

Report submitted to the United States Agency for International Development

## Democracy and Governance Strategic Assessment of Bangladesh

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None of these generous people bear any accountability for our interpretations, conclusions or recommendations. Nor does this report in any way represent any official viewpoint or policy of the United States Agency for International Development. All responsibility for the report and whatever errors or misinterpretations it may contain belongs with the assessment team.



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## Acronyms

ADAB	Association of Development Agencies in Bangladesh
ADB	Asian Development Bank
ADR	alternative dispute resolution
AED	Academy for Educational Development
AL	Awami League
ARD	Associates in Rural Development
BDB	Bikalpa Dhara Bangladesh
BELA	Bangladesh Environmental Lawyers Association
BLAST	Bangladesh Legal Aid and Services Trust
BNP	Bangladesh Nationalist Party
BNPS	Bangladesh Nari Progati Shangha
BNWLA	Bangladesh National Women Lawyers Association
BRAC	Bangladesh Rural Advancement Committee
CAMPE	Campaign for Popular Education
CCHRB	Coordinating Council for Human Rights in Bangladesh
CDS	Centre for Development Studies
CIDA	Canadian International Development Agency
CPD	Centre for Policy Dialogue
CSO	Civil society organization
CWFD	Concerned Women for Family Development
DCHA	Democracy, Conflict and Humanitarian Assistance Bureau, USAID
DFID	Department for International Development [UK]
DG	Democracy and Governance
EU	European Union
FBCCI	Federation of Bangladesh Chambers of Commerce and Industry
FEMA	Fair Election Monitoring Alliance
GOB	Government of Bangladesh
GSS	Gonohahajjo Sangstha
HDI	Human Development Index
IRI	International Republican Institute
IVS	International Voluntary Service
JANIPOP	Jatiya Nirbachan Parjabekkhon Parishad (National Election Observation Council)
JP	Jatiyo Party
KAP	Knowledge, Attitudes and Practice [survey by ARD]
LGI	Local Government Initiative
LGRD&C	[Ministry of] Local Government, Rural Development and Cooperatives
MAB	Municipal Association of Bangladesh
MP	Member of Parliament
NDI	National Democratic Institute
NGO	Non-governmental organization
NUPF	National Union Parishad Forum
PPRC	Power and Participation Research Centre
PRIP	[formerly an acronym, now an organizational name in itself]
PSTC	Population Services and Training Centre
RSF	Reporters Sans Frontiers
SIDA	Swedish International Development Authority
SO	Strategic Objective [in USAID programming]
SOE	State-owned enterprise

TAF	The Asia Foundation
TIB	Transparency International Bangladesh
UNDP	United Nations Development Programme
UP	Union Parishad
VGD	Vulnerable Group Development [program of GOB]

## Executive Summary

In this report, rather than use a five-year frame as with typical DG assessments, we focus principally on the three years remaining in USAID/Bangladesh's current strategy, which with its current extension is now anticipated to end in 2007. The mission's decision in favor of the shorter frame was an apt one in the minds of our team, for the basic DG picture in Bangladesh has changed significantly since the previous strategic assessment appeared in 1999. More specifically, we believe that Bangladesh's basic democratization project itself is at serious risk and that a concerted holding action will be required to keep it in place until the national election, due in late 2006 or early 2007. Whereas the 1999 team recommended civil society advocacy to promote system reform as the first strategic priority, we recommend shoring up the electoral process over the next couple of years as our topmost recommendation.

### Methodology

Our five-member team worked in Bangladesh during the period 16 May-5 June 2004. In the course of our work, we conducted key informant interviews with USAID officers, USAID partners, other donors, NGOs, think tanks, parliamentarians, and government officials. Most of our time we spent in Dhaka, but we made field trips to Khulna and Mymensingh. We conducted a number of focus group meetings with local elected officials (both rural and urban), NGOs, journalists, and garment workers. In addition, we perused a good number of documents, both official and unofficial.

A democracy and governance strategy assessment moves through a set of four steps, beginning with defining the basic DG problems in the first step, focusing on five key variables: consensus; rule of law; competition; inclusion; and good governance. The second step looks at key actors and the roles they play in the game of politics, while the third step identifies arenas in which democratic initiatives might be taken on. The final step distills the ideal scenarios of step 3 into what might be actually undertaken in practical terms.

### Step 1: The DG Problems

While it is often observed that consensus has broken down between Bangladesh's two major political parties and that this decomposition severely imperils the polity, in fact there has until quite recently been an informal understanding of the "operating rules of the game" that has allowed the system to endure, albeit at low levels of political efficiency. In this informal setup, elections have been more or less free and fair, but the winning party has taken all political power, including a blank check to indulge in corruption, while the losers have taken to an agitational politics, disrupting economic and public life, but not seriously threatening the state. Press freedom for print media has been allowed (though journalists are harassed and even assaulted), and the higher court system has guaranteed political rights, at least to those able to afford access to it. And the cycle begins again with each new election. Things almost came unglued in the bogus 1996 election, but an agreement on the caretaker government rescued the situation, carrying over through the 2001 election. Today, however, this informal consensus stands in very real danger of collapsing.

Bangladesh possesses a Constitution setting forth an admirable structure for preserving and enhancing the rule of law, but the actual state of rule of law in Bangladesh would best be described as precarious, so far as personal security or government probity is concerned. Violence has become so endemic that people fear for personal security everywhere. Throughout the country, criminal gangs, often working in collusion with the police, the political parties, or both, have displaced much of the law and order that citizens in other countries take for granted. All across the country, opposition political figures are



harassed and at times killed. Corruption has entrenched itself at all levels, from the petty to the grand, throughout Bangladesh. At the low end, bribes must be paid to clerks for ordinary services, while at the higher end millions of dollars get siphoned off government contracts.

If the test of competition in a transitional democracy staying on course is its passage through a second free and fair election, then Bangladesh has now twice passed that benchmark. But competition between the two major parties has gone far beyond the electoral campaign and voting process, seeping into almost every sphere of life. Though the print media and the higher court system continue to exercise a significant independence, other institutions have largely lost any countervailing position to the parties that they once had. The military has become diverted with peacekeeping operations, the bureaucracy is rapidly becoming part of the political patronage system, and local governments have had their discretionary powers largely taken over by MPs. Now NGOs have become infested with politicization as well. Institutional autonomy, in short, is being snuffed out by party dominance.

Bangladesh's largely homogeneous Bangla-speaking population precludes any real linguistic inclusion problems, but the religious Hindu minority (now perhaps 10%) faces discrimination and harassment from the Muslim majority, a position rendered more precarious by the ruling party's alliance with the Jamaat-I-Islami (an Islamic party) in parliament. As for gender issues, despite some progress in education and health, women lag far behind in political representation, economic earning power and the social sphere, where dowry and acid-throwing continue to be serious problems, and trafficking has now come onto the international radar screen.

Good governance reflects how an entire society is organized to manage economic and social resources for development, and Bangladesh has certainly made some notable progress on this front. The UNDP's Human Development Index, which can serve as a "bottom line" and which gathers in the total impact of public sector, private sector and NGO activities, has shown an increase from .332 in 1975 to .502 in 2001. Even so, a widespread and deep dissatisfaction with services, security, and corruption indicate that governance is woefully inadequate.

## Step 2: Key Actors

Unquestionably, the principal actor in the Bangladesh polity today is the ruling party and within it the party's innermost circle. Beginning with their origins as top-down structures lacking any internal democracy, both parties have sought to centralize their control of the polity, fragmenting as many institutions as possible into factions that can then be recruited into its patron-client network, thus cutting them off from other resources, eliminating their autonomy, and rendering them dependent for their survival upon the largesse of the party's inner clique. In particular, the inner elite of the ruling party has been able to subordinate the military (fobbed off with larger domestic budgets and international peacekeeping perquisites) and the bureaucracy (now thoroughly politicized into factions patronized by one or the other major political party). One critical actor has been the neutral caretaker government, which successfully stepped in to salvage the rerun of the bogus first 1996 poll and has become institutionalized as the guarantor of free and fair elections since then. It, too, has now come under partisan threat in the form of what very strongly appears to be an attempt to manipulate the selection of its head in favor of the ruling party.

The NGO community, which had maintained a workable autonomy from the parties and the state for decades, appears to be rapidly in the process of becoming subordinated as well. Much of civil society<sup>1</sup>

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<sup>1</sup> We maintain here the commonplace distinction in Bangladesh between "NGOs" (foreign-funded organizations working mainly in the service delivery realm, but with advocacy roles in some cases such as human rights) and "civil society" (essentially all other organized groups in the non-profit sector).

has long amounted to little more than appendages of the parties, and now organizations that had maintained some autonomy like the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) have been subjected to concerted attempts at state control.

The main opposition party has functioned largely as a “key disrupter,” ostensibly threatening the polity at every possible juncture but not really destabilizing it so much that a caretaker government could not hold an essentially free and fair election the next time around. But for this to happen, the informal set of rules mentioned above must operate. At present, that system appears to be breaking down under pressure from a government determined to enfeeble the opposition and structure the next general election irretrievably in its favor.

Aside from elections themselves and the caretaker government introduced in 1996, only the higher judiciary (the High Court and the Supreme Court) and the media have functioned as a check on elites within the ruling party. Access to the higher judiciary has been limited, of course, to those with the resources to avail of its capacity as upholder of the Constitution, but its presence has served as a check on the state. Recently the ruling party has appointed additional judges to the High Court who are widely considered political and inappropriately qualified, thus potentially tarnishing the probity of the bench. Though radio continues as a state monopoly and private TV provides little beyond popular entertainment, Bangladesh’s print media have remained independent and critical of the state and ruling party. But government pressures on editors to self-censure themselves, and an alarming incidence of assaults on journalists, have compromised the print media’s autonomy.

### **Step 3: Arenas and institutions**

Virtually all institutions of the political system stand in serious need of improvement. In the governance arena, the legislature is eminently dysfunctional, the bureaucracy has become politicized and corrupted, and local elected bodies have come under patronage control from the center. In the legal arena, the Constitution is largely not enforced, including especially its provisions for human rights. The judiciary’s lower courts belong to the executive branch and are manipulated for partisan advantage by the ruling party, while appointments to the higher judiciary appear to be increasingly politicized.

As for competition, elections were salvaged from fraudulence in 1996 and worked satisfactorily in 2001, but appear in great danger of rigging for 2006. The internally authoritarian parties have successfully increased their control of other institutions and used the opportunity to engage in corruption on a grand scale. In the civil society arena, NGOs and CSOs are becoming more and more politicized, and, while the print media are still basically free, they are coming under growing assault and harassment, some at the hands of the state.

One arena not among the standard DG set but nonetheless virulently alive in Bangladesh is the extralegal sphere. Here on the party front we find the “politics of the street” has totally displaced any Westminster model of civility. Criminal gangsterism on the part of both hooligans and police flourishes under the protection of both political parties, threatening the stability of both economy and society with its institutionalized violence. Finally, parties and government at all levels have become so mired in the lure of corruption that the political will to demand probity simply exists nowhere.

### **Step 4: Recommendations**

We believe that we have abundantly shown that the first priority in democracy assistance to Bangladesh over the next couple of years must be keeping the electoral system sufficiently intact to maintain the legitimacy of the country’s fragile democracy. In other words, we are urging a holding action, to keep the present very badly flawed democracy from deteriorating irretrievably, with the probable consequence that



the democratization enterprise itself will in effect be lost. These conclusions are scarcely startling in contemporary Bangladesh. Almost everyone we met with provided essentially the same analysis, and most (though not quite all) had arrived at a similarly gloomy prognosis. So we find ourselves reinforcing what is already widely believed.

There are many critical dimensions of the electoral process in Bangladesh that need attention, including the caretaker arrangement, the Election Commission's work with the mechanics of elections (from recruiting workers to conducting ballot counting), party behavior, monitoring, coverage in the media, post-election tribunals, and seating the new parliament. Fortunately, the European Union and UNDP are working with the Election Commission to improve performance, so we can concentrate on other aspects of the election. We begin by urging that USAID continue the work of the CEPPS/IRI/NDI initiative (SO 9.1) in training new party leadership, promoting more internal party democracy, enhancing monitoring capacity and the like, but many of these worthwhile efforts are essentially long-term in nature. For the shorter term, we recommend in addition support for a "media watch" effort to track press coverage of the entire electoral cycle and for a federated umbrella organization bringing together election-monitoring NGOs to coordinate their activities, represent the sector to the Election Commission, the caretaker government and the media, develop and publicize best practices, and advance the state of the electoral monitoring art.

But these initiatives are unlikely by themselves to be enough to ward off or prevent the somber scenario that we have sketched out above. In all probability more – most likely much more – is going to be needed. Specifically, the political will must be found at the topmost leadership levels to have a clean election in 2006. What is necessary is for the leadership to decide that:

- The 14<sup>th</sup> Amendment provision for the Supreme Court's Chief Justice retirement age (with its implications for caretaker government) must be scrapped;
- The electoral use of organized gangs must be eliminated;
- The bureaucracy and especially the police must not be used as instruments to be manipulated by the ruling party;
- The NGO/civil society community must be allowed autonomy.

None of these decisions will be in the short-term interest of the ruling party or the main opposition, and so in the end it will have to be the donor community as a whole (or at least a large part of it) that supplies the leverage to convince the political class to change its electoral ways. The case to be made to the GOB should emphasize such aspects as the forfeiting of international good will through a tainted election, the potential loss of foreign direct investment, loss of exports, and diminished enthusiasm for international peacekeepers, but the real heft would have to come from a credible threat to withhold foreign assistance to a state that leaves the democratic path. Much diplomatic capital would have to be spent to organize a sufficiently united donor front to make such a threat. We believe the effort would be worth it.

For our second recommendation, we urge an NGO/civil society strategic assessment that would address one of the most distressing recent changes: the politicization of this community, which had become arguably a major pillar of development in Bangladesh, as well as the cynosure of the international development community more generally. Such an assessment should look at the autonomy issue, the relation between service delivery and advocacy, and the donor/state/NGO triangle in particular. If the overall NGO enterprise in Bangladesh is to be rescued from its present descent, we must help craft a way out. Cost for the assessment would not be high, and potential returns would be very great indeed.

Our third recommendation centers on USAID-supported local governance activities (SO 9.1), which we believe should be continued. If decentralization is to make any headway against a jealous central bureaucracy and rapacious MPs intent on diverting its meager resources to themselves, local governments

– urban and rural – need “a friend at court” in the form of advocacy organizations that can argue their case at the macro-level with the GOB, the media, the think tanks and the donor community. This is not a short-term initiative, however, and will have to be carried over into a follow-on activity if it is to gain enough traction to reach self-sustainability.

In our last recommendation, we urge continuation of USAID’s program supporting human rights for women and children (SO 9.3). This initiative involves a process dimension, in which NGOs find they must move from the “needs-based” approach most of them had been pursuing to a “rights-based” approach emphasizing advocacy. There is also a substance dimension comprising anti-trafficking and women’s empowerment more generally. Anti-trafficking is not a controversial agenda (for none would be in favor of trafficking), but advocacy is needed to galvanize the GOB and the wider society to take the issue seriously. On the broader empowerment front, considerable capacity-building support will be needed, which like the local governance bodies will take some time to effect, most likely entailing a continuation beyond present life-of-project.

In sum, all three Intermediate results of SO 9 should be kept in place and continued into the next DG strategy at USAID/Bangladesh, and one small assessment activity should be added as soon as feasible to the present strategy. The major support for keeping the country’s democratization enterprise in place, however, will in all likelihood have to come on the diplomatic front rather than in the foreign assistance sector.

# Democracy and Governance Strategic Assessment for Bangladesh

## Introduction

This report differs significantly from the normal DCHA/DG-supported strategic assessment enterprise in that, instead of undertaking an analysis intended to inform preparation of a full-blown five-year strategy for Bangladesh, our assignment has been to focus principally on the remaining three years of the strategy presently in place. The shift stems from the extension of that current strategy's anticipated close from the original 2005 to 2007. A future DG strategic assessment team presumably will be fielded at some point in 2005 or 2006, but in the meantime USAID/Bangladesh thought it would be useful to conduct an assessment with a shorter time horizon so as to inform programming in the nearer term future.

This decision was an apt one in the minds of our team, for the basic DG picture in Bangladesh has changed significantly since the earlier strategic assessment appeared in 1999.<sup>2</sup> In consequence, we believe that although USAID's DG programming has been going well, changes in emphasis are called for to deal with the shorter term. More specifically, we believe that Bangladesh's democratization project itself is at serious risk, and that a concerted holding action will be required to keep in it place over the national election due in late 2006 or early 2007.<sup>3</sup> Whereas the 1999 team recommended civil society advocacy to promote system reform as the first strategic priority, we recommend shoring up the electoral process over the next couple of years as our topmost agenda.

The scope of our assessment, then, will be somewhat more limited than those typically undertaken by the DCHA/DG Office, but within this narrower frame our objectives will be similar. As outlined in our scope of work (see Annex G), they are:

- To assess political change and democratization in Bangladesh
- To develop options and recommendations for a USAID strategy to address major barriers to the transition and consolidation of democracy in Bangladesh

The thrust of our analysis can be sketched out quickly in a few bold strokes. After attaining its independence from Pakistan in 1971, Bangladesh tumbled into a series of soft authoritarian systems, punctuated by fleeting attempts at democratization until late 1990, when the Ershad regime was removed from office in a "Philippine scenario" reminiscent of the Marcos ouster in 1986. Elections were held and a new national democratic project launched, characterized by largely free and fair elections, a reasonably free press, and an essentially independent higher judiciary, but little else – a classic example of an "electoral democracy" in which the citizenry could (and did) change their governors at the polling booth but which remained far from a consolidated "liberal democracy" with a fully functioning rule of law, widespread citizen participation, political accountability, and the like.<sup>4</sup>

This imperfect democratic experiment carried on, righting itself after a serious crisis with the bogus February 1996 elections and surviving more or less intact through the 2001 national elections. During the time since 2001, however, the situation has rapidly deteriorated, through a combination of increasing centralization of control, rising corruption, growing violence and an assault on the autonomy of civil society. As a result, the legitimacy of the democratic experiment itself faces a loss of legitimacy. If

<sup>2</sup> Fremming et al. (1999). Readers of the present report will find the earlier one of much interest and are urged to read it as a comparative exercise.

<sup>3</sup> The constitutionally mandated 5-year limit on a term of office plus time for a caretaker government, means that the next national elections must be held by late 2006 or very early in 2007. For convenience, we have labeled it the "2006 election" in this assessment.

<sup>4</sup> See Diamond (1999) for more on this important distinction.

present trends continue, the incumbent government may well have attained such a commanding dominance over the polity that it can easily fix the upcoming 2006 poll and assure its continuance in power in an election that will in all likelihood so compromise the state's perceived legitimacy that it can no longer be regarded as democratic in any real sense. The country will likely return to the kind of authoritarian rule it endured during most of its first 20 years, but now further degraded with higher levels of corruption and violence. This is the democratic tragedy that a concerted effort to salvage the electoral process may help avoid.

Our report begins with a disclaimer on our basic purpose in this exercise and then a brief account of the team's methodology in this first section, then goes on in section 1 to lay out the first Step in our assessment: an analysis of the polity's basic DG problems, focusing on the five key variables of consensus, rule of law, competition, inclusion, and good governance. In section 2 we move to the second Step, in which we look at how the game of politics is played and the roles taken on by the main actors in the drama. Section 3 then moves to our third Step, the identification of arenas in which reforms might be launched to address the problems identified in Step 1 and how this might be done through promoting reforms in critical rules of the political game. Our last section takes us to Step 4, where we distill the ideal reform agendas of Step 3 into what we believe can actually be undertaken in a practical sense. In all of these steps, it should be remembered that we are focusing principally on the next two to three years, though we will look in addition at the longer term, with a view to informing the more far-reaching analysis to be undertaken by the DG strategic assessment team that will set to work in 2005 or 2006 in preparation for USAID/Dhaka's next multi-year DG strategy.

