

“The prospects for successful democratic consolidation in Bangladesh will depend on the political elites’ ability to abandon their zero-sum rivalry and demonstrate commitment to democratic norms in their attitudes and behavior.”

Democracy Deadlocked in Bangladesh

AQIL SHAH

Since Bangladesh made a transition to democracy in 1991, the country has held three competitive elections that resulted in a turnover of power from the incumbents to the opposition. Consolidating democracy in Bangladesh would be an important achievement because of the dearth of stable democracies in Muslim-majority countries. But equating elections with democracy or assuming that alternations in power would automatically result in the consolidation of a liberal democracy is a mistake that some social scientists call the “electoralist fallacy.” Democracy is consolidated and truly becomes the “only game in town” when elected governments govern within the bounds of the rule of law and the political opposition respects the procedures and norms of the democratic game.

Democracy in Bangladesh is overshadowed by a bitter rivalry between the country’s largest political parties, the Awami League (AL) under the current prime minister, Sheikh Hasina Wajid, and the Bangladesh National Party (BNP) led by Khaleda Zia. Their continual confrontation has resulted in the abuse of state institutions for partisan ends and frequent political deadlock, demonstrations, strikes, and street violence.

The rivalry is driven in part by competition over the distribution of spoils and patronage in a poor country. But it also involves contestation over differing conceptions of national identity—a cultural/ethnic “Bengali” nationalism associated with the AL and a more religious “Bangladeshi” nationalism championed by the BNP—that are rooted in the country’s tumultuous political development since it won independence from Pakistan in 1971.

AQIL SHAH is an assistant professor of South Asian studies at the University of Oklahoma. He is the author of *The Army and Democracy: Military Politics in Pakistan* (Harvard University Press, 2014).

These battles over defining a national identity are linked to and exacerbated by the unsettled question of what role political Islam should play in public life. During the civil war that ultimately led to the creation of Bangladesh, the Islamist party Jamaat-e-Islami actively collaborated with the Pakistani Army in committing atrocities against Bengali civilians. Although communal parties were banned in Bangladesh after independence, the military ruler General Ziaur Rahman lifted that ban in 1979, helping to revive the Jamaat. The party also found a foothold in electoral politics by allying with the BNP. Party members were able to avoid accountability for war crimes. While Jamaat-e-Islami’s share of the popular vote nowadays is less than 5 percent, the need to form coalitions to achieve a majority in a parliamentary system has placed it in the position of a kingmaker.

In 2010, the current AL government headed by Hasina established an International Crimes Tribunal (ICT) to try those who had allegedly committed war crimes in 1971. The ensuing trials were widely welcomed in the country, raising hopes that Bangladesh might finally find closure and heal the collective wound inflicted by the agonizing experience of its birth. But in 2013, the ICT sentenced several senior Jamaat leaders to death, sparking a violent Islamist backlash against AL supporters and secular activists who were demanding a ban on the Jamaat for its role in the 1971 war. The controversy surrounding the trials has deepened political cleavages in Bangladesh, and will complicate the prospects for democratic consolidation.

BLOODY ORIGINS

Once a part of British India, Bangladesh formed the eastern wing of Pakistan from 1947 to 1971. The struggle for democracy began with the par-

liamentary election of December 1970, Pakistan's first vote since its partition from India. In that election, the Bengali nationalist AL, led by Sheikh Mujibur Rahman (known as Mujib), won 160 of the 162 seats from East Pakistan. The party had campaigned on a Six-Point Program of regional autonomy, which included decentralized control over taxation, trade, and paramilitary forces. While West Pakistan's civil-military elites viewed these demands as a recipe for disintegration of the state, the Six Points gained widespread popularity among the country's Bengali majority (54 percent of the population) based in East Pakistan. West Pakistani governments, especially the military-led regime of General Ayub Khan (1958–69), had denied Bengalis political participation, economic development, and cultural autonomy. The electoral victory in 1970 finally gave them the opportunity to govern and address this systematic discrimination.

Unwilling to honor the result of the elections, Pakistan's military junta, led by General Yahya Khan, decided to impose what he called a "final solution" to the Bengali problem. The army launched a brutal attack on East Pakistan, committing widespread atrocities, allegedly including the murder of hundreds of thousands of civilians as well as nationalist fighters. This scorched-earth strategy triggered massive refugee flows into the neighboring Indian state of West Bengal, prompting New Delhi to launch a military intervention to liberate East Pakistan, which culminated in the creation of Bangladesh.

