

# Chapter 1

## The Political Background

The elections to the Seventh Jatiya Sangsad (Parliament) held on 12 June 1996:

- were the first to be contested by all the main political parties for over five years (those in February 1996 had been boycotted by the major Opposition parties);
- followed a prolonged political crisis, culminating in the resignation of the BNP Government in March 1996 and the installation of a Caretaker Government;
- took place within weeks of the dismissal of the Chief of the Army Staff on charges which included contact with political parties; and
- were widely expected to be marred by violence, intimidation, vote-rigging and other improper practices.

In these circumstances the elections assumed great significance for the people of Bangladesh and attracted considerable international attention.

### Recent History

What is now Bangladesh was part of Pakistan until December 1971, when the military and civilian authorities in East Pakistan surrendered after a nationalist uprising.

The former Government-in-Exile led by Sheikh Mujibur Rahman (whose party – the Awami League – had won a majority in the December 1970 Constituent Assembly elections in Pakistan) assumed control. Following promulgation of a new Constitution parliamentary elections were held in March 1973 and the Awami League won 292 of the 300 seats in the new Parliament. Sheikh Mujib became President in January 1975, following the adoption of a new Constitution which replaced the parliamentary form of government with a presidential system. He was assassinated seven months later and replaced by Khandakar Moshtaque Ahmed. Following another coup in November 1975, Justice A S M Sayem was sworn in as President but real power was assumed by Major-General Zia-ur-Rahman, Chief of the Army Staff, who became Chief Martial Law Administrator and then President in April 1977.

The following year General Zia formed the Bangladesh Nationalist Party, which with its allies won a two-thirds majority in elections held in February 1979. President Zia was assassinated in May 1981 and, following another coup in March 1982, General Hossain Mohammad Ershad took power, proclaiming himself President in December 1983.

President Ershad remained in power until December 1990, when he resigned in the face of mounting political protest spearheaded by the three major political alliances. The Chief Justice, Shahabuddin Ahmed, assumed the post of Acting President at the head of a neutral interim government. Mr Ershad was placed under house arrest and subsequently imprisoned: he was still in jail at the time of the June 1996 elections we had come to observe.

In the general election of February 1991 the BNP emerged as the biggest single party and subsequently, with the support of the Jamaat-e-Islami, formed a government under the prime ministership of Begum Khaleda Zia, General Zia's widow. The Awami League, led by Sheikh Mujib's daughter, Sheikh Hasina Wajed, became the largest Opposition party. After the adoption of a constitutional amendment in September 1991, Bangladesh reverted to a Westminster-style parliamentary democracy, with the Prime Minister as Head of Government and BNP nominee Mr Abdur Rahman Biswas as non-executive President.

At the request of the then interim government the 1991 elections had been observed by a Commonwealth Observer Group. In its Report the Group described the elections as free and fair and as 'a triumph for the people of Bangladesh'. While there had been 'a degree of complaint and occasional mishaps' these were 'sporadic and too small in number to affect the outcome of the election'.

### Political Crisis 1994-96

The 1991 elections were followed by a gradual deterioration in relations between the Government and Opposition parties. Matters came to a head following a by-election at Magura-2 in March 1994, which was won by the BNP amid Opposition allegations of ballot-rigging (which the BNP denied).

The three main Opposition parties – the Awami League, the Jatiya Party and the Jamaat-e-Islami – withdrew from Parliament and organised a campaign of street protests, featuring demonstrations, general strikes (*hartals*) and other mass action. They also threatened the resignation of all their MPs, which would have triggered the holding of a large number of by-elections or a general election, both of which they threatened to boycott.

The Opposition parties' demand was for the next three general elections to be held under a Caretaker Government, which would govern for 90 days from the date of the dissolution of Parliament.

The Opposition parties' position was that:

- Bangladesh's experience of elections showed that no incumbent government could be trusted to supervise the holding of a general election: it would be rigged by whoever was in power at the time;
- the mere fact of incumbency would influence government officials involved in the election process. These officials would inevitably assume that the incumbent would win, and their conduct would be influenced accordingly, to the detriment of the fairness of the election process.