### **What This Report Is and Is Not:**

The present report represents an assessment addressing basic issues of DG strategy in Bangladesh over the next several years. It is equally important, however, to stress what the report is *not*. It is emphatically *not* any kind of assessment or evaluation of USAID's DG programs currently in place in Bangladesh, or of USAID partners or sub-grantees. While we read a good many documents dealing with these programs, met with USAID mission officers to talk about them, spent time in Dhaka with the USAID partners implementing them, visited a number of program activities in the field outside Dhaka, and consequently will be referring to them in this report, we do not do so in any evaluational sense. That is a task for others to undertake. Our purpose has been only to analyze the USAID Mission's DG strategy within a larger framework.

### **Team Composition and Methodology**

#### **Team Makeup**

Our team consisted of five people: two expatriates, one Foreign Service National from the USAID mission, and two Bangladeshi experts in the DG field.

- Harry Blair (the team leader), Senior Research Scholar and Lecturer in Political Science at Yale University;
- Robert Charlick, Professor of Political Science at Cleveland State University;
- Rezaul Haque, Democracy Team Leader, Office of Democracy, Governance and Education, USAID/Bangladesh;
- Manzoor Hasan, Barrister at law and former Executive Director, Transparency International Bangladesh;
- Nazmul Ahsan Kalimullah, Professor of Public Administration, University of Dhaka.

Of the team members, Blair, Charlick and Haque served for the duration of the exercise, which involved fieldwork in Bangladesh during the period 16 May-5 June 2004 as well as later write-up, while Hasan worked with the team up through the 25<sup>th</sup> of May and Kalimullah began on the 23<sup>rd</sup> of May.

## Methodology

In the course of our work, we undertook key informant interviews with a wide range of people, identified in Annex C to this report. The main types of respondents were as follows:<sup>5</sup>

- USAID officers
- USAID partners in the DG sector SOs (AED, ARD, IRI, NDI)
- Other donors (CIDA, Danida, DFID, EU, SIDA, TAF, UNDP, World Bank)
- NGO/civil society organizations (Banchte Sekha, BFCCL, BLAST, BNWLA, Bangladesh Shopowners Assn, CAMPE, CWFD, Democracy Watch, Palli Shishu Foundation, PSTC, PRIP, Rupantar)
- Think tanks (CPD, PPRC)
- Parliamentarians (AL, BNP, JP [Ershad], Jama'at)
- GOB officials (Election Commission, NGO Affairs Bureau, Ministry of Local Government, Rural Development and Cooperatives, Ministry of Women's and Children's Affairs, Prime Minister's Office)

We perused a large number of documents received from the USAID Mission, USAID partners, sub-grantees, and the Government of Bangladesh. Because Bangladesh enjoys quite a wealth of academic and independent research, we were able to collect many analyses and reports from other donors, think tanks, academics, academic journals, and newspapers. A list of our main references is provided in Annex B.

We were able to make two field trips to Khulna and Mymensingh, located in the southwest and central northern regions of the country. Khulna is the country's third largest city, with well over one million inhabitants, while Mymensingh is a smaller district town. In both areas, we were able to meet with rural NGOs and local government officials as well as city people. In addition, we had planned a trip to Rangamati in the Chittagong Hill Tracts, but an outbreak of rural tension forced us to cancel this third travel plan.

In the course of our work, we conducted focus group meetings with representatives of a variety of organizations, including:

- Union parishad officials and citizens (in separate groups);
- Pourashava or municipal corporation officials;
- Journalists;
- NGOs; Garment workers.

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<sup>5</sup> The many acronyms used here have not been spelled out, but interested readers may consult the acronym list, which contains all of them.

## 1.0 Defining the Democratic Governance Problems

### 1.1 Consensus

Many have observed that Bangladesh's two major political parties, the Awami League (AL) and the Bangladesh Nationalist Party (BNP) have failed to develop a consensus on any kind of Westminster rules of comity within the country's political system. Deep, implacable hostility and mistrust have been the norms on both sides ever since the democratic breakthrough of 1991. If anything, the mutual enmity between the parties steadily increased over the 1990s. The two party leaders, Khaleda Zia and Sheikh Hasina, have not even spoken to each other for more than a decade, it is widely believed.<sup>6</sup> Both parties deploy gangs of hoodlums (*mastaans*) to harass each other's members, up to the point of assassination. Each claims fraud whenever it loses an election, and mounts continuous calls for a popular rising against the other party when it is out of power. It thus seems that the parties are not following any rules at all.

In fact, however, there has been in place a very real de facto agreement on "operating rules of the political game," since shortly after the 1991 elections – nothing much resembling the Westminster rules, to be sure, but nonetheless a definite set of standards adhered to by both sides. The main rules are as follows:

- Elections are more or less free and fair. Considerable fraud (ballot box stuffing, bogus voting, manipulation of voters' lists, etc.) occurs, but not so much as to significantly change the outcome.
- Election winners take all political power, leaving nothing for the opposition party. Once in power, the ruling party enjoys a mandate to do essentially whatever it wants, which generally means fostering corruption, skimming foreign aid, diverting contracts to relatives, and so on.
- The opposition party claims electoral fraud, boycotts parliament, mobilizes huge processions, shuts down the major urban areas (*hartals*), demands that the government resign, and calls for its overthrow. But there are distinct limits on the agitation. The opposition rants and raves, but never really mounts the barricades or engages in actual insurrectionary activities. Instead, its purpose is to call attention to itself as a viable alternative in a system where it has no other way to publicize itself.
- Press freedom exists (with some harassment of journalists, including frequent attacks on journalists<sup>7</sup>), although the print media are weak in investigative journalism, fact checking and the like. More important, perhaps, is their small circulation, which reaches only the elite strata. Radio remains a state monopoly, and while there are several independent TV stations, their efforts at news have not progressed beyond the embryonic stage. Even so, the press does bring into public debate many of worst excesses of government and parties.
- A higher court system gives some protection to political rights and civil liberties, though access tends to be restricted to those who can afford to lodge complaints with it, and this protection does

<sup>6</sup> Even if this story is not strictly true, it is so widely believed that it adds to the distrust between the two parties.

<sup>7</sup> Bangladesh ranks second in attacks on reporters, according to a survey undertaken by Reporters sans Frontiers (2004).

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not extend to the lower court system, which continues to be part of the executive branch and is thus subject to direction from the Law Ministry. Still, the safeguards maintained by the High Court and Supreme Court have proved a significant warning that limits exist on what the state can do to impede or obstruct political participation.

- A new cycle begins with each successive election. The opposition that has been making its case through the cacophonous protest of the street will have a reasonably fair chance at the ballot box to oust the incumbent regime.

This system has worked reasonably well through three elections, with the party in power changing each time. The bogus election of February 1996 almost derailed it, but the introduction of the caretaker government (during which a technocratic temporary government headed by a former Chief Justice of the Supreme Court managed the state) and the acceptance of the concept by the incumbent government salvaged the situation for a re-election in June of that year. The caretaker system then steered the country through the next national election in 2001.

The product of this informal consensus has been a fragile and badly flawed democracy that has failed to make much headway along any serious democratization trajectory beyond elections, but has nonetheless endured over time and offered promise that the political energy and will for serious reform could somehow be mustered over time.

In recent years, however, this frail democracy has begun to unravel, and the informal rules that bound it together have become severely frayed. The principal focus of this report deals with this unfolding breakdown of Bangladesh's transitional democracy, its consequences, and recommendations for USAID remedial action.

## 1.2 Rule of Law

Like so many countries, Bangladesh possesses a Constitution setting forth an admirable structure for preserving and enhancing the rule of law. But also like so many countries, the document is best viewed as aspirational rather than descriptive, depicting a set of objectives to be striven for, not an outline of what in fact exists. The actual state of rule of law in Bangladesh would best be described as precarious.

The most obvious reality concerning rule of law is that the state's official writ simply does not run throughout much, indeed probably most, of the country, so far as personal security or governmental probity are concerned. Instead, violence – much of it perpetrated by and more of it condoned and even encouraged by the state itself – and corruption have become the rule, increasingly so in recent years.

Violence has become so endemic that people fear for personal security everywhere. Throughout the country, criminal gangs, often working in collusion with the police, the political parties, or both, have displaced much of the law and order that citizens in other countries take for granted. In the cities, hoodlums operate with impunity, mugging the poor, extorting money from those more well-to-do by threatening bodily harm to family members, and extracting “protection” money from businesses ranging from street hawkers to large commercial enterprises.<sup>8</sup> In the countryside, gangsters have come to operate virtually parallel justice systems, murdering opponents in the name of vigilantism, often under the protection of the police. Political authorities launch fusillades of rhetoric calling for immediate action

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<sup>8</sup> The team heard a number of accounts of workers being robbed, professional people being threatened and businesses being victimized by gangs (who, unlike their counterparts in many Western economies, do not actually provide any “protection” against other gangs, but only against their own depredations).

against the miscreants, but little of consequence occurs.<sup>9</sup> All across the country, opposition political figures are harassed and at times killed.<sup>10</sup>

Corruption has entrenched itself at all levels, from the petty to the grand, throughout Bangladesh. The government clerk dispensing birth certificates expects a bribe (*ghush*) in addition to the official fee, and the small shop owner usually gives some *ghush* to the utility officer instead of paying what should be his electricity bill. At the other end of the economic spectrum, those hoping for multimillion-dollar contracts with the government routinely must allot a set percentage of the total for bribes at high levels. Both violence and corruption are dealt with in more detail in Annex D to this report.

### 1.3 Competition

Certainly there has been electoral competition, with the party in power changing in each successive election since 1991 (excepting the overturned February 1996 poll). If the test of a transitional democracy staying on course is its passage through a second free and fair election, then Bangladesh has now twice passed that benchmark. If elections were the only competition one looked at, Bangladesh would be judged as doing fairly well. But competition between the two major parties has gone far beyond the electoral campaign and voting process, seeping into almost every sphere of life. Virtually every professional body has for some time been split between factions or “panels” under the sway of the two parties – including journalists, university faculties, engineers, and physicians. More recently, the parties have forced a similar fragmentation within the bureaucracy and the NGO community, an ominous development indeed.

There is some good news, in particular the amazingly high voting turnouts in recent elections:

- **MP election 2001: 76%**
- **UP election 2003: 83%**
- **Pourashava or municipal election 2004: 75%**
- **People saying they will vote in the next election: 80%**

Moreover, citizens do use the ballot box to discipline officials they find wanting. In the 2003 Union Parishad elections, some 70% of chairmen ran for reelection, but 70% of them were defeated – a very high rate of accountability indeed (ARD 2003a).

Trust in elected government also ranks astoundingly high, as reported in Table 1.<sup>11</sup> (KAP)

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<sup>9</sup> During our work in Bangladesh, one notorious brigand calling himself “Bangla Bhai” had set himself up as a Robin Hood type and was busily terrorizing the rural areas near Rajshahi. His gang killed a number of alleged communists in public ceremonies, but despite a prime ministerial command to arrest the culprits immediately, the police on the scene pronounced themselves unable to learn his whereabouts. Reports in the press described a split in the BNP hierarchy, with some elements wanting to apprehend Bangla Bhai, while others thought his vigilantism served a useful public purpose.

<sup>10</sup> The most egregious case recently has been that of Ahsanullah Master, a popular Awami League MP, who was killed in broad daylight on 7 May 2004. Police authorities had reported no progress in the case as of the team’s departure almost a month later.

<sup>11</sup> The data in Table A, as well as the datum on intention to vote in the next election, are taken from the KAP survey (ARD 2004).



## Faith and cynicism

- Trust in elected government (KAP)

Agree with statement that:	Local govt	Nat'l govt
Govt listens to people like me	72%	45%
Govt is honest and trustworthy	74%	66%

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But there is some bad news too: the flip side of participation and faith is a deep cynicism toward government that emerges in answers to other questions in the same survey:

- **76% of citizens perceive they have no influence at all on government actions and policy.**
- **Only 29% have taken part in any community group in the last 5 years.**
- **53% think national government uses violence to get its way.**
- **71% think MPs paid money for their seats.**
- **72% think national government works for its own interests.**<sup>12</sup>

Political parties are of course expected to compete with each other, but in Bangladesh party competition has come to infest almost all aspects of organized life. It would not be too strong to say that the entire bureaucracy as well as a very large part of the NGO community has become badly debilitated by party rivalry. Both these sectors had managed to maintain a fair degree of neutrality after independence, but that now appears to be rapidly disappearing as party orientation has become dominant in the bureaucracy and has made serious inroads into the NGO community. In sum, institutional autonomy is being snuffed out by party dominance.

The print media in Bangladesh are relatively free and quite competitive, with some 200 newspapers and a good number of opinion journals in Bangla and English. Broadcast media are much more constrained, however, with radio remaining entirely in government hands, and although private television is permitted, broadcasters have shown very little interest in political news since the government closed down Ekushey Television in August 2003. And print journalists as well are continually intimidated by religious extremists and party-based gangs, to the extent that Reporters Sans Frontiers ranked Bangladesh as the world's very worst country for violence against journalists in 2004. For more on the media, see Annex E.

The economy has shown some competition with the explosive growth of readymade garments in the 1990s, though that has declined somewhat in the wake of 9/11 and the economic downturn in Western importing countries. In other areas, some state-owned enterprises have been privatized under pressure from the multilateral donors, though these have largely been the heavy money losers like jute processors that could not survive on their own.

<sup>12</sup> Data from *ibid.*

An important source of competition in democratic systems stems from the balance of power maintained between different components within the government, but in Bangladesh, any such balance has greatly declined in recent years in favor of domination by the ruling party. While previously the military and the bureaucracy offered a certain check on political elites, today they are largely ineffective. The military has been rendered into a non-player with larger budgets and international peacekeeping income, and the bureaucracy has been rapidly losing its autonomy to become part of the political patronage system. The higher courts continue to exercise some independence, but this appears in danger of eroding, as the ruling party ignores seniority rules and protests from the bar association to put junior judges on the bench. Unhappily, the major source of competition to ruling party domination in recent years has come largely from organized gangs and vigilante groups like the notorious Bangla Bhai, who during the team's visit was busily challenging state authority by assuming the power to execute alleged criminals, apparently with the connivance of the police. Organized gangsters thus serve the parties by doing their bidding in harassing foes while at the same time competing with them for control of society.

Another source of institutional competition to central government in democratic systems comes from authority devolved to lower levels. In contemporary Bangladesh, however, the devolution of the 1980s (in the form of the election of the Upazila Parishads during the Ershad era) was undone by the incoming democratic national government in 1991 and much of the remaining discretionary powers in the hand of the lower-level Union Parishads has been eroded since then, primarily by Members of Parliament bent on stoking their own patronage machines

## 1.4 Inclusion

Bangladesh has a largely homogeneous population: roughly 95% ethnic Bangla-speakers. Thus there has been no exclusion of ethnic minorities along the lines that have plagued so many African, East European, Caucasian and Central Asian political systems. Nor has there been since 1971 a "market-dominant minority" (Chua 2003). Economically dominant Hindus left after partition, and Pakistani entrepreneurs decamped after the liberation war. Otherwise, despite Constitutional guarantees (cf. 1999 assessment, page 12 for citations), there are a number of serious issues.

### Religion

Religious minorities within the Bangla-speaking population constitute a serious issue. The Muslim-Hindu split is about 90-10, up from perhaps 80-20 at partition and 85-15 at the time of the liberation war, as Hindu minorities have fled to India. The gradual shift from Mujib's secularism to Zia's casting his new BNP as representing Muslim Bangladeshi needs (in contrast to the Awami League's Bengali emphasis) to Ershad's embrace of the Friday weekly holiday to the BNP's current efforts to cover its religious right flank by allying with the Jama'at-e-Islami Party have reinforced the sense that the Hindu minority has of being beleaguered.

At present, although the ruling BNP with its 192-seat majority in the 300-seat parliament scarcely needs allies to govern, it has chosen to ally with the Jamaat-I-Islami (which won 17 seats) and two fringe parties winning six seats between them. This four-party coalition has allowed the BNP to cover its religious flank against fundamentalist inroads, while also giving it the power to change the Constitution at will.<sup>13</sup> Not the least result of this alliance is the carte blanche many extremists now have to harass and assault Hindus under the cover of government indifference and even in some cases patronage.

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<sup>13</sup> The BNP's 192 seats plus the 25 won by its allies put the coalition well over the 200 (i.e., two-thirds) mark needed to amend the Constitution.

## Gender

Women are still excluded in many ways from economic, political and social life, though there have been improvements:

- **Political:** Beginning with the 2002 election, reserved seats in the UPs (one women's constituency covering the area of three open seats) have meant the election of more than 13,000 women to office. Similarly (starting with the 2004 elections) this one-to-three ratio for the pourashavas and municipal corporations has placed many more women into elected office. Many are just ciphers, manipulated by their husbands or other male relatives, but political experience has to start somewhere, and a significant portion of these elected women can be expected to begin making their way in what has to date been very much a man's domain, just as women have been empowered by micro-credit schemes to engage in the market economy as independent operators.
- **Economic:** Service delivery in the education and especially health sectors from NGOs and government agencies has had a significant impact on women's health and family planning over recent decades. Life expectancy for women now exceeds that of men, for example, bringing Bangladesh into line with world norms in this respect. The total fertility rate per female has come down from 6.2 in the early 1970s to 3.5 in the early 2000s. Net enrollment for females in primary and secondary schools is just about the same as for males. But women's earnings remain just over half the comparable figures for men (data from UNDP 2003), despite the internationally acclaimed success of the micro-credit programs like the Grameen Bank with its more than two million members.
- **Social:** Divorce still constitutes a serious problem. Wives are regularly divorced by their husbands and left on their own or at the mercy of local charity, because their parents won't or can't take them back in. Dowry-related abuses have become a growing problem, paralleling the growth of anti-social behavior in India. Acid-throwing is likewise an alarming phenomenon. And finally trafficking in girls and women is beginning to get attention as a serious social issue.

### *An elected councilwoman speaks up*

One member of our Mymensing pourashava focus group was a woman accompanied by her husband, who spoke for her several times. But even though not yet sworn in (she had only been elected three weeks before our visit), she volunteered answers to several questions, even venturing her own opinion unsolicited a couple of times. Her husband seemed to evince a combination of mild irritation and some pride in her speaking up. We wondered what role she might be taking in the municipal corporation's debates after a couple of years in office.

## Ethnic Minorities

To say that no real ethnic (as opposed to religious) problems exist among the more than 95 percent Bangla-speaking population is not to assert that the country is free of ethnic trouble. The Chittagong Hill Tracts (the districts of Rangamati, Khagrachari and Bandarban) are inhabited by several ethnic minorities belonging to both large and small tribes. These tribes have their own linguistic, cultural, and ethnic identities and are important contributors to the local economies where they live. However, successive political regimes since the independence of Bangladesh, particularly after the political change in 1975 and under the pretext of consolidating Bangladeshi nationalism, have undermined the social, political, and economic rights of the country's tribal people, both in the Hill Tracts and other parts of the country. In the name of integrating the tribes into the mainstream of Bangladeshi society, their religious and cultural values have been disrespected and repressed.

For example, the government attempted to prohibit the use of major tribal languages as the medium of instruction in Hill district schools; tribal students were discriminated against in the admissions process for public universities and colleges; and access to government jobs for qualified tribal people was limited. This discriminatory treatment by the government, coupled with a growing desire for increased regional autonomy, led to peaceful protests by the tribes. Unfortunately, these were often met with excessive force and violent suppression by police and military forces. Over time, this led to creation of tribal paramilitary forces and an armed insurgency against the government that continued for nearly two decades.

Recognizing that the military solution was not succeeding and because of growing international pressure, the government opted for a negotiated settlement with the tribal leaders that culminated in the signing of a Peace Accord on December 12, 1996, ending military intervention by the government. The Peace Accord promised limited administrative autonomy to the Regional Council of Hill Tracts and accelerated economic and social development measures from the central government. Since the Accord was signed, there have been some changes, such as a reserved quota of government jobs for tribal people. Overall, however, few of the Peace Accord provisions have been implemented, and the progress of implementation has slowed during the present regime. Today, the Peace Accord hangs in limbo and the frustrations of the tribes and their leadership run high.

