

Caretaking Democracy

Political Process in Bangladesh, 2006–08

Sreeradha Datta



Institute for Defence Studies and Analyses, New Delhi

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to

Ma and Baba

with love and admiration

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Sreeradha Datta

...in the end, it was the army which capitulated and folded its hands. Ultimately, the army decided that it was neither prepared to counter the country-wide demonstrations that would doubtless have resulted from keeping the two leaders incarcerated, nor was there much support within the cantonment for a full military takeover if the political parties continued to refuse to go along. (So) when push came to shove, the army did not really have too many options but to release (Sheikh) Hasina and Khaleda (Zia) and to start the long and painful process of unravelling all that had been wrought in the previous year and a half in an effort to bring both parties to the table.

– Zafar Sobhan, 2008¹

Fragile! This aptly sums up the status of democracy in Bangladesh. The fact that elections to the *Jatiya Sangsad* (Parliament) due in January 2007 were delayed by almost two years underscores the serious and inherent problems facing Bangladesh—a young nation, just into its thirty-seventh year. During this time, not only did the electoral process remain suspended, but the country also remained in a state of internal emergency. Power has oscillated between the Awami League and the Bangladesh Nationalist Party (BNP) following the introduction of multi-party elections in February 1991, but even this has failed to move Bangladesh towards being a fully functional democracy. The introduction of a caretaker arrangement in 1996 strengthened electoral democracy in Bangladesh to some extent, but proved inadequate when the tenure of the four-party coalition headed by Prime Minister

¹ Zafar Sobhan, 'Back to square one', *Economic and Political Weekly*, vol. 43(39) 27 September 2008, pp.8-9.

Khaleda Zia came to an end in October 2006, and the country almost plunged into civil war.

Until elections to the Ninth *Jatiya Sangsad* were held on 29 December 2008, Bangladesh remained under a caretaker arrangement. For the first ten weeks after the coalition government completed its term President Iajuddin Ahmed concurrently headed the Caretaker Government as Chief Adviser. His inability to introduce electoral reforms as demanded by the opposition group further intensified the prevailing political tension. With the election date drawing close, the Awami League-led opposition was out in the streets in full strength leading to the outbreak of countrywide protests.

A modicum of political stability in Bangladesh was, however, restored on 11 January 2007 when the noted economist Fakhruddin Ahmed was appointed as head of the Second Caretaker Government (CG).² Under his leadership, Bangladesh navigated through its worst political crisis since 1991 and held free and fair elections in December 2008 (Annexure 1).

The period between January 2007 and December 2008 proved to be critical for democracy in Bangladesh. The 23-month tenure of the CG far exceeded the 90-day limit mandated by the constitution. The constitutional propriety of a number of measures taken by the CG remains uncertain. Many of its ordinances were not ratified by the Ninth *Jatiya Sangsad* within the stipulated 30 days after it was constituted and hence their legality is questionable. Moreover, for the entire duration of the CG, Bangladesh remained under internal emergency with most fundamental rights suspended. There were severe restrictions upon political activities and the media remained censored. A number of prominent politicians, bureaucrats and members of the business community remained incarcerated. Despite these drawbacks, the CG headed by Fakhruddin introduced a number of political reforms, far reaching anti-corruption measures and strengthened key institutions in the country.

2 Unless otherwise mentioned, CG refers to the arrangement headed by Fakhruddin Ahmed as Chief Adviser between 12 January 2007 and 6 January 2009 when Sheikh Hasina took over as Prime Minister.

In pursuing its reform agenda, the CG enjoyed the unqualified support of the military. Normally such an active collaboration between the military and an unelected government would have been domestically unpopular. Internationally it would have led to condemnation and isolation of Bangladesh. This did not happen. Though unable to endorse the prolonged delay in holding elections, the international community did not isolate Dhaka over its transgression of democracy. Their faith in the CG was vindicated when the elections to the Ninth *Jatiya Sangsad* were held on 29 December 2008 [Annexure 2]. The elections were free, fair and transparent and enjoyed universal approval and endorsement. The tenure of the CG ended when the 14-party coalition headed by Sheikh Hasina secured a landslide victory to form the government on 6 January 2009.

The CG headed by Fakhruddin posed a number of challenges for Bangladesh. First and foremost, its prolongation and extra-constitutional functioning were inevitable. In the past, political parties driven by bitter personal rivalry, often paralysed the *Jatiya Sangsad*. Much of the opposition activities were conducted outside the parliament. On its part, the government of the day treated the opposition as enemies. Over the years principal institutions such as the Election Commission and the Judiciary had been politicised, manipulated and denuded of their credibility. Democracy in Bangladesh urgently needed a course correction and hence the Bangladeshi public tacitly accepted the large-scale suspension of fundamental rights. For a country used to frequent street protests and stoppage of work, *hartal* (strike) politics took a long holiday and Bangladesh largely remained free of political violence.

Unlike in the past the army showed a greater degree of maturity. It was aware of public anger and their disappointment with political leaders as well as the unpopularity of direct intervention. While the country needed far reaching reforms, the army viewed itself as the instrument of change. However, rather than taking over the reins of power, it settled for a lesser role. Resolutely supporting the reform agenda of the technocrat-led government, the army resisted the temptation of direct action. Despite some expectations and not so subtle suggestions, the men in uniform avoided active intervention and settled for wielding influence from behind the scenes. For its part the CG was conscious

that its survival and reform plans rested on the unqualified support of the military. Thus, the Chief Adviser Fakhruddin Ahmed and Chief of Army Staff Moeen Uddin Ahmed worked in tandem throughout the 23-month tenure.

The prolongation of the CG beyond its mandated tenure underscored the urgency for political reforms in Bangladesh. A caretaker government should be a temporary arrangement. It has been widely recognised that the failure of Bangladeshi leaders to reform and democratise the polity would result in undemocratic tendencies in the long run. Absence of any far reaching systemic changes within the polity is an invitation for military intervention and the next time round the army might be more ambitious than during the tenure of this CG.

Against this backdrop, this study reviews and analyses the functioning of the CG which governed Bangladesh for 23 months. It seeks answers to questions that dominated political discourse on Bangladesh from late 2006 till the elections were held in end December 2008.

- What were the factors which contributed to the CG functioning as an extra-constitutional body?
- How did the army contribute to the prolongation of the CG?
- What were the contours of political reforms initiated by the CG and their impact on democracy in Bangladesh?
- How far was the CG successful in pursuing its reforms agenda?
- How did the CG affect and influence bilateral relations?
- What lessons can be learnt by Bangladesh from the events during these 23 months?

The following chapter provides a broad overview of the events running up to the formation of the Fakhruddin Ahmed-led CG in January 2007. The third chapter deals with various actions taken by the CG towards reforming the political system and their impact. The fourth chapter examines the role played by the army in the functioning of the CG and the centrality of its support in the success of the unelected government. This is followed by a survey of the Bangladeshi economy

during this period and the measures taken by the CG in addressing the many economic challenges facing the county. The sixth chapter deals with the status of Indo-Bangladeshi relations during this period and the emerging trends. The final chapter offers a prognosis on democracy in Bangladesh vis-à-vis the CG experience.

The October Crisis

2

A crisis is an opportunity riding the dangerous wind.

— Chinese Proverb

On 26 October 2006 Prime Minister Khaleda Zia demitted office. Neither the government nor the principal opposition party could agree on a candidate for the position of Chief Adviser to the neutral administration which would conduct elections to the Ninth *Jatiya Sangsad*. It was apparent that the government and the opposition had unbridgeable differences over a number of key issues concerning elections and neither side was prepared to compromise.

While in office, through a host of political and blatantly partisan moves, Khaleda had undermined the office of the Caretaker Government and jeopardised its neutrality. Moreover the impartiality of the Election Commission to fulfil its constitutional obligations continued to be in question. As a result, the resignation of Khaleda was not followed by the inauguration of a Caretaker Government.¹ President Iajuddin Ahmed queered the pitch when he chose to join the fray. Without adequately exploring various options enshrined in the Constitution, he concurrently appointed himself as Chief Adviser to the Caretaker Government. A single individual concurrently holding two Constitutional positions led to weeks of political chaos, public protests and an impending civil war situation. This continued until the formation of the second CG headed by Fakhruddin Ahmed on 12 January 2007.

The chaotic ten weeks between November and early January were the result of excessive politicisation of various institutions in the country which undermined their effectiveness and authority. They failed to intervene when they were required most. The political uncertainty also underscored the serious and fundamental crises facing democracy in

¹ For a discussion on the office of the Caretaker Government see, Mahfuzul H. Choudhury, *Civil society and political party process in Bangladesh* in Mizam R. Khan and Mohammad Humayun Kabir (ed.) *Civil Society and Democracy in Bangladesh*, Academic Press, 2002, Dhaka, pp.33-71.

Bangladesh. If one were to identify the primary players whose failures and short-sightedness were primarily responsible for the ten-week long crisis in Bangladesh, they would be—the Prime Minister, Election Commissioner and the President.

Prime Minister

When a prime minister demits office upon completion of the five-year term, the Bangladeshi constitution calls for the appointment of a caretaker government. The 13th amendment to the Constitution approved by the Sixth *Jatiya Sangsad* on 26 March 1996 lays down the formation of a neutral caretaker government to supervise and conduct free and fair elections to the *Jatiya Sangsad*. This non-elected government must be formed within 15 days of dissolution of the *Jatiya Sangsad* and designates the last retired Chief Justice of the Supreme Court as its head. This arrangement worked effectively in 1996 and 2001. In an apparent bid to influence this procedure, in May 2004 the Khaleda government suddenly increased the retirement age of Supreme Court judges from 65 to 67. This two-year extension meant that Justice KM Hasan would be the last retired Chief Justice when the Khaleda-led government completed its term in October 2006,² thus qualifying him as Chief Adviser of the caretaker government. This led to the opposition accusing the government of partisanship, politicising and compromising the neutrality of the caretaker government. They feared that under Justice Hasan the elections could be manipulated in favour of the BNP-led coalition. Despite opposition to Hasan's possible candidacy, Khaleda remained adamant and was not prepared for a compromise candidate acceptable to all the parties. The stalemate eventually precipitated into a political crisis as Khaleda's term came to an end.

Furthermore, Prime Minister Khaleda Zia took a number of measures explicitly aimed at shoring up the ruling party's chances in the 2007 *Jatiya Sangsad* elections which undermined the electoral process. From 2005 onwards around 700 members of the BNP and its coalition supporters

2 The 14th amendment adopted on 16 May 2004 extended the tenure of Chief Justice Syed J.R. Mudassir Hussain till 28 February 2007. Consequently K.M. Hasan became eligible to head the Caretaker Government in October 2006.

were recruited as election officers at district and *upazilla* (sub-district) levels.³ Secondly the government succeeded in manipulating a pliant Justice MA Aziz who became Chief Election Commissioner (CEC) in May 2005, on a number of critical issues concerning elections. Khaleda also prevailed over the Election Commission (EC) on other issues such as bogus voters, electoral reforms and election dates. In January 2006, less than a year before the *Jatiya Sangsad* elections, Mahfuzur Rahman and SM Zakaria, who were widely known as BNP loyalists, were appointed as commissioners of the EC.⁴

Khaleda also severely undermined the judiciary. At one level, despite a 1999 Supreme Court directive, she kept the judiciary under executive control. Disregarding a High Court order to the contrary, Khaleda enabled CEC Aziz to publish a voter list which was patently inaccurate. Even after she demitted office, Khaleda managed to retain her influence over the EC and prevailed over the CEC to announce election dates, despite public tension and uproar.

As her tenure was coming to a close Khaleda had serious differences with the opposition over elections and electoral reforms. Citing a faulty voter list and accusing the EC of partisanship, the Awami-led opposition demanded a suitable atmosphere for elections. Amongst others, they demanded foolproof identity cards and transparent ballot boxes as a pre-condition for their participation. In a last minute effort Khaleda initiated a dialogue with the opposition which however collapsed even before it began.

At a much wider political level, the government also impeded the functioning of the opposition. Some of these developments include:

- Preventing opposition members from raising important issues in parliament.

3 'Corruption, nepotism dog civil service recruitments: Insiders blame political intervention', *New Age*, 27 November 2005. Sreeradha Datta, 'Bangladesh amidst constitutional crises', in S.D. Muni (ed.), *IDSIA Asian Strategic Review 2007*, Academic Foundation, 2008, New Delhi, pp. 107-08.

4 They were appointed by the EC Secretariat which is directly under the Prime Minister's Office.

- Inordinate delays in the formation of parliamentary standing committees overseeing various ministries.
- Refusal to discuss the arrest of various members of parliament during protests and agitations.
- Disregarding concerns of the opposition over critical issues such as deteriorating law and order situation, corruption, unemployment, price rise, among others.
- Failure to control religious extremism which was on the upswing.⁵

Above all, Khaleda contributed to the widespread impression both within and outside the country that the government was in league with Islamic militants. Far from acknowledging that these problems existed she was largely in a denial mode for the greater part of her tenure.⁶ Various official investigations were incomplete, ineffective or did not result in any follow-up action. Even the assassination attempt on Hasina (August 2004), assassination of senior Awami leader SMS Kibria (January 2005) and nationwide bomb blasts (August 2005) did not propel the government into action.

At one level the Khaleda government failed to restore law and order and by her non-governance undermined democracy. At the same time she also subverted key institutions through political manipulation and partisan decisions. Hence, political tension and chaos in Bangladesh in October 2006 were largely the result of Khaleda's acts of omission and commission.

The Awami League also shares some of the blame. Following her electoral debacle in October 2001, Sheikh Hasina periodically resorted to boycott of the *Jatiya Sangsad* and various other extra-parliamentary protests. On numerous occasions the opposition prevented the smooth functioning of the Parliament. At one point

5 'Udichi again:33 major blast since 1999', *The Daily Star*, 9 December 2005, at www.thedailystar.net/2005/12/09/index.htm, accessed on 18 February 2009.

6 Between 1999 and December 2005 Bangladesh witnessed over thirty major bomb blasts and most of these were attributed to militant groups or individuals. For a detailed discussion see, Sreeradha Datta, 'Islamic Militancy in Bangladesh', *South Asia: Journal of South Asian Studies*, Vol. 30, (1) April 2007, pp.167-8.

the Awami League boycotted the *Jatiya Sangsad* for 13 months. They finally returned to parliament in February 2006 to place before it a 31 point reform proposal. Despite Khaleda Zia's assurance, very little was achieved other than the two sides exchanging eight letters over a period of six weeks about forming a committee on electoral reforms. The subsequent discussions between the Mannan Bhuiyan, Secretary General of the BNP and Secretary General Abdul Jalil of the Awami League also came to naught. The inability to engage in political dialogue primarily arose from *Mobajote's* (14 party opposition alliance led by Awami League) refusal to sit with *Jama'at-i-Islami* (*Jama'at*) members on the committee. With the EC announcing election dates in September, and in the absence of political dialogue, the opposition announced a 23 point common minimum programme and resorted to street agitation leading to violence and further hardening of positions on both sides.

Some critics have cited Khaleda's refusal to discuss the opposition's reform proposals in *Jatiya Sangsad* as another deliberate ploy to scuttle the opposition's demands.⁷ At the same time the opposition diluted its position by including petty demands that included removal of Khaleda Zia's photographs, which digressed from the real issue of electoral reforms. It also dithered over participating in the elections and created further confusion within their parties. The Memorandum of Understanding (MoU) signed by the Awami League with *Khilafat-e-Majlis*, a radical religious group, created serious dissension within the *Mabajote*. While in the past, the Awami League had enjoyed the support of the *Jama'at*, its endeavour to woo the Islamic block by choosing to sign an MoU with the little known *Khilafat-e-Majlis* did not go down well with its allies. This agreement was signed a month prior to the cancelled Ninth *Jatiya Sangsad* elections in December 2006. Mufti Shahidul Islam, the founder of Al-Markazul Islami was able to extract a promise from the Awami League to introduce the blasphemy law upon the alliance winning the elections. The five point agreement with *Khilafat* amongst others gave *moulanas* (Islamic religious leaders) the right to issue *fatwa* (legal pronouncement on a specific matter issued by the Islamic clergy)

7 Syed Badiuzzaman, 'Settle political disputes in parliament, not on streets', *New Age*, 26 April 2008 at <http://www.newagebd.com/2006/apr/26/oped.html>, accessed on 10 April 2009.

as well as the acceptance of prophethood which virtually meant accepting that *Abmediyas* (the followers of Mirza Ghulam Ahmad who founded a sect in 1889 which branched out of Shia Islam) are non-Muslims. Although in the face of severe criticism, especially from her own party, Hasina was forced to terminate the agreement, but this action of her's created sharp fissures within the opposition alliance members. At the same time the rigid stance taken by Khaleda and her allies further aggravated political tensions.

Ironically, the EC worked in tandem with Prime Minister Khaleda, which precipitated the political crisis.

Election Commission

A large number of issues which contributed to the October crisis can be directly traced to the Election Commission especially its chief, Aziz. Since his appointment in May 2005 he presided over a number of controversial decisions which resulted in a political stalemate.

- He endorsed the government's decision to appoint party members and supporters as district level election officers. In January 2006 Aziz ordered the preparation of a fresh voter list without consulting other EC members. This move ran counter to the High Court ruling of 2000 which recommended only a revision of the voter list.
- There were large scale discrepancies in the 'draft voters list' published on 3 May 2006. The estimates of fake votes varied from 120,000 to as high as 13 million. It was also alleged that the draft electoral roll published by Aziz missed out around six to seven million genuine voters.⁸
- Two of the EC members Munsef Ali and AK Mohammed Ali were critical of Aziz. In order to outmanoeuvre the two, Aziz expanded the Commission in August 2005 by incorporating two BNP loyalists, Mahfuz and Zakaria as Election Commissioners.

Even when President Iajuddin took over as Chief Adviser (CA) in October 2006, Aziz did not desist from making controversial decisions.

⁸ 'No record of punishment for fake voter enlistment', *New Age*, 21 May 2006 at <http://www.newagebd.com/2006/may/21/front.html>, accessed on 18 February 2009.

Amidst the political uncertainties, on 22 November he declared that elections would be held on 22 January 2007. This intensified widespread opposition and protests. While the major opposition parties refused to participate, civil society also joined the agitation. The Dhaka Metropolitan Owners Association announced a boycott and declared that its members would not supply vegetables, groceries, bread and laundry services to Aziz and his family.⁹ It was only after widespread political protest and threats of social boycott that on 27 November, Aziz was forced to go on long leave. A couple of days later the President, who was still holding the post of Chief Adviser, reconstituted the EC.

The most crucial and immediate responsibility for the October crisis however rested on President Iajuddin Ahmed.

President

The immediate provocation for the October crisis undoubtedly came from the President. The manner in which he appointed himself Chief Adviser to the Caretaker Government led to a major crisis of confidence. According to article 58 (c) the president is empowered to appoint 'retired chief justices of Bangladesh (who) retired last'. If this was not possible he could appoint 'the chief justices of Bangladesh retired next before the last retired chief justice or retired judges of the Appellate Division who retired last or retired judges of the Appellate Division retired next before the last such retired judge'. If these options are not available or not feasible then the President could 'after consultation, as far as practicable, with the major political parties, appoint the Chief Adviser from among citizens of Bangladesh'. If none of these alternatives are available under extreme circumstances 'the President shall assume the functions of the Chief Adviser of the Non-Party Caretaker Government in addition to his own functions under the Constitution'. In short, the President could concurrently become head of the Caretaker Government only under exceptional circumstances and also if all other alternatives had been exhausted.

For reasons still unknown President Iajuddin did not follow the procedure set by the Constitution. As mentioned earlier the BNP had

⁹ 'Shop owners won't sell to Aziz, family', *The Daily Star*, 15 November 2006.

banked on Justice KM Hasan, becoming the Chief Adviser upon the resignation of Prime Minister Khaleda Zia. The opposition objected to Hasan's appointment on two grounds; one, he was a former functionary of the BNP and two, Khaleda had shamelessly manipulated to ensure his selection as Chief Adviser of the Caretaker Government by arbitrarily increasing the retirement age of judges in the Supreme Court. This led to strong differences between the government and opposition. While Khaleda was adamant on the candidacy of Hasan, the Awami-led opposition suggested a couple of former judges of the Supreme Court. Although at the last moment Hasan bowed to popular discontent and made himself 'unavailable', the President did not actively try to redress the obvious anomaly in the situation. Thus instead of seeking a compromise solution, President Iajuddin Ahmed found an opportunity in the impasse. Without exploring other alternatives suggested by the constitution, especially for popular non-political figures, President Iajuddin assumed the office of Chief Adviser to the Caretaker Government on 29 October. Two days later he appointed a ten member team of technocrats.

This arrangement did not address the real problem. The opposition which initially took a wait and watch approach soon developed misgivings over the neutrality of the Iajuddin-led administration. They demanded the redressal of a number of partisan measures taken by Khaleda. The opposition soon accused the President-cum-Chief Adviser of merely pursuing the policies of the BNP government instead of acting as a neutral administrator. Meanwhile the CEC announced the dates for the election despite continuing public protest over the current situation. President Iajuddin's refusal to remove the controversial CEC raised doubts over the credibility of the scheduled elections. Moreover, the President did not exercise the powers granted by the constitution to refer to the Supreme Court for an opinion if he felt 'a question of law has arisen or likely to arise, which is of such a nature and of such a public importance' (Article 106). This could have provided a way out for the President to delay the elections in the light of widespread opposition.

The brief deployment of the army on 12 November did not go down well with sections within the government. The media reported serious

differences and disagreements between the President and his advisers.¹⁰ Around the same time there were external pressures and warnings over the manner in which Iajuddin was handling the situation. As has been aptly described ‘money, muscle and misuse of authority—the three Ms—were working to win an election’.¹¹ These developments reached a climax on 7 January when the Awami-led 18 party opposition announced their decision to boycott the elections slated for 22 January 2007. This not only exposed the complete isolation of the BNP-led alliance but also brought home the facade that was being orchestrated by Iajuddin Ahmed.

Matters escalated when four government advisers resigned in protest. Soon opposition groups were clashing on the streets and over 25 people were killed in the ensuing violence—Bangladesh was on the verge of civil war.

Meanwhile from the early days of January 2007 the Awami League increased its protests and agitation programmes (Annexure 5). It announced an election boycott and threatened to lay siege to *Bangabhaban* (President’s house). Moreover, it has been pointed out that a High Court decision leading to the barring of General Hussain Muhammad Ershad, leader of the Jatiya Party and a close Awami ally, from participating in the elections, also coincided with Hasina’s decision to boycott the elections.¹²

Amidst these domestic developments, the international donor community, especially the UN announced the withdrawal of its agency which was monitoring the proposed elections. Western powers like the US, UK, EU and Canada were urging the President to undertake significant reforms before holding credible elections. The ‘Tuesday Group’ consisting of diplomats from seven major powers were

10 ‘Army Deployment: Decision withdrawn in face of advisers’ wrath’, *Bangladesh News*, 14 November 2006 at <http://www.bangladeshnews.com.bd/2006/11/14/decision-withdrawn-in-face-of-advisers-wrath/>

11 ‘Fakhruddin Ahmed: The Boss of Bangladesh’, *Time*, 22 March 2007 at www.time.com/time/magazine/article/0,9171,1601618,00.html, accessed on 18 February 2009.

12 ‘Ershad barred from polls, Grand alliance to rethink election participation’, *The Daily Star*, 28 December 2006 at <http://www.thedailystar.net/2006/12/28/d6122801011.htm>, accessed on 18 February 2009.

constantly engaged in attempts to bring about a truce between the government and the opposition.

It was only after these developments that on 11 January President Iajuddin relinquished the post of Chief Adviser. This was followed by three major developments: internal emergency was declared which curtailed political activities, media coverage and popular gatherings; a new CG headed by Fakhruddin Ahmed was installed; and the military was given power and responsibility for maintaining law and order in the country.

Only by ending his dual role was Iajuddin able to bring Bangladesh back from the brink of civil disorder. Many accused the President of making 'a mess of both institutions' and in the process wasting time in resolving the political stalemate.¹³ The formation of the Caretaker Government on 12 January 2007, presented a host of problems and challenges for Bangladesh. The manner in which the Fakhruddin-led government navigated these problems forms the core of this study. Despite the obvious limitations, the CG had been effective in maintaining internal peace while embarking upon far reaching reforms. These efforts proved effective when it held transparent, free and fair elections in a vastly improved political climate.

13 Hussain Imam, 'Where lies the remedy?' *The Daily Star*, 17 December 2006, at www.thedailystar.net/2006/05/17/index.htm, accessed on 21 February 2009.

Caretaker to the Interim Government

We gain freedom when we have paid the full price.

— **Rabindranath Tagore**

On 12 January 2007, Fakhruddin Ahmed was sworn in as the Chief Adviser of the Second Caretaker Government. The well-known economist enjoyed widespread support in political circles. A new team of advisers was constituted a couple of days later [Annexure 3]. The appointment of a second CG in three months did not resolve the stalemate over the elections. The constitution explicitly sets a ninety-day time frame for the CG to hold elections. This would mean conducting the elections before 25 January 2007. Earlier, Chief Election Commissioner Hasan had announced that elections would be held on 22 January 2007. This became increasingly problematic because with the sole exception of the BNP and its allies all the other political parties had announced a boycott of the elections. Under such circumstances, elections would have been a repeat of the farce perpetrated by Khaleda in February 1996.¹

Thus, the choice before Chief Adviser Fakhruddin was obvious: farce elections within ninety days or free, fair and largely acceptable elections well after the time limit set by the constitution. The CG settled for the latter (Annexure 6). In practical terms, this meant ensuring a transparent electoral process by removing all discrepancies and anomalies. This was a huge task, and in a fractured political space, with different constituencies ready to cry foul, the CG gradually set a longer time frame. In July 2007, it announced that the Ninth *Jatiya Sangsad* elections would be held towards the end of 2008, after the completion of the enumeration process, around October that year. Thus, the CG extended

¹ This eventually led to the institutionalisation of the office of the Caretaker Government. The 13th Amendment to the Constitution provides for a constitutional arrangement in Bangladesh. Article 58(B) provides for a Non-Party Government that takes over post the dissolution of parliament. Its tenure is set for not for more than 90 days. Its main task is to assist the Election Commission in holding a peaceful, free and fair general election to the parliament.

its life span beyond the constitutionally mandated 90-day period. The elections were finally held on 29 December 2008 more than 23 months after Fakhruddin took over as Chief Adviser or more than 26 months after Khaleda completed her tenure. As a result, during its 23-month tenure, the CG functioned largely as an interim government taking key decisions concerning the domestic, military, economic, and foreign policies of the country.

A number of factors facilitated the prolongation of this CG. Primarily, it capitalised on the popular discontent against the political leaders. Endless squabbles and wrangling exhibited the immaturity of the politicians and their inability to govern Bangladesh. As discussed elsewhere, the introduction of parliamentary democracy in 1991 did not result in democratisation of the country.² While elections have been held at periodic intervals, the losers have often challenged the electoral verdict. Even after the introduction of the Caretaker Government system, the rivals rarely exhibited a willingness to recognise and accept popular mandates. By resorting to street protests, both the Awami League and the BNP marginalised the role of the Parliament, the bedrock of democracy.

Furthermore the internal emergency imposed hours before Fakhruddin was sworn in, also helped the CG. The series of restrictions imposed upon individual rights, media and political activities largely limited any popular opposition to the CG. The emergency regulations were removed only days before the December 2008 elections. Above all, throughout its 23 months in office the CG enjoyed the unqualified support of the military establishment, possibly the most crucial factor for the success of this electoral process. The CG was popular by and large, and despite its unelected nature or because of it, the CG initiated and implemented far reaching reforms in the country. That they could accomplish so much in a short span of time largely contributed not only to their longevity but also enhanced their ability to initiate processes that were explicitly outside the purview of the Caretaker Government as envisaged under the Constitution. Most prominent of them were

2 Sreeradha Datta, *Bangladesh: A fragile democracy*, Shipra, 2004, New Delhi) pp.57-82

the reforms involving the Election Commission, Anti-Corruption Commission (ACC) and the Judiciary. It also succeeded in initiating measures aimed at greater democratisation of the political parties.

Election Commission

Holding free and fair elections to the *Jatiya Sangsad* is the *raison d'être* of the Caretaker Government. The October crisis was primarily due to misgivings about the impartiality of the EC and the CEC, Justice MA Aziz. Hence, restoring credibility through the removal of anomalies became the top most priority of the CG headed by Fakhruddin. Following popular protest on 27 November 2006, Aziz went on long leave. This did not resolve the problem as polls scheduled for 22 January remained unaltered. In early January, the opposition parties led by Awami League announced their decision to boycott the elections. This precipitated a widespread public disapproval of the electoral process and forced the President to relinquish the office of Chief Adviser. Before appointing Fakhruddin as the new head of the CG, Iajuddin announced the indefinite postponement of the elections. Ten days after the formation of the Second CG, CEC Aziz submitted his resignation and members of the EC followed suit.

Thus, reconstituting the Election Commission became an urgent priority of the CG. On 4 February retired bureaucrat ATM Shamsul Huda was appointed as the CEC. The strength of the EC was reduced to three as against six under Aziz with Mohammed Sohul Hussain and Muhammad Sakhawat Hussain being appointed as the other two members. Under Huda, the EC worked towards addressing widespread complaints against the electoral process.

The preparation of the voters list became its new priority. As the electoral process remained suspended, the High Court declared the voter list prepared under Aziz for the 22 January *Jatiya Sangsad* elections as invalid and reiterated the earlier directive of the Supreme Court to update the voter list prepared in 2000.³ Towards this end, the EC set

³ 'HC declares void electoral roll', *The Daily Star*, 28 March 2007, <http://www.thedailystar.net/2007/03/28/d7032801033.htm>, accessed on 13 March 2009

1 January 2008 as the cut-off date for voter registration. Demands for photo identity cards caused some initial delays. On 9 July 2008, the EC completed updating of the voter list along with photo identity cards and finger printing of all voters. Thus, when the country eventually went to polls in December, the total number of voters stood at 80,500,723. Even though the annual population growth was 2.5 per cent, this new list contained about 13 million less voters than the previous list prepared in 2006, where about 93 million voters were enlisted when Aziz was the CEC.⁴ For the first time the EC registered 160,000 Urdu speaking Bihari Muslims who were born in the country. Furthermore, 32 per cent of the enlisted voters were first time voters of which about 52 per cent had just attained the voting age.

Secondly, as mandated by the Constitution to undertake this exercise after every decennial census, the EC went ahead with the delimitation exercise. A challenge by a BNP functionary, however, was set aside by the High Court. The December elections were held according to the new arrangement, which had a more equitable distribution of voters. The process affected 133 out of 300 constituencies and left each constituency with about 267,000 votes.⁵

The more ambitious reform proposals were directed at the political parties. In a bid to reform the EC in January 2008 the CG promulgated the EC Secretariat Ordinance and Representation of the People Amendment Ordinance (RPO) which was subsequently modified thrice. This contributed significantly towards the independence of the EC, which in turn brought about far reaching reforms in the electoral process.

4 This list prepared by Aziz at the cost of Tk 220 million had about 93 million voters. 'List of 8.11cr voters handed over to EC; Army winds up a highly ambitious mission', 23 October 2008, *The Daily Star*, at www.thedailystar.net/story.php?nid=58786 - 10k, accessed on 18 February 2009. The huge discrepancy explains the bogus voters in the earlier list prepared under Aziz which caused widespread protests.

5 *Preliminary statement of European Union Election Observation Mission*, 31 December 2008, (Brussels), p.5 at www.eueombangladesh.org/EN/PDF/Preliminary_Statement/Statement%20of%20preliminary%20findings%2031st%20Dec, accessed on 18 February 2009.

Unlike the past, the EC was able to function without political interference and hence was able to introduce meaningful changes in the system. These include the following:

- It became mandatory for political parties to register with the EC to be eligible to contest the *Jatiya Sangsad* elections. In case of individuals contesting as independents the regulations applicable to candidates of registered political parties would be applicable.
- The RPO established two distinct procedures for the registration of the political parties. In case of an existing party, it should have won at least one seat in the *Jatiya Sangsad* since 1971 or secured at least five per cent of total votes in the constituencies contested. In case of a new political party, the eligibility criterion was set at having organisational committees in at least 10 districts and 50 *upazillas*.
- Towards ensuring transparency and minimising corruption, political parties were expected to be transparent with regard to the source of their funds.
- The new ordinance prohibited candidates from simultaneously contesting in more than three constituencies.⁶
- Towards ensuring financial transparency and reducing wasteful expenditure, the RPO set Tk 1.5 million as the ceiling for individual election expenditure. Furthermore, all candidates were required to submit election expenditure statements and bank account details to the EC.
- The RPO was equally tough with non-serious independent candidates. The EC rejected applications of more than 400 candidates. The applications of many who wanted to contest the December election as independent candidates were rejected due to fraudulent and insufficient supporting voters' signatures. As a result, only 141 independent candidates fought the elections to the 300-member *Jatiya Sangsad*.

⁶ In the past both Hasina and Khaleda simultaneously contested as many as five constituencies to reiterate and test their popularity.

The application of the RPO resulted in the EC's acceptance of only 39 political parties from amongst 107 including 22 religious parties that applied for registration before the December 2008 election.⁷ The non-serious ones were eliminated due to the stringent procedures followed by the EC. The parties that fought the election represented a wide spectrum of political ideologies ranging from secular socialist orientations to Islamic conservatism.⁸

The RPO set a number of demands aimed at inner-party democracy, which were made compulsory for the registration of political parties, which had the effect of decentralising political parties and enhancing grass root participation considerably. These changes had a direct impact upon the December 2008 elections. The major political parties applied for registration with the EC after bringing about substantial changes in their constitution and functioning. The changes were however, not uniform. The Awami League, for example, resolved that the parliamentary board of the party would nominate its candidate for each constituency from a panel of five names proposed by the grassroots level. Even though this norm was not strictly adhered to, this was a quantum jump from the past. The party however, refused to comply with another major demand of the RPO, namely, severing ties with all fraternal organisations such as its labour and youth wings.

Despite initial reluctance, even the BNP came around and amended certain provisions of its constitution to register itself with the EC. Most notably, it abolished the exclusive powers of the party chairperson to expel members of the party and to dissolve and reconstitute any committee. According to the new draft constitution the members of the two new all-powerful bodies, namely the Standing and Executive Committees of the party, would not be nominated but be elected by the National Council. While severing links with fraternal organisations, the BNP retained its links with associate organisations comprised of students, teachers and other professionals. Similarly, the Jatiya Party curtailed the power of its chairman HM Ershad. It set a two-term

7 Fifty-four parties took part in the 2001 elections.

8 *Preliminary statement of European Union Election Observation Mission*, 31 December 2008, (Brussels), p6 at www.eueombangladesh.org/EN/PDF/Preliminary_Statement/Statement%20of%20preliminary%20findings%2031st%20Dec, accessed on 18 February 2009.

limit for Chairman and Secretary General of the party. It also laid out guidelines for the Chairman, who would have to take decisions in consultation with members of the Presidium.

The RPO regulations came down heavily upon the *Jama'at*. While other parties could satisfy the EC with cosmetic changes, the Islamic party had to revisit its roots. Because the new law demanded political parties should be national and without any international linkages, it renamed itself as Bangladesh *Jama'at-i-Islami*. Similarly, due to the ban on political parties with exclusive membership, the *Jama'at* was forced to open its doors to non-Muslim members. An Islamic party with *kafir* membership is one of the ironies brought about by Fakhruddin.

A far more devastating blow to the *Jama'at* came over their role during the 1971 Liberation War. This War has been a strong emotive issue in Bangladesh and the sacrifices of the people continue to dominate political discourse.⁹ Despite the passage of time, a vast majority of Bangladeshis had not forgiven the role played by the Islamic groups during the War. They perceived the *Jama'at* and its predecessors as collaborators. Thus, trial and conviction for war crimes has been a recurring emotive issue in Bangladesh polity. For its part, the *Jama'at* is yet to come to terms with its role and involvement in the 1971 War. According to the War Crimes Fact Finding Committee a number of those accused of mass killings, rapes and other atrocities are active in various political organisations.¹⁰ The majority are to be found with the *Jama'at*. Furthermore, *Jama'at* leaders have often repudiated allegations of their involvement with the Pakistan army. In October 2007, the *Jama'at* Secretary General Ali Ahsan Mohammad Mujahid declared that

9 Yvette Claire Rosser, *Indoctrinating Minds: A Case Study of Bangladesh*, Rupa, 2004, New Delhi, p.41-77.

10 Between 1972 and 1975, the Bangladesh Government had convicted 752 people for war crimes. Under the Special Tribunal Order promulgated on 24 January 1972 to try collaborators of the Pakistan Armed Forces, Bangladesh had detained 37,000 persons on charges of war crimes; out of them 26,000 were released under a general amnesty announced in 1973. Soon after Mujib's assassination in 1975 the International Criminal Act, 1973 and the Collaborators Act were annulled and on 18 January 1976, those formerly incarcerated because of war crimes were permitted to apply for citizenship. Muhammad Zamir, 'The audacity of war criminals and their collaborators' *The Daily Star*, November 10, 2007 at www.thedailystar.net/pf_story.php?nid=10929 - 13k accessed on February 18, 2009.

‘anti-liberation forces never even existed’.¹¹ Belittling the involvement of the pro-liberation forces in the War, other *Jama’at* leaders observed ‘some took part in the Liberation War for lust for beautiful women, some for looting assets of the Hindus and some for serving the interests of India’.¹²

Despite such bravado, the *Jama’at* could not escape from the shadow of the Liberation War. The new provisions of the RPO demanded that the constitution of a political party seeking registration must not contradict the Constitution. This in practical terms meant recognising the Liberation War. In the Preamble of the Constitution, the 1971 War has been described as ‘a historic War for national independence’. This was a bitter pill for the *Jama’at* which in the past depicted it as a civil war and not a national liberation struggle. Moreover, the *Jama’at* and its leadership had been identified as collaborators and hence under Mujibur Rahman were proscribed from any political activity. While their political participation was made possible by the post-1975 military *junta*, the *Jama’at* was unable to come to terms with its role in 1971. Under the new regulations, however, an unqualified recognition of the 1971 War became a precondition for its registration.

