BANGLADESH

In pursuit of a one-party state?

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With democratic backsliding unfolding in an incremental manner in Bangladesh for years, concerns have been expressed since 2016 whether the country will descend into a one-party state. The Strategic Forecast predicted in May 2016 that the country would shift toward single party authoritarianism (Strategic Forecast, 2016) and in early 2018 the Bertelsmann Foundation described Bangladesh as an ‘autocracy’ (BTI, 2018). In April 2018, a report of *Aljazeera* asked the question – “Is Bangladesh moving towards a one-party state?” (Aljazeera, 2018).

It is against this background that this chapter explores the political trajectory of Bangladesh and examines the likelihood of transformation of governance to a one-party state. The ongoing strategy of the government to neuter the opposition along with a rapid shrinking of space for dissent, and the country’s previous history of experiencing a one-party state have contributed to the growing salience of this question. Bangladesh experienced a one-party system between January and August 1975 under the Bangladesh Awami League (AL) which is currently in power. The party had never acknowledged the introduction of the one-party system as a misstep, instead in the context of diminishing trust over the election Prime Minister Sheikh Hasina had suggested in 2019 that reviving the one-party system (Jugantor, 2019), introduced in 1975 by her father Sheikh Mujibur Rahman, offers a solution to the elections-without-voters problem.

One-party states: the nature and scope

In this chapter one-party states are defined as, “states in which, effectively, only one ‘mass’ political party had full legal existence and in which party membership was practically the *sine qua non* of political power” (Rothman, 1967, p. 675). In discussing the nature and scope of a one-party state, a distinction between *de jure* one-party state, and *de facto* one-party state must be made. *De jure* one-party states are those where the constitutional and legal framework allow only the ruling party to operate. In the 1950s and 1960s, *de jure* one-party states proliferated in various parts of the world, especially in the newly independent countries. The reasons for the emergence and survival of these states were variously explained; for example, a culturalist argument was advanced on the prevalence of one-party states on the African continent (Carter, 1962). Many of the 29 African states that became independent between 1956 and 1965 adopted the one-party system. It was argued that centralizing power was an essential element for stabilizing

the country, particularly where nationalist movements have taken place (Carter, 1962, p. 4). “The lack of social stratification and social classes in traditional African society was often cited as one causal factor” (Rothman, 1967). Elsewhere, it was viewed as a necessary effort for a nation to be educated “into becoming modern and national by enlightened state leadership” (Lamprou, 2017, p. 514). Ideological imperatives of socialism created a number of one-party states under the Communist parties, especially in Eastern Europe. In Asia and Latin America, a trend accompanied the growing intervention of the military in politics between the 1960s and 1980s. As such, various forms of *de jure* one-party states emerged – some with civilian leadership, others under military rule.

With the proliferation of democracy globally, described by Huntington as the “Third Wave of Democracy” (Huntington, 1993) beginning in 1974, the number of one-party states started to decline. The crisis of legitimacy, democracy promotion by Western states, and snowballing contributed to the decline (Huntington, 1991, p. 13). Consequently, a handful of ideological one-party states, such as China, North Korea and Cuba, remained as examples of one-party states. Many of these *de jure* one-party states, including many ideological one-party states in Eastern Europe, embarked on liberalization and democratization.

However, by the late 1990s, there were concerns about the future of the wave (Diamond, 1997) and by the early 2000s it became evident that the third wave, like the previous two waves, had not only stalled, but also begun to be reversed (Diamond, 2000). Stagnation, erosion and reversal of democracy among the transitional countries, particularly the third wave democracies, necessitated differentiating them from both democracy and authoritarianism. While many of them displayed some democratic attributes like regular elections, allowing opposition parties to exist and citizens to exercise some civil and political rights, there were serious concerns about the quality of elections, the limited space for dissent, and the absence of an independent judiciary. This emerging system was named variously, for example, illiberal democracy/liberal autocracy (Zakaria, 1997, pp. 22–23), feckless pluralism/dominant-power politics (Carothers, 2002, pp. 10–14), competitive authoritarianism (Levitsky and Way, 2002, p. 53), electoral authoritarianism (Schedler, 2002, pp. 41–46), and semi-authoritarianism (Ottaway, 2003, pp. 16–20). These concepts were brought under a broad term – hybrid regime – by Larry Diamond (Diamond, 2002). The defining characteristics of the hybrid regime according to the Economist Intelligence Unit (EIU) include, substantial irregularities in elections, flaws in functioning of government, restrictions of political participation, and harassment of and pressure on journalists, and the judiciary is not independent (EIU, 2015).

