

# ISAS Insights

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## Bangladesh: Evolving Political Situation

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Bangladesh is in the midst of contradictory pulls: whereas economic indicators point to robust development, polarisation and violence are threatening the sustainability of democratic politics. The moot question now is whether such contradictory pulls can be reconciled for the sake of greater economic development and the institutionalisation of democracy. Although the national election is due in less than eight months and there is no sign of a compromise between the ruling Awami League (AL) and the opposition Bangladesh National Party (BNP), yet there is hope that the tenure of the current regime will end not with a ‘hard’ but rather ‘soft’ landing. Let us have a closer look.

### State of the Economy

Remittances and export of ready-made garments (RMG) are the mainstays of the economy. As of December 2012, according to data from Bangladesh Bank, remittances from nearly 7 million migrant workers settled in over 140 countries reached USD 14.17 billion, up from USD 12.17 billion in December 2011. On the other hand, RMG exports, worth USD 24 billion in 2011-2012, account for nearly 80% of the country’s total exports and over 13% of GDP. The sector includes 4,500 factories with a workforce totalling 4 million. It may be mentioned that, in January 2013, despite concern about Bangladesh’s reputation after the November 2012 fire in which 190 workers died, apparel exports rose by over 20%, compared with the year before, to USD 2.09 billion.

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While this may not be ideal for a developing economy to graduate to the status of a middle income country (MIC), yet having a growth rate of over 6% for more than a decade does suggest that Bangladesh is poised to emerge as a MIC in another decade or so, if it could sustain its economic development and reach a higher growth rate. Bangladesh, in fact, succeeded in reducing poverty by an impressive 26.4 percentage points to 31.5% in 2010 and also is on track for achieving several Millennium Development Goals (such as reducing poverty, child and maternal mortality, and approaching gender parity in primary and secondary education) by the target date of 2015. Furthermore, the share of the agrarian economy in GDP declined from 33% in 1980 to 20% in 2012; and the per capita availability of rice (a local staple) increased from 453 gm/person/day in 1992 to 605 gm/person/day in 2010.

All these suggest that Bangladesh has made a significant difference to its development. The strength of its economy ironically lies in having cheap labour and producing goods catered not to the high-end market but to the middle-income market of the developed economies. Any recovery of the latter, as is the case in many of the developed economies in recent times, is a boon for the relatively cheap goods from Bangladesh. But risks to its economy prevail not only for reasons of slumps in the global economy or poverty at home (the country still has over 80 million people living with less than USD 2 per day) but also for reasons of environmental insecurity (cyclones, floods, sea-level rise), energy deficit and polarised politics. Currently the latter is the most worrying of all.

## **Polarised Politics, Intransigent Parties**

Tensions between the governing Awami League (AL) and the main opposition Bangladesh National Party (BNP) have intensified in the wake of the government's decision in 2011 to discontinue the system of establishing a neutral, caretaker administration to oversee national elections. The tensions have manifested themselves in public protests, sporadic violence and frequent strikes to the detriment of Bangladesh's political stability, investment climate and economy. Economic losses on account of strikes from 1995 to 1999 stood at an estimated USD 10 billion as of 2001, with each strike costing around USD 50 million. In 2012 the figure will likely be twice that much if not more. There have already been over 25 nationwide strikes since 2009.

Despite such adverse consequences, the government remains unwilling to reinstate the caretaker system. The AL's intransigence appears to be motivated by the fear of losing the 2014 elections. The government is mired in a perceived range of high-profile corruption scandals, such as the share-market scam of 2010-2011, involving members of the ruling party, and charges of corruption in the *Padma* Bridge project. Its reputation has suffered still further in the wake of allegations of dubious business activities and illegal loans from public sector banks to shadowy outfits and due to its failure to curb lawlessness and prices of

essential items. As a result, even some senior AL officials fear that the government may not be re-elected.

The worst outcome of such intransigence could be a replay of the 11-January-2007 scenario (also called 1/11), that is, the imposition of a military-led caretaker government through the proclamation of a state of emergency. The latter not only remained in power for two years before holding the national election in December 2008 but also arrested many businesspersons and politicians on charges of corruption, including key leaders of both AL and BNP. The AL may prefer this option to a BNP electoral victory, since a government by the latter may seek retribution for the alleged harassment of its leaders under the current government. But the question that merits attention is what makes AL or BNP so intransigent?

### **Political-Business-Bureaucratic Nexus**

These rifts reflect the broader malaise in domestic politics, which is characterised by ‘electoral authoritarianism’ and excessively close ties between politicians, businesses and bureaucrats. Notably, an overwhelming majority of current parliamentarians have business links (52% are self-declared businessmen) and about 30% of them own RMG factories. More specifically, AL has 235 members in the parliament, with 120 of them being self-declared businessmen; while BNP has only 30 parliamentarians, with 18 of them self-declared businessmen.