The BNP position was that:

- it was an affront to democracy that a democratically elected and legitimate government should be asked to step down in favour of a Caretaker Government;
- what was required was not a Caretaker Government but sufficient provision to ensure that the existing Government would behave in a neutral manner in the period immediately prior to the general election and – since the elections would be supervised not by the Government but by the Election Commission – the strengthening of the Election Commission.

The two sides were at an impasse. Attempts at dialogue were made in August 1994 and again in September, when the Commonwealth Secretary-General visited Dhaka; he subsequently sent an envoy in an attempt to facilitate discussions between the parties.

The BNP eventually agreed to the concept of an interim government, which would include the Prime Minister and be balanced between the BNP and the Opposition, as opposed to a Caretaker Government consisting only of non-party neutrals. Agreement between the Opposition and the governing party was not forthcoming.

After further discussions, in which the Prime Minister agreed to leave office before elections, at the end of December 1994 the three main Opposition parties carried out their threat to have all their MPs resign from Parliament and intensified their protest campaign.

Initially the Speaker did not accept the resignations, but following an advisory opinion of the Supreme Court on 27 July 1995 he ruled that the seats of the Opposition MPs would be considered vacant as from 20 June 1995, when they had been absent from Parliament for over 90 sitting days. Some 147 by-elections should therefore have been held within 90 days of 20 June 1995. On 9 August 1995, however, Chief Election Commissioner Justice A K M Sadeque announced that he had decided to defer all by-elections due to severe floods in the country.

On the advice of the Government, the President finally dissolved Parliament on 24 November 1995. After two postponements and further efforts to reach agreement between the parties, the elections were finally scheduled for 15 February 1996.

### Installation of Caretaker Government

Since the elections held on 15 February 1996 were boycotted by all the main Opposition parties the BNP secured an overwhelming majority, gaining 203 of the 205 seats in which there was a contest and 48 other seats unopposed. But the elections were widely regarded as less than credible. The very high turnout claimed was estimated by observers to have in fact been at most 10 to 15 per cent and there were widespread reports of irregularities. In an interim report on 16 February, based on observations in 35 districts, the local election monitoring body FEMA (Fair Election Monitoring Alliance) said that 'the term "free and fair" is not applicable to this election'. Similar views were expressed by CCHRB (Co-ordinating Committee for Human Rights in Bangladesh), which also fielded election observers.

The Opposition did not recognise the legitimacy of the new Parliament and renewed its protest campaign. Strike action closed Chittagong port and caused severe damage to the economy, particularly the export garment industry. On 26 March Parliament approved a bill for a neutral Caretaker Government to oversee the holding of fresh elections (and for all elections in the future).

But the Opposition vowed to continue its policy of non-co-operation until the Prime Minister resigned. On 28 March civil servants refused to work until a Caretaker Government took charge. Two days later Begum Khaleda Zia resigned and Parliament was dissolved.

The President subsequently named former Chief Justice Habibur Rahman as Chief Adviser in an 11-member non-party Caretaker Government. The Chief Election Commissioner, Justice Sadeque, and his colleague Election Commissioner, neither of whom had the confidence of the Opposition parties, resigned. Justice Sadeque was replaced by Mr Mohammad Abu Hena, a retired senior civil servant.

On 27 April 1996 the new Chief Election Commissioner announced that following detailed talks with the political parties the parliamentary elections would be held on 12 June 1996. He began a thorough re-organisation of the Election Commission, while the Caretaker Government began a drive to recover illegal arms and transferred senior staff in the police and the government bureaucracy, especially District Deputy Commissioners.

### Major Political Parties

Despite the fact that there are many political parties in Bangladesh, it was clear from the outset that the real contest in the 12 June elections would be between the two largest, the Awami League and BNP. Although the two parties' percentage share of the vote was similar, the BNP had emerged from the 1991 general election as the biggest single party and subsequently gained an absolute majority with the addition of women members elected by Parliament.

Believing that it had overwhelming popular support and could only be denied power if pre-electoral arrangements were in the hands of its political opponents, the Awami League was confident of victory on 12 June now that a Caretaker Government was in place. The BNP was similarly optimistic.