These developments increasingly diminish the scope for checks and balances of the executive branch, limit the space for opposition parties to operate and manipulate elections making it a tool for sustaining the regimes. These are the markers of a *de facto* one-party state. As for the opposition, it is “suffocated by the ruling party who accuse them of being traitors, disloyal, oligarchic etc. ... Deprived of any kind of means and platforms to express itself, the opposition succumbs into vegetarian life, as if it is a body still alive yet dysfunctional” (Dean, 2017). These “discontinuous series of incremental” developments have led, in some cases, to a *de jure* one-party state.

Bangladesh: erosion of democracy

The democratization process in Bangladesh began in 1991 and in the initial years it fulfilled five key indicators of electoral democracy – suffrage, elected officials, clean elections, freedom of association, and freedom of expression and alternative sources of information, as identified by Varieties of Democracy (V-Dem) (V-Dem, 2018, p. 71). Two parties – Bangladesh Nationalist

Party (BNP) and the Bangladesh Awami League (AL) – were elected to power alternately through relatively fair elections until 2008. However, democratic institutions remained fragile. The failure of both parties to build strong democratic institutions, create a democratic culture and their engaging in incessant acrimony added to the fragility and contributed to the gradual erosion of democracy. Both demonstrated a proclivity towards a dominant party system, “which refers to a category of parties or political organisations (sic) that have successively secured election victories and whose defeat is unlikely for the foreseeable future” (Laws, 2016). The constitutional amendment which reintroduced the parliamentary system in 1991 had also provided unbridled power to the Prime Minister. With the Prime Minister as the head of the party, the leader of the house and the leader of the parliamentary party, executive aggrandizement was a natural consequence.

The 13th Amendment of the Constitution ensured that free and fair elections are held upon completion of the term of the incumbent and provided safeguards against manipulation of elections. The amendment created the provision of the caretaker government (CTG) – a non-partisan government to oversee the election. The provision stipulated that an 11-member non-partisan cabinet will be appointed upon the completion of the term of the elected government. The cabinet will be headed by the immediate past Chief Justice of the Supreme Court. With no other accountability mechanism in place and increasing politicization of state institutions, election remained the only means for keeping the incumbent in check. In late 2006, ahead of the election scheduled in January 2007, law and order broke down as the opposition led by the AL launched street agitations to prevent the immediate-past Chief Justice from becoming the head of the CTG, while the incumbent BNP engaged in machination to influence the forthcoming election (Riaz, 2014). In the midst of the crisis, the military staged a promissory coup, a form of military intervention which “frame[s] the ouster of an elected government as a defense of democratic legality and make[s] a public promise to hold elections and restore democracy as soon as possible” (Bermeo, 2016, p. 8). After a failed attempt to reform the political system, banish two former Prime Ministers Khaleda Zia and Sheikh Hasina from politics, address corruption issues in combination with growing disillusionment with the government, the Asian economic crisis and external pressure, the caretaker government handed over power through a general election held in December 2008. The Awami League secured a landslide victory.

Four steps towards a *de facto* one-party state

With three-fourths majority in the parliament, the AL began to adopt measures since 2010 which were designed to incrementally weaken the opposition, make elections ineffective, muzzle the press and create a culture of fear. Four steps were pivotal in establishing the control of the AL over politics and the electoral process: the removal of the CTG provision from the Constitution, persecuting the opposition including Khaleda Zia and other BNP leaders with frivolous cases, adoption of legal and extra-legal measures to silence the critics, and curtailing the independence of the judiciary.