## 1.5 Good governance

As with so many terms in the DG area, “good governance” has taken on a variety of meanings. Here we will take “governance” to mean the “manner in which power is exercised in the management of a country’s economic and social resources for development (ADB, 2002).” “Good governance,” accordingly, means exercising this power for maximum public benefit. Although this pattern transcends the state and “public sector” to encompass how the entire society is organized to address public problems, it is most frequently associated with the public sector per se. Two quotes from our work summarize the prevailing view of governance in Bangladesh today. Public administration specialist M.M. Khan wrote recently and reiterated in his discussions with us that “the state of governance is in dismal shape (Khan, 2003),” while a participant in the focus group of members of the association of Bangladesh Shop Owners stated, “democratic governance is important, but we would be happy with any governance.”

In fact governance is very uneven in Bangladesh today. There is little doubt that the current regime and its immediate predecessor have done well by international standards on many aspects of economic governance in recent years, at least at the macro level, helping to assure relatively low inflation, a decent and persistent level of GNP growth, and an acceleration of exports.

On the other hand the management of public resources for the basic well being of the people of Bangladesh presents a much more complex pattern. Generally, the provision of virtually all public services is widely regarded to be inefficient, corrupt and poor. Surveys of urban households reveal that the level of satisfaction with basic services such as health care, electricity, and potable water is very low (ranging from 10 to 18% satisfied), while nearly everyone is dissatisfied with the police, lower courts and land registration offices. These views correspond closely with public perceptions and actual experience with corruption in these services. The level of satisfaction is even worse for the poor. Interviews indicate that virtually no public service can be obtained without the payment of an illicit “toll” or bribe, often through an intermediary; but because the system is so thoroughly corrupt and the level of service so low, few people have bothered to lodge formal complaints.

As discussed above, a series of repressive laws dating from colonial times, but also from the Pakistani and Bangladesh dictatorial regimes and even the democratically elected governments, insulates the regime and the bureaucracy from public accountability. For instance, the invoking of the Official Secrets Act

(1923) even at the lowest level (Thana or Upazila) of the administration effectively makes it difficult or impossible for journalists and ordinary citizens to obtain even the most basic kinds of information.

At the local level, government has been able to provide some services, as literacy rates have gone up in recent years (especially for females), life expectancy has increased (with concomitant decreases in infant mortality and child mortality), roads and electrification have expanded, and flood relief capability has improved. As a bottom-line measure, the Human Development Index (HDI) calculated annually by the UNDP has risen from .332 in 1975 to .414 in 1990 to .502 in 2001.<sup>14</sup> Much of this improvement, of course, can be attributed to work over the years by the NGO community in Bangladesh, but despite its very considerable achievements, even today the aggregate coverage of NGOs is estimated to be only around 25% of the country's villages and perhaps 18% of its population.<sup>15</sup> In other words, the government too deserves some of the credit for providing a better life for the country's average citizen. At the same time, however, government provision of basic services has been shown time and again to be woefully inadequate, even by the most rudimentary standards. Schoolteachers consistently fail to meet their classes, rural health clinics seem always to lack essential medicines, the police see the local population as a resource to be tapped for extortion rather than as a citizenry to be protected, and so on. People's relations with government at the local level consists more of paying bribes or irregular fees (e.g., for educational tutorials or medical consultations) than of receiving services ostensibly on public offer.<sup>16</sup> These reasons explain in part why, despite improvements over the last several decades, Bangladesh still stands (with the exceptions of Pakistan and Nepal) as the lowest-ranking country in Asia in terms of the HDI.

Services provided (or not) in such areas as education, health or police protection, of course, come under the direction of the relevant line ministries, not the elected union parishads or urban pourashavas, which have authority only in a few sectors. But here also the public well being and development have scarcely been the first priority in managing public resources. Where local authorities have supposedly had some discretion, as in dispensation of VGD cards, rural works programs or urban trash collection, interference from MPs and influence in awarding contracts have tended to characterize the governance domain.

## 1.6 Summary

It should be evident at this point that in contemporary Bangladesh all five DG dimensions display very serious problems. The basic consensus on operating rules of the political game has been a perverse one that had been more or less able to keep the country's democratization project from foundering, but is now increasingly unable to do so. The rule of law exists largely on paper, in fact providing little protection against either violence or corruption. Competition most certainly exists, but in a metastasized form that has now come to infect virtually all sectors of public life. Inclusion has proven slightly less problematic, owing to the country's overwhelmingly homogeneous population, but continues to elude the Hindu religious minority and women in general. Finally, good governance remains more a chimerical goal than a condition bearing any significant resemblance to reality. In short, abiding problems lurk in every dimension, any of which could usefully become the targets of serious donor democratization initiatives.

<sup>14</sup> See UNDP, Human Development Report, 2003. The HDI combines measures of life expectancy, literacy, educational enrollment and GDP per capita.

<sup>15</sup> This approximation is a "best guesstimate" from USAID/Bangladesh. Estimates vary considerably on NGO coverage. Landell-Mills reckons that NGOs "have a strong presence in less than half of all villages" in Bangladesh (2002: 60), while Thornton et al. (2002: 2) estimate NGO coverage at 80% of villages and 35% of population. In any case, a great many people are left unaffected by NGOs.

<sup>16</sup> See, for instance, TIB's study of citizen perceptions of primary education in the Mymensingh area (TIB 2001).

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We see preservation of the highly imperfect and seriously flawed rules of the political game, most particularly the electoral game, as the most important immediate need for donor support and assistance. Indeed, if this rapidly deteriorating sector is not shored up as a holding action in the very near future, the prospect of improvement in the other dimensions is very likely to disappear for some time.

## 2.0 Key Actors

Bangladesh's political system includes a number of important actors, but in recent years the ruling party has increasingly become the dominant player. Other actors continue to be important, but most of them have either slipped to a subordinate role or are in imminent danger of doing so. Only the media have managed to evade these tendencies, and even then not completely. These actors are depicted in Table 2 below.

Table 2. Main actors in the Bangladesh political system

Actor	Interests	Resources	Strategies
Ruling party's inner clique	Unimpeded control of the polity, grand scale patronage	Control of parliament, budget, donor funding, potentially caretaker govt	Turn all institutions into patron-client systems, capture election machinery
Military	Larger budgets, peacekeeping income opportunities	Potential coup d'etat	Exploit moderate Muslim peacekeeper image
Bureaucracy	Public service, rent seeking, patron-client relationships	Tactical control of govt machinery, rent-seeking capability	1972-91: provide critical steadying mechanism 1991 onward: individual maneuver as clients
Caretaker government	Ensure legitimacy of national elections	Legitimacy in its role	Manage a neutral government between party governments
NGOs, civil society	Do-gooderism, service delivery, income stream, autonomy from state	Foreign funding, diplomatic support, self-sustainability	Disengage politically? Assume civil society advocacy role? Accommodate to reality?
Opposition party	Gaining power in next election	Ability to disrupt polity	Disruption, present alternative
Higher judiciary	Maintain system integrity	Judicial review, executive compliance	Overrule lower courts as needed
Print media	Public conscience	Relatively free speech	Investigative journalism

### 2.1 The Ruling Party

Unquestionably, the principal actor in the Bangladesh polity today is the ruling party and within it the party's innermost circle. Under the operating rules of the political game outlined in Step 1, the party winning a national election gets full control of the system, with a small inner hierarchy exercising exclusive command of the party as a whole, managing parliament, drawing up the budget, deploying government funds, diverting public moneys to itself at all levels, directing the bureaucracy, and managing most of the judiciary.

At present, this hierarchy can be thought of as comprising five more or less distinct levels, beginning with the inner nucleus at the top:

- Innermost level: focus on procurement and personnel decisions<sup>17</sup>
- Inner ministerial circle (Finance, LGRD&C, Prime Minister's political secretaries)
- Formal cabinet (60+ ministers)
- Remaining BNP MPs
- BNP coalition partners (with own hierarchy)

Centralized control within the country's political parties is of course nothing new. Right from their origins, all parties have been strictly top-down operations with no hint of internal democracy, a structure maintained after the democratic transition of 1991. But the centralization appears to have picked up speed markedly after the 2001 election in the form of concentration at the top.

The main strategy pursued by the ruling party's inner clique has been to fragment as many social institutions as possible into factions that can then be recruited into its patron-client network, thus cutting them off from other resources, eliminating their autonomy, and rendering them dependent for their survival upon the largesse of the ruling party's inner clique. To be sure, the strategy of subordinating other institutions by imposing a patron-client system did not arise for the first time in the post-1991 period. Rulers since time immemorial have sought to manage their holdings by making their subordinates dependent upon their patronage, a tradition picked up by the British Raj (e.g., with the "Princely States" before 1947), and more recently by a succession of post-partition rulers. Ayub Khan's Basic Democracies in the 1960s and H. M. Ershad's Upazila Parishads in the 1980s represented in many ways attempts to build a patron-client structure by dispensing government funds as largesse to locally elected officials in order to build up a client base that would support the incumbent regime.

In the post-1991 era, this approach could have been taken by reintroducing the elected upazila parishads and perhaps other tiers of local government, as mandated in the constitution. Instead, successive governments have chosen to make the MPs their main patronage dispensers at the local level, allowing them to intervene in such activities as allocating construction contracts, distributing Vulnerable Group Development (VGD) cards and the like, thereby sidelining union parishad and pourashava members from nurturing their own patronage networks by manipulating these functions. This approach has surely proven positive from the ruling party's point of view, for it gives backbencher MPs a role providing considerable rent-seeking opportunity as compensation for having virtually no function at the macro-level beyond showing up at the Parliament Building to vote the party line, once a parliament has been elected and the government formed. At the same time, the stratagem has further centralized the ruling party's dominance.

A secondary front in centralizing control has come through the mobilization of organized gangsters and the police power on behalf of the ruling party. These tendencies have long been present, but they seem to have graduated to a higher and more pernicious level in recent years. Hooligan gangs, taking time away from their more ordinary pursuits of extortion and theft, work regularly in the party's service to harass and even murder opposition politicians. The police, not surprisingly perceived to be the "most corrupt" public institution in Bangladesh by more than a 4-to-1 margin, combine their own extortion and rent-seeking enterprise with tacit – and at times not so tacit – collusion with the gangs.<sup>18</sup>

<sup>17</sup> This innermost level, reported to be centered within the prime minister's household, is widely believed to have become the point where these decisions are made.

<sup>18</sup> The KAP opinion survey conducted in late 2003 found 47% of respondents labeling the police as "most corrupt," with the second-place courts at 11% (ARD 2004: 23). Police collusion with gangs has most recently been exemplified not only by their failure to apprehend the notorious vigilante "Bangla Bhai" in the Rajshahi region but indeed what has been reported in numerous press accounts to be their open collaboration with him.

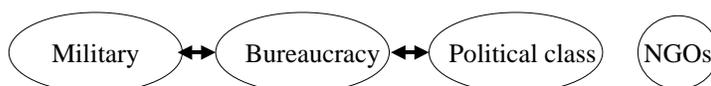


But the true achievement of ruling parties in post-1991 Bangladesh has been to neutralize or subordinate its principal institutional competitors, the military and the civil bureaucracy, as well unleash a parallel strategy against the NGO/civil society community, which arguably constitutes the last autonomous bastion of any significance in the country. This development deserves some exploration.

During Bangladesh's first two decades and more of independence, the political system essentially consisted of three principal actors, as depicted in Figure 1: the military, the civil bureaucracy, and the upper echelons of the leading political party. At any given time, two of the three would share power with the third on the sidelines, ready to enter the game when the occasion might arise. But at all times the bureaucracy constituted the linchpin of the system. Thus in 1972-1975 Awami League political leaders ruled in collaboration with the bureaucracy inherited from Pakistan, who were needed to keep the governmental machinery working. After General Ziaur Rahman's emergence as the country's head, the bureaucracy shared rule with the military. Then with Zia's creation of the BNP toward the end of the 1970s, the military's key place gave way to the new party's partnership with the bureaucracy. Then the Ershad regime substituted military for party again in the early 1980s, followed by a similar (though less successful) attempt to morph army control into party suzerainty, still in partnership with the bureaucracy. The bureaucracy, led by the elite Civil Service of Pakistan holdovers (the "CSP-wallahs") after independence, thus kept the governance system from derailing as their partners came and went.

Figure 1. Managing the polity in Bangladesh: Phase I

1972-1991: Bureaucracy + one ally, NGOs  
outside



All this while the NGO community grew from its small-scale beginnings just after independence into a very sizeable and largely autonomous but politically inactive behemoth on the scene. The larger NGOs like BRAC, Proshika and GSS developed huge organizations with millions of members, but after beginnings inspired by visions of bottom-up social change, they soon discovered that open political advocacy on behalf of the (mainly) rural poor was both ineffective and somewhat dangerous. In response they built (and billed) themselves as essentially apolitical service delivery organizations. Thus by the end

of the 1980s, they constituted a potentially powerful but as yet undeployed force on the political landscape.<sup>19</sup> This stance carried over into the onset of new democratic era.

## 2.2 The Military

After acting as midwife to the democratic transition by refusing to obey Ershad's order to impose martial law and instead ousting him from office, the military basically withdrew from the political arena over the 1990s, in keeping with the worldwide shift from autocratic regimes to democratic ones that was part of the "Third Wave" of that time (Huntington, 1991). Instead of playing politics, the military carved out a role as one of the principal United Nations peacekeeping bodies, working around the world in post-conflict situations. Officers and men greatly enjoyed the increased pay scale from such work, and the government at home has over the last decade or so added generously to the defense budgetary allotments. The military in effect became neutralized as a political player. Its potential to implement another coup d'état certainly endures, but there appears little likelihood that it will exercise this option in the near-term future, absent a breakdown of the governance system itself.

## 2.3 Bureaucracy

The civil bureaucracy has been not so much neutralized as subordinated to the ruling party, largely for two reasons. First, the retirement of the "CSP-wallahs" and their replacement at the upper echelons of the gazetted cadres by the distinctly less able bureaucrats brought in during the emergency recruitments of the early 1970s has meant an establishment less able to defend its autonomy from political domination. Second, and probably more importantly, the political leadership has been able to master or "discipline" the bureaucracy, largely through the use of political appointments not only at the policy level (Ministers and Secretaries) but at lower levels of the administration. With frequent changes in regime (at each election since 1991) and with a close control over and sanctioning of officials who have deviated from official positions, the bureaucracy has experienced considerable turnover, weakening it still further. Today, a very sizeable proportion of government officers, especially at the higher ranks, has identified itself (or has become identified, which amounts to the same thing) as aligned with one party or the other, and appointment, postings, promotions, etc. are increasingly made with these allegiances. When these tendencies are combined with the widespread (though we hasten to add not universal) practice of buying and selling promotions, it is easy to understand how the once largely autonomous bureaucracy has become subsumed into a macro-level patron-client system.<sup>20</sup> As a result of these behavioral patterns intensifying over the last several years, the public bureaucracy today is no longer a significant arena of independent political power and decision-making in Bangladesh. In short, it would amount to no more than a slight exaggeration to say that, by sidelining the military and subordinating the bureaucracy, the political leadership has emerged triumphant over its two traditional rivals at the apex of power in Bangladesh. Aside from the hope of a free and fair election, the only checks on it now lie with the higher court system and the media.

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<sup>19</sup> There were some exceptions to this apolitical stance. In the late 1980s when the Ershad government set up its NGO Affairs Bureau with an implied threat to control the NGO community, the latter lobbied successfully with donors to ward off the potential danger. And then toward the very end of the Ershad era, as virtually every element in society turned against the increasingly isolated dictator, the NGOs did as well, sponsoring full-page open letters in the print media denouncing the regime. But these instances stand out for their rarity.

<sup>20</sup> A traditional patron-client structure is characterized by a mutual but unequal exchange in which the patron provides security and access to employment while the client offers labor and loyalty. Contestation in such systems is generally not along horizontal (or class) lines but rather along vertical ones, so that patrons compete with each other for dominance and clients vie among themselves for a patron's favor. Though originating in rural agricultural economies, such relationships clearly carry over to other more "modern" sectors and replicate themselves easily within the Bangladesh culture.

## 2.4 Caretaker Government

The “caretaker government” came into being as an institution after the first national election of 1996, which the BNP won handily, but which was so universally regarded as fraudulent that some way had to be found to rerun it to salvage the legitimacy of the basic political system. The solution was a neutral government, to be headed by the most recently retired chief justice of the Supreme Court as chief advisor. This caretaker government was to govern the country for 90 days from the end of the previous parliament and guide the country through the subsequent election. This rather jerry-built setup performed admirably at its task in restoring credibility to the electoral process. So well did it do at this task that it became an integral part of the polity itself, serving the same role in the 2001 election and presumably taking on the task again for the 2006 election as well. It has definitely become a key actor in the political system, albeit an intermittent one.

Today, however, the very institution of the caretaker government appears in imminent danger, in the form of the recently enacted 14<sup>th</sup> Amendment to the Constitution. One of the amendment’s provisions calls for raising the retirement age of the chief justice of the Supreme Court from 55 to 57 years. Seemingly an innocuous move, this provision is extensively interpreted to have the underlying purpose of ensuring that the sitting chief justice just before the 2006 election will be a BNP partisan who could then step down and thereby become “the most recently retired chief justice,” thus automatically becoming the head of the caretaker government. He would then be in a position to help rig the polls (or condone their rigging by others, e.g., the increasingly politicized bureaucracy) in favor of the BNP. It was not possible for our team to ascertain the veracity of this interpretation of the 14<sup>th</sup> Amendment’s provision, but it was abundantly clear that virtually all political observers outside the BNP subscribe to this conspiratorial version of the maneuver. In other words, the 2006 election is already well on its way to being viewed as irretrievably tainted.

## 2.5 NGOs and Civil Society

The NGO/civil society community<sup>21</sup> has scarcely remained exempt from the forces sucking Bangladesh institutions into the maelstrom of politicization. The early years of the current decade saw ADAB (Associated Development Agencies of Bangladesh), the apex body for NGOs which had represented the entire group vis-à-vis the government, split into two hostile factions, each associated – if only loosely – with one of the major political parties. The events leading up to the split are the subject of considerable debate, but there appears to be widespread agreement among those we interviewed on the topic that:

- The saga was convoluted and full of rather Byzantine intrigues among the NGOs involved;
- Several NGO leaders engaged in actions that could be interpreted as aligning themselves with particular parties;
- The government waded into the situation with a heavy hand, harassing and attempting to weaken or even take over NGOs it deemed associated with the opposite political party;

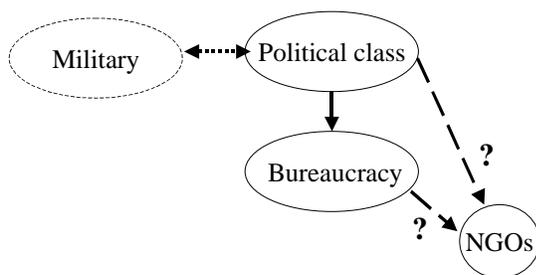
<sup>21</sup> Defining “NGOs” and “civil society” presents problems in any country, but especially so in Bangladesh, where the term “NGO” generally is used to denote indigenous organizations registered with the government and receiving foreign funding to support their operations. Almost all NGOs are engaged in service delivery, while some engage in advocacy as well (e.g., Nijera Kori, BLAST) and others focus more exclusively on the latter function (e.g., CCHRB, BELA). Professional bodies (e.g., for journalists, university faculties, engineers) are generally not considered NGOs, nor are such lobbying organizations as the FBCCI or for that matter any indigenous organization not receiving foreign funding. In this report we have attempted to follow Bangladesh custom in referring to NGOs, but “civil society” has proven trickier, perhaps because there appears to be no consensus definition currently in use. So we employ it to refer to the whole range of organized non-profit activity between family and state, including both advocacy and service delivery functions, and NGOs as well.

