

EXPECTATIONS COMMITMENTS CHALLENGES

The State of Governance in BANGLADESH 2007



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in BANGLADESH 2007

The State of Governance
in Bangladesh 2007
Expectations, Commitments, Challenges

Institute of Governance Studies, BRAC University

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List of Acronyms

ACC	Anti-Corruption Commission
ADB	Asian Development Bank
AL	Awami League
BB	Bangladesh Bank
BBBF	Bangladesh Better Business Forum
BCS	Bangladesh Civil service
BHSA	Bangladesh Human Security Assessment
BRAC	Building Resources across Committees
BNP	Bangladesh Nationalist Party
BUET	Bangladesh University of Engineering and Technology
CrPC	Criminal Procedure Code
CGS	Center for Governance Studies
CAG	Comptroller and Auditor General
CEC	Chief Election Commissioner
CSB News	Chrono Satellite Broadcast News
CPD	Centre for Policy Dialogue
DFID	Department for International Development
DGFI	Directorate General Of Forces Intelligence
EC	Election Commission
ED	Executive Director
EIU	Economic Intelligence Unit
ETV	Ekushey Television
FDI	Foreign Direct Investments
FGD	Focus Group Discussion
FY	Fiscal Year
GDP	Gross Domestic Product
GoB	Government of Bangladesh
GoP	Government of Pakistan
IGP	Inspector General of Police
IGS	Institute of Governance Studies
MoE	Ministry of Establishment
MP	Member of Parliament
MCQ	Multiple Choice Questions

NBR	National Board of Revenue
NCC	National Coordination Council
NICAR	National Implementation Committee for Administrative Reorganisation
NPC	National Police Commission
NGO	Non-governmental Organisation
NGOAB	NGO Affairs Bureau
NSI	National Security Intelligence
OC	Officer in Charge
PCC	Police Complain Commission
PKSF	Palli Karma Shahayak Foundation
PPRC	Power and Participation Research Centre
PRP	Police Reform Programme
Pro-VC	Pro-Vice Chancellor
PRSP	Poverty Reduction Strategy Paper
PSC	Public Service Commission
RA	Research Assistant
RAB	Rapid Action Battalion
RED	Research and Evaluation Division
RPO	Representation of People Order
RRC	Regulatory Reform Commission
SB	Special Branch
SP	Superintendent of Police
SSC	Secondary School Certificate
TIB	Transparency International Bangladesh
UNDP	United Nations Development Programme
UNCAT	United Nations Convention against Torture
UGC	University Grants Commission
UNO	Upazila Nirbahi Officer
VAT	Value-Added Tax
VC	Vice Chancellor
VDP	Village Defense Party
VGf	Vulnerable Group Feeding

Glossary

Ballam	Spear
Basti	Slum
Bigha	Unit of measurement for land (3 bigha = 1 acre)
Char	Naturally reclaimed land
Chawkidars	Village policemen
Chingri	Prawn
Chiski chor	Petty thief
Chun-kali	Black and white colour
Crore	10 million (<i>Unit</i>)
Da	Cutting instrument
Dacoity	Gang robbery
Dakat	Robber
Gram sarkar	Village Government (<i>Bangladesh Policy</i>)
Haor	Large land-bound water body
Hartal	An all-out general strike, usually called by opposition political parties
Hasua	A kind of weapon
Imam	Muslim priest
Jat chor	Hereditary thief
Jolsha	Musical event
Joutho bahini	Joint Forces
Kharap kaj	Bad acts
Kirich	Cutting instrument
Lathi-bashi	Community patrol equipped with sticks and whistles
Londonis	Expatriate Bangladeshis living in the UK
Madrasah	Traditional Muslim religious school/college
Mahalla	Neighbourhood
Mastaan	Muscleman
Mohajon	Money-lenders
Monga	Seasonal famine
Mukti Bahini	Freedom fighters force
Mullah	Muslim religious leader
Onnay	Injustice
Oporadh	Crime
Orna	Traditional scarf worn by women
Pahara	Guard
Parishad	Council
Pitha	Soft biscuit style desert
Pourashavas	Municipalities
Razakar	Pakistan-army collaborators during the war of liberation
Sadars	Central district towns
Samity	Co-operative society
Shalish	Informal means of mediation at village level
Shalishkar	Customary legal authority
Shomaj	Society
Thana	Administrative unit between district and village; also police station
Upazila	Sub-District
Zila	District

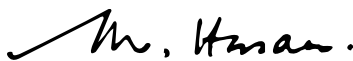
Preface

The Institute of Governance Studies (IGS), formerly known as the Centre for Governance Studies, presents its second annual *The State of Governance in Bangladesh* Report on the nature and quality of governance in Bangladesh. At the time of the release of the first Report (14 December 2006) the menacing dark clouds of a nor'wester were gathering on the horizon of Bangladesh, much evidence on the underlying causes was presented in the first Report. The chain of events triggered off on 11 January 2007 ushered in much relief for the people of Bangladesh from the oppressive uncertainty and chaos that was prevailing prior to '1/11', as it has become popularly known. '1/11' has also left behind in its trail some unforeseen consequences, which will keep unfolding in the coming years. In this Report we have endeavoured to provide an account and analysis of the context, process and trajectory of the reform efforts of the present Caretaker Government of Bangladesh.

