



## **STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO BANGLADESH'S 2008 PARLIAMENTARY ELECTIONS**

*Dhaka, December 31, 2008*

This statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Bangladesh's December 29, 2008, parliamentary elections. The delegation visited Bangladesh from December 25 to December 31, 2008, and was deployed throughout the country.

The delegation was co-chaired by Howard B. Schaffer, former U.S. ambassador to Bangladesh, and the Honorable Audrey McLaughlin, former Member of Parliament and former leader of the New Democratic Party (Canada). The delegation leadership also included Larry Garber, former U.S. Agency for International Development (USAID) mission director for West Bank/Gaza, and Peter Manikas, senior associate and NDI's director for Asia programs. NDI fielded 60 credentialed observers, including long and short-term observers. The delegation consisted of political and civic leaders, regional and election experts, media specialists, and human rights activists from 20 countries in Africa, Asia, Australia, Europe, and North and South America.

The delegation's findings were informed by an NDI pre-election assessment mission that took place from November 16 through 19. A team of 20 NDI long-term observers have been monitoring the electoral process since November 20. Prior to the elections, the delegation met with representatives of political parties, civil society, domestic election monitoring groups, the caretaker government, and the Bangladesh Election Commission. On election day, the delegation visited more than 185 polling centers and 270 polling booths throughout the country.

The delegation's purpose was to demonstrate the international community's continued support for advancing the democratic process in Bangladesh and to provide an impartial assessment of the December 29 parliamentary elections. NDI conducted its activities in accordance with the laws of Bangladesh and the Declaration of Principles for International Election Observation.

*The delegation recognizes that it is still early in the post-election period, official results have not yet been announced, and election complaints and challenges still must be considered and resolved in accordance with the rule of law. The delegation, therefore, does not intend to render a complete or definitive assessment of the election process at this time. Indeed, it is the people of*

*Bangladesh who will determine the credibility of these elections and their significance for ongoing democratization processes. Further statements may be released in the post- election period.*

## **I. EXECUTIVE SUMMARY**

On December 29, the people of Bangladesh went to the polls for the first time since 2001 to elect the members of their national parliament. Throughout the country, people voted enthusiastically and in large numbers. With a few exceptions, the elections were well-administered and took place in a peaceful environment, resulting in a credible electoral process that met international standards. A population that has been governed under an emergency order for the past two years is eager for a return to elected government.

The election process benefitted from a series of reforms instituted by the Bangladesh Election Commission (BEC) during the past two years. More than 80 million Bangladeshis were registered to vote in a process that produced the most accurate voter list in the country's history. The development of a new, digitalized voters' list contributed significantly to the credibility and efficiency of the December 29 elections, despite occasional problems that emerged on election day when voters could not easily find their assigned polling station.

For the most part, election officials were well-trained and ensured that the balloting and counting processes were carried out properly, and that voters were able to cast their votes secretly. The delegation also commends the political parties' presence and the collegial interactions between the agents of the two major parties at most polling sites. Nationwide, turnout was high, with an estimated 80 percent turnout.

Elections are an essential aspect of democracy, but they are only a step toward developing transparent, responsive and accountable governance. With Bangladesh's history of political polarization and discord, a successful transition will require all of the nation's political parties to abandon the dysfunctional practices of the past. Active participation by all parties in the new parliament is critical to avoiding the winner-take-all approach to politics that has characterized the political process. We were encouraged by the pre-election comments of the leaders of both major parties, who committed their parties to ensuring that the opposition plays a meaningful role in parliament; these commitments included designation of opposition members as deputy speaker and as chair of several committees.

Unofficial results released by the BEC show that the Awami League (AL)-led Grand Alliance obtained 262 of the 299 contested seats, the Bangladesh National Party (BNP)-led Four Party Alliance garnered 32 seats, the Liberal Democratic Party won one seat and four independent candidates were elected. The country, however, remains politically polarized. The BNP has already indicated it may not accept the results of the election because of alleged electoral manipulation.

The BEC must review all electoral complaints in a serious and credible manner. However, the delegations' observations of all aspects of the electoral process support a conclusion that the December 29 election provided the Bangladeshi people with a meaningful opportunity to select their leaders. Still, the success of this democratization process will require that the AL confront directly the challenge of a dominant party with minimal parliamentary opposition.

## **II.ELECTORAL CONTEXT**

Since attaining independence in 1971, Bangladesh has spent almost one-half of its life under authoritarian rule. As a result, the nation has had little opportunity to develop mature democratic institutions. Between 1991 and 2001, the government peacefully changed hands three times; this is often considered the test for the consolidation of democracy. However, the nation has also experienced a high degree of political polarization, hartals (strikes called by political leaders), boycotts of parliament and widespread corruption for three decades.

In January 2007, a military-backed, caretaker government postponed elections scheduled for that month and adopted an Emergency Order banning political activity and restricting individual rights. Broad powers were granted to security forces to enforce the Emergency Order. These measures were apparently supported by many Bangladeshis who considered them necessary for restoring public order and avoiding widespread violence. However, Bangladeshi human rights groups, such as Odhikar, raised significant concerns about the due process rights of the thousands of political activists who were taken into custody and their treatment in prison.

