

Parliament of Bangladesh

Boycotts, business, and change for the better



The Parliament of Bangladesh.
Photo: Inge Amundsen.

The monumental building of the Parliament of Bangladesh is retracted in a park in the heart of Dhaka, and gives the impression of a powerful institution. In constitutional terms, it is indeed powerful. Bangladesh is among a few developing countries with a parliamentary system; the president is a symbolic figure, and the prime minister and the government is dependent on a parliamentary majority.

In reality, however, the executive branch dominates politics in what has been called a “prime-ministerial” system with a parliament “seriously disadvantaged vis-à-vis the executive”. Real politics is made in the prime minister’s office, in the government, and in the ruling party. Besides, there has been an influx of businessmen into the parliament, and the opposition repeatedly boycotts it. Many improvements have been suggested, but the political will for reform is weak.

A VACILLATING HISTORY

After a short and brutal liberation war, Bangladesh gained independence from Pakistan in 1971. The first government was the democratically elected government of Sheikh Mujibur Rahman. However, he and most of his family was assassinated in 1975, and blaming his attempts to make Bangladesh a socialist one-party state, the military made its first coup. After a short civilian interregnum, another military government took over in

1982. During military rule, presidential rule was established, became entrenched, and the parliament did not wield any significant power.

Formal, multiparty democracy and the parliamentary system were restored with free and fair elections in 1991. Since then, the two parties Awami League (AL) and the Bangladesh Nationalist Party (BNP) have dominated politics, won every other election, and ruled one after the other.

The AL has been led by Sheikh Mujibur Rahman’s daughter, Sheikh Hasina, since 1981. She was the Prime Minister in the seventh Parliament (1996-2001) and also now in the ninth parliament (from 2009). The first military ruler, Ziaur Rahman (“Zia”) established the BNP and his widow Khaleda Zia has led it from 1981. She became prime minister in the fifth parliament (1991-1996), briefly in a contested and short government in 1996, and again in the eighth parliament (2001-2006).

CARETAKER GOVERNMENTS

When the military finally stepped down in 1990, Bangladesh adopted a system of caretaker governments. A caretaker government is usually one that rules temporarily, often following a war, but in some countries it is constitutional and operating in the interim period between the dissolution of parliament and the formation of a new government, with the sole mandate of holding the election.

In Bangladesh, the first caretaker governments were led by the last retired chief justice, and ruled for three months and stepped down when the new, elected prime minister took office. But, as political confrontations intensified, a military-controlled caretaker government was formed in 2007, and elections were postponed. It ruled for almost two years before it finally held the general elections in late 2008.

In mid-2011, the AL government abolished the system because it wants to organise the next elections with an independent Election Commission. But the BNP has rejected this and wants the caretaker system back.

PARLIAMENTARY WEAKNESSES

Despite many reform attempts by the last caretaker government, and despite some later improvements, the Parliament of Bangladesh is still weak. As with most Westminster-style parliamentary systems, the parliament is weak partly because of the lack of distinction between the executive and the legislative branches: the cabinet (government) is formed by MPs of the majority party, they retain their seats in parliament, and sometimes they serve as committee leaders.

In addition, the “first-past-the-post” (FPTP) electoral system gives a gravitation towards two distinct parties or party coalitions and gives a “ruling advantage” (the party that garners the most votes do not have to win an absolute majority), which results in large stable majority governments, at the price of a smaller opposition. In the eighth parliament the BNP-led Four Party Alliance won 47 per cent of votes and 72 per cent of seats, and now in the ninth parliament, the AL-led Grand Alliance won 57 per cent of the votes and 87 per cent of the seats. In both cases, the ruling advantage made the winner secure a two-thirds majority in parliament, including the ability to amend the constitution without the support of the opposition.

In addition, the Parliament of Bangladesh is weak because the position of the prime minister is constitutionally powerful (with many of the prerogatives of a president), because the executive is in control of the legislative agenda (including the budget process), and because there is inadequate debate on policy, legislation and budgets in the legislature. The parliament’s performance in these core functions and in scrutiny and oversight lags far behind international standards as well as citizen’s expectations.

Furthermore, government ministers are not obliged to answer questions, or to take action on the recommendations of the committees; very short time is allocated for questions, there are no mechanisms to protect the impartiality of the speaker, and there is a significant lack of resources for running the parliament secretariat, support functions, committees, and so on.

