



Commonwealth Observer Group Bangladesh Parliamentary Elections 29 December 2008

INTERIM STATEMENT

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Credible elections meet most key democratic benchmarks

A crucial step in the continuing effort to strengthen democracy and improve governance in the country

The 29 December Parliamentary Elections have been of crucial importance for Bangladesh and are an integral element in the on-going efforts to improve democratic governance in the country. As a result of the elections, democratic life in the country can be resumed and the parliament re-constituted, nearly 2 years after the imposition of the State of Emergency.

The Commonwealth has closely followed developments in Bangladesh and was pleased to receive an invitation from the Foreign Affairs Adviser to observe the elections. The decision to deploy this Observer Group was taken once it was confirmed the State of Emergency would be fully lifted, allowing at least for the conduct of the election campaign and polling under the normal conditions and the regular legal framework.

The Commonwealth Observer Group has been present in the country since 22 December. We have met with a range of stakeholders, including the Chief Adviser, the Election Commission, political parties, civil society, media and other observer groups. For the voting and counting processes Commonwealth Observers were present in all six Divisions of the country, and we have also co-operated closely with other observers, both national and international, building up a comprehensive picture on the conduct of the electoral process.

Key Findings

- The 29 December elections in Bangladesh for the 9th Parliament have been competitive and inclusive, with many of the basic rights and freedoms provided, once the State of Emergency had been fully lifted.
- Whilst some of the decisions and reforms instituted by the Caretaker Government and Election Commission may have proved unpopular with one party or another, and whilst some aspects do represent a more heavily regulated environment and framework, we feel the intention and outcome have been to achieve as credible an election as possible in an extremely polarized political environment.
- To this point in the process the Observer Group found that the election has been credible and met many of the benchmarks for democratic elections to which Bangladesh has committed itself. Particular mention must be given to the major effort involved in the successful registration of voters.

The significantly improved voter list increased public and political confidence in the process and ensured that universal suffrage was largely provided for.

- The legal framework provided the basic conditions for genuine elections, such as the right of political parties and candidates to participate, provision of basic campaign freedoms and improved conditions for equal suffrage by the recent delimitation of 133 of the 300 constituencies.
- The State of Emergency did impact negatively on the environment in the build-up to the election, limiting basic rights and freedoms, including the ability of parties and individuals to associate freely and placing limitations on freedom of expression.
- During the campaign there were reports of some clashes between party activists, particularly in the build-up to election day, though thankfully these were of a limited and isolated nature.
- On the day of the election Commonwealth Observers reported from all six divisions. Whilst incidents were reported in some areas and some complaints filed with the Election Commission, overall Observers found people peacefully turned out to vote in extremely large numbers, the right to vote was provided for and people were free to express their will and cast a vote in secret. The tabulation and results processes were transparent, particularly as candidate agents could receive a certified copy of the result at the Polling Centre and individual Centre results were publicly posted at the site.

Comments on the Process

For the purpose of these parliamentary elections, a number of reforms were undertaken to the Representation of the People Order (RPO) and a fairly strict Code of Conduct for Parties and Candidates was introduced. In addition the Election Commission and its Secretariat were reconstituted and a comprehensive voter registration process was undertaken and successfully completed.

The registration of some 81 million eligible voters for this election, with photographs, in the relatively limited time available was a phenomenal effort. Discontent with the previous voter list was a major point of grievance in 2006. This grievance has now been addressed, resulting in greater public and political confidence in the process and providing key safeguards for the voting process. It is unfortunate that persons turning 18 in the last year were not able to be included on the list, but at least the register can now be regularly updated maintaining a high quality register of voters for future elections.

For the first time political parties had to be registered for the election. The criteria for registration were reasonable, and 39 parties were actually registered. All of the main political forces in the country contested the election, making it an inclusive and competitive poll.