The first crucial step in the process of establishing complete control was the removal of the CTG system. The CTG provision, which allowed a non-partisan government to oversee the election, led to four free, fair, and inclusive elections, in 1991, 1996, 2001 and 2008. In June 2011 the incumbent scrapped the caretaker government provision from the Constitution through an amendment. The argument of the ruling AL was that a verdict of the Supreme Court had voided the system. The verdict in question had declared the 13th Amendment unconstitutional. However, the justices observed that the next two parliamentary elections could be “held under the provisions of the above-mentioned 13th Amendment,” provided that

the parliament chose to do so. The justices also agreed with senior lawyers' opinion that there would be anarchy should the ensuing election be held under a partisan government. A parliamentary committee comprised of AL members also favoured continuing the system, but Prime Minister Sheikh Hasina decided otherwise.

The new provision stipulated that an election must be held within 90 days of the completion of a parliament's tenure (or within 90 days of a dissolution of parliament before it completes its term). The BNP and all opposition parties threatened to boycott the election unless the CTG system was restored. The BNP and the opposition made good on their threat and boycotted the election held on 5 January 2014. Deletion of this provision enabled the incumbent to remain in power with all the tools at its disposal to manipulate the electoral processes. Without an independent electoral commission and growing politicization of civil administration, the provision created an uneven field for the opposition (Riaz, 2014; Riaz, 2016, pp. 88–102). With no opposition candidates, the result of the election was a foregone conclusion. More than half of the parliament members, 153 candidates of the ruling party and its allies were elected unopposed. It created a parliament with no opposition. In an unprecedented move, the incumbent designated one of its coalition members, the Jatiya Party (JP) led by the former dictator H M Ershad, the parliamentary opposition. It was intended to marginalize the legitimate opposition and render them ineffective. An election with the lowest voter turnout and lowest participation of parties became the most consequential election in the history of the nation.

The consequence was not only limited to the 2014 election, but also influenced the election five years later. In the December 2018 election, although the BNP and other opposition parties participated, the deck was stacked against them. Weakened by years of persecution and the entire administration, including the Election Commission and the law enforcing agencies, working in favour of the incumbent the election delivered an unprecedented victory to the AL. Of 300 seats of the parliament 288 seats were won by the ruling party and its allies. The election was described by the *New York Times* as “farcical” (The New York Times, 2019) and by the *Economist* as “transparently fraudulent” (Economist, 2019). As such, two consecutive parliamentary elections were manipulated to create parliaments with no opposition and the legislative body became subservient to the executive.

To weaken the opposition, especially the BNP and its allies, the ruling party began to file cases against its leaders from 2010. The Islamist party, Jaamat-i-Islami (JI), was the first to face the wrath. As the JI and many of its leaders were opposed to the independence of Bangladesh and sided with the Pakistani Army in its genocidal acts in 1971, they were charged with crimes against humanity in 2010 when the government established the International Crimes Tribunal (ICT). Although the trial process had some procedural flaws, it enjoyed enormous support from the Bangladeshis. The long overdue justice for those who became victims of the genocide was the primary reason for such overwhelming support, but over time it is alleged to have become a political tool of the incumbent. As the verdicts began to be delivered in February 2013, the JI unleashed unprecedented violence to stop the trial and further isolated itself from a large number of citizens.

