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## A SURVEY OF ASIA IN 2003

■ The United States and Asia in 2003 • JONATHAN D. POLLACK  
■ Afghanistan in 2003 • LARRY P. GOODSON ■ India in 2003 •  
LAWRENCE SÁEZ ■ Pakistan in 2003 • IAN TALBOT ■ Nepal in  
2003 • KARL-HEINZ KRÄMER ■ Sri Lanka in 2003 • NEIL  
DEVOTTA ■ Bangladesh in 2003 • ROUNAQ JAHAN ■ Indonesia  
in 2003 • RITA SMITH KIPP ■ Malaysia in 2003 • N. GANESAN  
■ Thailand in 2003 • ALEX M. MUTEBI ■ Myanmar in 2003 •  
KYAW YIN HLAING ■ The Philippines in 2003 • MICHAEL J.  
MONTESANO ■ Cambodia in 2003 • ROBERT B. ALBRITTON ■  
Laos in 2003 • CARLYLE A. THAYER ■ Singapore in 2003 •  
WILLIAM CASE ■ Vietnam in 2003 • ADAM FFORDE ■ South  
Korea in 2003 • HONG YUNG LEE ■ North Korea in 2003 •  
KYUNG-AE PARK ■ China in 2003 • RICHARD KRAUS ■ Russia  
and the CIS in 2003 • LESZEK BUSZYNSKI ■ Japan in 2003 •  
ROBERT URIU ■ Taiwan in 2003 • SHELLEY RIGGER ■

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# BANGLADESH IN 2003

## *Vibrant Democracy or Destructive Politics?*

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Rounaq Jahan

### Abstract

The year 2003 saw a continuation of the confrontational politics that has plagued Bangladesh for decades. Partisanship continued to affect the functioning of government and civil society organizations. Controversy emerged over judicial appointments to the higher courts. The government's successes were marred by corruption and deteriorating law and order.

Longstanding animosities between the ruling Bangladesh Nationalist Party (BNP) and the main opposition, the Awami League (AL), intensified in 2003. The two parties blamed each other for patronizing criminal elements, engaging in undemocratic behavior, and hatching plots to annihilate the other and destroy the country.<sup>1</sup> Parliament remained mostly non-functional, as the AL repeatedly walked out or boycotted sessions, alleging government restrictions on their participation in parliamentary debates. Partisanship continued to affect the functioning of civil bureaucracy and civil society organizations. However, the year's most troubling development was the controversy surrounding the judicial system. The government continued

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1. "Crime Curb Not Ample, Admits Prime Minister," *Daily Star*, October 11, 2003, p. 1, <<http://www.thedailystar.net/2003/10/11/d3101101011.htm>>, accessed November 12, 2003; "Accept Failure, Step Down," *ibid.*, p. 1.

to drag its feet on the issue of separating the judiciary from the executive, despite its pre-election campaign promise. In appointing judges to the higher courts, the government continued to flout the seniority precedent. This led to the political opposition's charge that the government was trying to control the judiciary. The image of the judiciary hit its lowest point in October, when bribery charges were brought against a judge of the High Court. For the first time in the nation's history, such a corruption case was sent to the Supreme Judicial Council for scrutiny.<sup>2</sup>

Civil society organizations and the media depicted this confrontational politics as destructive, urging the two main parties to engage in dialogue to reach a consensus on issues of national interest and on basic principles of democratic competition, but failed to elicit any positive response. However, civil society organizations and the media did succeed in bringing some transparency to the state of politics and administration. Through investigative journalism, newspapers highlighted the problems facing the country. Their reports exposed the deteriorating law and order situation, corruption, the criminalization of politics, and inefficiencies in administration.<sup>3</sup> Transparency International ranked Bangladesh number one in corruption, worldwide, for the third year in a row.

However, not all news was bad for the government and citizens of Bangladesh. Macroeconomic management has continued to receive positive reviews from international agencies. Both remittances from Bangladeshi workers abroad and foreign exchange reserves were high. Efforts to combat environmental pollution and improve traffic congestion in the capital city drew the appreciation of citizens. The government did succeed in getting quick trials and judgements in a few well-known murder cases. It has been able to crack down on cheating in public school examinations.<sup>4</sup> However, the government was acutely aware that the news about its efforts and successes were drowned out by the news of Bangladesh's deteriorating law and order situation. In her statement to the nation marking the second anniversary of her rule, Prime Minister Khaleda Zia admitted, as she did in the previous year, that her government's performance in curbing crime has been inadequate.<sup>5</sup>

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2. "CJ Summons Judge in Bail Controversy," *ibid.*, October 15, 2003, p. 1, <<http://www.the-dailystar.net/2003/10/15/d3101501033.htm>>, accessed November 12, 2003.

3. "Law and Order Stay Low in Alliance Rule," *ibid.*, October 13, 2003, p. 1, <<http://www.the-dailystar.net/2003/10/13/d3101301066.htm>>, accessed November 12, 2003. Also see, "Santrash Durnite Sarkarer Shob Shafalaya Proshnobhiddhaya" [Terror and corruption mar government's successes], *Prothom Alo* [The First Light], October 10, 2003 <<http://www.prothom-alo.net/new-htmlnews/category.php?CategoryID=1&Date=2003-10-10&filename=10h3>>, accessed on November 12, 2003.