We humbly submit that this Report is by no means the most comprehensive account of 2007 but we present to the readers some opening shots to a governance discourse that is about to commence. This second Report reinforces one of the major findings of the first, that is, the deterioration of the state of governance in Bangladesh was largely due to the politicization of the institutions of accountability. In 2007 the Caretaker Government took on the onerous task of putting some of these institutions on a much firmer foundation with strengthened pillars to augment the level of institutional integrity in Bangladesh. Nevertheless, the immediate challenge that confronts the citizens of Bangladesh is the construction and maintenance of a healthy body politics within the emerging governance architecture. The Institute will continue to document and analyse this exciting process in its future Reports.

The first Report was a joint enterprise between BRAC Research and Evaluation Division (RED) and the Institute. This Report is the outcome of the Institute's own effort under the leadership of Dr. Shahnaz Karim, the Institute's Assistant Director and a dynamic group of new generation scholars. Following our previous experience we invited comments from external advisers on the ongoing work in a peer-review process. The Report reflects, like the first one, the excellence of the research team who deserve recognition and appreciation. Due to the ever-increasing length of this Report we decided to omit certain pieces of research, which we initially planned to include in this edition. We now intend to publish them separately. We wanted to release this Report much earlier but circumstances made it difficult but we hope that it will meet the high expectations of the readers.

As with any collaborative project, there are too many people and organizations whose contributions were indispensable in assuring the standard and quality of this Report to be acknowledged individually. I also would like to express my gratitude to the Royal Netherlands Embassy whose continued support of the Institute has financed this project.



Manzoor Hasan
Director

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The team takes full responsibility for the contents of this Report.

The State of Governance in Bangladesh 2007

Executive Summary

The State of Governance in Bangladesh 2007 is the second annual report published by the Institute of Governance Studies at BRAC University. This report is the product of an ongoing long-term research programme on governance in Bangladesh initiated by the Institute (then the Centre for Governance Studies) in 2006. The Institute defines the concept of governance as the sum total of the institutions and processes by which society orders and conducts its collective or common affairs. The mission of the Institute is to identify, promote and support effective, transparent, accountable, equitable and citizen-friendly government in Bangladesh and South Asia. In pursuit of this mission, the Institute is dedicated to understanding the strengths and weaknesses of governance in Bangladesh and South Asia through research and academic pursuits.

The current report presents findings of research on governance in 2007, a 'year of change' in Bangladesh that may become formative in shaping a new paradigm for governance in the country. In addition to the overview chapter, the report has four chapters that present analyses and findings on: political governance in 2007, public perceptions of the state of governance, perceptions of crime, violence and insecurity, and governance of the NGO sector. The final chapter presents conclusions.

Appropriate research methods were selected to fit the objective of each chapter and include an institutional analysis (political governance), a national quantitative perceptions survey, and two qualitative studies (crime, violence and insecurity and NGO governance).

It remains the Institute's intention to build local research capacity. This report highlights the work of its team of scholars who contributed to the dynamic debate over the report's shape and findings. The nationwide perceptions survey was prepared in consultation with the Institute's research team and implemented by SIRIUS Marketing and Social Research Ltd. The BRAC-Research and Evaluation Division (RED) Governance Research Group prepared the chapter on perceptions of crime, violence and insecurity. It is the Institute's research team, however, which takes full responsibility for the contents of this report.

Chapter 1: An Overview

The process of strengthening the executive branch of the government at the expense of the legislature and the judiciary occurred incrementally throughout the history of independent Bangladesh. Several constitutional amendments, along with operational rules and regulations for conducting state affairs, spending public funds, issuing public contracts, and making appointments among others, centralised the decision-making in the executive office. Since the return to democratic rule in 1991, the parties in power gradually took advantage of their position to capture and strengthen the partisan hold on state institutions and public administration by developing a system of patronage and dependencies.

The winner-takes-all system that developed in Bangladesh gave no incentives to change the formal framework of the state and to reform the governance system. As the party in power was the system's immediate beneficiary, the only changes it was interested in making were to assure its return to office in the next elections (the plight and the failure of the Caretaker Government in October 2006 - January 2007 gives a pertinent example). The opposition waited, maintained its networks and prepared to win elections the next time around and then capture its share of benefits. Thus, the consensus between parties over the rules of the game continued with periodic outbursts of violence and turmoil which intensified before elections.

The vicious alternation of power between the two major parties ensured that no real change would ensue. Without any political will to change by the ruling party or a demand for reforms by the opposition and with the booming economy in the background, the prospect for a shift in the paradigm of governance remained grim. Fuelled by corruption, the system ran relatively smoothly and predictably until the political crisis erupted in late 2006 bringing into question a possibility of fair elections and a peaceful transfer of power if the elections took place in January 2007.