The BNP, however, was on the receiving end of the heavy-handed measures for its movement for the restoration of the CTG system. From the beginning of AL rule, Khaleda Zia became a target of persecution. For example, during the military-backed caretaker government of 2007–2008, several graft cases were filed against both Sheikh Hasina and Khaleda Zia to banish them from politics. By May 2010, less than 18 months after the AL came to power, all 15 cases against Sheikh Hasina including those filed during the BNP government between 2001 and 2006, were dropped or quashed by courts (BBC, 2010), while cases against Khaleda Zia remained (The Daily Star, 2018). By 2019, 36 cases had been filed against her

(The Business Standard, 2020). She was convicted in two graft cases in 2018 and sentenced to 17 years in prison (Firstpost, 2018). At least 30 cases have been filed against the Secretary General of the BNP. The party alleged in October 2018, two months before the election, that 4,100 cases were filed against its activists involving more than 800,000 party members (The Daily Star, 2018a). The number grew exponentially in the following months prior to the election; activists, including opposition candidates, were charged and arrested. The failed attempt of the BNP to launch a mass movement against the government on the anniversary of the election and widespread violence around the country provided the government an excuse to adopt heavy-handed measures. The BNP's inability to involve a large populace and a lack of a concrete strategy backfired.

With the growing authoritarian bent of the incumbent since 2009, legal and extra-legal measures have been adopted to silence the critics. The amendment to the 2006 Information and Technology Act in 2013, particularly Section 57, with harsh punitive measures for the use of cyberspace for publishing “prejudicial to the image of the state” and providing power to law enforcement agencies to arrest someone without a warrant and to detain him/her for an indefinite period sent a chilling message. A human rights group reported that “between 2013 and April 2018, police submitted 1,271 charge sheets under the law, most under Section 57 of the Act” (Reuters, 2018). In 2017, 300 cases, including two dozen against the journalists, were filed (The Daily Star, 2017), and various websites were blocked. Other laws were used against the journalists and editors. Seventy-nine cases were filed against an editor (Sattar, 2016) after the PM had spoken harshly against the editor (Bdnews24, 2016), another editor was incarcerated for years (BBC, 2016), the government forced businesses to stop advertising in two newspapers to deprive them of revenue (DW, 2015), and a photojournalist was detained for months (Meixler, 2018). The relentless campaign against civil society organizations and leading members of the civil society, and vilification of them were encouraged by the ruling party. This was to ensure that no accountability mechanism could emerge. In October 2018, months before the election the government implemented a vaguely defined law with harsher punitive measures called the Digital Security Act of 2018 which practically criminalized dissent. These measures were accompanied by the growing number of extrajudicial killings and enforced disappearances. Between 2009 and 2018, at least 1,921 people became victims of extrajudicial killings and 109 were victims of enforced disappearances, according to a Human Rights group (Odhikar, 2020; Odhikar, 2020a). A combination of these permeated fear throughout society.

As in other new authoritarian systems, the judiciary in Bangladesh became an arena which came under the influence of the incumbent. When the High Court and the Supreme Court nullified the 16th Amendment of the Constitution, the ministers and the parliament members reacted furiously. The amendment empowered the parliament to impeach Supreme Court judges. In 2018, after the Supreme Court rejected the appeal of the government, the Chief Justice came under pressure. He left the country and later in a memoir claimed that he was forced to resign (Bergman, 2018). In a similar vein, the government also issued the rules which retain the power of appointment, administration and removal of lower court judges in the president's hands as opposed to the Supreme Court. The Bangladesh Judicial Service (Discipline) Rules 2017 contravene the spirit of the separation of the executive and the judiciary (The Daily Star, 2018b).

These four steps in the past decade demonstrate not only shrinking space for dissent and increasing draconian measures adopted by the government, but also show that the boundaries between the state, government and the ruling party have become blurred. They began acting in unison. This is a marker *de facto* one-party state. However, the question remains whether

the façade of the democracy will remain in the future. The question has the theoretical aspect referred to previously.

Authoritarianism in the wake of Covid-19

The growing authoritarianism of the incumbent was laid bare in the wake of the Covid-19 global pandemic as the government intensified various coercive measures to silence the critics of the government through legal and extra-legal measures. Since the first case of coronavirus infection and death were reported in March 2020, the government adopted a three-pronged strategy to suppress any dissent. These include imposing a ban on government and semi-government officials including teachers of public educational institutions to talking to media or posting on social media, restrictions on mainstream media, and filing cases against journalists, social activists, and citizens at large.