After independence, Bangladesh adopted a British-style parliamentary form of government. But the economic disruptions of war (including food shortages) and governmental mismanagement combined with the absence of strong institutions to produce social unrest and political instability in the early years. This led Mujib, who had been serving as prime minister, to end the parliamentary system in June 1975, outlaw all political parties, and centralize power in his own hands through the creation of a one-party state.

In August of that year, disgruntled junior officers of the Bangladesh Army staged a bloody coup and assassinated Mujib along with most members of his family, which they justified on the basis of the AL leadership's alleged corruption and servil-

ity toward India. That initial coup provoked a counter-putsch, followed by a series of seesaw coups that ushered in military governments under the generals Ziaur Rahman (1975–81) and, after his assassination in 1981, Hussein Mohammad Ershad (1982–91).

UNRELENTING RIVALRY

Bangladesh made its transition to parliamentary democracy in 1991 when Ershad, after nine years of deeply unpopular authoritarian rule, was forced to step down in the face of a mass mobilization led by student unions and political parties. The military withdrew its support from his regime rather than risk a civil war. The BNP, headed by Ziaur Rahman's widow, Khaleda Zia, won a transitional election later that year.

In February 1996, she was elected to a second term in a one-sided vote boycotted by the AL and other opposition parties because they suspected the BNP government would rig the result. The deadlock led to the appointment of an interim, nonpartisan caretaker government to supervise fresh elections that June. The AL won under the leadership of Mujib's daughter, Hasina. The next election, in 2001, resulted in a victory for the BNP.

While the military largely stayed out of civilian politics during this period, the two parties' fierce mutual hostility paralyzed the political system. When in power, both the AL and the BNP misused state institutions, including the judiciary, to intimidate and punish each other. Both also indulged in corrupt practices, flouted the rule of law, and routinely violated civil liberties. When in opposition, they each resorted to prolonged parliamentary boycotts, street demonstrations, and strikes designed to oust the other from power.

Things came to a head at the end of the BNP's second term in 2006. In October of that year, the government stepped down and handed power to a caretaker administration, but not before appointing a party loyalist as its head. The AL accused the BNP of trying to fix the election, threatened to boycott the polls, and organized strikes to protest the biased composition of the interim administration. When the BNP demonstrated no flexibility, the AL intensified its street protests, leading to deadly clashes between government and opposition supporters that left at least 50 people dead.

Bangladeshi voters have repeatedly rejected the Islamists' agenda of creating an Islamic state.

As the political crisis threatened to devolve into mass violence, the military forced the president to declare a state of emergency on January 11, 2007, then quickly restored order and postponed the elections. While it retained de facto control over the government for the next two years, the military appointed a caretaker administration of technocrats to provide a civilian veneer for its authoritarian rule. These moves were initially welcomed by influential sections of civil society for preventing the country from sliding into chaos, and the generals pledged to initiate electoral reforms and hold elections at the end of 2008.

GENERALS BACK IN CHARGE

But the military was not eager to simply return the country to what the army chief of staff, General Moeen Uddin Ahmed, dismissively called “elective democracy,” marked by criminalization, corruption, and dynastic politics. Instead, it publicly declared its intent to wipe the slate clean by constructing a “new form of democracy” suitable for the particular political and social conditions of Bangladesh. In effect, this meant undercutting the two main national parties, which the generals and many of their allies in civil society viewed as responsible for the country’s crisis of governability.

The military launched an anticorruption campaign focused on a “minus-two formula,” aimed at removing the leaders of the two major parties from politics. An attempt to force Hasina and Zia into exile failed. They were subsequently arrested for alleged corruption. The military also made an attempt to promote political alternatives to the two warring “begums” (a derisive term for ladies), such as the respected microfinance banker and Nobel laureate Muhammad Yunus. But the plan faltered because Yunus lacked a base of support in Bangladeshi society, and his alleged ties to the military created doubts about his political legitimacy.

Ultimately, the military’s unrelenting crusade against the AL and the BNP, which routinely involved rights violations such as prolonged detentions and torture to obtain confessions from members of both parties, proved ineffective. The military clearly underestimated the parties’ strong popular roots. Although they failed in their grand design to reengineer politics, the generals could claim mod-

est success with electoral reforms, including a computerized electoral roll and new voter identification cards to reduce fraud.