- The NGO community has now been badly tarred with a partisan brush;
- The government has tried to take advantage of the weakened NGO community to impose new regulations that would allow it a greater degree of influence over NGOs generally.<sup>22</sup>

At present, the NGO community appears to be in a very serious crisis, rapidly descending into the same politicization that has engulfed the bureaucracy and much if not most of civil society as well. In short, it has begun to lose the autonomy from state control that has constituted a major factor in making it so effective as a service deliverer promoting human resource and economic development, as well as a model of international acclaim. Indeed, as the team was engaged in its field work during May and early June 2004, the government proceeded to arrest top officials of Proshika, thus moving one step further in a campaign that had already seen raids on the organization's offices, prohibitions against its receiving foreign funding, and attempts to confiscate assets. A number of other NGOs, such as PRIP Trust, BNPS, IVS, CDS and the umbrella organization ADAB were facing only slightly less severe harassment from the government, which had evidently decided they were enemies of the state. Meanwhile, the NGOs that sided with the Federation of NGOs in Bangladesh when ADAB split up have come under increasing danger of losing their autonomy to the ruling party. The entire community has become subjected to increasing pressure to choose sides between the two major parties; many, perhaps most, try to resist but it is becoming harder and harder to do so. The relationship among the major actors has come to look like that shown in Figure 2.

Figure 2. Managing the polity in Bangladesh: Phase II

Early 2000s: Military distracted, bureaucracy subordinated, NGOs also?



<sup>22</sup> This last development was the government's effort to establish a new law allowing it to dissolve NGOs and redistribute their assets. Some kind of dissolution procedure exists in most advanced countries, and seems clearly needed so that when an NGO fails for whatever reason, its assets can be reallocated to other NGOs pursuing similar goals, but the government's efforts here were widely interpreted as an assertion of a new right to impose a dissolution on NGOs it disapproved of. In the event, donor pressure on the government induced it to back away from the proposal in early 2004.

The other major elements of civil society, professional groups and representative business organizations have become subjected to similar pressures. The professional groups have long been split into factions or “panels” strongly identified with the two major parties and thus severely compromised from having any autonomous role in the policy. One could include university students as well. More recently, the government has moved to subvert the leading business organization, the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI)<sup>23</sup> by demanding that it revise its organizational bylaws in order to permit its board to oust the president through a “no confidence” procedure, with the objective of removing major regime critic from his base. Like the breakdown of ADAB, the story behind the government’s move against the FBCCI constitutes another convoluted saga, which makes an excellent illustrative case study, presented as Annex F to this report. Should it succeed in this maneuver (which is being strenuously resisted within the FBCCI), the government will have created another compliant voice.

It is far from clear what would be the best strategy for the NGOs (and by inference organizations like the FBCCI) in dealing with this crisis. At least three quite distinct approaches suggest themselves:

- The NGO community should make immediate common cause to disengage politically from all relations with parties and focus principally on the service delivery it has proven itself so successful at implementing. Without the autonomy they have enjoyed in the past, NGOs cannot function effectively as engines for development;
- The community should take an opposite course, using its weight to assume a civil society advocacy role, pushing the state toward fundamental reforms on all fronts. In other words, instead of allowing the political parties to infest it, NGOs should seize the initiative to press their own agenda on the parties;
- Things have already gone too far. Despite their power and donor linkages, in the end NGOs cannot fight the parties, which have access to greater resources through their control of the state apparatus, which includes the power to harass, undermine, debilitate and ultimately to destroy the NGOs. Accordingly, the community should make the best that it can of a bad situation, trying maintain as much integrity and autonomy as possible while accommodating as needed to emerging political realities.

To deal with these issues goes far beyond the scope of the present analysis, but we believe it vital that the NGO community develop some strategy for preserving its autonomy. If it does not, then this irreplaceable counterweight to the state will become subsumed by the state. Accordingly, we will recommend a thorough analysis of the NGO scene and policy options that can inform the crafting of a practical strategy for salvaging the present situation.

## 2.6 The Opposition Parties

In the orthodox Westminster system, parties out of power act as a “loyal opposition,” using the parliament as a venue to hold the government to account for what it does and fails to do (using such mechanisms as the Question Hour to grill the cabinet), publicize its misdeeds, and offer a set of alternative political programs to the country. Its “shadow cabinet” members track the activities of incumbent ministers, building a public case on how they would do a better job if in power. Though their verbal assaults on the government may appear unduly harsh at times, the opposition behaves within a well-defined set of rules to promote an orderly (and definitely non-violent) public debate on government performance.

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<sup>23</sup> Although most analyses exclude the business community per se from the rubric of “civil society” because they are by definition not non-profit, associations of businesses like chambers of commerce can be included, inasmuch as they are non-profit associations representing the interests of their constituency vis-à-vis the state.

In Bangladesh, by contrast, the opposition more often boycotts the Jatiyo Sangsad than sits in it, instead engaging in a vitriolic and often violent politics of the street, mobilizing huge *hartals* to shut down public life, working with organized hooligans to finance its efforts and furnish manpower for its demonstrations. In a sense, as things have operated under the informal rules delineated at the beginning of Section 1 above, the opposition is able to remind the citizenry that it constitutes an alternative to the party in power, but in Bangladesh any exercising of accountability is almost totally lost, submerged beneath tidal waves of incendiary rhetoric and physical confrontation. The opposition is not so much a “key actor” keeping the polity on track by demanding accountability as a “key disrupter,” threatening the polity at every possible juncture, but not destabilizing it so much that a caretaker government cannot hold an essentially free and fair election the next time around. All this constitutes a risky and ramshackle system, to be sure, but it has proven capable of getting the country through the elections of 1996 and 2001. At present, however, this system appears to be breaking down under pressure from a government determined to enfeeble the opposition and structure the next general election irretrievably in its favor.

## 2.7 The Higher Judiciary

To the extent that the autonomy of the NGO/civil society community is being compromised and the opposition party fails to serve as a credible counterweight to government, the upper tiers of the judiciary along with the media comprise the only actors left who can call for accountability from the state. A sharp distinction must be made, however, between the High Court/Supreme Court, and the subordinate or lower courts. Despite constitutional assurances (Article 22 of the 1972 Constitution) and many promises over the years, most recently by the incoming BNP government in 2001, the lower courts have never been separated from the executive branch and so remain under the direction of the Law Ministry.<sup>24</sup>

It is the Supreme Court (essentially the Appellate Division of the High Court), then, that matters. It is this court that hears public interest litigation and other writ petitions dealing with rights of victims of civil rights and legal abuses, and that can find any laws or governmental actions void if they are not consistent with the Constitution. Over the years many people have looked to the Supreme Court as the upholder of the rule of law and the protector of citizen’s rights, despite the court’s failure to find unconstitutional a series of repressive laws including some dating to colonial times and to the military dictatorships or Pakistan and Bangladesh.<sup>25</sup>

In recent years (as recently as April 2003) the independence of the judiciary has been threatened with the appointment of additional judges to the High Court who many members of the Supreme Court Bar Association consider political and inappropriate. This politicization of the High Court and of the Chief Justice was compounded by the swift passage of the 14<sup>th</sup> amendment to the Constitution to allow for the postponement of the retirement of the Chief Justice. Many believe that this provision stemmed from the desire to have a Chief Justice known to be a BNP partisan at the helm just prior to the election of 2006 and then to have him retire and become the head of the supposedly politically neutral Caretaker government.<sup>26</sup>

<sup>24</sup> In addition to being run from the executive branch, lower courts have suffered from insufficient funds and poor legal equipment and training, rendering them so inefficient that bribery has become virtually the only way to move cases at all in the eyes of many observers. As of October 2002, almost 800,000 cases were pending with the lower court system, according to the Minister of Law, Justice and Parliamentary Affairs (*Daily Star*, 1 November 2002).

<sup>25</sup> Khan (2003) lists in this connection the Special Powers Act of 1974, The Special Security Forces Act of 1986, The Suppression of Terrorist Offenses Act of 1986, the Public Safety Act of 2000, and the Speedy Trial Act of 2002.

<sup>26</sup> The Constitution requires that the most recently retired chief justice of the Supreme Court take the role of Administrator of a neutral Caretaker Government just before and during a parliamentary election. Devised to prevent the chance of a fixed election of the sort that occurred in early 1996, the Caretaker system worked quite well in the second 1996 election and its successor in 2001. Indeed, the idea stands as a genuine contribution

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The trajectory does not appear totally headed downhill, however. One somewhat hopeful development has emerged from recent litigation concerning the use of symbols in the Dhaka-10 by-election to Parliament. In this case, the full bench of the Appellate Division rendered a judgment favorable to the challenger – a candidate from the new Bikalpa Dhara Party, which had just broken away from (and was vigorously opposed in court by) the ruling BNP. In this closely followed case, the court again showed itself independent. How long this can last in the face of what are widely seen to be highly political appointments to the court’s bench is far from clear, however.

## 2.8 Media

An important pillar in Bangladesh’s claim to democracy rests on what is said to be a vigorously free media. This assertion, however, needs considerable tempering. Radio remains an absolute state monopoly. Private television is now permitted, but the only station to evince any serious independence was ETV, which the government closed down. More recent entrants have shown little inclination toward political criticism. Thus freedom in the media applies only to print, which boasts a wide array of outlets, with over 200 privately owned newspapers in Bangla and English.

A number of papers display a high degree of independence, and are often quite critical of the government. Some sponsor efforts at investigative journalism.<sup>27</sup> At the same time, the International NGO Reporters Without Frontiers (RSF) ranks Bangladesh 118 out of 139 countries worldwide on their Press Freedom Index and states in its Annual Report for 2004 that Bangladesh is the worst country in the world for violence against journalists. Journalists with whom we met in Dhaka told us that while the media may be fairly free, journalists are not free. First, their editors monitor and limit their stories, working under indirect pressure from a government inclined to allocate newsprint and official advertisements on a partisan basis. Second, their lot is very dangerous physically, with daily death threats and attacks on journalists – many perpetrated by the police – recorded by the RSF. This led a second international NGO, Committee for the Protection of Journalists to label Bangladesh “one of the worst places in the world to be a journalist” in its May 2004 magazine.<sup>28</sup> Aside from the violence they face, journalists often confront a bureaucracy refusing access to what in other countries would be public information by citing the 1923 Official Secrets Act as the reason why they cannot give even the most basic data.<sup>29</sup> So press freedom in Bangladesh confronts many serious constraints. Even so, the press can and does present an independent

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from Bangladesh to the general democratization process, worthy of emulation from other countries confronting elections involving bitterly hostile parties. The 14<sup>th</sup> Amendment threatens to destroy this confidence building system by creating the distinct impression that the incumbent government intends to put a partisan administrator at the head of the Caretaker regime and through him to fix the election. The fears engendered by the retirement age maneuver in the 14<sup>th</sup> Amendment may be overblown, but the team found a very palpable anxiety surrounding it. Public perceptions of system honesty are all-important in elections, and a 2006 election seen as rigged would in all likelihood be devastating to the future of democracy in Bangladesh.

<sup>27</sup> In a recent example, the *Daily Star* published a story exploring the background of the government’s abrupt dismissal of one of the prime minister’s secretaries – an event widely thought to be [related to corruption in contracting at that level](#) (see “Story behind Nurul Islam’s removal,” *Daily Star*, 7 June 2004).

<sup>28</sup> For instance, when journalists tried to cover a *hartal* held in Dhaka on 5 June 2004 to protest the assassination of a popular Awami League MP, police attacked and injured five journalists. Of course not all of the threats and violence comes from the state. Much is initiated by religious extremist vigilantes like Bangla Bhai or local criminal gangs. But as the CPJ article (April 2004) documents, much also comes at the hands of youth wings of the political parties, particularly the BNP at present, and the government does nothing to protect journalists from these attacks or to persecute the offenders.

<sup>29</sup> It is not only the executive branch that stonewalls the press. During our fieldwork, reporters were even barred from covering the hearing of the Appellate (Supreme) Court on the dispute over the Dhaka 10 by-election, simply by the whim of the Court.

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perspective on governance in Bangladesh and must be counted as a bulwark of the fragile democracy that has so far managed to carry on. For more on the media, see Annex E.

## **2.9 Summary**

So far as key actors are concerned, the signal development of the democratic era, and of the last several years in particular, has been their reduction to one major player weakly counterbalanced by two others. Whereas for the country's first two decades there was always a balance of sorts between the bureaucracy and a ruling party, or (more of the time) between the bureaucracy and the military, now the ruling party has managed to subordinate the bureaucrats and sideline the army. And it appears firmly on its way to bringing the caretaker government and NGO/civil society community under its sway as well. Only two actors provide any appreciable counterbalance: a higher judiciary whose ranks are being weakened with more pliable judges; and a press constrained by state harassment and denial of access. The ultimate counterbalance, of course, should come in the form of periodic elections, in which the citizenry can force the ruling party out of office, but we find this redress very likely becoming compromised as well. This issue will be taken up in our next section.



### 3.0 Arenas and Institutions

In this section, we turn from the actors in Bangladesh’s political system to the arenas in which they act and the institutions through which they act. It is here that we can address the range of ways in which USAID can support the democratization process in Bangladesh.

Opportunities to enhance democratization in Bangladesh abound in each of DCHA/DG’s sectors and sub-sectors. As indicated in Table 3, an interested donor could find worthwhile activities to support across the entire range of democracy interventions. But no donor could support them all, so it is necessary to pick and choose among them. This task we will take up in the next section, but here we will review the problems, possible remedies and constraints for each of the arenas and institutions listed in the table.

Table 3. Arenas and institutional opportunities for enhancing democratization in Bangladesh

Arena	Institution	Problem	Remedy	Constraint
Governance	Legislature	Dysfunctional	Westminster model	Unwanted all around
	Administration	Civil bureaucracy politicized, corrupted	Transparency	Ruling party determination to subordinate; corruption
	Local governance	Central control	Devolution; voice at center	Patronage allure
Legal	Constitution	Not enforced	Enforcement	Political will
	Judiciary	Lower courts belong to executive	Separation	Political will
		Higher courts becoming polluted	Save integrity	Political will
	Social mores: human rights	Human rights not enforced	Supplement service delivery with advocacy	Cultural practices & opposition
Competition	Elections	Rigging	Salvage integrity	Temptation for ruling party
	Parties	Centralization; corruption	Transparency; internal democracy	Unwanted internally by parties
Civil society	NGOs, CSOs	Politicization	Strategy development	Ruling party determination to subordinate
	Print media	Govt harassment	Press freedom	Political will
Extralegal	“Politics of the street”	<i>Hartals</i> distorting politics, disrupting economy	Westminster model	Winner-take-all mentality leaves no alternative
	Criminal gangsterism: police, <i>mastaans</i>	Violence; extortion	Cut off support from higher levels	Protection from political parties
	Parties, bureaucracy, local govt	Corruption	Anti-corruption commission??	Political will

### 3.1 Governance

We begin with the governance arena, noting that the national parliament has largely resisted any serious reform ever since 1991. The ruling party monopolizes all power, including even the electric power to opposition microphones in the legislative chamber, leaving virtually nothing for opposition parties, and whichever party is in power at a given time sees no reason to change this approach. The opposition, shut out completely, sees no reason to participate in what could only be a charade, and so boycotts the parliament, taking up the “politics of the street” with its constant disruption and economic dislocation. All pleas for comity, both international and domestic, have fallen on deaf ears. There is every reason to think that they will be ignored in the near-term future as well.

Likewise, despite many reports, studies, commissions, and promises of substantial donor support, attempts to promote serious reform in the bureaucracy have thus far proven futile. The government, whether in the authoritarian Ershad era or its more democratic successor, has either suppressed reports recommending reform or ignored them. Now that the bureaucracy has come under the control of the party system, reform must be regarded as even more unlikely.

Local governance has fared scarcely better. The 1972 Constitution mandates elected local governments at union, thana/upazila and district/zila level, and while elected UPs have remained more or less in place since 1972, the other two levels have been studiously ignored despite campaign promises by both parties.<sup>30</sup> Moreover, the little power and resources that were ever devolved to the UPs have been in large measure negated over the democratic era as governments have encouraged MPs to usurp UP functions. Since intervening in UP affairs is one of the very few activities (and opportunities for peculation) left open to backbench MPs, they can be expected to hang on to this perquisite with full vigor, supported by the ruling party’s inner circle, which has every interest in fobbing them off with these minor pickings.

### 3.2 Legal

In the legal sphere, the fact is that political will to fully implement the constitution (e.g., fulfill its mandate to set up elected local governments at all levels) has been lacking, most often because of strong interests benefiting from specific provisions not being implemented (in this example, the MPs who are able to interfere in local governance).

As for the judiciary, separating the lower courts from the executive seems simple enough, and certainly ample donor support would be available for it (e.g., from the World Bank), but each successive ruling party in fact very much wants to maintain control over these courts and so delays reform for its entire term of office. Nor does the ruling party have any clear incentive not to politicize the higher courts by appointing partisan judges. Here the challenge is not so much to improve as to avoid decline, and it is not so much donor funding that is needed as donor dialogue, but even so prospects for staving off such a contamination of the higher court system do not seem bright.

Human rights form one aspect of the legal sphere that falls across both the constitution (which promises to guarantee them) and the judiciary (which is charged with upholding them). Human rights also reflect the customs and mores of the predominant Muslim social culture, which in Bangladesh has historically not favored women’s rights nor paid much mind to children’s rights. Getting attention to either has been altogether an uphill slog, pushed largely by women’s advocacy organizations with some reluctant support

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<sup>30</sup> There was an exception during the Ershad period with the introduction of elected upazila parishads at what had been the thana level. The incoming BNP government abolished the upazila parishads on taking office in 1991, however, and they have never been restored.

from a state prodded by donors to show at least minimal enthusiasm for the enterprise. Aside from these NGOs and some donor supporters, no one has seemed much interested in pressing the case very far beyond extracting polite affirmations and the establishment of a Ministry for Women's and Children's Affairs. Such tepidness appears to stem partly from apprehension of a conservative backlash, but also partly because other priorities always somehow come out higher on the agenda lists that matter at higher governmental levels.

### **3.3 Competition**

Elections, along with the higher judiciary and the print media, have constituted the scarce bright spots in the tapestry of gloom that has largely characterized the democratic experiment in Bangladesh. Elections have shown an impressive ability to excite participation and to exact accountability from the people's governors. As noted in our Step 1 analysis of competition, turnout has been quite astonishingly high in all elections, ranging from 75% in the pourashava/municipal corporation elections held in May 2004 to 83% in the UP poll conducted the previous year. Even the more distant parliament inspired voters to the polls at a 76% rate of turnout in the 2001 elections. On the accountability side, the voters have twice now turned out a ruling party at the national level, first in 1996 and then again in 2001. In local elections, some 70% of UP chairmen ran again in 2003, but 70% of these were turned out of office by dissatisfied constituents. Voters, in short, have been able to exercise some discipline over elected officeholders.

But the cumulative impact we have detailed elsewhere of the politicization of the bureaucracy and the NGO community, the political use of gangsters, the centralization of corruption, and the apparent fixing of the next national caretaker government to favor the present ruling party collectively promise to severely debilitate and perhaps even eviscerate the electoral process by the time of the next election in 2006. The gravity of such an eventuality would be hard to overestimate, a theme we shall return to.

The parties have proven to be essentially incorrigible. Top-down in their origins and perhaps more so in the dynastic succession that has characterized the two major parties, they remain fundamentally not just undemocratic but antidemocratic in their internal governance structure. If anything, centralization of control has increased in recent years, particularly in the case of the current ruling party, the BNP. The basic constraint on reforming the parties toward internal democracy and transparency is that to do so would run against the immediate interests of those in charge of both major parties.

Occasionally some members chafe overly much at the top-down structure and bolt to form splinter parties or new ones, as with the Jatiyo factions of the Ershad party or the new Bikalpa Dhara Bangladesh (BDB) that just recently emerged from discontented BNP members. But the new formations generally wither amid the huge mélange of minor parties (usually numbering well over 50) or, in the case of the new BDP, may well succumb to government harassment. The prospects for reforming the parties, then, remain remote.

