



THE CARTER CENTER



**STATEMENT OF THE
NATIONAL DEMOCRATIC INSTITUTE (NDI)/CARTER CENTER
PRE-ELECTION DELEGATION TO BANGLADESH'S
2001 PARLIAMENTARY ELECTIONS**

Dhaka, August 4, 2001

This statement is offered by the joint National Democratic Institute (NDI)/Carter Center pre-election delegation to Bangladesh's 2001 parliamentary elections. The delegation, which visited Bangladesh from July 30-August 4, was led by Jimmy Carter, former President of the United States, and included: Tioulong Saumura, Member of Cambodia's National Assembly and member of the Steering Committee of the Sam Rainsy Party; Patrick Merloe, NDI Senior Associate and Director of Programs on Elections and Political Processes; Ashley Barr, The Carter Center Senior Program Associate, Democracy Program; Lawrence Lachmansingh, NDI Asia Programs Deputy Director; and James Oliver, NDI Resident Representative in Bangladesh.

NDI and The Carter Center are planning to organize an international observer delegation to the elections and will continuously monitor the electoral process through the post-election period. Additional statements and reports will be issued as appropriate. NDI and The Carter Center do not seek to interfere in or to certify the election process; we recognize that ultimately it is the people of Bangladesh who will determine the meaning of the elections.

SUMMARY OF OBSERVATIONS

The upcoming parliamentary elections and the processes surrounding them present a unique opportunity for strengthening democracy in Bangladesh. The electoral environment is marked by an impressive number of positive factors and, at the same time, by serious challenges for conducting a peaceful process and for moving forward democratically after the elections.

The single largest obstacle to ensuring a democratic environment is the hostility between the two major parties that breeds politically motivated disharmony and violence. Our interactions with the leaders of these two parties and the points of agreement that we could identify between them give us reason to hope that the political will can be found to establish a more constructive political process in these elections.

There are many things about Bangladesh's democratic process for which the people are deservedly proud. In 1991 and 1996, the country held credible democratic elections that led to peaceful transfers of power. In both elections, the results were accepted by all political parties and by the nation. High voter turnouts – over 74 percent in the last election, with a significant majority of the voters being women – demonstrate the Bangladeshi people's enthusiasm for democracy.

That enthusiasm is an extension of the democratic spirit that led to the Bangla language movement of the 1950s, establishment of the nation in 1971, and removal of dictatorships, ending with the re-establishment of democracy in 1991. The cooperation of the main political parties in re-

establishing democracy serves as an example of how they can move beyond today's acute political polarization.

The orderly transfer of power to the Caretaker Government for this year's elections is another encouraging indication of a maturing political process. Institutionalizing a non-party Caretaker Government for organizing elections, made possible by the cooperation of the main political parties through a constitutional amendment, is a Bangladeshi innovation in which the political parties and the nation can take pride.

The Caretaker Government, led by the Chief Advisor, Justice Latifur Rahman, has taken important steps to prepare for the elections. At the request of the Chief Advisor, the President of Bangladesh, Justice Shahabuddin Ahmed, is considering an important and constructive package of electoral reforms recommended by Chief Election Commissioner (CEC), M.A. Syed, and others. The promulgation of the reforms by the President can make a significant contribution to improving the election process.

Elections for the 300 seats of the Jatiya Sangshad (The House of the Nation, or Parliament) are likely to take place near the beginning of October. Bangladeshi civic organizations, including FEMA and the Election Monitoring Working Group members, are mobilizing significant domestic nonpartisan election monitoring efforts for the pre-election period, election day and the period immediately following the elections. Their election-day goal is to place one local observer in every place where voting takes place ("polling booth"). NDI and The Carter Center strongly support these domestic observers.

These factors should provide a sound basis for establishing public confidence, but nonetheless there is an evident anxiety among the population about the nation's ability to achieve a peaceful, democratic election process this year. Unfortunately, it appears that inappropriate political pressures to gain electoral advantage are being applied to the Caretaker Government and the Election Commission. Such pressures should be resisted in order to guarantee the integrity of these institutions. Any political parties applying this pressure should cease doing so in order that these respected institutions can organize a peaceful election process on an effective, impartial and transparent basis, in accordance with the law and international standards.