The state of emergency imposed by the President on 11 January 2007 halted the worsening state crisis and resolved the political impasse which increasingly pointed in the direction of violence. On 12 January a new army-supported Caretaker Government came into power. It has at its disposal the Emergency Power Rules 2007 and the Special Powers Act 1974. These acts prohibiting dissent granted the constitutionally non-partisan Caretaker Government freedom to initiate anti-corruption and targeted institutional reforms designed to ensure that the next elections will be free and fair.

Chapter 2: Political Governance : A Year of Change

Chapter Two reviews developments since October 2006: an anti-corruption drive has begun to bring members of political, business, and public administration elites to accountability for their corrupt practices; the preparation for the elections, and thus the possible return of a democratic government in late 2008 has also started. Supplementary reforms of institutions - either in progress or in the design stage - are expected to bring a massive and badly needed improvement to governance in Bangladesh. The government is making attempts to address formal constraints to investment. These and other initiatives are documented

and presented as brief institutional case studies in this chapter with an analysis of constraints and prospects for long-term success.

The sum of changes occurring in Bangladesh in 2007 has an immediate impact on governance in the transition between the compromised past and, one hopes, a functional democracy in the future. The findings of 2007 point to a set of paradoxes for governance: in the interim, governance suffered a set back as the political, albeit non-partisan, power was further concentrated by the executive and the accountability mechanisms further weakened. Moreover, parts of the business sector that operated under the assumption of bad governance and through pervasive corruption, are suffering from instability and uncertainty - adding pressure to the declining state of economy in Bangladesh.

The impact of these initiatives cannot yet be assessed, but *The State of Governance in Bangladesh 2007* report is cautiously optimistic about the trajectory of reforms. They are internally driven and there is political will and determination on behalf of the government to make them happen, both factors noticeably absent in the past. Low level of public trust toward state institutions, documented in the report, appears to confirm the necessity for change. There is also public support for the activities of the Caretaker Government and optimism for the future. But, without the support of the state administration apparatus - the Civil Service - the implementation of changes or even assuring the day-to-day operation of the government and implementation of government policies may be difficult.

Chapter 3: Perceptions of Governance

In spite of relatively low per capita incomes and vulnerability to natural disasters, Bangladeshis appear to be generally optimistic about the socio-political dimensions of their lives. This characteristic robustness is supported by the results of a nationwide survey that IGS conducted in October 2007 in cooperation with SIRIUS Marketing and Social Research Ltd., the findings from which are presented in this chapter. The survey includes a general random sample of 2,000 urban and rural residents and a targeted sample of 1,000 members of selected professions, including teachers, civil servants, politicians, journalists, and NGO workers, among others.

Despite higher prices of essentials and poor electricity situation, flooding, and considerable political uncertainty, Bangladeshis remain hopeful about the future, both in terms of living standards and the prospects for reform and elections. This response pattern is consistent with a general belief or hope that the current negative conditions - flooding, high prices, and political uncertainty - are temporary and problems will be resolved successfully. In most cases the general public and professionals gave similar responses. This does not however imply an uncritical acceptance of the status quo; there is a strong consensus across all segments about what is and is not working.

The chapter findings indicate strong hopes for a return to "normalcy". A critical question is how long can hopes be sustained without tangible evidence of major positive progress toward normalcy. One indication

of the timeframe respondents have in mind, regarding the return to parliamentary government, is the timing of the next election. Although respondents expressed optimism for the future, the context in which their responses were given must be considered. First, the Caretaker Government (one that has also become a policy-making and implementing body and not just an institution responsible for holding free and fair elections) has made considerable efforts to 'clean up' elements of bad governance. Given that this is unprecedented in Bangladesh's history, one cannot predict the success or failure of their efforts. Furthermore, one must consider how much of the optimism expressed by survey respondents is conditional on the expectation of elections in mid-2008. Also, it can be questioned if the answers about the future are based on what the respondents hope will happen or what they believe will actually occur. Finally, the survey was conducted prior to the devastating Cyclone Sidr, the economic fall-out of which is yet to be determined.

Chapter 4: Crime, Violence and Insecurity

The 21st century has seen rising interest in 'human security', or the freedom of people and communities from violence and the threat of violence. Human security is distinct from human development in that it is about 'the downside risks' (as Amartya Sen put it). *The State of Governance in Bangladesh 2006* report documented that quality national data on crime and violence have not been available for Bangladesh, making monitoring of the direct consequences of bad governance impossible. There has been some attention to crime in urban slums, but little on rural areas. With its mandate to research the impact of governance on the poor, BRAC-RED undertook to fill this data gap in 2007.