### **3.4 Civil society**

In many political systems, if parties should fail to channel citizen needs and wants to government or elections should falter as accountability mechanisms, civil society can step in to fill at least part of the gap. Civil society organizations can act as intermediaries representing citizens to the state and pressing the state to respond; in short, they can advocate people's interests to the state. And by demanding that the state explain what it is doing or not doing, they can exert a degree of accountability from the state.

On occasion the NGO community has filled this role in Bangladesh, as when its apex body ADAB joined in the anti-Ershad movement in 1990 (albeit at the eleventh hour) and when it joined the growing chorus of protest at the bogus elections of February 1996. But by and large the community self-consciously

eschewed any direct efforts to affect policy or state decision-making. In the last several years, however, the issue has been not so much an NGO community uncertain about engaging in advocacy toward the state but rather a state determined to politicize the NGO sphere, as discussed elsewhere in this assessment. NGOs have been drawn into the political vortex and in the process their autonomy from state influence and control is seriously threatened. This autonomy is critical to their ability to continue delivering services effectively. NGOs now desperately need to find a way out of the politicization box they have been put in.

The print media have furnished another beacon of hope in an embryonic democracy under heavy stress. Despite their low budgets and lack of experience, newspapers have managed to provide a public forum for dissenting political views and to undertake a degree of investigative journalism. They continue to do so, though journalists face increasing harassment and even physical injury from both gangsters and police, evidently often at the direction of political parties more concerned with the short-term gains to be had by intimidating the press than with any damage to the democratic process. Political will at the top would appear more on the side of continuing and even intensifying the intimidation than inclined toward ending it.

### 3.5 Extralegal

Finally, we should consider the extralegal arena, which comprises three deep and abiding problem areas for Bangladesh. First there is the “politics of the street,” which has been a characteristic and consistent feature of the country’s political landscape since the agitations of the 1980s. For the most part shut out of any meaningful legitimate role in the Ershad period, the two major parties crafted a strategy of rhetorical bombast, rallies, demonstrations, and processions, carefully calibrated to culminate in general strikes (*hartals*) that endeavored to preclude all public and private activity. Sometimes the *hartals* fizzled out, but, when successful, they showed the opposition’s political power by shutting down the capital city and other major urban areas. Virtually all government and private sector business came to a halt, on occasion for days at a time.

After the democratic transition in 1991, and the onset of the winner-take-all approach imposed by the ruling party, the politics of the street became the province of the opposition party, whether it was the Awami League or the BNP. Virtually all observers of the political scene over the last decade or so concur that this conduct by both ruling party and opposition has been counterproductive, but none see much serious scope for changing it to anything beginning to resemble comity between the parties. However, as discussed in the context of Step 1 in our analysis, this behavior did follow a certain set of informal rules that permitted the polity to endure. But virtually everyone the team talked with expressed the view that, over the last year or two, what had been a pattern of dysfunctional though not totally debilitating behavior has now moved significantly and perhaps even irreversibly in the latter direction. Much of the reason for this system breakdown lies in the violence and corruption that have been rapidly increasing in recent years – to which we now turn.

Criminal gangsterism and violence comprise the second component in Bangladesh’s extralegal arena. Perpetrators include both the police and civilian hoodlums most often referred to as *mastaans*. Both groups practice extortion on a wide scale, demanding “protection” money from businesses small and large, as well as individuals, and they operate in this fashion in the city as well as in the countryside. This pattern of behavior has been endemic in Bangladesh for many decades stretching back into the colonial era, of course, but virtually all those we talked with agree that it has markedly accelerated in recent years. Individuals in the professional class now face telephoned threats of bodily harm combined with demands for money, businesses presently find they must retain their own *mastaans* to provide some semblance of protection against rival gangs, and police collaborate openly with rural gangster-vigilantes. Most ominously from the democratization viewpoint, both political parties now openly retain their own groups

of *mastaans* to furnish muscle power (and not infrequently assassinations) against opponents, with the police providing an extra resource for harassment to the party in power. A more detailed analysis of these patterns will be found in Annex D to this report.

The third extralegal component consists of corruption, which has also been on a rising trajectory. Again an old theme in the subcontinent, corruption has existed at both the petty level and the grand scale at least since the Mughal empire. Private individuals must offer some *ghush* to obtain a license or electrical connection, while public servants frequently must purchase their postings, from constable on the beat to high-level slots in engineering careers. At the top, large contracts for procurement or construction have generally involved some degree of kickback in the form of over-invoicing or even a straight percentage payment to high-ranking officials.

Has corruption actually become worse in the last decade or so in Bangladesh? Such a question is of course impossible to answer, given the subterranean nature of the phenomenon, but those we interviewed uniformly insisted that it has worsened. *Ghush* requirements to get wheat allotments released to UPs or NGOs that had been covert, for instance, are now quite overt, we were told. In any event, with the introduction of Transparency International's Corruption Perception Index (CPI), Bangladesh has now achieved worldwide notoriety in the corruption arena, ranking as the world's most corrupt country for the last three years in a row – a considerable achievement indeed, given the stiff competition for this distinction from so many other countries. For a more in-depth account of corruption, please see Annex D.

As with violence, the most threatening aspect of corruption from the democratization perspective is that it now appears to have infected the entire political system from top to bottom. It has served as the central lubricant for suborning the bureaucracy, helping to turn it from an entity that enjoyed significant autonomy to one now in thrall to a patron-client structure. It has turned the union parishads into appendages of the parties by placing them under the MP thumb. It has made the inner circle next to the prime minister the linchpin of decision-making. And it has fueled the increasing gangsterism now coming to characterize the political parties.

Collectively, the *hartal*-oriented disruption, the gangster/police-based violence and the pervasive corruption severely endanger what remains of the polity's integrity. All these extralegal institutions stand in dire need of correction if the polity is to endure, but they also stand beyond the reach of any donor-assisted initiatives, at least any that USAID or any other donor can mount in the foreseeable future.

### 3.6 Summary

Each of the arenas and institutions noted in this section shows serious troubles that could well prove highly injurious to the national democratization project in Bangladesh, but one in particular stands out as a problem area that could well become fatal if not attended to forthwith: the electoral process, which with supporting roles played by the print media and the higher judiciary has been the chief bulwark holding the badly flawed democracy experiment in place.

Elections could be dismissed as playacting at citizenship, conferring an illusory fig leaf of legitimacy to a badly corrupted system. But fig leaves are hugely important here. If people believe the system has some credibility and support it by participating in it, even if they see it as almost threadbare, then the possibility is there to keep it running in the short term and improve it over the middle term. If they stop believing – which they may well do if the 2006 election comes to be seen as fixed – the democratization game is lost. We can forget all the other components in Table 3. There will be no point in trying to correct the inadequacies of the governance or legal arenas, or the corrosive extralegal institutions discussed above, because the fledgling democratic base established in 1991 will have in effect disappeared. The first

priority, then, for USAID must be what amounts to a holding action to keep the electoral system from disintegrating. If the 2006 election is perceived as basically free and fair, then there will be the political space needed to support other reform efforts in the DG sector. If it is not, there probably is no point in worrying about these other activities, for the political space will have been closed off.

## 4.0 Recommendations for a Democratic Governance Strategy in Bangladesh

In its current DG strategy, USAID has chosen to work in three areas: elections/parties (SO 9.2), local governance (SO 9.1), and human rights (SO 9.3). We will recommend continuing these areas of support, and add one more: the NGO/civil society community. As indicated at the close of the previous section, our first priority will be supporting efforts to assure that the 2006 election is essentially free and fair, for in our view doing so has become the *sine qua non* for keeping even a modest degree of democratization alive in Bangladesh.

### 4.1 The Electoral System (Priority 1)

We believe that we have abundantly shown in this assessment that the first priority in democracy assistance to Bangladesh over the next couple of years must be keeping the electoral system sufficiently intact to maintain the legitimacy of the country's fragile democracy. Such a recommendation goes against some of what has become conventional wisdom in democracy assistance, to the effect that American democracy promoters have tended in the past to "overdo elections" by putting too much stock in them and by confusing elections with democracy itself, thinking that one or two reasonably free and fair elections virtually signifies a democratic consolidation.<sup>31</sup> So we should make clear that we do not believe that if Bangladesh can hold a fourth such election it will have passed any consolidation threshold. Instead, our concern is that the national democratization project in Bangladesh has become so precarious that a compromised election in 2006 will in all likelihood eliminate the thin legitimacy that the present democratic polity enjoys, and that the political system will no longer be democratic in any meaningful sense or be perceived as such. In other words, we are urging a holding action, to keep the present very badly flawed democracy from deteriorating irretrievably.

Needless to say, we do not think that salvaging a fourth more or less free and fair election will ensure that Bangladesh will go on to a democratic consolidation, or even that doing so will guarantee its continuation as a low-performing electoral democracy. But if the country does not get through the 2006 election successfully, we fear the democratic game itself will stand in serious danger of being lost. Nor are we arguing that other democracy support initiatives are unimportant; if the country is to advance beyond its present level of democratization, local governance, human rights, judicial reform, the parliament, and all the other institutions depicted in Table 3 and discussed in Step 3 above will have to be improved greatly. But absent an acceptable election in 2006, there won't be much purpose in pursuing any of those objectives.

These conclusions are scarcely startling in contemporary Bangladesh. Almost everyone we met with – among donors (including USAID), think tanks, academics, journalists, USAID partners, NGOs/civil society organizations – provided essentially the same analysis, and most (though not quite all) had arrived at a similarly gloomy prognosis.<sup>32</sup> So we find ourselves reinforcing what is already widely believed.

There are many critical dimensions of the electoral process in Bangladesh that need attention, including:

- The caretaker regime arrangement
- The mechanics of elections and the Election Commission's work in recruiting, training and managing temporary personnel (teachers, bank workers, etc.)
- Certifying candidates and their ballot symbols

<sup>31</sup> See Carothers (1999: esp. 136-140).

<sup>32</sup> Similar assessments have also appeared in print (e.g., Khan 2003).

- Registering voters
- Conducting the poll itself
- Relations with the media
- Adjudicating election claims and counterclaims
- The parties and the campaign process
- Lack of intra-party democracy
- Candidate selection
- Spending
- Violence
- Exclusion of women
- Election coverage
- Media reporting and dissemination
- Monitoring of election and vote counting
- Post-election tribunals
- Seating the new parliament

All of these dimensions stand in danger of compromise. The caretaker regime's integrity has been put into serious and perhaps critical doubt with the 14th Amendment's change in its headship. Even if the caretaker government's head does not show a bias toward the incumbent BNP government, it is so widely perceived that the 14th Amendment's main purpose was precisely to effect such a bias that the election itself already appears badly compromised.

The Election Commission operation shows serious deficiencies in all aspects of the process, some due to interference on the part of the parties and party-related gangs with its work, some simply because the vast army of 500,000+ workers seconded from other jobs backed up by an equal number of security personnel from the police and military just lack adequate training about what their jobs should be. In addition, the chief election commissioner, all the commission's other members, and the secretary (the civil servant heading its administration) are all scheduled to retire in 2005. Needless to say, partisan appointments to these posts could cause huge damage to the integrity of the 2006 election.

The parties suffer from a range of debilitating problems, beginning with an internally authoritarian structure that determines one's place in terms of upward fealty to party leadership rather than any sort of merit. Candidates, who were earlier chosen to some extent for their political and campaigning skills, are now increasingly selected for their ability to bring financial resources to the party. This influx of money plus the dividends of corruption (public moneys siphoned into party coffers) and violence ("tolls" exacted by gangs on behalf of parties) have meant campaigns far in excess of the Tk 500,000 ceiling established by law. Aside from occupying the leadership role in the two major parties, women have no real voice in the electoral process, having been firmly shut out of it by the 14th Amendment awarding a set number of MP seats to women proportionally chosen by party leaders, not by direct election as had been proposed.<sup>33</sup>

In the campaign itself, the press does not do very well in providing election coverage, and what the media do supply is not widely disseminated, for newspapers enjoy only modest circulations, while broadcast media either remain under state control or offer little in the way of serious political reporting after the more assertive ETV was shut down. And although monitoring voting itself has perhaps modestly improved over the years, neither the media, the parties nor the NGO/civil society community have been able to become more than marginally effective at monitoring the equally (if not more) important ballot counting process.

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<sup>33</sup> Though it does not explicitly address the issue of reserved seats, the Constitution stipulates that all MPs should be directly elected, thus strongly implying that reserved seats should be filled in the same manner.



A credible process for resolving election disputes is lacking. Moreover, irrespective of whether an election has been honest or not, invariably the losing party claims fundamental fraud and chicanery, and though it may attend a session or two of the new parliament, it soon boycotts the Jatiyo Sangsad and resorts to street politics to stir up resentment against the incumbent government.

What is to be done? Fortunately the European Union and the UNDP are already working with the Election Commission to improve performance. Some small collaboration from USAID might be helpful, but these other donors are carrying the load here. In the other areas, USAID's CEPPS/IRI/NDI initiative is already at work along many lines, and we want to encourage these partners to continue their work. Some of the initiatives here are longer term efforts, such as training new party leadership, promoting internal democracy within the parties, crafting a greater governance role for opposition MPs and backbenchers from the ruling party, and convincing party leaders that there are more advantages in polling to assess voters' wants than in recruiting voters through patronage and coercion. These activities should be pursued, for without a participatory, accountable and responsive party system, Bangladesh will never move past the early stages of democratization that it is now stalled in. But these efforts will probably not have much immediate impact on the upcoming national election in 2006. The USAID partners are also engaged in a number of shorter term activities, however, which should be not only continued but intensified, including in particular building capacity on the part of both media and NGOs to monitor the entire election cycle from candidate selection to post-election dispute settling.

#### Additional Initiatives

- Watching the watchers, by supporting a "media watch" effort to track press coverage of the electoral cycle. Such an enterprise could issue weekly bulletins beginning with the launch of the caretaker government and carrying on through post-election dispute settling.
- Supporting a federated umbrella organization bringing together election-monitoring NGOs (e.g., CCHRB, Democracy Watch, FEMA, JANIPOB) that could coordinate their activities, represent the sector to the Election Commission, the caretaker government and the media, develop and publicize best practices, and advance the state of the electoral monitoring art. Perhaps CAMPE, which includes more than 400 NGOs involved in promoting literacy, could be a model.

Such efforts as these will be helpful and we hope effective in promoting honest and credible elections in 2006. The media component is worth emphasizing here, inasmuch as one might well ask what difference it will make if an embryonic print media catering to a very small circle of urban elites covers elections accurately or not, particularly when the news, investigative reporting and analyses they print are largely known to these same elites in any event. The answer is that the real function of independent and effective media is to turn this incomplete and private knowledge into a deeper and more importantly public knowledge that cannot easily be denied or brushed aside. In consequence, once the knowledge has become public, the state (or the party or politician) finds it necessary to account for what it has done. This making public of what had been private will not by itself change the political landscape, but does make it much more difficult for malefactors to hide and creates a significant incentive for leaders to be more honest. And an effective campaign monitoring federation would intensify the capacity of the media to perform this function of speaking truth to power.

But these initiatives are unlikely by themselves to be enough to ward off or prevent the somber scenario that we have sketched out above. In all probability more – most likely a lot more – is going to be needed. Specifically, the political will must be found at the topmost leadership levels to have a clean election in 2006. What is necessary is for the leadership to decide that:

- The 14th Amendment provision for the caretaker government must be scrapped.
- The electoral use of organized gangs must be eliminated.
- The bureaucracy and especially the police must not be used as instruments to be manipulated by the ruling party.
- The NGO/civil society community must be allowed autonomy.

But where is the political will for effecting such drastic changes to come from? The short-term incentive structure facing both major parties leads them to continue on their present path of doing everything in their power not to support but to subvert free and fair elections.

In the end, it will have to be the donor community that supplies the leverage to convince the political class to change its electoral ways. Nothing less is likely to do the job. And it will have to be the donor community as a whole (or at least a large portion of it) that exercises the leverage. Certainly the United States does not possess sufficient weight as a donor by itself to convince the political class to follow the program outlined just above. Nor could it afford diplomatically to unilaterally withdraw its assistance to one of the very few large Muslim countries that has any promise of being a democracy.

Instead, we would suggest that the best strategy would lie in convincing the major part of the donor community, including in particular the World Bank, IMF and ADB, to join in a concerted diplomatic dialogue with the government and the opposition to induce them to back away from their present trajectory and in favor of holding an honest election in 2006. The case to be made would be more or less as follows:

- A tainted election will forfeit the good will of the international community. Bangladesh won't immediately become a pariah state on the order of Burma/Myanmar, but it surely won't help to be placed internationally in the same category as Cambodia or Zimbabwe.
- Direct foreign investment, already anemic, will decline dramatically in the wake of a fraudulent election and the instability it is sure to engender.
- Exports, expected as things now stand to drop seriously with the end of the Multi-Fiber Agreement in 2005, will in all likelihood plunge significantly further if importers in other countries conclude that they cannot count on steady production in a Bangladesh that has become unpredictably volatile.
- International peacekeepers will not be welcome from a country that is highly likely to have to call them back abruptly to handle disruption and violence at home.
- Since a significant part of Bangladesh's appeal as an assistance target lies in its efforts to pursue a democratization path, some donors will walk away from a discredited democracy, while others will reduce assistance, many of them drastically. There are other fledgling democracies for which a better case can be made for donor support. Bangladesh's failure to make the Millennium Challenge Account list should be instructive here.

It is, of course, the last argument that would be most effective and probably dispositive in making a convincing case. But it would only work if donors are prepared to invoke the threat and make it known that they are. Some donors may not be so willing; others could be convinced that such a step is necessary, at least if the representative sentiments they voiced to us are any guide to their policy thinking. In any event, a great deal of diplomatic effort will most likely have to be invested to build a united donor front if such a threat is to be credible. We believe the effort would be worth it.

## 4.2 NGO/Civil Society Strategic Assessment: A Modest New Initiative (Priority 2)

Along with the crisis in the political system, one of the most distressing recent changes in Bangladesh has been the politicization of the NGO/civil society community<sup>34</sup> and the loss of autonomy it portends. Over the period since independence in 1971, the development of the country's NGO community has received well-deserved worldwide acclaim. The institutionalization of initiatives like micro-credit, scaling up, social marketing, and women's advancement has put Bangladesh in the very front rank of development innovators and is a justifiable source of great pride to the country. Moreover, the collective impact of the NGO community has been huge. While it is of course difficult to make definitive attributions in the development business, there's no doubt that these organizations, which now cover an estimated four-fifths of Bangladesh's villages and one-fourth of its rural population, have had an immense impact on the lives of poor people.

There are questions about reaching the ultrapoor, some corruption, high salaries, excessive claims of achievement, and so on, to be sure, but then any set of institutions that affects the lives of millions of people in a country like Bangladesh – which after all does rank as the world's most corrupt – must be expected to accumulate some blemishes over the years. It would be astounding if this were not the case. The main fact is, these few barnacles notwithstanding, the NGO community has contributed hugely as an alternative and supplement to government as the principal engine for promoting development in Bangladesh. For all this to be vitiated through infestation from the parties and intrusion from the state would be a tragedy of the first order, for Bangladesh and for the international development community as well.

But while the magnitude of the disaster that potentially awaits the NGO community and Bangladesh may be clear, how to avert such a calamity and how to maintain NGO effectiveness is far less so. Donor intervention could save various aspects of the situation in the short term, and as it has done before, for example with the LCG's NGO subgroup's role in convincing the government to at least temporarily pull back from its attempt to impose regulations on confiscation of NGO assets earlier this year. It may be necessary again.

Beyond donor intervention, however, what is desperately needed is a thorough strategic assessment of the NGO/civil society situation in Bangladesh. Several pressing questions need a serious and probing analysis, among which the most important ones are the following:

### Autonomy

In the present situation, can autonomy from control by the state and the parties be salvaged? If so, what would be needed to achieve this, and from whom (NGOs/CSOs themselves, the state, the parties, the donors)?