Business, for all purpose, is believed to thrive through underhand dealings with politicians and government officials. Business houses are able to flout all rules and regulations, from getting licenses, acquiring land and building infrastructures to ignoring safety measures. Following a recent building collapse near Dhaka, which housed several RMG factories and killed more than 1,100 workers, Charles Kernaghan, the Executive Director of the Institute for Global Labour and Human Rights, said: “You can’t trust many buildings in Bangladesh. It’s so corrupt that you can buy off anybody and there won’t be any retribution”. Since no one was brought to justice in earlier instances of similar kind, Kernaghan has good reasons to remain sceptical about the rule of law in Bangladesh. The owners of such buildings can easily get away from any kind of retribution largely because of their connections with the ruling party, be it AL or BNP. And it is this connection that the business houses tend to cultivate with the political party, either AL or BNP, hoping to take advantage once the party of their choice is in power. The party, of course, benefits from donations, more illegal than legal on account of non-transparency, from the businesses.

The political-bureaucratic nexus is no better. In fact, incumbent bureaucrats get promotion through political blessings. Both AL and BNP have used their powers while in office to politicise the civil administration by making it a means of patronage. This has bred pressure among civil administrators to remain close to one party or the other in order to secure good postings and promotions. One estimate indicates that, in the first two years after the AL-led

government assumed office, as many as 276 officials of the civil bureaucracy (six secretaries, 30 additional secretaries, 162 joint secretaries and 78 deputy secretaries) were made officers on special duty (OSDs), while 285 officials (presumably AL sympathisers) of the civil administration were recruited on the basis of contracts. On the other hand, during the first 20 months of the BNP-led government, 300 officers of the civil administration were made OSDs and 144 (presumably pro-BNP) officers of the civil administration were recruited. It may be mentioned that in Bangladesh the OSD has the stigma of being called the “officer on sleeping duty”, as they have a reputation for ending up in the corridors of the administrative building, often without a room, doing nothing. As a result, the machinery of government and the civil administration itself have become a means of serving the narrow interests of the ruling party: a critic offered an apt appraisal of this situation in an article entitled “Of the Party, by the Party, for the Party”.

Indeed, so partisan has been this relationship that any change in the regime is a total loss for those who have profited from this double nexus, whether politician, bureaucrat or businessman. And hence the compulsion to remain in power by all possible means, from constitutional amendment to ‘governmentalising’ the war crime trials to making alliances with non-democratic forces. This requires further elaboration.

## **Constitutional Amendment**

The government decided to abolish the neutral, caretaker administration to oversee national elections, indeed, by bringing an amendment to the Constitution (Fifteenth Amendment) following a court judgment on 10 May 2011 that declared the caretaker system (Thirteenth Amendment) ‘void and ultra vires to the Constitution’. But, in the same judgment the court explicitly stated: “The election to the Tenth and the Eleventh Parliament may be held under the provisions of the above mentioned Thirteenth Amendment on the age old principles, namely, *quod alias non est licitum, necessitas licitum facit* (That which otherwise is not lawful, necessity makes lawful), *salus populi suprema lex* (safety of the people is the supreme law) and *salus republicae est suprema lex* (safety is the Supreme law)”. But contrary to the judgment, the government hurriedly brought the Fifteenth Amendment and had it approved in the parliament on 30 June 2011 with a majority of 291–1, indeed, with the main opposition party, the BNP, boycotting the parliament. Ironically, it was the BNP which had objected to the caretaker system when it was in power while the AL campaigned for it when it was in the opposition. Now the reverse is the situation. So the question that merits attention is: why the need for a neutral, caretaker administration to oversee the national elections and why is it that the opposition campaigns for it?

The political-bureaucratic nexus is largely to be blamed for it. This is because during the national elections the government officials play a critical role, including by becoming returning officers and working closely with the Election Commission. Some are even deputed and housed at the Election Commission. The police and other security agencies also play an

active role during the elections. But since the government officials, including those manning the police, are promoted not so much for their professional efficiency as for their partisanship they become a ready suspect in the eyes of the opposition. The caretaker government is otherwise required mainly to create a level-playing field, which it carries out, as experiences in the past have shown, by reshuffling the postings of key government officials, particularly those with strong ruling party affiliations. In this context, it may be pointed out that the very fact that several by-elections were held under the ruling AL regime in the past four years and were deemed 'free and fair' cannot be the basis for abolishing the caretaker system and assuaging the suspicion of the opposition, because such by-elections would not bring about a *change* of regime. The national election, however, is a qualitatively different matter.