This chapter is a preliminary report on experiences and perceptions of crime, violence and insecurity, based on original research undertaken by BRAC-RED's Governance Research Group in 2007. The focus is on the qualitative component of a larger programme of research on human insecurity which includes a 4,500 household survey, available from 2008. The qualitative research was on a significant scale, involving interaction with more than 350 women and men, with a strong focus on poor and marginal communities and occupation groups, and in-depth research with three minority communities in nine locations. The research was organised around four themes: the meanings, dimensions and sources of human insecurity; experiences of crime and violence among the urban poor; experiences of crime and violence among religious and ethnic minority groups; and coping and prevention strategies. Key findings include the following:

Sources of insecurity are unexpectedly diverse, and no simple patterns emerge; urban slums are highly insecure, yet reported crime victimisation rates are comparatively low in some areas; ethnic and religious minority groups face acutely high levels of insecurity; and that human security is highly localised, with community-level security arrangements apparently playing a significant role.

Chapter 5: NGO Governance: A View from Within

The NGO sector is a significant player in Bangladesh in terms of service delivery, economic opportunity creation, and advocacy. Following the findings of the 2006 State of Governance report on the impact of NGOs on the country's governance, this chapter focuses on the existing governance procedures in the NGO sector, explores the political space occupied by NGOs, and gauges public perceptions of NGO performance in the country. A primary qualitative research was carried out among senior and mid-level NGO officials from 50 local, national, and international NGOs throughout all six administrative divisions of the country. The NGOs were randomly selected and include micro-credit, rights-based, and networking organisations, among others. The findings of the qualitative study are supplemented by the results of a nationwide quantitative perceptions survey.

Seen from within, the NGO sector is in good shape with NGOs holding themselves in high esteem. Officials claimed that their organisations perform well and practice measures of accountability. However, a comprehensive analysis of the interview data and the survey reveal inconsistencies in the NGO self-perception of internal governance issues. Some key findings of the research are:

Leadership transition is a concern because of leader-centric management; greater transparency and accountability of NGOs are mostly externally imposed; and NGO officials perceive their organisations to have greater access to grassroots and overall to be more effective in service delivery than the government. These views were corroborated by the quantitative survey: most people considered NGOs as credible institutions and perceived them as more efficient than the government. However, on the issue of reporting grievances against NGOs, most were unaware of how to go about this, and ranked the police very low as a place to lodge a complaint against NGOs. This shows not only a lack of general information about the regulatory framework of NGOs but also that the NGOs themselves do not feel strongly about making their mechanisms of accountability transparent to the beneficiaries.

Chapter 6: Conclusions

The State of Governance in Bangladesh in 2007, designed as a continuation of last year's report, builds on the findings of the 2006 report but narrows the perspective to focus on political governance. The report reviews a process of reform efforts initiated by the Caretaker Government since January 2007 from an institutional analysis standpoint and through public perceptions of the ongoing changes. In addition, following the gaps identified for further research in the 2006 report, the current report analyses experiences of human security and justice among the poor and marginal communities, and looks at the governance of the non-governmental organisations with an emphasis on views from within the sector. As the impact of changes occurring in Bangladesh cannot be fully assessed given a short time-span since their inception, the research on political governance will continue for *The State of Governance in Bangladesh 2008* report.

The assessment of the state of governance in Bangladesh remains mixed, as the year 2007 has been a 'year of change' and an interim period in the transition to a functional democratic system. The political will of the executor of change, the Caretaker Government, as manifest in its anti-corruption initiatives and a direction of reforms, provides reasonable promise for better governance in the future. It is the realisation of this commitment and the resolutions of the paradoxes outlined in the report, along with the ability of the Caretaker Government to overcome the challenges of managing society's expectations and gaining support of the civil service for its activities, that will define governance in Bangladesh in the near and the more distant future. The 2007 report concludes with a review of its contribution, with a focus on its integrated, multidisciplinary approach. It acknowledges areas which have been identified as key governance issues for future research. *The State of Governance in Bangladesh 2008* report will continue to track the success or failure of political governance in Bangladesh, and create a more robust source of information on the realities and experiences of governance in the country.

Research for the State of Governance in Bangladesh 2007 was conducted over the period May 2007 to January 2008. The full report on the quantitative research on perceptions of governance is available on the IGS website at www.igs-bracu.ac.bd. The qualitative research into crime, violence and insecurity reported here is part of a larger research agenda on human security within BRAC-Research and Evaluation Division.

The State of Governance in Bangladesh 2007: An Overview

1.1 The Purpose

The State of Governance in Bangladesh 2007 is the second annual report published by the Institute of Governance Studies at BRAC University. This report is the product of an ongoing long-term research programme on governance in Bangladesh initiated by the Institute in 2006. The Institute defines the concept of governance as the sum total of the institutions and processes by which society orders and conducts its collective or common affairs. The mission of the Institute is to identify, promote and support effective, transparent, accountable, equitable and citizen-friendly government in Bangladesh and South Asia. In pursuit of this mission, the Institute is dedicated to understanding the strengths and weaknesses of governance in Bangladesh and South Asia through research and academic pursuits.