The right to stand in the election is provided for, and over 1,500 candidates contested the polls. However, the nomination and registration of candidates for the election has been problematic. Under the revised RPO candidates who are, among other things, loan defaulters, persons accused of corruption, guilty of a serious crime with a sentence of two years or more or in an 'office of profit' were ineligible. However, a number of such prospective candidates did come forward and a number of court decisions effectively overturned these limitations in the RPO.

One report estimated that over 100 persons accused of corruption or murder contested the election, which is incongruous with the law as it stands, the spirit of the reform process and also good governance principles. In addition, the last minute timing of some of these court decisions caused the Election Commission a severe administrative problem as it required the reprinting of over 2 million ballots and caused political tensions within parties and alliances over possible re-allocation of the party symbol.

According to reported figures, women represent some 51% of the 81 million registered voters. However, despite the presence of a woman leading each of the 2 largest parties, women represented just 3% of the total number of candidates contesting the election. Results show that there was a notable increase in the number of women winning seats, which is a positive indicator. However, women remain largely absent or a distinct minority in senior positions in the Caretaker Government, Judiciary and election administration.

The Code of Conduct for Parties and Candidates provided for a more highly regulated environment. Many have claimed this resulted in a calmer and more manageable campaign than previously and helped keep

campaign expenditure to more modest proportions. Whilst the Code was not entirely enforced, with the Election Commission deciding instead to issue warnings in some instances, and whilst some incidents of violence were reported, the campaign generally passed off calmly and the basic freedoms of assembly, expression and movement were provided for.

The revisions to the RPO and the introduction of the Code of Conduct were rigorous reforms. Collectively these changes were an attempt, and an aspiration, to re-shape the electoral environment in terms of creating a more independent election management body, somewhat re-defining who can participate as a candidate and establishing the parameters for the conduct of the campaign.

However, there appears to have been a lack of time and capacity to fully implement them on this occasion, and later court decisions have somewhat reversed some aspects of the reforms. The in-coming parliament has to consider the large number of ordinances passed by the Caretaker Government. Included in these will be the various electoral reforms, so at that stage it will become clearer as to what extent such progressive reforms are maintained or not.

On the day of the election, Commonwealth Observers reported that voters turned out in significant numbers in a largely peaceful environment. The security presence was heavy in most areas, but found to be helpful. Polling staff worked extremely hard and diligently to properly administer the process and the necessary materials were all in place. The high level of illiteracy represented a challenge for poll staff and voters alike. Candidate Agents and domestic observers were present in most of the polling centres visited.

It is unfortunate that the system for organizing names on the voter list necessitated the use of ID cards and party 'information' desks outside polling centres, neither of which are foreseen in the law, in order to facilitate the process. Also the postal vote facility was unfortunately not adequately implemented or utilized, resulting in hundreds of thousands of persons, including poll workers de facto losing the ability to vote.

We have heard that some complaints have been lodged with the Election Commission on individual incidents and also that there were some isolated clashes on election day. However, overall, observers have found the voting process was well conducted, with voters appearing to be free to express their will by a secret ballot.

The count at the polling centres was generally well conducted and transparent. Importantly in the instances we observed, agents were able to receive a copy of the certified result and the result was posted at the Centre. The tabulation process proceeded quite quickly and was also conducted transparently with preliminary results being reported by the media as well as the various levels of election administration.

Conclusion

The elections have been credible, meeting many of the key benchmarks for democratic elections, and represent a crucial step in the continuing effort to strengthen democracy and improve governance in the country. It is a time for leaders on all sides to grasp this opportunity and display statesmanship, with political forces, whether they are a future government or opposition, working in a spirit of mutual respect and co-operation to address the challenges facing the country.

The final stages of the process are on-going, with complaints and appeals yet to be fully dealt with, results to be completely finalized and at least one by-election to be held. Where the results or process are contested in any Constituency then the stipulated procedures for investigation and adjudication need to be followed. The Commonwealth team will continue to monitor the process, checking on the response to the results and the post-election environment.

The Commonwealth Observer Group will issue a final detailed report on the overall process including recommendations for changes to the process. This will be issued in approximately two weeks time.

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