

Economic Policy Paper
On
Strengthening Democratic Governance

Democracy is a system of governance in which people effectively and meaningfully participate in the decision-making processes that affect their lives and livelihood. Politics is the process by which values, goods and services are allocated in society. Governance is the art and skill of utilizing political or collective power for the management of society at all levels – economic, social and political – from the smallest village to the largest nation. Arts and skills are the products of knowledge, information, education, training, cultures, traditions, natural endowments, motivations and commitments to goals. Democracy and good political governance are basic foundations for the promotion of human development and the alleviation of poverty and, indeed, for reaching development objectives.

The term 'Governance' has three dimensions: form of political regime, the process by which authority is exercised to manage country's economic and social resources and the capacity of government to formulate and implement the policies and to discharge government functions. Thus governance has three spheres political, economic and administrative. By saying 'Good governance' we mean a system for establishing and maintaining accountability, transparency and efficiency in all spheres of governmental and administrative machinery. Good governance is not something to be desired by the government delegating some of its powers and functions to the informal organs but a formal outcome of a new social configuration of institutions resulting in a new social contract (an ideology) and redefining the pluralistic state in the Constitution. It is believed that these features of good governance can most effectively address the social ills of poverty and corruption. Good governance doesn't only aim to maintain economic stability and attaining higher economic growth rather it also means to taking measures to provide public safety, maintenance of law and order which would make it possible to stimulate the economy to raise output and employment. Governance is seen as the exercise of economical, political and administrative authority to manage countries affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.¹

Governance embraces all of the methods-good and bad-that societies use to distribute power and manage public resources and problems. Good governance then, is a process whereby public resources and problems are managed effectively, efficiently and in response to critical needs of society. Recently good governance has become recognized as a cornerstone of what is termed as human development and as such a primary means of alleviating poverty and promoting the welfare of society.

Democratic Governance

Democratic governance is essential for poverty reduction and long-term sustainable development. It aims to make states more effective in tackling poverty by enhancing the degree to which all people, particularly the poor and the marginalized, can influence policy and improve their livelihoods.

Democratic governance policy and programming is broadly divided into four elements: freedom and democracy, human rights, rule of law, and accountable public institutions.

Elements of Democratic Governance

Human Rights

- Strengthen formal human rights institutions and mechanisms
- Support civil society, education and accountability roles
- Realize human rights of women, children, and marginalized groups

Accountable Public Institutions

- Improve financial and economic management
- Strengthen audit, statistical capacity, and human resource management
- Promote policy coordination
- Enhance transparency and anti-corruption
- Improve service delivery, e.g. health, energy, basic needs

Freedom and Democracy

- Build open and accountable political systems: electoral and legislative assistance, decentralization, federalism, and local government, political parties, and competition
- Create a democratic environment: independent media and transparency, development of civil society, education for democratic culture, building inclusive societies

Rule of Law

- Promote predictable, impartial, accessible, timely, and effective legal systems
- Support independent and non-discriminatory judicial systems
- Advance public legal education and engagement
- Support informal legal practices that respect human rights

The Dhaka Chamber of Commerce and Industry (DCCI) being the pioneer chamber of the country providing various services to its members and also to others believes that democracy and good governance propels a society forward, which results in economic development. And this follows from the context of good and democratic governance, which provide an attractive climate for investment and helps a society to identify the policies and instruments that foster equitable growth, which is one of the key element to eliminate poverty and fostering prosperity.

DCCI has undertaken a task for preparation of an EPP on “Strengthening Democratic Governance” reviewing the impact of globalization and suggesting how Bangladesh could make best use of its resources and preferential access through introduction of policy measures and practice of democratic governance.

1. The existing state of Democratic Governance in Bangladesh;

Democracy as an institution is new and still fragile in Bangladesh. Over the last three decades since her independence Bangladesh has witnessed several political hiccups including assassination of two presidents, two army coups and two major political movements that caused the downfall of political regimes. The sorry state of governance pulled Bangladesh down and away from the true potential of her hard-working people, threatening the social justice, harmony, and security they deserve. Bangladesh has had three general elections during the past decade, two of which were believed to have been generally free and fairly democracy seems to be floundering.

Bangladesh has ratified several international human rights and humanitarian law, as follows: the Four Geneva Conventions of 1949 (1971) and Additional Protocol I and II to the 1949 Geneva Conventions (September 8, 1980); the International Convention on the Elimination of All Forms of Racial Discrimination (June 11, 1979); the Convention on the Elimination of All Forms of Discrimination against Women (November 6, Bangladesh 115 1984); the Convention on the Rights of the Child (August 3, 1990); the Convention on

the Prevention and Punishment of the Crime of Genocide (October 5, 1998); the International Covenant on Economic and Social Rights (October 5, 1998); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (October 5, 1998); the International Covenant on Civil and Political Rights (September 6, 2000). However, the implementation of all these treaty obligations is hampered by the extreme weaknesses that are inherent in the legal system and the rule of law in Bangladesh, despite the state having ratified an important number of UN conventions.

In Bangladesh State of Emergency has been declared on January 11th, 2007. Apparently, the Emergency has given the country a breathing space and some semblance of law and order. The people are sick and tired of endless violence, strikes and blockade, rioting and public lynching of political opponents on the street in the name of “restoring democracy” through “free and fair” elections. The average people seem to be happy with the present Care-Taker-cum-Emergency government and optimistic about the outcome of its anti-graft / anti-corruption measures.

2. Scope of the study

The study will analyze the situation of SMEs, which are one of the key players and have principal stake in the economic arena. This will enable the sector to identify the need for policy interventions to ensure an appropriate implementation strategy, so that the business sector could be efficient and competitive enough in the free market economy.

¹Reconceptualising Government, UNDP, 1997.

Small- and medium-scale enterprises and the informal sectors are especially important to address Bangladesh' economic and human development challenges. For example, the garment industry in Bangladesh, which consists mostly of small- and medium-sized enterprises, generates revenues of \$2 billion every year from linkages with the rest of the economy in addition to contributing to direct export earnings. Micro-enterprises are often the most common type of economic activity in Bangladesh. Operating mainly in the informal sector of the economy, they provide subsistence employment to workers who cannot find employment in the formal sector. There is a significant gender dimension in small- and medium-scale enterprises as well as in the informal sector. In Bangladesh, women comprise an important part of the informal sector, working from home in both rural and urban areas. In Bangladesh where culturally or legally restrict women's access to the formal economy some two million women are employed in Bangladesh's garment industry. The private sector includes transnational corporations, small- and medium-scale enterprises and the informal sector. In many cases, transnational activities in a country are known to create isolated economic enclaves without any forward and backward linkages to the rest of the economy. Many repatriate profits, which limits the benefits provided to local communities. They often take advantage of eased financial and regulatory policies (e.g., operating in export-processing zones) but ignore workers' rights (e.g., the absence of a right to unionize in export-processing zones). Transnational corporations sometimes fail to live up to their social responsibility (e.g., with regard to environmental degradation). Small- and medium-scale enterprises often do not get process and policy support from the State — either in terms of simplifying the procedure for approvals or in terms of policy incentives (e.g., tax cuts). The informal sector, which is at the bottom of the ladder, contributes significantly to both employments generation and economic growth. Yet this sector faces challenges related to legality, unfair treatment and discrimination; receives no policy support; and is subjected to extortion and violence by law enforcement.²

3. Analyzing comparable situation of some similarly placed-countries in order to evaluate the position of Bangladesh;

Governance Situation in India

In India for 52 years there has been a more or less continuous democratic process, with 13 parliamentary elections, and notwithstanding the population growing from 300 million to 1 billion. Today, the voter list is 630 million, with 800,000 polling stations and 5 million staff at the last national election. A swift framing of a constitution was key to form a democracy. Also, they are perhaps the only country in the world with a separate chapter of the constitution dealing with the Election Commission of India, a body almost equally powerful and independent in status as the body of Supreme Court judges, for supervising, organizing, and controlling elections. For many years it was a one-man commission. But with a growing population and such diversity needing to be represented, since 1995, there is a three-member commission of equal powers with about 300 staff. Men pass on, systems live on; they have over the last 6–7 years tried to create effective and efficient systems. India now has electronic voting. The next election in India will be

²*Selim Jahan, "Informal Sector in Developing Countries: Issues and Strategies," Rashid Amjad (ed.), Global Employment Forum Report, Geneva, ILO, March 2002, pp. 123-135.* totally electronic. They use a simple machine, made in India. Crucially, there can be no misvoting with it. They have computerized electoral roles and compulsory identification is being introduced; no Indian will be allowed to vote unless he has an electronic voter ID card with a unique India number. But for fair elections, the systems have to be further deepened. Three years ago they started to give free and equal allotted time to all recognized parties, defined according to the Commission's formula, on state radio and television. In a historic judgment, they insisted that all parties follow their constitution, which they have to register with the Commission. There can be no democracy if a political party becomes a property rather than a party. The problems in the region—the three M's: money, muscle, and *mastaans* (hoodlums) attack the spirit and essence of democracy. It is a complex issue. India uses what is available to her through parliamentary law to combat these problems.