One particular weakness of the Parliament of Bangladesh is the existence of Article 70 of the Constitution. Article 70 prohibits floor-crossing, defined as voting against the party or abstaining from voting against the directive of the party. MPs have even interpreted this further, and restricted themselves from criticizing their own party in parliament.

Article 70 has been a contested issue for many years. Some have suggested removing it since it fundamentally restricts the freedom of the MPs and reduces their role in providing checks and balances on the executive. Others have cautioned that its complete removal may lead to government instability. According to our interviews, however, the majority of the MPs seem to be in favour of relaxing its stringent conditions.

A SIDELINED OPPOSITION

The opposition plays a fundamental role in any parliament. It is the ‘watchdog of the watchdog’, and it is particularly important in Westminster-style parliaments where the ruling party normally has a comfortable majority, where government ministers are present in parliament (and defending the government’s position) and sometimes even leading the committees. Therefore, the opposition has to play the balancing role; to question the government of the day, to scrutinise the executive, and hold it accountable.

Various procedures have been put in place in other Westminster-style parliaments to strengthen the opposition, but not so in Bangladesh. The opposition is granted earmarked resources and a recognised role and status, but there is no practice established of proportionally granting the opposition committee leaderships. And more importantly, Bangladesh does not adhere to the widespread practice of granting the opposition the chairmanship of the most important financial oversight committees, like the Public Accounts Committee. This has been the case in the UK for decades and is being consolidated in India. Currently, only two opposition BNP lawmakers are committee chairmen in Bangladesh, granted on ‘goodwill’.

Besides, the presentation of a complete alternative budget is a relatively new phenomenon in Bangladesh. The opposition BNP presented its alternative budget for 2011-2012, but did so outside of the parliament. More importantly, there is no ‘shadow government’. This semi-official ‘government-in-waiting’ is seen in many other countries,

where senior opposition leaders will 'shadow' the policies and actions of the corresponding cabinet ministers.

There is a very confrontational climate in Bangladeshi politics. On the one hand, the ruling party (no matter the party) has always used the incumbency advantage to the full, and tried to establish a hegemonic control over the political agenda and over the use of public resources. On the other hand, the opposition (no matter the party) have claimed to be marginalised and that parliamentary work is without purpose. The opposition has therefore repeatedly boycotted the parliament and taken to the streets.

BOYCOTTS AND HARTALS

The opposition has boycotted the parliament since the mid-1990s. The reasons given are that opposition parliamentary work is meaningless, mixed up with other political claims. Now for instance, the BNP argues that the government does not create "a congenial climate for a proper involvement of the opposition", and that it does not "withdraw corruption charges filed against opposition leader Khaleda Zia and her son".

The current opposition, the BNP-led Four Party Alliance, has boycotted the current parliament since its formation. That is, they participated in its inaugural session and in the formation of the standing committees, but started the boycott soon after. They boycotted 16 out of 39 plenary sittings of the first session, and the boycotts continue. In fact, the opposition lawmakers (no matter the party) have boycotted approximately half the sittings of parliament in the last 20 years.

In order to be seen and heard, the opposition retreats to other arenas. One of these is the 'hartals' that the opposition calls for. Hartals are a form of mass protest, which includes a shutdown of many workplaces, offices, shops, and schools; it includes public agitation and street manifestations, and sometimes civil disobedience. The opposition can muster millions of protesters throughout the country, and shut it down for a day or two.

REPRESENTING WHOM?

The Parliament of Bangladesh also has a democratic deficit in terms of representation. Not only is the opposition proportionally under-represented because of the electoral system, but the Parliament of Bangladesh does not reflect the country's social diversity very well.

In terms of gender, we have found that women remain the most under-represented group. Although women are nearly 50 per cent of the population and women leaders have headed the two major political parties for the last 30 years, the number of women directly elected to parliament has been painfully low. Less than 10 women (2 to 3 per cent) were directly elected to the three former parliaments, and today there are 19 (about 6 per cent).



Transport workers hold an anti-hartal demonstration, July 2011.

Photo: bdnews24.com

The issue of women's under-representation was recognised early on in Bangladesh. Therefore, the Constitution provided for a quota of 15 women's reserved seats, which was subsequently increased and now stands at 50. However, merely increasing the number of reserved seats does not ensure gender parity. Women's organisations have for a long time been demanding other measures such as direct elections for the women's reserved seats, women's quotas for party nominations, and quotas in the political parties.