### Service Delivery and Advocacy

What should be the balance between service delivery and advocacy? How far in either direction can a group move while remaining viable? Throughout most of the 1970s and 1980s, NGOs largely confined themselves to a service delivery role. Part of the reason for the present crisis lies in efforts on the part of

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<sup>34</sup> As earlier in this assessment, we follow the distinction made in Bangladesh between "NGOs" and "civil society," whereby the former category comprises the multitude of organizations receiving foreign funding (and accordingly being required to register formally with the government) and the latter includes essentially non-foreign-funded bodies, which might be small service delivery operations, or could be substantial groups like the FBCCI.

some NGOs to take on policy advocacy roles, urged on in a number of cases by well-meaning donors, academics and think tank experts decrying their indifference to policy issues. One of the critical functions of civil society in democratization theory and donor assistance strategy, after all, is to influence public policy. Why, so the thinking went, shouldn't NGOs, especially the bigger and more established ones in Bangladesh, take on this role? Not surprisingly, we see in retrospect, doing so (or even seeming to do so) in such a highly charged political atmosphere has provoked a reaction from the government side. But what should be the balance here? What room for advocacy maneuver can be found or created by NGOs?

### State Relations/The Donor-State-NGO Triangle

How can NGO/civil society relations with the state be improved? How can this community best be represented to the state, now that ADAB has essentially disintegrated as the apex body? Can it be resurrected or a new apex organization created?

Foreign funded NGOs have been on the scene since before independence, but beginning with the late 1980s, donors have increasingly been using NGOs as their partner organizations in Bangladesh, rather than working through the government. At present, it is estimated that perhaps 20% of all development assistance goes through NGOs. Nor surprisingly, this higher NGO profile has caused much resentment within government circles, as well as the political parties, who feel they themselves should have the major role (and most of the funding) in promoting development in every sector. And of course, moving assistance moneys through NGOs means fewer opportunities for siphoning and peculation on the part of bureaucracy and parties at all levels. How does this whole dynamic affect NGO effectiveness, the autonomy issue, and the future of the NGO community?

It should not be difficult to undertake an assessment along these lines. Certainly the cost would be modest, and, if USAID should not have adequate resources to fund the work, it would not be hard to find the money from the donor community. Ideally, such a study could be sponsored by the LCG subgroup on NGOs, with funding coming from several donors, a move that would give its findings and recommendations more impact than if it came from a single donor. What is critical, though, is to get the effort launched before the NGO/civil society situation deteriorates further.

### **4.3 Local Governance (Priority 3)**

As we have discussed earlier in this report, representative local governance in Bangladesh, never strong in the best of times (which for elected local government occurred, ironically, in the authoritarian Ershad period), has in fact deteriorated since the democratic transition of 1991. The bureaucracy remains loath to give up any real power or resources to the local level, while raptor-like MPs seize what little remains of local resources to stoke their own patronage operations, and the ruling party tries to push measures to impose "caretaker" UP governments that would take over at the end of elected terms to "manage" the next round of elections. Notwithstanding the rhetoric surrounding such endeavors as the new *gram sarkar* scheme for representative bodies at the sub-union level, local governance has been sinking into deeper trouble for some time.

More than anything else, local government needs "a friend at court": some advocate to make the case for it at the macrolevel, with the ruling party elites, the bureaucracy, the media, the public policy community, etc. The new NUPF and MAB organizations supported by USAID's LGI program are trying to take on that role, and indeed played an important role in convincing the government to shelve the UP "caretaker" scheme mentioned just above.

Despite its initial successes and the enthusiasm with which our team observed UP officials embracing it, however, the LGI is sure to be a long uphill effort that will take a number of years before its effectiveness begins to approach what has been achieved by, say, the various local government leagues in the Philippines. To be specific, while we find the LGI to be making impressive progress, one five-year USAID initiative will not endure long enough to see these organizations fully effective and launched into self-sufficiency. We therefore strongly urge a follow-on effort to LGI through a mechanism best suited for the purpose, to commence immediately on its expiration at the end of FY 2005.

We should also mention LGI's efforts to expand media coverage (both electronic and print) of local news, elections and issues bearing on decentralization and local governance. Reporters have responded and helped lead the way to mobilizing public opinion on such issues as several provisions of the proposed 14th Amendment to the Constitution. Recently a new association of journalists who focus on local government and development issues has formed to further support this work. Thus, despite the very difficult conditions under which individual reporters and editors function, there is still a role for the press to play in furthering transparency and accountability in Bangladesh today. This initiative should also be continued.

#### **4.4 Women's and Children's Human Rights (Priority 4)**

Though there are several government agencies involved in human rights issues for women and children, the NGO community has contributed the most in this area, and donors including USAID continue to put their main programming emphasis on NGOs. In USAID's SO 9.3 programming, AED as the principal partner organization works exclusively with NGOs as subgrantees in its work. These NGOs face two basic problems:

- The process issue: moving from "needs-based" to "rights-based" programming.
- Substance issues: anti-trafficking and women's empowerment more generally.

The process issue: The NGOs we met with that work in this subsector spoke of "needs-based" and "rights-based" efforts, which really amounts to another way of saying service delivery and advocacy. These individuals had worked in areas like education, health, and family planning in service delivery activities, and now found themselves taking on empowerment and advocacy agendas. They clearly agreed such an expansion of effort was worthwhile, but expressed considerable apprehension about taking on the social, cultural, bureaucratic and even legal (e.g., male dominated *salish* structures) obstacles they faced.

##### The Anti-trafficking Issue

An effective anti-trafficking initiative would have to include at least the following elements, all three of which include a good portion of advocacy:

- Prevention: Police concern and involvement (regular police and border police), also local government involvement (UPs, Pourashavas, city corporations), and government prosecution efforts.
- Remediation: Rescue, rehabilitation and reintegration of victims.
- Empowerment: Education (including legal rights awareness) for women; community awareness.

The first two points above are not that controversial, in that the political elites, the bureaucracy and essentially all important constituencies in Bangladesh would agree that they should be pursued, while no significant elements would oppose them. The third point begins to impinge on the whole set of social and cultural norms that have historically subordinated women, however, and will be much more difficult to

attain. Two additional components of the SO 9.3 initiative can also be considered as women's empowerment efforts: alternative dispute resolution (ADR); and working with women members of the UPs, elected from reserved seats for the first time in 2003. Both these activities fall toward the rights-based or advocacy end of the spectrum.

Our recommendation is to continue along the present track, pursuing the socially essential but largely non-confrontational activities in anti-trafficking, while at the same time building within the sub-grantee NGOs the capacity to take on more rights-based advocacy efforts. This would mean emphasizing the prevention and remediation components listed above while also working on the empowerment component, as well as the ADR and UP activities.

#### **4.5 Summary**

Working against a backdrop of increasingly serious threats to democratization in Bangladesh over the last several years, the first priority for USAID assistance in the DG sector must be ensuring that the 2006 election will be reasonably free and fair, and that it will be perceived that way. Indeed, we would argue that salvaging the 2006 election should be considered the first priority among all the USAID sectors where work currently goes on in Bangladesh. We have suggested several activities that can help shore up the electoral process, but the main thrust of this holding action will have to come on the diplomatic side. A second priority should be to conduct a thorough assessment of the current NGO/civil society situation in Bangladesh, with a view to protecting it against the threats now confronting it. These two recommendations are more immediate, focusing on what we believe is the precarious position of democracy today and extending over the next couple of years.

Our other two recommendations are longer term in nature, intended to apply to the remainder of USAID's current DG strategy ending in 2007 and to inform the crafting of a new follow-on strategy. They are to continue with the SOs 9.1 and 9.3 in local governance and women's and children's rights. Given the predations against it in recent years, elected local governance will need a strong advocate at the macro-level if it is to become anything more than a small cog in the national patronage machine, while human rights for women and children will need continuing support if they are to gain any serious headway in the coming years against the weight of culture and tradition that impede their enhancement.

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## Annex B: Persons and Organizations Consulted (By Category)

### U.S. Embassy/ Dhaka

Harry K. Thomas, Jr, Ambassador  
Judith A. Chammas, Deputy Chief of Mission  
Dundas Mccullough, Head of Pol & Econ Section  
Firoze Ahmed, Political Specialist

### USAID Personnel

#### Top Management

Gene V. George, Mission Director  
Beth Paige, Deputy Director  
Caryle Cammisa, Chief, Program Office

#### Democracy, Governance and Education

Carol Horning, Director; Office of Democracy, Governance, and Education  
Rezaul Haque, Democracy Team Leader  
Nishat A. Chowdhry, Human Rights Advisor & Gender Specialist  
Lawrence W. Dolan, Education Team Leader  
H.M. Nazrul Islam, Democracy Program Specialist  
Sughra Arasta Kabir, Education Advisor  
Ana R. Klenicki, Democracy Advisor (on TDY)  
Tye Ferrell, Urban Development Officer (on TDY)

#### Enterprise Development/ EGFE

McDonald C. Homer, Team Leader

#### Energy Program

Bruce McMillen, Senior Energy Advisor

#### Population, Health and Nutrition

Sheri-Nouane Johnson, Team Leader  
Moslehuddin Ahmed, Program Management Specialist  
Sheikh Belayet Hossain, Program Management Specialist, Population Health and Nutrition Team

### USAID Partners

#### Academy for Educational Development (AED)

Armana Ahmed, Senior Program Officer, Bangladesh Human Rights Advocacy Program  
Khaleda Khatoon, Program Manager, Bangladesh Human Rights Advocacy Program  
Susan Ward, Chief of Party, Bangladesh Human Rights Advocacy Program  
Jorge Santistevan de Noriega, Consultant

#### Associates in Rural Development (ARD), Local Government Initiative

William Cartier, Chief of Party  
Zarina Rahman Khan, Deputy Chief of Party  
Indeok A. Oak, Grants Manager  
Jamil Ahmed, Media and Communications Specialist  
Kaiser Ahmed, Operations Manager  
A.K.M. Saifullah, Policy Advisor  
Lynette Wood, Senior Associate; Knowledge, Attitudes, and Practices National Survey

Brian M. Katulis, Consultant, Knowledge, Attitudes and Practices National Survey

International Republican Institute (IRI)

Alex Sutton, Resident Program Director  
Sara Werth, Resident Program Officer

National Democratic Institute (NDI)

Owen Lippert, Resident Director  
Deborah Healy, Senior Program Manager  
Saiful Karim, Senior Program Officer

Solidarity Center, American Center for International Labor Solidarity

Rob Wayss, Field Representative

NGO Service Delivery Program

Naba Krishna Muni, Institutional Development Specialist

Save the Children Australia (sub-grantee in AED Human Rights Advocacy Program)

Sultan Mahmud, Country Director

**Other Donors**

The Asia Foundation

Kim McQuay, Representative  
Farouk A. Chowdhury, Program Director  
Shahjahan Kabir, Program Advisor

Canadian High Commission and CIDA

Rajani Alexander, First Secretary for Development

Department for International Development (DFID, UK)

Mehtab Curry, Team Leader, Governance, Growth and Rights  
A. M. M. Moniruzzaman, Programme Officer; Governance, Growth and Rights  
Johny M. Sarkar, Chars Livelihoods Programme Coordinator

European Union

Anne Marchal, First Secretary

Royal Danish Embassy and Danida

Tom B. Hansen, Minister Counsellor, Deputy Head of Mission  
Shireen P. Huq, Senior Programme Officer, Programme Support Unit  
Hossain Shahid Sumon, Programme Officer

Swedish International Development Authority (SIDA)

Johan Norquist, First Secretary  
Anne Bruzelius, Counsellor

United Nations Development Program (UNDP).

Charlotte Duncan, Donor Coordinator and Governance Advisor  
Durafshan H. Chowdhury, Senior Programme Officer

World Bank

Nilufar Ahmed, Sr. Social Scientist

### **Government of the Peoples Republic of Bangladesh**

Prime Minister's Office

Kamal Uddin Siddiqui, Principal Secretary

Election Commission

M.A. Syed, Chief Election Commissioner

S. A. Zakaria, Secretary

Parliamentarians and Party Executives

Khondoker Delwar Hossain, MP, Chief Whip (BNP)

Saber Hossain Chowdhury, Political Secretary & Organizing Secretary (AL)

Ghulam M. Quader, MP (Jatiyo Party)

Syed Abdullah Md. Taher, MP (Jamaat-e-Islami)

Ministry of Local Government, Rural Development, and Cooperatives

H.M. Abul Qasem, Secretary-in-Charge

Waliul Islam, Sr Assistant Secretary

NGO Affairs Bureau

Md. Mizanur Rahman, Director General

S. M. Mesbahul Islam, Director

Ministry of Women's and Children's Affairs,

Ferdaus Ara Begum, Joint Secretary

### **Local Government Elected Officials**

Fakir Tariqul Islam, Chairman; Satgumboz Union Parishad, Bagerhat District, and Organizing Secretary, NUPF Central Committee, Dhaka

23 other elected UP and Pourashava officials in focus groups (see below)

### **Bangladeshi NGOs/ Associations**

Banchte Sheka

Angela Gomes, Executive Director

Shahida Khan, Manager ADR Project

4 other ADR project staff

Bangladesh Legal Aid and Services Trust (BLAST)

Bangladesh National Women Lawyers' Association (BNWLA)

Shirin Naher, Deputy Program Manager, Protection and Legal Action Against Women and Child Trafficking

A.Y.M. Nazmus Sadat, Senior Information Officer

Bangladesh Rural Advancement Committee (BRAC)

Salehuddin Ahmed, Deputy Executive Director

Bangladesh Shop Owners Association (and Private Sector Actors) (Focus Group)

Md. Shah Alam, Stand Rose (Garments), Akhi Trade Fair

Amir Hossain Khan, Chairman, and Member of Standing Committee on Law and Order of the

FBCCI; Chairman Himalaya Group of Companies; Chairman Anirban Shilpa Ltd.; Director Samata Textile Mills.

S.A. Quader Keron, Secretary General; Owner of S.S. Enterprise; Managing Director Anirban Shilpa Ltd.

Al-Haj Hwnhresur Rehman, businessman.

Mohd. Selim, Director, Merantile Bank Limited; Metropolitan University; Global Insurance

Limited; Owner, Suman Cloth Store; Central Plaza Dhaka; Shajib Trading

CARE Bangladesh

Brigitta Bode, Social Development Coordinator, Rural Livelihoods Program, Dinaipur.

Concerned Women for Family Development  
Nargis Sultana, Project Director, NSDP Program  
Zahur Fatima, Director WID Program

Campaign for Popular Education (CAMPE)  
Tasneem Ghafoor Athar, Deputy Director  
Tapan Kumar Das, Program Manager, Continuing Education Unit  
Ahmed Swapam, Deputy Program Manager and Policy Analyst

Democracywatch, Mymensingh  
Wazed Feroz, Program Manager  
Mohammad Golam Sharif, Program Officer  
Ziaul Haque “Moon”, Program Officer

Diakonia (Affiliated with Swedish Development AID-SIDA)  
Sultana Begum, Country Representative

Federation of Bangladesh Chambers of Commerce and Industry (FBCCI)  
Abul Awal Mintoo, President

National Election Observation Council (JANIPOP)  
Adv Itrat Amin, National Coordinator.

National Union Parishad Forum (NUPF)  
Fakir Tariqul Islam, Central Committee Dhaka, District Committee, Bagerhat

Padakhep  
Manabik Unnayan Kendra, Program Manager, Street Children Program

Palli Shishu Foundation (PSF)  
Dr M.S. Akbar, President  
Abdur Razzaque Khan, Project Director for NSDP

PRIP Trust  
Aroma Dutta, Executive Director

Population Services and Training Center (PSTC)  
Commander Abdur Rouf, Policy Advisor

Progoti Samaj Kallyan Protishan (PSKP)  
Jerin Hyderi, Project Director

Progoti Samajkallyan Prothisthan, Porichalana Parishad Jatiya  
Al-Haj Zebun Nessa Hossain,  
Dr Jerin Hyderi, Project Director

Rupantar  
Swapan Guha, Chief Executive  
Rafiqul Islam Khokan, Director  
Ashim Ananda Das, Program Officer

South Asia Partnership Bangladesh (sub grantee, AED HR Project)  
Syed Nurul Alam, Executive Director  
Avra Saha, Project Coordinator

#### **Think Tanks**

Centre for Policy Dialogue  
Debapriya Bhattacharya, Executive Director

Power and Participation Research Centre  
Hossain Zillur Rahman, Executive Chairman

#### **Other Individuals**

Sultana Begum, Country Representative, Diakonia. (SIDA Affiliate)  
Mohamad Mohabbat Khan, Professor of Public Administration, Dhaka University; member of the Public Service Commission





## **Focus Groups Conducted**

### ***Khulna, NGOs/CSOs, May 22***

Monzurul Hasan Milon, Executive Director of Badhon (BMUS), Bagerhat  
Mohamed Kamruzzaman, Executive Director, Ash Bangladesh, Bagerhat  
Abdur Rahman Abder, Secretary, Janokalan Samity, Khulna  
Kazi Hafizur Rahman, Executive Director, Shabolomby, Narail  
Abdus Sobur, Executive Director, Agrogoti, Satkhira  
Sk. Abdul Quayum, Convener, Citizens Forum, Khulna City

### ***Bagerhat, Citizens Group, May 22, at Union Parishad Office (12 men, 5 women)***

2 teachers, 3 farmers (2 shrimp), 1 mason, 1 rickshaw puller, 2 small businessmen, 1 security guard, 1 ansar member, other various

### ***Khulna, City Corporation Elected Commissioners, May 22***

Saiful Alam Litu  
Md. Abul Kashem  
Ruma Khatum  
Kanika Saha  
Md. Moniruzzaman

### ***Khulna, Union Parashad Chairs and Members, May 23***

Toshna Ahmed  
Monbaj Kanti Mondal  
Md. Alam Zafar  
Md. Motiar Rahman  
Fakir Tariqul Islam  
Gazi Tafzir Ahmed  
S. M. Alamgir Hayder  
N. Mallick

### ***Bangladesh Shop Owners Association Focus Group, May 26, at Sarina Hotel***

Five persons (see list under NGOs & associations above)

### ***AED Partner Focus Group, May 27***

Bangladesh Legal Aid and Services Trust  
Bangladesh National Women Lawyers Association (BNWLA)  
Shirin Naher, Deputy Program Manager, Protection and Legal Action Against Women and Child Trafficking  
A.Y.M. Nazmus Sadat, Senior Information Officer  
Padakhep, Manabik Unnayan Kendra- Program Manager, Street Children's Program,  
Save the Children Australia- Sultan Mahmud, Country Director  
South Asia Partnership- Syed Nurul Alam, Executive Director, Avra Saha, Project Coordinator

### ***Focus Group with Health Service Delivery NGOS affiliated with USAID's National Service Delivery Program, May 25***

USAID: Population Health and Nutrition Team  
Moslehuddin Ahmed, Program Management Specialist  
Sheikh Belayet Hossain, Program Management Specialist



USAID: NGO Service Delivery Project  
Naba Kroshna Muni, Institutional Development Specialist  
Concerned Women for Family Development  
Nargis Sultana, Project Director, NSDP Program  
Zahur Fatima, Director WID Program  
Palli Ahishu Foundation of Bangladesh (PSF)  
M.S. Akbar, President and Member of Parliament  
Abdu Razzaque Khan, Project Director for NSDP  
Population Services and Training Center (PSTC)  
Commander Abdur Rouf, Policy Advisor  
Progoti Samaj Kallyan Protishan (PSKP)  
Jerin Hyderi, Project Director  
Progoti Samajkallyan Prothisthan, Porichalana Parishad Jatiya  
Al-Haj Zebun Nessa Hossain  
Dr Jerin Hyderi, Project Director

***Garment Workers, May 28***

Group attending the Women Workers Education Center Program, at 6 PM (about 60 people, all but 6 or 7 women)  
Small group conversation of self-selected workers for focus group (7 garments workers: 6 women, 1 man)

***Union Parishad Chairs and Members, Mymensingh, May 29***

Jaharina Rani Sharker, UP member  
Ashiqul Haque Ashik, UP chair  
Md. Rahul Amin Faker, UP member  
Md. Mahabubul Alam Fakir, UP chair  
Haider Reza Anam, UP chair  
Ataharul Islam, UP chair  
Tamanna Akhter, UP chair  
Anisur Rahman, UP chair

***Transparency International Bangladesh, Mymensingh Chapter, May 29***

Samapika Halder, Program officer, TIB  
Karuna Kishore Chakraborty, Asst program officer  
A. H. M. Khalequzzaman, member  
Md. Momtaz Uddin, member  
Rokeya Begum, member  
M. Ashraf Uz Zaman, member  
Emdadul Hoque Millat, member  
Sk. Bahar Majumder, member  
Prodeep Chandra Kar, member  
Mir Gulam Mustafa, member  
Neamul Kabir Sajal, member  
Kaniy Gofrani Koraishi, member  
Sharifuzzaman Parag, member

***NGOs in Mymensingh, May 30***

Nilanjan Bose, Executive Director of C.C.H (Community Centre for the Handicapped)  
Kr. Faruque Ahamed, Executive Director of T.U.S.  
Luabrat Ali, workers for T.U.S.

