leaders govern people and make the government accountable to them.

#### Political Challenges of Free and Fair Elections in Bangladesh

As observed from Freedom House (2008), citizens can expect elections to be relatively regular, and they should be necessarily free and fair. There have been certain identified political problems regarding a free and fair election in Bangladesh, some of which are discussed below:

**Organizing Elections after the Democratic Journey from 1991:** The pro-democracy movement in 1990 required institution of a neutral caretaker government. The purpose of caretaker government was to conduct credible elections because there were widespread allegations that the military rulers misused state power to engineer the election outcomes in Bangladesh.

- A. The 1991 Election under the Caretaker Government (CTG) of Justice Shahabuddin Ahmed: The caretaker government of Justice Shahabuddin Ahmed took some immediate steps to create a political environment for a free and fair election. For example, the EC was reconstituted, three Supreme Court judges were made election commissioners, and the EC was given an operational independence to conduct a free and fair parliamentary election. Elections were held on 27 February, 1991. Fifty five percent of the voters cast their ballots, of which 53 percent were men and 47 percent were women (Jahan, 2008 and Election Commission of Bangladesh website). The Bangladesh Nationalist Party (BNP) got a majority of seats in the parliament and Begum Khaleda Zia was sworn in as the prime minister.
- **B.** Elections under the BNP Rule (1991-1996): In the beginning of the Bangladesh Nationalist Party (BNP) rule, there was a conflict between the Awami League

(AL) and the Bangladesh Nationalist Party (BNP) in fifteen parliamentary by-elections. There were serious differences of opinion about the election process, when the AL complained that the by-election in Mirpur (an electoral constituency in Bangladesh) was rigged by the BNP government. Therefore, the opposition political parties started a nationwide movement in 1994 demanding the institution of a non-partisan caretaker government to organize the next parliamentary election.

Instead of opening a dialogue with the opposition parties, the BNP rejected the demand for a non-partisan caretaker government. The opposition parties started a boycott in the parliament backed by a series of protest activities including hartals (political strikes), rallies and public meetings. The opposition parties comprising nearly half of the members (147 in total out of 300) resigned from the parliament in December, 1994 (Ibid and Election Commission of Bangladesh website). The country was, thereby, plunged into a political crisis.

Faced with a complete breakdown of the authority, the BNP government finally agreed to the demands of the opposition parties. As a result, the BNP convened the sixth parliament *'elected'* on 15 February, 1996 which met only once to pass the 13th amendment of the constitution introducing a system of non-Party caretaker government to oversee future parliamentary elections (Ibid). The opposition parties finally accepted this arrangement as the most practical way out of the political impasse in Bangladesh.

- **C.** June 1996 Elections under the CTG of Justice Habibur Rahman: On 12 June, 1996 election was held by the CTG. The CTG of Justice Muhammad Habibur Rahman took many of the initiatives of the 1991 CTG headed by Justice Shahabuddin Ahmed. For example, the EC was reconstituted after consultation with all major political parties in Bangladesh. However, in the 1996 parliamentary election the voter turnout was exceptionally high, where 75 percent of eligible voters cast their ballots. Fifty one percent of the voters were men, and forty nine percent were women (Ibid). Khaleda Zia (Chairperson of the BNP) initially refused to accept AL as the winner, but JP threw in its lot with AL which then gave the AL a clear majority in parliament. On 23 June, 1996, eleven days after the election, Sheikh Hasina was finally sworn in as the Prime Minister.
- **D.** The 2001 Election under the CTG of Justice Latifur Rahman: The AL government resigned after completing its five year term. A caretaker government was sworn in with the last Chief Justice of the Supreme Court, Latifur Rahman, as the Chief Advisor. Immediately after his inauguration, Justice Latifur Rahman reorganizes bureaucrats in the district levels. This step was taken to ensure the neutrality of the caretaker government in the electoral process, as the BNP complained that the immediate past government, the AL had posted partisan officials.

However, the Eighth parliamentary election was held on 1 October, 2001. This election was the third consecutive election since the restoration of democracy in 1991. This election was organized under a neutral interim/ caretaker government. Voter turnout was 75.5 percent with 51.6 percent

men, and 48.4 percent women (Ibid and Election Commission of Bangladesh website). After the publication of the election results, the AL charged that the polls had been *'crudely'* rigged, and the AL refused to accept the election results. The AL accused the President, CTG and the EC of partisanship with the BNP, Begum Khaleda Zia sworn in as the prime minister as the Bangladesh Nationalist Party (BNP) got a majority of seats in the parliament.