Trying to turn the national election in the ruling party's favour through constitutional amendment is nothing new. BNP too did the same thing when it was in power (2001-2006). In fact, BNP enacted the Fourteenth Amendment on 16 May 2004 which increased the retirement age of the Supreme Court judges from 65 to 67 years with the objective of having a favourable person as the head of the caretaker regime! AL just went one step further and abolished the very system it had campaigned for and gave birth to, when it became the ruling party. Bangladesh politics is indeed full of ironies.

## **War Crime Trials and the Shahbagh Protest**

Questions were raised whether the AL was using the 1971 war crime trial for partisan interests. There are good reasons for such questions. Firstly, the government established a relatively weak prosecution team, indeed, with no prominent lawyers, some even lacking experience, which frustrated even those who were campaigning for such a trial for many years. Why would the government do such a thing on such a sensitive issue, knowing well that those charged with war crime are not only resourceful but also are well-connected nationally as well as internationally, unless the government has some ulterior motives? Influencing the 2014 national election, the critics allege, could certainly be one! Secondly, the government did not constitute an international tribunal, nor did it invite someone from the United Nations. Moreover, the government made it mandatory to appoint only national lawyers, duly registered at the national courts, for the tribunal, both for prosecution and defence. The tribunal is otherwise a domestic tribunal, run without international oversight, although the government insists that the 'process' is at par with international standards. Making the tribunal 'national', however, came to be questioned not only by those charged with war crime and now standing trial but also by the international community, particularly the United States and the European Union. In this respect, it remains different from the Nuremburg, Tokyo, Rwandan or Kampuchean genocide tribunals.

Thirdly, charges of war crime were brought mainly against the members of Jamaat-e-Islam (JI). But the recent agitation of JI saw the police either being beaten up by the agitators or receiving flowers from them, which became suspicious in the eyes of many. Rumours began

to spread that there must be some kind of understanding between the JI and the government, mainly to create divisions within the ranks of BNP-JI alliance and influence the upcoming national election. Finally, since the election issue has remained unresolved, that is, in the backdrop of the Fifteenth Amendment and the BNP's rejection of it, many suspect that the AL is trying to have a deal with the JI on the issue of such trials, so that the latter participate in the national election without the BNP.

It is in the midst of such politicking that the verdicts were pronounced. The first verdict *in absentia* on 21 January 2013 sentenced Abul Kalam Azad, a Muslim cleric and televangelist, to death for war crimes against humanity. But since Azad is hiding and no one came to defend his case it was largely irrelevant if not ineffective. The second verdict on 5 February 2013 found Abdul Quader Mollah, a senior member of JI, guilty on five counts out of six but he was sentenced to life imprisonment and not death. And it is this that led to the protest at the Shahbagh Square, initially by a handful of non-partisan bloggers who were later joined by the ordinary masses in thousands, all protesting the verdict and calling for death penalty for genocide. In the light of the difference between the two verdicts, although the charges and the evidence provided were similar in nature, the protestors felt that it must have resulted from a 'tacit alliance' between the government and JI. Non-AL members of the ruling party alliance also raised this issue in the parliament. In the beginning, therefore, the Shahbagh protest was anti-government in nature. In fact, the protesters did not even allow some senior AL members to speak at the Square. The government, sensing the mood of the crowd, quickly backed the protesters and directed the AL cadre to join the Shahbagh protest and began what could be labelled as the politics of co-option. With the non-partisan bloggers sidelined and the Shahbagh Square effectively in the hands of pro-government elements, the demand for death penalty for the perpetrators of genocide now extended to the banning of the JI. Bangladesh politics is back in the making-and-unmaking of alliances, indeed, with an eye on the national election.

## **Alliance Politics and the Rise of Islamist Forces**

JI, as an electoral force, has never been significant. In the 2008 national elections the JI got two seats and only 4.55% of the vote, while in 2001 the JI had bagged 18 seats and 4.62% of the vote. In 1996, however, the JI received 8.61% of the vote but only three seats. It may be mentioned that in 2001 and 2008 the JI had an 'open alliance' with the BNP, while in 1996 it had a 'tacit alliance' with the AL, which, some critics allege, allowed the latter to come to power. If the last three national elections are any indication of the nature of electoral politics in Bangladesh, then it can easily be deduced that JI, on its own, is not a formidable electoral force but acquires strength by having an alliance, open or tacit, with the mainstream political parties, namely BNP and AL. But the JI pursues precise 'religio-political' goals, albeit contradictory in nature, which has become a worrying factor. On the one hand, it advocates a particular variant of Islam similar to what is advocated by the *Hambali*, *Salafi* or *Wahhabi mazhab* (school of thought) and remains intolerant of pluralist traditions. This becomes clear