The delegation was heartened by the commitments made to it by the leaders of the main political parties, including former Prime Minister and leader of the Awami League Sheikh Hasina, and former Prime Minister and leader of the Bangladesh Nationalist Party (BNP) Begum Khaleda Zia. The commitments, made while together at a luncheon meeting hosted by the Chief Advisor, as well as in private meetings between each of them and this delegation, included: renouncing the use of violence; committing their parties to compliance with the Election Commission's (EC's) Code of Conduct for Political Parties; and committing to support the Caretaker Government's drive to collect weapons. Sheikh Hasina and Begum Khaleda Zia also indicated their agreement that domestic election monitoring should be encouraged for the upcoming elections, that the new parliament should increase opportunities for women to serve as Members through direct elections, and that the new parliament should institutionalize mechanisms to ensure a meaningful role for the opposition – including that the Speaker of Parliament, once chosen, would function in a nonpartisan capacity. They also pledged not to boycott the next parliament and renounced the use of hartals. (The points of agreement are presented in more detail in an attached document.)

As in the past, the elections and the surrounding political process may be corrupted by the use of so-called “black money” to buy votes and bribe electoral officials, government functionaries and police officers. The use of “musclemen” to carry out political violence and to intimidate voters, supporters of political opponents, election workers and domestic election monitors is another serious threat to the integrity of the election process. The increasing presence of arms, principally illegal but also those legally held, justifies heightened concerns about politically motivated violence and intimidation.

It will take public announcements and clear demonstrations of political will by the main political parties to quell citizens’ anxiety about these serious matters. At the same time, the political parties must move beyond “winner-take-all-politics,” which causes parties to adopt desperate tactics in attempts to avoid being relegated to what they perceive as meaningless roles in Parliament. The delegation emphasized in its meetings that the period before the upcoming elections presents a critical opportunity for the parties to commit to making changes in parliamentary procedures that would ensure a meaningful role for the opposition. Such commitments would improve the prospects for all to compete peacefully in the elections, accept the results of an open and proper election, and take up the responsibilities of the majority and loyal opposition to work in partnership to meet the needs of the nation.

The Caretaker Government and the Election Commission face a number of serious challenges to organizing peaceful, fair and proper elections. The political parties, news media, and civil society groups should actively support the Caretaker Government and Election Commission in working to meet these challenges. In recognition of the desire of Bangladeshis to advance their democratic process, the delegation offers a number of recommendations at the end of this statement.

THE DELEGATION AND ITS WORK

The purposes of the delegation were to express the interest and support of the international community for a peaceful and democratic election process in Bangladesh and to present an accurate report on the environment surrounding the upcoming elections. In the six weeks prior to the delegation’s visit NDI field representatives visited Barisal, Khulna, Rajshahi, Bogra, Rangpur, Chittagong, Cox’s Bazaar, Sylhet, and Srimongal and interviewed more than 175 local governmental and electoral officials, as well as political and civic leaders and citizens about the electoral environment. The delegation also held a series of intensive meetings with a wide range of Bangladeshi leaders and local officials in Dhaka and Comilla.

The delegation met with: President of Bangladesh Justice Shahabuddin Ahmed; Chief Advisor of the Caretaker Government Justice Latifur Rahman; Advisors of the Caretaker Government Mrs. Rokia Afzal Rahman and Syed Ishtiaq Ahmed; Chief Election Commissioner M.A. Syed; Election Commissioners Safiur Rahman and M.M. Munsef Ali; Acting Foreign Secretary Moshin Ala Kahan; former Prime Minister and president of the Awami League Sheikh Hasina; former Prime Minister and Chairperson of the Bangladesh Nationalist Party Begum Khaleda Zia; former President of Bangladesh and Chairman of the Jatiya Party (E) H.M. Ershad; Secretary General of the Jatiya Party (M) Anwar Hossain Monju; representative of the Jamaat-e-Islami Party Ali Ashan Mohammad Mojaheed; other political party leaders; civil society leaders,

including of the domestic election monitoring organizations FEMA and the Election Monitoring Working Group; leaders of women's organizations; editors, journalists, academics concerned with election and political processes; as well as representatives of the diplomatic corps and international organizations.

The delegation would like to express its appreciation to all those it met for their warm reception and for sharing invaluable insights concerning the electoral environment.