Governance Situation in Srilanka

The Sri Lankan people have very high expectations of their government in the present social environment: They want a democratic way of life, economic and social equity, the availability of goods and services that can contribute to a modern standard of living. However, their society is also structured with old, deep-rooted antagonisms based on religious and ethnic considerations. Several decades of increasing conflict and utter lawlessness provide the social context in which they have to look at strengthening

The economic context changed in 1978 when they moved away from an administered economy to a market-led economy. But government, either at the political or bureaucratic level, has not realized this yet, because, for the market to lead the economy means those individuals lose the perks of office they may have once had. Similarly, in the political context in 1987, they moved toward devolution. They set up the institutions to support this. But the central government again remains as it was, refusing to relinquish power. Over the past few decades, their political institutions declining in quality—the parliament, the executive, and the representative bodies at the local level. This is one of the biggest impediments to sound political governance. There has also been a rapid proliferation of political parties, 51 at the last count in a country of only 19 million people, all with hardly any difference in political agenda except that they are led

by different personalities. Political confrontation is the only outcome. The third impact is unprecedented corruption in the polity and bureaucracy. Also political violence has grown—from confrontation to violence—there is never an election without thousands of cases of electoral violence reported, many leading to deaths. Unfortunately, the participation of civil society organizations in governance remains marginal. Their origins in Sri Lanka are very recent and they are unable to participate effectively in governance. The two outcomes of the erosion of governance are: first, the erosion of investor confidence, with the resulting lack of foreign investment in turn impeding economic growth. The second is the growing disenchantment of citizens with governance. The youth, ethnic minorities, trade unions, and farmers' organizations have less and less confidence in effective governance. Governance has become marginalized in their lives. Its strengthening has become imperative.³

³ Henry Shelton Wanasinghe: *A Report by the Asian Center for Democratic Governance*, 17 - 18 March 2002, Dhaka, Bangladesh

Governance Situation in Malaysia

Since its formation as an independent state in 1963, Malaysia has never experienced a change in government. The ruling Barisan Nasional (BN) coalition has governed the country for almost 50 years. The BN is comprised of various ethnically based political parties led by the United Malays National Organization (UMNO), and includes the Malaysian Chinese Association (MCA), the Malaysian Indian Congress (MIC), and the Malaysian People's Movement Party (Gerakan). The government prides itself on maintaining ethnic and religious peace and stability, and asserts that ruling with a firm hand sometimes means restricting civil liberties and basic rights.

Continuous rule has consolidated power in the BN, particularly UMNO, and has created an environment that has curbed dissonance and limited the growth of opposition parties. Although political power remains locked in the ruling coalition, Malaysian politics have become more dynamic since the departure of Prime Minister Mahathir Mohamed, who served from July 1981 until October 2003. His successor, Abdullah Ahmad Badawi, pledged to implement several reforms, specifically on combating corruption in government. Badawi has also voiced his support for limited parliamentary reforms, allowing for more debate and public participation in legislative decision-making.

In Malaysia's March 2004 national elections, the opposition lost gains they made in the 1999 elections, while the ruling coalition solidified its majority. Opposition parties lost more ground in December 2005 in a hard-fought by-election for a new state assemblyman in northeastern Kelantan state. The seat had been held by the Pan-Malaysian Islamic Party (PAS), one of the main opposition parties, but was lost to UMNO in the by-election. PAS has governed Kelantan, Malaysia's only opposition-ruled state, since 1990. PAS remains in control, but with only a one-seat majority.

The control of government functions by the ruling party has severely limited the development of opposition parties. Furthermore, most parties have limited internal democratic procedures, with key decisions determined by a small group of leaders. Leadership regeneration in many parties has stalled due to internal fictionalization or the refusal of party leaders to make way for younger cadres. Both ruling and opposition parties lack transparency, and party elections are often marred by vote buying and fraud.⁴

Lessons for Bangladesh

Bangladesh is yet to promote principles of good governance, and initiative of our civil society reinforces the need for good governance. Through cooperative ventures of our parliament, judiciary, executive organ of the state along with the civil society it is possible to enact policies and design the governance so that human dignity and freedom are allowed to flourish. Some of the principles of good governance date back to the time of ancient Greece. Others are principles developed in more recent years, or lessons learned from our own history and that of other democracy practicing societies. Broadly ⁴
<http://www.ndi.org/worldwide/asia/malaysia/malaysia.asp> speaking, good governance promotes fundamental and universal human rights. As per constitution of Bangladesh, the political power lies with the people (Article 7). Principles of good governance allow people to pursue their lives in a just, equitable and democratic society. Countries like Bangladesh need the tools to educate their citizens to take part in the opportunities offered by the global economy. We need to do hard work to eradicate corruption.

The political philosophy and the commitment of the political parties should be expressed in the form of party manifesto much ahead of elections for empowering the voters so that they can make informed decisions before casting their votes during the elections. In Bangladesh, unfortunately the practice of presenting the manifesto of the political parties are not transparent and as such it may be stated that political commitment of the parties to the people is also not transparent which gives the parties a space to shift form their commitments and promise after the election. Sound policies and their execution are essential pre-condition of development. Good Governance necessarily means govern justly, invest in the people, and encourages private economic enterprise.

Perhaps the most basic and important principle of good governance is that a nation's political institutions be democratic. In the words of Abraham Lincoln, democracy is a form of government "of the people, by the people, and for the people." This means that the rights and principles of democratic government can and should be universally applied. They are not a uniquely American invention. The right of every person to speak freely about his government is a basic human right to overcome bad governance even by a elected government by the party, for the politician and nothing for the people. The right of any citizens to express his opinion about his government is one that is supported by the doctrine "Rule by the Ruled" as has been recognized by nations all over the world.

4. Benefit of good governance

The political, economic and social categories of the benefits of governance, both internal and external, can be identified as follows: a maintaining public services (law and order, basic social services, protection of citizens, the making of treaties, defending its territories); an influencing of attitudes (to work, to the size of family, to inequality of income, to new techniques, to secularity and culture); a shaping of social and economic institutions (creating legislative and administrative frameworks, providing incentives for private entrepreneurship, and aligning traditional and customary roles and institutions with those in contemporary operation); an influencing of the use of resources (controlling land use; determining the location of industry and recreational facilities; establishing environmental standards for individual households, commerce and manufacturing; and controlling the exchange of goods and services); a influencing the distribution of income (fair and equitable rewards according to differentiation of skills, administration of taxation, ensuring the well-being of all members of society); a controlling the quantity of money and economic fluctuations (exercising discretionary control to stabilize the economy, reducing the effects of fluctuations of world trade on the internal economy);

and a ensuring full employment and influencing the level of investment (resolving the political and technical difficulties in capital formation, adding new resources, and making existing resources more usable).

Democratic governance for human development embodies that most fundamental of democratic principles: that people should rule themselves through the government they freely choose. In countries where human development is a priority, governance has to be democratized for development outcomes to be sustained. This means that democratic governance incorporates into the notion of good governance, democratic principles, norms and institutions. Furthermore, democratic governance expands the range of options for human development. The predictability of principles enables economic agents to respond to incentives, and to make rational decisions.

5. Guideline to Strengthen institutions related to democratic governance:

The transition to democracy in Bangladesh has been inconsistent and erratic. In general, democratic institutions remain weak and confidence in the government is low. Bangladesh faces problems of widespread corruption, lack of clear representation of citizen's interests by their elected officials, a highly centralized government and a nascent local government movement that is still learning how to exercise its rights. Strengthening institutions related to democratic governance requires to execute priorities identified by the Government of Bangladesh and other local and international development partners in the Poverty Reduction Strategy Paper, adopted by the Government of Bangladesh in early 2005.

By increasing the ability of targeted sub-national governments to plan, manage and generate additional resources, their capacity to deliver services would improve leading to reinforce the importance of government transparency and improve the quality of life for average citizens.

Bangladesh suffers from frequent cyclones and floods, inefficient state-owned enterprises, a rapidly growing labor force, insufficient power supplies and slow implementation of economic reforms. It is possible to address some of those issues by helping them generate sustainable funding through revenues such as property tax administration, public-private partnerships and economic development.

It is also required to promote the role of civil society in government and educate citizens about ways in which they can participate.

The promotion of effective decentralization, anti-corruption and transparency, civil society development, improved local government administration, and participatory processes are all critical, interrelated tools for building democracy. Issues like fragile states, civil service reform, local economic development, fiscal reform, and legislative strengthening are given close attention today. A cross-sectoral approach involving a broad view of governance and incorporating the service and social sectors, such as health and education, could achieve the best results.