Bangladesh, like many other countries, was ill prepared to handle the pandemic, although leaders of the ruling party underestimated the danger of Covid-19 and claimed that the country was ready. Denial, deliberately limiting the number of tests, uncoordinated responses and complacency marked the early responses. The public healthcare system began to fail after years of neglect and corruption. Patients were turned away from hospitals and health workers complained of lack of protective equipment. Members of poor and lower middle-class families, especially those who were in the informal sector, were badly hit. After much delay, the government began to offer relief, sold food at subsidized prices, and started a cash-transfer programme, but these efforts were marred by large-scale corruption perpetrated by the local level ruling party activists. Despite the number of deaths rising and the virus spreading, the government claimed successes and anything contrary to the government narrative was considered ‘anti-government/anti-state activities.’

Examples of the government’s restrictions abound. In March 2020, two college teachers were suspended (The Daily Star, 2020), a doctor was sent to jail (The Daily Star, 2020a). On 16 April, the government instructed the nurses of the public hospital not to speak about the lack of preparation; on 23 April, Health Minister Zahid Maleque ordered all health officials not to talk to the media; on 24 April, members of the civil service were told not to write in or talk to the media, including social media, without government permission; on 3 May, government-run hospital health workers were instructed not to engage with the media; and on 7 October, the government prohibited students and teachers from “writing, sharing, ‘liking’, or posting anything that “ruins the image of the government or the state”, or “disrespects any important person, institution or profession” on social media (The Daily Star, 2020b).

Hundreds, including journalists, academics, opposition activists, a doctor and students, were arrested by the government for posting content on social media critical of the government under the controversial Digital Security Act (DSA) 2018. According to the British Rights Organization Article 19, at least 63 journalists have been attacked and assaulted between March and June of 2020, either by the members of the law-enforcement agencies or the supporters of the ruling party (Article 19, 2020). According to a Bangladeshi research organization, the Centre for Governance Studies (CGS), between 1 January 2020 and 25 February 2021, about 800 cases have been filed under the DSA. The organization gathered information of 402 cases, in which the total number accused was 873. A breakdown of the professions of the accused revealed that 13.68% of them are journalists (CGS, 2021). It is not only the journalists who are being persecuted; social activists, independent writers, bloggers, and cartoonists were arrested. An author and social activist Mushtaq Ahmed was arrested in May 2020 along with eleven

others including a cartoonist; they were charged under the DSA and detained in a high security prison. On 25 February 2021 Mushtaq died inside the high security prison (The Daily Star, 2021). He was denied bail six times. Cartoonist Ahmed Kabir Kishore, who was later granted bail for six months, alleged that Mushtaq was tortured in police custody and he was tortured by unknown abductors (The Daily Star, 2021a). In June 2020, a 15-year-old was detained and sent to the juvenile correction centre for ‘defaming’ the Prime Minister on Facebook (Gulf News, 2020). Restrictions on media reportedly increased. On 26 March 2021 the government appointed 15 government officials to ‘monitor’ the 30 private television channels. The decision was withdrawn after severe criticism.

Situating Bangladesh in the global trend

Bangladesh’s recent experience of democratic backsliding raises the question about the pathway of the third wave democracies. In the early days of the global wave of democratization, it was prophesied that these countries will follow a linear path – opening to transition to consolidation. But faced with the reality of stalled democracy and erosion, attention has now turned to the examination of pathways of the emergent democracies. According to Freedom House data: more countries which began the journey towards democratization after 1988 have experienced backsliding: “of the 23 countries that suffered a negative status change over the past 13 years [2006–2019] (moving from Free to Partly Free, or Partly Free to Not Free), almost two-thirds (61 percent) had earned a positive status change after 1988” (Freedom House, 2019). Equally notable are the findings of Mainwaring and Bizzarro, that “among the 91 new democracies that (by our count) emerged from 1974 to 2012, 34 experienced breakdowns, often in short order. In 28 cases, democracy stagnated after transition, usually at a fairly low level, and in two more it eroded. Democracy advanced relative to the starting point in only 23 cases. Few countries have succeeded in creating robust liberal democracies (Mainwaring and Bizzarro, 2019, p. 100).” These data show that Bangladesh’s experience is not unique, although disturbing, particularly considering that the country was founded with the promise of liberal democracy.