NDI and The Carter Center are independent, nongovernmental organizations that have conducted more than 100 impartial pre-election, election-day and post-election observation delegations around the globe. The delegation was invited by the government of Bangladesh and by political and civic leaders. The delegation conducted its activities according to international standards for nonpartisan international election observation and Bangladeshi law.

The methodology of NDI and The Carter Center for monitoring elections is based on the premise that all aspects of the election process must be considered to accurately understand the nature of the elections.

These include 1) the legal framework for the elections; 2) a number of important elements of the pre-election period related to fair competition and the freedom of citizens to make informed political choices at the ballot box; 3) the voting process itself; 4) the counting of ballots; 5) the tabulation of election results; 6) the investigation and resolution of any complaints that might be lodged; and 7) the conditions surrounding the formation of a new government. Moreover, elections cannot be separated from the broader political process of which they are a part, and the elections themselves constitute just one step in Bangladesh's democratic development. The present statement therefore does not seek to reach a conclusion about the nature of the election process.

RECOMMENDATIONS

The delegation was impressed with the number and quality of the positive factors in Bangladesh's electoral environment. The delegation was struck by the commitment of the Caretaker Government and the Election Commission to organizing proper democratic elections. Moreover, the enthusiasm and deep desire of the Bangladeshi people for democracy stood out markedly. It is with this in mind and in the spirit of international cooperation that the delegation offers the recommendations set forth below.

- 1) Supporting the Caretaker Government and the Election Commission:** The creation of the non-party Caretaker Government was developed as a way for elections to be organized fairly, without control over the state apparatus or electoral administration by any political party. The Election Commission (EC) should also function as an impartial body. A number of important steps have already been taken by the Caretaker Government and the EC to better ensure proper elections and others have been submitted to the President for final approval. Significant administrative and organizational challenges face these leaders in their work. The political parties should support these institutions and help instill public confidence to the degree warranted, and the parties should refrain from placing political pressures on them or using them as a political target for short-term electoral gain.

- 2) Renouncing the Use of Violence and Intimidation as Political Tools:** Organized, politically motivated violence and intimidation against political activists from opposing parties, as well as of voters, election officials, and domestic election monitors constitutes a major threat to undermining the integrity of the Bangladesh election process. Use of “musclemen” by the political parties to victimize their opponents and to keep citizens from exercising their right to vote must be brought to a halt in the pre-election period and be prevented on election day. The political parties should make public declarations renouncing the use of violence and intimidation for political purposes, train their activists to respect the law and the rights of others and actively discipline their supporters who violate these precepts.
- 3) Actively Supporting Collection of Weapons:** The proliferation of weapons in Bangladesh threatens to destabilize the political process and preclude fair elections. Political parties should renounce the use of weapons in politics and actively join and support the Caretaker Government’s efforts to collect all weapons held by private citizens.

Use of acts that permit detention without charge or hearing, such as the Special Powers Act and the Public Safety Act, provides a cover for the violation of minimum due process rights. The application of these Acts as political tools and in violation of due process rights should be ended.

- 4) Encouraging Issues Oriented Campaign:** To make an informed choice at the ballot box, voters must know the differences among the candidates on issues of national import. The political parties and the candidates, once nominated, should campaign on issues relevant to the political, economic and social development of the nation, rather than focusing on personal accusations and inflammatory rhetoric.
- 5) Creating an Atmosphere Conducive to Democratic Elections:** There are many things necessary to create an atmosphere conducive to democratic elections, from the elimination of violence to discussion of candidate positions on economic and social issues. Vigorous voter education campaigns are needed to overcome the chilling effect created by the threat of violence and to create a positive atmosphere that encourages citizen participation in the election process. The Caretaker Government, the Election Commission, political parties, civic organizations and the mass media all have important roles to play.
- 6) Supporting Domestic Nonpartisan Election Monitoring:** The development of citizen efforts to monitor and help ensure the integrity of elections is one of the most positive features of democratic processes around the world. Domestic nonpartisan election monitoring is well-established in more than 50 countries worldwide. The recent history of such monitoring in Bangladesh represents one of the nation’s strongest assets in promoting public confidence and ensuring proper elections. The goal of Bangladeshi monitoring groups to deploy one domestic monitor in each place where voting takes place (polling booths) is laudable. Allowing such monitors to conduct “stationary monitoring,” where they stay in place throughout the day is almost universally practiced by domestic election monitors. Accredited domestic monitors should be allowed to remain in a polling booth as long as they remain nonpartisan and do not disrupt the polling process. They should be allowed to visit any polling booth they choose.