The RPO laws are also gender sensitive and demand that political parties include 33 per cent women members at every level of organisation by 2020. The relevance of this move is highlighted by the voter list where the women voters slightly outnumbered men.¹³

Anti-Corruption Commission (ACC)

One of the most visible and reasonably successful activities of the CG was its drive against corruption. In February 2007, Fakhruddin

11 ‘Jama’at now denies its anti-liberation role in 1971’, *New Age*, 27 October 2007 at <http://www.newagebd.com/2007/oct/27/front.html>, accessed on 18 February 2009.

12 ‘2 more “sedition” cases against Quader Mollah’, *Bangladesh News*, 12 November 2007 at www.bangladeshnews.com.bd/2007/11/12/2-more-sedition-cases-against-quader-mollah, accessed on 18 February 2009.

13 While the number of women voters stood at 41,244,820 the number of male voters were 39,787,636 or 1.8 per cent less than the women voters. *Preliminary statement of European Union Election Observation Mission*, 31 December 2008, (Brussels), p.6 at www.eucombangladesh.org/EN/PDF/Preliminary_Statement/Statement%20of%20preliminary%20findings%2031st%20Dec, accessed on 18 February 2009.

appointed former Army Chief Lt. Gen. Hasan Mashud Choudhury as the head of the reconstituted ACC.¹⁴ This was one of the success stories of the CG. Dedication, professionalism and non-partisanship exhibited by Choudhury transformed the ACC into an independent and credible organisation. The ACC was given extraordinary powers ‘to investigate arrest seize property’ of the suspects ‘without any official permission’.¹⁵ Furthermore, the CG had introduced an ordinance that disallowed any legal remedy from any higher court until corruption cases were resolved in a trial court. Backed by the government and the army, the ACC arrested hundreds of political figures, business persons and former bureaucrats accused of acquiring disproportionate wealth, extortion and misappropriation of relief goods. Former Prime Ministers Sheikh Hasina and Khaleda Zia were also arrested under extortion and graft charges.¹⁶

In February 2007, among others, 26 leaders from BNP, 18 from Awami League and one each from *Jama’at* and *Islami Oikya Jote* came under the dragnet of the ACC. In March and September the same year, many more former ministers, law makers and other officials were also charged. Indeed until 22 March 2008 over half a million people had been detained by the ACC.¹⁷

Along with the ACC, the National Board of Revenues (NBR) also became active against tax evaders. The government established nine special courts to deal with graft charges initiated by the ACC and NBR. Some of the cases were also brought under the purview of Emergency Power Rules (EPR) for speedy trial. The government established the

14 ACC constituted under the ACC Act on 9 May 2004. ‘But the commission failed to play effective role due to reluctance of the government in providing necessary legal, administrative and institutional supports and above all conflicts of opinion among the members of the newly constituted commission’, *ACC Annual Report 2007-8* (Dhaka, 2008) p.4.

15 ‘A self-governing ACC, Autonomy for anti-corruption watchdog is vital’, *The Daily Star*, 2 November 2007 at <http://www.thedailystar.net/story.php?nid=9840>, accessed on 18 February 2009.

16 While Hasina spent 11 months in jail, the latter was released after 12 months.

17 ‘Chief adviser misleads foreign audience’, Editorial, *New Age*, 24 March 2008 at www.newagebd.com/2008/mar/24/edit.html, accessed on 18 February 2009.

Financial Intelligence Unit in March 2007 and amended the Money Laundering Prevention Ordinance of 2007.

In May 2008, as part of its anti-corruption drive, the CG appointed the Truth and Accountability Commission (TAC) to unearth 'ill-gotten wealth'.¹⁸ This was to enable people to 'voluntary admit their corruption deposit ill gotten wealth to the exchequer and seek pardon'.¹⁹ In return for amnesty, individuals charged with corruption were barred from contesting local or national elections for a five-year period. Such persons were also barred from holding any public office or executive position in associations or financial institutions. For a while, there were uncertainties over the fate of those who were charged with corruption under the TAC to resume their political activities and fight the *Jatiya Sangsad* elections. However, the issue was resolved in November 2008 when the High Court declared the TAC as unconstitutional.

Despite the setback it received regarding the TAC, the CG met with some success in its fight against corruption. In monetary terms, the drive unearthed over Tk 12 billion.²⁰ With the help of the EPR, it managed to secure the conviction of 116 politicians and businessmen, including 54 belonging to the BNP and 33 to the Awami League.²¹ On the eve of the *Jatiya Sangsad* elections, it approved a proposal to manage the illegal assets that had been confiscated from individuals charged with corruption. Through the Abandoned Property (Control, Management and Disposal) (Amendment) Ordinance 2008, it decided on how to manage such assets.²²

18 Sreeradha Datta 'Bangladesh government's clean up act might backfire', *South Asia Monitor*, 14 June 2008 at www.southasiamonitor.org/2008/June/news/14wsa2.shtml, accessed on 18 February 2009.

19 'Court to decide fate of 452 people pardoned by TAC: minister', *New Age*, 23 January 2009 at www.newagebd.com/2009/jan/23/front.html, accessed on 18 February 2009.

20 'Tk 1,219 cr recovered from anti-graft drive', *The Daily Star*, 10 June 2008 at <http://www.thedailystar.net/law/2008/06/02/week.htm>, accessed on 18 February 2009.

21 *Bangladesh: Elections and Beyond, Policy Briefing Asia N.64*, International Crisis Group, 11 December 2008, Dhaka/Brussels, p.12.

22 'No bar to manage confiscated assets as abandoned property', *The New Age*, 1 December 2008 at www.newagebd.com/2008/dec/01/front.html, accessed on 18 February 2009.

The real implication of the anti-corruption drives has to be seen within a larger context and the accomplishments of the CG have to be viewed against the backdrop of Bangladesh's dubious track record of large scale corrupt practices. Between 2001 and 2005, the anti-corruption watchdog Transparency International ranked Bangladesh as the most corrupt country in the world.²³ In 2006, it became the third most corrupt. The CG could pursue the anti-corruption drive due to widespread public revulsion against corrupt politicians. Indeed the prolonged acceptance of the internal emergency by the people of Bangladesh, who are known for their agitational politics, points at their feelings of anger and helplessness towards elected governments.²⁴ The prolongation of the CG was partly justified through its anti-corruption drive. As a government of technocrats, the CG was free from politicking, the key factor for corruption in Bangladesh. Its ability to act in a non-partisan manner explained the wider acceptance of the CG well beyond the 90-day period.

Judiciary

In a significant move, the CG strengthened the judiciary by freeing it from the clutches of the executive. Despite popular demand, the judiciary had always remained under the control of the political bosses and was subjected to political interference and manipulation. When in opposition, both BNP and the Awami League endorsed the independence of the judiciary, but once in power both strived to retain control over it. On 2 December 1999, the Supreme Court issued a directive for the separation of the judiciary from the executive and action in this direction was postponed as many as twenty times.²⁵

23 *Transparency International Corruption Perceptions Index 2001-2005*, Transparency International at http://www.transparency.org/policy_research/surveys_indices/cpi/2002; http://www.transparency.org/policy_research/surveys_indices/cpi/2003; http://www.transparency.org/policy_research/surveys_indices/cpi/2004; and http://www.transparency.org/policy_research/surveys_indices/cpi/2005, accessed on 18 February 2009.

24 Akhtar Hossain, 'Anatomy of hartal politics in Bangladesh', *Asian Survey*, Vol.40 (3) May-June pp.508-29.

25 Md. Zahidul Islam, 'Crocodile tears for separation of judiciary', *Law & Our Rights*, No.217 3 December 2005 at <http://www.thedailystar.net/law/2005/12/01/alterviews.htm>, accessed on 18 February 2009.

Within days of assuming office in February 2007, the CG amended the Criminal Procedure Code Ordinance and formalised the independence of the judiciary from the executive. It also called for the formation of a separate Bangladesh Judicial Service Commission. Despite some opposition from the bureaucracy, this came into force in November 2007.

A number of incidents since then have highlighted the growing independence of the judiciary and its favourable impact upon Bangladesh. Some of the ordinances promulgated by the CG were subsequently rejected by courts. In May, it demanded explanations from the CG for restricting the movements of Khaleda.²⁶ In July 2008, the High Court ruled that the Contempt of Court Ordinance of May 2008 was invalid because it undermined the spirit of the Constitution and the independence of the judiciary. Similarly, it invalidated the Muslim Marriage and Divorce (Registration) Amendment Ordinance of 2008 on the ground that the CG could not promulgate ordinances on issues unrelated to elections.²⁷ Likewise, the Truth and Accountability Commission that the CG propped up as a key anti-corruption instrument could not stand judicial scrutiny.²⁸ Above it all, twelve days before polling was to begin, the Supreme Court ordered the EC to accept the nomination papers of 20 candidates.²⁹

The 'Minus Two' Formula

As part of its drive for political reforms the CG tried to curtail the powers of the two main political parties namely, the Awami League and the BNP by undermining the position and powers of Hasina and

26 'HC asks govt to explain restrictions on Khaleda's movement', *New Age*, 20 May 2007 <http://www.newagebd.com/2007/may/08/front.html>, accessed on 21 February 2009.

27 Julfikar Ali Manik, 'Attorney General Fida Kamal quits. Cites personal grounds as reason; sources tell of discords with government', *The Daily Star*, 17 July 2008 at http://www.thedailystar.net/pf_story.php?id=46117, accessed on 18 February 2009.

28 In June 2008 the government introduced the Truth and Accountability Commission aimed at curbing corrupt political leaders and former officials from contesting the forthcoming parliamentary elections. Sreeradha Datta, 'Bangla steps to get rife of corruption', *The New Indian Express*, 12 September 2008.

29 *Preliminary statement of European Union Election Observation Mission, December 31, 2008*, (Brussels), p.7 at www.eucombangladesh.org/EN/PDF/Preliminary_Statement/Statement%20of%20preliminary%20findings%2031st%20Dec, accessed on 18 February 2009.

Khaleda respectively. Both were tainted by corruption charges and forced into long incarceration. The government hoped this would result in their marginalisation and even their eclipse. Some within the government did not hide their intentions. For example, Ahmed Mainul Hossein, the Adviser for Law, Justice, and Parliamentary Affairs, Land and Information, declared that the CG wanted ‘good new leadership to emerge instead of the old ones’.³⁰

The CG sought to achieve this with the help of a twin strategy—propping up new leaders and exiling the old ones. The CG tried to achieve the former goal with the help of Nobel laureate Muhammad Yunus by capitalising on his international acclaim and clean image.³¹ While banning all political activities under the emergency, it allowed Yunus to form a new political party, namely *Nagorik Shakti*. This was supposed to offer an alternative stream of politics when the people of Bangladesh were let down by the national parties.³² The failure of such a move clearly reflected the lack of understanding within sections of the civil society. The poor ground support for Yunus’s political party disproved the popular belief that Bangladeshis were weary and fatigued with the existing political parties and were seeking other political alternatives.

The CG was equally determined to exile leading political figures in the country. After some drama and uncertainty in June 2007, it allowed Hasina to visit the US for medical treatment. This induced the government to introduce the ‘minus two formula’.³³ As part of this plan, it tried to prevent Hasina’s return to Bangladesh and went to the extent of issuing an arrest warrant *in absentia* against Hasina. It instructed all

30 ‘Govt blocks Hasina’s return’, *The Daily Star*, 19 April 2007 at www.thedailystar.net/2007/04/19/d7041901011.htm, accessed on 18 February 2009.

31 At one time some political parties even suggested Yunus to replace Fakhruddin as Chief Adviser. ‘Yunus not willing to be caretaker chief’, *Bangladesh News*, 18 October 2006, <http://www.bangladesh-web.com/view.php?hidRecord=132560>, accessed on 18 February 2009.

32 ‘Yunus floats party styled Nagorik Shakti, says his politics will be to materialise ideals of Liberation War; asks people to spontaneously form committees’, *The Daily Star*, 23 February 2007, at www.thedailystar.net/2007/02/23/d7022301022.htm, accessed on 1 March 2009.

33 This would mean political marginalisation of Hasina and Khaleda the two prominent figures in Bangladesh.

international carriers not to allow Hasina's passage to Bangladesh and imposed a media gag.³⁴ Around the same time, it tried unsuccessfully to pressurise Khaleda to go into exile. The government's strategy did not work. Meanwhile, Yunus abandoned his political ambitions recognising the lack of popular endorsement. The different strands within the establishment were working at cross-purposes. The lack of unanimity over the political course was evident in the inability of the government to bring about certain specific changes. Eventually, intense internal and external pressures forced the government to allow Hasina's return in April 2008 and they were unable to exile Khaleda because Saudi Arabia was not prepared to oblige.³⁵

The CG however, did not give up. When the exile plan did not work, it sought to marginalise the two leaders through its anti-corruption drive. In quick succession both Hasina and Khaleda were taken into custody under similar corruption charges and were accused of various financial irregularities. Scores of senior functionaries from political parties as well as businessmen, former bureaucrats and those associated with them were taken into custody for their omissions and commissions. One such high profile arrest was of Tariq Rahman, the eldest son of Khaleda and Secretary-General of the BNP.

While these measures led to internal tensions and differences, the much anticipated implosion of the two parties did not occur. The CG had to eventually recognise both the leaders. Besides forcing political parties to introduce internal reforms and democratisation through the new RPO, the CG was unable to replace their leaders who were responsible for the political mess in the country. The failure of the CG to alter Bangladeshi politics radically reveals the structural nature of the problem. The political firmament in the country is highly personalised

34 Hasan Jahid Tusher, 'Hasina flies in UK amid govt bar on home return', *The Daily Star*, 20 April 2007 at www.thedailystar.net/2007/04/20/d7042001022.htm, accessed on 18 April 2008.

35 The granting of political asylum to deposed Pakistan Prime Minister Nawaz Sharif in 2001 got Saudi Arabia into difficulties with President Parvez Musharaff. When Sharif decided to 'return' to Pakistan in September 2007 he was deported from the Islamabad airport itself. Perhaps Saudi Arabia did not wish to repeat the same even though Khaleda was a frequent visitor to Saudi Arabia.

and revolves around historical legacies and the leaders who represent them.³⁶ The lives of Bangladeshis are closely intertwined with the historical legacy that these two political parties reflect and represent. Hence looking for substitutes for these two parties within a short span of time is unrealistic. This perhaps explains the failure of the CG to replace or marginalise them. What finally emerged has been described as the CG's plan to allow the two *netris* (women leaders) but disallow several others seasoned leaders through their 'plus two, minus many' formula.³⁷

Despite these setbacks, the CG brought about far reaching changes and contributed to the strengthening of Bangladesh's democracy. Arguably, the CG's attempt to sideline the two party leaders opened up a Pandora's Box. In a break from the past several senior leaders especially within the two main parties expressed 'dissent' with their party chief and made the process of restructuring the political parties inevitable and kick-started the process of imbining them with democratic norms that they had sorely lacked in the past.³⁸ A hitherto unknown phenomenon, it forced both Hasina and Khaleda to dilute the erstwhile stranglehold they had enjoyed over their party members. Thus, contrary to conventional wisdom the Caretaker Government's non-democratic if not authoritarian tendencies resulted in this government playing a pivotal role in the survival of democracy in Bangladesh.

Political Dialogue

A number of problems and differences which precipitated the October crisis were political in nature and could have been resolved through

36 Since introduction of multiparty election in 1991 Bangladeshi politics has been dominated by these two ladies. For a discussion on the negative consequences of this phenomena see, Sreeradha Datta, 'Personal animosity and parliamentary politics: Bangladeshi elections 2001', *Journal of South Asia and Middle Eastern Studies*, Vol. 27 (2) Winter 2004, pp. 49-70.

37 *Bangladesh: Elections and Beyond, Policy Briefing Asia* N.64, (Dhaka/Brussels: International Crisis, 2008), p.12.

38 Deb Mukharji, 'Hesitant step but welcome', *The Telegraph*, 29 May 2007 http://www.telegraphindia.com/1070529/asp/opinion/story_7833250.asp# , accessed on 18 May 2009.

dialogue. Amongst others, the Awami League proposed a 5-point reform agenda for the CG,³⁹ a 15-point programme for the EC and 11-point reform plan for electoral laws.⁴⁰ Neither side, however, was ready for a compromise. Since mid-2006, the government of Khaleda Zia was confronted with a set of opposition demands over the electoral process. However, both sides were intransigent and could not come to any agreement.

Hopes for a political dialogue were rekindled in the early days of the Iajuddin-led Caretaker Government. Despite initial reservations over the President taking over the leadership of the Caretaker Government, the Awami League did not shut its options. It was prepared to take part in the elections if its core demands were met. In early November 2006, the opposition put forth a set of demands,⁴¹ which included:

- Removal of the CEC and other members of the EC.
- Restructuring of the EC.
- Cancellation of all official appointments and transfers that were made after 1 July 2006.
- Updating of the voters' list with voters' photograph.
- Transparent ballot box.
- Depoliticising of civil and police officials.
- Neutrality of state-run media.

The four member negotiating team appointed by the Caretaker Government failed to reach an agreement and the stalemate led to the the Awami League's decision to boycott the elections slated for late January 2007.

39 'Caretaker chief should be acceptable to all', *The Daily Star*, 15 March 2005 at <http://www.thedailystar.net/2005/03/15/d5031501011.htm>, accessed on 18 February 2009.

40 'Blockade postponed', *Bangladesh News*, 16 November 2006 at <http://www.bangladeshnews.com.bd/2006/11/page/15/> accessed on 18 February 2007.

41 Ibid.

Capitalising on the ban upon political activities, the civil society entered into a dialogue with the CG. Historically the Bangladeshi civil society has been the leading force not only in the struggle for independence but was also pivotal in the return of democracy after Bangladesh's long dalliance with military regimes. Similarly, during the last few months of Khaleda's government, as a riposte to the machinations of the political parties, an initiative was launched by prominent civil society personalities to campaign for clean and honest candidates for the upcoming elections.⁴² In the face of brewing political dissonance, apprehension over possible military intervention was evident, and efforts at various levels were made to prevent such an eventuality.

Three institutions took a lead to initiate dialogue with the different political cross currents that were dominant at that point of time.⁴³ The task that the civil society had set in motion towards reforming electoral politics, was aided by several well known leaders who joined the electoral fray after the formation of the CG. The *Gono* Forum leaders proposed a review of the constitution and post-election national unity government to ensure a non-partisan commitment to good governance as they joined the ongoing pre-poll dialogue. Its leader Kamal Hossain appealed to political parties to 'make a pledge to make a post-election national unity government to ensure good governance and make democracy effective'.⁴⁴ Similarly, the *Bikalpadhara Bangladesh* head AQM Badruddoza Chowdhury advocated a national consensus government for a ten-year period.⁴⁵ Leader of the Progressive Democratic Party (PDP) Ferdous Ahmed Qureishi wanted to

42 Prof Rehman Sobhan was the convener of the initiative 'Citizens Group for a Vision for Bangladesh', launched in March 2006.

43 The Centre for Policy Dialogue (a think tank), Prothom Alo (leading Bengali newspaper) and Daily Star (leading English newspaper). For a detailed reading of the dialogues initiated, see the compilation of eight special supplements by Matiur Rahman (ed) *Prothom Alo: Mukta Sanlaap: Desh Ekebon Kon Pothe?* (Protham Alo's Free Conversation: Quo Vadis, Bangladesh?) (translation by author) Madras Brothers, 2008, Dhaka, p.253.

44 'Gono Forum for national unity government talks to business leaders today', *The Daily Star*, 3 June 2008 at www.thedailystar.net/archive.php?date=2008-06-03, accessed on 18 February 2009.

45 'AL, BNP reject idea of consensus govt before polls', *New Age*, 16 October 2007 at www.newagebd.com/2007/oct/12/front.html, accessed on 18 February 2009.

replace the CG with a new administration, which would hold free and fair election within three months.⁴⁶

Another prominent civil society group to emerge during this period was the Sector Commanders Forum (platform of commanders who led the country's Liberation War in eleven sectors). In November 2007, this group put forth a five-point proposal to the EC:

- Ban religion-based politics and political parties.
- Identify and list the collaborators and anti-liberation forces and make them ineligible for public office.
- Bring back the mortal remains of freedom fighter *Bir Sresbtha* (greatest war heroes) Hamidur Rahman from India and to bury them within the premises of the *Jatiya Sangsad*,
- Build a memorial complex for the Seven *Bir Sresbthas*.
- Establish a 'Joint Forces Complex' in the capital to recognise the contributions of Indian soldiers to the liberation of Bangladesh.⁴⁷

The Awami-led 14-party alliance and a few other left-wing parties supported the demand of the freedom fighters to ban *Jama'at* and other such parties from contesting elections. The EC however did not go that far and was satisfied with greater political recognition of the Liberation War.⁴⁸

At one time, the CG also opened dialogue with dissident groups within the Awami League and the BNP. Internal differences and rebellion came in handy for the government to pursue a dialogue. The BNP faction led by Saifur Rehman and Hafizuddin Ahmed sought to negotiate on behalf of

46 'PDP's Qureishi for another caretaker government', *The Independent*, 19 October 2008 at www.theindependent-bd.com/details.php?nid=101413, accessed on 18 February 2009.

47 'Legal action against war criminals this week', *The Daily Star*, 11 November 2007 at www.thedailystar.net/story.php?nid=11111, accessed on 2 February 2009.

48 '3 parties ask EC to bar war criminals', *The Daily Star*, 28 February 2008 <http://www.thedailystar.net/story.php?nid=25267>, accessed on 18 February 2009.

the party.⁴⁹ Similarly, in June 2007, the Awami dissident group comprising of Abdur Razzak, Tofail Ahmed and Suranjit Sengupta came out with a 21-point reform proposal.⁵⁰ Eventually the CG recognised the futility of dialogues with breakaway factions and dissident groups. These developments eventually forced the government to engage with the mainstream political parties towards organising the elections (Annexure 12).⁵¹

The ‘minus two’ formula and attempts to prop up non-political figures such as Yunus raised doubts about the intentions of the CG. The incarceration of Hasina and Khaleda and attempts to exile them did not go down well. Many saw the formation of TAC and its amnesty provisions as an attempt to remove prominent figures from politics. While they were prepared to accept the conditions for registering political parties and inner party democracy, political parties were adamant about full political participation of their leaders. In short, neither the Awami League nor BNP were prepared to go to the people without their leaders. Even those who had differences with the leadership eventually recognised their role and influence. Thus, even in the BNP where the dissidents were very vocal, the rank and file largely supported Khaleda Zia. The participation of the two main leaders thus became a *sine qua non* for the legitimacy of the elections.

The smooth progress of updating the voters list, which was a key demand of the opposition, made political dialogue feasible. Hence, on 22 May 2008, the government began formally engaging with 17 political parties towards electoral reforms. Among others, dialogue was initiated with the Awami League, both the factions of BNP, Jatiya Party (JP), *Jama'at-e-Islami*, *Islami Oikya Jote* (IOJ), Liberal Democratic Party (LDP), Unity for Political Reforms, *Islami Shashantantra Andolon*,

49 ‘Saifur-Hafiz faction of BNP holds electoral dialogue with EC; Suggests authorizing army to exercise magistracy power for election period’, *United News of Bangladesh*, 27 April 2008 at http://www.accessmylibrary.com/coms2/summary_0286-34374628_ITM, accessed on 12 February 2009.

50 ‘AL draws up 21 point reform plan’, *Bangladesh News*, 14 June 2007 at www.bangladeshnews.com.bd/2007/06/14/al-leaders-draw-up-21-pt-reform-plan/, accessed on 12 February 2009.

51 ‘EC opens third round dialogue today’, *Bangladesh News*, 6 September 2008, at <http://www.bangladeshnews.com.bd/2008/09/06/ec-opens-third-round-dialogue-today/>, accessed on 18 February 2009.

Bangladesh Samajtantrik Dal (Khalequzzaman), *Khelafat Andolon* (Hafezzihujur), *Khelafat Majlish* of Shaikhul Hadith, *Bangladesh Kabyan Party*, and Progressive Democratic Party.

Some of the demands of the political parties were not radically different. Among others the Awami League demanded the withdrawal of emergency, postponement of *upazilla* polls planned before the *Jatiya Sangsad* elections, scrapping of the amended RPO provision relating to the power of the EC to cancel candidature, release of jailed political leaders and withdrawal of cases against them.⁵² In a rare political convergence, the Awami League openly demanded the release of Khaleda as a pre-condition for its participation. Gradually both the main parties laid down similar demands:

- Heads of the party had to be fully, permanently and unconditionally freed, and allowed to participate in the elections.
- The emergency had to be withdrawn completely.
- The *upazilla* election date had to be rescheduled and held at least 15 days after the *Jatiya Sangsad* election.

While most of these demands were met, the CG was not prepared to nullify the provision which authorised the EC to cancel candidatures. At one time, it unsuccessfully attempted to mediate between the two leaders through their common lawyer, barrister Rafique-ul Huq.⁵³

A vast number of conditions put forward by the opposition concerning elections were addressed by the CG and CEC Huda. Updating of the voters list, removal of bogus voters, photo identity cards and transparent ballot boxes were the main reason for the October crisis. By late 2008 these problems were unilaterally but amicably resolved by the government. After August 2008, the release of arrested leaders, right to contest and resumption of political activities remained the only obstacles before elections. Even here, there was progress. For example, indoor political meetings were permitted in Dhaka since September

52 Sadeq Khan, 'Election hopes cast in whirlpool of doubts', *Holiday*, 10 October 2008 at <http://www.weeklyholiday.net/2008/101008/front.html>, accessed on February 4, 2009.

53 A brief encounter between the two ladies on a common public forum received widespread media attention because of their past refusal to meet.

2007 and this relaxation was extended to other parts of the country in August 2008.⁵⁴ Since July 2007, the government periodically assured the public that elections would be held toward the end of 2008. The holding of local elections on 4 August gave indication that the government was serious towards the electoral process.⁵⁵ The relaxation of emergency rule and restrictions on freedom of speech and expression on 3 November 2008 gave clear indications towards elections. The state of emergency was lifted on 17 December, a day before the elections were originally slated. Citing the inability of Haj pilgrims to participate in the elections,⁵⁶ the BNP-led alliances threatened to boycott the polls. Hence 29 December was chosen as the date.

Islamic Groups

Under the CG fortunes of the Islamic groups fluctuated. In the initial phase, they remained on the sidelines and were not the prime target of the CG's reform drive. The power of Islamists has been widely recognised and in recent years, 'both Hasina and Khaleda Zia have attempted to co-opt the Islamist parties toward moderation, with little success'.⁵⁷ Reflecting a similar approach the CG remained indifferent towards *Jama'at*, the largest Islamic political party in the Eighth *Jatiya Sangsad*. The organisation almost remained immune to the anti-corruption drive when dozens of leaders belonging to other parties were taken into custody. With a few exceptions, an aura of incorruptibility surrounded senior *Jama'at* leaders. Furthermore, even institutions associated with *Jama'at* were treated kindly. Media reports about Islamic banks providing funds to various militant groups were ignored by the government.

54 Shakhawat Liton, 'Ban on indoor politics relaxed; Limit set on what parties can do', *The Daily Star*, 10 September 2008 at <http://www.thedailystar.net/story.php?nid=3437>, accessed on 4 February 2009.

55 Ironically results of local election reiterated the strength and popularity of the main parties, AL and BNP. Indeed Badruddin Ahmed Kamran was relected as mayor of Sylhet even while serving a prison term.

56 'BNP wants JS polls to be deferred for hajj pilgrims', *The Daily Star*, 14 November 2008 at <http://www.thedailystar.net/story.php?nid=63288>, accessed on 4 February 2009.

57 Anirudh Suri, Josh Kurlantzick, 'Bangladesh: State in Decline', *The New Republic* (online), Carnegie Endowment for International Peace, Washington DC 15 January 2007.

Efforts of the government to enhance the position of women as regard to various elected offices met with strong resistance. It introduced two ordinances regarding the formation and function of city corporations and municipalities. Among others, these measures called for 40 per cent reservations for women, which met with stiff opposition immediately from groups such as Ulema Committee, anti-Quran Resistance Committee (*Khelafat Majlish* and *Islami Shashatantra Andolan*) the *Islami Ain Bastobayan Committee* and a faction of the *Islami Oikyo Jote*. As a result, the government was forced to dilute their stand and settle for one-third reservation.⁵⁸ Moreover, secular public art came under attack from the Islamic groups. A group of *madrassa* students and *imams* for example, formed *Bimanbondor Golchottor Murti Protirodh Committee* (Committee to Resist Idols at Airport Roundabout) and destroyed the sculpture, comprising of five *baul* mystics and singers, (*Unknown Bird in a Cage*) that was being built in front of Zia International Airport in Dhaka.

At the same time, the CG came under pressure to establish its neutrality and non-partisan approach. This forced it to take a balanced stand towards the *Jama'at*. In September 2007, Bengali daily *Samakal* reported of widespread corruption among *Jama'at* MPs. It highlighted a host of allegations including bribery, stealing relief materials, extortion, false statements about wealth to ACC, financial impropriety and patronising of militant groups.⁵⁹

Questioning the benevolent attitude taken towards *Jama'at* leaders an editorial in *New Age* observed

.... lends credence to the public perception that it has all along treated *Jama'at* with kid gloves, so to speak, as opposed to iron hand. While the chief adviser and the Chief of Army Staff have severally, and emphatically, enunciated the interim government's commitment to bringing the perpetrators of

58 Shakhawat Liton, 'Women's Reserved Seats in Local Government: Government retreats from pledge', *The Daily Star*, 12 May 2008 at www.thedailystar.net/story.php?nid=36151, accessed on 18 February 2009.

59 Shaher Zaidi, 'Exit the tigers, enter the dragon', *The Daily Star*, September 18, 2008 at www.thedailystar.net/archive.php?date=2007-09-18, accessed on 18 February 2009.

war crimes to justice, in reality, it has thus far displayed a soft attitude towards *Jama'at*, which, needless to say, had been at the forefront of anti-independence activism during the country's War of Liberation in 1971.⁶⁰

As a result of this, in May 2008 corruption charges were levelled against *Jama'at* Amir (the supreme leader), Matiur Rahman Nizami.⁶¹ This was preceded by the swift execution of five *Jagrata Muslim Janata Bangladesh* (JMJB) activists for their involvement in the terror attacks in Jhalakathi in 2005. The Islamic parties also suffered under the new amendments to the RPO. As many as 22 Islamic parties applied for registration with the EC but only seven were granted recognition.⁶²

On the other hand, as discussed earlier, the *Jama'at's* elections manifesto clearly indicated a shift. At one level, it reiterated its traditional commitments to enact an anti-blasphemy law to prevent the publication and criticism of Islam. At the same time, the new political realities forced the *Jama'at* to come out in support of the Liberation War. Among others, it promised to strengthen the Liberation War Ministry and Freedom Fighters Welfare Trust. It also vowed to increase the allowances for the families of the freedom fighters and was forced to extend its membership to non-Muslims.⁶³

Role of the External Powers

The problems of governance, violence, terrorism, Islamic extremism and corruption have brought greater international attention upon Bangladesh. Political stability became a major concern for many great powers, especially after September 2001. The clarion calls for a

60 Editorial, 'Nizami's release and gov't dalliance with Jama'at', *New Age*, 17 July 2008 at www.newagebd.com/2008/jul/17/edit.html, accessed on 18 February 2009.

61 Sreeratha Datta 'Bangladesh the Caretaker Strikes', *Sify News*, 22 May 2008 at sify.com/news/fullstory.php?id=14679256, accessed on 18 February 2009.

62 Bangladesh Jama'at-i-Islami, Jomiat-i-Uluma-i-Islam Bangladesh, Islami Front Bangladesh, Islami Oikya Jote, Bangladesh Khelafat Mojlish, Islami Andolon Bangladesh, Bangladesh Islami Front.

63 It claimed around 5,000 non-Muslims as its members. *Bangladesh: Elections and Beyond, Policy Briefing Asia N.64*, International Crisis Group, 11 December 2008, Dhaka/Brussels, p.3.

Bangladeshi 'Taliban'⁶⁴ and a significant growth in religious extremist violence raised concern about the future of the country and its ability to stick to the democratic path. This was complicated further by the poor economic condition and Bangladesh's perennial dependency upon external aid and assistance. In recent years the growing Bangladeshi presence in various UN peacekeeping missions enhanced the country's profile and gained the country diplomatic leverage. As a result, over time the Bangladeshi leaders had to accommodate external concerns while formulating national policies. A number of their decisions could be linked to external influence.

The CG was not an exception to this trend either. Both the Caretaker Governments headed by Iajuddin and Fakhruddin came under intense external pressures that shaped their policies. After President Iajuddin concurrently assumed the office of the CG, the international community expressed its concerns over the election process. Widespread public protests and threats of boycott generated scepticism about holding elections. Primarily, the international community was not prepared to accept *Jatiya Sangsad* elections under the CG headed by Iajuddin. Against the backdrop of widespread criticism and controversy surrounding CEC Aziz, it feared that such an election would be a farce. Hence, in January 2007 the UN pulled out its observers who were sent to monitor the *Jatiya Sangsad* elections. This was preceded by the European Union Observation Mission, which warned that 'polling would not meet international standards'.⁶⁵ On 9 January, the US-based election watchdogs National Democratic Institute (NDI) and International Republican Institute (IRI) suspended plans to send their delegations for the January *Jatiya Sangsad* elections.⁶⁶

These in turn precipitated into a crisis and resulted in a chain of events that began with the resignation of Iajuddin as Chief Adviser. The imposition of internal emergency, formation of the CG and the

64 Alex Perry, 'Deadly cargo', *Time*, 14 October 2002 at <http://www.time.com/time/magazine/article/0,9171,501021021-364423-2,00.html>, accessed on 14 February 2009.

65 *Restoring Democracy in Bangladesh, Crisis Group Asia Report No.151*, 28 April 2008, Dhaka/Brussels, p.10.

66 'NDI, IRI won't watch Jan 22 elections', *The Daily Star*, 11 January 2007 at www.thedailystar.net/law/2007/january/02/week.htm, accessed on 18 February 2009.

cancellation of elections happened partly because of external pressures. Their role in the crises has been succinctly summed up as follows:

[The international community] did not discourage the military takeover and were probably more proactive than they publicly acknowledge... Symptomatically, the international community has been careful not to call the military takeover a coup.⁶⁷

At one level, the outside world was extremely accommodative of the situation following the October crisis and did not seek to isolate Bangladesh because of the suspension of political rights, deferment of elections and imposition of emergency. In June 2007, the outgoing American ambassador declared that Fakhruddin ‘took over when the people of Bangladesh got scared due to political violence’.⁶⁸ At the same time, the outside world put forth a number of demands vis-à-vis Bangladesh. There were five major demands; rejection of military intervention, fair trial for political leaders accused of corruption, national dialogue with political parties, an early end of the emergency, and free and fair elections.

These positions come out clearly in the following statements and developments:

- Expressing an understanding of the promulgation of state of emergency and deferment of the elections in April 2008 British Ambassador Anwar Choudhury expressed his government’s opposition to military intervention. In his words ‘we will never support military intervention in this country... We will not support martial law’.⁶⁹
- Various Western diplomats had expressed the need for Bangladeshi politicians to resolve their differences. In July 2007, US Deputy Assistant Secretary of State for Democracy, Human Rights and Labour Erica Barks-Ruggles observed that dialogue ‘is part and

67 *Restoring Democracy in Bangladesh, Crisis Group Asia Report N°151*, ICG, 2008, Brussels, p.7.

68 ‘An unelected govt for a long time can be dangerous, Butenis says’, *The Daily Star*, 23 June 2007 www.thedailystar.net/2007/06/23/d70623011711.htm, accessed on 18 February 2009.

69 ‘London will not support military rule: UK envoy’, *New Age*, 29 April 2008, at www.newagebd.com/2008/apr/29/front.html, accessed on February 18, 2009.

parcel of effective reform process'.⁷⁰ Likewise, a year later the new British High Commissioner Stephen Evans underscored the importance of dialogue between political parties and government. In February 2008 during an official visit, British Foreign Secretary David Miliband underscored the importance of dialogue among the government, political parties, civil societies and the media towards creating genuine democracy in Bangladesh.⁷¹

- An early end to emergency was a constant demand of the West. They had been periodically highlighting the importance of lifting emergency before elections. In May 2008 British and American diplomats felt that it would be 'extremely difficult' to hold 'credible and participatory election' under the state of emergency.⁷² A few months later, the new American Ambassador James F Moriarty reiterated the issue. Similar views were expressed by other American officials who felt that the state of emergency 'would not be compatible with free and fair elections'.⁷³ Moreover, on a couple of occasions American officials, visiting Bangladesh including U.S. Deputy Assistant Secretary of State for South Asian Affairs John A Gastright Jr and Senator John McCain set a date—end 2008 – as a possible end to the emergency. Similar calls were also made by the EU.
- The urgency for holding free and fair elections had been highlighted by the international community adequately. The US for example had hoped the next *Jatiya Sangsad* elections would be 'credible and

70 'Emergency during vote not compatible with free, fair polls: US official', *New Age*, 22 May 2008 at www.newagebd.com/2008/may/22/front.html, accessed on February 18, 2009.

71 'Hold polls on time or risk future, Says UK foreign secy after meeting CA, Moeen', *The Daily Star*, 10 February 2008 at http://www.thedailystar.net/pf_story.php?nid=22722, accessed on February 18, 2009.

72 'Polls Under Emergency New US envoy says task to be very difficult', *The Daily Star*, 22 October 2008 at www.thedailystar.net/story.php?nid=33232, accessed on February 18, 2009.