The nature of these new autocracies is also different from previous forms of authoritarianism. Frantz and Kendall-Taylor have argued that newly emerging autocracies are distinctly different from classical autocracies as these are more individual centric, that is power is placed in a single leader. They show that “From 2000–10, 75% of authoritarianisation (sic) cases led to personalist (as opposed to other forms of) dictatorship.” This has been made possible because “these leaders succeed in eliminating their potential opponents and autonomous centers of power” (Frantz and Kendall-Taylor, 2017, p. 62). They state, “Since the end of the Cold War, ... highly personalised (sic) dictatorships have become the most common form of authoritarianism. In 1988, personalist regimes comprised just 23% of all dictatorships. Today, [2017] 40% of all autocracies are ruled by strongmen” (Frantz and Kendall-Taylor, 2017, p. 63).

These characteristics are worth bearing in mind while looking at the current system of governance and the rise of Sheikh Hasina at the helm of power in Bangladesh. Repeated insistence by the party leaders (Prothom Alo, 2016; The New Nation, 2019) and pro-government journalists (Rahman, 2019) that there is no alternative to Hasina shows the personalistic nature of her leadership. The demands for her intervention in solving any problems, from capital markets (Mia, 2020), to helping innocent children (Bangladesh Post, 2020), to school-level examinations (The Daily Sun, 2020), only reaffirm that there is no other power centre in the country.

Conclusion

Despite a propitious beginning towards democratization in 1991, Bangladesh experienced the gradual erosion of democracy through the subsequent 15 years. The promissory coup of 2007 accelerated the backsliding. Although there were hopes that this short-lived experience will help politicians, particularly the incumbent, to chart a new course of inclusive democracy and institution building, the journey has been in the opposite direction. The incumbent has led the country further away from a democratic path; institutions, such as legislative and judiciary, have been further weakened and the executive has seized more power with the PM at the helm. Executive aggrandizement, elimination of the vertical accountability mechanism, shrinking space for dissent, emasculation of the opposition and the blurring of state and party does not portend well. It validly raises the concerns that the country will descend into a one-party state.

Building on the insights about other third wave democracies and drawing on the developments of the past decade, further autocratization of the system of governance in Bangladesh is the most likely scenario and the strengthening of the emerging *de facto* one state is the most prospective situation in the coming years. However, unless the incumbent faces a serious challenge a *de jure* one-party state is unlikely, for several reasons. One of the key reasons is that the incumbent would like to keep the democratic façade as hybrid regimes tend to do. The apparent ‘democratic’ identity helps the regime garner international legitimacy on the one hand, while striving for domestic approval from its citizens, on the other. In the absence of moral legitimacy, thanks to two manipulated elections, the incumbent will show that it has constitutional legitimacy. The international environment of growing authoritarianism has created an enabling environment for the regime. However, various sporadic movements such as the road safety movement (BBC, 2018) in 2018, testify to simmering discontent.

Since 2014, especially since 2018, the international community has left the question of democracy behind for other considerations (Riaz, 2020). This has helped the incumbent pursue its agenda without any repercussions. The mutation of the hybrid regime into an authoritarian regime is also dependent on the role of the opposition, which thus far have failed to mount any effective resistance to the ruling party’s agenda. The opposition, particularly, the BNP, is wrecked due to the absence of a bold leadership; its organizational capacity has weakened, and it is acting rudderless. Its ability to reshape itself will have a bearing on the nation’s path forward.

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