NO COMPROMISE

In elections held in December 2008 by the military-backed caretaker government, the AL scored a decisive victory, winning a two-thirds majority in parliament that gave it the power to amend the constitution. In June 2011, the parliament approved an amendment to abolish the caretaker system. The BNP charged that the AL was planning to rig the next election, scheduled for 2014. In the run-up to that election, the BNP and the Jamaat demanded that Hasina step down and allow a nonpartisan caretaker government to oversee the polls.

The government rejected the demand. Instead, it offered the opposition parties the option of holding the election under an interim administration that would include representatives from all political parties. But the BNP and its allies refused

to accept any compromise and threatened to boycott the election. When the AL refused to budge, the BNP and the Jamaat organized countrywide demonstrations and strikes that led to deadly clashes between

their supporters and security forces. Authorities detained several BNP leaders for their alleged role in inciting violence and placed Zia under virtual house arrest.

The election, held in January 2014, was marred by widespread violence and a dismally low voter turnout (just over 20 percent, compared with 87 percent in 2008) due to the opposition boycott. The United States, the European Union, and other international organizations refused to send monitors to observe the polls. Not surprisingly, the incumbent AL won three-quarters of the parliament’s 300 seats.

The BNP marked the first anniversary of the disputed vote by organizing rallies in the capital, Dhaka, to press its demand for midterm elections under a caretaker government. At least four people were killed and dozens more injured in clashes between ruling party and opposition activists. Rather than resolving the crisis through compromise, the government cracked down and reportedly detained hundreds of opposition activists. The BNP accused the government of serious

Bangladesh has finally begun to seek closure for the horrific wounds left by the war crimes of 1971.

human rights violations, including extrajudicial killings of its party members.

RISING INTOLERANCE

The government's intolerance of opposition has recently been evident in its brazen assault on independent media. In August 2014, it instituted a policy banning speech that "ridicules the national ideology," "is inconsistent with Bangladesh's culture," or incites "anarchy, rebellion, or violence." Rights organizations allege that civil society activists and journalists critical of the government face frequent intimidation, detention, and prosecution. The authorities have charged several bloggers and human rights activists under Section 57 of the Information and Communications Technology Act, a 2006 law amended in 2013.

The best-known case involves Mahfuz Anam, the editor of the *Daily Star*, the country's leading English-language newspaper. Anam is in the dock ostensibly for backing the "minus-two formula" during the rule of the military-backed caretaker government. He faces over 70 lawsuits for criminal defamation and sedition. The charges relate to his belated acknowledgment in a TV talk show on February 3, 2016, that he committed a "big mistake" by publishing uncorroborated corruption allegations against Hasina in 2007, based on information provided by the army's Director General Forces Intelligence (DGFI) branch. At the time, the DGFI was implicated in intimidation, kidnappings, and torture of political activists.

International and local rights groups have strongly condemned the harassment of Anam and demanded that the government immediately withdraw all the charges against him. They have also called for repeal of the country's defamation and sedition laws on the grounds that they violate international human rights standards. Indeed, not only does the government's targeting of Anam reek of retribution, but as a group of eminent Bangladeshi citizens pointed out in a statement in his support, it ignores the urgent need for holding intelligence agencies like the DGFI accountable for planting news stories that are often based on dubious confessions by suspects held in custody.

The DGFI's controversial role must be seen in the broader context of the military's praetorian interventions in Bangladeshi politics. Since the democratic transition in 1991, the military has been formally subordinated to the elected civilian government through the ministry of defense, a

portfolio typically retained by the prime minister to exercise direct political control over the armed forces. Both Hasina and Zia have sought to mold an obedient military by carefully choosing its top commanders on the basis of their perceived political loyalty. The intelligence-gathering apparatus was also brought under civilian control.

At the same time, civilian politicians have been careful to avoid alienating the military and to meet its requirements, including adequate budgets. The military's involvement in international peacekeeping has acted as another deterrent to political meddling. Bangladesh contributes one of the largest contingents of troops to United Nations peacekeeping operations, a role that comes with relatively lucrative salaries and perks for individual officers—benefits that the military could lose if it precipitates a full-blown coup. However, it is important to note that foreign donors led by the UN threatened to exclude the army from peacekeeping missions unless it intervened to resolve the 2007 political crisis.