Guideline

Decentralization and democratic local governance: By offering technical assistance to national government as it devolves power to local governments

Civil society development: Facilitating dialogue and partnerships among public, nongovernmental organizations (NGOs), and civil society organizations at all levels

Local economic development: Developing innovative ways to spur cooperation between private groups (businesses, associations, civic-minded NGOs), citizens, and local governments to revitalize local economies.

Anti-corruption and transparency: Designing, implementing, and supporting anti-corruption initiatives to foster the transparency and accountability of government .

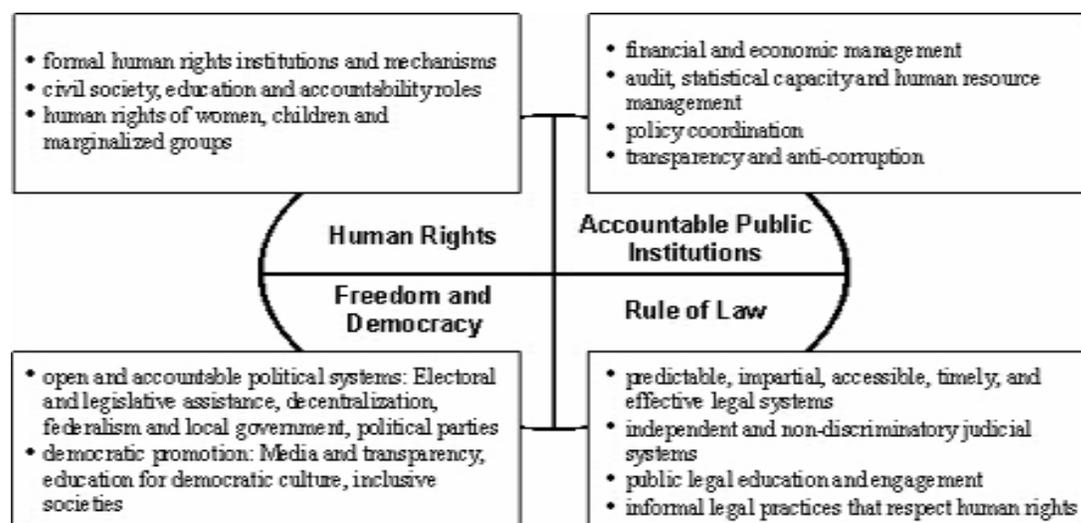
Legislative strengthening: Improving the capabilities and performance of legislative bodies at all levels of government.

Budgeting and financial management: Helping decentralized units of local government increase their ability to respond to local citizens' priorities

Participatory strategic planning: Promoting open government and citizen participation at all levels to build the critical foundation for democracy.

Electronic governance: Using the inherent strengths of information and communication technology to foster, strengthen, and expand good governance; improve the delivery of services; and connect citizens to the governing process.

Diagrammatically



6. Improvement in mechanism for good democratic governance involving private public sector and civil society organization:

State capacity in Bangladesh is constrained by many economic, institutional and geographical factors. Therefore, non-state actors — communities, civil society, the private sector and external development partners — have a critical role to play in democratic governance and in addressing development challenges. This role is anchored in two premises. First, non-state actors are important partners of Bangladesh in the promotion of democratic governance and development. State and non-state partnerships and interactions increase the likelihood that a government is more responsive, transparent and accountable to all members of society. Moreover, these interactions and partnerships can improve democratic practice by facilitating people’s participation in politics and decision-making process, empowering local groups to take charge of their livelihoods, and allowing citizens to advocate for policy reforms with public officials and political figures. Overcoming development challenges requires the existence of constant and efficient linkages among governments and all members of society. This in turn requires the existence of an inclusive and engaged society that incorporates the voice of all groups in decision-making processes and promotes people-centered development policies. Second, apart from partnerships with the State, non-state actors by themselves can contribute significantly to addressing development

challenges of Bangladesh by, among other things, bringing in alternative voices to policy debates and dialogues, providing service delivery and acting as a watch dog for state activities. Nonetheless, just like the government institutions that they seek to improve, non-state actors themselves need to be subject to the same principles of transparency, accountability and inclusiveness.

7. A modality of participating in govt. policy by the private sector

The private sector is a major actor in democratic governance. Securing and maintaining peace, stability and good governance depends in part on economic and employment opportunities that provide enough income to improve living standards. The private sector is an essential source of opportunities for productive employment and economic growth; its strength helps create a vibrant society and gives people the opportunity to use their energy and expertise in creative and productive ways. Thus, development results from the ongoing interaction among three agents of change: the State, civil society and the private sector. A thorough understanding of the role of the private sector depends on the ability to distinguish among various private-sector entities, given that their structures, objectives and modus operandi may be asymmetrical. The private sector in Bangladesh is providing essential utilities to a significant percentage of the population, including people residing in the poorest communities.

Private sector

Public-private partnership

Creating sustainable development requires that states and their development partners (the private sector, local communities, and civil society organizations) join efforts and resources for improving the delivery and quality of basic services to all citizens, with special attention to those who need them most. Public-private partnerships is the spectrum of possible relations between public and private actors for the co-operative provision of infrastructure services. At their best, public-private partnerships can combine the best of both sectors — the public sector's policy of public accountability and social and environmental responsibility and the private sector's values of managerial efficiency and entrepreneurship, as well as resources and technology. However, these partnerships still must face the challenge of guaranteeing access to social services to all citizens while maintaining profitability.

In Bhutan, cultivation, livestock, and forestry support 85 percent of the population and form about 36 percent of the national GDP. Farms are clustered in river valleys, on steep hillsides, and, in the south, in the foothills. Rice is Bhutan's main staple crop. In the late 1980s, Bhutan produced about 70 percent of its domestic requirement. Production has since dropped to less than 60 percent of self-sufficiency. Projected demand over the next 20 years registers the need for rapid and sustainable productivity increases. Self-sufficiency in rice is no longer considered realistic, yet maintenance of a reasonable level of self-sufficiency remains a high priority. In Bhutan, public-private partnership has been crucial for enhancing food security.

In Bangladesh, civil society-organized mass mobilization campaigns helped re-establish democracy in 1991. Since then, civil society organizations have played a critical watchdog function to help ensure state accountability. Twenty-five civil society organizations joined together to create the "Democracy Forum," which is also supported by Democracy Partnership Program of USAID, the Asia Foundation and the Bangladesh Rural Advancement Committee (BRAC). The goals of this forum are to improve the performance and accountability of local government; promote citizen advocacy; ensure free and fair elections; increase awareness of legal rights and women's rights; and

promote the resolution of disputes through the local mediation process. This coalition of civil society actors works to increase the accountability of the State while encouraging the public to participate in its institutional framework.

8. Simplifying and strengthening laws and govt. regulations

In Bangladesh, reforming existing laws and constitutions has been a common method to enhance and promote democratic governance, especially in post-conflict settings where constitution making has become an essential element for laying the formal foundation for a State. The capacity limitations of Bangladesh may limit their ability to reach out to and engage the entire population in constitution formulation. In such situations, the presence of a strong civil society is a valuable asset. Including civil society in the constitution-making process creates a closer relationship between those in power and the public and enables civil society organizations to engage citizens on an issue pertinent to people nationwide. Increasing participation requires the commitment of the government and civil society organizations to educate and inform the citizenry about the constitution-related developments. In post-conflict settings where civil society is not strong, a pluralistic political system is difficult to achieve immediately. Therefore, the process of constitution-making may first require an interim or transitional constitution that will affirm the values of openness and inclusion.

In addition to a strong constitution that establishes the framework for the rule of law and respect for human rights, a country's laws must reflect a commitment to these norms as well. Bangladesh confronts many logistical, human and financial capacity constraints in their efforts to create an adequate set of laws. Logistical impediments such as the lack of adequate office space and equipment for legislation drafting pose obstacles. Even when these resources exist, lack of coordination mechanisms among various institutions that must take part in the legislation drafting process can prevent their efficient allocation and use. One of the greatest challenges to establishing an adequate set of rules is that the lawmaking process is often long and confusing, and the law-adoption procedure is neither systematic nor coordinated. A convoluted procedure prevents the public from easily understanding the laws and therefore adhering to them. Furthermore, capacity limitations can be particularly acute among those responsible for drafting laws. Bangladesh suffers from a shortage of lawyers, and many officials responsible for law-drafting functions lack adequate legal experience to understand the complexities of formulating and implementing legislation, particularly in the area of complex economic transactions. A clear understanding of these procedures is essential to create laws that provide an attractive environment for foreign investors; therefore, legal training is needed for legislators, ministers, lawyers and other governmental officials.

Rule of Law and Justice

The existence of good laws and constitutions does not mean they are enforced. Indeed, legislation and regulations are meaningless without an efficient and effective judicial system to enforce them. Bangladesh must have institutions that promote the rule of law not only on paper, but also in practice. This requires a real separation of powers among state institutions that promote accountability. It is essential also to strengthen the judiciary and to guarantee access to justice for all citizens, especially the most vulnerable individuals in society, and to create a criminal-justice system that serves and protects citizens.