In terms of ethnic and religious minorities, the ethnic minority Adivasis (a tribal minority in Chittagong Hill Tracts and Mymensingh) are represented proportionate to their population size. The Hindus, however, constitute nearly 10 per cent of the population but have been consistently under-represented. The number of Hindu MPs has increased to 10, but this is still only 3 per cent.

In terms of representing the resource poor, the Parliament of Bangladesh is no exception to the global norm. The MPs are not numerically reflecting the 30 per cent of the population living below the national poverty line, although the MPs may be representing their view as their elected constituency representatives. Increasingly, it is the urban based, educated, and wealthy people who are getting elected to parliament.

Indeed, MPs do give high priority to the interests of their constituencies. In fact, both the election system (with majority elections in one-man constituencies) and the new provision that MPs are allocated BDT 30 million (about USD 365,000) per year for 'development work' in their constituencies, make the constituencies their central concern to such an extent that their concerns for national policies and priorities, and for principles of accountability and checks and balances, comes later, if at all.

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THE INFUX OF BUSINESSMEN

We have found that when in the 1970s less than 30 per cent of the MPs were businessmen or industrialists, they increased their share to more than 50 per cent in the fifth and eighth parliaments, and they now stand at 56 per cent. This latter point is of increasing concern among observers and intellectuals. The expenses associated with running election campaigns have been rising prohibitively in Bangladesh, as in most countries, pushing people with fewer means out of the competition. People with money are progressively getting party nomination and the parliament is becoming a rich men's club.

One problem with the influx of businessmen is that many of them are newcomers with no experience in parliamentary work. Besides, their influx may indicate that political positions are up for sale. One observer said, "you can now buy yourself a MP nomination the same way as you buy an air ticket to Singapore: pay up and off you go!"

The businessmen are accused of seeking position not in order to promote a better business climate or otherwise promote the collective interests of the business sector. We have not found any evidence that they have advanced initiatives in this direction. Instead, they seem to be in parliament to protect and expand their private businesses. They are accused of wanting access to government contracts and protection, and we have seen more conflicts of interest.

CHANGE FOR THE BETTER

Over the years, many parliamentary reform measures have been forwarded, but no significant changes have been made to the current system, as the political will to make reforms is missing. Various international donors have supported parliamentary strengthening projects, but some have recently pulled out because of a lack of political backing and a lack of progress. Nevertheless, there are a number of individuals and organisations still pushing for reform, and many of the reform ideas are indeed relevant.

One of the reforms tabled is to secure the neutrality of the Speaker. For instance, the Speaker can resign from the party or the Speaker can be elected on the basis of an all-party consultation. Another is to make the committee proceedings more transparent and open to the public, and the committees can be

provided with more research and technical help. In the appointment of MPs to committees, possible conflicts of interest can be screened out beforehand. The Parliament Secretariat can be made more autonomous with its own guaranteed and more professional staff and less frequent job rotation.

Another reform suggestion is to increase women's representation and the quality of women's representation. Direct elections for the reserved seats and women's quotas within the political parties can be effective. Affirmative measures to increase the representation of religious minorities and the poor can also be made.

More importantly, Article 70 should be amended to relax the strict party control on the MPs, so that they can express their views more freely. For instance, MPs can be allowed to vote against his/her party except in no-confidence voting.

Furthermore, measures should be taken to penalise the practice of parliament boycott. A variety of measures ranging from cuts in salaries, allowances and privileges to loss of seats should be considered.

Most importantly, measures should be taken to engage and strengthen the opposition. For instance, key financial committees such as the Public Account Committee should be chaired by opposition members, as is the custom in UK and India. "Opposition days" in parliament can be introduced following the UK model where the opposition can raise questions. The speaker should consult with the leader of the opposition in setting the agenda of the parliament. The opposition should establish a "shadow government", and present an alternative budget – in parliament.

However, before such reforms of the internal parliamentary structures and processes can be addressed, there must be a general agreement on the basic rules and procedures. For instance, as the dispute over a caretaker government or an election commission demonstrates, there is not even an agreement on how to ensure free and fair elections. Thus, there is (again) no agreement on the "basic rules of the game", and this can possibly lead to a crisis and potential system breakdown.