73 Ashfaq Wares Khan, 'Worry over possibility of political instability', *The Daily Star*, 1 May 2008 at www.thedailystar.net/story.php?nid=34595, accessed on February 18, 2009.

acceptable'.⁷⁴ In October 2008, a UN official declared that its monitors would not participate in any farce elections. The following month the UN Secretary-General declared that the CG and military leadership had assured him that the election would be 'free fair and credible' and be without any intervention and interference.⁷⁵ The British Foreign Secretary aptly summed up the fundamental stand of the international community. Speaking to reporters in February 2008, he observed: 'In our discussions with the CG in the last 13 months, we have always been focused not on how they came to power but how they can get out of power and how a clean, fair and effective democracy can be achieved in Bangladesh.'⁷⁶

This understanding but tough position largely contributed to some of the eventual decisions of the CG. The gradual relaxation of emergency rules, reluctance of the army to take over the reins of the country and the holding of free and fair elections in December 2008 could largely be attributed to the interest, involvement and subtle pressure upon Bangladesh by other countries.

A host of positive developments under the CG, however, could not ignore certain disturbing thoughts.

Exceeding the Brief

The prolonged caretaker arrangement had created a number of long-term constitutional as well as political problems for Bangladesh. As per Article 58 B1 of the Constitution, the tenure of the CG begins from the day the Adviser assumes office and expires on 'the date on which a new Prime Minister enters upon his office after the Constitution of Parliament'. Regarding elections, the Constitution demands that general elections 'shall be held within ninety days after Parliament is

74 'US hopeful about a fair election by December, Envoy attends US wheat arrival at CG, assures of continued emergency food assistance', *The Independent*, 26 May 2008, at www.theindependent-bd.com/details.php?nid=103691, accessed on 18 February 2009.

75 'UN chief to observe poll preparation, meet CA', *The Daily Star*, 18 October 2008 at www.thedailystar.net/pf_story.php?nid=59216, accessed on February 18, 2009.

76 'David Miliband, Bangladesh on higher ground', *The New Nation*, 28 February 2008. at <http://nation.ittefaq.com/issues/2008/02/28/>, accessed on 18 February 2009.

dissolved' [Article 123-3]. If both these Articles are read together, a CG should be constituted within 15 days after the dissolution of the *Jatiya Sangsad* and it should be in a position to hand over powers to a duly elected government within 90 days after the dissolution of the previous Parliament.

The Eighth *Jatiya Sangsad* was dissolved on 28 October 2006, and a CG should have been installed by 12 November and elected government by 25 January 2007. Neither of these happened. If President Iajuddin took over the reins of the first Caretaker Government on 28 October, the Fakhruddin Ahmed-led Second CG assumed office on 12 January 2007, or nearly 90 days after elected government's tenure came to an end. Even if one takes 12 January as the commencement of the caretaker arrangement Bangladesh should have held elections by early April 2007.

Furthermore, the principal function of the CG is to provide 'to the EC all possible aid and assistance that may be required for holding the general election of members of Parliament peacefully, fairly and impartially'. Since the newly constituted EC embarked upon revising the voters list, the process took longer. As a result, the CG headed by Fakhruddin was in office for over 23 months until 6 January 2009 when Hasina took over as Prime Minister (Annexure 14).

As a result, Fakhruddin functioned as the head of an interim government rather than Chief Adviser of a CG. In practice, this meant the government adopted a much wider interpretation of the space provided by the Constitution which mandates the CG to 'carry on the routine functions of such government with the aid and assistance of persons in the services' of the country. Furthermore, the Constitution declares that 'except in the case of necessity for the discharge' of its routine functions, the CG 'shall not make any policy decision'.

Since it continued for nearly two years, the CG undertook a number of critical decisions that are in the exclusive purview of an elected government. It is possible to argue that a number of reforms regarding political parties should be viewed within the context of its mandate to hold 'free and fair elections'. At the same time, a significant number of

its decisions did not concern elections and were due to its prolonged stay in office. Some of these decisions include:

- Separating the Judiciary from the administrative control of the Executive.
- Initiating a large-scale anti-corruption drive in the country.
- Negotiating strategic ties with the United States.
- Reorganisation of the power sector.
- Instituting a Public Service Commission.
- Implementation of various reforms in the garment industry.
- Corporatisation of nationalised banks.
- Privatisation of Chittagong Port.
- Privatisation of the national carrier Biman.

During its tenure, the CG promulgated 122 ordinances and a vast majority of them were unrelated to its mandate. [Annexure 4].

Above all, as per the Constitution, all ordinances are to be ratified by the *Jatiya Sangsad* within 30 days after the new Parliament comes into effect. This holds true for the Ordinances promulgated by the CG. There were considerable uncertainties whether this would happen as the 30-day time limit passed on 23 February 2009.

The uncertainties over its actions highlight the limitation of the office of CG and its continuation as an interim arrangement between two elected governments. By embarking upon a path that is the sole prerogative of an elected government, the Fakhruddin-led CG undermined its efficacy. The constitutional propriety of its prolonged existence would determine the future of this institution.

It is also obvious that the CG could embark upon such an ambitious path primarily because of the unqualified support it enjoyed from the military. If the technocrats were the mask, the military was the substance of the CG.

The Army: Power behind the Throne

Night's darkness is the bag that bursts with the gold of dawn.

— Rabindranath Tagore

‘Military-backed’, ‘civilian’, ‘quasi-military’, or ‘military regime with a civilian façade’ are some of the expressions used to describe the Caretaker Government. It is undeniable that the army was the backbone of the Fakhruddin-led government that ruled Bangladesh between January 2007 and January 2009. The reform agenda of the government was backed, supported and even executed by the military. While the CG was not a military regime, the army was its foundation. Ironically, the military was instrumental not only in restoration of law and order but also in the implementation of far reaching political reforms in the country, which were instrumental in encouraging the democratisation process. Not only did it enable the CG to conduct elections but even ensured that the transition was smooth. This quasi-military-quasi-civilian experience is rather unique to the Third World, which is prone to military coups and the prolonged absence of elections. Far from being the bastion of authoritarianism, the Bangladesh army has functioned as an effective instrument of political change in the country. The military performed yeoman service to Bangladesh, where elected governments failed. That the army could perform such a role has to be seen within the wider context of the civil-military nexus dating back to the foundation of Bangladesh.

Civil-Military Relations

The military has been an integral part of Bangladeshi history and politics.¹ The roots of this nexus were formed during the Liberation War of 1971 when the civilian population and forces of the *Mukti Bahini* joined hands against the military establishment of erstwhile West

1 Emajuddin Ahamed, ‘Military rule civilisation and electoral corruption Bangladesh and Pakistan in perspective’, *Asian Studies*, Vol. 25 (i) March 2005, pp.73-94.

Pakistan. The immense human suffering and sacrifices made during that time still reverberate in Bangladesh. Both the Awami League and the BNP have intense competition over their roles during the War and its legacy. Conversely, those who opposed the War or worse collaborated with the enemy still generate public wrath. As highlighted by Emajuddin Ahamed, the contestation surfaced soon after the Liberation War:

The fact that a large number of officers and *jawans*, throwing aside their professional norms and indignantly breaking the canons of military discipline and chain of command, rose against the establishment and joined the War, was itself a revolutionary step. Under normal circumstances, all of them would have been court-martialled, but after independence they became war heroes and were greeted with warm-hearted glee and pride by the nation. The War of Independence removed the distance between the civilians and armed forces personnel, and made them aware of the nature of weak political leadership and fragile political institutions.²

This process entrenched further following the assassination of Mujib and the introduction of military rule.

A number of events consolidated the military influence on politics. Within years after freeing the country from the clutches of Pakistan's dictators, Mujibur Rahman turned authoritarian. His decision to convert Bangladesh into a single party republic eventually led to his assassination. Between August 1975 and December 1990, the country remained under military rule. In their later years, both Gen. Ziaur Rahman and Gen. HM Ershad floated political parties to secure legitimacy. Both ensured a wider political role for the military. Through a host of means including political appointments, the armed forces expanded their influence beyond the barracks. Liberal and generous patronisation ensured the presence of armed forces in various segments of the polity. For its part, the military secured an effective

2 Emajuddin Ahamed, 'Politicisation of the armed forces, military and democracy in Bangladesh', in R.J. May and Viberto Selochan. (ed.). *The Military and Democracy in Asia and the Pacific* ANU, 2004, Melbourne, at http://epress.anu.edu.au/mdap/mobile_devices/ch07s03.html.

control mechanism over non-military organisations and in the process guaranteed the loyalty and allegiance from the service officers.

The fall of Gen. Ershad in 1990 saw a new twist. When multi-party elections were introduced in 1991, two of three parties which dominated Bangladeshi politics had strong military links, namely the BNP and Jatiya.³ The consistent increase in defence allocation by civilian governments ensured the continued support of the armed forces. The patronage system also enabled party affiliations to recruit a guaranteed number of their supporters into the military service. Though the military downplayed its political linkages in the post-1990 multi-party environment, one can still notice the indelible presence of armed forces in the state's political structure.

The role of the military has only increased since then. Civilian governments have often relied on the military for a number of non-military functions. The army has often been called to help the civilian administration in the restoration of law and order, relief and disaster management activities, and anti-terror campaigns. This trend reflected both the magnitude of the problems and the deficiencies of the civil administration. Over the years, civil-military functions have blurred occasionally. During the second tenure of Khaleda Zia (2001-06), the army was actively involved in two law and order operations namely, *Operation Clean Heart* (16 October 2002–January 2003) and *Operation Spider Web* (20 July–14 August 2003).

Two other factors have enabled the military to have a greater say in the running of the country. Firstly, Bangladesh has had three military governments headed by Khondakar Mustaque (1975), Ziaur Rahman (1977–81), and HM Ershad (1982–90). Besides these, there have been as many as 18 coup attempts between 1975 and 1990.

Secondly, both military and civilian governments have been appointing retired service personnel at senior positions in the government and government-owned institutions. A large number of service officers have become diplomats, heads of government agencies or public

3 As a result, they are often described as 'barrack parties'.

operations. According to a study undertaken by Bangladesh academic Emajuddin Ahmed:

On 1 March 1979, 25 of the 625 officers in the senior policy pool, responsible for policy-making in the secretariat, were military officers. Of 101 chairmen or managing directors of public corporations in June 1980, 42 were military officers or retired servicemen. In January 1981, 22 of the 40 district superintendents and additional superintendents of police were army officers. Moreover, 500 retired military officers were employed in industry, indenting business, foreign trade, and supply and contracts under the patronage of the government. Quite a few military officers were allotted residential plots in the developed areas of the city, and were even granted liberal loans for building houses by the House Building Finance Corporation.⁴

This has not only ‘civilianised’ the military but also bridged the gap between the armed forces and the general masses. One should look at Chief of Army Staff, General Moeen U Ahmed’s observation in this context, when he said ‘Army is always with the government like police or civil administration. It can’t remain isolated from any government’.⁵

The involvement is much more than that of just the armed forces personnel. The armed forces are involved in a host of other activities, which are largely civilian and commercial in nature. Some high profile commercial ventures such as the Radisson Hotel in Dhaka is built on land owned by the army and the Rifles Square Mall that was one of the principal scenes of action during the Bangladesh Border Rifles (BDR) siege in February 2009 belongs to the military. Through such deep

4 Emajuddin Ahamed, ‘Politicisation of the armed forces, military and democracy in Bangladesh military as the ruling elite’, in R.J. May and Viberto Selochan. (ed.) *The Military and Democracy in Asia and the Pacific* ANU, 2004, Melbourne, at http://epress.anu.edu.au/mdap/mobile_devices/ch07s03.html.

5 ‘Gen Moeen contradicts law adviser’, *New Age*, 29 August 2007, at www.newagebd.com/2007/aug/29/index.html.

entrenchment, the armed forces annually contribute US\$ 600 million to the Bangladeshi economy.⁶

Of late, a third dimension had emerged. Through their immature and short-sighted behaviour, political leaders in the country have created an environment conducive for military intervention.⁷ There were suggestions that following the October crisis, Awami leader Hasina was not opposed to some form of military rule.⁸

There were however countervailing forces that worked against military intervention. The Bengali opposition to Pakistani domination and hegemony laid the foundation for Bangladesh. This democratic streak has continued since then. In the words of a veteran observer of Bangladesh,

...over the past century the Bengali Muslim has been conscious of the power of numbers and has demonstrated a healthy disdain for feudal or autocratic power. Though there have been military coups, the armed forces are not integral to the political structure, as in Pakistan.⁹

Mujib was the chief architect of victory in the Liberation War and its most popular hero. Nevertheless, when he turned authoritarian, this did not protect him from being at the receiving end of public criticism. Likewise, mass disapproval eventually ended Ershad's military rule in 1990. More than political parties, ordinary men and women have been instrumental in the introduction of multi-party elections in the country. Ironically, the personalised politics in Bangladesh is accompanied by widespread participation in the elections. The failure of the leaders to inculcate and crystallise democratic values is often accompanied by a larger voter turnout. From 55.35 per cent in 1991, it increased to 74.96

6 Mohd Aminul Karim 'Civil military relation in Bangladesh: a perspective', *NDC Journal*, Vol. 4 (1) June 2005, at <http://www.ndc.gov.bd/admin/publication/Civil-Military%20Relations-Brig%20Gen%20Aminul%20Karim.doc>.

7 Richard L. Benkin, 'Uncertainty, Hope as Transitional Government Assumes Power in Bangladesh', *Global Politician*, 11 July 2006, at <http://www.globalpolitician.com/22287-bangladesh>, accessed on 1 September 2008.

8 Personal interactions with Bangladeshi scholars in New Delhi on 12 August 2007.

9 Deb Mukharji, 'A return to democracy', *Seminar*, No 584 – April 2008, pp.29-33.

per cent in 1996, and was 74.5 per cent in 2001.¹⁰ In 2008, 82 per cent of the registered voters took part in the Ninth *Jatiya Sangsad* elections.

Thus, civil-military relations are a contest between military encroachment upon politics and popular opposition to authoritarian trends. At times, the military prevailed and took over the reins of power. There were occasions when popular opposition and disapproval kept the military within the barracks. The October crises however, resulted in a more complicated outcome—a civil-military government working in tandem. This led to general confusion as highlighted at the beginning of the chapter. For better or worse, the CG and the army worked towards the same objective—political reforms.

Before examining the functioning of this arrangement, it is essential to recognise two conditions that led to this arrangement—the circumstances leading to the introduction of internal emergency and the refusal of the military to actively intervene. In short, while its intervention was inevitable, why did the military settle for playing a secondary role to the government?

Power Behind the Throne

The problem began when the government and opposition could not agree on the candidature of the CG when Khaleda completed her tenure in late October 2006. The President taking over also as chief adviser only made matters worse. The EC was equally defiant and pursued an unpopular election schedule. These led to widespread public protests and clashes. To make matters worse, on 12 November 2006 President Iajuddin ordered the deployment of armed forces to quell the rising political violence.¹¹ The unpopularity of this move forced the government to withdraw the deployed troops within hours. There were suggestions that the army was reluctant to get directly involved in politics. Even the CG arrangement was crumbling as four out of ten advisers resigned due their differences with Iajuddin. The final

10 Dalem Ch. Barman, M. Golam Rahman, Tasneem Siddiqui, 'Democracy Report for Bangladesh', and in Ziring, Lawrence, *Bangladesh From Mujib to Ershad: An interpretive study*, University Press Limited, 1994, Dhaka, p.39.

11 'Decision to deploy army, time not fixed', *Bangladesh News*, 13 November 2006, at <http://www.bangladeshnews.com.bd/2006/11/13/decision-to-deploy-army-time-not-fixed/>.

thrust came when the Awami-led opposition announced a siege on *Bangabhavan* (the President's house). As discussed earlier, there were external pressures for a political settlement. To avoid further popular confrontation and a possible bloodbath, the President resigned as Chief Adviser and imposed internal emergency. The appointment of Fakhruddin as the head of the CG followed. It is reasonably certain that without the measures taken by the army-backed caretaker government, Bangladesh would have plunged into civil war. In the words of Matiur Rahman editor *Prothom Alo*,

‘...the political leaders... have not been able to show us any path... the problem is only increasing. It is the military today that has saved us from falling deep into a crevice... we would not have been able to solve our own problems ourselves... It is the stark the reality... now we are at such a crossroad where we think that it is impossible for any political leaders to solve the problems by themselves...’¹²

The Army Chief Gen. Moeen U Ahmed, could have deposed the President and taken over the reins of power around 11 January 2007 when the internal crises peaked but the Army chose to resist the temptation, though conditions were ripe for a takeover.¹³ Arguably, the army's role was not voluntary but necessitated by the possibility of the administration collapsing. It might be too early to attribute this reluctance to the personality of Gen Ahmed, though he perhaps had more valid reason for a military takeover than any of his predecessors. From the material currently available in public domain there is one plausible explanation—the army recognised the unpopularity of military rule and refrained from repeating past mistakes. Explaining the army's behaviour Moeen observed:

... the country had three options in front of it: the first was to go for elections that was scheduled on 22 January 2007, the second was to proclaim martial law and the third option

12 Matiur Rahman (ed) *Prothom Aor Mukta Sanlaap: Desh Ekbon Kon Pothe?* (Protham Alo's Free Conversation: Quo Vadis, Bangladesh?) (translation by author) Madras Brothers, 2008, Dhaka, p.62.

13 In his memoirs *Shanteer Shopne Shomoyer Sriteecharon*, Dhaka, 2009, published while he was still in office, Army Chief Moeen disclosed that some western governments encouraged him to take over but he declined.

was to protect the national existence through establishing an acceptable CG by quickly promulgating the state of emergency. ...everybody in the world including Bangladesh at that time was apprehending that martial law was imminent. But we decided not to follow the footsteps of our predecessors as the third option was adopted ...¹⁴

In short, the army had the opportunity but declined to act on it.

One can discern international factors that influenced the army's behaviour. More than others, the UN was categorical in its opposition to military rule. It felt that the events following Khaleda's resignation 'severely jeopardised the legitimacy of the electoral process'.¹⁵ Holding elections under those circumstances was untenable and on 10 January, the UN pulled out its election monitoring team from Bangladesh. The UN also warned the army from being a party to any sham elections. Following this, the EU and the Commonwealth cited absence of conditions conducive for elections and suspended their election observation missions.

The UN went a step further and threatened to remove the army from UN peacekeeping duties if they took part in the elections. Its threats to disallow blue helmet responsibilities deterred the army from engaging in any move akin to a coup.¹⁶ This was a powerful instrument at the disposal of the UN. Ever since its maiden participation in the UN peacekeeping missions in 1988, Bangladesh has contributed 40,793 soldiers to various UN operations. At the beginning of 2006, Bangladeshi peacekeepers were operating in over 30 missions in 12 countries spread across three continents and thus Bangladesh emerged as the second largest contributor to peace-keeping operations. There were financial benefits as ` peacekeeping operations brought home over Tk 46 billion or about US\$ 200 million annually.

14 N.M. Harun, 'Beyond the apparent, Popularity is the litmus test of a political leader', *New Age*, 21 October 2007, at www.newagebd.com/2007/oct/21/oped.html, accessed on 18 February 2009. These remarks were made in London where he was on a stopover visit.

15 'UN threatens Bangladesh's peacekeeping role' *The Daily Star*, 12 January 2007, at <http://www.thedailystar.net/2007/01/12/d70112011312.htm>, accessed on 18 February 2009.

16 Ibid.

Shouldering such a responsibility not only lends international prestige to the Bangladeshi army but also at times deters it from indulging in ‘any adventurism’.¹⁷ As Gen. Moeen admits in his memoirs, the UN warned that it ‘will seriously consider withdrawing the Bangladesh peace keepers from the UN missions if Bangladesh army plays any role in such an election’.¹⁸

The army was active in a host of activities carried out by the CG during its 23 months office. A vast majority of them were beyond the scope of the army and some even beyond the constitutional propriety of the CG. The army had no qualms about them. As reflected by the public statement of Moeen, the army was equally keen to reform the political system. He did not hesitate to espouse the importance of democracy:

I reckon Bangladesh will have to construct its own brand of democracy, recognizing its social, historical, and cultural conditions, with religion being one of several components of its national identity. ...We have tried both the Presidential and parliamentary forms of government and now the people will judge which is better... I believe the aspiring democratic process of search for new direction Bangladesh and the current transition period allow us an opportunity to develop a new concept and find a new sense of direction to the future politics of Bangladesh.¹⁹

Thus, both Moeen and Fakhruddin had identical views regarding political reforms.

At the same time, the army was prepared to recognise the formality of civilian supremacy. Though being indispensable to the CG, Moeen frequently underscored this point. He categorically declared that ‘the

17 Ibid.

18 ‘UN suspends technical support to electoral process in Bangladesh’, *The China Daily*, 11 January 2007, at english.peopledaily.com.cn/200701/11/eng20070111_340278.html, accessed on 18 February 2009.

19 Lt. Gen. Moeen U. Ahmed, ‘The challenging interface of democracy and security’, *The Daily Star*, 4 April 2007, at www.thedailystar.net/2007/04/04/d704041501137.htm, accessed on 18 February 2009.

army has no intention to take over'.²⁰ In one of his first meetings with the press after the formation of the CG, he declared that the army would be 'subservient' to civil authority. For him its present role was no different from before: 'it is to restore democracy, law and order, and eliminate corruption that the army has come to the aid of the civil government'.²¹ An editorial in *The Daily Star* summed up the popular view when it observed: '(Moeen) had confirmed our belief that the armed forces have neither the willingness nor the proclivity to take up the reins of power in Bangladesh.'²²

As a result, the army and the CG worked in harmony. During the 23 months, there were no public or known disagreements between the two. In return for unqualified support from the military, the CG was more accommodative of the army and its demands. These include:

- In May 2007, the rank of the army chief was elevated to full General, thereby enabling Four Star General Moeen to stay as army chief until June 2009. This move also resulted in an upward movement of a number of senior officials. Principal Staff Officer Major General Mohammad Zahangir Alam Chowdhury became Lieutenant General; Commandant of the National Defence College Major General Abu Tayeb Mohammad Zahirul Alam became Lieutenant General; and Deputy Director General of DGFI Brigadier General Golam Mohammad was promoted to Major General and made Director General of the Forces Intelligence.
- Serving army officers were made ambassadors—Maj. Gen. Mostafa Reza Noor was sent to Kuwait, Maj. Gen. Mohammad Ishtiaq to Turkey and Lt. Gen. Masududdin Chowdhury to Australia.
- A number of senior positions in the CG also went to retired military officers. Two of the advisers to the CG were former officers—Maj.

20 'Army rules out coup in Bangladesh', *BBC*, 9 February 2007, at news.bbc.co.uk/go/rss/-/2/hi/south_asia/6345441.stm, accessed on 18 February 2009.

21 'No chance for military involvement in politics; Army subservient to civil authority, Lt Gen Moeen tells editors, asserts press freedom', *The Daily Star*, 24 May 2007, at www.thedailystar.net/2007/05/24/d7052401011.htm, accessed on 18 February 2009.

22 Editorial, 'Army's role; CAS's remarks clear the air', *The Daily Star*, 12 February 2007, at www.thedailystar.net/2007/02/12/d70212020130.htm, accessed on 18 February 2009.

Gen. (Retd.) MA Matin, (Ministry of Communications, Shipping, Civil Aviation and Tourism and Liberation War Affairs) and Maj. Gen. (Retd.) Dr. ASM Matiur Rahman, (Ministry of Health and Family Welfare, Water Resources, and Religious Affairs). Two key institutions also had a strong military presence—Brigadier General (Retd.) M Sakhawat Hossain was member of the EC, and Lt. Gen. (Retd.) Hasan Mashud Chowdhury headed the powerful ACC.

- Above all, under the CG the defence budget showed a considerable increase. It proposed an allocation of Tk 64.080 billion for defence services for 2008–09, about Tk 10 billion higher than the previous budget.²³

As a result, while the EC had differences with the army, the CG had none. Whether partners in crime or joint reformists, the army and CG sustained themselves and survived with the help of each other.

Besides being the real power behind the CG, the army was visible in a number of other areas. In pursuit of the anti-corruption drive, the security forces carried out simultaneous raids against many political leaders, especially those belonging to mainstream parties. The arrest and incarceration of a large number of leaders, high profile bureaucrats and businessmen could not have happened without the army. Much of what the CG accomplished during its tenure such as demolition of unauthorised structures, unearthing of stolen relief supplies, retrieval of illegal vehicles and confiscation of endangered animals kept as domestic pets was because of the army's complete support. The armed forces were active in various relief measures especially following the Sidr cyclone and floods of 2007. The food crises of 2008 made the army come to the rescue of the civilian government once again. As part of the *daal bhaat* (lentil and rice) relief programme the para-military forces opened 75 outlets to provide basic commodities at subsidised prices.²⁴

The crowning role of the army was to come during the elections, the primary aim of the CG. Recognising past controversies and enormity

23 'Defence budget higher by Tk 1000cr', *New Age*, 10 June 2008, at <http://www.newagebd.com/2008/jun/10/front.html#21>, accessed on 18 February 2009.

24 The training received by the Bangladeshi army under the American anti-terror assistance program proved handy in coordinating rescue and relief operations during disasters.

of the problem, the EC enlisted the services of the military in the preparation of the voter list. The role of the army was also evident in the preparation of the voter identity cards. The EC granted additional powers to the army on the polling day, enabling members of the army, navy and air force powers to arrest anyone without a warrant within four hundred yards of polling stations. The heavy deployment of the army on the polling day was partly responsible for the heavy turnout, especially in areas populated by minorities.

Without the unqualified support and backing of the army the CG could not have survived, let alone pursued its reform agenda. For its part, the army adopted a subtle position whereby it sought to steer the CG without actually taking over power. While supporting the government, Moeen reiterated his acceptance of civilian supremacy. By working in tandem, the military enabled the CG to introduce far-reaching changes in the country.

Restoring Law and Order

Besides elections, the success of the army-backed CG saw significant improvements in the law and order situation. Though political violence has a tendency to hog the limelight, societal violence in Bangladesh was also widespread. Over the years, violence against women, minorities and other weaker sections had increased. On the eve of the 2001 *Jatiya Sangsad* elections major political parties vowed to control violence and restore law and order. During her second term in office, Khaleda called the army a couple of times to fight crime and violence. As we may recall, a civil war situation in early 2007 led to the imposition of emergency and installation of Fakhruddin as head of the CG. Therefore, fighting crime and maintaining public order became top priority and the *raison d'être* for the army backing the CG. Without this the army would have lost credibility and the CG would have collapsed.

Towards meeting this objective, the army took a number of measures against criminal elements in the country. While actual numbers are not yet available, there has been a noticeable decline in the number of violent incidents in the country. Following the declaration of emergency, the security forces swung into action. Within the first five

months, 220,178 people including 613 known criminals were arrested; arrest warrants were issued for an additional 116,000 persons and the army recovered 1,765 firearms.²⁵ During this period, the Bangladesh media reported 1,579 killings, 1,419 incidents of rape, 510 *dacoities* and 494 robberies. While violence did not completely disappear, it reduced considerably. In June 2008, the army launched another drive against violence and arrested more than 10,000 people within a week. According to Amnesty International, the army arrested over 440,000 persons in its crackdown operations.²⁶

Islamic militancy received concerted and focused attention from the army. The restoration of law and order in the country demanded tougher measures against various militant groups. In recent years, militancy-related violence had increased in Bangladesh. Since 1999, Bangladesh has suffered 33 major bomb blasts.²⁷ Five hundred bombs exploded on 17 August 2005 in all but one district of the country. Many observers, both inside and outside the country, suspected that the Khaleda government was turning a blind eye towards militancy. The militant outfit *Jama'at ul-Mujahideen Bangladesh* (JMB) was first banned by the United States of America and only then Bangladesh followed suit. This period also saw the rise of the *Jagrata Muslim Janata Bangladesh* (JMJB). Even though *Bangla Bhai* (or Siddiqui Islam, Deputy Chief and Operations Commander of JMJB) and his associates were arrested and convicted in 2005 for the Jhalakathi bombing, the BNP government was perceived as lenient towards Islamic militants. Therefore, the army had a twin- challenge before it, namely, restoration of law and order and containment of militant groups.

There was an additional incentive. On the political front the anti-corruption drive of the army and CG were focused on the two mainstream parties —the Awami League and BNP. Others were considered less important and ignored more or less. For example, it

25 25,765 people were arrested in different cases during January 2007, followed by 22,814 in February and 24,200 in March.

26 *Amnesty International Report 2008, Bangladesh*, at <http://amnesty.solidstategroup.com/eng/regions/asia-pacific/bangladesh>, accessed on 18 February 2009.

27 'Udichi again: 33 major blasts since 1999', *The Daily Star*, 9 December 2005, at www.thedailystar.net/2005/12/09/index.htm, accessed on 18 February 2009.

was only in May 2008, that the *Jama'at* leaders came under arrest on charges of corruption. This perceived leniency towards leaders of Islamic group raised doubts about the impartiality of the CG and the army. It is in this context that one has to view some of the stringent measures taken by the army regarding militant groups. For conducting political reforms the army targeted the Awami League and the BNP and on the law and order front it targeted the Islamic militant groups.

To restore law and order and to establish its credibility the army initiated a number of measures against groups that were accused of or responsible for terrorism. The most visible manifestation of the anti-militancy campaign was the swift hanging of *Bangla Bhai*, and other JMB leaders namely Ataur Rahman Sunny (Military Commander), Abdul Awal and Khaled Saifullah and the. Even though the courts fixed 13-19 April as the tentative period for their execution, they were hanged in the early hours of 30 March 2007.²⁸ This was despite their appeals against conviction pending in the courts. The government used a possible law and order situation to justify its action.

A few days before this, six suspected operatives of the banned Islamic outfit were arrested in Jamalpur and Rajshahi. Members of other militant groups suspected of involvement in previous terror attacks came under arrested. According to a Bangladesh Enterprise Institute report, during 2007–2008 the security agencies arrested 104 Islamist militants, including 46 belonging to the *Hiżbut Toubid*.²⁹ On May 2007, JMB activist Shahidullah Mahbub confessed to his involvement in the murder of Rajshahi University Professor Mohammad Yunus.³⁰ In September that year, four more JMB activists were arrested for terror-related offenses. In the same month, two JMB leaders Moulana and Abdul Aziz alias Abu Hanif Saidur Rahman were arrested for storing explosives and bomb making materials at a house in Sylhet.

28 Manik J., and S. Islam, 'Six JMB militants hanged', *The Daily Star*, 31 March 2007, at <http://www.thedailystar.net/2007/03/31/d7033101011.htm>.

29 'Trend of Militancy in Bangladesh: August 2007-2008'. 'Militant groups patronised by some parties says home secretary', *The Daily Star*, 12 June 2008, at <http://www.thedailystar.net/story.php?nid=40819> quoted, accessed on 18 February 2009.

30 In April 2006, another person named Shafullah Tarek was arrested for the same crime.

The courts were equally helpful in the army's campaign against militancy. Even members of other political parties accused of militancy-related violence were not freed.

- On 27 July 2007, the former post and telecommunications minister, barrister Aminul Haque and 24 others were sentenced for patronising Islamist militants. The convicted included Rajshahi district BNP Secretary Shish Muhammad and two other former BNP MPs.³¹
- On 22 January 2008, three JMB activists were sentenced to 34 years rigorous imprisonment under arms and explosive charges.³²
- On 3 June 2008, three activists of the JMB, Wahidul Islam alias Habib, Shafiqul Islam alias Russell and Hafez Ibrahim were sentenced to rigorous imprisonment of 20 years for possessing bomb-making materials.³³
- On 26 November 2008, Chittagong divisional chief Javed Iqbal of the banned JMB and three other cadres were sentenced to rigorous imprisonment of 20 years for a bomb attack on a judge in 2005.

Some of the earlier terror cases were also resolved during this period. Seven and a half years after the Ramna Batamul incident HUJI cadres were charged with the attack that took on the Bengali New Year's Day in 2001. According to the investigation two *Harkatul* operatives, Maulana Sabbir alias Abdul Hannan Sabbir and Hafez Jahangir Alam Badar, made the bombs at a house at Mohammadpur in the capital at the instruction of their leader, Maulana Mohammad Tajuddin which were used to carry out the terror attack.³⁴

31 'JMB patron Animul jailed', *Bangladesh News*, 27 July 2007, at www.bangladeshnews.com.bd/2007/07/27/.

32 '3 JMB men get 34 yrs', *The Daily Star*, 23 January 2008, at <http://www.thedailystar.net/story.php?nid=20258>.

33 '3 JMB men get 20 yrs for possessing explosives', *The Daily Star*, 3 June 2008, at http://www.thedailystar.net/pf_story.php?nid=39457, accessed on 18 February 2009.

34 'Ammonia dynamites used in Ramna blasts', *New Age*, 1 December 2008, at www.newagebd.com/2008/dec/01/front.html, accessed on 18 February 2009.

On 12 April 2007, a number of HUJI leaders including Mufti Abdul Hannan were charged for a grenade attack on Hasina in 2004 and for bomb attacks on the CPB conference at Paltan, Ramna Batamul and Baniachang church on 3 June 2001. They also confessed to attacking Sylhet Mayor Badruddin Kamran (4 February 2004) and Awami League leader Suranjit Sengupta (21 August 2004).³⁵ In December, 2008 Mufti Abdul Hannan and his two deputies were sentenced to death for the 2004 grenade attack on Anwar Choudhury, the then British High Commissioner in Dhaka.³⁶

The security forces arrested a number of militants for terrorism-related offences. In many cases filing of formal charges in courts followed the arrests.

- On 19 March 2007, JMB cadres Morshedul Islam and Sirajul Islam were arrested from Rangpur District, while they were planning subversive activities.
- On 16 November 2007, five JMB men including executed militant leaders Abdur Rahman and his brother Sunny were charged with the attack on Prof. Humayun Azad.
- On 21 July 2008, charges were filed against HUJI operative Abu Zandal in connection with the grenade attack on British High Commissioner Anwar Choudhury on 21 May 2004.
- On 19 September 2008, the coordinator of the Bangladesh chapter of *Hizb ut-Tabrir* and nine of his associates were arrested for distributing leaflets calling for establishing *Khilafat* rule in Bangladesh.
- On 17 November 2008, JMB member Mohammad Hanif alias Kalam was arrested in Dhaka along with a large quantity of bomb and grenade-making materials.

35 Shamim Ashraf, 'Humayun Azad Case charge sheet against JMB men in week', *The Daily Star*, 5 November 2007, at www.thedailystar.net/story.php?nid=10397, accessed on 18 February 2009.

36 Zaman Monir, 'Mufti Hannan, 2 others to die for attack on British envoy', *The New Age*, 29 November 2007, at www.newagebd.com/2007/nov/29/met.html, accessed on 18 February 2009.

- On 29 November 2008, eight persons were arrested for damaging a 41-foot sculpture of a group of white storks by Mrinal Haque, placed at a road intersection since 1989.
- On 23 December 2008, three HUJI militants were sentenced to death and two others to life imprisonment for the 2004 grenade attack on British High Commissioner Anwar Choudhury.
- On 26 December 2008, eight members of the JMB including an *Ehsar* (full-time JMB activist) and two *madrasa* teachers were arrested from Sadder and Gobindaganj *upazillas* in Gaibandha along with a huge quantity of bomb and grenade making equipment and 50 cases of grenades.³⁷

As part of the anti-militancy drive, the army carried out various raids against suspected militant hideouts. In December 2007, several known hideouts were raided in Gaibandha. This led to the discovery of a woman *Ehsar*.

The overall progress of the anti-militancy campaign was considerable. For example, out of the 169 cases filed against militants in connection with the August 2005 serial blasts, as many as 37 cases were completed within three years. About 456 persons were arrested including the JMB chief, Shaikh Abdur Rahman, and six members of the *Majlish-e-Sura* (highest policy-making body). There were also occasions where the militants were defiant and threatened further violence. There were regular reports that some of the militants belonging to banned outfits were regrouping under new names and banners. A suspected JMB military commander Mostafizur Rahman Shahin, arrested on 20 March 2008 in Pabna, had claimed that 5,000 operatives were still active. There were media reports that freed JMB members were reorganising themselves in remote *chars* (islands) in Sirajganj, Jamalpur, Sherpur, Pabna and Bogra districts.³⁸

37 Asraful Huq, '8 militants hauled up; Huge explosives recovered in Gaibandha', *New Nation*, 26 December 2008, at nation.ittefaq.com/issues/2008/12/26/all0449.htm, accessed on 18 February 2009.

38 Arif Newaz Farazi, 'JMB cadres regrouping in remote northern areas. Most of the cases remain stalled due to legal loopholes', *New Age*, 18 August 2008, at www.newagebd.com/2008/aug/18/index.html, accessed on 18 February 2009.

In September 2008, JMB and JMJB sent a letter to Rapid Action Battalion-5 (Rab) headquarters and Rajshahi Metropolitan Police threatening bomb attacks on the homes and offices of all advisers to the CG.³⁹ The letter also demanded the release of 10 *Hizb ut-Tabrir* leaders arrested earlier.⁴⁰ In the same month in a fax message was sent on a JMB letterhead threatening the Indian High Commission that their building would be blown up unless extortion money was paid.⁴¹ On 18 October 2008, HUJI members Mizanur Rahman Tushar, Omar Faruque, Mujahidul Islam and Yusuf Al Helal were arrested at Khalishpur when they tried to forcibly free their leader Mufti Abdul Hannan from custody. A couple of months later, an Indian television channel reported that a six-member HUJI suicide squad was being trained to assassinate Sheikh Hasina.⁴²

Besides JMJB and JMB, the government also targeted other militant groups. In February 2008, Home Secretary Abdul Karim reiterated that Islamist militant groups were home grown and they were financed domestically and patronised by particular political parties. Apart from the large well-known groups, the government also tried to dismantle the smaller extremist groups *Allahar Dal*, *Hijb ut-Tabrir* and *Hijb ut-Touhid*.⁴³ Even non-Islamic groups were not free from the security radar. On 1 January 2008, former BNP lawmaker Shamsul Alam Pramanik and 12 others were charged with patronising militants in Manda district.