Traditional/customary and statutory/modern justice systems coexist in Bangladesh. Coexisting systems often create unnecessary legal complexity and have caused problems related to legitimacy, transparency, consistency and accessibility. A so-called

customary system of justice is governed by traditional rules and administered by traditional leaders or social institutions and norms. In comparison, a statutory system is governed by modern law, supported by documentary evidence and administered by the State. It has been argued that traditional mechanisms of justice are often more accessible to poor and disadvantaged people and may have the potential to provide speedy, affordable and meaningful remedies to them. Seeking justice through customary courts are not popular in Bangladesh because modern courts are seen to have long processes, high costs and poor access. In Bangladesh an estimated 60-70 percent of local disputes are solved by traditional systems of alternative dispute resolution-the Salish mediation councils-because the formal legal system is perceived as excessively expensive, time consuming and less accessible for disadvantaged groups. However, traditional mechanisms are not always effective and do not necessarily result in justice. Some customary systems have been charged with being discriminatory toward certain groups (especially women) and may not adhere to universal human rights principles and law. Modern courts also present problems regarding access to justice. They generally operate in the national official language, which may not be the language of the majority of the people or of members of significantly large ethnic groups. Formal legal and regulatory systems are generally weak and underdeveloped because the judicial system has insufficient resources and skills to enforce the law and lacks transparency and consistency in its decisions. However, parallel systems of justice are often problematic because the traditional and statutory justice systems usually are not adequately integrated and their spheres of influence are not clearly delineated

Access to Justice

Non-discrimination and equality constitutes one of the principles of human rights and the rule of law. However, in Bangladesh application of anti discrimination laws and the protection of rights is highly discretionary. Far too frequently, the poor and the most vulnerable (notably women, minorities and individuals living with HIV/AIDS) are deprived of their rights and of access to justice. In Bangladesh the judiciary is too distant, cumbersome, expensive and slow for the poor and the vulnerable even to attempt to access it. Equally troublesome is the fact that even when these vulnerable groups manage to access the judiciary, they face severe and systematic discrimination. Evidence across all regions shows that access to justice is limited by corruption and abuse of power. Also hampering access to justice is the fact that courts and formal institutions for the protection of rights are absent in local communities, rural areas and remote islands. Courts in Bangladesh are under funded and understaffed; this in turn creates an overload of cases and long delays in the procurement of justice. Case overloads cause long delays in resolution; in many cases, suspects are detained for years while waiting for trial.

Access to legal information and knowledge of relevant laws are crucial components for creating an adequate set of laws and establishing the rule of law in Bangladesh. Adherence to the rule of law presupposes not just the existence of a set of rules, but also that they should be known in advance and constantly brought to the knowledge of the population. The practice of publishing their laws on a regular basis also creates transparency in the legislative process, allows citizens to hold judicial institutions and enforcement agencies accountable to the law, and cultivates a just environment that encourages investment and fosters the confidence of the country's population as well as of the international community. However, Bangladesh has committed to publishing laws, financial constraints have prevented journals and other media from being published on a consistent basis and thereby serving their knowledge-promotion function. In Bangladesh, legal aid services are rare — and they are often weak even when they exist. In Bangladesh, civil society organizations have been quite active in helping address this

shortfall by providing legal assistance and education on rights. In step on improving the judiciary and the criminal-justice sector.

9. Modalities of reform of government agencies

One of the characteristics of a democratic government is to increase accountability at various levels. Democracy should increase the visibility of accountable institutions. Let us consider some of the relevant topics.

The Nature of Effective and Accountable Administration

In order to make administration more effective an essential prerequisite would be to right-size the government. All preceding governments have vowed to take such a step, and Governance Coalition would suggest the following steps:

(a) Certain institutions need to be streamlined and others, which have become redundant, should be abolished. These institutions still exist only because of bureaucratic inertia. There is also a need for certain institutions to be reviewed in light of the changing economic conditions, nationally and globally.

(b) Functions of certain government agencies should be delegated to the private sector.

(c) New laws to be enacted and implemented in order to rationalize the existing employment rules within the public sector.

(d) Combating Corruption in Administration and Ensuring Government's Accountability:

The Government of Bangladesh has adopted, together with 17 other Asian and Pacific governments, an Action Plan put together for Asia-Pacific Region to combat corruption. The Action Plan, other than outlining some specific steps to be undertaken by the respective governments in order to combat corruption, has also emphasized the government's accountability and transparency to their citizens. In this context three specific institutions could be highlighted:

(i) The Bureau of Anti-Corruption: The success of this public service-oriented institution depends on its integrity. The institution has lost its credibility due either lack of both political will and political interference. It is of paramount importance that this institution should be free from executive influence in order to ensure progress in the right direction.

(ii) Appointment of Ombudsman: Even though an act was enacted in 1980 for the establishment of the Office of Ombudsman no steps have been taken to initiate the implementation of this legislation. The presence of an effective and resourceful Ombudsman has a moral and psychological value for all parties. The citizens are confident as there is a watchdog that serves as deterrent to misuse of power by the bureaucracy. The officials, on the other hand, are assured that trivial and frivolous complaints without proper evidence will be dropped and no undue harassment of legal and administrative procedures will be applicable. There can be Ombudsman with omnibus jurisdiction areas such as administration, but there can also be Ombudsman with issue-based coverage. For instance, Ombudsman for human rights, gender equality, minorities' rights, and disabilities rights, child rights, health, education, land rights and land administration, local government, police service, tax service, public and private universities, hospitals, NGOs, information, armed forces, ethical conduct of officials, and protection of the environment. The ombudsman model has also been adapted for use by the private sector as a form of internal dispute resolution or to handle complaints made against the private entity, e.g., for private health care facilities, corporations and banks. The Ombudsman should be viewed as an institution composed a Chief Ombudsman, and several others to be appointed in phases with specialized sector-specific jurisdiction, such as Ombudsman for Administration; Public Procurement Ombudsman; Education Ombudsman; Health Ombudsman; Human Rights Ombudsman; Women and Child Rights Ombudsman; Land Rights and Land

Administration Ombudsman; Environment, Water and Forest Ombudsman; Local Government Ombudsman; Banking Ombudsman; Ombudsman for the Rights of Minorities & other Disadvantaged Communities; Power & Energy Ombudsman; and Labour Rights Ombudsman, etc. The appointment of Tax Ombudsman was a welcome development. However, if the experience of the Tax Ombudsman's first year in office is any indicator, it only does not reaffirm the fact that the Ombudsman, like any other watchdog body cannot function effectively without the necessary institutional capacity and resources, nor can it deliver without financial and operational independence free from political or administrative interference, influence, fear or favor. The Tax Ombudsman is working with only 4 staff members whereas provision has been made for 41; moreover both operationally and financially, the office of Tax Ombudsman remains fully dependent on the Government; even the staff members, who are deputed from the government, have allegiance to their respective ministry or department. For effective functioning of the Tax Ombudsman, provisions may be made to secure services of experts with relevant experience from the private sector, professional bodies, academe and non-governmental organizations. Powers and jurisdiction of the Ombudsman should be clearly defined and sufficiently communicated to the members of the public to avoid over-expectation and possibility of the Ombudsman being overburdened with activities of other institutions. To avoid overlapping jurisdiction with ACC, for instance, it should be clear that Ombudsman is a watchdog against misadministration, abuse and incompetence that has caused harm or loss to the aggrieved citizen. When it comes to abuse of power for financial or other material gain it becomes jurisdiction of the ACC. There should be close mutually complementary relationship between the Ombudsman and other pillars of the governance system. Finally, key to success of the Ombudsman is unqualified access to all information from the concerned institution, office or persons. Hence enactment and enforcement of Right to Information Law are critical. There should be public information and awareness campaign by all stakeholders, especially non-governmental organizations to further intensify demand for setting up of the institution of Ombudsman and making it effective functioning thereof.

(iii) Human Rights Commission: The present government has shown willingness to establish a Human Rights Commission. A review of the draft proposal reveals that its power and jurisdiction are very limited. An effective Commission would require:

- The independent functioning of the Commission, which needs to be ensured through the enactment of necessary legislation;
- The mandate of the Commission should be based on the Universal Declaration of Human Rights;
- Adequate power to conduct investigation; and
- Sufficient financial resource and independence.

Reform of other institutions, for example, the Public Service Commission, is also very important. Any reform would have to include improvement of conditions of employment of public servants.

The Rule of Law:

The present government has declared its intention to reinforce rule of law. Rule of law is a pre-condition for good governance. We hope that the present government will faithfully fulfill its promise to separate the lower judiciary from the executive. Another important aspect of rule of law is to ensure impartial application of law, without political interference.

Reform would strengthen the foundation of the present democratic process. It is, therefore, necessary to carry out structural reform of local government framework and its processes. The necessary reform could be carried by:

- (a) Increasing the level of accountability of elected and non-elected government officials.
- (b) Implementing effective control of citizens over the development process.
- (c) Bringing about qualitative development of leaders at the local level.
- (d) Effective mobilization of resources.