- 7) Supporting Election Reform Package:** A significant number of positive electoral reforms were submitted by the Election Commission to the Caretaker Government. These reforms, which include, for example, mechanisms to expedite the resolution of electoral complaints, represent positive developments and should be supported.
- 8) Creating a Level Playing Field:** For an election to be truly democratic, the political contestants must have a fair opportunity to reach the voters and win their support. The concept embraces such factors as equitable access to mass media, including broadcast media. Where media are state-controlled, the responsibility is on the government to provide such access. A specific scheme providing equitable time for the contestants to broadcast messages to voters should be implemented promptly. Moreover, news coverage must be accurate, impartial and balanced among the political contestants, and provisions should be made to ensure this.

The state administration must be politically neutral. This is because state resources belong to the people and must be used for their general benefit, rather than for the electoral interests of an individual or group. Consequently, government workers should not campaign for a candidate or party during business hours or use state-owned vehicles, paper, machines, telephones or other materials for campaign purposes.

The voter registry must be accurate to ensure public confidence and a fair election. In Bangladesh, electoral authorities have converted the voter registry into a computerized database and are making it available to the political parties on compact discs (CDs). The EC tested parts of the voter list and found a large number of duplicate and nonexistent entries. The EC is working to correct the lists, but time is short before the election day.

- 9) Removing Impediments to Women's Participation:** The high turnout of women voters in the 1996 election was impressive. A forceful campaign should be organized to encourage women to participate in the political process as candidates.

CONCLUSION

In the past, Bangladesh's leaders rose above partisan divisions to restore the democracy won during the War of Liberation. Today these leaders have a moral responsibility to past and future generations to turn Bangladesh's political culture away from the course of violence and vengeance. The elections of 2001 offers all Bangladeshis active in politics a clear choice: to languish in the politics of confrontation or to realize the aspirations of today's Bangladeshis, most born in the years since independence.

NDI and The Carter Center will continue to monitor the process and to offer assistance to those working to advance Bangladesh's democratic development.

POINTS OF AGREEMENT STATED BY THE MAIN POLITICAL PARTIES

The delegation conducted several meetings with the leaders of all of the main political parties, including the Bangladesh Awami League and the Bangladesh Nationalist Party. Following are the commitments that each of these parties expressed to President Carter and the other members of the delegation. It is the delegation's strong belief that these points, if honored, will make important contributions to achieving proper democratic elections and advancing the democratic process more broadly.

1) Support for Domestic Observers

The leaders of all of the main political parties agreed to support the presence of one domestic observer per polling booth, accredited by the Election Commission, with confirmation by the Returning Officer of each constituency, after consideration of any legitimate objections lodged by the parties or candidates. At the polling booth, the Presiding Officer may remove disruptive persons, including domestic observers acting in a partisan manner. Observers may otherwise remain in the polling booths.

2) Renouncement of Violence

The leaders of all of the main political parties renounced the use of violence and intimidation, agreed to comply with the Code of Conduct issued by the Election Commission, and agreed to actively support the collection of arms by the Caretaker Government.

3) Ensuring a Meaningful Role for the Opposition in the Next Parliament

The leaders of all of the main political parties pledged that they will not boycott the next Parliament. They agreed to support the institution of a neutral, nonpartisan Speaker of Parliament. Once the Speaker is elected to that office by Parliament, he or she would no longer participate in the activities of his or her party. In the following election the main political parties would not oppose the Speaker's re-election to Parliament. They also pledged to support other mechanisms to ensure a meaningful role for the opposition and to consider measures such as: the opposition selecting the Deputy Speaker, who also would be neutral and nonpartisan; and the opposition selecting the Chairperson of the Public Accounts Committee.

4) Increasing the Number of Women Members of Parliament

The leaders of all of the main political parties agreed to support increasing the number of women Members of Parliament to at least 60, with these members to be chosen by direct votes of the people in future elections.

5) Renouncement of the Use of Hartals

The leaders of all of the main political parties renounced the use of *hartals*.