The caretaker government also launched an ambitious reform program that included helping to develop an independent judiciary, civil service and election commission. It also initiated an anti-corruption program that resulted in the arrests and convictions of more than 100 high-ranking political party leaders and activists. Leaders of the two largest parties, Sheikh Hasina of the AL and Khaleda Zia of the BNP, both former prime ministers, were among those arrested during this period.

The Emergency Order was relaxed on December 12, permitting some political activity. However, it was not fully lifted until December 17, leaving a little less than two weeks to campaign. This limited time works to the disadvantage of smaller and new parties, as well as independents, which have more difficulty reaching or introducing themselves to the voters.

During the state of emergency, restrictions were placed on the media. These restrictions were relaxed in the weeks preceding the election, allowing candidates to effectively use the media in their campaign efforts. Unfortunately, a televised debate among the major party leaders was not held. However, both candidates addressed the people of Bangladesh through televised speeches.

The pre-election period was largely free of the level of violence that has plagued past elections.

However, isolated incidents of violence took place in the days before the election. These included clashes between opposing camps of party activists and attacks on motorcades.

Thirty-seven parties contested 299 seats in parliament (parliament has 300 seats, but the election in one constituency was postponed due to the death of a candidate). The final number of candidates totaled 1555, with 148 running as independents. Several new parties appeared as the election approached. These include one new alliance, the Jukto Front, consisting of five parties (Gono Forum, Bangladesh Kallyan Party, Bikolpo Dhara Bangladesh, Progressive Democratic Partym and the Forward Party). In addition, the Liberal Democratic Party and the Oikyaboddho Nagorik Andolon (ONA) contested elections for the first time. Nonetheless, despite developments of the past two years, including the formation of new parties, the political landscape is still dominated by the two major parties: the AL and BNP.

## **PRE-ELECTION OBSERVATIONS**

### **Election Administration**

The BEC accomplished several important achievements during the past two years. For example, it amended the electoral law to include: compulsory registration of parties and candidate disclosures; democratization of internal decision-making through regular party elections; transparency in finances and fundraising; and a 33 percent quota for women in all party decision-making bodies. In January 2008, the BEC completed the country's first comprehensive delimitation of constituencies since independence.

Two years ago, an NDI audit disclosed that the voters' list contained 12 million names in excess of the projected number of eligible voters. The BEC, with the assistance of the military, developed a new voters' list, which now includes photographs of all eligible voters. The improved voters' list was published on October 14 and included an estimated 23 million first-time voters, representing 31 percent of the electorate.

The BEC also successfully held City Corporation Elections in August 2008. These elections were held in four city corporations and nine municipalities and were primarily viewed as a test run for the December 29 polls. Civil society organizations and the political parties considered the elections to be credible and voter turnout was relatively high.

Both major parties alleged that the BEC did not always act neutrally in the run-up to the elections; specific concerns included decisions regarding delimitation and the designation of returning officers and other election officials. Nonetheless, public opinion surveys confirmed broad public confidence in the BEC. Based on the BEC's performance, the delegation believes this confidence is fully justified.

### **The Nomination Process**

Bangladesh's election law requires that an individual submit a 16-page form disclosing tax, asset, and income information to the BEC to be qualified as a candidate. The election law also provides that prospective candidates may be disqualified if they have been convicted of a serious crime and exhausted their appeals, or if they have defaulted on a loan or failed to pay a "telephone, gas, water or any other bill of any government service providing organization."

Prior to the elections, the BEC's returning officers (ROs) scrutinized approximately 2,500 nomination papers filed by candidates for 300 constituencies. Five hundred and fifty seven were rejected, at least 75 specifically for defaulting on their loans. Many candidates appealed their rejection and 119 were cleared by the BEC after their appeal hearings. Another 21 individuals who initially had their nomination rejected by the BEC had their rejections overturned by the High Court.

## **ELECTION DAY**

### **Voting Process**

Overall, voting on December 29 was orderly and peaceful at the vast majority of polling stations observed. Few reports of intimidation were reported. NDI observers reported several specific problems, including the challenges faced by prospective voters: a) in identifying their assigned polling station; and b) in having to rely on political party representatives to instruct voters on where to find their polling station and voter number. Because of the large number of new voters in this election, more extensive voter education would have been helpful. Additional minor election administration problems were identified by observers, including having an insufficient number of polling booths at some stations, resulting in lengthy waits to vote, the inadequate facilities where many polling sites were located, and the quality of the ballot paper which allowed ink to bleed through. However, observers saw no evidence of a pattern of infractions that would prejudice the elections.

Most observers noted that polling officials were well trained and professional. Candidate agents were present at all voting booths observed. Throughout the country, observers took notice of the collegial relationship between opposing candidate agents.

### **Counting of Votes**

The counting process proceeded without major incident in most places, although in some instances the count seemed disorganized. Votes were counted at polling stations immediately following the close of the polls, the results were provided to the candidate agents and observers, and, in most cases, the results were posted outside the polling station as required by law. However, several observers expressed concern about the process of transporting the results and associated materials from the polling center to the Returning Officers' office, as at times there was no pre-arranged transport and some ballot boxes were transported by hailing rickshaws.