The current status of local government administration is exemplified, among others, by centralized decision-making process, lack of accountability of government officials to people's representatives, lack of administrative transparency, inadequate financial resources and corruption in service delivery agencies.

Governance Coalition would suggest the following important recommendations for reform:

- (a) Local government functions need to be clearly specified. Related to this is the issue of proper decentralization of power;
- (b) Tiers of administration: The relevant questions in this regard are: the number of tiers in local government; the distribution of political, administrative and economic power at each tier;
- (c) Bureaucratic influence over elected political representatives, which hinders good governance. Steps to be taken to ensure accountability of government officials vis-a-vis the elected representatives;
- (d) Inadequate sources of income for the local government. The limited revenue collection has been further reduced over the last few years. In this regard the government has to take decisions to increase the revenue collection power of the local government. Furthermore, new sources of income need to be identified at the local government level and they should be given legal power to levy taxes;
- (e) Allocation of power between the elected Members of Parliament and local government representatives needs to be considered, and local representatives need to be given greater authority, particularly in the area of development activities; and
- (f) Allocation of a percentage of national budgets for local government expenditure.

Electronic Government

The government should enact appropriate policy framework in order to take advantage of information technology, which would in turn increase administrative efficiency. The policy framework could include:

- (a) Extensive use of information technology in various administrative activities, such as, collection of revenue, bills and licenses.
- (b) In order to ensure transparency of SROs it is necessary to publish them on website.
- (c) Greater use of Internet regarding the issue of procurement to combat corruption and increase transparency in business dealings.
- (d) Greater use of computers in the field of revenue collection and seaports.
- (e) Introduction of information technology in the area of land registration and collection of land revenue.
- (f) Pilot projects (public information system) to disseminate information to the citizens at the thana level.
- (g) Information technology could track public expenditure, which would improve the quality of public expenditure.

In order to implement some of the recommendations it is important for the government to create a conducive environment, particularly through extensive human resource development.

Election Commission

The Election Commission, headed by the Chief Election Commissioner, is responsible for all non-security-related election preparations. While the Election Commission is designated as an independent body under the Constitution, its budget and appointments

are controlled by the Prime Minister's Office, a situation which inevitably leads to perceptions of bias.

1. Confidence in the Election Commission and Chief Election Commissioner:

Confidence in the expertise and impartiality of the Election Commission plays an important role in the ability of a country to hold an election acceptable to the voters and the political parties. The perception of inefficiency or bias, may seriously erode confidence in not only the electoral process but also the electoral outcome. An Election Commission should act as a service organization that reaches out to political parties, civil society, the media and the voters. In fact, it should build a sense of citizen ownership of the electoral process. An Election Commission should anticipate issues before they become problems, work to instill confidence both in its operations and the broader electoral process and provide solutions in a transparent and accountable manner. Unlike the judiciary where the judges wait for cases to be brought before them, an Election Commission should take the initiative to consult with political participants and the general public to better understand and respond to their needs and concerns.

The delegation was deeply concerned to hear from a broad cross-section of parties, civil society, media and independent observers of a widespread lack of confidence in the Election Commission and, specifically, the Chief Election Commissioner. When the delegates raised the issue with the Commissioner, he did not acknowledge that a problem existed and later reported to the media that the delegation had been misinformed. The delegation has identified a perception of incompetence and bias as a serious problem that requires being addressed. The CEC may be able to correct the situation, but only if the problem is acknowledged and dealt with. In the absence of a strong, corrective and urgent response, confidence in the Chief Election Commissioner will continue to deteriorate to the point that he should not continue his duties. The delegation calls upon all political parties to engage in good faith to assist in the process of enhancing the credibility of the electoral process and those charged with administering it.

2. Technical Issues related to Election Commission:

The administration of the electoral process consists of a number of separate activities that, individually, would not pose an insurmountable barrier to the proper conduct of an election, but if deficiencies accumulate then strong administrative actions may become necessary.

The topics include:

- Voters' List;
- campaign spending;
- electoral complaints;
- counting of votes and transmission of results;
- domestic monitors and international observers; and
- sufficient polling booths for women/women and minorities.

3. Electoral Complaints:

The quality and impartiality of the highest courts in Bangladesh has remained generally high and consistent since 1991. Access-to-justice, cost and delay are difficulties as they are in many other countries. Greater challenges to the Rule of Law exist in the lower courts as they are not separated from government administration. The politicization of the lower courts remains a concern despite 18 High Court rulings to separate the courts from the administration. Of the 26 known cases filed alleging election fraud, none has ever reached open court.

4. Transparency of Counting and Transmission Procedures and Publication of Results:

Domestic Monitoring:

Domestic monitors and international observers have made a contribution to the integrity of parliamentary elections in Bangladesh and around the world. It is important to note that non-partisan election monitors can instill confidence and transparency in the election process. The delegation is appreciative of the Foreign Minister for his statement that assistance would be made available to international observers.

5. Women's polling Booths: It is urgent to increase the number of polling booths available to women in the polling centers.

6. Important issues required for good governance as well as recovering the improving the image of Bangladesh.

Issues	Country experience	Lessons for Bangladesh
<p>Social capital in the form of network and associations: Social capital is broadly recognized as a driver of economic growth, while wealth and financial capital, the results of economic growth, are seen as enabling factors. Social capital is seen as an asset that can be leveraged to create deals, business relationships, inspire innovation and change, facilitate the way to entering new markets, and attract businesses and citizens to a community. The concentration of financial capital, per se, never drives the development of social capital. Without the trust, the cooperation, and the visionary goodwill necessary to put financial capital to work, nothing can be accomplished. It is the strength of social capital, in the form of leadership, partnerships, and community spirit that drives economic growth and development.</p>		<p>Governments must make efforts to retain their social capital. Infrastructure must be built to ensure adequate working environments for acquired skills and transparency instilled to attract investments and business.</p>
<p>Greater civil and political freedom</p>		<p>The Bangladesh newspapers are enjoying freedom of press; newsprint quotas and distribution of advertisements apparently controls the</p>

		freedom of expression of the print media. Perfect autonomy of Radio and Television should be given.
<p>Strengthening judiciary system: Since rights can only be guaranteed by the State, strengthening the judiciary remains an important objective in LDCs. The judiciary is the guardian of the constitution and plays a key function in building the rule of law, protecting human rights and enabling economic growth. The judiciary must be capable of guaranteeing equitable, expeditious and transparent dispute resolution to citizens, economic agents and the State.</p> <p>Combating corruption: The State plays the central role in combating corruption, there is a host of other factors that contribute to strengthening governance systems and processes that ensure accountability, transparency and integrity. At the top of the list is the need for strong political leadership and commitment as well as broad public participation in fighting corruption. Nevertheless, efforts to build an efficient, accountable and transparent public administration significantly improve the chances of preventing corruption from taking root and from flourishing. Corruption is one of the key development challenges for Bangladesh.</p>	<p>Yemen, have made good progress in modernizing their judiciary and providing better services to their people.</p> <p>In Mozambique corruption in the public sector exists because of low salaries, while in the Burkina Faso experience highlights the role of civil society in jumpstarting anti-corruption efforts by the State.</p>	<p>Judicial independence is a crucial part of a properly functioning judiciary. The judiciary must be perceived by the public as an impartial, accessible body that strives to protect their rights. The separation of powers in the government is essential for judicial independence.</p> <p>There is a need for a strategy that entails three interrelated and complementary stages: prevention, administrative action and judicial action. This strategy also requires strong political leadership and coordinated participation of all actors, including the State, civil society and the private sector. Participation and transparency are the key elements for administrative management's enhanced accountability and adaptability. These two elements contribute towards democratization, the development of professionalism and ethics within the government as well as towards curbing corruption in the public sector.</p>
<p>Conflict management: Prolonged and generalized conflicts can cause public administrations to collapse. The State becomes unable</p>	<p>In the Democratic Republic of the Congo, years of conflict have exacerbated weak state capacity and led to the</p>	<p>Building useful platforms of common understandings and discipline on which present and future reforms might be set.</p>