4. *Ibid.*

5. "Crime Curb Not Ample, Admits Prime Minister," *Daily Star*.

## Politics and Administration

### *Continued Political Confrontation*

The government and its main opposition, the AL, maintained their confrontational stands throughout the year, using intemperate language inside and outside Parliament. BNP leaders repeatedly charged that the AL was creating anarchy and ruining the image of the country abroad. In June, the state minister for youth alleged that the AL leader, Sheikh Hasina, had plotted a coup after the 2001 election.<sup>6</sup> The AL started boycotting sessions of Parliament in June, demanding apologies for the negative remarks made against the party leader there. The AL repeatedly called for the government's resignation, citing misrule, corruption, oppression, and human rights violations; it threatened street movements to oust the government. In October, the AL published a list of 101 "Godfathers" belonging to the ruling coalition, which included many cabinet ministers and members of Parliament.<sup>7</sup> The ruling coalition countered by bringing libel cases against the AL.<sup>8</sup> No dialogue took place between the two parties to resolve their differences and come to an understanding on any outstanding issue. The depth of the rift and non-cooperation was made evident when the AL refused to attend the Commonwealth Parliamentary Association's meeting in October, on the grounds that the party was not given any role in planning the meeting. It was the first time in the organization's history that a meeting took place without the opposition's participation.<sup>9</sup>

### *Independence of the Judiciary*

Independence of the judiciary emerged as a much-debated issue in 2003. Lawyers' associations and civil society organizations called upon the government to implement the 12-point Supreme Court directives to ensure independence of the judiciary. They demanded transparency in the appointment of High Court judges and keeping such appointments above partisan politics. The allegation of partisanship arose as the government refused to confirm the services of 15 additional judges appointed during the Awami League rule in 2000, despite the chief justice's recommendation in their favor. Three unconfirmed judges filed writs against the government's non-confirmation deci-

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6. "Hasina Plotted Coup After Polls, Says Patal," *ibid.*, June 29, 2003, <<http://www.thedailystar.net/2003/06/29/d30629030224.htm>>, accessed November 12, 2003.

7. "AL Discloses Names of 101 'Godfathers' of Coalition," *ibid.*, October 17, 2003, p. 1, <<http://www.thedailystar.net/2003/10/17/d31017030126.htm>>, accessed November 12, 2003.

8. "State Minister Sues 14 AL Stalwarts Over Godfather Claim," *ibid.*, October 19, 2003, <<http://www.thedailystar.net/2003/10/19/d31019030126.htm>>, accessed November 12, 2003.

9. "Hasina Sticks to Her 'No'," *ibid.*, October 6, 2003, <<http://www.thedailystar.net/2003/10/06/d3100601022.htm>>, accessed November 12, 2003.

sion.<sup>10</sup> The government then appointed 21 additional judges, some of whose political background the Bar Association subsequently questioned.<sup>11</sup> In July, the government again confirmed the services of only five out of nine judges appointed during the Awami League's rule.<sup>12</sup> The Bar Association then threatened a boycott of the courts, as the government continued to supersede senior judges in making appointments. The association urged that the precedent of consultation with the chief justice be maintained in appointing High Court judges. All these controversies regarding judicial appointments did not help restore people's faith in the independence of the judiciary and the fairness of the legal process. The image of the judicial system has long been tarnished: the assassinations of the father of the nation, Bangabandhu Sheikh Mujibur Rahman, and his family, and the jail killings of four prominent Awami League leaders, both in 1975, are still pending court decisions. The accused have been on trial for years.

### *Deteriorating Law and Order*

In January 2003, the government withdrew Operation Clean Heart, a military drive launched in October 2002 to re-establish law and order in Bangladesh, claiming that the operation had succeeded. Human rights organizations alleged that 44 deaths due to excessive force had occurred during the drive, which temporarily did improve law and order. But most of the well-known criminals escaped the dragnet, and once the army was withdrawn, crime rates started climbing upward again. The government subsequently took other steps. In July 2003, it launched Operation Spider Web, directing the Bangladesh Rifles to hunt down armed militants in the country's southwest. Militias and police also cracked down on city bus terminals to curb the extortion prevalent there. The government established speedy tribunals, formed Rapid Action Teams (RAT) of police and then upgraded them into the Rapid Action Battalion, but these measures appeared to have little effect on the rising crime rate.<sup>13</sup> According to the cabinet secretary, the most senior government bureaucrat, a major reason for this failure was the interference by political leaders in the work of the police. In the first six months of the year, 22 police officers were killed on duty; there were also allegations of human rights violations by the police. According to one report, in the first nine months of the year, 61 people died in police custody and 56 died due to police excesses. In

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10. "Jittery Wait for Nine Additional Judges," *ibid.*, June 25, 2003, p. 1, <<http://www.thedailystar.net/2003/06/25/d3062501044.htm>>, accessed November 12, 2003.