## **Role of Security Forces on Election Day**

NDI's pre-election assessment statement expressed concern about the role the military and security forces play on election day. Prior to the elections, the military had been tasked with providing the BEC assistance with the voter registration process, specifically for logistical reasons. The BEC indicated that the military would not be present at polling stations, but would be available to respond to specific incidents.

The pre-election concern regarding military involvement on election day did not materialize. Police and other security forces were present and engaged in maintaining a calm voting environment at all visited polling stations. Observers reported that security personnel, including the military, behaved professionally and interfered only when necessary.

## **Participation of Women and Other Marginalized Groups**

Although women lead the two major parties, women are generally under-represented in the Bangladeshi electoral processes. However, for the first time more women have registered to vote than men. Still, only 50 of the 1555 candidates who contested the election were women: 16 candidates from the AL, 14 from BNP, four from Gono Forum, two from Jatiya Party, three from Biklapodhara Bangladesh, and one each from Bangladesh Samajtantrik Dal, JP-Manju, Krishak Sramik Janata League, National Awami Party, National People's Party, Jatiya Samajtanik Dal parties. In addition, seven candidates ran as independents. Ultimately, 18 women were elected to the parliament and they will be joined 45 women elected by parliament to fill reserved seats.

On election day, observers noted that the lines for women were much longer than those of men. The lines also seemed to be moving much more slowly. The delegation observed many Polling Officers were women, but encountered only a handful of female Presiding Officers.

In previous elections, marginalized groups, including Hindus, Ahamadias, and Urdu-speakers, were prevented from freely exercising their legal rights on election day and experienced post-election violence. In this election, marginalized groups were again underrepresented in the electoral process, but overall the delegation found very few instances of intimidation and no incidents of violence reported at the polling locations observed.

## **Domestic & International Election Observers**

Civil society organizations have monitored the electoral process from the early stages, including voter registration and the August 2008 City Corporation elections, conducted monthly public perception surveys, and implemented voter and civic education programs. The 32-member Election Working Group (EWG) deployed 181,000 observers on election day. The EWG plans on continuing its work beyond the election, promoting public dialogue on electoral reform as well as maintaining voter and civic education efforts. Domestic observers were seen at nearly all polling stations.

In addition to the National Democratic Institute and in collaboration with domestic groups, several international organizations also monitored the elections, including the European Union (EU), Commonwealth, International Republican Institute (IRI), Asian Network for Free Elections (ANFREL), and South Asian Association for Regional Cooperation (SAARC). These organizations shared information and avoided duplication of effort throughout the election period.

#### **IV. RECOMMENDATIONS**

The delegation offers the following recommendations in the spirit of international cooperation:

Election Commission:

- adjudicate complaints in a timely manner;
- provide continuous training to election officials to ensure the effective administration of elections;
- identify and incorporate options that will allow those involved in the election process to vote;
- improve the process by which voters identify their assigned polling station and find their voter identification number on the voters' list;
- review the code of conduct in consultation with the political parties to help ensure its effective enforcement.

The New Parliamentary Majority:

- review parliament's rules of procedure to strengthen mechanisms for accountability, such as question and answer periods and greater oversight by committees;
- implement the Awami League's commitment to name a deputy speaker and some committee chairs from the opposition;
- continue reform efforts to ensure the independence of the judiciary and the anti-corruption, election, and human rights commissions.

Opposition Parties:

- pursue their electoral challenges through the mechanism established by law, while taking their seats in the new parliament and playing the enhanced role offered by the parliamentary majority;
- discontinue the use of hartals and boycotts as a potential tactic and instead use parliament as the principal means for resolving disputes.

#### All Political Parties:

- continue efforts to reform the parties internally to make them more democratic and responsive organizations;
- support additional opportunities for greater substantive policy debate in future campaigns, through mechanisms such as candidate debates.

#### Military:

- support the democratization process while respecting civilian authority.

#### Civil Society and Media:

- monitor the performance of the various governing bodies.

#### Domestic Election Monitoring Organizations:

- maintain an active role in promoting electoral reform and strengthen capacity to monitor future elections.

## **V: THE DELEGATION AND ITS WORK**

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates, and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the final voters' register; the right to stand for election; the conduct of voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

The delegation arrived in Dhaka on December 25, and held meetings with Bangladeshi political and civil leaders, electoral authorities, domestic observers, and the international community in Dhaka. On December 27, 60 delegates were deployed in teams across Bangladesh. On election day, the teams observed voting and counting processes in more than 185 polling centers and 270

polling booths throughout the country. This short-term observation delegation was informed by a team of NDI's long-term observers who had been deployed throughout Bangladesh since November 20. NDI's short and long term delegations were citizens of 20 countries. Following the elections, the delegation members returned to Dhaka to share their findings and prepare this statement.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, and civic activists.

#### **NDI CONTACT INFORMATION**

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