<p>to tax and collect revenue, thus losing financial capacity along with human resources to provide public goods such as health care, education and security. War, accompanied by large-scale population movements, contributes to dramatic and differentiated declines in health and education sector functions and delivery. Insecurity leads to the closure of urban and rural health clinics, the displacement of staff and the disruption of social service programmes.</p>	<p>collapse of the central administrative State, which precipitated a halt in salary payments to most employees outside the capital. In such conflict situations, the lack of both salary and physical safety prompts many civil servants to leave their country of their origin, thereby further weakening state institutions.</p>	
<p>Role of Women: Empowering women are good governance. Equality between men and women is now a leading global political principle. However, gender differences, based on the social construction of biological sex distinctions, are one of the great fetters of all societies. Though the constitution provides women the right to be elected in political and public representative institutions, such as parliament and local government bodies (Hussein, S. A. 2000), gender inequality, as a collection of interlinked problems, is manifested in the political arena too.</p>		<p>Role of women's participation in local bodies should be valued appropriately. Women ward commissioners' responsibilities should be specified clearly in the working circular by the local government Gazette to demonstrate their commitment to the public. Their working environment should be made free from patriarchal nature of politics as well as by the psychological state of their male-counterparts. their effective participation as well as political equality should be assured.</p>
<p>The Pace of Privatization:</p>		<p>The new policy of privatization is a good start. But the private sector could not come out of the shell. So government is largely responsible to administer public enterprise and make them efficient and at the same time working as an agent of private sector development. However, while many developing countries have moved fast to privatize state-owned enterprises, Bangladesh has already been</p>

		<p>relatively slow in privatization. The government of Bangladesh is not capable (politically and administratively) to make a balance between these two approaches.</p>
<p>Reforms in Political Parties:</p>	<p>In India Congress Chair person is not the Prime Minister of the State.</p>	<p>The parties should be allowed to launch reform and adjustment processes by themselves. The government may at best give a guideline. They should be free from personality cult and dynastic influences. There should be the practice of democracy within the parties. Every party should abide by its own constitution. The problem lies in the fact that the constitutions of most of the parties are treated merely as paper documents. Nobody bothers to follow those. Politics must be freed from individual-centricity. Alongside this, it should be positive. The parties should come forward on their own to create an environment conducive for logic-based and intellectually engaging political culture rather than negative and demonstration-based politics and politics must be based on ideology and programmes. There should also be moral pressure for this from the government and the intellectuals.</p> <p>Corrupt people and those who are involved in violence should not be leaders at any level of a political party. Any accusation like this against anybody should be investigated at the party level. Necessary steps should be taken if accusations prove true. There should be no interference or party influence to prevent legal action against them. The</p>

	<p>democratic process should be followed with all sincerity in electing leaders and taking decisions. There should be opportunity for open discussion at all party forums with accountability of leaders. The bad trend of bestowing the party chief with all powers should be stopped. The head of the party should not be the head of the state as there are chances for abusing power. Parties should have receipt book for donations so that they are not accused of bribery and extortion. To that end, it must tackle the two issues which remain in contention among the parties:</p> <ul style="list-style-type: none"> ? the design of limit on donations; and ? controls on party spending. <p>Amendment of Article 70 of the Constitution, under which, currently, a lawmaker is to lose his/her seat, if s/he votes in the House against the party, or even abstains from voting for the party, ignoring the diktats of the party's policy makers. The provision in question, understandably, acts as Damocles sword that forever threatens to decapitate any MP who expresses even oral difference of opinion with the official line. therefore, the provision inconsistent with the spirit of parliamentary democracy, in which a government is always supposed to remain accountable to the Parliament.</p>
<p>Rule of Law</p>	<p>In this regard the highest priority should be given to the reform of police administration. The following needs to be done:</p> <ul style="list-style-type: none"> (a) Efficient police force could be established through proper training. To ensure

		<p>good governance such training program has to embody issues as human rights, citizens' rights and women's rights.</p> <p>(b) Greater police-citizens' interaction and checking of corruption within the police force could enhance public confidence in it.</p>
E-governance		<p>It is necessary to emphasize the importance of Information Technology in enhancing the effectiveness of administrative machinery and the establishment of good governance. Two objectives could be achieved through information technology:</p> <p>(a) Increasing interface between government and citizens; and</p> <p>(b) Increasing the quality of public service, e.g., computerization of the billing by service delivery agencies, such as, WASA, would reduce considerably the suffering of its customers. Furthermore, billing information to be made available through internet for public use.</p>
Lowering the steps in administration	<p>Paper work reduction Act (May 22,1995) was adopted by united States of America</p> <p>For minimizing the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government.</p>	<p>Lowering the steps in administration will definitely lower corruption.</p> <p>Reforms like separation of judiciary from the direct control of government and autonomy of radio and television are positive steps for good governance.</p>

7. Recommendation: Based on the priority Recommendations are made for short term, medium term and long term basis.

A) Short term and immediate agenda for action (to be executed from 6-12 months.

i) Reform of Election Commission:

Technical teams from the major political parties should discuss and resolve the following issues and frame the options for approval by the senior leaders of the respective parties:
-The Voters' List be electronically compiled and published in order to allow for a more extensive revision of the names. If this task is done expeditiously and transparently, then it will provide an opportunity for political parties and civil society to work cooperatively with the Election Commission to correct the Voters' List. The Chief Election Commissioner should meet frequently with the political parties and civil society on this issue.

- **The Election Commission must update** its regulatory campaign spending limits and put into place more effective audit procedures to enhance the enforceable spending limitations.

- **The Election Commission should move** swiftly to put into place an impartial electoral complaint and appeal process. The Election Commission should publicize the penalties for violation of the laws related to the election process and be prepared to implement such penalties when appropriate.

- **Alleged violations of the law** during the election campaign should be promptly investigated and prosecuted, and the results distributed widely to participants in the process and through the news media.

-**The Election Commission should publish** on their Website detailed election results down to the polling station level. This undertaking will contribute to transparency and voter confidence, particularly if it is done within 24-48 hours after the end of voting. Such detailed information should also be made available to party poll agents, observers and the media in hard copy format immediately at the Election Commission in case there are problems with the Internet or the website.

- **The Election Commission should devise** a streamlined process of accreditation that respects the right of domestic monitoring groups and international observers to monitor elections but is also cognizant of the responsibility of such monitors and observers not to contribute to difficulties of officials as they manage often congested polling centers.

- **The Election Commission should ensure** that there are sufficient polling booths in the polling centers are for women. National and local authorities, the police agencies, the military forces, the political parties and civil society should discuss and devise strategies to curb the rampant violence that threatens to destabilize not just the electoral process but also society, itself.

ii) Reform of Public Administration and Anti-Corruption Commission

_ **Promoting a professional, merit-based and neutral civil service** through the adoption of performance management-based systems that promote objective criteria in hiring and promotion; equal opportunity for women and minority groups, reform wage and incentive structures;

_ **Functional reviews in public administrative reform.** This includes strategic activities to help promote ownership of reform and proposing of comparative examples for strategic policy and reform choices. Support activities aim to balance the goals of right-sizing civil service with efficiency and effectiveness gains;

_ **Strengthening accountability and transparency** through the development and implementation of anti-corruption legislation and policies, and through independent mechanisms for oversight, monitoring and enforcement, such as the Ombudsman, while working with CSOs on advocacy and monitoring.

_ **Training of civil servants** about best practices for effectively delivering public services to the people and especially to women and the poor;

- _ **Promoting the use of Information and Communications Technology** to enhance the effectiveness, openness and the accessibility of public sector services; and
- _ **Supporting global advocacy, capacity building, knowledge networking and tools development** in the area of anti-corruption, transparency and accountability.
- _ **Policy advice and tools for efficient implementation** on specific democratic governance issues and challenges, so that decisions made can be based on the best available information on the design, formulation, specifications and projected outcomes of a given solution;
- _ **Knowledge building** through knowledge networks by continually distilling and analyzing information, lessons learned, comparative experiences and success stories, and turning such information into more valuable sources of development knowledge. These networks facilitate dialogue, promote collaboration and mutual support among professionals, and encourage innovation and new ideas;
- _ **Referrals to democratic governance experts** and trusted consultants who can be called on for more focused input to a particular development initiative, enabling a client to choose from a range of professionals who are familiar with the issues and the region, and who have been vetted in advance; and
- _ **Advocacy, outreach and partnership** to obtain the latest ideas, trends and insights in democratic governance from the United Nations system, bilateral or multilateral donor agencies, academic institutions, think-tanks, civil society and the private sector.