Sk. Sultan Ahemed, Chief Executive of S.B.S.K.S. (Shehora Bahumunkhi Samaj Kallyan Samitee)

Tushar Daring, Executive Director of SARA (Social Association for Rural Advancement)

Md Abdur Rashid Khan, member of SARA

Md. Nurul Islam, Executive Director of ROBI

Md. Ziarul Islam Mondle, Director of DISHRI

Md Zakir Hossain, Supervisor for T.D.S

***Elected Pourashava Councillors, Mymensingh, May 30***

Mahmud Al nur Tarek, Chairman of the Mymensingh Parashava

Robiul Alam Akanda, Councilman

Ruckshana Shirin, Councilwoman (reserved seat)

***Journalists Group, Sarina Hotel, May 31***

Jayanta Acharjee, Staff Reporter, Shaptahik (weekly) 2000

Rashed Mehedi, Staff Reporter, Bhorer Kagoj

Kamran Reza Chowdhury, Staff Reporter, The Independent

Saiful Islam Shamim, BSS

Saifuddin Sabuj, Radio Veritas Asia, Bengali Service, Producer

## Annex C: Political Violence and Corruption in Bangladesh

In our section on Step 3, we counted extralegal institutions among those through which key actors work to affect the democratization process in Bangladesh for good or (in this case) ill. Of the three institutions we discussed under this heading, the first one – “politics of the street” – has formed an essential component of the political scene since the Ershad era, and indeed even before in colonial times. Certainly during the post-1991 democratic era it has been widely employed by either party when out of power. Thus, while it is still widely used, the politics of the street is nothing really new, and is only marginally more virulent than previously.

Nonetheless, political violence and corruption have attained a degree of intensity and disruption in the last several years that warrants further scrutiny. Accordingly, we devote this annex to a more thorough discussion of these two phenomena than was possible in the report itself.

### Violence

Violence, particularly as perpetrated by the police and by criminal bands, is endemic in Bangladesh today and is fostering a climate of insecurity that is undermining both confidence in the regime and civil order. Nearly everyone told us about their feelings of insecurity and fear of falling victim to criminals or to the police themselves. Death threats in order to extort money have become a growth industry. A number of people, particularly urban professionals, told us that they or members of their families have become victims of extortion by telephone and that they have paid significant sums to ward off death threats. Ordinary people told us that they fear for their safety every time they venture out of the house. Daily stories in the newspapers about the Bangla Bhai gang or other criminal gangs and their brutal murders, as well as routine stories about the fire bombing of theatres or public conveniences, intensify these fears. The bombing attempt on the life of the British High Commissioner to Bangladesh in late May, 2004 shocked many people both with its audaciousness and with the complete ineffectiveness of the Bangladesh police to arrest the perpetrators, despite the order of the Prime Minister to do so “immediately”.

The question that plagues Bangladeshis is why violence has escalated and why the government is seemingly unwilling or unable to do anything about it. The case of Bangla Bhai is instructive. Bangla Bhai is reported to be the notorious leader of the Jagrata Muslim Janata Bangladesh (JMJB), a supposedly fundamentalist Islamist association (some say Taliban-like) that has been torturing and murdering “criminal elements” and supposed Marxist rebels in several areas of the country, most recently Rajshahi. His activities are, of course, strictly illegal, and his arrest has been ordered by the Prime Minister. Yet the press asserts he has openly defied the law, parading his forces in Raninagar, reportedly under police escort, while threatening journalists with death. The reality of Bangla Bhai is difficult to determine, but a number of factors may coalesce to explain this phenomenon. First, many ordinary people, tired of criminal activity and the inability of the government to deal with it, may now find rough vigilante justice better than no justice. Second, some news accounts posit a direct link between a Minister in the current government whose family suffered losses at the hands of the “rebels” and the sanctioning of the Bangla Bhai revenge murders. The link may also be to political leaders who work with criminal bands to instill fear in order to extort money for their political activities. This is an interpretation widely forwarded by foreign and Bangladeshi political analysts when they discuss “black money” and the use of goons and thugs to bolster local political machines. Third, the government may be reluctant to crack down on elements said to be Islamic fundamentalists when the ruling four-party coalition is comprised of a two Islamic partners.

In some locales civil society actors are beginning to protest this lawlessness, as in Rajshahi where the local Journalists Union staged a march to protest the apparent impunity granted to the JMJB by local police. Following the attempt on the life of the British High Commissioner, the National Unity Platform and its President, Dr Kamal Hossain, voiced its own public protest against “evil forces within the government [that] are impeding investigations into series of bomb blasts...” (Daily Star, May 27, 2004). Given the extremely precarious situation of journalists (see below) and the growing rift between government and civil society, groups that publicly protest these actions put themselves in harm’s way, with little or no assurance of protection from the government.

Even rural people confirmed their growing fear of gangs. In Khulna and Bagerhat we were told that criminals threaten farmers with the loss of their harvests, particularly on shrimp farms. And people at all levels of society feel powerless to do anything about their growing insecurity. The rich can and do hire security services to protect themselves, their businesses and homes. The poor, however, have little to fall back on except vigilante justice.

Local government officials in one city told us about how police responded to a bombing incident at a local movie theatre by rounding up a number of people, mainly Awami League activists, and imprisoning them without cause. Once in custody, the treatment of prisoners generally seems to follow the pattern outlined in the box below. This type of random and often unwarranted arrest was repeated all over the country when the government launched Operation Clean Heart in 2002.

#### Police Violence in Bangladesh

*[The following are extracts from the court record gathered by the reporter for the Dhaka Daily Star]*

The court yesterday heard tales of torture in police custody when Shahriar Kabir, Muntasir Mamun, Mukul Bose and Shafi Ahmed were produced before the Chief Metropolitan Magistrate’s Court, Dhaka. The four were recently arrested under Section 54 of the Code of Criminal Procedure (CrPC) and were placed on a three-day remand each.

Writer Shahriar, was arrested on December 8 by the Gulshan police. He told the court that he was blindfolded, not given food for 25 hours after his arrest, denied access to drinking water, and refused permission to take his medication despite being a heart patient. He was even denied access to the food brought for him by his family. While in the custody of the police he was taken to the joint interrogation cell (JIC) where he was ‘brutally tortured’. The JIC team questioned him on issues like the alleged anti-state activities by two foreign journalists, the series of bomb explosions in Mymensingh movie theatre and alleged ill motives by the Awami League.

Columnist Muntasir, a history teacher of Dhaka University, told the court that he was arrested without warrant. He was kept in custody with Bangla Babu, a listed top criminal. He also was blindfolded and taken to the JIC every night for interrogation. He was not given any bed to sleep [on] at night.

Awami League leader Shafi Ahmed said, “I have no words to express the police brutally in the name of interrogation.”

Awami League leader Mukul Bose alleged that he was physically tortured and taken to the JIC blindfolded everyday. Bose, also a heart patient, was not allowed to take medicine in the last three days. He showed the court bruises on his head as signs of physical torture.

What this account fails to mention, and which is reported in many other tales of police arrest, is the usual motivation behind these arrests and ill treatment. The principal purpose, many report, is not simply to harass potential opponents, but to extort money from families who must pay the police in order to stop the torture and secure the release of their loved ones.

One area of escalating violence that is particularly troubling is the violence against journalists. Although widely denied by the regime, the mounting evidence of specific attacks against journalists, particularly in the regional centers outside of Dhaka, poses serious questions about the regime's commitment to press freedom and its policing of perpetrators of violence against journalists. According to the 2004 Annual Report of the international NGO, to Reporters Without Frontiers, "not a day [goes] by without a journalist being physically attacked or threatened with death . . . Bangladesh is by far the world's most violent country for the press . . . [While] no journalist was killed just for doing their [sic] job in 2003, Reporters Without Borders registered at least 15 attempted killings."

## **Corruption**

Corruption is a symptom of poor, unaccountable governance: a pattern of governance in which there are few effective checks on the privatization and abuse of public discretion. It also provides the lifeblood of a patrimonial system in which the rules of unequal relationship and exchanges involve taking from the broader public in order to "feed" one's clients and to strengthen one's patron.

In many ways, the governance system of Bangladesh is effectively a system based almost solely on personal loyalty to and enrichment of patrons at the expense of nearly all formal institutions and rules. What makes it particularly troubling to Bangladeshis is the degree to which it is an integral part of the "criminalization" of politics and the escalation of violence. In addition, it wastes precious resources and costs the economy efficiency and growth, investment and ultimately the well being of the people, particularly the poor and the vulnerable. According to a study conducted by Transparency International Bangladesh (the NewsScan Analysis study 2002), corruption cost the government of Bangladesh over US\$ 750 million from 1999 to 2000. This represents nearly 2% of the Gross National Product for that period. Although precise estimates are difficult to come by, one recent study by Professor Abul Barkat of Dhaka University suggests that the percentage of donor assistance that is wasted directly or indirectly due to corruption is very high (Barkat 2001). Few find it surprising that the International NGO Transparency International has ranked the country as the world's most corrupt for three years running.

## **Corruption in National Government Ministries and Services**

By far the greatest source of corruption is reported to be with government agencies, with the police leading the way by all accounts. This seriously undermines the legitimacy and support of the state. According to the TIB study (2002) and the ARD KAP study (2004), services associated with the lower judiciary, land transfers, health, and education are also perceived as highly corrupt. The private sector is also affected. Members of the Bangladesh Shop Owners Association told us that retail businesses are routinely asked for free services and goods by the police and must also pay extortion demands from criminal elements given carte blanche by the police. This adds to the cost of business and affects prices. One member of the Shop Owners Association put it succinctly in saying "there is no rule of law, and so there is no good governance."

Businesses also corrupt government in their own interests. Work conditions in the garment factories, for example, are often very poor because government inspectors from the Ministry of Labor accept bribes to

overlook major health and safety violations in the plants (interview with ACILS representative in Dhaka). According to our discussions with garment workers, factory owners routinely fail to respect the minimum wage and rules for overtime with little or no fear of consequences from government regulators. The same is true of the environmental service where workers and the environment are put into jeopardy by poor enforcement of rules affected by bribery.

### **Corruption in Local Government**

Given the checkered history of local government and the escalating costs of running for UP chairmanships and city and pourishava seats, it would be surprising if local government also did not suffer from a corruption problem. Thus stories of local construction kickbacks, *ghush* required to obtain Vulnerable Group Development cards, or extra lubrication needed to obtain a license are common. Interestingly, we found local government officials themselves complaining about corruption of a different sort. They are forced to pay bribes to the civil service and to higher-level political leaders in order to get any access to government funds, including entitlements. For instance, we were consistently told that local governments must pay bribes to get access to any project (Annual Development Program, or ADP) funds, or relief funds. For example, in one locale we heard that getting one ton of food relief wheat to the UP level requires payment of Taka 5000, of which Taka 2000 goes to the Project Implementation Office, 2000 to the MP of the area, and 1000 to the Upazila office. Bribes to get access to the ADP funding which had previously been about 5-10% are now reported to be double, with 10% going to the Upazila level office and 10% to the political leaders

### **Corruption in Civil Society**

Civil society is far from exempt from the pervasive pattern of corruption in Bangladeshi society. A number of donors made the point that, excluding the very large and powerful NGOs that are mainly associated with the microcredit sector and basic service delivery, many NGOs are weak, shell-like organizations. This appears to be especially true in the fields of human rights where few NGOs are capable of mounting a large-scale program and many are established mainly to garner grants. Other people stated that all NGOs suffer from some problems of financial management that might make their top leadership vulnerable to prosecution. A common expression of this was the view that if the government applied the same rigorous standards to all NGOs as it claims to have done with Proshika “they would all be in jail.” The degree to which NGOs in fact have lax financial management is not clear, however, given that most NGOs are subject to rigorous financial reporting to one or more donors. It may well be that rumors of corruption far exceed the fact, reflecting more a matter of gossip and jealousies than reality. This is one matter that needs to be investigated in the kind of NGO study we are proposing in a second recommendation.

What is clearer is that NGOs are victims of the same demands for bribes as local governments and individuals. In Mymensingh NGO leaders told us that in the past they had to pay bribes of 5 to 10%, usually *sub rosa*, to get contracts to do service provision in health and education. Now, those that can still operate must pay much higher bribes, they say, and the demand for bribes is now brazenly open.

## Annex D: Media

One of Bangladesh's claims to democracy is the existence of a vigorous free press. This assertion, however, seems to be vastly exaggerated, particularly in the present political climate. Radio is strictly controlled by the State. The only free radio is that which originates outside the country, mainly through Radio Veritas Asia based in Philippines. Private television is permitted, but so far efforts to mount television stations with news programming outside state control have fallen afoul of the government, which closed down the popular fledging ETV station.

The print media could be said to be relatively free, with over 200 newspapers in Bangla and English countrywide, but its freedom may be seriously questioned. The international NGO Reporters Without Frontiers (RSF) ranks Bangladesh 118 out of 139 countries worldwide on their Press Freedom Index. In fact conditions are so dangerous for journalists and their editors that there is no doubt considerable self-censorship. Journalists with whom we met in Dhaka told us that while the media may be fairly free, journalists themselves are not free. Their editors monitor and limit their stories. In addition, their lot is very dangerous physically. According to RSF, death threats and attacks on journalists take place daily. A second international NGO, Committee for the Protection of Journalists, labeled Bangladesh "one of the worst places in the world to be a journalist" in its May 2004 magazine. Of course not all the threats and violence comes from the state. Much is initiated by religious extremists (like Bangla Bhai) or local criminal gangs. But as the CPJ article (April 2004) documents, much of it is at the hands of youth wings of the political parties, particularly the BNP at present, and the government does nothing to protect journalists from these attacks or to persecute the offenders.

Even when journalists dare to attempt to research a story, they find it nearly impossible to obtain any useful information from government sources. Reporters told us that officials at all levels hide behind the 1923 Official Secrets Act as the reason why they cannot give even the most basic information. During our mission reporters were even barred from covering the hearing of the Appellate (Supreme) Court on the dispute over the Dhaka 10 by-election, simply by the whim of the Court's administrative personnel. When journalists tried to cover the June 5, 2004 general strike (*hartal*) held in Dhaka to protest the assassination of a popular Awami League Member of Parliament, police attacked and injured five journalists in Bangladesh. Under these conditions it is difficult to talk about high levels of media freedom in Bangladesh today.

Nonetheless, some progress is being made in getting the media to cover local news and elections and issues bearing on decentralization and local governance. The USAID-funded ARD Local Government Initiative Project, for example, has been encouraging reporters through training and fellowships to cover the formation and development of two new local government associations, the National Union Parishad Forum and the Municipal Association of Bangladesh. Reporters have in turn responded and helped lead the way to mobilizing public opinion on such issues as several provisions of the proposed 14<sup>th</sup> Amendment to the Constitution. Recently a new association of journalists who focus on local government and development issues has formed to further support this work. Thus, despite the very difficult conditions under which individual reporters and editors function, there is still a role for the press to play in furthering transparency and accountability in Bangladesh today.



## Annex E: Government and Civil Society Relations: The Case of the FBCCI

Deteriorating relations between the BNP government and civil society now extend to all sectors: to NGOs, banks, unions, and to the business community. In May, 2004 relations with the biggest business association in the country, the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI), reached a crisis with efforts by the government to intervene in the leadership of this organization by manipulating its by-laws.

FBCCI is an apex organization representing some 200 business associations from all over the country. Historically it has had a close relationship with government and is registered under the Ministry of Commerce. Its current president, Abul Awal Mintoo, has in the past navigated the rocky shores of a hostile two-party system aligning first with the Awami League during its period in power (1996-2001) and then with the Bangladesh National Party (BNP) during its campaign and subsequent election in 2001.

The crisis began when Mintoo wrote a pamphlet outlining the governance ills of the system and calling for immediate and thorough reform. This document was endorsed by the FBCCI board of directors prior to the BNP coming to power. Mintoo then decided to run as the BNP candidate for mayor of Dhaka City, challenging the inner circle of BNP advisors, but he failed to get the nomination. He then turned the pamphlet into a full-scale book that condemned many aspects of the system, especially the corruption, violence and insecurity, as well as the lack of proper representation and local government reform. Mintoo's book definitely got the attention of the BNP leadership when he announced his proposals at a press conference in late April 2004. The government reacted by fomenting a split in the organization, encouraging some of the FBCCI's Board Members to challenge Mintoo's leadership through a vote of "no confidence." Coming on the heels of the failed Awami League challenge to bring down the government by 30<sup>th</sup> of April, and the attacks on the leadership of Bangladesh's second largest NGO, Proshika, this represented still another intervention in the internal affairs and autonomy of a civil society actor.

It soon became clear, however, that Mintoo had strong support from the membership organizations that normally make policy in the FBCCI's General Assembly. On May 17, the government took further action when the Minister of Commerce issued a written statement ordering the FBCCI to amend its Memorandum of Articles and Association (its by-laws) so as to allow for a vote of "no-confidence" by its Board of Directors, and the Council of Chamber Presidents (the minister evidently based his order on a 1961 Pakistani decree issued under the dictatorship of Ayub Khan).

Mintoo, who was abroad at the time, was urged by some not to return home lest he too be arrested (as had the director of Proshika). He returned home nonetheless and together with most of the FBCCI directors mounted a concerted resistance to the "take-over." In essence, most of FBCCI's leadership, including the directors of the most powerful business associations (DCCI, MCCI, BCI, CCCI, FICCI, AmCham, BGMEA, ICCI and BAB), while divided on some of Mintoo's positions, took a strong stand that the government should not intervene in the internal affairs of the association. They have refuted the government's claim that the Minister of Commerce has the authority to issue such an order and have urged him to rescind the order. They have also threatened to take the issue to the High Court.

The FBCCI board argues that the order is undemocratic and threatens the position of all Board members, and that it is tantamount to threatening the survival of the entire federation and ultimately the autonomy and viability of business associations all across the country. The destruction of these associations, they argue, would be a major setback for the private sector in Bangladesh. (sources: Interviews with Mintoo, with members associations affiliated with FBCCI, and news stories in the English language newspaper, *Bangladesh Observer*)

## Annex F. Capsule Biographies of the Assessment Team

**Harry Blair** (PhD, Duke University, 1970), is currently Senior Research Scholar and Lecturer, and Associate Department Chair of Political Science at Yale University. Focusing mainly on rural development and later on democratization, he has undertaken research and consulting in Bangladesh since 1973. In the 1990s, he served as Senior Democracy Advisor in USAID's Bureau of Policy and Program Coordination, and then its Global Bureau. He has worked on democratization issues in Southeast Asia, Eastern Europe and Latin America, as well as South Asia. For this assessment, he acted as team leader.