from some of JI's declared goals: making Bangladesh an 'Islamic state', declaring the Ahmadiyahs non-Muslims, objecting to the reverence at Sufi shrines. On the other hand, ever since the ban on the religious party was lifted in Bangladesh in 1979 and the JI resumed its activities, the latter never boycotted any election, whether held under military or civilian regimes. And it is precisely because of this that the BNP is reluctant to let the JI go, lest the JI agree to participate in the AL-formulated national election as per the Fifteenth Amendment. And here also lies the suspicion that the AL, on the one hand, is trying to break the BNP-JI alliance, using the issue of 1971 war crime trial, while, on the other hand, is trying to form a 'tacit alliance' with the JI, the outcome of which could range from providing milder sentence to war criminals to prolonging the execution of the verdicts until the national election of 2014 is over.

The rise of Hefazet-e-Islam (HI) in the final year of the tenure of AL regime further adds to the suspicion. There are two theories, not necessarily one contradicting the other. One theory is about the AL regime having a hand in the rise of HI, more to counter the power of JI and off-balance the BNP. The second theory relates to the possibility of JI being encouraged to open a 'second front' in case the court or the Election Commission decides to de-register the JI and bar the latter from participating in the coming election. HI then could take the mantle of JI and continue to do what it was doing, politically as well as ideologically. Both could be true. In fact, save on the question of leadership and the reverence for Abul A'la Maududi (the founder of JI in British India in 1941), there is hardly any difference between the HI and JI. A critical assessment of the 13-point demand put forward by the HI in April 2013, which includes, among others, declaring the Ahmadiyahs non-Muslim, banning sculptures, limiting women's access to property and interactions among males and females, clearly shows that the HI, like the JI, has been 'infected' by the *Wahhabi* discourse. It remains a surprise as to why the government would promote such a platform, indeed, allowing the HI to organise mass meetings at the *Shapla Chattar* in the commercial area of Dhaka city when such permission is hardly given to the BNP, unless the government was interested in dividing the Islamist groups and bringing a bad name to the BNP-JI alliance for backing the HI.

The AL regime did succeed in many ways in doing precisely this when the HI refused to vacate the *Shapla Chattar* after holding the meeting there on 5 May 2013. As violent means were used, with the HI and some opposition members claiming that over 3,000 people were killed while the government put the figure at less than 30, it is still too early to tell whether such forcible action against the HI members would cost the AL a good number of votes in the 2014 national election. The government, on the other hand, is claiming credit for striking a hard-line and maintaining a secular, anti-fundamentalist, identity – a worthwhile venture in winning over the support of a large section of people both within and outside the national boundaries. But, will this embolden the AL and make it intransigent as ever? Or, is this a reflection of desperation on the part of AL, now that only seven or eight months are left for the national election? How will it end then?

## Quest for ‘Soft’ Landing: Formula *Sans* Dialogue

The ‘soft landing’ is premised on the fact that the AL would face tremendous opposition if it goes alone on the issue of election, not only from the main opposition party but also from other stakeholders, including the business community. The latter, as part of the nexus and prominent beneficiaries of Bangladesh’s integration into the global economy, would be less inclined to support the AL if its unwillingness to compromise brings another military-led caretaker administration to power. Since businesses suffered under military rule between 2007 and 2008, they will pressure politicians to seek a civilian solution. The political-business-bureaucratic nexus otherwise, somewhat ironically, has put a limit to political intransigence, with the business community increasingly seeking a civilian than a military resolution of things. This is what promises a ‘soft landing’.

But will the ‘soft landing’ come through dialogue, with the AL regime inviting the BNP for a formal talk to resolve the impasse? Given Bangladesh’s political culture, it is unlikely since this would be viewed as a defeat for the ruling party. But such dialogue is also not required. What is, however, required is that the ruling party come up with a ‘formula’ which the opposition would find acceptable. And this is possible within the framework of the stands taking by the ruling and opposition parties. A non-partisan person, albeit elected through a by-election, can be made the Chief Advisor of an interim government with the mandate of holding the election in less than three months. The interim cabinet can consist of elected members from both the ruling and opposition parties, along with some non-partisan technocrats, all, however, barred from becoming candidates in the election. Already there are indications of this happening, with some senior AL members pointing out that the post of the Chief Advisor is subject to discussion. But, given the nature of politics in Bangladesh, pressure from national, regional and international stakeholders would be required for a formula of this kind or another to materialise.

Hegel once remarked that all great world-historic facts and personages appear, so to speak, twice. But Marx pointed out that Hegel forgot to add: “the first time as tragedy, the second time as farce”. There is no reason to believe that the politicians of today, given their experience in recent times, would be willing to end up as ‘tragi-farcical’ players! And there lies the hope.

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