E. The [First] Caretaker Government under President Iajuddin Ahmed: When the BNP-led alliance government stepped down on 27 October, 2006, the government designated CTG head, Justice K. M. Hasan as head of the caretaker government. But Mr. Hasan refused to take the office of the Chief Advisor (CA) in the face of widespread political violence. Instead of choosing another former chief justice or a former judge of the High Court or an eminent citizen acceptable to all parties, President Iajuddin Ahmed introduced himself as the CA and the CTG head. The legality of his eligibility to be the head of the CTG was challenged in the Supreme Court, but this legal challenge was obstructed when some BNP stalwarts pressurized the Chief Justice to suspend the hearing of the challenge (Jahan, 2008). Therefore, given the situation it can be said that the President and CA, Iajuddin compromised the neutrality of his government by attempting one sided election without consulting his colleagues in the Advisory Council.

The international community as well as the UN started publicly voicing their opposition to the one-side election. The US government, the European Commission, and the UN urged president lajuddin to take measures to ensure that all parties could participate in the election. The international election observers also refused to come to monitor the scheduled election in the country.

Furthermore, the military of Bangladesh kept away from political involvement for a long time; they decided to intervene on 11 January, 2007. The military forced president Iajuddin (the head of the government) to declare a state of emergency, and also forced him to postpone the election scheduled 22 January, 2007 (Ibid). The military also promised an acceptable CTG capable of organizing a free and fair election within the shortest possible time. After failing to get their first choice, Nobel Laureate, Professor Muhammad Yunus, as the next CTG head, the military installed Dr. Fakhruddin Ahmed as the CA of a new caretaker government.

**F.** Election under the CTG of Dr. Fakhruddin Ahmed (2007-2008): The CTG of Dr Fakhruddin Ahmed moved slowly with the preparations of the next parliament election. In his first broadcast to the nation on 21 January, 2007, Dr Ahmed committed to holding a free and fair election. At the same time he underscored the commitment of the government to arrange a favorable environment for a free and fair election. This caretaker government reconstituted the EC with three new commissioners. The EC started to correct the disputed voter's list, and undertook different actions such as the introduction of voter Identity Cards (ID) and transparent ballot boxes.

After a long delay, the EC declared that it would take 18 months to complete all the preparations for a free and fair election. The EC proposed several electoral measures which have for a long time been on the agenda of the civil society members. These reform measures included compulsory registration of political parties, internal democracy of political parties and reservation of 33 percent of seats for women in the decision-making bodies of the party, banning affiliated organizations of the parties, scrutiny of income and asset statements of the candidates and so on (Ibid). Common people were positive about the proposed measures, while the political parties expressed reservations about some of them.

Finally, the ninth parliamentary elections were held in Bangladesh on 29 December, 2008. The two main parties in the election were the Bangladesh Nationalist Party (BNP) and the Awami League (AL). The election results show a landslide victory for the Awami League-led grand alliance, which bagged 263 seats out 300 (Mustafa, 2008). On the other hand, the main rival BNP led four-party alliance received only 32 seats, with the remaining four parliamentary seats went to independent candidates (Rediff India Abroad, 2008). After losing a majority of parliamentary seats, The BNP led four party alliances had complained that election malpractices and manipulation took place. They also alleged that BNP party supporters were kept away from voting, and their polling agents were barred from performing their duties. The voter turnout was 80 percent (among the 81 million eligible voters) that was the highest in the history of Bangladesh elections (Xinhuanet.com, 2008). On 5 January, 2009 the power was handed over to the new government formed with Sheikh Hasina as the Prime Minister of Bangladesh.

**Political Environment of Violent Politics:** Bangladesh is a relatively homogenous country. Yet politics is intensely factional that is a part of the political culture in the country (Ibid). Since her independence, Bangladesh has a history of violent politics. This has been evidenced in massive political strikes known as *hartals*, as well as violent protests and other types of mass action. Therefore, political environment restricts a peaceful environment for a free and fair election in the country.

In theory, free and fair elections require a peaceful environment in which candidates, political parties, and citizens can campaign without fear of violence. It has been noted that election violence creates an unfavorable environment for a peaceful election process in Bangladesh. Election violence generally starts with voter registration, and lasts until appeals regarding the election have been adjudicated. Election violence can be directed against both persons and property during the election period. However, destruction of posters and stealing of election ballots are categorized as incidents of election violence, even though there may be no individual harm in the incidents.