The current report presents findings of research on governance in 2007, a 'year of change' in Bangladesh that may become formative in shaping a new paradigm for governance in the country.

The State of Governance in Bangladesh 2007, designed as a continuation of the first report (CGS 2006), builds on its findings but narrows the perspective to focus on political governance. The report reviews a process of reform efforts initiated by the Caretaker Government since January 2007 from an institutional analysis standpoint and through public perceptions of the ongoing changes. In addition, following the gaps identified for further research in the 2006 report, the current report analyses experiences of human security and justice among the poor and the marginal communities, and looks at the governance of the non-governmental organisations with an emphasis on views from within the sector. As the impact of changes occurring in Bangladesh cannot be fully assessed given a short time-span since their inception, the research on political governance will continue for *The State of Governance in Bangladesh 2008* report.

1.2 The Context

In the preparation of *The State of Governance in Bangladesh 2006* report, materials were collected up to the point of the constitutionally mandated resignation of the elected government in October 2006. The cut-off point, albeit practical as the report was published in December 2006, was nevertheless an arbitrary one. The transition period under the Caretaker Government and the elections on 22 January 2007 were going to mark a new starting point for the analysis of *The State of Governance in Bangladesh 2007*. The extent of political turmoil, the declaration of the state of emergency on 11 January 2007, the subsequent extension of tenure and changes in the Caretaker Government and the cancellation of the elections all together were not foreseen in the 2006 report. But, after having done the analysis of the state of governance in Bangladesh over the period of the past fifteen years for the 2006 report, the report team was not surprised by the actions and initiatives taken by the Caretaker Government since 11 January to improve governance in Bangladesh.

The 2006 report confirmed the already bleak picture of governance in Bangladesh and found the deepening of the ongoing problem of partisan politics penetrating all aspects of public life and partisan interests operating in the institutions, at national as well as local levels of state administration. Furthermore, the already weak formal accountability mechanisms have been undermined by the partisan capture of significant segments of civil society. Thus, seen in perspective of the problems' magnitude, the scope of activities carried out to address these problems over the past twelve months may be less radical than it appears.

Nevertheless, 2007 was not an ordinary year. The drive against corruption, including mass as well as targeted detention of the top-level of political parties, including the two former Prime Ministers, suspension of political activities, change in the leadership of institutions (Anti-Corruption Commission, Election Commission, among others), has been generally welcome and supported by the public and the opinion-leaders as necessary steps to bring about change in Bangladesh. In addition to the political uproar, the economic outlook worsened and the country experienced two waves of natural disasters, the floods and the cyclone. There were successes, such as the separation of the Judiciary and some convictions of corrupt members of the elite, as well as the setbacks in the accountability of the government and stalling of economic activities among others.

1.3 Report Structure and Methodology

The report views governance as the process by which the institutions responsible for development achieve their objectives. This includes not only the public sector but also non-government organisations, civil society organisations as well as the private sector. This multidimensional view of governance determines the research strategy adopted in the report. An open multidisciplinary approach was used and each chapter was contextualised within the appropriate analytical framework.

In addition to this overview chapter, the report has four chapters that present analyses and findings on:

- Political governance in 2007
- Public perceptions of governance
- Perceptions, experiences, and coping strategies relating to crime, violence and insecurity
- Governance of the NGO sector

The report was prepared under the guidelines and supervision of the Institute of Governance Studies. The Institute's report team took overall responsibility for conducting a literature review and research on political governance and NGO governance. Where the team's expertise was not available, the Institute engaged external capacity. Thus, a nationwide perception survey was prepared in consultation with the Institute's research team but implemented by SIRIUS Social and Marketing Research Ltd., a Dhaka-based international marketing and social research firm. The partnership with BRAC-Research and Evaluation Division (RED) Governance Research Group continued and the RED team prepared a chapter, based on original research, on experiences and perceptions of crime, violence and insecurity.

As mentioned before, the analytical frameworks and research methods were selected to fit the objective of each chapter. Among the methods applied are institutional analysis (political governance), a national quantitative perception survey, and two qualitative studies (on crime, violence and insecurity, and the views from within the NGO sector). Particular methodological approach is discussed in each chapter.

It remains the Institute's intention to build local research capacity, and the report highlights the work of the team of a new generation of Bangladeshi researchers who contributed to the dynamic debate over the report's shape and findings. As was the case last year, the report was an opportunity for younger scholars on the team to develop their research, writing, and editing skills. And it is the Institute's research team that takes full responsibility for the contents of this report.

1.4 Themes

The 2007 report tracks the changes that occurred in Bangladesh since October 2006. Placing the analytical focus on contemporary events was not an easy decision. It carries a risk for the report to become quickly out-of-date as the initiatives of the government evolve daily and the events, either political or environmental such as natural disasters, change the landscape of Bangladesh all too quickly. However, to let the remarkable year 2007 pass without any, even preliminary and imperfect, analysis would be forfeiting the opportunity to take a closer look at what promises to be a chance for building a functional democratic system in Bangladesh.