Besides these arrests and conviction, the government strengthened the legal framework against terrorism. In June 2008, it introduced the stringent Anti-Terrorism Ordinance, 2008, providing death penalty

39 'JMB threatens bomb attacks on advisers', *The Daily Star*, 8 September 2008, at www.thedailystar.net/story.php?nid=53868, accessed on 18 February 2009.

40 'JMB threatens series of bombings. Demands release of Hizb ut-Tahrir men', *New Age*, 22 September 2008, at www.newagebd.com/2008/sep/22/front.html, accessed on 18 February 2009.

41 'JMB Threat. Security beefed up at Indian High Commission', *The Daily Star*, 23 September 2008.

42 'Indian media report on alleged Huji threat: Security beefed up', *New Nation*, 22 December 2008, at nation.ittefaq.com/issues/2008/12/22/, accessed on 18 February 2009.

43 'Militant groups patronised by some parties, says home secretary', *The Daily Star*, 29 February 2008, at www.thedailystar.net/archive.php?date=2008-02-29, accessed on 18 February 2009.

for offences like financing of terror. It allows for setting up of Anti-Terrorist Special Tribunals for terrorism-related offences.⁴⁴

Dilemmas and Restraints

Furthermore, the army had its own share of internal problem over politics. Besides the three successful military takeovers, there were more than a dozen unsuccessful coups. The internal division became apparent when Ziaur Rahman fell to assassins bullets. The CG was no exception to this trend. However, in the height of the crisis, there was convergence of views amongst the military leaders including the intelligence organisations. Subsequently, three distinct viewpoints emerged following the imposition of the emergency; one that believed that the military should maintain its distance from politics, the other that would prefer a direct role in politics and a third group that preferred to stay behind the scene rather than come to the forefront.⁴⁵ Evidently, there was a strong element within the military in favour of continuing to govern. The inherent differences led to contradictory measures such as the 'minus-two' formula. The changing fortunes of Major General Masud Uddin Chowdhury clearly illustrate this point. From being commander of the Ninth Division, he was promoted and posted at the Armed Forces Division as the Principal Staff Officer. Less than a month later, he became head of the National Defence College—an inconspicuous post. Within a week, he was sent to the foreign ministry. Likewise, two other generals packed off as diplomats lest they create problems for the Army Chief.

There were other problems. While the overall situation remained peaceful, there was one incident which could have gone out of control. On 20 August 2007, violence broke out amongst students during a football match in the Dhaka university campus. The presence of the army camp within the campus escalated the problem and soon led to a clash between students and the police. At that time as part of internal

44 'Anti-terrorism Ordinance '08 promulgated', *The Daily Star*, 13 June 2008, at www.thedailystar.net/pf_story.php?nid=40972, accessed on 18 February 2009. There was criticism over human rights concerns.

45 *Bangladesh: Elections and Beyond, Policy Briefing Asia N.64*, International Crisis Group, 11 December 2008, Dhaka/Brussels, p.11.

emergency, the army was enforcing a strict control over public protests. Even indoor political activities were not allowed. In the initial military crackdown, scores of students and some professors were arrested. Growing anger in the campus and wide resentment in civil society eventually forced the army to back down. Normalcy was restored when the army released all those arrested including three professors who were found guilty by the courts.

Within weeks, Lt. Gen. Moeen declared the army's intention to see the success of the CG, 'as we want to put the country on the right track'.⁴⁶ In July 2007, he outlined the 7-point proposal to fight corruption and dismantle 'a culture of corruption'. Among other things, it called for a continuous anti-corruption drive, strengthening of law and enforcement agencies, appointing a parliamentary ombudsman and introduction of the Right to Information Act. He also called for a review of the Official Secrets Act so that 'corrupt officials cannot hide behind the cloak of secrecy and escape punishment'.⁴⁷ While working in tandem with the CG on the reform agenda Moeen repeatedly denied any political agenda. Sensing the public mood, Moeen secured the extradition of Moinuddin, accused of killing Mujibur Rahman, from the US. In May 2007, he reiterated the army's subservience to civilian authority and added, 'I have no intention or ambition to be in politics or go beyond my role as the army chief. I am looking forward to my retirement and leading a life as an ordinary Bangladesh citizen'.⁴⁸ A few months later, he declared that 'no such situation has arisen in the country that warrants army takeover of power'.⁴⁹

Since the Liberation War, the military has occupied a central role in Bangladesh and emerged as the most dominating institution in the

46 'Army rules out coup in Bangladesh', *BBC*, 9 February 2007, at http://news.bbc.co.uk/2/hi/south_asia/6345441.stm, accessed on 18 February 2009.

47 'Army chief for end to corruption culture. Places 7-point proposal', *The Daily Star*, 12 July 2007, at www.thedailystar.net/2007/07/12/index.htm, accessed on 18 February 2009.

48 'No chance for military involvement in politics. Army subservient to civil authority, Lt Gen Moeen tells editors, asserts press freedom', *The Daily Star*, 24 May 2007, at www.thedailystar.net/2007/05/24/d7052401011.htm, accessed on 18 February 2009.

49 'Gen Moeen rules out army takeover. Says he has no plan to become President', *The Daily Star*, 17 January 2008, at www.thedailystar.net/archive.php?date=2008-01-17, accessed on 18 February 2009.

country. Periodic political violence and instability have entrenched the army in Bangladeshi politics. Over the years, it has extended its reach to a host of non-military areas. As a result, even after it formally returned to the barracks in 1990, the army occupied an important position in politics. Therefore, a complete separation of military from politics is not a realistic option for Bangladesh. At the same time the military has recognised its limitations and public opposition to authoritarianism. These two forces, namely, the military's involvement in politics and public opposition to it were played out during the period under review. The former was exhibited through the unstinting army support to the CG. At the same time, public disapproval manifested in the army's refusal of active intervention.

This involvement-without-intervention perhaps explains the army's role under the CG rule. Active intervention did not occur partly because of the army chief's personality and partly by a host of domestic and international developments. However, if unequivocal civilian supremacy over the military has to be established, Bangladesh would have to fulfil one crucial precondition—politicians must take complete responsibility for good governance. Political instability and lack of governance would be an open invitation for military intervention. There are no guarantees that under similar circumstances a future army chief would be less interventionist than Moeen. His reluctance for direct military intervention has to be contextualised and should not be seen as an immutable example.

However, if the military backing to the CG was more acceptable one has to look for other reasons. Maintenance of law and order considerably enhanced the credibility of the CG. There were other factors too. While political violence is a dominating feature, societal violence in Bangladesh can largely be traced to deteriorating economic conditions. Besides the usual problems, the CG faced a number of challenges in the form of natural calamities, food crises and energy shortage. An efficient management of these problems partly contributed to the prolongation of the CG.

Rising to the Economic Challenge 5

There are two problems in my life. The political ones are insoluble, and the economic ones are incomprehensible.

— Alexander Douglas-Home

During the 23 months in office, the Caretaker Government faced a number of challenges which demanded immediate and concerted attention. Apart from introducing reforms within the political system the CG also had to confront rising economic turbulence. This had to be tackled immediately and any prolongation or failure to meet the economic crises would have undermined the CG and its reform agenda, bringing protestors on to the street. Of the numerous challenges faced by the CG, the most crucial were natural disasters, food crises and the global meltdown. During this period, it also presented two budgets, which is normally the function of an elected government. Furthermore, the government faced an acute energy crisis forcing it to take a number of fire-fighting measures. Therefore, even though the economy of the nation was not its major agenda, the success of the CG squarely rested on the manner in which it handled the economic crisis.

The prolonged stay in office resulted in the CG handling the important issue of the budget also. During the 23 months, it presented two budgets. Both were quite professional and did not have the usual populist measures. Even mainstream parties largely welcomed the thrust of the budget proposals. While a detailed assessment of the budget is beyond the purview of this study, it is essential to examine some of its salient features. The budget presented in June 2008, for example, visualised a consistent economic growth reaching eight per cent by 2011. The bumper harvests and consequent reduction of pressure due to the food crisis contributed to a positive assessment of the future. Furthermore, as a long-term measure it sought to increase the emergency food stocks by 300 per cent to 3.2 million tonnes by 2008–09.¹

1 Serajul Islam Qudir, 'Update 3-Bangladesh budget sees higher growth bigger deficit', *Reuters*, 9 June 2008, at in.reuters.com/article/asiaCompanyAndMarkets/idINDHA11660720080609, accessed on 18 February 2009.

The military backing to the CG became more apparent in the budget. The defence allocation for 2008–09 was close to a billion dollar (Tk 64.08 billion or US\$ 934 million). This was the highest in the history of Bangladesh and was 10 billion Takas more than in 2007 and 2008.² With an allotment of 6.4 per cent of the total, the Defence Budget became the eighth largest sector ahead of Transport and Communication, Health, and Public Order and Security.³

Bangladesh is no stranger to natural disasters. The torrential floods in early 2007 were followed by Cyclones Sidr in August and Rashmi in October 2008. These three calamities wrought enormous destruction in Bangladesh. Vast areas of agricultural land was inundated and the impoverished infrastructure of the rural areas was severely affected.⁴ According to data available with the Food and Disaster Management Ministry, Cyclone Sidr affected 6.8 million people and destroyed 363,346 houses completely and 815,628 houses partially. The crop losses caused by it were estimated at around Tk 20 billion as 461,392 acres of land were damaged completely and 1,225,304 acres partially.⁵ Floods and Cyclone Sidr led to a shortage of rice to the tune of 2–2.5 million metric tonnes during 2007. Likewise, Cyclone Rashmi damaged crops in 22.8 million hectares of land in the 11 districts of Barisal agriculture and in about 100,000 hectares in Jhenaidah.⁶

For a change, these crises also brought out the growing efficiency of disaster management programmes in Bangladesh. The impact of these cyclones was lesser than before. Over the years, Bangladesh has learned to handle the vagaries of nature better.⁷ Its improved early

2 Rater Zonaki, 'Secret deals, lawlessness and deception', *UPI Asia Online*, 10 June 2008, at www.upiasia.com/human_Rights/2008/06/10/secret_deals_lawlessness_and_deception.html, accessed on 5 April 2009.

3 Ishfaq Ilahi, 'Bangladesh defence budget 2008-09: An analysis', *The Daily Star*, 5 July 2008, at www.thedailystar.net/story.php?nid=44241, accessed on 5 April 2009.

4 GDP, agriculture, including forestry, contributes around 14.83 per cent.

5 'Donors pledge \$550m', 23 November 2007, *The Daily Star*, at www.thedailystar.net/story.php?nid=12678, accessed on 18 February 2009.

6 'Cyclone affects crops on 3.28 lakh hectares in south', *New Age*, 29 October 2008, at www.newagebd.com/2008/oct/29/front.html, accessed on 18 February 2009.

7 Cyclone Gorky which hit Bangladesh in 1991 killed 138,000 people, and as many as 500,000 people were killed when Bhola hit the country in 1970.

warning and preparedness systems had a significant mitigating effect in this emergency and enabled the evacuation of around 3.2 million people living along the coastline. It had a huge stockpile of relief supplies and rescue equipment, including 4,000 metric tonnes of rice, with thousands of tents and blankets. These were quickly dispersed through the deployment of more than 700 medical teams in the worst affected areas.⁸

Initially the CG tried to deal with the calamity domestically and went to the extent of rejecting international assistance. The magnitude of the problem eventually forced it to quickly reverse its stand and accept assistance from outside, with donors sending more than US\$ 150 million worth of relief materials to Bangladesh.⁹ As discussed elsewhere, India also provided a large quantity of aid including medicine and other relief material. These natural calamities had an adverse impact upon the food situation in Bangladesh.

Food Crisis

Since 2007, there has been a widespread food crisis in different parts of the world. Unforeseen floods, droughts, climate change, reduction in agricultural land, fall in production and changes in cultivating pattern have contributed to a global food crisis.¹⁰ For Bangladesh, other additional factors worsened the food situation. As mentioned earlier Cyclones Sidr and Rashmi had a debilitating effect upon the economy and adversely affected the availability of food grains. The natural disasters damaged at least 1.8 million tonnes of standing crops and food production slipped to 25.9 million tonnes or 100,000 tonnes less than the total demand. These in turn contributed to a nine per cent price rise in 2006 and 24 per cent in the following year. In the

8 Simon Robinson, 'How Bangladesh Survived the Cyclone', *Time*, 20 November 2007, at www.time.com/time/world/article/0,8599,1685330,00.html, accessed on 18 February 2009.

9 'Hurricane Sidr, 5 lk MT sought from donors', *Bangladesh News*, 28 November 2007, at www.bangladeshnews.com.bd/2007/11/28/hurricane-sidr-five-lakh-mt-rice-sought-from-donors/, accessed on 18 February 2009.

10 'Twin crises of finance and food', *The China Daily*, 20 November 2008, at http://www.chinadaily.com.cn/world/2008-11/20/content_7223353.htm, accessed on 18 February 2009.

wake of Sidr, prices went up by 51 per cent.¹¹ In other words, within a 12-month period, the price of a kilogram of coarse rice, the staple food in Bangladesh, doubled.

With more than 27 million people dependent upon food subsidy, the situation was acute. The unavailability of food grains and spiralling prices led to what some described as ‘silent famine’ or ‘hidden hunger’.¹² To contain this situation the CG took a number of steps. Firstly, it opened 75 fair price outlets to provide essential commodities at subsidised prices. Manned by the Bangladesh Rifles this was one of the showcases of the military, which backed the civilian government. Secondly, the government decided to create a huge buffer stock by procuring 1.2 million tonnes of rice and 300,000 tonnes of paddy at the rate of Tk 28 and Tk 18 per kilogram respectively. The shortfall in food production was bridged by rice imports from India, Thailand and Vietnam. Fortunately for Bangladesh there was a bumper Boro rice harvest in May 2008. Above all, the large flow of water following the cyclone increased the fish catch. These factors prevented an impending food crisis and riots in the country.

The natural disasters and food crisis, however, adversely affected the Bangladeshi economy especially in terms of investments and contributed to some negative trends.

Economic Growth

During the past decade, the Bangladesh economy has had three major economic success stories, namely, an increase in the export of readymade garments, growth in labour exports and an increase in pisciculture and shrimp farming. These sectors are contributing approximately US\$17.8 billion in foreign exchange every year.¹³ There has also been an increase

11 He Changchui, ‘The twin crises of finance and food’, *The Manila Times*, 04 November 2008, at <http://www.manilatimes.net/national/2008/nov/04/yehey/opinion/20081104opi6.html>, accessed on 18 February 2009.

12 Achintya Sen, ‘Battle for survival’, *New Age*, 9 April 2008, at www.newagebd.com/2008/apr/09/oped.html, accessed on 18 February 2009.

13 Muhammad Zamir, ‘The RMG sector needs streamlining’, *The Daily Star*, 20 September 2008, at www.thedailystar.net/story.php?nid=55576, accessed on 18 February 2009.

in Bangladesh's earnings through remittances.¹⁴ The remittances from abroad are five times higher than foreign assistance. While accounting for only 2.8 per cent of the workforce, the expatriate labourers contribute more than nine percent of gross domestic product.¹⁵ The remittances are the second biggest source of foreign income after ready-made garments, and earned US\$ 10.7 billion in 2007. In the first 10 months, Bangladesh received US\$ 7.5 billion from its overseas workers, indicating an increase of 37 per cent from the same period a year earlier. About three million Bangladeshis living in the Middle East send approximately 70 per cent of all remittances,¹⁶ of which Saudi Arabia tops the list.¹⁷ According to ESCAP, 'overseas remittances are playing an important role in cushioning economic shocks'.¹⁸

Likewise, the ready-made garment exports witnessed an upward move. This sector recorded a 41 per cent growth in April 2008 and pushed up the country's overall export earning to nearly 15 per cent between July 2007 and May 2008. During July–April, overall export earnings grew by 14.7 per cent to \$11.37 billion while ready-made garments (RMG) exports grew by 14.8 per cent, contributing \$8.58 billion or about three-fourths of the total.¹⁹ Despite the global financial meltdown,

14 Porimol Palma, 'Workers turn the golden goose. Overseas employment doubles in 5 years; remittance flow goes up by 150pc', *Bangladesh News*, 11 January 2007, at <http://www.bangladesh-web.com/view.php?hidRecord=146124>, accessed on 18 February 2009.

15 Nusrat Khurshedi, 'A new approach to raise remittances', *Dawn*, 31 March 2008, at <http://www.dawn.com/2008/03/31/abr8.htm>, accessed on 18 February 2009.

16 *Bangladesh: Global financial crunch set to cut remittances*, UN Office for the Coordination of Humanitarian Affairs, 4 February 2009, at <http://www.irinnews.org/report.aspx?ReportId=81598>.

17 Prominent countries are the US, United Arab Emirates, Qatar, Oman, Bahrain, Kuwait, Libya, Iran, Hong Kong, UK, Germany, Japan, Malaysia, Singapore, Australia, Italy and South Korea.

18 'Escap sees 7pc GDP growth unlikely', *The Daily Star*, 27 March 2008, at www.thedailystar.net/story.php?nid=29463, <http://www.bangladeshnews.com.bd/2008/03/27/escap-sees-7pc-gdp-growth-unlikely/>, accessed on 18 February 2009.

19 Kazi Azizul Islam, 'Exports rise to 15pc in 10 months, Apparel sales grow 41pc in April', *New Age*, 11 June 2008, at <http://www.newagebd.com/2009/apr/09/busi.html>, accessed on 18 February 2009.

RMG exports have not faced any major setback²⁰ and they constitute more than 70 per cent of the total Bangladeshi exports.²¹

At the same time, there have been some negative trends in the economy and their impact was perceptible much before the global meltdown. Domestically the garment sector faced severe labour unrest due to unfulfilled workers' demands for an increase in salary and improved working conditions. They sought refreshment and night shift allowances, and demanded that wages and overtime dues must be paid in the first week of every month. They also wanted a weekly day-off and guarantees against dismissals without valid reasons.²² As a result, nearly 150 factories suffered from labour unrest from January 2008. There were incidents of vandalism and according to industry analysts, these problems affected nearly 400 units, representing around 10 per cent of the workforce in the garment industry.²³

The foreign investment proposals registered with the Board of Investment dropped by 84 per cent during January–June 2007 as compared to the previous six months. Foreign direct investment proposals fell from \$1,263.445 million during July–December 2006 to only \$197.274 million during January–June 2007.²⁴ The decline in investment registration was almost 30 per cent in the first nine months of 2007.²⁵ There was also a considerable drop in the domestic economic

20 The World Bank however has cautioned that the export growth might fall by 4.3 percentage and remittance by 20 percentage in 2009 due to global economic meltdown. Muntazir Zaidi, 'WB sees fall in export, remittance – Bangladesh', *Daily Newsletter from T&G-Supply*, 29 November 2008, at <http://www.tg-supply.com/article/view.html?id=29605>, accessed on 18 February 2009.

21 Shakhawat Hossain, 'CG will suggest new govt to raise cash subsidy for RMG exporters', *Financial Express*, 1 January 2009, at <http://www.thefinancialexpress-bd.com/2009/01/05/55186.html>.

22 Rokeya Sarani, 'RMG workers block', *New Age*, 13 June 2008, at www.newagebd.com/2008/jun/12/home.html, accessed on 18 February 2009.

23 Muhammad Zamir, 'The RMG sector needs streamlining', *The Daily Star*, 20 September 2008, at www.thedailystar.net/story.php?nid=55576, accessed on 18 February 2009.

24 Khawaza Main Uddin, 'Foreign, local investment proposals slump', *New Age*, 20 October 2007, at www.newagebd.com/2007/oct/20/index.html.

25 'FDI flow drops 6pc last year. Global figure ups 38pc', *The Daily Star*, 17 October 2007, at www.thedailystar.net/pf_story.php?nid=7747.

investments. Besides the food crisis and natural disasters there were other reasons for this downturn. The unstable political condition was often cited as the main reason for the economic slowdown.

According to the Governor of the Bangladesh Bank the economy was ‘severely hurt by twin spells of flooding, cyclone Sidr, increasing oil prices in the global market and the government’s anti-corruption drive’.²⁶ The CG’s anti-corruption drive and the arrests of several businessmen adversely affected the flow of capital. The arrests created panic not only amongst major business houses but also among small businessmen and traders. Fear and panic in the business circle forced many to keep a low profile leading to market depression. As cost cutting measures, the government shut down some state-owned production units, thereby causing hundreds of workers to lose their jobs. One analyst listed ‘several fear factors’ which contributed to the economic slowdown. They were the anti-corruption drive by the ACC, anti-hoarding measures, VAT and tax drives, scrutinising of bank accounts, examination of sources of wealth and eviction of huts and bazaars on public land.²⁷ Because of these factors, the ESCAP report estimated that seven per cent of Bangladeshi GDP growth went ‘missing’ in 2008.²⁸

The most profound impact of the CG was felt in the energy sector which faced some serious challenges.

Energy Deficit and Reforms

Energy shortfall has been a perennial problem in Bangladesh and it became worse under the CG. The per capital electricity generation has been about 155 kilowatt-hours, one of the lowest in the world. According to the World Bank, only 32 per cent of the population has access to electricity and mostly in the more developed eastern part of the country. In 2008, Bangladesh suffered its worst energy crisis in its

26 Editorial, ‘High time to revive economy’, *New Age*, 24 December 2007, at <http://www.newagebd.com/2007/dec/24/edit.html>.

27 ‘Businesses express concern at ACC, NBR drives Chief Adviser, army chief pledges end to harassment’, *New Age*, 6 September 2007, at www.newagebd.com/2007/sep/06/index.html.

28 ‘Escap sees 7pc GDP growth unlikely’, *Bangladesh News*, 27 March 2008, at <http://www.bangladeshnews.com.bd/2008/03/27/escap-sees-7pc-gdp-growth-unlikely/>.

history and during the summer average power generation capacity came down to 3,700 MW as against the demands of over 5,000 MW. The overall energy shortage was considerable; as compared to a surplus of 300 MW in 1990, the shortfall in 2007 stood at 2,000 MW.²⁹

According to *Oil & Gas Journal (OGJ)*, Bangladesh has 28 million barrels of proven oil reserves as of January 2006, down from 56 million barrels in 2005. The country produced an estimated 4,000 barrels per day (bbl/d) of oil in 2005. Bangladesh's relatively low level of domestic reserves and production capacity make it a net oil importer, as the country consumed an estimated 91,000 bbl/d of oil in 2005.³⁰

On the electricity front, the country needs about 5,200 MW power to meet its daily demands and about 2,000 million cubic feet (mmcf) of gas to supply fuel for power generation and other uses. While the power generation capacity stands at about 4,000 MW, actual production hovered around 3400–3500 MW. On the gas front, it is experiencing a shortage of about 100 mmcf of gas per day against a demand for 1,900 mmcf. Ironically, such deficits are in contrast to its gas reserves that are estimated at being sufficient to last for 50 years and coal reserves for 30 years.³¹ The domestic production could not cope up with the demand which has been growing at the rate of 30 per cent annually. Under Khaleda (2001–06) only 110 MW additional capacities were added to the national grid through the barge mounted plant at Khulna.³² The progress on the energy front was more impressive during the tenure of Hasina (1996–2001) which succeeded in attracting private investments towards generating 1,100 MW of additional electricity.³³

29 Nader Rahman, 'Still in the Dark', *Forum*, Vol.6 (8), 2 March 2007 at <http://www.thedailystar.net/magazine/2007/03/01/cover.htm>, accessed on 18 February 2009.

30 *Bangladesh*, Energy Information Administration, July 2006, at <http://www.eia.doe.gov/emeu/cabs/Bangladesh/Full.html>, accessed on 18 February 2009.

31 Afsan Choudhury, 'Bangladesh faces energy dilemma', *BBC*, 19 September 2006, at http://news.bbc.co.uk/2/hi/south_asia/5357458.stm, accessed on 18 February 2009.

32 Md. Asadullah Khan, 'Bleak power generation scenario: Alternative source is a must', *The Daily Star*, 8 November 2008, at www.thedailystar.net/story.php?nid=62301, accessed on 18 February 2009.

33 Nader Rahman, 'Still in the Dark', *Forum*, Volume 6 (8) 2 March 2007, at <http://www.thedailystar.net/magazine/2007/03/01/cover.htm>, accessed on 18 February 2009.

This holds true for the oil sector. The domestic consumption is 3.6 million metric tonnes of fuel, including 2.3 million metric tonnes of diesel and 0.6 million tonnes of kerosene. According to energy ministry estimates road transport accounts for 48 per cent of total diesel consumption, irrigation 34 per cent and water transport 10 per cent. About 96 per cent of kerosene is consumed for domestic purposes.³⁴ The oil demands are exclusively met through imports.

The shortage of energy supplies affected all walks of life. During 2006 different parts of the country witnessed large-scale and often violent demonstrations over power and energy supply.³⁵ It has affected industrial output, particularly in the jute mills, the country's second largest industry after the garment sector. Currently 90 per cent of the RMG factories run on diesel-powered generators and if they were to receive electricity from the national electricity grid their productivity would go up by at least five per cent.³⁶

This shortage has been compounded by the rapidly rising cost of crude oil. With prices reaching US\$ 144 a barrel (July 2008), Bangladesh which exclusively imports and heavily subsidises oil, was badly hit, thereby slowing down growth. The economy has been growing at more than six per cent annually in the last four years; the highest rate of growth since 1971 and at one time the central bank predicted that it would grow by seven per cent by June 2008. This however did not happen. While domestic factors and natural calamities brought down the economic growth, the global downturn aggravated the situation. This was particularly so for the energy sector which has the makings of a long-term large-scale disaster. Higher oil costs globally increased the fuel price by over 35 per cent; octane price increased by Tk 23, petrol

34 Rejaul Karim Byron, 'Fuel Price Adjustment. IMF asks Dhaka for report on loss, remedy', *The Daily Star*, 25 April 2006, at www.thedailystar.net/2006/04/25/d6042501.htm, accessed on 18 February 2009.

35 At Kansat, a village in northern Bangladesh, hundreds of demonstrators agitating over power shortages fought pitched battles with the police. Several people were killed in the violence.

36 Nader Rahman, 'Still in the Dark', *Forum*, Vol.6 (8), 2 March 2007, at <http://www.thedailystar.net/magazine/2007/03/01/cover.htm>, accessed on 18 February 2009.

by Tk 22 and diesel by Tk 15.³⁷ For a population used to subsidised fuel, these were steep increases.

Furthermore, the energy crisis was also due to large-scale pillage in the distribution system. About 10 per cent of gas and 20 per cent of electricity are lost in transit due to theft and various forms of pilferage. There were constraints in supplying gas from Bibiyana and Jalalabad gas fields to the power plants at Ghorasal, Siddhirganj and Chittagong, which hampered power generation. In 2005, the government with financial assistance from the Asian Development Bank (ADB) decided to install four compressors on the national grid to enhance power generation. This is yet to materialise. Similarly, efforts to extract gas from other wells including Mognama and Hatiya have proved to be unsuccessful.³⁸

Towards meeting these energy-related challenges, the CG took a number of concrete steps, which proved useful. Some of these were general in nature and others were directed towards inducting additional power generation capacity, acquisition of additional supplies and exploration of alternative sources of energy.

In one of its first moves, the CG empowered the dormant Bangladesh Energy Regulatory Commission (BERC), which was created in 2003. It was given authority to decide on tariff and issue power generation licenses. Secondly, the government promulgated 'Policy Guidelines for Enhancement of Private Participation in the Power Sector, 2008' to expand private participation in the power sector. Thirdly, the CG introduced major policy changes in the functions of various power-related official entities such as the Power Development Board, Rural Electrification Board, and Power Grid Company of Bangladesh and made them more autonomous.

37 'Bangladesh Government Hiked Fuel Price', *Energy Bangla*, 3 June 2008, at <http://energybangla.com/index.php?mod=article&cat=EBReport&article=782>, accessed on 18 February 2009.

38 Editorial, Md. Asadullah Khan, 'Bitter Truth: Overcoming the bleak power generation scenario', *The Daily Star*, 26 April 2007, at www.thedailystar.net/archive.php?date=2008-04-26, accessed on 18 February 2009.

More importantly, it increased power generation by installing additional power projects to the tune of 422 MW. It unveiled plans to add 742 MW capacity through one large and 16 small and medium power plants. The thoroughness with which these projects were approached by the CG became apparent when Hasina upon becoming Prime Minister in January 2009 declared that her government would pursue 10 of the power plant projects initiated by the CG.³⁹

The CG also introduced reforms in the natural gas sector. It is widely recognised that Bangladesh has an estimated gas reserve of about five trillion cubic feet (tcf).⁴⁰ Others estimate the gas reserves at eight tcf. At the existing rate of consumption, Bangladesh would require 24 tcf by 2025 to meet its domestic demands. Towards encouraging foreign investments in gas exploration, the CG opened up the energy sector under a new National Energy Policy originally introduced in 1993.⁴¹

In February 2008, the CG proposed a Production Sharing Contract (PSC) with oil companies and set the stage for the launching of the much-awaited offshore bidding for oil and gas exploration. It invited bids for 28 blocks of which eight were shallow-water blocks and the rest deep-water blocks. While seven international oil companies submitted bids for 15 blocks, there was none for the remaining 13

39 Eight of the power projects including 300 MW Siddhirganj peaking plant, 360 MW Haripur, 150 MW Sirajganj, 150 MW Khulna, 150 MW Bhola, 150 MW Sylhet and the 210 MW Khulna power plants will be implemented in the public sector while 450 MW Bibiyana and 450 MW Sirajganj power plants will be in the two in the private sector. '10 power plants on govt's priority list. Projects undertaken by past 2 govts to be implemented', *The Daily Star*, 25 January 2009, at www.thedailystar.net/newDesign/news-details.php?nid=72829, accessed on 18 February 2009.

40 *Bangladesh July 2006*, Energy Information Administration, July 2006, at <http://www.eia.doe.gov/emeu/cabs/Bangladesh/Full.html>, accessed on 18 February 2009.

41 *Ibid.* Two rounds of bidding announced in 1993 and 1997 did not yield expected results. Foreign companies produce 501 Mmcf/d of natural gas from four gas fields. The leading foreign producer is Chevron, which produces 331 Mmcf/d from the Jalalabad and Moulavibazar fields. The UK's Cairn Energy is the second largest foreign natural gas production company, producing 146 Mmcf/d of natural gas from Bangladesh's lone offshore gas field at Sangu. Canada's Niko Resources has been involved in disputes with the government after two blowouts that occurred in 2005 at the company's Chattak (formerly known as Tengratila) gas field.

blocks. Upon evaluation, the US-based company Conoco Philips was given rights to explore eight deep-sea blocks and the Irish company Tullow Oil to explore one shallow-sea block.⁴² Awarding of offshore exploration rights, pricing and extraction terms were matters far too serious to be handled by an interim government. The excessive focus on offshore exploration came under criticism, especially when there were 15 onshore gas fields that were being explored already. There were also eight similar fields which could be explored with local expertise.⁴³ Above all, these deals were concluded without demarcating the maritime boundaries with neighbouring countries and this led to several problems with Myanmar and India. Because of internal opposition and military operations by Myanmar vessels, the CG was forced to backtrack.

Bangladesh has some amount of coal deposits, which have not been tapped fully because their extraction has been fraught with difficulties. Inevitably the estimates vary but according to the Energy Ministry, the country has up to 2.7 billion short tonnes of high-quality coal reserves, of which there is at least 75 tcf very high quality, high heating value and low ash content coal. Some analysts argue that Bangladesh could generate about 20,000 MW power by 2020 by tapping its coal reserves. The main problem with the coal industry is that all the mines are at least 15-20 years old and no new discoveries have been added since then.⁴⁴ Furthermore, open-pit mining results in the displacement and resettlement of a very large number of people with consequent socio-political problems. This also results in the loss of cultivable land and for a country with a high population density open-mines are problematic.

Towards improving the coal sector, in August 2008 the CG introduced a new coal policy prepared by the Infrastructure Investment Facilitation Centre aimed at attracting foreign investments. According to the draft

42 'Third round of bidding for offshore blocks. Evaluation body recommends Conoco, Tullow for nine blocks', *New Age*, 11 July 2008, at www.newagebd.com/2008/jul/11/index.html, accessed on 18 February 2009.

43 Adnan Khandker and N.S. Nisha, 'Are we running out of gas', *New Age Extra*, 21 March 2008, at http://www.newagebd.com/2008/mar/21/mar21/xtra_inner2.html, accessed on 18 February 2009.

44 'Khondkar Abdus Saleque Energy Situation & Coal Policy', *Energy Bangla*, 10 October 2008, at <http://energybangla.com/index.php?mod=article&cat=SomethingtoSay&article=862>, accessed on 18 February 2009.

policy, any company engaged in coal mining would be allowed to export double the volume of coal consumed domestically. This provision would remain in force for the first 10 years and subsequently the company could export the same amount of coal consumed annually for 10 years.⁴⁵

The government felt that the export offer was essential for foreign investment, as Bangladesh did not have enough funds needed for coal extraction.⁴⁶ This however, drew a lot of enraged criticism. Given the general Bangladeshi sensitivity towards energy exports, critics were quick to point out that the CG was allowing foreign companies to exploit Bangladesh by letting them export coal. Though energy advisers accused the critics of lacking a viable alternative to attract foreign investments, the government could not pursue its mining policy.⁴⁷ In short, the coal-mining contracts all fell through, as had happened to the gas exploration bid.

Despite major debates about renewable energy technologies, previous governments took little initiative in this direction. Initially, even the CG was less inclined towards alternative energy and focused its attention on small plants. The government was keen to establish small plants though they are less efficient and cost-effective. Small power plants can be commissioned within a short span of time and with local expertise and resources. Funds can be raised locally thereby enabling indigenous entrepreneurs to participate in the power sector.⁴⁸ The lack of interest towards renewable energy was obvious by the absence of any allocation for it in the first budget presented by the CG.⁴⁹

45 Sharier Khan, 'Crucial coal policy draft put under microscope', *The Daily Star*, 14 July 2007, at <http://www.thedailystar.net/2007/07/14/d7071401022.htm>, accessed on 18 February 2009.

46 'Energy div in a fix over coal export issue Tapan to hold talks with experts', *New Age*, 19 March 2008, at www.newagebd.com/2007/mar/19/index.html.

47 'Phulbari Coal, Opponents of open-pit mining against dev of the north: Tapan', *New Age*, 7 October 2007, <http://www.newagebd.com/2007/oct/07/nat.html>, accessed on 18 February 2009.

48 Syed Maqsum Jamil, 'Power play', *The Daily Star*, 29 October 2008, at www.thedailystar.net/story.php?nid=60756, accessed on 18 February 2009.

49 M.A. Gofran, 'Renewable energy deserves proper attention', *The Daily Star*, 23 June 2007, at www.thedailystar.net/2007/06/23/d706231503109.htm, accessed on 18 February 2009.

Eventually in June 2008, the interim government unveiled a renewable energy policy. The first of its kind, it sought to ease the severe electricity shortages by luring investors with a range of incentives.⁵⁰ In the closing stages of its existence, the CG approved the Renewable Policy 2008, in December, towards encouraging investment to generate electricity from renewable sources.⁵¹ It is estimated that five per cent demand for electricity would be met through renewable energy by 2015, which will rise to 10 per cent by 2020. To encourage domestic and foreign investments the CG offered various incentives such as corporate tax exemption for 15 years, loans at low rates of interest and a three per cent cap on import duty and value-added tax.

Moreover, the CG sought to reduce electricity consumption. For example, it ordered all shopping malls in the country to be shut within a certain hour in the evening. It also urged the public to use energy-efficient light bulbs. All these moves resulted in an annual saving of 400 MW which is a significant amount in energy-starved Bangladesh.

Given all the facts, the overall economic development was favourable. During the first four months of 2008 exports grew by 35 per cent, remittances by 30 per cent, industrial credit growth by 65 per cent, agricultural credit by over 70 per cent and private sector credit by almost 18 per cent.⁵² These in turn enabled the government to forecast a higher economic growth rate for the country.

Bangladesh's economic progress and efficient handling of problems provided new opportunities for India to improve its relations with Bangladesh, governed at that time by the CG. Natural calamities such as Sidr provided opportunities of engagement. Above all, the overall professionalism and absence of conflicting voices resulted in New Delhi looking at Bangladesh favourably. The manner in which they

50 'Bangladesh unveils renewable energy policy', *Energy Bangla*, 12 June 2008, at <http://energybangla.com/index.php?mod=article&cat=EBReport&article=1247>, accessed on 18 February 2009.

51 'Council of Advisers approves Bangladesh's Renewable Energy Policy; Sustainable Energy Development Agency (SEDA) being formed', 4 Dec 2008, at <http://www.tradingmarkets.com/.site/news/Stock%20News/2065005/>, accessed on 18 February 2009.

52 Mamun Rashid 'Interim report card', *Forum* Vol. 3 (5), 27 May 2008, at www.thedailystar.net/forum/2008/may/potential.htm, accessed on 18 February 2009.

handled some of the sensitive and vexed problems indicated that both were prepared to open a new page. While crucial problems remained unresolved, both sides were willing to move towards political dialogue and accommodation. In sharp contrast to the earlier tension that existed prior to the CG taking over, there was palpable improvement in the bilateral atmosphere. Although India's core concerns were not adequately addressed, both sought to move towards a political resolution of several outstanding issues.

Synergy with India

6

We read the world wrong and say it deceives us.

— **Rabindranath Tagore**

The Caretaker Government, in line with its general functioning and prolongation, was active in shaping Bangladesh relations with the outside world. Steering away from controversial issues it took some critical steps towards strengthening Bangladesh's relations with principal powers. It wanted to convey an impression that it was business as usual and the delays in the *Jatiya Sangsad* elections should not impede bilateral elections. Its engagement with the outside world was also necessary to ward off threats of isolation over the imposition of emergency and suspension of political rights. By actively engaging with the outside world and keeping it informed of the various measures taken, the CG escaped from condemnation. Any adverse reaction from the outside world against the CG would have intensified internal opposition and plunged the country into further chaos. As highlighted by British and American officials the international community understood the circumstances leading to the delayed elections.