B) Medium Term

i) Parliamentary development

- **Supporting participatory and broad-based constitutional reviews and reforms** that guarantee basic rights, freedom of association, expression and participation and protection under the law;
- _ **Strengthening the capacity of political parties and civil society organisations**, since they are the principle vehicles linking the electorate to legislative institutions;
- _ **Empowering women** through initiatives that help them reach positions of political leadership and gain access to legislative deliberations;
- _ **Promoting sustainable human development in legislative deliberations** through support for committees and research related to poverty issues, gender mainstreaming and budget allocations and the application of the Human Development concept to overall development management and review;
- Strengthening the internal organization of legislatures** by building processes and systems that will survive even after current legislators and staff retire. This includes support for the reform of parliamentary committees; and
- _ **Training of parliamentary members and staff** on issues related to their respective roles and responsibilities as well as professional skills development. This includes conducting orientation programmes, strengthening the functioning of committees, training in legislative drafting and establishing ongoing member and staff training capabilities.

ii) Access to Justice and Human rights

- _ **Simplifying and streamlining legal systems** to make the courts, the police, the prisons and the public registries more professional and accessible. Simplifying legal procedures and training justice sector personnel to deal appropriately with users and the media have proven effective in improving public confidence in justice institutions;
- _ **Strengthening national public defense systems and improving legal aid for the poor** including activities to make good legal council available and affordable to vulnerable groups such as the poor, women, minors, senior citizens, indigenous groups and prison inmates;
- _ **Providing legal information for judges, lawyers, prosecutors and public defenders** by making laws and judicial decisions well known among the legal

community so the justice system's operators know what the rules are and what the national and international jurisprudential thinking is — particularly on complex or controversial problems such as human rights, environment, bio-genetics and economic globalization;

_ **Increasing the availability of legal information to the public** to enhance citizens' awareness of rights and knowledge of how to exercise those rights;

_ **Promoting alternative dispute resolution techniques and reforming informal mechanisms.** This includes non-judicial conciliation, arbitration and mediation, as well as the removal of some conduct from review by the formal justice institutions;

_ **Strengthening the active participation of civil society in justice sector reform.** Included are advocacy and representation of citizen's issues, as well as institutional development of non-governmental legal aid providers, academic institutions, and training institutions for justice sector officials and the public;

_ **Strengthening the capacity of programme countries to promote and protect human rights** through support to human rights policy development, advocacy, training and awareness raising, especially among women, the poor and other disadvantaged groups, the promotion of national human rights action plans and the creation and functioning of human rights institutions at national and sub-national levels.

-**Promoting the integration of human rights with human development** through the promotion of the human rights-based approach to development.

iii) Access to information and E-governance Strengthen the legal and regulatory environment for freedom and pluralism in information. Facilitating the provision of expert advice on the right to official information, freedom of expression, and media law (including new and traditional media). Legal and regulatory frameworks that protect and enhance community media are especially critical for ensuring vulnerable groups' freedom of expression and access to information.

_ **Design and implement national e-governance strategies** to increase transparency and accountability of government operations, foster wider access to public information and promote enhanced government-citizen dialogue and interaction.

_ **Elevate the professional standards of the media to promote the exchange of independent and pluralist information.** An independent and pluralist media is a crucial "institution" of governance and an important plank in poverty reduction. Encourage self-regulation (codes of conduct) and promote journalist training.

_ **Support and strengthen local community and citizen's networks at the national and local levels** through increased access to and use of Information and Communication Technology (ICT) to promote cross-sectoral networking, access to information resources and citizen participation in local and national governance issues.

_ **Raise awareness of rights to official information and strengthen mechanisms to provide and access information.** This can be achieved through supporting and facilitating initiatives that sensitize government officials on the importance of making official information available and working with civil society organizations to promote rights and entitlements under official information legislation.

_ **Develop national capacity to adopt and adapt ICT and information resources,** including e-government applications, as well as indigenous and state-of the-art knowledge resources.

Strengthen communication mechanisms for vulnerable groups. Strengthening communication mechanisms that allow vulnerable groups to effectively participate in policy-making processes, supporting community based organizations and the media, using ICT tools to promote civic education on governance and development issues, supporting civil society organizations that focus on fostering active participation of vulnerable groups in policy-making processes such as the Poverty Reduction Strategy Papers.

_ **Foster South-South cooperation** between national governments and with international civil society organizations by promoting and strengthening national e-governance networks.

iv) Decentralization, local governance and urban/rural development

_ **Promoting the decentralization of authority and responsibility** to provincial, district, city/town and village levels including through constitutional and legal reform

_ **Support for national decentralization strategies**, including fiscal, administrative and political dimensions, with an emphasis on the rights of women and the poor;

_ **Improving coordination between key national ministries** to ensure coherence between sectoral decentralization, local planning and budgetary mechanisms;

_ **Strengthening the capacity of citizen's groups and local authorities** to promote urban/rural linkages, advocate for devolution of responsibility and negotiate for better interaction among all levels;

_ **Strengthening sub-national electoral, legislative and judicial processes**, including training for local elected and non-elected (including traditional) leaders;

_ **Promoting a legal and institutional environment at the local level** to enable participation of marginalized and vulnerable groups as well as accountability and transparency. This includes training local actors through the establishment of on-campus and on-line courses in schools and universities;

_ **Promoting responsive local citizenship** through civic education, improved access to information and support for alliances of the poor and other local partnerships;

Improving the enabling legal and regulatory environment for civil society organizations and municipal administrations to promote participatory urban and rural development based on international best practices; and

_ **Assisting local needs-based planning and participatory budgeting processes**, especially to steer human development processes to the most vulnerable groups.

C) Long Term

_ **Adopting appropriate and effective** SME and industrial policy ensuring good governance and overall sustainable development.

- **Sustainable improvements** in livelihoods and basic services for the poor and those vulnerable to poverty;

- **Mapping governance** needs of the poor;

- **Improved realization** of human rights and improvement in the positions of women and disadvantaged in the society;

- **Working for the promotion** and protection of civil and human rights;

- **Helping the country** put International human rights agreements into

Conclusion

From the above discussion it is clear that improving Governance is challenging because there are powerful vested interests, which benefit from the status quo and resist change. Courageous political leadership and vigilant citizens who demand change are essential. Good governance initiatives need to recognize the importance of a conducive political economy and domestic ownership to sustainable reforms. Bangladesh achieved nothing because of political instability. The people of Bangladesh, nevertheless, show a remarkable resilience in the face of adversities, often live on hopes. No wonder that a successful transition to a democratic government on the threshold of third decade of the nation's existence in 1991. In this situation the spirit of the concept of Good governance is essential for Bangladesh. Good governance is a fragile plant that will need sustained nourishing. It will require a fundamental change in mentality and social expectations that will change only gradually. One of the main objectives of the present care taker government is to ensure good governance and what other alternative is there without strengthening democratic governance.

Bangladesh COUNTRY OVERVIEW

2004 Population (In millions) 140.5
 2004 Population density (per sq km) 1,079.3
 2004 Urban population (% of total population) 24.6%
 † 2001 Slum population as percentage of urban population 85%
 2004 Population female (% of total) 49.8%
 2004 Age dependency ratio (dependents to working-age population) 0.61
 Indebtedness Less indebted
 Independence date 1971

Committee for Development Policy BANGLADESH criteria Inclusion Graduation

Gap to threshold in % of current GNI per capita (US\$) -106.6% -147.9%
 Gap to threshold in % of current HAI score -21.4% -34.7%
 Gap to threshold in % of current EVI score 61.6% 44.1%

MDGs progress 1990-2000

† MDG Hunger Reversal/stagnation
 † MDG Primary education Achievable by 2015
 † MDG Gender equality in education Achieved
 † MDG Child mortality Achievable by 2015
 † MDG Access to water Achieved

WELL-BEING

Health 1990-2003

Life expectancy at birth (years, male and female combined) 54.8 62.4
 Fertility rate (births per woman) 4.1 2.9
 † Under five mortality rate (per 1,000 live births) 144 69
 1993-1998 1999-2004
 Physicians (per 1,000) 0.2 0.2
 † Births attended by skilled health staff (% of total) 8.0% 14.0%

Education 2000-2004

Legal guarantee of primary free education Free education guaranteed
 Adult literacy (% of people ages 15 and above) 41.1%
 Youth literacy (% age 15-24) 49.7%
 Ratio of literate females to literate males (ages 15 and above) 62.4%
 Ratio of literate females to males (ages 15-24) 71.1%
 1999/2000 2002/2003
 † School enrolment primary (% gross) 100% 96%
 Pupil-teacher ratio primary 56% 56%
 School enrolment secondary (% gross) 45% 47%

Public responsibility 1999 2002-2004

Public expenditure on health (% of GDP) 0.9% 0.8%
 General government expenditure on health 4.7% 4.4%
 (% of total government expenditure)
 Out-of-pocket expenditure on health (% of total health expenditure) 64.6% 64.3%
 Public expenditure on education (% of GDP) 2.4% 2.4%
 Public expenditure on education (% of government expenditure) 15.0% 15.5%
 Military expenditure (% of GDP) 1.4% 1.2%

Military expenditure (% of government final consumption) 28.7% 18.6%
Prison data and justice 1990-1995 1996-2005
Prison population rates (per 100,000) 36 50
2004 Pre-trial detainees (% of prison population) 60.3%

Economy 2002-2004

HDI 0.452 0.52
GDP per capita (constant international US\$ at PPP) 1319.5 1735.3
Gross domestic savings (% of GDP) 12.6% 17.0%
Gross fixed capital formation (% of GDP) 19.1% 23.4%
Net foreign direct investment inflows (as % of GDP) 0.0% 0.2%
Inflation consumer prices (annual %) 10.2% 3.2%
General government final consumption expenditure (% of GDP) 4.6% 5.4%

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! = MDG

Economic overview (continued) 1995 2002-2004

Agricultural labour force (% of total labour force) 65%(a) 54%
Military personnel (% of total labour force) 0.3% 0.3%

Debt and aid

External debt per capita (DOD constant 2000 US\$) 143.9 128.5
! Debt service total (% of exports) 13.2% 5.9%
Aid per capita (constant 2000 US\$) 11.7 9.5
Aid (% of GNI) 3.3% 2.5%
2005 HIPC initiative (decision point/completion point) ..