**Robert Charlick** (PhD, University of California, Los Angeles, 1974) is Professor of Political Science at Cleveland State University, where he has taught since 1971. A comparative politics specialist, he has focused principally on Africa with a specialization in democratization. In 1991-94, he served as Senior Advisor on Governance and Democracy for USAID's Africa Bureau, in Washington, DC. Recent consultancies include both francophone and anglophone African countries, as well as Haiti and China.

**Manzoor Hasan** graduated from London School of Economics and was then called to the bar from Lincoln Inn in 1985. He has practiced law as a barrister in London and Birmingham, as well as Dhaka. During 1996-2003, he served as Executive Director for Transparency International Bangladesh, followed by a stint as regional director in Berlin. In 2003, he was made an officer in the Order of the British Empire by Queen Elizabeth II. Beginning in August 2004, he has become Deputy Executive Director for BRAC in Dhaka.

**Nazmul Ahsan Kalimullah** (PhD, University of Birmingham, 1989; post-doctoral year at University of Bath in 1996-97) is Professor of Public Administration at the University of Dhaka, where he has taught since 1984. He has done extensive research and consulting work on local governance, journalism, elections and the NGO sector in Bangladesh. Currently he also serves as chairman of JANIPOP, the National Election Observation Council, in Dhaka.

**Rezaul Haque** (PhD, University of Kiev, 1984) received advanced training in NGO management (Cranfield University, U.K., 1996) and state and local government (Kennedy School, Harvard University, 2001). He is currently Democracy Team Leader, Office of Democracy, Governance and Education, USAID/Bangladesh, where he has worked since 1998. He has done extensive work in local governance, grassroots democracy and the NGO sector in Bangladesh and published more than a dozen articles. He served as Director of Research and Evaluation for RDRS Bangladesh in the 1990s.

## **Annex G: Statement of Work for Democracy and Governance Strategic Assessment for USAID/Bangladesh**

*Draft*  
**STATEMENT OF WORK  
FOR  
DEMOCRACY AND GOVERNANCE STRATEGIC ASSESSMENT  
FOR USAID/BANGLADESH**

### **Introduction**

The contractor is required to complete two inter-connected tasks:

- (1) An assessment of political change and democratization in Bangladesh; and
- (2) The development of options and recommendations for a USAID strategy to address major barriers to the transition to and consolidation of democracy in Bangladesh.

The contractor will conduct the assessment using a framework tool developed by USAID's Center for Democracy and Governance. This framework is spelled out in the DG Center's published document, "Conducting a DG Assessment: A Framework for Strategy Development", dated November, 2000.

In developing strategy options and recommendations, the contractor will follow the guidance laid out in the framework, as well as (a) other relevant Agency policy guidance in the democracy and governance (DG) sector, including "State and USAID: Aligning Diplomacy and Development Assistance" and "Department of State and USAID Strategic Plan – Fiscal Years 2004-2009" and (b) Agency guidance for program planning under the re-engineered operations system. The strategy options and recommendations will be articulated as results or outcomes with notional ideas of how best to obtain those outcomes. However, this scope of work does not require a full and detailed program design.

### **Assessment Methodology**

The contractor will use the strategy assessment framework referred to above. The assessment portion of that framework is divided into four steps. It is designed to help assessment teams devise a democracy strategy, suggest choices for programming, and define credible results. The four steps are analytical, but information contributing to those analytical steps is not necessarily gathered sequentially; in practice, the assessment team conducts a single series of interviews, but considers each of the four steps as it conducts and analyzes its interviews.

In Step 1, the contractor shall analyze the DG problems which need to be tackled using five variables: *consensus, rule of law, competition, inclusion, and good governance*. The contractor will also do a summary review of current work and past successes and failures of other donors and DG/NGOs. Based on this analysis and review, the contractor will diagnose critical problems for democratization and prioritize those problems. This analysis will locate Bangladesh on a continuum of democratic change, as well as the pace and direction of change. The outcome of the Step 1 analysis will be a priority ranking of the problems for the transition to or consolidation of democracy in Bangladesh.



In Step 2, the contractor shall examine how the game of politics is played in Bangladesh and define the particular contextual dynamics that a Bangladesh-specific strategy needs to address. In particular, the forces that support democratization will be analyzed, as well as those that oppose it; the respective interests, objectives, resources, strategies, and alliances will be considered. Step 2 is intended to help programmers envision possible entry points for addressing the problems identified in Step 1. The contractor shall examine historical, geographic, sectarian and other factors that influence Bangladeshi politics and that need to be taken into account in developing a DG strategy. The outcome of Step 2 will be a reconsideration of the priority problems identified in Step 1 in light of the domestic allies and opponents of democratic reform. The contractor's team will winnow down the possible institutional arenas in which USAID investments might have the greatest impact: namely, those which address the most important problems, adjusted by those in which domestic partners provide at least the prospect of impact.

After Step 1 and Step 2 (What are the problems in order of importance? And who are the domestic allies and opponents of reforms to resolve those problems?), in Step 3, the contractor shall examine those institutional arenas in which allies are best placed to push important democratic reforms. It shall identify the nature of those institutional arenas, the rules that define them, the way in which those rules establish incentives favoring democracy, and the way in which those rules can be changed to promote more democratic behavior.

On the basis of the above analysis, the contractor shall develop options and recommendations for a DG strategy in Bangladesh. The recommended strategy should in the first instance be an optimal strategy i.e., what changes should USAID support in this environment to bring about a significant deepening of democratization, regardless of bureaucratic or other constraints. The strategy options and recommendations should be formulated as one or more higher-level results or outcomes, with some notion of the lower-level changes required to reach those outcomes. In articulating this strategy, it is important for the contractor to explain how the strategy is connected to and does something about the problems defined in the analysis.

## **Strategy Development**

Once options are developed and a recommended strategy is articulated (Step 3), the contractor will filter the recommended strategy through Step 4 to ensure that the strategy is not only optimal, but also practical. The screens in Step 4 through which the contractor will filter the strategy are: (a) U.S. Embassy/Bangladesh preferences and foreign policy concerns; (b) resource availability (staff and money) for democracy program; (c) USAID policy; (d) the existing USAID/Bangladesh democracy portfolio; (e) USAID's comparative advantage and what other donors are doing; and (f) likely Bangladeshi public acceptance of U.S. involvement in that issue. Since the U.S. Ambassador and Embassy in Bangladesh take an active public stance on some important democracy issues in Bangladesh, it is important that the contractor understands those "public diplomacy" positions. Since the filters in Step 4 are likely to affect the shape of the final strategy and program recommendations, the contractor will clearly identify for the USAID Mission any significant trade-offs between the optimal strategy and the practical strategy. In the end, the contractor will make suggestions on how much can be done about the primary barriers to democratization given USAID's limitations and strengths.

Ultimately it is the responsibility of USAID/Bangladesh to move from the optimal options and recommendations in Step 3 to determine what strategy is practical for the Mission. The contractor's analysis will provide advice and analysis to the Mission for making this final step. The contractor is not required to produce a fully developed and analyzed results framework (SOs, IRs, development hypothesis and linkages, and indicators) with results packages. However, the contractor will provide the Mission

broad outlines of possible results frameworks (SO + IRs) with an idea of the program that would support achieving the objectives.

The Mission has an existing strategy in the democracy sector, which is likely to continue for another two years (the Strategic Objective and Intermediate Results are attached as annex 1 and will be discussed with the contractor). However, at some point in the next year or two, the Mission will review and submit its strategy for the next planning period. The Contractor through this assessment will: (a) provide a background analysis of the democracy and governance situation in Bangladesh, which will be used in the next strategy review process; (b) recommend desired changes within the broad DG sector; (c) recommend/provide some tentative notions of how those outcomes or desired changes might be achieved with the assistance of USAID programming.

### **Proposed Level of Effort**

The Contractor will provide three specialists to conduct the democracy strategic assessment. The proposed Level of Effort (LOE) for the specialists is as follows:

Team Leader (expat)	18 days work in country 4 days travel 3 days preparation in the US 5 days follow up and report finalization in the US
Team Member (expat)	18 days work in country 4 days travel 3 days preparation in the US 3 days follow up and report finalization
Team Member (Bangladeshi)	20 days in country

### **Team Qualifications and Experience**

The contractor will provide a team of specialists for the strategy assessment, which includes and balances several types of knowledge and experience related to strategic planning and programming under the reengineered USAID operating system and related specifically to assistance programming in the democracy and governance sector.

In the DG sector the combined team should have a broad range of experience encompassing areas like local government, national politics, political party development, elections, rule of law, judicial and electoral reforms, anti-corruption, parliamentary affairs, human rights, child labor, anti-trafficking, civil society including media, etc. At least one member must have previous experience in DG strategy assessment, preferably using the Democracy Center framework tool.

The specialists must all have significant Third World program experience. They should have some Bangladesh country or Asian regional experience, along with comparative experience in the democracy and governance sector in other countries or regions of the world. At least one member of the team must have Bangladesh experience and be familiar with the overall macro-political situation and the structure of government.

**Team Leader:** A social scientist/political scientist with an advanced degree in a relevant discipline. At least 5 years experience in Democracy and Governance research with some programming experience is required. Experience in assessing political change, barriers to democratization and strategy

development is critical. Knowledge of DG transition literature would be useful. Asian/regional experience is required. Ability to conduct interviews and discussions, and to write well in English is required. Knowledge of USAID DG policy guidance and the program design under the reengineered USAID operating system is required.

**Team Members:** Social scientists/political scientists/anthropologists/sociologists with graduate level training. At least three years experience in DG research and programming is required. Some experience in conducting evaluations or assessments is expected of all members, and experience in developing strategies would be useful. Substantial Third World experience is required. Ability to conduct interviews and discussions, and to write well in English is essential. A working knowledge of Bangla is needed for one person, but is not necessary for other members. Knowledge of USAID and particularly of DG policy guidance and reengineering principles would be helpful.

## Detailed Statement

### 1. Preparatory Phase - Washington, D.C.

At least two of the specialists will start their preparatory work in Washington, D.C. before arriving in Bangladesh (i.e., allowing for the possibility of one person being recruited locally who would not go to Washington). They will be introduced to the assessment framework by Democracy Center staff and relevant staff at the ANE Bureau. They will interview relevant USAID, multilateral and bi-lateral donor and NGO staff on their perceptions of democratization in Bangladesh. They will collect and begin to review key documents (a suggested and not complete list of documents is attached to this Scope as annex 2) including the last USAID country strategy, the existing USAID/Bangladesh Democracy and Governance Strategy, the annual reports for the past two years, prior reports on democracy assessment in Bangladesh, and the most recent State Department Human Rights Report for Bangladesh. They will have a team planning meeting to begin the process of organizing their work.

### 2. Field Work

After arrival of the contractor's team of specialists, the Mission's Democracy, Governance and Education (DG-ED) Office will brief the Team on their perceptions of political dynamics and will discuss any special parameters for the fieldwork.

The contractor team will divide up their work and will submit a work plan on day 3 in country. The team will meet with a broad array of politicians, activists, reformers, researchers, journalists, community groups, NGO leaders, etc. The team will also meet with Embassy staff, other donors, Mission's DG-ED partners and their grantees, who are implementing the current democracy portfolio of USAID in Bangladesh, selected Bangladesh government officials, and civil society organizations. A suggested list of appointments will be provided to the contractor. However, the appointments need not to be restricted to the list. In general the contractor will arrange its own appointments and logistic support for the assessment team.

A very crucial part of this assessment exercise is gathering and processing opinions, impressions, feedback from individuals, including customers, institutions, and thoughtful persons concerned with democracy and governance issues in the rural areas of Bangladesh. In-country field trips will also provide the opportunity to observe the democracy program currently being implemented with USAID funding, and also similar programs in the rural areas supported by other donors. At least two field trips to rural areas in different locations (each likely of 2 days duration) are to be carried out by the team.

Towards the end of the work in country, the team will deliver six copies of a preliminary draft report to the USAID Mission's Office of Democracy, Governance and Education. This draft need not include the executive summary. Shortly thereafter, the Team will give three formal oral debriefings/presentations on its findings and recommendations to:

- (a) USAID Mission Director and DG-ED office probably including selected Embassy officers.
- (b) A group including individuals outside USAID for feedback, such as selected USAID partner organizations (NGOs or researchers) who will not necessarily see the draft written report.
- (c) A short debriefing to the U.S. Ambassador.

These meetings will provide oral feedback to the team. After receiving the draft report, the USAID DG-ED Office will give written feedback for incorporating into the final draft. The assessment team will finalize the report within four working days of receiving the DG-ED Office's comments.

### 3. Final Report

The contractor will finalize the report, which includes both the assessment and options and recommendations incorporating and responding to comments from the Mission and other stakeholders. The contractor shall ensure that the final report is complete and reads in a holistic manner. The team leader will give a debriefing in Washington to personnel in Office of Democracy and Governance/DCHA, the regional bureau upon his/her return.

Before printing and submitting multiple copies of the final report, the contractor shall submit the final draft to the CTO for his approval. If this is done after the team leader returns to the U.S., the final draft may be submitted by courier, fax, or as an email attachment. Upon receiving CTO approval of the final draft, the contractor shall submit 25 copies of the report to the Director, Office of Democracy, Governance and Education, USAID, Bangladesh.

### Roles and Relationships

The contractor will maintain a close relationship with and consult frequently with USAID/Bangladesh and seek their suggestions for the purpose of this assessment. Any formal notifications to USAID will be made to the Director of the DG-ED Office of the Mission or her/his designee. Any needed approvals (e.g., of changes in plans, or the organization of the body of the report) will come from her/him.

USAID/Bangladesh will depute the senior FSN Democracy Team Leader of the DG-ED Office to participate in the assessment as a member of the strategy assessment team along with the contractor team. This Democracy Team Leader has a good understanding of the political dynamics and democratization process in Bangladesh, reforms/initiatives toward reforms supported by bi-lateral and multi-lateral donor agencies and by the government of Bangladesh in the DG sector, as well as the current USAID program. The mission will also encourage the Democracy Center or the ANE Bureau to send an additional participant to participate in the assessment with the contractor team.

However, the responsibility for carrying out the proposed DG assessment and drafting the report following this Statement of Work (SOW) lies with the contractor. The contractor is responsible for the final product, the assessment report and the content therein. The report, however, belongs to USAID, not to the contractors, and any use or distribution of the material in the report outside USAID shall require the prior written approval of USAID/Bangladesh.

The USAID/Bangladesh DG-ED Office will prepare a suggested list of interviewees for the contractor. DG-ED Office will also schedule the briefing sessions at USAID and U.S. Embassy. In general the contractor will arrange the appointments and logistics for the strategy assessment team. However, the USAID DG-ED Office will give assistance as needed and possible. USAID will not provide office space, computers or other logistic support, including transportation for the contractor team. It is the responsibility of the contractor to arrange for these.

### Organization of the Strategy Assessment Report

The final report should contain the following:

- a) a title page with a disclaimer;
- b) a table of contents;
- c) an executive summary (not exceeding three single spaced pages and which should summarize the purpose of the report and highlight the major findings/observations, conclusions, and recommendations in capsule/bullet form);
- d) the body of the report;
- e) appendices including (1) rough outlines of several sample alternatives SO/IRs results frameworks, (2) the scope of work, (3) capsule biographies of team members, and (4) a list of key interviews/meetings.

The contractor will be given considerable leeway in organizing the main body of the report, but the planned organization should be discussed with and approved by the CTO before significant drafting is done. It is expected that the report will follow the general outline of the four analytical steps in the Democracy Center framework as discussed above.

The executive summary is intended to be sufficiently self-contained that it can be detached and used as a stand-alone document, whenever a briefer document is required.

### Deliverables and Time Line

The contractor shall deliver the following within the time line mentioned against each of the deliverables:

<u>Deliverables</u>	<u>Time Line</u>
(1) Work Plan	within 2 working days of arrival
(2) Progress briefings to USAID/DG-ED Office	weekly
(3) A preliminary draft report in 6 copies to USAID	at the end of 3rd week in country
(4) Two major oral debriefings: one to USAID and the US Embassy, and one to some key USAID partners in the DG sector	within 2 days of submission of draft report
(5) A revised draft report in six copies	within 3 days of receiving USAID Mission written comments
(6) One complete copy of the final draft Assessment Report (along with a diskette with	



the report in Word 6.0)

within 10 days of leaving Bangladesh

(7) Twenty-five hard copies of the final report  
plus one electronic copy of the final report

within 10 days after approval by CTO

(8) A debriefing for USAID/Washington to the  
G/DG Center and ANE Bureau

prior to the end of contract period

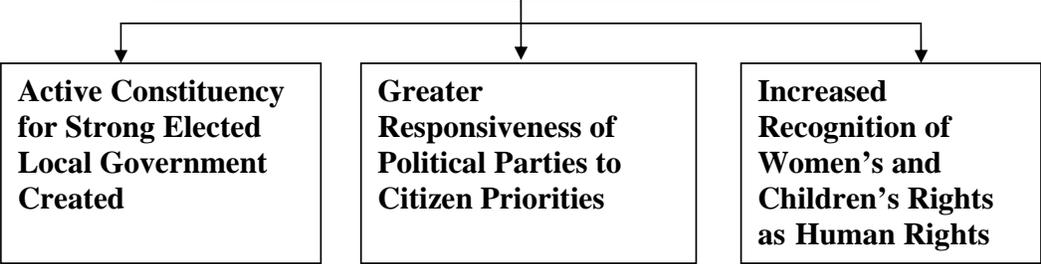
With the exception of deliverables no. 4 and 8, all deliverables shall be submitted to the Director, DG-ED Office, USAID, Bangladesh.

**Contracting Notes:**

- a. In Bangladesh, weekly holidays are Friday and Saturday;
- b. USAID Mission in Dhaka remains closed on Fridays and Saturdays;
- c. Local holidays during May/June 2004 are: 3<sup>rd</sup> May (Monday); and
- d. USAID Mission will remain closed on 30<sup>th</sup> May (Sunday).

**Existing Results Framework  
SO 9**

**Strengthened Institutions of  
Democracy**



**Tentative List of Documents on Democracy and Governance  
(list is not complete)**

1. Strategic Plan, Fiscal Years 2004-2009, U.S. Department of State and U.S. Agency for International Development
2. STATE and USAID, Aligning Diplomacy and Development Assistance
3. Bangladesh Country Reports on Human Rights Practices 2003, released in March 2004
4. USAID/Bangladesh Strategy Document, FY 2000-2005
5. USAID/Bangladesh, Democracy and Governance Strategy, March 2000
6. USAID/Bangladesh DG Assessment Report, 1999
7. Knowledge, Attitude, and Practices (KAP): National Survey Covering Democracy and Governance Issues (after the report is finalized and released)
8. USAID/Bangladesh Strategic Objective (SO) 9 “Strengthened Institutions of Democracy” Performance Monitoring Plan, December 2003

**Governance**

9. Bangladesh Urban Service Delivery, a score card, World Bank, Proshika and Survey and Research System, May 2002
10. Interim Poverty Reduction Strategy Paper (I-PRSP) of Government of Bangladesh, 2003
11. Bangladesh Country Governance Assessment, Asian Development Bank, December, 2003
12. Good governance and Accountability in Bangladesh, A Workshop Report, News Network Bangladesh, November 2002

**Election and Parliament**

13. Issues and Priorities for Bangladesh, The 2000 IFES National Survey, November 2001
14. Pre-election Technical Assessment People’s Republic of Bangladesh, Preliminary Recommendations for the U.S. Embassy and USAID Mission, IFES, August 2000
15. An Election Success Story: separated by politics for 10 years: political party activists brought together to improve the electoral process, NDI, October 2001
16. Report on Parliament Watch (Eighth Parliament: First, Second and Third Session), Transparency International Bangladesh, August 2002
17. Study Report on Women in the Fifth and Seventh Parliaments of Bangladesh: A Study on Opinion of Women Members of Parliament (MPs), Jalal Firoj, November 2001

**Local Government**

18. Local Government Reform in Bangladesh: Stakeholder Analysis and Political Mapping, LGI/ARD, January 2004

19. Policy Brief on Administrative Reform and Strengthening of the Local Government System, Centre for Policy Dialogue (CPD) Task Force Report, June 2001
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