JUSTICE OR VENDETTA?

In 1973, the AL government of then-Prime Minister Sheikh Mujib created the ICT to prosecute war crimes committed during Bangladesh's war of independence. While Pakistani military officers accused of war crimes never faced a trial, thousands of their suspected Bengali collaborators were arrested. But Mujib, concerned about political fallout, granted most of them amnesty in November 1973. The AL government amended the International War Crimes Tribunal Act in 2009 and revived the ICT after campaigning for the previous year's election on a platform that included a pledge to punish those responsible for atrocities committed in 1971. Soon after its reinstatement, the ICT ordered the detention of several Jamaat leaders, as well as a former BNP member of parliament, who were accused of crimes against humanity and genocide. By 2013, the ICT had sentenced six Jamaat leaders to death. To many in Bangladesh, the prosecutions represented a watershed in the country's history.

The Jamaat denounced the whole process as a political witch-hunt designed to neutralize its political clout and eliminate its leadership. The trials also faced criticism from human rights organizations, such as Amnesty International and Human Rights Watch, for failing to meet international standards of due process. However, opinion polls show that an overwhelming majority of

Bangladeshis view the trials favorably (86 percent, according to an April 2013 poll by AC Nielsen).

The trials have rekindled the painful memory of the 1971 war, casting a harsher light on the Islamists' deeds in that national tragedy, especially for the younger generation of Bangladeshis. But the trials have also sparked an Islamist backlash against secular sections of society. The ICT's February 2013 sentencing of Abdul Quader Mollah, the Jamaat's assistant secretary general, to life imprisonment prompted a head-on collision between the two sides. The Jamaat organized violent countrywide demonstrations and strikes before and after the verdict. Students, bloggers, and other secular activists took to the streets to express their anger over what they considered a lenient sentence. Organizing daily demonstrations at Shahbag Square in Dhaka, they demanded the death penalty for Mollah and other war criminals.

The Shahbag protests, as they came to be known, triggered counterdemonstrations by Hefazat-e-Islam, a well-organized Islamist group with reported ties to the Jamaat. Islamists attacked the secular protesters, killing one and injuring several others. They also murdered several prosecution witnesses from the country's Hindu minority, which has traditionally supported the AL.

In the late summer of 2013, the Shahbag protesters got a boost in their battle against the Jamaat's perceived impunity when the High Court in Dhaka canceled the party's official registration on the grounds that its charter violated the secular constitution. The ruling disqualified the party from contesting elections.

EMBOLDENED ISLAMISTS

While the trials have deepened polarization in Bangladesh, it is important not to exaggerate the political salience of a secular-Islamist rift. Bangladesh has a strong secular political tradition rooted in its creation. The Bengali nationalists led by Sheikh Mujib framed their claim to nationhood in secular and linguistic terms, in direct opposition to Pakistan's hegemonic national identity based on religion. Bangladesh's 1972 constitution identified secularism as one of the state's guiding principles and defined Bengali national identity along linguistic and cultural lines. Yet the AL's

avowed secularism has not prevented the party from using religion as a tool for mobilizing political support.

The military ruler Ziaur Rahman, who lacked popular legitimacy, tried to redefine the idea of Bangladesh by replacing secularism with Islam as the state ideology during his 1975–81 regime. Zia's emphasis on this religiously oriented Bangladeshi identity was also driven by an anti-Indian foreign policy based on the need for autonomy from an overbearing neighbor. Ever since, this has differentiated the BNP's foreign policy from the AL's pro-India posture, which dates back to New Delhi's diplomatic and material support for Bengali nationalists in their fight against the Pakistani Army, and India's decisive 1971 military intervention in East Pakistan.

In 1978, Zia created the right-wing BNP, which gave political refuge to anti-AL elements including radical leftists, retired military officers, and Islamists. The BNP found a natural ally in the Jamaat, and the two have since formed alli-

ances in several elections. But the BNP is not a self-professed Islamist party. Its choice of partners appears to be motivated less by ideological affinity with the Islamists than by the necessity to assemble coalition

governments in Bangladesh's parliamentary system, which gives Islamist and other smaller parties the power to make or break coalitions. The Jamaat played a crucial role in sustaining the BNP-led coalition government from 2001 to 2006, and held important ministerial portfolios in the cabinet.