Commentators, however, expected that other parties such as the Jatiya Party (JP), led by Mr H M Ershad, and the Jamaat-e-Islami (JI), might well hold the balance of power after the elections. (In the 1991 general election the JP won 35 seats. Jamaat won 18 and its votes enabled the BNP to gain 28 of the 30 women members elected by Parliament and thereby to establish an overall majority.)

All the political parties stated publicly, well before the campaign started, that they would co-operate with the Caretaker Government and urged compliance by others in, for instance, the collection of illegal arms.

However, their participation in the elections was not guaranteed. Three of the four major political parties at various times threatened to boycott the election process. Begum Khaleda Zia said in mid-May that the Caretaker Government was harassing its party workers and that "if such action continues we will have to think whether to participate or not in the polls". Referring to Chief Adviser Rahman, she said he "is not neutral and not working neutrally". Sheikh Hasina of the Awami League threatened that "we will be compelled to boycott the elections if all illegal arms are not recovered before the polls". Jatiya Party leaders similarly said that their

party would not participate if Mr Ershad was not released from jail for the election campaign.

The political parties each alleged that others would use violence, intimidation, bribery, vote-rigging and other improper practices to manipulate the election process – elements that had been present in Bangladesh politics for some years. As the election campaign approached the Press continued to focus on these issues, publicised allegations by political parties of improper conduct by others and gave prominence to clashes between groups of party supporters and violent incidents, which continued despite the appeals of party leaders.

### Dismissal of Chief of the Army Staff

Tension during the pre-election period increased with the dismissal of the Chief of the Army Staff on the eve of the official commencement of the campaign.

Under the amendment to the Constitution providing for the establishment of the Caretaker Government, responsibility for defence, which had previously been with the Prime Minister, was allotted to the President. This led to some protest at the time, since Mr Biswas was appointed by the BNP Government of Begum Khaleda Zia and is a BNP member. Suspicions intensified when on 20 May President Biswas dismissed the Chief of the Army Staff, Lt-General Abu Saleh Mohammad Nasim, on charges of disobeying orders, breaching army discipline and committing 'an act tantamount to declaring revolt against the Government'. General Nasim was placed under house arrest.

In an address to the nation, President Biswas spoke of an attempt to thwart the elections. He accused General Nasim of ordering his supporters in the army to march on the capital and of defying a Presidential order that two senior officers be forcibly retired on charges which included, *inter alia*, contact with political parties. General Nasim denied the charges and accused the President of trying to undermine the election process.

There had been media reports that 'rebel' army units had been deployed from northern bases at Bogra and Mymensingh and that some had confronted 'loyal' troops across the Jamuna river, 60 miles (96 km) north of Dhaka. Following the President's dismissal of General Nasim parts of the capital were said to be tense, tanks manned by 'loyal' troops were deployed to protect strategic positions, including the Presidential palace and the radio and television stations, and barricades were erected on key roads into Dhaka.

Bangladesh state radio and TV later reported that clemency had been granted to the 'misguided' rebel troops and urged them to return to their barracks, which according to official reports they eventually did. Further arrests followed and the Government announced the establishment of a court of enquiry to investigate the events of 20 May and to identify those involved.

This affair provoked considerable controversy, with the Awami League alleging that General Nasim's dismissal was part of a BNP plan to foil the elections and 'snatch away people's voting rights' and accusing the President of conniving to ensure the BNP's return to power.

### Critical Elections

The elections held in 1991 marked the return of multi-party democracy to Bangladesh and, for that reason, were of great significance.

However, the June 1996 elections were no less important for a country which had experienced military rule for the better part of its life as an independent nation, three of whose six elections had been held when the Constitution was suspended under martial law and whose recent past had been scarred by deep political divisions.

It was clear that the June 1996 elections would be critical for Bangladesh. They provided an opportunity to resolve a damaging political crisis and to consolidate the country's young democracy. As the country moved into the election campaign we waited with interest to see what the people of Bangladesh would make of the opportunity before them.