11. *Ibid.*

12. "Five Additional Judges of HC Get Job Confirmation," *ibid.*, July 3, 2003, p. 1, <<http://www.thedailystar.net/2003/07/03/d3070301044.htm>>, accessed November 12, 2003.

13. "Law and Order Stay Low in Alliance Rule," *ibid.*, October 13, 2003, p. 1, <<http://www.thedailystar.net/2003/10/13/d3101301066.htm>>, accessed November 12, 2003.

a major overhaul of police administration, the government dismissed 542 personnel.<sup>14</sup>

### *Local Government*

The year saw much contestation over the system of local government. The elections to the Union Parishads (UP), the lowest tier of elected local government, were held from January to March. Prior to the elections, a rift developed between the government and the chief election commissioner (CEC). The CEC repeatedly asked the government to deploy the military during the election to prevent violence and rigging of votes. But the government steadfastly refused, stating that the law and order situation had improved. Indeed, the government ended Operation Clean Heart two weeks before the UP elections, leading to speculation that this was done in order to allow criminals and thugs loyal to the BNP to intimidate their opponents. Failing to get government support for his request, the CEC remarked that the elections would be a futile exercise. This drew much flak from the government, and in Parliament, BNP lawmakers demanded that the CEC be sacked. Over a 51-day period, elections were held in 4,243 Union Parishads (the total number of UPs is 4,488), which saw 80 people killed and 7,500 injured.

At the same time, the government introduced *gram sarkar*, a non-elected body, in each of the 40,392 wards of 4,488 Union Parishads. The *gram sarkar* bill was passed on February 26 amid opposition from and a walkout from Parliament by the Awami League. The AL charged that the government-nominated *gram sarkar* went against the spirit of elected local governments, arguing that this would give the party in power a handle to dominate local government and politics. In July, a case challenging the constitutionality of the *gram sarkar* was brought in the Supreme Court. Nevertheless, the government started instituting *gram sarkar* from August onward, creating much confusion as to the division of responsibility and resources between the elected UP members and government-nominated *gram sarkar* members.<sup>15</sup> The AL and some of the leftist parties threatened to begin a countrywide united movement in 2004 to dismantle the *gram sarkars*.

### Economy

The government's macroeconomic management and the pace of progress on reforms drew the support of the International Monetary Fund and interna-

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14. Ibid.

15. "Gram Sarkar Bill Passed," *ibid.*, February 27, 2003, p. 1, <<http://thedailystar.net/dailystarnews/200302/27/n3022701.htm#BODY6>>, accessed November 12, 2003. "HC Rules on Legitimacy of Gram Sarkar," *ibid.*, July 7, 2003, p. 1, <<http://thedailystar.net/0/2003/07/07/d3070701055.htm>>, accessed November 12, 2003.

tional donor agencies. Foreign aid commitment doubled in a year, reaching nearly \$2 billion.<sup>16</sup> However, these commitments were made with the understanding that the government would design and implement structural reforms, improve law and order, create a stable political environment, and ensure fiscal management and overall growth.

While Bangladesh's currency, the taka, remained stable and foreign exchange reserves were satisfactory, there were several economic warning signals. Exports were heavily dependent on ready-made garments (RMG), but their future after the end of Multi-Fiber Agreement (MFA) was uncertain. Private foreign investment continued to be low. Prices of many essential commodities increased sharply, particularly before the month of Ramadan. The commerce minister's attempts to fix the price of some essentials proved futile. The year saw a steep increase in the cost-of-living index, far outpacing the average citizen's earnings.

### External Relations

There were no changes in the country's external policies in 2003. The government's "Look East" economic diplomacy did not produce concrete results in terms of exports, though China, Malaysia, Thailand, and Indonesia came up with huge trade concessions. Relations with Bangladesh's big neighbor, India, were dominated by trade and water issues. India continued to have a huge surplus in bilateral trade, while Bangladesh stalled on transit and transshipment issues. Bangladesh did not agree to a U.S. request to send troops to Iraq, and stated that the government would only consider a request by the U.N. for such troops. The government decided not to make a decision on gas export, despite continued pressure from the United States, international agencies, and multinational oil companies.

### Conclusion

The contestations and controversies that emerged in 2003 over the judiciary and local governance signal major problems for Bangladesh's fledgling democracy. Questions about the judiciary's neutrality jeopardize the established system of conflict resolution in the highly competitive and partisan political system. Similarly, the government's attempt to bring back a system of nomination in local government is regarded with suspicion, as citizens remember past dictatorial regimes' attempts to cling to power through control of nominated local governments. However, it is the lack of consensus among the major political parties about the basic rules of democratic competition and electoral politics that remains the greatest threat to democracy in Bangladesh.

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16. "Foreign Aid Commitment Doubles in a Year," *The New Age*, July 17, 2003, p. 1, <<http://www.newagebd.com/july3rd03/170703/front.html#8>>, accessed November 12, 2003.