The necessity for change was hard to dispute. The process of strengthening the Executive branch of the government at the expense of the Legislature and the Judiciary has occurred incrementally throughout the history of independent Bangladesh. Several constitutional amendments, along with operational rules and regulations for conducting state affairs, spending public funds, issuing public contracts, and making appointments among others, centralised the decision-making in the Executive office. Since the return to democratic rule in 1991, the parties in power gradually took advantage of their position to capture and strengthen the partisan hold on state institutions and public administration by developing a system of patronage and dependencies.

The winner-takes-all system that developed in Bangladesh gave no incentives to change the formal framework of the state and to reform the governance system. As the party in power was the system's immediate beneficiary, the only changes it was interested in making were to assure its return to office in the next elections (the plight and the failure of the Caretaker Government in October 2006 - January 2007 gives a pertinent example). The opposition waited, maintained its networks and prepared to win elections the next time around and then capture its share of benefits. Thus, the consensus between parties over the rules of the game continued with periodic outbursts of violence and turmoil which intensified before elections.

The vicious alternation of power between the two major parties ensured that no real change would ensue. Without any political will to change on the part of the ruling party or a demand for reforms by the opposition and with the booming economy in the background, the prospect for a shift in the paradigm of governance remained grim. Fuelled by corruption, the system ran relatively smoothly and predictably until the political crisis erupted in late 2006 bringing into question a possibility of fair elections and a peaceful transfer of power if the elections took place in January 2007.

The state of emergency imposed by the President on 11 January 2007 halted the worsening state crisis and resolved the political impasse which increasingly pointed in the direction of violence. On 12 January a new army-supported Caretaker Government came into power.¹ It has at its disposal the Emergency Power Rules 2007 and the Special Powers Act 1974. These acts, prohibiting dissent, granted the constitutionally non-partisan Caretaker Government freedom to initiate anti-corruption and targeted institutional reforms designed to assure that the next elections will be free and fair.

Political governance: a year of change

Despite the fact that most political activities remain suspended, including the activities of the political parties and the absence of Parliament, the year 2007 was a very political one. The Caretaker Government took the decision to bring corrupt political elites into accountability for the past abuses of power and office. The anti-corruption drive demolished illegal physical infrastructure. The newly reformed Anti-Corruption Commission, whose disappointing performance prior to 2007 was a flagship example of bad governance, and Special Judges Courts are processing formal cases against the corrupt. Electoral initiatives - preparation of new voter lists and drafting new rules for contesting the elections - are in progress. The government is making attempts to address formal constraints to investment. These and other initiatives are documented and presented as brief institutional case studies with an analysis of constraints and prospects for long-term success.

Perceptions of governance

Building an environment for good governance requires public support. While strong governments with centralised power may be successful in pushing through reforms of the system on the premise of acting for public good, eventually the public will have to give its opinion on the changes. In the current environment of Bangladesh, without the elected representatives in the Parliament, obtaining public support is necessary to manage the country through a trying period of attempted systemic changes. What people think about the activities of the Caretaker Government in 2007 was a subject of the empirical national survey conducted for the report. The report offers an insight into the public's aspirations for good governance and discusses the trade-offs people are willing to make for the restoration of the fully functional democratic system. Among them is the willingness to be governed for an extended, but not indefinite, period of time by an unelected government. The report also explores perceptions of the state's obligation to provide security to its citizens. Based on primary qualitative research, the report investigates the views and experiences of crime and violence among the poor and marginal groups.

NGO governance

Perhaps because the formal institutions of the state in Bangladesh do not completely fulfil social expectations and have limited capacity and resources - especially in the areas of education, service delivery, economic empowerment, and access to justice, non-governmental organisations complement, and

1. Four out of eleven Advisers to the Caretaker Government resigned on 9 January 2008.

sometimes overtake, the activities and functions of the government. The far reach and diversity of activities by NGOs do not mean that the civil society of Bangladesh is vibrant or politically active in the role of watchdog of the state. Large segments of civil society have been captured by partisan interests, and with few exceptions, the internal governance of NGOs is a matter closed to scrutiny of the public. This report attempts to identify existing governance procedures in the NGO sector, explore the political space occupied by NGOs, and gauge public perceptions of NGO performance in the country. A primary research was conducted on internal NGO governance - looking into issues of leadership transition and formal and informal accountability mechanisms including transparency of information. The view from within the sector is complemented by the findings of the quantitative survey on how the public perceives the effectiveness and political neutrality of NGOs.

1.5 Findings

The view of *The State of Governance in Bangladesh 2007* is one of cautious optimism. Since 11 January 2007, the anti-corruption drive has been bringing members of political, business and public administration elites to accountability for their corrupt practices. The preparation for the elections, and thus the possible return of a democratic government in late 2008, has started. The Election Commission, strengthened by internal reform, is conducting a national voter registration drive and preparing an electoral reforms package. Supplementary reforms of institutions either in progress (the Anti-Corruption Commission) or in the design stage (local government reform, political parties reform) are expected to bring a massive, and badly needed, improvement to governance in Bangladesh.