During this period, there was some positive movement in Bangladeshi-Myanmar relations. This however was largely due to complications of earlier problems. Though a row over maritime demarcation was simmering since 2005 things became more complicated when Bangladesh accused Myanmar's navy of having entered its territorial waters. Myanmar's gas supply to India and road links between two countries was also under discussion. While the CG was dealing with all the major players, its interaction with India and China was prominent. Besides the SAARC and UN fora, these were the two countries which hosted the members of the CG. Active engagement with both these countries resulted in Bangladesh mitigating if not resolving some of its economic problems. While bilateral relations with China remained constant, its relations with India improved considerably. There was a

willingness on both sides to re-examine problems that had plagued their bilateral relations in recent years (Annexure 8).

Under the CG, Indo-Bangladesh bilateral relations improved considerably. While no major bilateral problem was resolved, there was an overall improvement in the atmosphere in sharp contrast to relations that existed during the previous BNP government. Given the lowest point of bilateral relations during 2001–06, there were very little expectations on either side when the CG took over in 2007. Under the CG, bilateral relations were considerably different and marked by regular and periodic high-level contact. India's approach to Bangladesh was one of understanding and accommodation. This was duly reciprocated by the CG, which contributed to a growing synergy between the two. In substance, there was no great leap forward between the two neighbours but certain incremental steps were taken that contributed to creating a conducive atmosphere for future engagement with each other (Annexure 9).

From Nadir to Friendly Relations

When Khaleda Zia demitted office in October 2006, bilateral relations were at their nadir. During her 5-year term, political contact between the two countries was extremely limited. She travelled to different parts of the world including China and Saudi Arabia but did not find the time or motivation to visit India. When she eventually came to New Delhi in March 2005 to invite Prime Minister Manmohan Singh for the Dhaka summit, seasoned observers wondered why. Besides the visits of Foreign Ministers Yashwant Sinha and Natwar Singh, ministerial visits from India were also minimal. The Bangladesh Foreign Minister Morshed Khan was the only person to visit New Delhi. Political exchanges between two countries came to a standstill when Bangladesh insisted that the Indian Prime Minister should visit Bangladesh before a reciprocal visit by the Bangladeshi Prime Minister.¹ Nor was India without blame. Citing the 'deteriorating' security situation following the assassination of Awami leader Kibria, India refused to attend the Dhaka

1 Bangladesh did not consider Atal Behari Vajpayee's visit to Bangladesh in 1999 to inaugurate the Kolkata-Dhaka bus line as a state visit. It insisted that it was India's turn to send its Prime Minister to Dhaka.

13th SAARC Summit scheduled for February 2005, which inevitably led to its postponement, much to Bangladesh's dismay.

The political activities of the leader of opposition Sheikh Hasina contributed to Bangladesh's misgivings about India and its bona fides. Both, the National Democratic Alliance and the United Progressive Alliance governments in India (during the last one decade) were extremely, some might even say overtly, courteous towards Bangladesh's leader of opposition. During her visit to India in November 2002, Hasina met all the prominent Indian leaders including the leader of the opposition. Official receptions were held in her honour. She used these occasions to criticise her opponent, Prime Minister Khaleda Zia. Among others, she accused the BNP-led coalition of contributing to the Islamisation of Bangladesh and of promoting violence against the Hindu minorities. Even though Hasina made similar statements during her visit to Europe, Indian tolerance of her remarks poisoned the overall bilateral atmosphere.

During the Khaleda era, a number of bilateral problems not only eluded resolution but also became more complicated. Most of them were related to the border question. Following the 11 September attacks in the US, India harped on the al-Qaeda presence in Bangladesh for a while.² India had been periodically raising the issue of Indian insurgents taking refuge in Bangladesh, and over the years another dimension was added with the involvement of their citizens in a number of terror acts that took place in India such as bomb blasts in Varanasi (March 2006) and Hyderabad (August 2007). In November 2007, Indian intelligence agencies busted three Jihadi cells that were operating in Kolkata, Mumbai and Jodhpur.³ There was evidence of terror networks operating along the Bangladesh-West Bengal border. Among all the check posts, Haridaspur in Bongaon, about 100 km from Kolkata, was identified as

2 Sreeratha Datta, *Bangladesh: A Fragile Democracy* Shipra, 2004, New Delhi, pp148-151.

3 'Petrapole, on Indo-Bangla border, gateway of terror?' *Timesofindiaonline*, 12 June 2008, at http://timesofindia.indiatimes.com/India/Petrapole_on_Indo-Bangla_border_gateway_of_terror/articleshow/3121811.cms, accessed on 18 February 2009.

the most 'active' in terms of trans-border smuggling, human trafficking and other illegal activities.⁴

Other issues such as a spiralling trade deficit, growing illegal migrants, and unresolved transit and border demarcation issues were complicating the overall atmosphere. It was under these tension-laden circumstances that the CG took power in Bangladesh.

Upward Swing

Like the rest of the world, India was taken by surprise by the turn of events since October 2006 and the impending chaos. The growing unpopularity of the Iajuddin-led government and uncertainty over the electoral process was alarming. India recognised the urgency of Bangladesh's situation and the dire need for its internal stability and order. By the time the Fakhruddin Ahmed led CG took over India had evolved a well-nuanced policy towards Bangladesh. While the return of Bangladesh to democracy remained its primary objective, India recognised that free and fair elections could not be rushed through. It was thus prepared to engage actively with the CG. Rather than viewing the situation through the traditional dictator vs. democracy paradigm, New Delhi saw an opportunity in the new unfolding circumstances. It engaged with the CG and appreciated the professionalism shown by it towards addressing some of the bilateral problems. India's approach can be summed up as being friendly without being patronising.

Some of the major bilateral developments during the CG are the following:

- A month after installation of the CG, on 19 February 2007 External Affairs Minister Pranab Mukherjee visited Bangladesh. Though the purpose was to invite Bangladesh for the April SAARC summit in New Delhi, the message was significant. It was seen as unequivocal support to the government headed by

4 Subrata Nagchoudhury, 'Terror groups sneaking in cadre as "students" via Indo-Bangla border', *Indian Express*, 3 September 2007, at www.indianexpress.com/news/Terror-groups-sneaking-in-cadre-as-%91students%92-via-Indo-Bangla-border/214162/, accessed on 18 February 2009.

Fakhruddin. This was also the first visit by a foreign leader since the October crisis. During the visit, India offered a number of economic concessions (Annexure 7).

- In April 2007, Fakhruddin Ahmed represented Bangladesh at the 14th SAARC Summit where he met Indian Prime Minister Manmohan Singh. Foreign Secretary Shiv Shankar Menon visited Dhaka twice—in June 2007 (Annexure 10), and again in 2008. His Bangladesh counterpart visited India in July 2008 (Annexure 13).
- Minister of State Jairam Ramesh was in Dhaka in July 2007 to inaugurate the Indo-Bangladesh Chamber of Commerce and Industry.
- During the Home Secretary level talks in New Delhi during August 2007 and August 2008 in Dhaka, bilateral security issues were discussed in detail.
- Following Cyclone Sidr in December 2007, Mukherjee undertook his second visit to Bangladesh to express India's support and sympathy. During the visit, he also visited cyclone-affected areas (Annexure 11).
- On 24 February 2008, General Moeen U Ahmed came to India for a weeklong visit. This was the first visit by a serving Bangladeshi Chief of Army Staff since December 1998. His Indian counterpart Deepak Kapoor undertook a reciprocal visit from 28 July to 1 August 2008.
- After a long interregnum, the Director Generals of the BSF and BDR revived the Joint Working Group and met in New Delhi during April 2008. They also met in August 2008 in Dhaka for the India-Bangladesh Border Coordination Conference. These were in addition to biannual meetings in Delhi and Dhaka.

As part of its efforts to improve economic ties between the two countries India offered a number of unilateral concessions. These include:

- In February 2007, it offered 'duty free access' to two million pieces of readymade garments to Bangladesh. This was subsequently

increased to eight million pieces. Through this concession, Bangladesh earned an additional US\$ 50–70 million. With effect from 1 January 2008, 86 per cent of Bangladesh's tariff lines were exempted from import duty in India.

- In March 2007, India accepted a long standing Bangladeshi request to set up a testing facility at Petrapole in West Bengal (North 24 Parganas district) rather than in Kolkata as originally planned. This shift would increase the efficiency of Hilsa imports from Bangladesh and reduce cost and other logistical bottlenecks. Towards the same end, the Bureau of Indian Standards signed an MoU with Bangladesh Standards and Testing Institution to set up a Land Custom Station at Petrapole at a cost of Rs. 800 million.
- As part of infrastructural development, India agreed to build a two lane bridge of higher capacity on the Umngot River (Piang) in Dwaki that would be an important trade corridor between Bangladesh and the states of Assam and Meghalaya.⁵
- India agreed to upgrade five customs stations where Bangladesh has corresponding inland ports.
- Similarly, proposals from India for investments in Bangladesh had also increased. Nearly 200 FDI and joint venture investment proposals worth over US\$ 435 were registered with the Board of Investment of Bangladesh. They covered wide-ranging areas spanning sectors such as agro, textile, chemical and engineering industries.⁶
- In March 2007, the state-owned Bharat Heavy Electricals Limited secured a 55 million rupees contract for setting up a 230 KV substation at Baghabari and to expand the Ishurdi substation. Bangladesh would invest about US \$200 million in this project.

5 The area where the new bridge is being planned falls along the 163-km road from Jorabat near Assam-Meghalaya border to Tamabil in Bangladesh via Shillong on NH 40, connecting the two North-eastern states to the international border. The up gradation of Jamuna bridge across the border will need to be done by Bangladesh

6 'India-Bangladesh Political & Economic Relation', India, *Ministry of External Affairs*, <http://www.hcidhaka.org/pdf/Political%20and%20Economic%20relations.pdf> accessed on February 18, 2009

- Despite the setback over investments by the Tata group, in June 2007 Ispat Industries signed an MoU to conduct a one-year feasibility study for an investment proposal in energy and petrochemical sectors. This US\$ 2.8 billion proposal included \$300 million for mine development, \$100 million for oil exploration and production, \$500 million for power plants, \$1.5 billion for petrochemicals and \$500 million for liquefied natural gas (LNG) and related projects.
- In July 2007 after prolonged internal discussion, India relaxed the norms of FDI from Bangladesh.⁷
- In the light of acute domestic shortage, Bangladesh decided to import 120,000 tonnes of diesel per annum from the Numaligarh Refinery in Assam.
- Following the global food crisis and price rise, on 9 October 2007 India had restricted the export of non-Basmati rice. Despite this, it offered 500,000 tonnes of rice at a reduced price to Bangladesh in the aftermath of Cyclone Sidr in November 2007 (Annexure 11). In addition, it launched a relief operation codenamed *Operation Sahayata*, to provide relief materials worth Rs. 30 million (Tk 52 million) to the cyclone victims in Bangladesh. The materials sent included medical equipment, 20,000 packs of ready-to-eat food, 10,000 blankets, 400 tents and 24,000 kgs of medicines.⁸ Apart from pledging to rebuild 10 affected coastal villages, India also sent 10,000 metric tonnes of wheat and 1,000 metric tonnes of milk powder as a gift to Bangladesh.
- India recognised six laboratories in Bangladesh to test and certify its textiles and consumer products.⁹

7 'India may relax FDI norms for Bangladesh', *Indian Express*, 23 July 2007, at www.indianexpress.com/news/india-may-relax-fdi-norms-for-bangladesh/206327/, accessed on 18 February 2009.

8 'Donors pledge \$550m', *The Daily Star*, 23 November 2007, at www.thedailystar.net/story.php?nid=12678, accessed on 18 February 2009.

9 'India may relax FDI norms for Bangladesh', *Indian Express*, 23 July 2007, at www.indianexpress.com/news/india-may-relax-fdi-norms-for-bangladesh/206327/, accessed on 18 February 2009.

During 2007–08, Bangladesh’s imports from India increased by about 47 per cent to US\$ 3.274 billion, accounting for about 15 per cent of Bangladesh’s global imports. During the same period Bangladesh’s exports to India increased by about 24 per cent from US \$ 289 to US \$ 358 million. Total bilateral trade stood at US\$ 3.631 billion. While Bangladeshi imports from India doubled in the last four years, its exports to India grew by seven times during the same period¹⁰ [See table below].

This shift is more apparent in the manner in which both countries approached some of the long-standing problems that plagued bilateral relations.

Bangladesh’s trade with India (In US\$ million)

Year	Imports from India	Exports to India	Total trade
2001–02	1,011.84	50.28	1,062.12
2002–03	1,354.98	84.08	1,439.06
2003–04	1,599.46	89.27	1,688.73
2004–05	2,0300	144.20	2,174.20
2005–06	1,864.74	241.96	2,106.70
2006–07	2268	289.42	2,557.42

Source: Fact Sheet on Bangladesh, Trends in India-Bangladesh Merchandise Trade, Ministry of External Affairs, at <http://meaindia.nic.in/>

Problematic Issues

The most serious and obviously most contentious bilateral problem has been the demarcation of the international border. This contributes to a number of other complications that include smuggling of cattle, illegal migration, insurgency, fencing, water sharing, maritime boundaries, transit rights and security issues.

¹⁰ Fact Sheet on Bangladesh Bilateral Trade, India, *Ministry of External Affairs*, <http://www.hcidhaka.org/pdf/Political%20and%20Economic%20relations.pdf>, accessed on 18 February 2009.

a. Undemarcated Borders

India has a land border of 4,096 km and a maritime border of 180 km with Bangladesh.¹¹ Out of this, 6.5 km of the land border is along the Muhuri river/Belonia in Tripura, spreading over into South Berubari in West Bengal and Lathitilla-Dumabari in Assam, and is yet to be demarcated. This is because both sides could not agree on the location of riverbanks as the boundary marker. Within the context of the Joint Border Management Guidelines (JBMG) of 1975, in June 2001, both countries established Joint Boundary Working Groups (JBWG), which have been meeting periodically.¹² In its second meeting in March 2002, India had offered a package whereby:

- Tripura Sector: The midstream of Muhuri river becomes the boundary as per the 1974 agreement.
- West Bengal Sector: Sui River becomes the natural boundary.
- Assam Sector: Demarcation to be based on available cadastral (*monza*) maps as the theodolite traverse data for the survey season of 1915–16 as insisted by Bangladesh is not traceable in either country.

As long as demarcation remains unresolved, the Constitution prevents India from ratifying the Land Boundary Agreement of 1974, a long-standing complaint of Bangladesh.

Secondly, India has 111 enclaves in Bangladesh (17,158.13 acres) and the latter has 51 enclaves (7,110.02 acres) inside India.¹³ Until 1971, the residents of these enclaves were allowed to move freely to their respective mainland after which their movements were restricted following Indo-Pakistan tensions. Since then neither India nor Bangladesh have any administrative control or access to their

11 India and Bangladesh share a 4,095 km long border, which is extremely porous. The share of West Bengal is 2,216 km, Tripura 856 km, Meghalaya 443 km, Mizoram 318 km, and Assam, 262 km.

12 Prior to 2007 the JBWG met in July 2001, March 2002 and July 2006.

13 'Border Dispute with China and Bangladesh', India, *Lok Sabha unstarred question*, 22 October 2008, at <http://www.meadev.nic.in/govt/parl-qa/loksabha/nov28-1680.htm>.

enclaves.¹⁴ Subsequently India could neither establish a *modus vivendi* with Bangladesh to look after its population nor find an alternative site for their relocation. The same holds true for Bangladesh. A third border-related problem revolves around adverse possession whereby areas belonging to India are under Bangladeshi possession and vice-versa. Thirty-four pieces of Indian holdings (2853.1 acres) are under Bangladesh's possession and 40 pieces (2154.56 acres) of Bangladesh land under Indian possession. This situation is the result of the porous border and frequent changes of river routes.¹⁵

During the tenure of the CG, however, there was some movement on the border front. In May 2007, a joint Land Record and Survey team went to the border in Shyamnagar in Satkhira district and inspected the standard of border demarcation pillar at Bhetkhali, a border village in Shyamnagar *upazilla*.¹⁶ In April 2008, a second team surveyed the Tripura-Habibganj area to demarcate the Tripura-Bangladesh border.¹⁷ They conducted a joint survey along the 20 border pillars from Bangladesh territory to review and finalise the draft demarcation along the Bangladesh-Tripura borders. During the last several decades, a large number of reference pillars and border pillars along the borders in Habibganj (Bangladesh) and Khowai (in Tripura) were stolen or went missing due to river erosion.

The above surveys led to some broad understanding. The population living in the enclaves were largely well integrated with the area where they lived. This natural exchange of population meant there was no need for any substantial population transfer. As far as the adverse possession lands were concerned, the residents were administered directly by the state occupying the land, they enjoyed legal rights including voting and above all, the residents were unwilling to move. Even though no formal

14 Angarpota and Dahagram enclaves in Bangladesh are an exception and can be accessed through the Tin Bigha Corridor.

15 Records pertaining to enclaves were last exchanged and reconciled in 2005.

16 'Indo-Bangla land survey ends in Satkhira', *The Daily Star*, 19 August 2007, at <http://www.thedailystar.net/story.php?nid=634>.

17 'Indo-Bangla teams complete survey on Indian side', *The Daily Star*, 29 April 2008, at www.thedailystar.net/story.php?nid=33804, The Bangladesh team entered the Khowai sub-divisional town of Tripura through Ballah borders in Chunarughat upazilla in Habiganj and conducted a joint survey along the Habiganj-Khowai borders.

agreements were concluded, the results of these surveys could serve as the basic parameters for any eventual settlement.

Demarcation of the Indo-Bangladesh maritime boundary is mired in complexities and challenges similar to the land border, more so because of the topography of the coastline that defies a straightforward resolution. With river line borders tending to change course periodically due to shifting river routes, soil erosion or frequent floods, the situation gets further complicated. Under the UN Convention on the Law of the Sea (UNCLOS) India had to file its claim by 29 June 2009 and Bangladesh by 27 July 2011. At present, both countries do not have an agreement on their mutual maritime claims. Like other bilateral issues, both have divergent views on the maritime boundary.

Boundary discussion revolves around the New Moore/South Talpatty group of islands in the Bay of Bengal at the mouth of Haribhanga River. The geographic proximity of the New Moore/South Talpatty Islands to India and Bangladesh results in conflicting claims. They were formed in 1970 following the Bhola cyclone and both countries claim ownership. Although there are no permanent settlements, India has maintained a presence on the islands. Over the years due to the submergence of land, they are visible only during low tides and hence the importance of the islands has diminished. The dispute revolves around the main flow of the river. India's claim of it being towards the east has been contested by Bangladesh. The island, which is a low tide elevation at the edge of Sunderbans, is closer to the Indian coast at a distance of five km compared to seven km from the Bangladesh coast. According to Indian hydrographic surveys as well as satellite imagery, the navigable channels flow to the east of the island.¹⁸

Under UNCLOS state parties can claim up to 350 nautical miles as the continental shelf beyond the 200 nautical miles of EEZ. But with India and Bangladesh differing over measuring the base line point, there are disputing claims on the EEZ and continental shelf beyond that. According to UNCLOS and the International Court of Justice, the guiding principle to determining the EEZ is the distance criterion

18 K.R. Srinivasan, 'India's Maritime Boundaries', *USI Journal* July-September 2007, Vol CXXXVII, (569), pp329-339.

and not geography or geomorphology. Thus based on the equity distance principle, Bangladesh stands to lose ‘5,000 square kilometres and a potential loss of related hydrocarbon and fish resources’.¹⁹ While Bangladesh introduced its own maritime law, which is beyond the spirit of law on international waters and India disagrees with the base point that Bangladesh has set out for itself. Hence, the EEZ claims of India and Bangladesh overlap considerably; while India claims 22 blocks around the Islands, Bangladesh claims 14 blocks.²⁰ The last round of talks between the two countries over this issue took place in 1980. In the past India has rejected Bangladesh’s suggestion for a joint survey to delimit the maritime boundary towards ensuring equitable distribution of the resources of the Bay of Bengal²¹ as India sees no dispute in its claim due to clear survey results and data generated.

The dispute acquired prominence due to competing economic claims and their energy and economic potential. During 2005–06, India discovered 100 tcf of gas reserves in the Bay of Bengal region. Around the same time, Myanmar discovered seven tcf of gas reserves. Not be left behind, Bangladesh conducted an off-shore oil exploration around the islands. This was opposed by India and Myanmar, who claim the right on the economic resources around New Moore.

The importance of maritime resources spurred the CG to revive bilateral talks, which had not been held since 1982. Thus, when both sides met in September 2008 to discuss the issue, it was a fresh beginning. According to media reports, the talks revolved around the differences over the mid-flow of the Haribhanga River, which could be considered as the borderline between the two neighbouring states.²² At the same time, technical experts from both sides used this opportunity

19 B.G. Verghese, ‘New Opening in Dhaka’, *New India Express*, 22 January 2009, at <http://www.expressbuzz.com/edition/story.aspx?title=New+opening+in+Dhaka&artid=4QxBHNuCzHc=>, accessed on 18 February 2009.

20 India’s EEZ of 2.02 million sq. km.

21 Haroon Habib, ‘India-Bangladesh maritime boundary talks inconclusive’, *The Hindu*, 19 September 2008, at <http://www.hindu.com/2008/09/19/stories/2008091956481400.htm>, accessed on 20 January, 2009.

22 Ibid.

to appraise each other of their respective positions. Lack of progress should not diminish the fact that such a meeting took place after a gap of more than a quarter of a century.

b. Illegal Migration

The issue of illegal migrants from Bangladesh has been a major socio-political and security concern for India. They enter India illegally, primarily for economic opportunities and settle permanently. Between 1972 and 1996, as many as 1.2 million Bangladeshis came to West Bengal but did not return home.²³ In 1987, the Indian Home Ministry put the number of illegal migrants in the state at around 4.4 million. In 1996, a BSF official claimed that 'about one thousand Bangladeshi cross the border into India each day'.²⁴ According to another security official 24,000 Bangladeshis have been infiltrating every year.²⁵ Other estimates put the figure between 10–17 million.²⁶ Although most of the illegal migrants enter through West Bengal and Northeast India, they have spread themselves over different parts of India. In October 2008, former Deputy Prime Minister LK Advani put the number of Bangladeshi migrants in the country at around 35 million.²⁷

The issue of illegal migration is highly emotional and sensitive in Bangladesh and elected governments have periodically denied the existence of the phenomenon. That its citizens are illegally crossing over into India for survival is not easy for an ordinary Bangladeshi to accept. The academic community in both the countries have viewed the problem through common sociological and historical factors

23 Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin, 2000, New Delhi, p.118.

24 Quoted in Bernard Imhasly, 'Bangladeshi illegals seek a new life in India', *Swiss Review of World Affairs*, no.8, August 1996, p.23.

25 'Bangladeshi migrants crux of problem, ex-BSF chief had warned', *Economic Times*, 31 October 2008, at economictimes.indiatimes.com/News/PoliticsNation/Bangladeshi_migrants_crux_of_problemeX-BSF_chief_had.../3656508.cms, accessed on 18 February 2009.

26 'India has one crore illegal Bangladeshis', *Economic Times*, 30 July 2000; and R. Upadhyay, 'Work permits to infiltrators: Need for caution', *South Asia Analysis Group*, Paper 248, at <http://saag.org/papers3/paper248.html>, downloaded on 28 May 2001.

27 'Terrorism compounded by illegal migration: Advani', *Zee News*, 31 October 2008, at <http://www.zeenews.com/Nation/2008-10-31/479991news.html>, accessed on 18 February 2009.

but Bangladeshi politicians have been very guarded and unwilling to examine the issue through a rational prism. The CG also could not ignore popular sentiment regarding migrants and hence it maintained the traditional denial posture.

c. Insurgency

The porous borders and easy accessibility has made Bangladesh conducive for various Indian insurgents to operate from there. As early as in 2002 India declared that insurgents were operating from 99 bases inside Bangladesh and that 88 insurgent leaders were living in different parts of that country. Some of the insurgent groups like the National Socialist Council of Nagaland, United Liberation Front of Asom, National Democratic Front of Bodoland,, Meitei extremist groups, All Tripura Tiger Force and National Liberation Front of Tripura have developed trans-border linkages in Bangladesh.²⁸

Elected governments in Bangladesh have been ineffective in addressing India's concerns vis-à-vis insurgents. While Hasina recognised and partially addressed Indian concerns, her security agencies were less cooperative. This only worsened under Khaleda who took a more lenient view of the insurgents who found safe haven in Bangladesh. In recent years, Bangladeshi officials have publicly denied Indian claims and complaints.

However, under the Caretaker Government there was a noticeable shift. In July 2007, the BDR 'facilitated' the surrender of Julius Dorphang, a wanted militant leader who was operating from the Chittagong Hill Tracts (CHT). On 14 September next year, the BDR handed over to India 18 militants suspected of terrorist involvement.²⁹

Another problem that remains on the border is that of over 60 villages that fall within the area between the Indo-Bangla Border Road (IBB) and border fencing. The presence of these villages beyond the border

28 *Government of India Annual report 2001-2002*, Ministry of Home Affairs, at www.natcomindia.org/pdfs/references.pdf, accessed on 20 January 2009.

29 Bibhu Prasad Routray, 'No breakthrough', *South Asia Intelligence Review*, vol.7.(12), 19 September 2008. Interestingly they were reportedly arrested as far back as in October 2004.

fences poses operational as well as existential problems for both the BSF as well as the population.

d. Fencing

The uninterrupted flow of illegal migration prompted India to start fencing its international borders with Bangladesh in 1987. Until 1998, the progress was very slow.³⁰ Due to adverse geographic conditions, it decided to fence only 3,300 km of the border. Its second phase covering 2,429 km was initiated in 2001 and by 2008, nearly 2,500 km of the border has been fenced. There are signs that the fencing is bringing down the number of people crossing over illegally. In 2007, 4,206 infiltrators were arrested as against 5,130 a year before.³¹ As an additional measure, in 2006 the Indian security establishment decided to install floodlights along 2,840 km of the borders at a cost of Rs. 13.28 billion which would be completed by 2011–12.

Even though the entire construction is taking place well within Indian territory, fencing has been a controversial bilateral agenda. Various officials and non-governmental circles in Bangladesh opposed it. Many perceive the fence to be a security structure encircling their country. As a result, work has often been hampered by protests along the border and occasional clashes with the BDR.

Under the CG, there were some improvements, which made the issue less problematic. In March 2007 during the periodic BSF–BDR meetings, Bangladesh relented from its earlier position and accepted India's right to construct fences beyond the 150 yards from the border. This helped the process and considerably reduced tension between the border security forces. Likewise, both sides agreed on the fencing in

30 Phase one 2,866.38 km of border roads, 21,717.60 m of bridges and erection of 857.37 km of fencing at an estimated cost of Rs. 1,044.32 crores, second phase 797 km of road, 4,062 m of bridges, and 2,429.50 km of fencing at an estimated cost of Rs. 1,334 crores.

31 '117 terror camps in Bangladeshi soil', *Hindustan Times*, 22 April 2008, at www.hindustantimes.com/redir.aspx?ID=ec1be69c-5e63-457d-8298-1b4ab5c301ca, at <http://www.hindustantimes.com/StoryPage/StoryPage.aspx?sectionName=&id=ec1be69c-5e63-457d-8298-1b4ab5c301ca&MatchID1=4873&TeamID1=1&TeamID2=3&MatchType1=1&SeriesID1=1229&PrimaryID=4873&Headline=117+terror+camps+on+Bangladesh+soil>, accessed on 20 January 2009.

Assam and Meghalaya, identified as the most infiltration prone sector along the border. Fencing was hampered by Bangladeshi objections in 75 small patches along the international border. Following an understanding between both sides, work began in 46 places. Moderation has contributed to lessening of tension at the border and under the CG border clashes were substantially lower than in the previous years.

e. Cattle Smuggling

It is a known fact that a large part of Bangladesh's daily protein supply comes from India. This is largely through the smuggling of cattle and other livestock from India. Nearly a million cattle are smuggled into Bangladesh annually and this illegal trade is estimated at about Rs. 22–30 billion.³² The illegal movement of cattle often results in the exchange of fire between the security forces of both countries. According to a clarification issued by the Indian High Commission in Dhaka:

Cross border crimes like cattle smuggling are a menace for both countries that occasionally cause firing incidents, mostly in the night. These illegal activities and firing incidents, which sometimes lead to regrettable loss of lives on both sides along the border, need to be tackled through joint efforts and mechanisms. In this regard, the border forces of both the countries, BSF and BDR, have worked hard to improve their coordination and their current levels of cooperation are the best in many years.³³

The cattle trade is attractive and profitable because of the costs and procedural problems of the permit system, which is a requirement of the legal mechanism. Porous borders and rivers offer easy movement.

Media hype over border clashes because of cattle smuggling is common in Bangladesh. Against the backdrop of Khaleda Zia's visit to India in March 2006, for example, *The New Age* carried the following editorial:

32 'Cattle smuggling rampant on Indo-Bangla border', *Hindustan Times*, 26 November 2006, at http://www.hindustantimes.com/news/181_1853133,0008.htm, accessed on 18 February 2007.

33 *Press Issue Release High Commission of India*, Dhaka, 18 July 2008, at <http://www.hcidhaka.org/PRDetails.php?id=4>.

According to information collected from Bangladesh Military Forces' Website updated on November 26, 2005, Indian border guards have killed more than 400 Bangladeshi civilians in four years. In addition, there are numerous press reports of illegal trespassing into Bangladesh territory by India's Border Security Forces. Each time the border guards of India kill an innocent and unarmed Bangladeshi citizen, the strength of the Bangladesh government is seriously challenged. And each time India's border guards illegally trespass into Bangladesh territory, the sovereignty of Bangladesh is seriously undermined.³⁴

With some minor changes, the same report reappeared in 2007 and 2008. While dates and places were changed, the names of the victims remained the same. Even the highly-respected *The Daily Star* is not immune from this practice.³⁵

In a bid to organise the cattle trade and to prevent firing along the border, the CG suggested legalising the cattle trade between the two countries. This it hoped would reduce illegal activities along the border and avoid border tension. It even proposed the creation of a formal cattle corridor along the border. The issue however is currently pending with the Indian government.

f. Water Sharing

With 54 common rivers between the two countries, water sharing is a major bilateral issue. If flooding and shortage of water are not enough, a number of rivers change their course thereby creating numerous additional problems. As Rahman Sobhan aptly summed up, 'if it were simply a matter of sharing, the issue would have been solved long ago'.³⁶ With a heavy dependence on agriculture, water has become

34 Syed Badiuzzaman, 'Khaleda Zia's India visit fails to address critical border issues', *New Age*, 29 March 2006, at <http://www.newagebd.com/2006/mar/29/oped.html>, accessed on February 2009.

35 'Three Bangladeshis killed in "drunk shooting" by BSF man', *The Daily Star*, 17 November 2007, at www.thedailystar.net/story.php?nid=63748, accessed on 18 February 2009; 'BSF regrets killings on Panchagarh border', *The Daily Star*, 18 November 2008, at <http://www.thedailystar.net/story.php?nid=63852>, accessed on 18 February 2009.

36 Rehman Sobhan, (ed.) *Bangladesh India relations perspectives from civil society dialogs* Centre for Policy Dialogue, University Press, 2002, Dhaka, p.68.

an emotional issue within Bangladesh. Water rights vis-à-vis India is one of the few issues that evoke national consensus within country. The BNP was critical of the Ganges water agreement of 1997 that was signed when it was in the opposition. After coming to power in Bangladesh, its leaders, including Prime Minister Khaleda Zia, often threatened to 'review' the treaty citing national interests. The availability of sufficient quantity of water however precluded any adverse moves in that direction. The importance of the water issue was apparent when the Water Resource Ministers of both countries met in September 2006, literally weeks before Khaleda ended her tenure. For the first time, they undertook a six-day joint visit to the erosion-prone border areas for a first hand assessment of the natural impact of the transnational rivers.

Bangladesh has often voiced concern over the poor water flow down the Ganges. This has been one of the causes of gradual silting-up of Bangladesh's river systems over the past decades. The reduced water flow, especially during the dry season, is not only causing desertification in the downstream districts, it is also causing river beds to become silted up and shallow. Excessive rains during the monsoon cause devastating floods along its banks. An estimated 2.4 billion tonnes of silt is carried by the seven major river systems, a substantial portion of which is deposited within Bangladesh territory.

While much attention has been focused on the Ganges, of late there are other rivers that have come to the forefront, especially the Teesta River. The issue was first raised in 1974 during the second meeting of the Joint River Commission and acquired additional attention due to shortfalls in Teesta waters. The barrages built by India in 2000 and by Bangladesh in 1990 were designed for 20,000 cusecs and 10,000 cusecs respectively. The flow of water in Teesta stands at 5,000 cusecs and this provides less water for Bangladeshi crops thereby evoking strong criticism. In the past Bangladesh demanded 80 per cent share of Teesta with the remaining 20 per cent going to India. The latter wanted a more equitable distribution with 36-39 per cent in its favour. It also wanted to keep the remaining portion of the water as its natural flows and for common usage by both countries. This however was not acceptable to Bangladesh.

Subsequently two additional issues complicated the water question; India's decision to build dams across Teesta and six other rivers; and the planned inter-linking of rivers in different parts of the country. Both generated considerable domestic debate and opposition in Bangladesh. India's official assurance not to include the Ganges and Brahmaputra in the planned river linking proved to be insufficient to assuage Bangladesh. Similarly, the Tipaimukh project planned in Manipur over the Barak River to generate 1,500 MW hydropower and for flood control purposes, created serious misgivings within Bangladesh. The project involved building a 162.8-metre high rockfill dam around 500 metres downstream on the confluence of river Barak with Tuivai. This project faced protests not only from within India's north-eastern states but also from Bangladesh. Representing a wide ranging political spectrum Bangladeshis had been voicing their concerns over the adverse affects of this dam and often raised the issue in several bilateral meetings that took place during this period. In order to allay their fears of environmental degradation, economic crisis and hydrological drought the Indian government invited Bangladesh to visit the site and discuss the project fully.

Like other issues, there was some movement on the water front during the tenure of the CG. The meeting of the JRC was held in July 2007 and was followed by the seventh meeting of the Joint Committee of Experts. During the meeting of Secretaries of the Water Resources held in August that year both sides agreed to establish a committee to examine the technical details of the water issue. Media reports suggest that on the question of Teesta River there was a convergence of views regarding the point of water release, site of measuring flows, sharing period and cropping pattern, riverbank protection works, lift irrigation schemes, drinking water supply from common rivers and dredging of the Ichamati River.

Although water sharing has been one of the most contentious issues between India and Bangladesh, in recent years they have been able to make considerable progress in certain areas pertaining to this. India is providing flood data of Farakka for Ganga River (from 15th June to 15th October), and of Pandu, Goalpara and Dhubri for Brahmaputra River and of Silchar for Barak River during the monsoon period (from

15th May to 15th October) to Bangladesh for their flood forecasting and warning arrangements. Data of Teesta, Manu, Gumti, Jaladhaka and Torsa Rivers are also being provided. Bangladesh has been able to adopt precautionary measures with the availability of this information given by India.

It was also during this period that Bangladesh agreed to India's demand for joint dredging by the two countries to facilitate river navigation along the Calcutta-Haldia and Karimganj river routes, clearing the decks for the exercise. Dredging would improve navigation on the rivers between Haldia and South Assam river ports and between Calcutta and South Assam river ports, facilitating transportation between the Northeast and the mainland as well as between Bangladesh and Northeast India. With the inauguration of the river jetty in Badarpur, steamers from the Calcutta-Haldia end can reach Karimganj port through the Bangladesh territorial waterways and can now sail downstream on the Barak, to Badarpur.³⁷

g. Transit Issues

Transit has been one of the long-standing Indian demands as it seeks to strengthen the economy of the North-eastern states by using Bangladesh territory to transport goods to the North-eastern states and vice-versa. This would not only reduce the cost of transportation but also considerably reduce transit time. According to various assessments, such an arrangement would be extremely beneficial to Bangladesh, which could earn annual revenues to the tune of US\$ 2,010 million.³⁸ Along with this India suggested joint infrastructure projects within a

37 'Seal on joint dredging of river — Dhaka accepts Delhi offer', *The Telegraph*, 26 Decemberr 2008, at http://www.telegraphindia.com/1081226/jsp/northeast/story_10301807.jsp, accessed on 20 January 2009.

38 Shillong-Sylhet-Dhaka-India and Dawki (India) /Tamabil US\$ 660 million to Kolkata (721 km); Bangladesh (Bangladesh), Benapole US\$ 1060 million ; (Bangladesh) / Petrapole (India) Agartala-Akhaura-Dhaka- India & Agatala (India)/ Akhaura US\$ 110 million to Kolkata (478 kms) Bangladesh (Bangladesh), Benapole/ Petrapole US\$ 180 million. *Restoring Afghanistan- Pakistan-India-Bangladesh- Myanmar (APIBM) Corridor: Towards a New Silk Road in Asia* (New Delhi, RIS Policy Brief, no.30) March 2007, p.3.

multi-modal transportation system.³⁹ For its part, Bangladesh demanded greater access to Nepal through India for its goods.

Both the proposals did not find favour, with both countries citing domestic compulsions in making any concessions or implementing the others request. Security remained India's overriding consideration. Currently Bangladeshi-Nepalese trade passes through Kakarvita (at the Nepal Border), Panitanki (the Indian border with Nepal) until Phulbari (which is at the Indo-Bangladeshi border). This 50-km long route is the shortest distance between Nepal and Bangladesh. At present, trucks from Nepal stop at Phulbari from where the goods are shifted to Bangladeshi trucks. Bangladesh has been demanding that India develop facilities at the Phulbari border so that the Nepalese trucks can go 200 metres into Bangladeshi territory.⁴⁰ Given the low volume of Bangladeshi-Nepalese trade India finds the Bangladeshi demand for 24-hour transit access unacceptable and even suspicious. It fears that such a concession would facilitate large scale smuggling activities and illegal migration.