It has been noted that elections in Bangladesh have historically been disrupted by voter intimidation at the polling stations and undue political influence. As Jeff Fischer (2002) rightly observed when electoral violence occurs under these circumstances; "*it is not a product of an electoral process; it is the breakdown of an electoral process.*" In the last parliamentary election held in 2008, according to Odhikar's documentation, 17 people were killed while over 500 others were injured in different places across the country (International Foundation for Electoral System, 2009). During the 2001 parliamentary election, over 400 people were reportedly killed, and over 17,000 people were badly injured (UNDP, 2011). This was basically during the street clashes among the supporters of the two major political parties and their alliance (the BNP and the AL). The aftermath of the 2001 election saw even more violence. Similarly, the 1996 parliamentary election was also accompanied by violent clashes.

One of the key factors of election violence is a lack of security. In fragile states like Bangladesh, government agencies and security providers have an important role in protecting electoral stakeholders such as voters, candidates, poll workers, media and the election observers. Respondents noted that security forces in Bangladesh during the election are seen to be either partisan or corrupt. Therefore, there is an assumption that they are the promoter of violence and promotes to a ruling party candidate rather than ensuring proper role in the election, since it has been noted that they work under the executive control of the government.

**Influences of Various Interest Groups:** Politicians, businesspersons and bureaucrats in Bangladesh belong to a small elite group whose members serve one another's interests. It is said about the politics of Bangladesh that the percentages of professional politicians have gradually been reduced in the parliament. Due to the criminalization of the political process, various power groups are having a negative influence on free and fair elections. Now I intend to analyze briefly about the interests of various powerful groups to parliamentary elections in Bangladesh.

One of the most powerful groups in Bangladesh politics is the military. Military interest in politics is nothing new in this country. They ruled directly for 15 years (1975-1990). Since 1991 Bangladesh has enjoyed democratic rules. But the country is still experiencing fragile democratic experiment. Khan (2007) observed the *'formal'* aspects of democracy (free and fair elections) that failed to be institutionalized, resulting in the crisis that democracy was suspended in January, 2007. A military-backed caretaker government took over power with the express of returning the country to democracy once some fundamental flaws had been rectified. These intentions were subject to deep suspicion in the eyes of the common people, given the history of the military's propensity to hold on to power in Bangladesh (Sobhan, 2009).

On 11 January, 2007 the military emerged as the main political player, though it remained in the background behind a civilian caretaker government. The failure of political leaders to settle their differences in the way of conducting an election facilitated the reentry of the military in politics (Jahan, 2008). However, through the last parliamentary election held in 2008, the Awami League came into power. The party's immediate-past general secretary, Abdul Jalil told to a London-based television channel that the current ruling party came to power through an 'understanding' with the military-controlled interim government (Dhaka Mirror, 2009). This statement shows about how much military played a powerful role in the last parliamentary election held in 2008 in Bangladesh.

It has been noted that over the last 15 years civil bureaucracy has become highly partisan in Bangladesh. Civil bureaucracy always tries to make a relationship with

political parties and leaders. For example, before the 1996 parliamentary election, a large group of bureaucratic officials joined a mass uprising which supported to the opposition movement against the party in power. This bureaucratic group declared the tenure of the government illegitimate. This group of bureaucratic officials led public officials to withdraw cooperation with the incumbent government, and the government eventually fell. The movement was called Janatar Mancha-1996 (People's Forum-1996). Their role in that so-called democratic movement was controversial. Respondents noted that that action of the bureaucratic groups encouraged civil servants to break their traditional neutral role in government, and thus became involved in politics in the country.

There is no popular support for military rule or a rule by unrepresentative bureaucrats in Bangladesh. Citizens expect free and fair elections to choose their representatives in the country. Citizens also want the political leaders to manage their contests in a free and fair manner.

The business community as the emerging power has also dominated the political scenario in the recent years through their funding to the political parties in Bangladesh. Respondents noted that for the last 20 years, the business community has learnt about how to do business and accumulate massive wealth in a corrupt and lawless political environment. It is very common in Bangladesh to see business people belonging to political parties. Business people influence election outcomes by offering generous support to poor people during the election campaign. A famous journalist once observed that all major political parties sell nominations to financially well-off people or businessmen (Karim, 2004). Furthermore, it has also been noted that those businessmen spend a huge amount of money to get a nomination without having any political background. A research study shows that two major political parties (the BNP and the AL) nominate those candidates who are capable of contributing a large amount of money to the party fund, and to spend a huge amount of money during the election campaign. Through 'nomination trade' many businessmen-industrialists got the nomination, and became Members of Parliament (MP) in the country (Mahiuddin, no date). This negative practice affects the image of the electoral process. It also creates a new political class in society who intend to use their parliamentary position to make money.