The long-term impact of these initiatives cannot yet be assessed, but *The State of Governance in Bangladesh 2007* report is cautiously optimistic about the trajectory of reforms. They are internally driven and there is political will and strong determination on behalf of the government to make them happen, both factors noticeably absent in the past. A low level of public trust toward state institutions, documented in the 2006 report, appears to confirm the necessity for change. Therefore, the reconstitution of particular institutions is a welcome sign of change. It is not however a sufficient substitute for a systemic reform that is yet to be introduced. Throughout 2007, there was public support for the activities of the Caretaker Government and a positive outlook toward the future. These, however, are not unconditional. Rising food prices that have negative impact on the standard of living and the natural disasters that brought hardship to millions of Bangladeshis are likely to undermine the public's optimism and bring disillusionment with the government.

Furthermore, without the support of the state administration apparatus - the Civil Service - the implementation of changes or even assuring that the day-to-day operation of the government and the implementation of government policies, may be difficult. To date, the Caretaker Government has not shown any intention to bring any substantive changes to public administration, to modernise and to professionalise it for efficiency and better service to the public.

At the same time, the sum of changes occurring in Bangladesh in 2007 has had an immediate impact on governance in the transition between the compromised past and, one hopes, a functional democracy in the future. The findings of 2007 point to a set of paradoxes for governance: in the interim, governance suffered a set back as the political, albeit non-partisan, power was further concentrated by the Executive and the accountability mechanisms further weakened. Moreover, parts of the business sector that operated under the assumption of bad governance and through pervasive corruption are suffering from instability and uncertainty that adds pressure to the declining state of the economy in Bangladesh. Yet, as is apparent from the survey, the public offers support for the solutions proposed for improving governance, especially the anti-corruption initiatives. There is also a pronounced desire for moderation in politics and, what may be

broadly characterised as, predictability of life where services are delivered, information easily obtained, and sources of harassment removed.

Further strengthening of the Executive

The concentration of decision-making power in the Executive, particularly in the hands of the Prime Minister and the Prime Minister's Office, weakened the system of checks and balances and posed a problem to democratic governance in Bangladesh. Taking the Executive office by the Caretaker Government did not change the balance of power already advantageous to the Executive and, in fact, further centralised the decision-making. By design, the Caretaker Government is an unelected, non-democratic, and non-party form of rule that, in the case of the current Caretaker Government, is further supported by special powers given by the provisions of the state of emergency.

The current Caretaker Government has demonstrated a commitment to change and the political will to implement what amounts to the external shock to the system. The departure from the *status quo* of Bangladeshi politics has - so far - proceeded without opposition, as the former ruling elites are weakened by the anti-corruption drive and restrictions imposed by the state of emergency, and still with strong public support. However, any concentration of power in hands of an unaccountable and unrestricted Executive, regardless of how enlightened, civic-minded, and capable of leadership its individual members may be, is a set back for governance.

Weakened accountability

The change in the political arena in the post 11 January period has several implications for the accountability of the state's system under the Caretaker Government. The absence of the Parliament effectively removed the already weak formal accountability mechanisms and further strengthened the Executive's control over policy decisions. The internal scrutiny of the elected government does not, by constitutional design, apply to the caretaker one as it does not represent any political party and does not have to answer to or satisfy its supporters.

With the formal accountability mechanisms not available to the public for the review of the government, the reliance on the informal accountability mechanisms has attained more significance. The media, both electronic and print, as well as public grievances, now remain the only watchdogs of the government and the governance process. Media have remained open to debate but have to comply with the state of emergency provisions that brings into question their willingness to criticise the government. There are also reports of informal pressure to restrict media criticism of the Caretaker Government and a short ban on electronic media was imposed, but later removed, barring them from holding or telecasting political talk-shows.

In the case of paying heed to public criticism, the Caretaker Government's reaction has been mixed. In some instances, the government showed willingness toward scrutiny and for public debate, as in the case of the solicitation of comments on the budget. After a public outcry over the reach of the slum and hawker eviction drives and the army camp placed on the University of Dhaka campus, the government amended or retracted its decisions. At the same time, there are cases where the government is showing intolerance to criticism, for instance, as in the prolonged denial of a fertiliser crisis. This mixed performance reflects both the readiness of the government to learn and to listen to the public, and the extent of the willingness to remain accountable for its decisions and activities.

However, in planning for the future, the Caretaker Government is facilitating changes in some public institutions, making them more independent and accountable in order to institutionalise a formal system of checks and balances that will reduce the power of the Executive. Thus a paradox emerges of a virtually unaccountable government building a system designed to ensure that subsequent governments are accountable.