India sees its demand for transit through Bangladesh as 'purely an economic issue, not a political issue at all'.⁴¹ For its part, Bangladesh sees the issue differently and often uses political, infrastructural and economic arguments to buttress its stand. The volatility of the subject is reflected in widespread public protests at the very thought of Bangladesh even considering, let alone agreeing, to such an idea.⁴² Its leaders have often accused India of using the transit issue as a carrot to reduce tariffs and trade gaps. Partly due to the transit issue, Bangladesh refused to join the ADB-funded Asian highway project as the route gives transit facilities to India through Bangladesh. As

39 'India may relax FDI norms for Bangladesh', *Indian Express*, 23 July 2007, at www.indianexpress.com/news/india-may-relax-fdi-norms-for-bangladesh/206327/, accessed on 20 January 2009.

40 In the past this demand was linked to India's request for Bangladeshi cooperation for the Indo-Myanmarese gas pipeline.

41 No agreement against national interest says foreign adviser on transit issue, *Bangladesh News*, 13 July 2008, at www.bangladeshnews.com.bd/2008/07/13/no-agreement-against-national-interest/, accessed on 18 February 2009.

42 '251 DU teachers against transit', *New Age*, 22 July 2008, at www.newagebd.com/2008/jul/22/index.html, accessed on 18 February 2009.

an alternative, it proposed a route connecting Dhaka and Yangon via Teknaf. Meanwhile it entered into an agreement with Myanmar for the construction of a 25 km road from Gundum in Cox's Bazaar to Bawlibazar in Myanmar on the condition that the highway would link Myanmar with China and *not* India.

Recognising the friendlier atmosphere exhibited by the CG in August 2007 India renewed the transit proposal. It sought a five-year agreement on regulations concerning passenger and cargo vehicular traffic between the two countries. It proposed that Indian vehicles with goods and container cargos would enter Bangladesh through the Benapole land port and again re-enter the Indian states of Meghalaya, Tripura and Mizoram through the Bangladesh border points of Tamabil, Bibirbazar and Khagrachari.⁴³

The strong emotional opposition within the country was reflected by the CG. According to Foreign Affairs Adviser Iftekhar Ahmed Chowdhury his country would never 'agree to any arrangement that is contrary to our sovereign national interest'.⁴⁴ Some fear that India was 'cross linking' issues and would use the transit issue to gain additional financial concessions and demand access to the service sector in exchange for tariff reduction and trade preferences.⁴⁵

Furthermore, on a couple of occasions the CG used trade issues to express its political displeasure with India. In July 2007, citing shortage it stopped export of Hilsa fish, a delicacy amongst Bengali fish eaters in India.⁴⁶ The following February it suspended coal imports on the

43 New Delhi was seeking to transport equipment for a mega power project in Tripura from West Bengal, through Bangladesh. The 726 MW power plant, expected to be fully commissioned in 2012, will be set up at Palatana, 60 km from Agartala. The alternate route through Bangladesh is a distance of only 979 km as opposed to the route through Indian territory via Badarpur/Karimganj, Assam, of 2,090 km.

44 'No agreement against national interest says foreign adviser on transit issue', *Bangladesh News*, 13 July 2008, at www.bangladeshnews.com.bd/2008/07/13/no-agreement-against-national-interest/, accessed on 18 February 2009.

45 Tanim Ahmed, 'Turmoil over transit', *New Age*, 24 July 2008, at www.newagebd.com/2008/jul/24/edit.html, accessed on 18 February 2009.

46 In 2006-07 India bought 3,414 tonnes of Hilsa and with exports resuming in January 2008 Bangladesh earning was around US\$ 9.24 million in less than ten months; 'Hilsa export through Benapole export fetches \$9.24 million', *New Age*, 22 October 2008, at <http://www.newagebd.com/2008/oct/22/busi.html>.

plea that they contained higher sulphuric content. Although both the issues were subsequently resolved, there was a strong suspicion in New Delhi that the CG was conveying its displeasure over India expressing concerns over its anti-Hasina measures.⁴⁷

b. Security Issues

On the issue of security, there was marginal improvement during the CG. With regard to terrorism, Bangladesh continued to maintain its traditional stand of non-involvement. Ever since the attack on the US Cultural Centre in Kolkata in January 2002, Bangladeshi nationals were suspected of involvement in terrorist attacks in different part of India, especially in the Varanasi serial blasts (March 2006) and the twin-blasts in Hyderabad (August 2007). According to Waliullah, a cleric from Phoolpur in Allahabad district, both these blasts had a direct link to Bangladesh. A group comprising of Mustafeez, Jakaria and Bashiruddin who had crossed over from Bangladesh earlier that month carried out the Varanasi blasts. On the fated day, they placed IEDs in different parts of the city and made their way back to Bangladesh undetected.⁴⁸ In case of the twin-blasts, the Bangladesh connection was indirect. The Bangladesh-based HUJI operation commander led by Assadullah Munir-ul-Islam was one of the mentors of Shahid Bilal, accused in the twin blast. Similarly, in May 2008 immediately after the Jaipur blasts, Abdul Rahman a HUJI operative was arrested with substantial amount of explosives.⁴⁹

During the meeting between the two Home Secretaries in August 2008, India furnished the names of the three Bangladeshi suspects as well as their mobile phone details. Bangladesh however was unconvinced of the Indian accusation and explicitly rejected any Bangladeshi role in the

47 'No more Bangla Hilsa, India feels it's fishy', *Indian Express*, 22 July 2007, at <http://www.indianexpress.com/news/no-more-bangla-hilsa-india-feels-its-fishy/206202/>, accessed on 18 February 2009.

48 'Bangla terror group's fingerprints were handed over to Dhaka but no word yet', *Indian Express*, 31 August 2007, at www.indianexpress.com/news/bangla-terror-groups-fingerprints-were-handed-over-to-dhaka-but-no-wo.../213646/, accessed on 18 February 2009.

49 'Suspected Huji man arrested, RDX recovered', *Indian Express*, 22 May 2008, at www.expressindia.com/latest-news/Delhi-Suspected-Huji-man-arrested-RDX-recovered/313034/, accessed on 18 February 2009.

Hyderabad twin blasts of August 2007.⁵⁰ Reflecting the stand common during the Khaleda phase the CG rebuffed the allegations saying ‘India always looks for a scapegoat whenever such incidents happen there. We will lodge a protest [against the allegation]... The banned organisation [Harkatul Jihad] has no activities for long... It has ceased to operate.’⁵¹

On other issues on the security front, there was some lessening of tensions. Thirty-seven years after independence in March 2008 Bangladesh invited Indian soldiers who took part in the war to grace the Bangladeshi Independence Day celebrations in Dhaka. While the public acceptance of an Indian role in the liberation of Bangladesh has been visible, the official position has been reticent if not resentful of references to any Indian involvement in the 1971 War. The prevailing mood was reflected by an incident that took place shortly afterwards. The 11-member Indian delegation was headed by Lt. Gen. JFR Jacob (Retd.) the then chief of general staff, Eastern Command, Indian Army. Bangladeshi media quoted him as wanting ‘immediate trial of war criminals’ and this was hotly debated within the country. Even after Indian officials dismissed the report as baseless, the media coverage of the controversy persisted.⁵²

Endure or Fix It

India benefited from the CG, more so as it came after an unfriendly Khaleda phase. The positive vibe that existed between the two countries in this period is comparable to and even better than the Sheikh Hasina phase. Free from partisan politics, the CG was able to initiate and respond positively towards India. It was free from any anti-Indian pressures that undermine the ability of a government in Bangladesh to respond positively to various Indian overtures. While there were improvements, the relations were far from perfect. This was partly due to the short duration of the CG as 23 months are too short even for

50 ‘Dhaka rejects Delhi’s claim on H’bad blast link’, *Hindustan Times*, 27 August 2007, at www.hindustantimes.com/Redir.aspx?ID=1e3f76d9-685b-4057-adbd-b27f069c7b68&SectionName=IndiaSectionPage, accessed on 18 February 2009.

51 ‘Foreign adviser trashes Indian media reports’, *The Daily Star*, 23 May 2007, at <http://www.thedailystar.net/2007/05/23/d70523012414.htm>, accessed on 18 February 2009.

52 ‘Jacob denies making comments on trial of war criminals: ISPR’, *New Age*, 1 April 2008, at <http://www.newagebd.com/2008/apr/01/front.html>, accessed on 18 February 2009.

a friendly government to move mountains. There were many issues that needed a larger time frame to resolve. Looking at its experience with the CG, its response and the positive outcomes, India could draw certain broad lessons regarding the bilateral relations. That the CG was unable if not unwilling to address some of its principal demands should enable India to prioritise its concerns. These concerns are of the following types:

There are issues that can be resolved either unilaterally or through substantial Indian concessions. A large number of issues associated with the border question fall into this category. Conceding to Bangladeshi intransigence regarding the demarcation of borders or formalising the *de facto* positions as the final agreement regarding enclaves would not require far reaching Indian concessions. These two issues have often been the forefront of Bangladeshi complaints vis-à-vis India. Even if their resolution would not radically improve their situation, Indian concessions would remove them from the bilateral agenda. Similarly, marginal concessions and greater flexibility would resolve the differences over the cattle trade and transit facilities for Bangladeshi trade with Nepal.

The second set of issues require significant accommodations from both sides for a resolution. While the degree of concessions may differ, unilateralism may not solve these problems. This is pertinent to the bilateral trade problems. Through the removal of barriers and zero tariff measures India could make Bangladeshi exports attractive, increase its exports to India and marginally reduce the trade deficit. However, without a fundamental transition of the economy and a rapid expansion of its basket of commodities, Bangladesh would not be able to bridge the trade deficit. The impact of Indian trade concessions is valuable politically but their economic impact would continue to be marginal. The trade deficit is a Bangladeshi problem originating out of the inherent structural problem within Bangladesh and even with Indian support it will finally have to be a Bangladeshi solution.

The emerging and most critical of all the issues is the question of maritime boundaries which is far more complicated, because both sides apply different benchmarks to buttress their respective positions.

Possible energy and mineral resources make the issue competitive. Because littoral states have full control over natural resources in the EEZ, compromise and understanding between India and Bangladesh is central to any maritime agreement. Going by the examples of the South China Sea the competition can only intensify. Unlike other bilateral problems India's ability for unilateral concession are limited. The agreement on the delimitation of maritime boundary is critical for resolving issues associated with South Talpatty/New Moore. Once the countries are able to agree to the base line point from where each EEZ would begin, it will be possible for India as it has done with Myanmar to adjust for 'special circumstances' and seek an equitable solution in the overlap areas. Likewise, sharing water of the 54 common rivers between the two countries would require mutual understanding and accommodation. The quantity of water available is neither constant nor can it be predicted accurately. Hence, one side cannot make all the concessions, however friendly or generous a particular government wants to be. The same holds true for fencing. Only Bangladeshi understanding and recognition would make the fencing project more effective and credible.

The third set of issues is more complicated, vexed and elusive to any early resolution. Most of them demand significant concessions from Bangladesh. If the CG's attitude is an indication, there are compulsions even a non-political government cannot address. The three core Indian concerns are migration, insurgency and terrorism. These require a proactive approach by Bangladesh. This is unlikely in the short run. These problems reflect the state of affairs in the country. People migrate to India because the state cannot feed them. Terrorism flourishes with the deterioration of the law and order situation inside Bangladesh and because some see the insurgents as a lever vis-à-vis India. Irrespective of the nature of the government in Dhaka, a certain section within Bangladesh might have compulsions as well as motivations to allow and encourage anti-India activities.

When it comes to these issues, Bangladesh lacks capability and political will or both. Hence, on core issues the Indian choices are rather bleak. As things stand, India would have to learn to live with the problems.

...for the democratic use of military power in a state two conditions are absolutely necessary: (a) if the military exist, as they surely will, then they must be subject to civilian control; and (b) the civilians who control the military must themselves be subject to the democratic process. If the two are synthesised, there is no room for alarm, but it is indeed a very, very difficult process.

– **Emajuddin Ahamed¹**

By holding free, fair and transparent elections, the Caretaker Government headed by Fakhruddin Ahmed redeemed itself. This was so despite the impropriety of its longevity and questionable constitutional validity of its actions. It is possible that a number of ordinances passed during this period could lapse or might be declared null and void. However, it is undeniable the CG which largely functioned as an interim government worked towards holding free and fair elections. In the process, it introduced far-reaching changes.

At one level, it operated under internal emergency that suspended a number of fundamental rights, banned political activities and incarcerated a number of leaders. At the same time, it strengthened key institutions and made them effective and credible. Even if strengthening of democracy was not its *raison d'être* the CG provided a framework for the consolidation of democracy. Usurping the powers of an elected government, it presented the country with structural arrangements that are essential for democratic governance. Without an effective EC, non-

1 Emajuddin Ahamed, 'Democratic use of military power', *New Age*, Fourth Anniversary Special, February 2007, at www.newagebd.com/store/anni07/17.html accessed on 18 February 2009.

partisan ACC and a watchful judiciary the military-backed CG would have ended up as another *junta*.

Therefore, it is essential to base any assessment of the CG on its contribution to democracy and not on the manner and circumstances under which these changes happened. Without credible elections, the CG would have lost its relevance. The question therefore before us is: can the steps taken by the CG towards strengthening of democracy be continued by elected governments? Forecasting is often fraught with missteps but one can look for key milestones in that journey. What then are the markers, which would tell us whether democracy is the favoured option in Bangladesh? Failure to meet these benchmarks would not only be a setback to democracy but would plunge the country into political instability and worse, direct military intervention.

Political Maturity

The political parties in Bangladesh are squarely responsible for the October crisis and the prolongation of the CG. The prolonged personalised politics, government-opposition disharmony and ineffectiveness of political institutions resulted in the CG acting as an Interim Government. More than three decades after the formation of the country, electoral politics have not transformed into a working parliamentary democracy. Politics is often played out on the streets of Bangladesh and not inside the *Jatiya Sangsad*. This lack of political maturity was the root cause of the developments that occurred after Khaleda completed her tenure. Despite having an institution that worked effectively in 1996 and 2001, namely the CG, political leaders plunged the country into a crisis. If Bangladesh were to avoid a similar situation in future, changes should happen at the top: political parties must function within democratic norms and with responsibilities.

Thus, without political maturity, democracy cannot be sustained in Bangladesh.

Inner-Party Democracy

Consolidation of democracy demands democratisation of political parties. The new RPO regulations forced political parties to change their functioning. Diluting the powers of party chiefs, strengthening

party institutions, democratising candidate selection and a fixed tenure for key posts are some of the changes demanded. These changes were not implemented uniformly by political parties and in some it was more pronounced than others. While standardisation may not be appropriate, greater inner party democracy is essential. The political class including members and activists should commit themselves to a democratic norm.

Thus, the degree of decentralisation of political parties will determine the success of democracy in Bangladesh.

Political parties also benefit from inner party democracy. The availability of party fora to question and even challenge party chiefs over crucial issues not only democratise the decision making but also prevent internal rebellion. Continuation of the centralised or authoritarian leadership model would have worked against all the major political parties before the December elections.

Thus, decentralisation of authority and decision making is crucial for greater internal cohesion of political parties.

De-Politicisation of the Government

The CG was effective because it functioned as a professional body without a political agenda. Lack of government-party distance has become the norm in Bangladesh when elected governments are in place. If the ruling party represents those who voted for it, the government represents the entire people of Bangladesh including those who voted against the ruling party. This has never been reflected in Bangladesh and governments functioned as an extension of the ruling party or vice versa. This situation became problematic, especially during elections if the government of the day manipulates the process to the advantage of the ruling party.

The Caretaker Government system was introduced to ensure the credibility of the first multiparty elections held in 1991 and was subsequently institutionalised in 1996. This is a temporary arrangement and it reflects the inability of an elected government in Bangladesh to supervise free, fair and transparent elections.

Thus if the controversies surrounding the caretaker government were to be avoided depoliticisation of governance is crucial.

Autonomy of the Election Commission

Under the leadership of Shamsul Huda the Election Commission conducted free, fair and smooth elections. Despite the shorter time allowed for the election campaign the process went smoothly because the EC addressed and remedied prolonged opposition complaints against the electoral process. The stalemate over the voter list and political appointments of election officials were the principal reasons for the October crisis. The previous EC MA Aziz functioned at the behest of the ruling coalition and made things worse.

Thus, increased autonomy and greater credibility of the EC is crucial for democracy in Bangladesh.

The independence of EC would serve another purpose. While the Caretaker Government is entrusted with the task of providing a conducive atmosphere, the final responsibility for holding the election rests with the EC. The ability of the EC to organise elections without any official intervention would reduce the rationale for a caretaker arrangement. The absence of trust between the ruling and opposition parties resulted in the interregnum of a neutral administration. While this arrangement has worked, the Caretaker Government should only be a temporary measure if democracy is to flourish in Bangladesh. As and when the EC emerges as a strong, autonomous, non-partisan and credible institution, the Caretaker Government system would become redundant. The continuation of the CG merely highlights shortcomings and weaknesses of the EC.

Thus, an autonomous EC is a precondition for Jatiya Sangsad elections to be held under an elected government, as is the case in various other democracies.

By overhauling the RPO, the CG introduced a whole range of reforms. To become eligible for registration, political parties had to amend their constitutions, decentralise decision-making powers and democratise party institutions. Some parties differed with the RPO over fraternal

linkages. Only after these substantial changes, the EC allowed 39 political parties to contest the December elections. Thus, it became incumbent upon the EC to monitor whether political parties were adhering to their commitments. Any dilution of or non-adherence to decentralisation should evoke punitive measures from the EC. The RPO has considerably expanded the responsibilities of the EC. The EC is no longer confined to the holding free and fair elections every five years but is also entrusted with the task of monitoring the functions of political parties. For example despite the two-term limits imposed by the Jatiya Party, if Ershad aspires for a third term as party chief, would the EC ban the Jatiya Party from contesting the elections? Likewise, what happens if *Jama'at* ignores its constitution and denies membership to non-Muslims?

Thus, the ability of the EC to perform its task on a continuous basis would rest on its autonomy and independence from the government.

The erstwhile practice of political appointees to the EC would undermine its independence. The CEC and other members of the EC would have to have neutral credentials. Alternatively, by appointing weak, political or loyal persons to the EC the government would weaken the process of democratisation.

Thus, the composition of the EC needs to be decided through a mechanism involving various branches of the state, including the opposition.

Independence of the Judiciary

For long the judiciary in Bangladesh especially the lower echelons were subservient to the Executive. Independence of the judiciary is central to democracy. Given the politicised nature of Bangladesh, only an independent judiciary can ensure the autonomy of key institutions such as the EC and ACC. The judiciary could live up to such a responsibility by maintaining a safe distance from political parties. Its proximity to the government has to be limited, otherwise any amendment would be futile.

Through the Criminal Procedure Code (Amendment) Ordinance 2007, the CG formally separated the two. This improved checks and balances and ensured greater autonomy for the judiciary. As highlighted by the controversies surrounding Justice Hasan, the appointment of the last retired Chief Justice as Chief Adviser to the CG is fraught with problems associated with politicisation of the Judiciary. A possible alternative could be a greater role for the opposition in the appointment of judges in the Supreme Court.

Thus, it is essential that senior judges stay above political influence if the Judiciary is to remain autonomous.

Relevance of the CG

Despite its accomplishments and far reaching contributions to the democratic process, the CG created a few fundamental problems. It overstepped its limit, exceeded the constitutional timeframe and usurped functions that are the exclusive prerogative of elected governments. Far from being an interim arrangement to conduct elections, the CG transformed itself into an interim government. Its extended time frame and functions had no constitutional validity. Moreover, the legality and constitutional validity of a number of its actions remain uncertain. The ordinances, 122 in all, promulgated by the CG have to be ratified by the Ninth *Jatiya Sangsad*. Due to procedural wrangles, the committee appointed by the Hasina government could not complete the process within 30 days as demanded by Article 93 (4) of the Constitution. That deadline expired on 4 February 2009. The legal basis for its actions remains uncertain. Even if the *Jatiya Sangsad* finds a way out for their constitutional validity, they can be challenged in a court of law. Finally, though benevolent in its outcome, the CG functioned under internal emergency and in an authoritative fashion. A number of political reforms though laudable lacked wider consultations and were dictated rather than political transformation. The hesitancy of the Hasina government to ratify some of the ordinances indicates emerging differences over some of the actions of the CG.

By overstepping its mandate and propriety, the CG raised fundamental doubts over its future. The caretaker arrangement worked since 1996

because political parties accepted its usefulness. The longevity and actions of Fakruddin Ahmed-led CG ironically raises doubts over its long-term survival. The CG was intended as a safety net where ruling and opposition parties lacked minimum trust with each other. By acting in the manner in which it did, the CG has raised doubts about possible misuse in future.

Thus, to ensure against future misuse, Bangladesh would have to come up with adequate checks and balances vis-à-vis the caretaker arrangement.

The long-term democratic stability of Bangladesh requires an end to the caretaker arrangement. The ability of an elected government to preside over the *Jatiya Sangsad* elections would be the true test for democracy. The CG at best can be an effective, credible and widely accepted interim arrangement. It was necessary when Bangladesh suffered from a trust deficit. At the same time, the institution also highlighted the inability of the government of the day to hold credible elections. Existing constitutional bodies such as the EC and Supreme Court need to function independently and the same holds true for the ACC.

Thus, a Caretaker Government is an oxymoron in a democracy and hence autonomy of the Supreme Court, EC and ACC are essential if an elected government in Bangladesh is to conduct and supervise credible elections to the Jatiya Sangsad.

Civil-Military Equation

The role of the military remains a primary concern in Bangladeshi politics. The army, which went back to the barracks in 1990, continues to wield influence in numerous ways. The civilian government in power has always relied excessively on the military for maintenance of law and order. Furthermore, retired military personnel have an active public life and this was visible even during the CG. Two of the ten advisers of Fakruddin were retired generals. Likewise, Choudhury who revamped the ACC successfully was also a retired army officer. Above all, the CG could expand its functions and mandate primarily because of the backing of the armed forces. The military was actively involved in the revision and updating of electoral rolls. The political reforms

undertaken during the 23-month period were possible only with the support of the military and its influence over political life. Thus, the military was an omnipresent entity in the Caretaker Government and was responsible and accountable for its commissions and omissions. Without the unstinted backing of the military, the CG could not have survived.

In the long term, democracy rests on a stable civil-military relationship. Despite the near civil war situation, the army refrained from taking over power directly and there are no guarantees that under similar circumstances a future military chief would behave in the same manner. Political instability would be an open invitation for military intervention.

By playing a second fiddle to the Fakhruddin Ahmed government, Moeen endorsed civilian supremacy. Besides being responsible for implementing internal emergency since January 2007, the army also supported various actions of the CG in expanding its mandate. It was with the support of the army that the government could curtail and reform political parties. Its interference was subtle. Historic experiences, popular misgivings and personal choices of the military leadership perhaps prevented a directly military intervention. Some might even attribute to this to the personality of Moeen and his recognition of unpopularity of military rule in Bangladesh. Another general might read the situation differently, come to a different conclusion and settle for direct action.

Whether direct or subtle, military interference signals a political crisis in Bangladesh. If the army were to remain within the barracks, political parties would have to focus on governance. Instability, chaos or lawlessness is the recipe for military intervention. When political leaders learn to govern, the army will stay in the barracks.

Thus, civilian supremacy over military would be possible only with responsible political behaviour.

Custodians of Democracy

In the final analysis, the success of democracy depends upon the people of Bangladesh. The CG has provided a framework and workable plan

for a more successful democracy. The political parties have introduced meaningful reforms. The EC has updated the voter list and held credible elections to the *Jatiya Sangsad*. The army which backed the internal emergency, remained professional and non-political. It is now up to the people of Bangladesh to make democracy function. The efficiency of institutions depends upon people who head them and the effectiveness of leaders rest on the shoulders of those who elect them. Ultimately, the quality of democracy would be determined by the degree of involvement and participation of the civil society in the political process.

For the first time in the history of Bangladesh, in December 2008 voters had the option of not voting for any of the candidates. As many as 383,625 voters exercised this 'no' vote option. This constitutes only 0.55 per cent of the total voters and with 30,000 votes the Rangamati constituency in the Chittagong Hill Tracts recorded the highest number of 'no' votes. This provision enables the voters not only to express lack of confidence in the candidates fielded by various political parties but also to register their disapproval and rejection. If exercised carefully this provision would strengthen democratic rules.

In the final analysis, the transition of Bangladesh from being an electoral democracy to a functional democracy depends upon the consolidation, strengthening and autonomy of four principal institutions, namely, the Judiciary, Election Commission, Anti-Corruption Commission and the *Jatiya Sangsad*.

The final edifice would, however, rest on the evolution of a democratic culture within Bangladesh.

Annexure 1

Caretaker Government: Timeline

2006

October 26 — Breakaway faction of BNP lead by Badruddoza Chowdhury and Oli Ahmed launches the Bangladesh Liberal Democratic Party. They have the support of 13 other party members.

October 28 — Khaleda Zia steps down as Prime Minister at the end of her five-year term. *Jatiya Sangsad* is dissolved. Twenty-five people die in clashes over the appointment of a Caretaker Government.

October 29 — President Iajuddin Ahmed takes over as head of Caretaker Government.

November 12 — Awami League-led 14-party alliance began a 4-day strike for the removal of the Chief Election Commissioner. Thousands of protesters demanding electoral reforms target major transport links, attacking trains and other vehicles, leaving at least one person dead.

November 13 — Thousands of demonstrators demanding electoral reforms clash with law enforcement agencies.

November 18 — Bangladesh's main opposition announces it will form a grand alliance with other major political parties.

November 22 — Chief Election Commission Aziz announces the election schedule.

November 26 — Three election offices set on fire in Munshiganj, Barisal and Khulna.

November 27 — CEC goes on leave due to prolonged public protest and opposition.

December 2 — A US-based election monitor discloses that list of voters contains 12.2 million bogus voters.

December 7 — EC announces 22 January 2007 as the date for Ninth *Jatiya Sangsad* elections.

December 11 — Four advisers to the interim government resign.

December 27 — Protesters attack government offices and damage vehicles in northern Bangladesh after Jatiya Chief Ershad is barred from contesting the elections.

2007

January 3 — Awami-led 14 party Grand Alliance announces election boycott.

January 5 — About 1,500 activists were arrested ahead of a planned two-day nationwide general strike.

January 7 — A three-day transport blockade begins to derail the elections.

January 8 — Violence breaks out between political activists and police in Dhaka.

January 9 — Violence continues on Dhaka streets with political parties demanding the postponement of January 22 elections.

January 11 — Iajuddin Ahmed declares state of emergency and steps down as head of the Caretaker Government and cancels elections slated for 22 January.

January 12 — Fakhruddin Ahmed takes over as Chief Adviser of the Caretaker Government.

January 13 — 2,500 people arrested overnight and homes of several political leaders raided by the new Caretaker Government.

January 29 — At least 33,000 people are arrested since emergency promulgated.

February 4 — 13 senior politicians and former government ministers detained.

February 11 — Muhammad Yunus, announces the launching of *Nagorik Shakti*, but on May 3, he reverses his decision to enter politics.

February 18 — Anti-Corruption Commission names 50 people for having wealth disproportionate to their income. 30 arrested include 11 former ministers, lawmakers and businessmen.

March 8 — Tariq Rahman, the son of former prime minister Khaleda Zia and BNP Secretary-General is arrested on charges of corruption.

March 18 — Extortion charges filed against Tariq Rahman.

March 28 — Six Islamist militants, including Bangla Bhai, convicted of countrywide bomb attacks in 2005, are hanged to death.

March 31 — Around 22 Islamists arrested.

April 9 — Tajul Islam Farooq accuses Sheikh Hasina of taking bribes of over 30 million takas (US\$ 441,000) to build a power plant in 1998.

April 11 — Murder charges filed against Sheikh Hasina and 50 others over deaths of ten activists in street protests in October 2006.

April 15 — Arafat Rahman, second son of former Prime Minister Khaleda Zia, is arrested but released the next day.

April 18 — Hasina barred from her planned return.

April 22 — Warrant issued to arrest Sheikh Hasina. On the same day, she is not allowed to board her flight from London.

April 23 — The arrest warrant is suspended

April 25 — The ban on Hasina's entry into Bangladesh is dropped.

April 26 — The CG drops plans to exile Sheikh Hasina and Khaleda Zia.

May 7 — Sheikh Hasina returns to Bangladesh.

May 29 — Graft charges are filed against former premier Sheikh Hasina. Security forces arrest four former government ministers and two mayors in its anti-corruption drive.

July 16 — Hasina is arrested and charged of extorting US\$ 1 million from two businessmen while in office.

July 30 — Bangladesh High Court gives bail to Sheikh Hasina's and suspends her extortion trial.

August 12 — Government imposes a curfew on Dhaka and five other cities following clashes between police and students demanding an end to emergency rule.

August 23 — Curfew is relaxed for a brief period to allow residents of the capital to stock up on essentials and some traffic movement is allowed.

September 2 — Sheikh Hasina is charged in a new corruption case for taking Tk 30 million from two power companies between 24 October 1996 and 24 November 1997.

September 3 — Khaleda Zia and her son are arrested and detained by security forces on corruption charges.

September 8 — Hundreds of colleges reopen two weeks after the military-backed government shut them down to quell nationwide student unrest.

September 10 — Caretaker Government lifts eight-month emergency ban on indoor politics.

September 19 — Sheikh Hasina arrested.

September 22 — Around 25,000 textile workers organise a protest to demand back-pay and bonuses in defiance of ban on protest under emergency conditions.

2008

January 13 — Sheikh Hasina indicted by a special court along with her sister Sheikh Rehana and cousin Sheikh Selim, on extortion charges.

February 6 — High Court stops trial, ruling that she could not be prosecuted under emergency laws for alleged crimes committed prior to the imposition of the state of emergency.

March 11 — Caretaker Government gives in to protests from Islamist activists over a policy to ensure equal property rights to women.

April 1 — Tariq Rahman is charged with corruption.

April 12 — 20,000 clash over high food prices and low wages near Dhaka.

May 6 — Khaleda Zia is charged with corruption over the Niko deal.

May 7 — Hasina Sheikh is charged with corruption over the Niko deal.

May 18 — Caretaker Government passes the ordinance on counter-terrorism.

June 4 — In another drive more than 1,700 people are detained in the preceding 24 hours. Beginning from 30 May, more than 10,000 arrested to improve law and order before national elections.

June 15 — Opposition leader Sheikh Hasina temporarily freed from jail to get medical treatment abroad.

July 3 — The anti-Corruption Commission levels new graft charges against Khaleda for embezzling money from an orphanage.

August 4 — Caretaker Government holds local elections and Awami League win all four city corporation and eight out of the nine municipality elections.

August 20 — Sheikh Hasina charged *in absentia* over her alleged role in a 130 million dollar defence deal with Russia.

September 9 — Khaleda Zia released on bail after 12 months of detention.

September 16 — Sheikh Hasina is granted bail in one of several corruption cases, allowing her to return from the United States.

November 3 — Caretaker Government relaxes emergency rules and allows party meetings and rallies.

November 6 — Sheikh Hasina returns to Dhaka from the US.

November 23 — Caretaker Government and BNP reach agreement to postpone elections by ten days.

December 11 — Sheikh Hasina launches her election campaign.

December 12 — Khaleda Zia launches her election campaign.

December 17 — Caretaker Government lifts two-year-old state of emergency but army deployed across the country to ensure peaceful elections.

December 29 — Ninth *Jatiya Sangsad* elections held. Awami-led coalition wins 263 seats in the 300-seat parliament. BNP-led coalition wins 31 seats.

2009

January 5 — Sheikh Hasina is sworn in as prime minister.

January 22 — Elections held in 481 *Upazillas*. Awami League backed candidates win 316 seats; BNP backed candidates 74 seats; Jama'at backed candidates 22 seats; Jatiya Party backed candidates 13 seats; and Others 48.

Source: Bangladesh and Media reports

Annexure 2

Jatiya Sangsad Election 2008

• Total number of registered voters:	81,130,973
◦ Male voters	39,822,549 (49.13 per cent).
◦ Female voters	41,236,149 females (50.87 per cent)
• Percentage of votes polled	87 per cent
• No votes	383,000 or 0.55 per cent
• Total number of candidates	1,555
◦ Male candidates	1,490
◦ Female candidates	60
• Total number of political parties	38
First time voters	31 per cent
Above the age of 60	3 per cent

Seats

Party	Seats won 2008	Number of Votes	Percentage of Votes secured	Seats won, 2001
Awami League	230	34.56 million	49.02	62;40.13%
Jatiya Party	27	46,90,166	7.25	8; 6.65%
Jatiya Samajtanrik Dal	3			
Workers Party of Bangladesh	2			
14 party alliance (Maha Jote)	262			
BNP	29	23.09 million	32.74	193; 40.97%
Bangladesh Jama'at-e-Islami	2	32,09,226	4.55	17;4.28% ¹
Bangladesh Jatiya Party	1			4;
Four Party Coalition	32			214;

Annexure 3

Ten Member Advisory Council of the Second Caretaker Government

1. **Dr. Fakhruddin Ahmed** **Chief Adviser**
Cabinet Division
Election Commission Secretariat
Ministry of Home Affairs
Ministry of Establishment; and
Other Ministries/Divisions
2. **Barrister Mainul Hossein** **Adviser**
Ministry of Law, Justice and Parliamentary Affairs
Parliament Secretariat
Ministry of Housing and Public Works
Ministry of Land, Ministry of Information
3. **Dr. AB Mirza Azizul Islam** **Adviser**
Ministry of Finance (Finance Division, ERD, IRD)
Ministry of Planning (Planning Division, IMED)
Ministry of Commerce
Ministry of Post and Tele-Communications
4. **Maj. Gen. (Retd.) MA Matin, BP** **Adviser**
Ministry of Communications
Ministry of Shipping
Ministry of Civil Aviation and Tourism
Ministry of Liberation War Affairs
5. **Tapan Chowdhury** **Adviser**
Ministry of Power, Energy and Mineral Resources
Ministry of Food and Disaster Management
Ministry of Science and ICT
Ministry of Youth and Sports
6. **Begum Geetiara Safiya Choudhury** **Adviser**
Ministry of Industries
Ministry of Textiles and Jute
Ministry of Social Welfare
Ministry of Women and Children Affairs

- | | | |
|-----|---|----------------|
| 7. | Ayub Quadri
Ministry of Education
Ministry of Primary and Mass Education
Ministry of Cultural Affairs | Adviser |
| 8. | Anwarul Iqbal
Ministry of LGRD and Cooperatives
Ministry of Labour and Employment | Adviser |
| 9. | Maj. Gen. (Retd.) ASM Matiur Rahman
Ministry of Health and Family Welfare
Ministry of Water Resources
Ministry of Religious Affairs | Adviser |
| 10. | Dr. Iftekhar Ahmed Chowdhury
Ministry of Foreign Affairs
Ministry of Expatriates' Welfare and
Overseas Employment
Ministry of Chittagong Hill Tracts Affairs | Adviser |
| 11. | Dr. Chowdhury Sajjadul Karim
Ministry of Agriculture
Ministry of Fisheries and Livestock
Ministry of Environment and Forests | Adviser |

Source: Various issues of *The Daily Star* and *New Age*.

Note: Law adviser Mainul Hossein, Health adviser ASM Matiur Rahman, Power and Food adviser Tapan Chowdhury, and Industry Adviser Geeteara Safiya Choudhury resigned on 31 July 2008.