Giovanni Sartori pointed out that competition as a rule of the game, and competitiveness as an outcome of that game. He talked about which elections can be lost, when parties and their leaders are threatened by electoral accountability (Hyde, 2011). So, it can be said that an election without competition is merely a means to citizens into symbolic support activities. Therefore, it is argued that some degree of competition between parties or candidates is necessary for elections to encourage liberalization (LeDuc, et al., 2010).

The concept of electoral competition has received very little attention in Bangladesh. For example, in the parliamentary election 2001, a total of 3750 candidates collected nomination papers from the Awami League (AL), while 2306 of them returned the papers. On the other hand, 1600 candidates collected nomination paper from the Bangladesh Nationalist Party (BNP) of whom 1006

returned them. After the selection by the party, a total of 2563 aspirants from 52 political parties and independents numbering 484 submitted nominations for the 1<sup>st</sup> October, 2001 parliamentary election (Bangladesh Election Commission Website).

On the other hand, political environment about the representation of women in the elections differs in the world. Like other parliaments of the world, the parliament in Bangladesh is male dominated. The following Table-1 shows the number of female candidates and minority candidates among the contested political parties in the 2001 parliamentary election.

Name of Political Parties	Number of Candidate s	Number of Female Candidates	Number of Minority Candidates
AL	300	10	14
BNP	252	3	5
Jamat-e-Islam (JI)	31	0	0
Islami Jatyio Oikyo Front (IJOF)	281	3	3
Islami Oikko Jote	7	0	0
Jotyio Party (Naziur)	10	0	0
Jatyio Party (Manju)	140	3	13
Jatyio Samajtantrik Dal (JSD)	76	0	3
Communist Party of Bangladesh (CPB)	64	1	13
Krishak Sramik Janata League (KSJL)	39	0	0
Bangladesh Workers Party	32	0	2
Bangladesh Samajtantrik Dal (BSD)	37	1	5
Bangladesh Khelafat Andolan (BKA)	30	0	0
Other Parties	152	9	2
Independent	484	7	14
Total	1935	37	74

# Table 1 : Distribution of Contesting Candidates according to Gender and Minority in the Eighth Parliamentary Election 2001 in Bangladesh

Source: The Election Commission in Bangladesh, Available at-<u>http://www.ecs.gov.bd/English/index.php</u> (Last accessed on 9 April, 2012)

Furthermore, the number of professional has been declining in the parliament since the democratic journey from 1991. There is a trend that a growing number of wealthy businessmen have emerged as election candidates. According to the declaration of the candidates, 57 percent of the MPs in the last parliamentary election held in 2008 are businessmen (Khan, 2011). So, there is no wonder that

now the businessmen turned politicians are controlling the parliament. The rise of business-industrial class in politics weakened the quality of parliamentarian. As shown in the Table-2 only few candidates from the two major parties were politicians by profession.

Profession	Bangladesh Nationalist Party (BNP)	Awami League (AL)
Business	157	114
Law	20	36
Military Bureaucrats	10	15
Civil Bureaucrats	20	17
Doctors, Engineers and	11	30
others		
Politicians	4	5
Agriculture	18	23
Others	16	5
Total	256	245

 Table 2 : Professional Background of the Candidates of the 2008
 Parliamentary Election in Bangladesh

Source: Mahiuddin, K. M. (no date). "Candidate Selection Process: A Analysis of Post 1990 Parliamentary Elections in Bangladesh" Research Report, Available at-http://www.scribd.com/doc/25055756/Party-Candidate-Selection-Process-in-Bangladesh (Last accessed on 25th August, 2012).

From the above discussion, it can be said that free and fair elections never got an institutionalized shape in Bangladesh. It has been found that the country may have regular elections, but the prospects of institutionalizing a free and fair election depend on on the degree of commitment and the competence of the political environment.

# Conclusion

After the democratic journey started from 1991, Bangladesh did succeed in organizing routine four successive elections (1991, 1996, 2001, 2008) resulting only in rotation of power between the two main political parties (AL and BNP). The country is still away from ensuring a free and fair election as the political players do not abide by sound electoral process. In Bangladesh, the election candidates routinely violate agreed-upon rules, which put the election competition in jeopardy in the country. Bangladesh democracies are struggling with political challenges of ensuring a free and fair election. For a free and fair election, it is important that there be existence of agreed rules on election process and an environment of political tolerance.

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