International trade

Trade (% of GDP) 28.2% 34.6%
Food exports (% of merchandise exports) 10.4 % 7.7%
Food imports (% of merchandise imports) 17.3% 19.8%
Manufactures exports (% of merchandise exports) 85.2% 89.5%
Manufactures imports (% of merchandise imports) 69.1% 62.8%
Fuel exports (% of merchandise exports) 0.4% 0.6%
Fuel imports (% of merchandise imports) 7.7% 7.7%

Information and communication technology

! Fixed line and mobile phone subscribers (per 1,000) 2.4 15.6
Television sets (per 1,000) 18.8 61.5
2004 Total number of permanent post offices (per 100,000) 7.1
Daily newspapers (per 1,000).

Poverty and inequality

2000 National Gini index 31.8
MDG 2000 Living on less than \$1 a day (PPP) (% of population) 36.0%
MDG 2000 Living on less than \$2 a day (PPP) (% of population) 82.8%
2000 Poverty rate at national poverty line (% of population) 49.8%
2000 Poverty rate at rural poverty line (% of rural population) 53.0%
2000 Poverty rate at urban poverty line (% of urban population) 36.6%
2003 HPI-1 rank – income poverty rank 5
2003 HDI rank – GDI rank 2

GOVERNANCE

Parliamentary development

Lower or single house Jatiya Sangsad
Upper house or senate.
Most recent parliamentary election — Lower or single house 10/1/01
Most recent parliamentary election — Upper house or senate.
Parliamentary term in lower or single house (years) 5
Parliamentarian obligation to declare personal assets No

Participation

2001 Ratio of voters to registered voters (parliamentary) 75.0%

1986 Ratio of voters to registered voters (presidential) 54.1%

Year women received right to vote 1972

Year women received right to stand for election 1972

Parliamentary bodies dealing with human rights.

Aggregate indicators

World Bank governance indicators 1996 2004

Voice and accountability -0.3 -0.7

Political stability -0.5 -1.2

Government effectiveness -0.7 -0.7

Regulatory quality -0.5 -1.1

Rule of law -0.7 -0.9

Control of corruption -0.5 -1.1

ENVIRONMENT 1990-1995 /2000-2004

‡ Proportion of land area covered by forest (%) 9.0% 10.2%

‡ Ratio of protected area to surface area 1% 1%

‡ Carbon dioxide emissions (metric tons per capita) 0.2 0.3

Source: UN Statistics:

Annex 2

In terms of democratic development, the regional divide that characterized the region in the previous period of the BTI 2003 (1998-2003) continued and has even gained momentum in the past three years. As the following table demonstrates, at present, five groups of political regimes can be distinguished:

Democracies	Defective Democracies	Defective Democracies with Strong Defects	Moderate Autocracies	Autocracies
Taiwan South Korea	India Indonesia Philippines Thailand Bangladesh	Sri Lanka Papua NG Afghanistan	Singapore Malaysia Cambodia	Nepal Pakistan Vietnam China Laos Myanmar North Korea

Aside from South Korea and Taiwan, ongoing insurgencies, weak state institutions, ineffective public services, porous rule of law and high levels of corruption within public administrations are fundamental problems of transformation toward liberal democracy in Asia and Oceania. However, even in these two countries, the political institutions and the political party system do not fulfill all criteria of a consolidated democracy.

Corruption in Bangladesh: Perception, Prevalence and Practices.

Newspapers everyday publishes reports about corruption somewhere in some sector in the country. Newspapers do not publish 'all that fits to print'. There is selection and reporting bias at the reporter's level as well as at the editorial level. Further information may be incomplete and there is often little follow up on the story. Hence inclusion of all reported incidents is not possible. Even with those limitations, Transparency International, Bangladesh has produced two news scan analysis of reported cases pertaining to January-March 1997 and January-June 2000. The picture is as follows:

Table: Distribution of Reported Cases of Corruption

	1997 (January-March)	2000 (January-June)
Police, BDR, Ansar etc.	46.0%	30.0%
Local Government	13.0%	17.0%
Education	10.0%	16.0%
Health	5.0%	11.0%
Taxation (Income, Customs, VAT etc.)	6.0%	6.0%
Financial Institution (Banks, Non-Formal micro credit)	7.0%	6.0%
Forestry	4.0%	6.0%
Water (including Water Board)	4.0%	5.0%
Transport (including Water Transport)	4.0%	2.0%
Sub-Total	390 (100%)	927 (100%)
Others	(188)	(418)
Total (N)	578	1345

Source : Transparency International, Bangladesh

Thus the reported case of corruption has increased overtime. Further, it is important to note the reported corruption by type. The corruption reported are mostly petty ones or systemic in nature. These are more of a competitive bribery type than kleptocratic or bilateral monopoly. However the issue is structural adjustment program by passed these areas of civil society concern.

Table: Manifestation of Corruption by Types and Sector (2000)

	Misuse of Power	Bribe Taking	Embezzlement & Extortion	Misuse of Resources	Negligence of Duty
Police, BDR, Ansar etc.	48.0%	20.0%	12.0%	1.0%	18.0%
Local Government	18.0%	5.0%	58.0%	8.0%	8.0%
Education	22.0%	9.0%	49.0%	7.0%	11.0%
Health	20.0%	6.0%	42.0%	5.0%	26.0%
Taxation	34.0%	30.0%	30.0%	-	6.0%
Financial Institution	26.0%	4.0%	67.0%	-	4.0%
Transport	37.0%	12.0%	27.0%	10.0%	14.0%
Water	17.0%	5.0%	52.0%	25.0%	-
Post, Telegraph, Telephone-	28.0%	23.0%	25.0%	10.0%	13.0%

Telecom					
Land Administration	22.0%	38.0%	31.0%	3.0%	6.0%
Forestry & Environment	24.0%	20.0%	39.0%	12.0%	5.0%

Source: Transparency International, Bangladesh

This table indicates that the misuse of power because of discretion, misuse of resource because of weak monitoring as well as embezzlement and extortion are as prevalent a form of corruption as is bribe taking which is high amongst Law Enforcement Agency, Taxation Officials, Land Administration, and Telecommunication Departments. Embezzlement and extortion are high in Local Government, Education, Health Sector and Financial Institutions: though it is present significantly in all the sectors reported. Thus the Financial Sector Reform, Taxation Administration reform or simplification of procedures are yet to have impact in reducing corruption, if at all it can. Neither decentralization as it exists has any positive impact. The picture relates to competitive bribing and mafia domination mostly, though case of bilateral monopoly is not absent.

Valuable comments on Strengthening Democratic Governance:**1. Dr. Rushad Faridi**

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“The first and foremost duty of democratic governance in facilitating any economic policy is to ensure property rights. The main instrument of ensuring property rights is clear exposition of law and order and swift and fair implementation of it. No country, no matter how resourceful that country was, ever made any progress without a properly functioning legal framework. This study could have focused more on the issue of how a country like Bangladesh could be directed to the path of natural progression of ensuring fundamental property rights. Among the property rights, right to information is vital. In the age of information technology, there is no excuse for huge asymmetric information that exists in Bangladesh. Implementation of E-governance would be a major boost in this area. E-governance, if it functions well, will provide the much needed transparency, accountability and efficiency in moribund bureaucracy in Bangladesh. This study might have improved much by focusing on the greater details of the hurdles and prospects of achieving this much needed tool to pursue strong and effective democratic governance in Bangladesh.”

2. Selima Ahmad

President

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“Transparency and accountability the main constituents of good governance; while good governance is a pre-condition to achieving human development Transparency and accountability are interrelated concepts and mutually reinforcing. Without transparency there could be no accountability. Unless there is accountability, transparency would be of no value. The existence of both conditions contributes to an effective, efficient and equitable management in public and private institutions. Decision-makers in government, the private sector and civil society organizations must be held accountable to the public, as well as to institutional stakeholders.”

3. Khondoker Mahmudur Rahman

Convener

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“Ensuring strong democratic governance requires- ensuring participation of general public by widening access to internet and e governance measures. Public blogs (websites where anybody can log on and put comments) through e-governance measures should be launched where general public can provide their opinion on current issues.

- Ensuring freedom of press, thereby, keep the flow of information on both ways (public to government and vice-versa), to maintain transparency and long-term social accountability of government.

- Government should have a parliamentary research wing through which Opinion poll should be conducted (by sampling) to get feed back on people's attitude towards proposed legislative changes, if any. (because once voted to parliament, does not mean that people have voted and given them the power to make any changes those parliamentarians would like).”

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