Annexure 4

List of ordinances issued by the Caretaker Government

Ordinances approved by the Ninth Jatiya Sangsad on 24 February 2009

1. Right to Information Ordinance, 2009
2. Upazilla Parishad (Amendment) Ordinance, 2009 for making them into laws
3. Bangladesh Shilpa Bank (Amendment)
4. The President's (Remuneration and Privileges) (Amendment)
5. Islamic University (Amendment)
6. Supreme Court Judges (Remuneration and Privileges) (Amendment)
7. Bangladesh Laws (Revised and Declaration) (Amendment)
8. National Human Rights, 2009
9. Gram Sarkar (Repeal)
10. Local Government (City Corporation)
11. Local Government (Pourasava)
12. The National Board of Revenue (Amendment)
13. Consumers' Rights Protection
14. Bangladesh Biman Corporation (Amendment)
15. Bangladesh Telegraph and Telephone Board (Amendment), 2009
16. Dhaka Electricity Supply Authority (Amendment), 2009
17. Code of Criminal Procedure (Amendment), 2009
18. Mobile Court, 2009
19. Government Finance and Budget Management, 2009
20. Bangladesh Flag Vessel Protection (Amendment), 2009

The ordinances chosen to be brought in as Bills for passage into law are:

1. Sylhet Metropolitan Police Ordinance, 2006
2. Barisal Metropolitan Police Ordinance, 2006
3. The Code of Criminal Procedure (amendment) Ordinance, 2007
4. The Code of Criminal Procedure (second amendment), 2007
5. Speedy Trial Act (amendment) Ordinance, 2007
6. Criminal Law (amendment) Ordinance, 2007
7. Finance Ordinance, 2007
8. Consolidated Fund (supplementary) Ordinance, 2007
9. Consolidated Fund (advanced) Ordinance, 2007
10. Bangladesh Biman Corporation (amendment) Ordinance, 2007
11. Public Procurement (amendment) Ordinance, 2007
12. Padma Multipurpose Bridge Project (land accusation) Ordinance, 2007
13. Money Laundering Prevention (amendment) Ordinance, 2007
14. Electoral Rolls Ordinance, 2007
15. Bangladesh Flag Vessels Protection (amendment) Ordinance, 2007
16. The President's (remuneration and privileges) (amendment) Ordinance, 2007
17. The Pesticides (amendment) Ordinance, 2007
18. Income Tax (amendment) Ordinance, 2007
19. Islamic University (amendment) Ordinance, 2007
20. Islamic University (amendment) Ordinance, 2007
21. Human Rights Commission Ordinance, 2007
22. Income Tax (second amendment) Ordinance 2007

23. Income Tax (amendment) Ordinance, 2008
24. Election Commission Secretariat Ordinance, 2008
25. Bangladesh University of Professionals Ordinance, 2008
26. Anti-terrorism Ordinance, 2008
27. Finance Ordinance, 2008
28. Appropriation Ordinance, 2008
29. Appropriation (supplementary) Ordinance, 2008
30. Rangpur University Ordinance, 2008
31. Representation of the People Order (amendment) Ordinance, 2008
32. Representation of the People Order (second amendment) Ordinance, 2008
33. Representation of the People Order (third amendment) Ordinance, 2008
34. Right to Information Ordinance, 2008
35. Bangladesh Laws (revision and declaration) (amendment) Ordinance, 2008
36. Citizenship (amendment) Ordinance, 2008
37. Public Money and Budget Management Ordinance, 2008
38. Supreme Court Judges (remuneration and privileges) (amendment) Ordinance, 2008
39. Fertilizer Management (amendment) Ordinance, 2008
40. Members of the Bangladesh Public Service Commission (terms and condition of service) (amendment) Ordinance, 2008
41. Speedy Trial Act (amendment) Ordinance, 2008
42. Local Government (city corporation) Ordinance, 2008
43. Local Government (municipality) Ordinance, 2008

44. Gram Sarkar (repeal) Ordinance, 2008
45. National Board of Revenue (amendment) Ordinance, 2008
46. Public Servants (Marriage with foreign nationals) (amendment) Ordinance, 2008
47. Public Servant (dismissal on conviction) (amendment) Ordinance, 2008
48. Bangladesh Telegraph and Telephone Board (amendment) Ordinance, 2008
49. Consumers' Right Protection Ordinance, 2008
50. Dhaka Electricity Supply Authority (Desa) (amendment) Ordinance, 2008
51. Real Estate Development and Management Ordinance, 2008
52. Grameen Bank (amendment) Ordinance, 2008
53. Bangladesh Shilpa Bank (amendment) Ordinance, 2008

Annexure 5

Sheikh Hasina, President, Awami League, at the Press Conference by the Grand Alliance at Sheraton Hotel, Dhaka

3 January 2007

Sheikh Hasina, Awami League President and opposition leader announced Mahajote's (opposition alliance) plan to enforce a countrywide blockade between 7 to 8 January 2007, to press demands for the publication of a correct, flawless and updated voter list as well as the resignation of Iajuddin Ahmed as the Chief Adviser. She also threatened to lay siege to Bangabhaban (President's house) for an indefinite period if the opposition's demands were not met.

On October 29 last year, President Iajuddin Ahmed appointed himself as the chief adviser to the non-partisan caretaker government in violation of the constitution. We said from the beginning that he is neither neutral nor non-partisan. We had placed 11-point proposal before him in order to prove himself to be neutral, but he did not implement those.

The Chief Adviser and 10 other advisers subsequently offered a package proposal signed by them. The proposals included resignation of SM Zakaria and Mudabbir Hossain Chowdhury; appointment of two new election commissioners and entrusting one of them to act as the chief election commissioner; depoliticisation of the administration; and bringing changes to the attorney general's office, replacing all law officers and bringing changes to the top posts of intelligence agencies.

But when we accepted the package proposal, he opposed the council of advisers-agreed proposals under the directions of *Hawa Bhaban*. Yet, we tried to participate in the elections for the sake of democracy. After our candidates from the grand alliance submitted nominations, we noticed that the chief adviser has started implementing election engineering under the dictates of BNP-Jamaat. Sixty-five days, out of 90 days, have already passed, but President Iajuddin Ahmed has not taken any steps to prove his neutrality as the chief adviser to the non-partisan caretaker government.

The chief adviser has established a shadow government of BNP-Jamaat instead of a non-partisan caretaker government. The nationally and internationally unacceptable Election Commission has failed to prepare a correct voter list. There are only 19 days to go to the elections as per the

current schedule. But a correct and flawless voter list is yet to be published. Now it is learnt that a voter list will be published after January 7. Under the voter list rules and regulations, there is a provision that the voter list should be displayed in public for 15 days for scrutiny before publishing the full electoral roll. If the election is held on January 22, there will be no time to earmark 15 days for scrutiny and for subsequent correction and publication of the list. It is clearly stated in Article 121 of the Constitution that *“There shall be one electoral roll for each constituency for the purposes of elections to parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste or sex.”* But according to newspaper reports, the Election Commission has distributed three types of voter lists — the list of 2000 and the updated and supplementary list of 2000. And the voters' names, their fathers' names and the voter serial numbers do not match. In many cases, the lists show different information regarding name, age and profession of the voters against the same serial number and the holding number. Many voters whose names are on the list of 2000 have been dropped. Names on pages after pages in the voter list have been crossed off, while a huge number of false voters have been included. We fear that the presiding and polling officers will be given the list which does not contain the names of grand alliance leaders, activists and supporters and the minorities. Additional polling centres have been set up without any advertisements.

In many cases, polling centres have been set up four or five miles away, so that voters favouring grand alliance cannot cast their votes. The judiciary and the administration still remain politicised. Charge sheet has been submitted against eminent lawyers such as Dr Kamal Hossain, Barrister Amir-Ul Islam and Barrister Rokanuddin Mahmud in an unusual hurried way. The Election Commission is not applying the law equally for all. As part of the election engineering, the commission has unjustly rejected the nomination paper of Jatiya Party Chairman HM Ershad.

The caretaker government has protected, instead of arresting, the criminals who attacked the houses of Liberal Democratic Party (LDP) leaders, including Badruddoza Chowdhury. The Rapid Action Battalion (Rab) and the police are being used to arrest, harass, torture and kill the leaders and activists of the grand alliance. The false cases filed against our leaders and activists in the last five years have now been used to arrest grand alliance leaders and activists.

No list of real criminals has been made. Instead of recovering illegal arms or arresting the arms holders, the authorities are collecting licensed arms from the citizens, thereby causing insecurity for them. The National Security Intelligence agency and the Directorate General of Forces Intelligence are being used to implement the election engineering. The administration has not been depoliticised. Rather, 20 personal secretaries of BNP-Jamaat ministers have been appointed deputy commissioners. Skilled and efficient officials are still serving as officers on special duty (OSD).

The chief adviser is trying to deprive the people of their right to vote at the instructions of BNP-Jamaat. He is conspiring to elect the thieves and the corrupt elements belonging to BNP-Jamaat who have plundered public assets and amassed huge wealth overnight.

Our statement is very clear. We want a free, fair and peaceful election according to the constitution. For this a congenial atmosphere should be created. It has been proved that the president as the chief adviser is not interested in creating an environment conducive to election. So, he must step down as the chief adviser. And a new chief adviser must be appointed according to the constitution.

In accordance with the package proposal, a new chief election commissioner has to be appointed and the Election Commission has to be recast. Over 300 partisan officers appointed in the Election Commission and as district and upazila election officers have to be removed or made OSD.

Every eligible voter has the right to vote. A draft voter list has to be published. According to the electoral laws, there should be at least 15 days to scrutinise the voter list before the publication of the final voter list.

A full voter list has to be published for each constituency. All voters have to be given ID cards. Transparent ballot boxes have to be used in the election. Old polling centres have to be used as per the election manual.

Candidates have to be consulted before the appointment of presiding and polling officers. Rab activities have to be suspended until elections. Extra-judicial killings must be stopped. A list of real criminals must be made in order to arrest them and recover their arms.

In accordance with the package proposal, changes have to be brought to the Attorney General's office, all law officers have to be replaced and changes

have to be brought to the top posts of intelligence agencies. Effective measures must be taken to depoliticise the administration.

Identified partisan officials have to be made OSD. They have to be replaced by competent and neutral officers.

All election candidates, including Jatiya Party Chairman HM Ershad, whose nomination papers have been rejected illegally, have to be allowed to take part in the election.

A new election schedule must be announced after update of the voter list in order to implement the aforementioned measures so that an environment conducive to fair election can be created. Because it is more important to have an acceptable election with the participation of people than an election held within the fixed schedule. The people will neither accept nor allow rigged polls. The grand alliance wants an election that will reflect the people's verdict.

President Iajuddin wants to hold an election without a valid voter list after illegally assuming the post of the chief adviser. We cannot legalise such an election. Therefore, we, the grand alliance, have decided not to participate in the stage-managed January 22 elections. Article 58 (D) of the constitution calls for a free, fair and peaceful election. We will go to the polls with the people after creating an environment conducive to a free, fair and peaceful election in Bangladesh.

We will enforce blockade programme across the country on January 7 and 8 to press the demands for the publication of a correct, flawless and updated voter list and the resignation of Iajuddin Ahmed as the chief adviser. If the demands go unheeded, we will lay siege to Bangabhaban for an indefinite period.

We call on the administration, police, Bangladesh Rifles and the armed forces to stand by the people and assist in the struggle to restore the people's right to vote. We will continue any sorts of movement to protect the people's right to vote.

Source: www.thedailystar.net/2007/01/04/index.htm

Annexure 6

Address to the Nation by the Chief Adviser of the Caretaker Government, Fakhruddin Ahmed, Dhaka

21 January 2007

Chief Adviser Fakhruddin Ahmed in his first address to the nation outlined the government's commitment to create a transparent, peaceful and congenial atmosphere for conducting a free, fair and acceptable election. Towards ensuring this goal, he promised that the Caretaker Government would restructure and reinvigorate the Anti-Corruption Commission and other relevant government organisations and the Election Commission would be neutral and independent. He stated that maintenance of law and order was one of the foremost priorities of this government and it had initiated stern action against criminals, terrorists, extortionists and anti-social elements. The Chief Adviser appealed for support of all Bangladeshis including political parties in this endeavour of the Caretaker Government.

My Fellow Countrymen,

Assalamualaikum.

The solemn responsibility of the Chief Adviser of the Non-Party Caretaker government has been placed on me at this critical juncture of Bangladesh's history. I ask for the blessings of the Almighty, and the sincere good wishes, fullest support and cooperation of my fellow citizens in properly discharging this difficult responsibility.

I must begin by recalling with great respect the courageous individuals, the valiant freedom fighters and the heroic martyrs-by whose supreme sacrifice, extraordinary contributions, dedication and hard work our dear motherland was established as an independent, sovereign and democratic state. I remember also the leaders of our nation, who have guided our country and provided inspiration as we continue to move along the path of progress and prosperity.

My Fellow Countrymen,

It is by pledging our allegiance to the sacred Constitution of Bangladesh that I and my council of advisers have assumed the responsibility of running the government at this critical moment, with the objective of ensuring peace, happiness, prosperity, and the overall security of our nation and society. You all are aware under what circumstances we had

to take this difficult responsibility. I am sure that my countrymen will agree with me that none of us would have wished for this path. But the difficult reality remains that our dear motherland finds itself in the midst of a serious crisis. The greatest challenges today are to maintain political and social stability as well as to uphold and strengthen our democracy by holding free and fair polls which ensure every citizen's right to vote. We also face the challenge of keeping the wheels of progress and prosperity of our country fully operational. We must face all these challenges with strong determination. We must strive to make our future brighter, more enlightened and vibrant. To achieve these objectives I urge my countrymen to demonstrate patience, tolerance and patriotism.

My Fellow Countrymen,

Why do I now make this appeal to you and why are these tasks incumbent on my government? Looking back on the experience of the Bangladeshi people over the past 36 years, we must ask ourselves if we have achieved the happiness, peace and prosperity that we all desire? Why have we not achieved the achievable? The answers to these questions bring to light the distressing picture of a nation plagued by rampant corruption, mired in the dominance of individual and group interests over the national interest, beset by unscrupulous competition for power, wealth and influence, stuck ever deeper in the cult of personality, and preyed upon by the indiscriminate use of black money and muscle power to achieve narrow interests. Despite repeated calls for caution from the honest and sincere segments of our society, their message has not been heeded. Hence the time has now come when we must work together to pursue the goal of establishing a solid foundation for our country. For our efforts to succeed, it is essential for us to unite as a nation and work together with a common sense of patriotism.

My Fellow Countrymen,

You all know that a general election was scheduled for 22nd January 2007, to hand over power to an Elected Government through a universally recognized democratic process. But the controversy, uncertainty and lawlessness that emerged around the elections not only endangered economic advancement, social cohesion and security but also threatened the very democratic core of our country.

Destructive and subversive activities, violent and hostile attitudes harbored by opposing political parties, and the absence of a conducive environment for free and fair polls not only made holding the scheduled elections impossible, but also imperiled the very heart of our democratic system. I

believe that the dedicated and patriotic political leaders and workers, the civil society and people from all walks of life want an end to this situation. We must therefore work together to end this situation once and for all.

My Fellow Countrymen,

Bangladeshi people from all strata want a free, fair, peaceful and neutral election as per constitutional provisions and with the participation of all political parties. Achieving this is the central goal of our government.

Any general election becomes meaningless if the essential rules and regulations of the election are not followed. Therefore, the most important responsibility of the present government is to create a transparent, peaceful and congenial atmosphere for conducting a truly democratic election. It is therefore the responsibility of this government to undertake the necessary electoral reforms to ensure a free, fair and universally acceptable election with participation from all parties as soon as possible. We must outline a clear program and then formulate and implement a specific plan to achieve these goals. Our efforts must be concentrated to ensure the success of our endeavor, for in this task we cannot afford to fail. The nation cannot bear to stumble again and return to the unstable and intolerable situation of the recent past.

My Fellow Countrymen,

It is one of the principal pre-conditions of our democratic state to have a neutral, robust and independent Election Commission. Though unpleasant to acknowledge, it is nevertheless true that the activities of the Election Commission were not above question even in the past. The present Election Commission has become especially controversial, and the reconstitution of the Election Commission has therefore become imperative. In order to hold a free, fair and credible election, it is equally important to prepare and publish an accurate and flawless voter list. Necessary and effective steps will be taken in this regard. Appropriate measures will also be taken to ensure compliance with the electoral code of conduct and to monitor electoral expenditures. You are aware that there have been calls for voter identity cards and transparent ballot boxes from various quarters. Steps will be taken in regards to these issues following detailed analysis and planning.

While it is necessary to fulfill these conditions to ensure the holding of a free, fair and credible election, it is also important for the political parties to nominate honest and qualified candidates to ensure a meaningful and

universally acceptable process. Today, the Bangladeshi people demand it, and the hour demands it.

There is no denying that we cannot attain real democracy without emancipating ourselves from the vicious cycles of corruption and terrorism in the country. Therefore, we are committed to freeing the election from corruption and muscle-power. Effective programs will be undertaken to reform the overall poll process so that black money and muscle-power cannot obstruct free and fair elections and cannot alter the true reflection of the people's will. In particular, appropriate measures will be taken to take detailed accounts of the earnings and assets of all candidates and to ensure the validity of such disclosures. We must banish the use of muscle power and black money from the election scene. I hope that all political parties will join us and provide full cooperation in this regard and will reflect these ideals in the political culture, including the nomination process.

My Fellow Countrymen,

Maintaining law and order is the principal precondition for a peaceful and acceptable election as well as for the continued development of the country. We have been working relentlessly to further improve the law and order situation, to ensure the safety and security of people's lives and property, and to restore peace and stability to the country. As part of this effort, joint drives and combined operations by the armed forces, police, BDR, RAB and other law-enforcement agencies have been launched. Stern legal action is being taken against the so-called 'godfathers', identified criminals, terrorists, extortionists and anti-social elements. Strong measures are being taken against those who resorted to hurling bombs in the name of religion, and against all extremist activities, illegal weapons and smuggling. My firm belief is that the law and order situation has improved as a result of all these steps. These drives and activities will therefore be intensified further.

You are aware that our remarkable armed forces, known for their patriotism and for their great spirit of sacrifice, and acclaimed in the national and international arena for the professionalism, is assisting the civil administration in maintaining law and order. I believe that it will be possible for the law-enforcement agencies to maintain social stability and a peaceful environment with your continued, active and sincere cooperation. I want to make it very clear that all concerned have been instructed so that no innocent citizen is unnecessarily harassed or victimized.

You all are aware that the present emergency has been declared in the face of a political crisis. It has no contradiction with the people's expectation.

As a result, we remain vigilant in upholding the basic rights of the people, including human rights and freedom of the press and mass media.

My Fellow Countrymen,

Now let me turn to a few other relevant matters. We must ensure that the country's administration is non-partisan and neutral, without which holding a neutral general election or establishing a fair democratic system is not possible. Government officials should always remember that the political parties are not their masters. They must remain neutral in their work for the Republic, for they are the servants of the people. They must remain free from the undesirable influence of party politics.

The judiciary shall be independent and neutral. You have seen that the present caretaker government has taken a bold and momentous step to separate the judiciary from the executive within a short span of time. This step will be regarded as a milestone in the history of the country's judiciary. People from all walks of life, including lawyers and civil society, have appreciated this measure. We want the judiciary to uphold its dignity. Let the rule of law and justice be established on a firm footing.

My Fellow Countrymen,

You have seen that rampant corruption and plundering of the nation's wealth by some dishonest individuals have left the country's economy, society and politics polluted, shattered and backward. The country's image and standing has been tarnished around the globe. This situation cannot be allowed to continue.

The people of the country want stern measures against the corrupt persons. We will launch a firm and systematic campaign soon to curb corruption. The Anti-corruption Commission and other government organizations concerned will be restructured and reinvigorated. These organizations will be restored and will be kept free from all forms of outside influence.

My Fellow Countrymen,

You are aware of the sufferings of the people of all spheres due to the power crisis and its negative impact on trade, commerce, agriculture and industries. The increasing power demand and the deficit in its supply, the corruption in power distribution and general mismanagement have not only curtailed the prospects of industries and production but also jeopardized everyday life. We must overcome this situation quickly. As you know, large expenses and a long time is required to set up new power stations. We

cannot expect increases in power generation overnight. But the country will incur further economic loss if proper measures for increasing power generation are not taken right now. Steps will be taken immediately to curb corruption and increase power supply through fair management.

My Fellow Countrymen,

The price-hike of essentials has made the life of the people, particularly the low-income group, miserable. Increasing the supply of various items can have a positive impact on the price level. If the market is allowed to function normally, then the regular supply of essentials will determine the prices of commodities fairly, which will protect the interests of both producers and consumers. Mismanagement of the ports, extortion in the transportation of goods and the control of markets by some unscrupulous traders and other distorting activities disrupt the supply of commodities and create a negative impact on the prices of essentials. Stringent measures will be taken against such practices.

My Fellow Countrymen,

An atmosphere of mutual respect and tolerance, coupled with a free-thinking and fraternal attitude, are essential to establish a proper democratic system and to allow for the participation of different parties in the elections. There is a need to allow for forward thinking debate on specific issues without becoming emotionally-charged, unreasonable, or narrow-minded. The nation must be freed from the ills of social and religious-based divisions and we must keep our communal harmony intact. We must work together to create a society that fulfills the promise that the 'head is held high where heart is free from fear'*. It is my firm belief that our active media and objective journalists will undoubtedly help in guiding the nation in the right direction. Our vigilant society will always remain active and alert to protect and uphold the national conscience and ideals.

My Fellow Countrymen,

As a nation, we believe in peace and harmony, in respect for human rights and in democratic values. We have traditionally maintained a friendly attitude towards all countries, specially our neighbors. We are determined to continue our campaign against international extremism and terrorism. Our activities in this field are guided by internationally recognized principles and values both at home and abroad. We are determined to follow and strengthen the principles enshrined in the Charter of the United Nations. We want to progress along the path of democracy while maintaining

regional co-operation and upholding good relations with all countries based on mutual respect.

My Fellow Countrymen,

I want to make it absolutely clear that we are determined to hand over power to an elected government at the earliest instance by arranging free, fair and acceptable general elections. But to achieve this objective the sincere and whole-hearted cooperation of the people is essential, as is the active support of the political parties. The involvement of all relevant institutions and organizations is also important. The support of all friendly democratic countries and international agencies will help make the election acceptable at home and enhance Bangladesh's image abroad.

My Fellow Countrymen,

We will devote all our strength to achieving these goals, as we surely will with your blessings, support, and sincere cooperation, and by the grace of Almighty Allah. We have liberated our dear motherland through innumerable sacrifices and through the loss of so many precious lives. The blood of millions of martyrs has blended with the soil of our nation. We must prove the truth that their sacrifices were not in vain. And as we must think of our debt to the martyrs of independence, so too must we remember that we are accountable to future generations.

Let Bangladesh live forever and keep its head high in the world, as it has throughout its glorious history. Let us all work together to take our beloved Bangladesh on the path of rapid progress in order to achieve its enormous potential. Leaving behind petty personal interests, let us be imbued with a strong sense of patriotism. Let us help future generations by building the Bangladesh of their dreams.

It is my and my colleague's firm belief that we shall be able to reach these cherished goals, insha-Allah, through the active and collective cooperation of all. We will build Bangladesh, a country of unlimited potential, with a firm commitment to its march along the path of democracy. We will build a happy, prosperous and self-reliant Bangladesh-a dream nurtured since the birth of our nation. We can and will be successful in building a modern, strong and democratic Bangladesh. In closing; I wish you all happiness, peace

*A famous quote from Rabindranath Tagore, Bengali poet and recipient of the 1913 Nobel Prize in Literature.

Source: http://www.cao.gov.bd/ca_address/index.htm

Annexure 7

Statement by the External Affairs Minister of India, Pranab Mukherjee, on Departure from Dhaka

19 February 2007

Pranab Mukherjee, the External Affairs Minister of India, reiterated the importance India attaches to Bangladesh and announced India's decision to allow unconditional duty free import of 2 million pieces of readymade garments from Bangladesh. The issue of restrictions placed on import of cosmetics from Bangladesh was also resolved. The Sealdah-Joydevpur passenger train service would be started shortly and Bangladesh agreed to build a bridge over the Ragnacherra River. Both sides also agreed to combat terrorism jointly.

I have had a very useful and productive visit to Bangladesh today. In the forenoon, I paid a courtesy call on the President of Bangladesh, Dr Iajuddin Ahmed and extended an invitation to Bangladesh to participate in the 14th SAARC Summit being held in New Delhi from April 3-4, 2007. I had detailed discussions with the Chief Adviser of Caretaker Government, Dr Fakhruddin Ahmed. He has graciously agreed to attend the SAARC Summit. I also called on former Prime Minister & Chairperson of Bangladesh Nationalist Party, Begum Khaleda Zia and former Prime Minister & President of Awami League Sheikh Hasina.

During my meetings with the Chief Adviser Dr Fakhruddin Ahmed and Foreign Adviser Dr. Iftekhar Ahmed Chowdhury, the discussions centered on bilateral relations and the forthcoming 14th SAARC Summit. In the context of bilateral relations, both sides agreed to take steps to place bilateral relations on an 'irreversible higher trajectory'. With the view to providing impetus to bilateral economic linkages, I have announced that India will grant unconditional duty free access to import of 2 million pieces of readymade garments from Bangladesh. The issue of restrictions being placed on import of cosmetics from Bangladesh has also been resolved. The Bangladesh side has been kind enough to offer early operationalisation of Sealdah-Joydevpur passenger train service and to build a bridge over Ragnacherra River. Both sides have agreed to jointly combat terrorism, which today poses the most grave challenge to our society and threatens the rapid economic development of our nations.

The discussions on SAARC focused on ensuring the success of the forthcoming SAARC Summit and early and full implementation of SAFTA. Both sides have agreed to lay emphasis on better connectivity among SAARC countries, including between India and Bangladesh. Further, we have also agreed on the establishment of a South University as a centre of excellence.

India attaches the highest importance to its relations with Bangladesh. I have reiterated India's desire to strengthen and further enhance the friendly cooperative relations between our two countries. It was agreed that further discussions would be held in Delhi and Dhaka to take forward the friendly relations.

Source: <http://meaindia.nic.in/speech/2007/02/19ss02.htm>

Annexure 8

Iftekhhar Ahmed Chowdhury, Adviser to the Caretaker Government, the Ministry of Foreign Affairs, the Expatriates Welfare and Overseas Employment, and Chittagong Hill Tracts Affairs, at the Indo-Bangladesh Dialogue on Media and Culture, organised by the Centre for Policy Dialogue, Dhaka

8 March 2007

Iftekhhar Ahmed Chowdhury, Adviser to the Caretaker Government, reiterated Bangladesh's commitment to cultivating close relationships with all its neighbours, including India. Bangladesh was keen to use common linkages to build a harmonious relationship between the two countries. He stressed the responsibility and role of the media in enabling such a relationship and outlined a few ways to work towards that end. He also suggested that a 'Bangladesh Cultural Centre' be established in India to promote Bangladeshi culture.

Distinguished Guests, Ladies and Gentlemen

I am delighted to be able to participate in this track-two process. This method of engaging the non-governmental levels of our two countries, Bangladesh and India, to create an appropriate matrix on which official relationship can be built is a concept whose time has surely come. Indeed, I believe, the situation is appropriate for both tracks, the governmental and non-governmental, to run concurrently, feeding into each other, ultimately serving what is our common interest.

Let me declare unequivocally that it is the intention of the current Caretaker Government to accord high priority to cultivating close relationship with all our neighbours, including India. We sincerely believe that in South Asia, together we are strong and a power to reckon with in the global arena. Conversely, if we are separate, we are weak. There used to be a tendency in our part of the world to perceive the regional pre-eminent actor as an entity that must be countered with by building a web of extra-regional linkages. No longer. Bangladesh is keen to extend the hands of friendship to all countries of the region, big and small, with the confidence that with the dawning of this new era of regional cooperation, it will be warmly grasped. I am aware that there have been times when misunderstandings have clouded the commonality of our values and the similarities of our

culture. There must now be a sea change in our mind-set without which, in a world rapidly forging ahead in myriad ways, South Asia will lag behind.

Bangladesh and India share borders, cultural affinities, common historical experience and values that do us proud. We warmly recall the memories of the occasions that had linked our destinies, just like the liberation war in Bangladesh and the creation of SAARC. It is our intention to use these linkages to build a harmonious relationship between us at present. For future we will continue to mark this relationship with cordiality and cooperation.

Ideas that have taken roots in South Asia, our intellectual resources, have made a huge contribution towards advancing global civilization. Some of these have emanated from the soil of Bangladesh. We have taught the world, and this we can say with a modicum of pride that simplest concepts can often effect the profoundest changes. Take micro credit and non-formal education of women for instance. Our Armed Forces from both Asian countries contribute a preponderant component of the UN Peace Keeping operations. They render yeoman's service in stabilizing the strife torn world beyond our shores. Through our policies at home and abroad, we have given globalization a human face.

So let these be the bedrock values of our South Asian home. Let us coexist and cooperate among ourselves. Let us optimize our potentials. And let us deepen and strengthen the bonds that tie us all. India among us is most blessed in terms of size, population and resources. A special responsibility therefore would naturally devolve on her. I have every confidence that she will not shy away from it, and as she grows, she will help us grow with her.

These would entail awarding some special privileges or preferences to those less endowed in trade and other spheres. Such overtures would engender the spirit of greater understanding. It is rare that in relations between nations unilateral gestures are not reciprocated. In other words, one good turn would surely beget another. At times, of course, there will be differences among us. There will be hiccups in this relationship and pitfalls in the journey to our goals. But we are resolved to overcome all of those and arrive at our destination together in friendship, peace and harmony.

The media has a special responsibility on this score. In South Asia they are an asset that has helped render our societies so intensely pluralist. It is experience culled from observing the operation of South Asian media

that led Amartya Sen to famously conclude that a free press and famine are incompatible. Indeed, historically, the media, in erstwhile Bengal in the 19th Century had a major role in sustaining the efflorescence of the 'renaissance,' that rebirth and revolution in the mindset brought about by the '*bhadralok*' of Calcutta.

The '*bhadralok*' were a part of the Weberian status group distinguishable by the way they dressed, spoke, behaved and argued. They challenged the existing mores of their culture and religions by their protestant spirit, refusing to accept without question what they were taught at the feet of the guru. They employed Socratic dialecticism to arrive at their extrapolations. They would agree with Aristotle's retort; "amicus Plato sed magis amica veritas; dear is Plato, but dearer still is the truth!" In many ways, the Bangladeshi media wears the same mantle, speaking for the urges of the '*bhadralok*' in our contemporary times, upholding their values, acting as the "conscience" of the masses, as a watchdog of the principles that we have always cherished and which have made us nations great.

Therefore, it is obvious that we must create conditions for both our media, to cooperate in the promotion of a common cultural ethos, at the same time, celebrating the distinctiveness and variety that lends it added richness.

In order to be able to do so, the following steps are well worth considering:

- Ensuring free and unimpeded flow of information between our countries
- Up grading of infrastructural facilities especially in the ICT sector
- Promoting networking and syndication arrangements between the press and media of both countries.
- Increasing the frequency of contacts and visits by the media people both at the governmental and private level
- Facilitating travel for the press, media people and the journalists
- Increasing usage should be considered of video and teleconferencing facilities for interactive sessions among the press and the media people.
- Increasing awards, grants and fellowships for facilitating visits by media people
- Encouraging private sector to fund and promote interaction by the media people between the two countries.

- Periodical publication through joint initiatives of supplements, articles, publications on issues of mutual interest such as on poverty, trade and environment.
- Encouraging resident correspondents in both countries for facilitating objective reporting.
- Encouraging positive coverage and presentation of perspective of both the sides in reports by the print and the electronic media.
- Facilitating the increased usage of radio considering its spread, coverage and economy

The wealth of our culture extends to areas of literature, drama, music, poetry and the performing arts. I am pleased to note young and promising Bangladeshi artistes have availed of this opportunity to learn at Indian centers of excellence such as the Delhi National School of Drama, Sriram Bharatiya Kala Kendra, National Film Institute at Pune and Shantiniketan. Grants and scholarships to facilitate these needs to be increased.

Within the context of SAARC, we have agreed on the elements of an Agenda for Culture. Festivals under its auspices have been organized. The spontaneity and success of these events should encourage us to organize similar ones dedicated to music and culture in our two countries. Competitions in Nazrul and Tagore songs for young and talented artistes from Bangladesh and India could be held alternately in the two countries.

It is felt that a 'Bangladesh Cultural Center', if established in India could contribute much to the promotion of the Bangladeshi culture. This center can also cater to other educational aspects. It could have a library where Bangladeshi books would be available. A theater hall could be established where Bangladeshi films and documentaries of high quality and standard could be screened.

Another issue that merits serious consideration is increased translation of literary works from India and Bangladesh from Hindi to Bengali and vice versa. They will greatly facilitate mutual understanding and increase popularity of these litterateurs in both countries. Bangladesh and India could jointly embark on a project of anthology of poems, short stories and dramas selected from both the countries. Our cultural heritage consisting of archaeological sites, historical monuments and relics provides an opportunity for increased people to people contact through Cultural Tourism. Introduction of package tours

at reduced rates by the National Tourism Organizations to heritage sites will help.

Our region is a treasure trove of folklores that has been passed on from one generation to another. Each region prides in a distinctive type of folk dance and music. In the realm of dance, the forms and expressions are often symbolic and elemental in nature: to name a few- Katthak, Khasi, Jaintia, Manipuri, Kuchipudi and Bharatnattiyam create permanent impressions in our minds because of their expressive nature. In the realm of song, there would be ghazal, bhajan, Lalongeeti and baul songs. Both India and Bangladesh has been home to great exponents of classical music. Through Audio-Visual Exchanges and Live Performances of cultural programs we can assist in building bridges of goodwill and understanding, and create bonds that will sustain.

Allow me to conclude by wishing this track two process every success. I have full confidence that it will help rekindle the torch of hope that will light the path of our march to our goals. Let the flow of ideas from events such as this enlighten us. As the mighty Rabindranath Tagore, a supreme symbol of our common heritage, had said;

Where the mind is without fear and the head is held high;
Where knowledge is free;
Where the world has not been broken up into fragments by narrow domestic walls;
... Into that heaven of freedom, my father, let my country—or rather, paraphrasing him, our countries, awake!

Source: http://www.mofa.gov.bd/Adviser_speech.htm

Annexure 9

Joint Press Statement on Foreign Office Consultations between India and Bangladesh held between 25 to 26 June 2007, in Dhaka

26 June 2007

At this meeting in Dhaka, the Foreign Secretaries of India and Bangladesh agreed on the broad bilateral issues that the two states would be focussing on in the coming months. They also agreed to explore deeper regional cooperation under SAARC and BIMSTEC, besides strengthening bilateral relations for mutual benefit.

1. The Foreign Secretary of India, H.E. Mr. Shivshankar Menon, visited Dhaka during June 24-27, 2007 at the invitation of the Bangladesh Foreign Secretary, H.E. Md. Touhid Hossain, for Foreign Office Consultations. During his stay in Dhaka, the Foreign Secretary of India called on H.E. Dr. Fakhruddin Ahmed, Chief Adviser of the Caretaker Government, H.E. Dr. Iftekhar Ahmed Chowdhury, Foreign Affairs Adviser and Gen. Moeen U. Ahmed, Chief of Army Staff.
2. The two Foreign Secretaries held constructive and forward-looking discussions on issues relating to security, peaceful management of borders, water resources, economic and trade matters, cultural relations and regional cooperation. The discussions were held in a warm and cordial atmosphere.
3. The two sides emphasized the need for enhanced security cooperation particularly information sharing. They reiterated their commitment not to allow their territories to be used in any manner for activities inimical to the other. In this regard, it was decided to hold the next meeting of the Home Secretaries at a mutually convenient date. The two sides agreed to carry forward the engagement on the implementation of the 1974 Land Boundary Agreement and consider practical ways to facilitate its early implementation taking into account the ground realities. They welcomed the recent visit of the members of the Joint Boundary Working Groups to select enclaves and adverse possessions in Bangladesh and India. Both sides expressed their commitment to facilitate the early resolution relating to completion of demarcation of land boundary between the two countries, exchange of enclaves and adverse possessions.

4. Discussions in the area of water resources included sharing of common river waters, minor irrigation and drinking water schemes, data on flood forecasting and warning, dredging and river bank protection works. It was agreed to hold the meeting of Joint Committee of Experts headed by respective Water Resources Secretaries to be followed by the meeting of the Joint Rivers Commission at the earliest.
5. Keeping in view the mutuality of interests, the two sides underscored the need to take steps to facilitate trade and economic cooperation. Regarding the announcement of duty-free access to products of LDCs at the 14th SAARC Summit, the Indian side conveyed their intention to implement the scheme in phases by December this year. The two sides discussed several issues relating to tariff and non-tariff barriers, coordinated development of land customs stations, establishment of border haats and facilitation of investment. The need to improve rail, road, river and air connectivity between the two countries was underlined. While taking positive note of the decision to start a passenger train service between Dhaka and Kolkata, it was agreed that the railway authorities should meet soon to finalise the operational modalities. Proposals related to additional bus services linking the two countries as well as improving the functioning of Inland Water Trade and Transit protocol were considered. The two sides also signed a Memorandum of Understanding between Bureau of Indian Standards (BIS) and Bangladesh Standards and Testing Institute (BSTI) to facilitate technical cooperation in the fields of standardization, certification, testing, measurement and quality assurance systems. It was agreed that the Joint Working Group on Trade would be convened soon.
6. The two sides discussed various issues related to regional cooperation under SAARC and BIMSTEC. Highlighting the importance of early implementation of the decisions taken at the 14th SAARC Summit, they agreed to stay engaged so that the next Council of Ministers meeting in New Delhi later this year can take substantive decisions. Both sides also agreed to intensify cooperation in trade and other related fields under BIMSTEC before the next summit in New Delhi early next year. The two Foreign Secretaries also expressed satisfaction at the level of understanding and cooperation that exists between the two countries in various multilateral fora including the United Nations.
7. The two sides agreed that India and Bangladesh have a shared destiny. Both sides agreed to remain engaged with a view to further expand

and strengthen bilateral relations for mutual benefit in accordance with the wishes of the two peoples.

8. The Foreign Secretary of India, H.E. Mr Shivshankar Menon deeply appreciated the warm welcome and gracious hospitality extended to him and his delegation during their stay in Bangladesh. The Indian Foreign Secretary extended an invitation to the Foreign Secretary of Bangladesh for the next round of Foreign Office Consultations to be held in New Delhi next year. The dates for the meeting would be decided through diplomatic channels.

Source: <http://meaindia.nic.in/pressrelease/2007/06/26pr01.htm>

Annexure 10

Creating a South Asian Community: India-Bangladesh Relations

Foreign Secretary of India, Shivshankar Menon, at the Bangladesh Enterprise Institute, Dhaka

27 June 2007

Shivshankar Menon, the Foreign Secretary of India, outlined his vision of a South Asian community which is free from violence and disputes, enabling it to concentrate on the primary tasks of abolishing poverty and improving the life of its people, as well as seeking common prosperity.

He also stressed that a peaceful, stable, democratic, secular and prosperous Bangladesh is in India's own national interest. He observed that Indo-Bangladesh relations are unique as the two nations have a shared history, culture, traditions, language and literature. He urged Bangladesh to re-establish and cement relations with India for the prosperity of both.

Ambassador Farooq Sobhan,

Ladies and Gentlemen

Thank you for arranging this event and for this opportunity to speak to such a distinguished audience. I know that Ambassador Sobhan changed his plans to make this possible. Your institute has played an important role in innovative policy approaches on a wide range of domestic and international issues. It is an honour to be here.

I thought I would speak today on the idea of a South Asian community, where we stand in that quest, and on how India and Bangladesh, as two important countries of the region, can help to realize this vision.