However, the political influence of the Jamaat is not tied solely to its role as a kingmaker in coalition politics. Nor does the party derive its strength from a mass support base. In fact, the Jamaat's share of the national vote did not exceed 5 percent in the 2001 and 2008 parliamentary elections, which underscores the oft-ignored fact that over 90 percent of Bangladeshi voters have repeatedly rejected the Islamists' agenda of creating an Islamic state. The real source of the Jamaat's disproportionate political power lies in its robust organizational structure. Like its counterpart with the same name in Pakistan, from which it separated in 1971, the party boasts highly dedicated and disciplined cadres with a demonstrated ability to incite mob violence,

*The rivalry involves
contestation over differing
conceptions of national identity.*

a critical resource in Bangladesh's dangerously polarized politics.

Political Islam in Bangladesh has taken a more violent turn within the context of a broader Islamist resurgence in South Asia and the Middle East. In particular, the US "War on Terror" and invasions of Afghanistan in 2001 and Iraq in 2003 spurred radicalization in Bangladeshi politics and society, which is evident in the rise of groups linked to or inspired by al-Qaeda. In August 2005, Jamatul Mujahideen, an Islamist group with reported ties to al-Qaeda, claimed responsibility for a series of crude bombings across Bangladesh that killed two people and wounded more than 50.

Since the start of the war crimes trials, violent Islamic extremists have become increasingly emboldened in their attacks on secularly oriented activists. In 2013, the Ansarul Bangla Team (ABT), another al-Qaeda inspired group, reportedly circulated a hit list of 84 Bangladeshis, including prominent atheist bloggers living abroad. In February 2015 the group took credit for hacking to death Avijit Roy, a respected Bangladeshi-American atheist blogger, in Dhaka. ABT also has since claimed responsibility for killing three other well-known bloggers whose names were on the list.

Instead of protecting the bloggers against these threats, the government's initial reaction was to urge them to avoid criticizing Islam. But after drawing complaints that she had failed to stop the attacks, Hasina vowed to catch the killers. The government banned the ABT in May and arrested some of its members for the murders of Roy and another blogger.

BEYOND POLARIZATION

With all its problems, Bangladesh has outperformed other South Asian countries, such as Pakistan and Nepal, in establishing competitive democratic institutions. Despite a history of military intervention, Bangladesh's political elites have generally resisted the temptation to try to use the army to gain an edge against their opponents. With the exception of the 2007 emergency, when it was compelled by both domestic conditions and external pressure to take matters into its own

hands, the military has also appeared content to live under civilian governments, as long as they meet its requirements and do not threaten its profitable international peacekeeping missions.

The AL and the BNP are both parties with stable bases of support, which gives them the ability to win elections, form governments, and survive electoral defeats to serve as an effective opposition. But the deep polarization between the two parties has created a seemingly permanent deadlock. Their tensions frequently spill into the streets, disrupting the economy and reinforcing political paralysis. The prospects for successful democratic consolidation in Bangladesh will depend on the political elites' ability to abandon their zero-sum rivalry and demonstrate commitment to democratic norms in their attitudes and behavior.

Bangladesh has finally begun to seek closure for the horrific wounds left in the body politic by the war crimes of 1971. The AL government's initiation of prosecutions against the alleged perpetrators has drawn widespread public support. But the process has not been free of controversy, and has drawn criticism from international rights organizations for serious legal flaws in the trials. The tribunal's sentencing of several Jamaat leaders to death has sparked Islamist retaliation against the government, secular civil society activists, and the traditionally pro-AL Hindu minority.

There can be no disagreement that those who committed crimes against humanity in 1971 should be held responsible. But as heinous as those crimes were, the Bangladeshi government would do well to address allegations of bias. After all, as the old adage goes, "not only must justice be done, but it must be seen to be done." If the trials are impartially conducted, the government can avoid further accusations of pursuing vengeance while helping provide some degree of catharsis for the vast majority of Bangladeshis. Adopting a fairer route to achieving justice will also undercut the Islamists' efforts to frame the trials as a war between the righteous and the godless, and mitigate the political stalemate that has resulted from both partisan avarice and competing conceptions of national identity. ■