The Idea

The idea of a South Asian community has a long history. It was partly an instinctive reaction to our history in the late nineteenth and the first half of the twentieth century. More than that, it recognizes that historically our periods of prosperity and well-being have come when the subcontinent was connected to itself and to the rest of the world. Our best times

economically, politically and culturally, have been when we worked together and were linked together. It was then that we managed to realize our potential. This was the impulse that led Bangladesh to suggest the formation of SAARC and to host its first summit.

Given the situation we found ourselves in, it was natural that thinking South Asians would envisage such a community as a means to free our people from poverty, enabling each of our citizens to lead a life of dignity, free from hunger and illiteracy.

The objective basis for such a community exists. In comparison to other sub-regions in the world, our subcontinent probably has more affinities and common historical experience than most.

That is why Prime Minister Manmohan Singh has said that we need to work for a South Asian Community where borders have ceased to matter, and where there is an unhindered flow of goods and peoples, culture and ideas. We believe that the destiny of the people of South Asia is interlinked. It is not just our past that links us, but our future too.

Our leaders have endorsed the vision of a South Asian community formally at successive SAARC summits since 1998. At the fourteenth summit in New Delhi this April they envisioned a South Asian community where there was a smooth flow of goods, services, peoples, technologies, knowledge, capital, culture and ideas in the region.

The Present Opportunity

Unfortunately, our real progress towards this goal has been uneven and limited by the intervention of political factors. In 1948 over 34% of our trade was within the Indian sub-continent. Today it is less than 6%. This is the lowest amongst all the regions in the world, except perhaps for sub-Saharan Africa. SAFTA and other measures which would have enabled us to break out of the patterns of the recent past are only now being operationalised, and even then not by all of us. The list of future steps remains long.

Fortunately there is recognition within the region today of an opportunity to break out of the sterile patterns of some of our relationships in South Asia, and to put in place the building blocks of a true South Asian community.

This opportunity arises because of changes in India, changes in our neighbours, and a relatively benign international environment. South Asia is today one of the fastest growing regions of the world.

India has seen sustained economic development, with about 6% growth over the last twenty-five years, accelerating in the last three years to over 8%. The resulting changes in the structure and competences of the Indian economy, and the scale and pace of changes in India, have meant that we in the subcontinent have complementarities that never existed before. The potential to work together for mutual economic benefit is greater than ever before.

We believe that India's economic growth offers unique opportunities to our neighbours, who can become stakeholders in this expanding economy. Some of our neighbours have been quick to recognise the benefits of cooperation. The India-Sri Lanka FTA, which became operational in 2000, quadrupled bilateral trade in six years, (from US\$ 658 million in 2000 to US\$ 2.3 billion in 2006), with Sri Lankan exports growing much faster than India's and thus redressing the balance of trade somewhat. The FTA attracted Indian investment to Sri Lanka, made Indians the largest source of tourism income, and converted Sri Lankan Airlines into the largest foreign airline operating in India, with 90 flights a week! That FTA would not have been possible without the changes in the Indian economy after 1991, and that opportunity is available to India's other neighbours.

India's preferential trade agreements with neighbours do not seek reciprocity and recognize asymmetry. At the recent SAARC Summit Prime Minister Manmohan Singh announced that SAARC LDCs like Bangladesh will enjoy zero-duty access to the Indian market by the end of this year. We will also prune our sensitive list of items considerably. We are well on course to implement these commitments.

Secondly, our neighbours have seen sustained economic growth and change, despite some difficult political situations. I do not have to tell you about the changes in Bangladesh and your own remarkable economic performance. High growth rates in the region are an opportunity to advance together through trade, open borders and economic cooperation, to bring about shared prosperity between India and her neighbors. Between us economics is no longer a zero-sum game.

The rate at which trade in South Asia has grown recently, (and the extent of the unofficial trade), suggest that the potential complementarities created by recent changes are still far from being tapped. Some estimates say that while official two-way India-Bangladesh trade in 2005-6 was US\$ 1.83 billion, informal trade may be twice as much again.

Interestingly technological changes such as the internet and satellite TV have also meant that today there is increased exposure and interaction among the peoples of our countries, breaking down stereotypes and building popular support for cooperative relationships.

Finally the international environment is also conducive. The post Cold War world that we are in today is one where globalization and other trends have led to a degree of unprecedented inter-dependence between the major powers, where they are therefore engaged in both competition and cooperation simultaneously. A new international balance of power is evolving and there is a window of opportunity which can be helpful to our quest for development.

The SAARC Summit in April proved some of these propositions. It was easily the least contentious and smoothest summit that we have seen, and was productive and practical. Afghanistan became a formal member, decisions were taken on establishing a South Asian University and a South Asia Food Bank, and the regional multi-modal transport study was approved. We are now working on concrete projects for implementation by SAARC in energy, food, environment and water (including flood control).

It therefore seems that a combination of factors has created a window of opportunity for us to remake our relationships in the subcontinent.

Challenges

This is not to say that there are no obstacles to our realizing the vision of a South Asian community. If the opportunities are economic, the challenges that come to mind immediately are primarily political. Terrorism is one such. A South Asian community can hardly be realized if terrorist violence and the politics of hate and confrontation continue in our subcontinent.

Common threats, like fundamentalism and terrorism, which recognise no boundaries, must be confronted together. India is ready to work with together with her neighbours in this quest. We must confront such obstacles with our united efforts.

Political transitions also pose a challenge. Many of us are in the midst of political and socio-economic change. It is for each of our countries to choose its own political path. But these choices also have broader consequences and effects. India will not interfere in the internal affairs of her neighbours, believing that decisions on their own future are best taken by the people of these countries themselves through free, fair and democratic political processes. We are close neighbours with shared destinies. It is natural, therefore, that India sees a peaceful, democratic and prospering neighbourhood as being in our own interest. Security, democracy and economic development are the best answers to common threats like fundamentalism and terrorism and the political misuse of religion.

The vision of a South Asian community must include as an essential component the idea of a South Asia free from violence and disputes, at peace with itself, free to concentrate on its primary tasks of abolishing poverty, improving the life of its people as well as seeking common prosperity.

The Way Forward

The successful outcome of the 14th SAARC Summit in New Delhi in April this year is an encouraging sign that our countries recognise the value of mutual cooperation. To realize the vision of a South Asian community several steps could be taken in tandem.

We need to work on improving physical and economic connectivity and our connectivity of the mind. Dismantling barriers will enable not only cross-border investment flows and transfer of technology, but also facilitate market access to a wide range of small and middle-sized businesses that may not be able to enter developed markets. In our case, Bangladeshi handicrafts, ethnic clothing, Jamdani sarees, marine, poultry and dairy products, fruits and vegetables could then be easily exported to India.

Then there needs to be a freer flow of people across the region to build upon the cultural and civilizational affinities that we enjoy.

There is also a need to work together to deal with the challenges of terrorism and other threats to the life, peace and security of all our peoples. No country can pretend that one man's terrorist is another's freedom fighter. No government can pretend that what happens across the border is not going to hurt it.

Be it poverty, be it disease, be it natural disasters, or future challenges such as energy security, food security, water or climate change, the destiny of South Asia is inter-linked and we must learn to work together to deal with these challenges.

India-Bangladesh Relations

A few words on India-Bangladesh relations. We see better relations between India and Bangladesh as integral to a South Asian community. After all it was Bangladesh's vision, which put forward the idea of SAARC.

A peaceful, stable, democratic, secular and prosperous Bangladesh is in India's own national interest. Our unique relations are based on shared history, culture, traditions and common language and literature. India attaches the utmost importance to strengthening our friendly and cooperative ties with Bangladesh. I also wish to reiterate that India fully respects Bangladesh's independence and sovereignty. The people of Bangladesh and their political parties should resolve outstanding issues through discussions and dialogue among themselves, rather than through external intervention or pressure.

It is natural for close neighbours to have problems. Intimacy is not always easy. In the last few days, during our foreign office consultations and in meetings with your leaders, we have sought to review the entire gamut of our relationship, the positive and the complicated, and sought mutually satisfactory solutions or ways forward together. We have discussed issues such as security, our land boundary, the rivers that join us and other emotive issues. We have also looked at the complementarities that creates our opportunity.

I see positive trends in our relations with Bangladesh and am confident that these will become stronger in the coming years. Our commonalities far outweigh our differences. About half a million Bangladeshis visited India legally last year. Visitors between us always return with a profound impression of inherent goodwill. Businessmen from both countries are increasingly discovering that it is most convenient to procure goods and services from each other, rather than from more distant sources. I am particularly pleased by the sharp increase in Bangladesh's exports to India in the last two years.

Bangladesh's geographical location and its common border with a number of Indian States offer considerable opportunities. Over 80% of our

bilateral trade is currently routed through Benapole-Petropole. We hope to diversify, opening additional routes and Land Customs Stations. We hope that the Kolkata-Dhaka passenger train can commence operations soon and will be the precursor for a comprehensive network of bus, train and ferry links. We can also cooperate to revive our waterways, which once carried so many of our goods. India is willing to improve air connectivity by establishing daily air services to our metropolitan cities, Delhi, Mumbai, Chennai, Bangalore, Hyderabad and Kolkata, and to 18 other destinations across India.

The possibility of Bangladesh exploiting its strategic geographic location to position itself as a transportation hub for South Asia, South East Asia and China, by upgrading roads, railways and ports, has been articulated by prominent Bangladeshis, such as Nobel Laureate Mohammad Yunus and Prof. Rehman Sobhan, among others. Better connectivity can include linking national power grids, gas pipelines, and telecommunications, to overcome shortages in certain areas and create synergy.

India is prepared to work with friends in Bangladesh to take our bilateral relations to an irreversible higher trajectory and to strengthen cooperation in all spheres. We have revived existing mechanisms for bilateral dialogue and hope to intensify these exchanges. We look forward to identifying solutions to outstanding issues through friendly negotiations and to ensuring that the people of our countries can enjoy the fruits of vigorous interaction and buoyant linkages.

Conclusion

To conclude, I am optimistic about our future. Prime Minister Manmohan Singh has said that, every Indian wants to live in a neighbourhood of peace, stability and prosperity. People in our neighbouring countries share the same aspirations. The common aspirations of our peoples provide the basis on which we can work together to usher in an era of peace and prosperity for our peoples. Let us remake our relations and remake our future

Source: <http://meaindia.nic>

Annexure 11

Arrival Statement of External Affairs Minister of India, Pranab Mukherjee, on his visit to Bangladesh

1 December 2007

Pranab Mukherjee, Minister of External Affairs, visited Bangladesh in the aftermath of Cyclone Sidr to assess the situation and offer Indian support to Bangladesh during this critical period. Apart from material relief rushed to Bangladesh by India, he also announced India's waiver on its ban on rice exports and a proposal for rehabilitating of 10 affected villages.

1. On behalf of the people and the Government of India, allow me to express our deep sadness on the devastation caused to life, property and infrastructure in Bangladesh by the cyclone of November 15. As a mark of our respect for those who lost their lives, and as a symbol of the shared sense of loss that we, as a nation, feel with your people, our Parliament expressed its sorrow in a resolution on November 19 and observed a moment of silence.
2. India has always attached high importance to its relations with Bangladesh. With Bangladesh, we share not only a common history of struggle for freedom and liberation but also enduring feelings of civilisational, fraternal, linguistic and cultural ties. It is, therefore, but natural that, like always, we stand by Bangladesh in its efforts to rebuild the lives of those affected by the cyclone.
3. On hearing of the calamity, India has already rushed some immediately required relief assistance like medicines, ready-to-eat meals, blankets, tents and portable water purifiers worth about Taka 11 crore. In response to Bangladesh Government's request, India has also announced a waiver of ban on exports of rice to Bangladesh for 50,000 tons of rice. In addition, 20,000 tons of rice is being sent by sea to Chittagong. In fact, India's total relief assistance to Bangladesh this year so far amounts to more than Taka 270 crores.
4. Given the magnitude of the natural calamity, I would like to make two more announcements today:
 - a) One, India has decided to waive the ban on export of rice to Bangladesh for an additional five lakh tons of rice; and

- b) Two, India would propose to the Government of Bangladesh its willingness to adopt ten severely affected coastal villages for rehabilitation.
5. I would be discussing the details of these in my meetings today. I would be paying a courtesy call on the Hon'ble Chief Adviser to Caretaker Government, H.E. Dr. Fakhruddin Ahmed. I would be holding talks with my host, the Adviser on Foreign Affairs, H.E. Dr. Iftekhar Ahmed Chowdhury, who has been kind enough to receive me personally here. I would also be undertaking a brief tour of the cyclone-affected areas and meet some of the victims.
6. Ladies and Gentlemen, I have an old association with this historic city and its resilient people. I bring the solidarity of my country in your hour of need, and an assurance that as a friendly neighbour, India would always be interested in a stable, prosperous and democratic Bangladesh.

Source : <http://meaindia.nic.in/speech/2007/12/01ss03.htm>

Annexure 12

Chief Adviser Fakhruddin Ahmed's Address to the Nation, announcing elections to the Jatiya Sangsad (Parliament), Dhaka

12 May 2008

Fakhruddin Ahmed announced both—elections, as well as the withdrawal of ban on indoor politics. The third week of December was set as the possible time for holding of the postponed ninth elections. He outlined the achievements of the government during the past seventeen months. He also shared his plan of initiating formal dialogue with political parties starting from 22 May 2008.

Bismillahir Rahmanir Rahim

Dear Countrymen, Assalamu Alaikum,

I appear before you today at a critical juncture of the national life. We took over the responsibility of the government on January 12, 2007 in the backdrop of inevitable changes. We are near to the threshold of the final phase of our desired political transition today on the basis of the reform programmes of about 16 months.

After assuming the responsibility, the main objective of the caretaker government was to conduct holding of a free, fair and neutral election acceptable to all. It aims at ushering a new healthy and democratic post election political trend. To achieve this goal, we required a flawless voter list and creation of a congenial environment to hold the election. You know, the preparation of a flawless voter list was the common demand of all political parties. To achieve this, we immediately accomplished the task of reconstituting the Election Commission and consequently the Election Commission engaged itself in preparing a flawless voter list. Registration of almost 6.5 crore voters have already been completed. For this, I sincerely congratulate the Election Commission, Armed Forces, field administration, and all development partners. Simultaneously, I also express my gratitude to the countrymen for extending all assistance and support to the efforts, making successful these historic activities.

To create environment to hold a free, fair and proper and meaningful election acceptable to all, one of the major conditions is to clampdown on black money and use of muscle power, establish rule of law and carry out anti-corruption drives, improvement of law and order and above all, made

effective and dynamic the state-run institutions. You know, our government is working uncompromisingly to achieve these goals and has already been successful to a great extent in creating a election-friendly environment. In this context, on behalf of the government, I would like to make a clear announcement about the date of the next Jatiya Sangsad election. The election would be held on any day in the third week of December next. The Election Commission will make announcement of the specific date and election schedule as per rule.

I hope all questions, suspicious and speculations centring election will come to an end after it. The sunrise of the new-year after December next, will greet a newly elected people's representative government in office. And it will be made possible by the democracy-loving people of Bangladesh, its supportive political parties, concerned government and non-government organisations and the people of the right thinking civil society.

We have almost reached now the final phase of the election process. Our aim is to establish a proper sustainable democratic process in the country by holding a free, fair and acceptable election as per the earlier announced roadmap. It is true that the achievement of this goal is not possible by the caretaker government alone. It requires an indifferent national unity. In the light of this reality, steps have been taken to initiate a dialogue on the basis of proposals made by various political parties and professional organisations. We held pre-dialogue discussion staggering over 22 days before starting the main dialogue. Five advisers of the government completed the pre-dialogue discussions working relentlessly and trying intensively to understand the views of the parties. I firmly believe, by holding the pre-dialogue discussion, we have been able to send the message of our earnest desire in building the foundation of respect and trust in political parties. The five advisers of the government have prepared the dialogue document and presented their views to me containing the main objective of the dialogue, its procedure, and different action programmes that may be taken. In this context, I would like to announce that we would sit in formal dialogue with political parties starting from 22 May. Letters will be sent from tomorrow (Tuesday) from my office to various political parties inviting them to join the dialogue.

I firmly believe, in this historic dialogue we will be able to reach consensus on all important national issues. It will reflect the hopes and aspirations of all political parties, groups, professions and the people of the country at large. It cannot be denied that the national consensus to be reached in this way needs to be given a moral compulsion and permanent shape.

In the light of this, a 'national charter' needs to be adopted through concerted discussion of the government, political parties, representatives of all groups and professions. A proper and fair electoral framework will be established through this national charter. It will help launch a healthy and stable democratic process in the country.

My Dear Countrymen,

I have already mentioned that the government has accomplished various programmes aimed at making the election meaningful. It is at the final stage of the process to promulgate soon the Election Commission proposed amended electoral law, rules and regulations. We hope that the political parties will spontaneously come forward to take steps towards reform keeping in conformity with the electoral law, rules and regulations.

I firmly believe that the political parties would remain committed to playing an effective supportive role to the steps taken by the government. The nation expects that the entire election process would be free from black money, muscle power, administrative biases, nomination trade and excessive expenses for poll campaigns. Also it is expected that the political parties would reach a consensus through dialogue to create an election-friendly environment with improved law and order situation.

Dear Countrymen,

The Election Commission has already expressed its decisions to hold polls in city corporations and some municipalities before the national elections. Besides, polls at upazila levels are also in their work plan. It's a demand of the time to hold polls at upazila, pourasabha and city corporations as part of strengthening local government institutes aimed at people's welfare.

The government, in this context, would provide all-out support and cooperation based on the needs and demands from the Election Commission. However, the elections at local levels would not create any obstacle to attain our prime target -- to hold national elections. We would remain uncompromising in regards to national elections. We would just expect that the polls at the local levels would be able to create a positive flow towards greater national elections.

Our all endeavours would turn into despair unless a healthy and stable democracy is introduced. To that end, our first task is to reach consensus on all issues towards qualitative improvement of politics. In this context, we expect a successful implementation of voluntary internal reforms of all political parties. The nation today wants to see a successful implementation of

cherished reforms for creating a trend of democratic attitudes within political parties, as well as to make inroads for honest, worthy and dynamic leadership.

Side by side, the people also expect a reflection of mutual respects among political parties for each other as well as cordial and effective relationship among them. I do hope that all would realise the urgency of reaching consensus to introduce and spearhead the motto of a healthy and stable democratic system in all party and state activities.

Dear Countrymen,

It is very urgent to reach a consensus before elections to make the parliament effective after the elections. Different proposals have already been discussed in this context. It must be ensured that none would reject election results, nor they boycott parliament. I would hope that this thing would be discussed in dialogue with special importance. The obligations to be realised by all to continue and proceed further the institutional and legal reforms done by the caretaker government that include separation of judiciary, Election Commission and Anti-Corruption Commission.

All know, the culture of 'lackey politics' is one of the major sources of 'evil politics'. Whatever good intentions gave birth to front organisations, the ground reality of today is that most of these organisations are now plunged into an ill culture of lackey politics that is void of ideology. It has become imperative to rescue politics from such trends, put it on track and resume a health trend through qualitative changes in politics. We have to realise these important issues through dialogues and find clear solutions to those as well.

Dear Countrymen

The present world is very competitive and fast moving. All political and administrative activities should be complementary to economic development to keep pace with the world economy. Every day and every hour is very important to keep economic wheels moving on. So, we have to reach consensus that we would shun all forms of destructive and negative politics. Hartal, blockade and violent agitation would be buried forever. The nation doesn't want to see any form of anarchic political activities in future.

Here, I want to raise another issue for considerations. To make power permanent, the tendency of politicisation in different public institutions, including administration, has been expanded severely in the past. Sadly I am to say that the ill culture of such politicisation is not at all good for the nation in any sense. Running administration based on efficiency and

merit is a clear reflection of a successful regime. All political leadership has to think it deeply. I hope that an effective solution would be sort out from dialogues to this effect and consensus would also be established.

You know, the serious degradation of rule of law was the main reason for creating unbridled anarchic situation before January 11 of 2007. Our government has been playing an uncompromising role to establish the rule of law. The supports from all of you and your deep respect to rule of law have together made it possible to establish an improved law and order situation in the country. I would like to extend my heartfelt thanks to all political parties, professional organisations, civil society and others for it.

Dear Fellow Countrymen,

You all will agree that the people might not be fully informed about the grim picture of corruption unless our government would have conducted the anti-corruption drive.

Corruption is the main enemy to national progress and development. We have to come out of the vicious circle of corruption at any cost. We all must unite to build a corruption free society. I hope, all political leaders and people of all walks of life would make proposals so that all avenues for corruption get closed in the future.

From the political point of view, the lack of balance is the main weakness of power structure. Too much centralised power is not helpful at all for a stable and responsible governance. Preparing specific proposals and forging of consensus regarding what kind of power re-structuring among the highest constitutional posts can play positive role for political stability can be one of the major achievements of dialogue. I hope, all parties, would lead the nation towards desired goals through utilisation of their talents and creativity.

There is no doubt that the nation wholeheartedly expects the overall stability of the post-election government. Balance of power, rule of law, healthy politics, effective parliament, accountable administration are the components of a stable ruling system. An infrastructure or guideline is essential for containing these components. Such an infrastructure or guideline will keep the nation united in the national interests.

There might have differences in political philosophy or ideology, but there must have the system that such differences can in no way hamper stability. I appeal to all political parties, professional organisations and the people -- let's develop such infrastructure or guideline for ensuring stability

for the next governments where political, economic and administrative stability would always be upheld. The valuable proposals of all of you and consensus on these matters are now the expectation of the nation.

We expect that the political parties would take part in the upcoming dialogue in open mind. I can assure that the government has no pre-fixed agenda. Nor even it has hostility against anyone. Rather it has an open mind for understanding. The political parties would make their opinion in open mind about the actions in resolving all problems in political arena, their possible solutions and work plans. They will make constructive proposals for bringing qualitative improvement in political structure. I declare lifting of ban on indoor politics throughout the country from tomorrow (Tuesday) to make room for taking preparation for the elections to be held in December next and also casing participation of all political parties in this process. Necessary directives in this matter are being made from the government.

For conducting election publicity, it is necessary to ensure free movement of political activists, their unhindered participation in holding meetings and making other means of publicity. The EC has formulated an election code of conduct through discussion with the political parties, and the commission is determined to implement it fully. Considering all relevant matters, the government will take steps to suspend or relax certain provisions of emergency rules and its regulations at an appropriate time for creating an atmosphere for holding election. The government is firmly determined to do everything that is required for making the election meaningful and fruitful.

Dear Fellow Countrymen,

The record production of three main staple foods -- boro, wheat and potato -- for the first time in the country's history, is the latest example that we can achieve any success through an integrated and united effort. We have proved, through the bumper production of crops, that we can do many things if there are good wishes and initiatives.

For this great success, I on behalf of the government and the people, convey my sincere gratitude and appreciation to the farmer community. I congratulate all concerned including various ministries, field level administration and the army who played their due role for achieving the success. I hope, the trend of new reawakening would be continued during the upcoming Aman season. The government is firmly committed to provide all kinds of cooperation to the farm sector and the farmers.

Dear Countrymen,

The dialogue in one sense is a trust-based initiative. There may be disputes, rivalry and competition within us. But in eventual judgment, these are not our main features. The nation expects from us a healthy and stable transition. We will have to overcome all narrowness, vengeance and mistrust in proceeding towards that end.

I know, we have the courage to discard these challenges. This is the time to express our determination. We don't have any scope to go backward. All the hearts of 150 million people of our beloved motherland developed an irresistible dream in view of the reality of the time. This dream is for a political and economic transition and to stand before the comity of the world with a national identity, flourished with the spirit of self-confidence.

Dear Fellow Countrymen,

We think the role of common masses in the process of electoral and political reforms is to be most crucial. We don't want to go back to the situation which had witnessed violent political conflicts. We want a qualitative and meaningful change in the governance and political structures. The people will have to take the responsibility to ensure that the political parties are run according to the law and the constitution in a democratic atmosphere. You will also have to ensure that honest, competent, patriotic, meritorious and efficient candidates dedicated to public welfare are elected to represent the people in parliament.

We will have to keep in mind that the key to build an enlightened future for society and state lies with the people or voters. I will hope, all voters of the country will perform this duty accurately on the day of the election. Allah willing, we will definitely succeed in installing an honest, patriotic, transparent and really accountable government through the accurate exercise of our voting rights.

The next election is also opening up a golden horizon for politicians who intend to unveil the door of a golden future for the motherland. I hope, the honest, competent and enthusiastic politicians will also properly take this advantage.

Dear Countrymen,

At this transition point of the history, I would like to express my hope that we will be able to remove the apparent differences of our opinions or

thoughts through cordial discussions and exchange of opinions since our goal is the same. Definitely, we will have to instill in the soil of this country the democracy and democratic system, values and rules and regulations. And it will have to be done for a permanent period. We will have to ensure this sustainable system to announce our democratic entity with pride in the world stage defying all odds or barriers.

Before conclusion, I would like to reiterate some points of my today's statement.

1. The election for the Ninth Parliament will be held in the third week of December this year.
2. We will start the formal dialogue with the political parties of the country from 22 May 3. The ban on indoor politics across the country will be lifted tomorrow.
4. According to the necessity, we will suspend or relax the relevant sections of the emergency rules and regulations at appropriate time to create a favourable atmosphere for the election and ease the poll campaigns.
5. Efforts will be made to formulate "National Charter" on the basis of consensus on relevant matters prior to the polls so qualitative changes are censured in government and political systems after the election.

The responsibility of making the dialogue a success lies with all of us. To say in one word, there is no scope for failure in this regard. In terms of aspirations, the nation is united today. Here lies our main strength. The successful eventuality of the journey we started on 11 January 2007 is at our doorstep. We will definitely reach our aspired goal with our united efforts.

The present caretaker government will no more be in office at the end of this year but it will leave behind a sustainable democratic system based on a firm foundation. We extremely hope that the hopes and aspirations of the struggling people of Bangladesh will get a real shape through this foundation.

May Allah help us in rebuilding that enlightened and democratic future.
Allah Hafez.

Source: http://www.cao.gov.bd/ca_address/index.htm

Annexure 13

Joint Press Conference by the Foreign Secretaries of India and Bangladesh after the Annual Foreign Office Consultations, India

17 July 2008

The Foreign Secretary of India, Shri Shivshankar Menon, touched upon the bilateral developments that had taken place over the past year. It was expressed by both Foreign Secretaries that there was an increased mutual understanding of the concerns and interests of both nations and the realisation of the interlinking nature of their security compulsions and the need for the two states to work together.

Foreign Secretary (Shri Shivshankar Menon): Good afternoon, ladies and gentlemen. Thank you for coming. I am very happy to welcome Foreign Secretary of Bangladesh and his delegation to India for the annual Foreign Office Consultations between our two countries.

We have had very friendly, open, cordial and substantive discussion on our relationship this morning. We have covered all aspects of our relations. For us in India, as I informed the Foreign Secretary, relations with Bangladesh are a matter of the highest priority. We share a common cultural heritage and historical bonds. As a close and friendly neighbour we stand committed to strengthening our relationship with Bangladesh. We had a very good discussion today where we discussed our trade and economic relations, our political relations, common security issues, water issues and the other aspects where we would like to carry our relationship forward.

It has been a productive year for our relationship. In the last April we started the Maitri Express between Kolkata and Dhaka. We have also had the visit of the Chief of Army Staff of Bangladesh. Our Army Chief will be visiting Bangladesh soon. The Home Secretary will also be going to Bangladesh in the near future. Last year, our External Affairs Minister visited Bangladesh twice; and we tried to help Bangladesh to the extent that we could when she was hit by a series of natural disasters.

Today, we also discussed issues about connectivity between our two countries. From our point of view I think the discussions were very useful and have led to much greater understanding of each other's concerns

and interests. We are convinced that our security is interlinked, and that terrorism will have to be tackled resolutely.

We both exchanged views on how to deal with some of the humanitarian aspects, water resources issues for instance; and we are trying to enhance cooperation in agriculture and in science and technology. I am confident that this round of Foreign Office Consultations helped build trust and understanding between our two countries, and we look forward to continuing this process.

Foreign Secretary of Bangladesh (Mr. Md. Touhid Hossain): I would first like to thank all of you for being here to cover the present round of Foreign Office Consultations between India and Bangladesh.

I know that for the media, both in Bangladesh and in India, there is a very keen interest to follow how the relations between our two countries are evolving. This is natural and this is also welcome for I believe that the media in both our countries can play a major positive role in creating the conditions that may help both our countries to remain on a positive trajectory to improve and strengthen their relations.

I thank Foreign Secretary Menon for inviting me over to Delhi for this round of Foreign Office Consultations between our two countries despite his extremely busy schedule and other important preoccupations. I am delighted to come here in response to his invitation; and we have had, as he has mentioned, very useful and constructive discussions on the entire range of issues in which we have shared interests.

The Foreign Secretary has indicated to you broadly the issues that we discussed. I can only add to what he has said by saying that we did not shy away from discussing all issues which we considered important for the present and the future of the robust, friendly relations between Bangladesh and India.

Our discussions have been candid, comprehensive and forward-looking. I have every reason to believe that ours has been a useful round of discussions which would enable us to continue to work constructively in the days and years ahead to enrich our already close bilateral relationship. I have invited Mr. Menon to visit Bangladesh at a time that he finds convenient to carry forward the useful discussions that we have had in Delhi.

I would like to mention here one small thing which is that on the water issue we have agreed that the Technical Committee should sit very quickly to resolve one small issue that can be resolved quickly which is the embankment protection of the rivers which has been harming the people on both sides of our border. We hope that very soon they will sit and resolve this issue.

Thank you.

Question: This is addressed to both Foreign Secretaries. Recently in all the terror attacks that have taken place in India, fingers have pointed towards the HuJI which is supposed to have its base in Bangladesh. Was this discussed in the meeting between the two Foreign Secretaries?

Foreign Secretary of India: We discussed the issue of terrorism and how we both need to face it together. The details, of course, are dealt with in other fora. We have other places where we discuss these things, the Home Secretaries' talks and so on. And we look forward to working together against terrorism.

Foreign Secretary of Bangladesh: I fully agree with what he has said. I just have to add one thing that we think this is a global problem. We have a mechanism for cooperation in this sector and we will continue to do that.

Question: What is the status of BIPA?

Foreign Secretary of Bangladesh: This is in an advanced stage of finalization and we believe that in the near future we will be able to do something on that.

Foreign Secretary of India: I will ditto that.

Source: <http://meaindia.nic.in/pressbriefing/2008/07/17pb01.htm>

Annexure 14

Chief Adviser Dr. Fakhruddin Ahmed's Address to the Nation, Dhaka

20 September 2008

Chief Adviser Fakhruddin Ahmed outlined the landmark achievements of the Caretaker Government and announced the upazilla and Jatiya Sangsad election schedule.

Dear Countrymen,

Assalamualaikum.

At the very outset I would like to extend my sincere greetings and welcome of the holy Ramadan to you all. My sincere prayer is that let the infinite blessings of the Almighty Allah descend on our country and the nation in this holy month of restraint. Let the life of each of us become decent, better and glorified through self-purification, practice of restraint and prayers.

The main teachings of the Ramadan are restraint, tolerance and fellow feelings. Under the prevailing situation, I think, we should adopt these three teachings wholeheartedly. Presently, these three teachings are reflecting in the current events of the political landscape of the country.

We have been running the government for nearly 20 months. Immediately after taking over the responsibility of the government, I had announced that our desired aim is to transfer power to a political government through a free, fair, neutral and credible election. We have not deviated even slightly from that objective.

For this, the foremost requirement was to bring important institutional and structural reforms in the country. As part of this, we have reconstituted the Election Commission and established it as a neutral commission. The Anti-Corruption Commission has been reconstituted and made it stronger and effective. To ensure rule of law in the country, we have separated judiciary from the executive in November last year.

The Election Commission is responsible for holding the elections. The duty of the government is to extend cooperation to the commission in holding the polls and creating a level playing election field i.e to create

equal opportunity for all. Indeed, right from the beginning the government has been working for creating such an atmosphere in the election-field.

Dear Countrymen,

The subject of my today's speech is not to describe the tasks that the government has accomplished; rather it is for seeking your cooperation in completing properly the future tasks. I would like to say, with the blessings of Allah, support of people and sincere cooperation from the political parties, we have reached such a position today that henceforth, there is no scope for doubt or confusion about the election. A credible election is on the threshold of our doors. It is my firm belief that we have been certainly moving forward to the path of creating such an environment that an election must be held with the participation of all political parties, Inshallah. With this end in view, we held series of dialogues with the political parties. We have discussed with the leaders of two major parties. The two leaders have already declared their willingness to participate in the polls. In my address to the nation in May last, I had declared that parliamentary election will be held on any day in the third week of December. Today, I want to inform the nation that after taking decision the Election Commission told me that parliamentary elections will be held on December 18 this year. The Election Commission has also decided to hold upazila elections in two phases on December 24 and 28 next. The Election Commission will announce detailed schedules of the elections in an appropriate time.

The Election Commission has decided to hold parliamentary election first showing honour to the requests from the majority of political parties and to avert any kind of hindrance or conflict in this journey towards transition to democracy. At the same time, keeping in mind the spontaneous desire of common people about the local government polls, upazila polls will be held immediately after the parliamentary elections. In the greater national interest the desired goal of all will be achieved through this plan.

For holding of a free, fair and acceptable election, a flawless voter list is a major element. In the past, many a controversies were created about the voters list. The Election Commission with the assistance of the members of the Armed Forces has completed the preparation the draft voter list with photographs of more than eight crore voters in only 11 months. At the same time, a database has been made to prepare the national identity cards. National identity cards are also being issued. It is rare in the world history of creating the electronic database of so many numbers of voters

in such a short span of time. This work is a major achievement for our government as well for all the countrymen.

In the meantime, elections to four city corporations and nine municipalities have been held in a very peaceful atmosphere. In those elections, the turnout of voters was at record high rate -- from the lowest 75 percent to the highest 92 percent. In a jubilant and festive mood, without any untoward incident, voters exercised their franchise without fear and had chosen their municipalities' representatives.

Dear Countrymen,

I believe, elections will be held in a free, fair and lively environment. In this contest, the question of relaxation or even withdrawal of emergency has been raised. I want to make it very clear in unequivocal terms that the government would not hesitate and would not retreat to do whatever would be required to hold a transparent and fair election.

Our pledge and determination shall be reflected in light of the national expectation. The relevant provisions of Emergency Power Rules (EPRs) will be relaxed or repealed in an appropriate time so that candidates could take necessary preparations and could conduct their electioneering easily; elections could be held with free and spontaneous participation of all in a vibrant environment. The Emergency Rules were relaxed during the just concluded City Corporations and municipalities' polls. In light of this experience, the government is also considering relaxation of other provisions of the EPRs. I can assure you that no rules of the Emergency Act would be a barrier to election activities. However, nobody would certainly desire that law and order would so be disrupted in the pre- or during polls period making the holding of the fair elections impossible or reflection of the people's verdict in the results of the polls would be impossible or distorted. If anybody would like to create such a situation, the government would definitely tackle it with an iron hand in the greater national interest and that would have to be done for the sake of the fair elections and for the interest of transition to democracy.

Dear Countrymen,

We have all started our journey towards the process of handing over power to the government through a free election. Standard principle and cooperation of all are, therefore, most essential today. The political parties

have to take a lead in this matter. The government has neither any hostile relationship with the political parties nor any clash of interests or objects. A corruption-free environment has to be created with collective endeavour of all, including political parties, where no prominence of black money, muscle power and evils will exist. Selfishness and immorality must be defeated to the goodwill and principle. We have to keep in mind that the objective of all political parties and the government is same; the pathway is also one and, therefore, compromise, fellow feelings and tolerance are inevitable. There might be political differences, but such discord must not tear-down us.

We like to see such a democratic environment in the country where there will be no chaos and confrontation and where petty personal or party interest may not ruin the national interests. We dream of such a Bangladesh that will be totally free from hunger, poverty, illiteracy and conflicts. We have to continue our united thrust to establish a real democracy in our beloved motherland Bangladesh and to attain a desired goal by accelerating its economic prosperity.

After the forthcoming national elections, a democratically elected government will run the country. It is expected that after the national election, all political parties will work together to establish a congenial and stable atmosphere in the country and the nation will come out from the vicious circle of violence and corruption. The next government will not only continue but also expedite the process that has been initiated by the present government in the forms of anti-corruption drives, lodging cases and starting trial procedures. The next government will further strengthen the institutional reform process that has been initiated by the present government. The nation expects that the next government will be sincere in dispensation of state functioning. It is our earnest hope that the political parties will come forward to materialise such expectations of the people. All have to reach in a consensus on basic national issues shunning all negative and destructive politics. The nation does not want to see anarchic situation anymore.

Dear Countrymen,

On this holy month of Ramadan, let us exchange mutually our good wishes. Let us we wish well-being of all. Let us take a pledge together that we shall prove before the world that we are a democratic, peace-loving and forward-looking nation. We will attain our goal of holding a free, fair, neutral and

acceptable election as per schedule. We shall not allow deteriorating law and order in the country. We must shun conflict and confrontation. We shall totally proscribe corruption.

Dear Countrymen,

We never claim that all activities of the caretaker government are above criticism. Recently, some criticisms were heard on the course of anti-corruption drives. But there was a priority in our all endeavours towards a dream of holding of a free, fair and credible national election and to build up a political understanding towards that goal. In this process, there may be some ebb in certain reforms initiatives. But the national politics has reached the doorsteps of a cordial understanding. In future, good governance will pulsate with new life through our spontaneous inventiveness attuned to this spirit. It is my earnest belief that the political ambiance will no longer be marked by doubt and taken an opposite direction.

The 2008 election will be the new milestone of our democracy, good governance, transparency and accountability. We shall join the march of attaining overall development of the country's progress and prosperity with new inspiration. Inshallah, we shall be successful. May the Almighty Allah help us.

Allah Hafez.

Source: http://www.cao.gov.bd/ca_address/sep20addr08_eng.html

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