High costs of improving economic governance

Given the opportunity to make money, business will adjust to any political and regulatory norms. Over the past few years, due to Bangladesh's environment of endemic corruption, parts of the economic sector adjusted to the norms of poor economic and political governance. The outdated and redundancy-ridden regulations could be overcome with bribes, permits sanctioning illegal practices (for example, land grabbing) obtained with money, and contracts awarded through political connections. The post-11 January anti-corruption drive is gradually eroding the alliance between business, politics, and money. However, it has also contributed to a noticeable slowdown of the economy.

Although flawed, the existing business norms, characterised by red-tape, marred formal regulations and the informal rules for corruption, were not replaced by other norms capable of reassuring local and foreign business communities of the stability and security of their investments in Bangladesh. To date, no package of economic governance reforms has been introduced to overcome the perception of uncertainty among the business and political elites. A proposed 'Truth Commission' enabling business people to admit to their corrupt practices and pay a fine on their illegally obtained assets is not getting wide support. The Regulatory Reforms Commission, in place since October, is only a small step in the investigation of formal regulatory constraints. In the absence of a comprehensive strategy for pro-business state of governance, Bangladesh is suffering from a paradox of economic slowdown in a less corrupt environment.

Support for good governance

Both the national survey conducted for the report and the qualitative study on crime, violence and insecurity show that the public is well aware of problems with functioning and efficiency of public institutions, including formal justice sector. The survey also confirmed that NGOs fared better than government offices in terms of expertise, accessibility and responsiveness to the public. This view was corroborated by the sector itself, in research on self-perceptions of the NGO sector. The public, thus, holds a sober view of the state of governance in Bangladesh and it welcomed the changes of 2007.

Conducted in September-October 2007, before the devastation of southern Bangladesh by the cyclone, the survey produced a snap-shot of perceptions, generally positive, about the activities of the Caretaker Government and optimism toward the future. Support for good governance appeared in aspirations for honesty of the political class, for moderate political options, and for the elections in 2008. Although people noted a drop in their standard of living, attributed to high prices, they believe that it will improve in the near future. Optimism and support for the government probably came from the appreciation that something was finally being done to address dismal levels of corruption and impunity among the former ruling elites. To date, the government has focused on institutional change and avoided populist moves to continue generating support for its policies. Thus it upheld the principles of governing for public good.

1.6 Conclusion: Mixed Performance of the First Steps toward Better Governance

The assessment of the state of governance in Bangladesh remains mixed, as the year 2007 has been a 'year of change' and an interim period in the transition to a functional democratic system. The political will of the executor of change, the Caretaker Government, as is manifest in its anti-corruption initiatives and a direction of reforms, provides reasonable promise for better governance in the future. It is the realisation of this promise, supported by a system-wide reform, and the resolutions of the paradoxes outlined in the report, that will, along with the ability of the Caretaker Government to manage social expectations and gain support of the civil service for its activities, define governance in Bangladesh in the near and the more distant future.

Political Governance: A Year of Change

In October 2006 the tenure of the Bangladesh Nationalist Party (BNP)-led government came to an end and the transition to a Caretaker Government - as per constitutional provision - was due to begin. What actually begun was a political crisis when the fourth Caretaker Government assumed power at the end of October without exhausting the provisions for selection of the Chief Adviser. A hitherto unimaginable era in the political history of Bangladesh ensued, which this chapter attempts to chart. A review of the initiatives of the Caretaker Government, focusing on accountability, constraints and prospects for success, provides an interesting chronology of this extraordinary year. The chapter concludes that the sum of changes that occurred in Bangladesh in 2007 will have an immediate impact on governance in the transition between the compromised past and, one hopes, a functional democracy in the future. Although the long-term impact of these changes cannot yet be assessed, the tone is one of cautious optimism about the trajectory of reforms.

2.1 The Crisis

The institution of the Caretaker Government is tasked with facilitating free and fair elections, in case of the fourth Caretaker Government, those scheduled for 22 January 2007. Under the Constitution, the last retired Chief Justice of the Supreme Court is selected to lead the Caretaker Government as the Chief Adviser and can appoint a maximum of ten non-party advisers to assist him. However, due to controversy surrounding the political party affiliation of the last retired Chief Justice at the time, he refused to assume the role of Chief Adviser on 28 October 2006.¹ A political impasse ensued in which the two main parties, the BNP and Awami League (AL), failed to reach consensus on who would lead the Caretaker Government as Chief Adviser. Protesters from both sides brought their agitation to the streets where scores of people were killed or injured. In a controversial move, the President assumed the role despite intense concern by the Awami League-led alliance about his political leanings.² The Caretaker Government was sworn in on 29 October 2006.

Almost immediately the AL-led alliance placed an 11-point demand on the Caretaker Government to prove its neutrality, especially on issues related to the upcoming election. They demanded reconstitution of the

1 Daily Sangbad, 'Desh o jaatir bri-hotter saar-te a shi-dhanto' (The decision was taken with consideration of the people and the country), 29 October 2006.

2 The President is elected on a First-Past-the-Post voting system; it has become a custom for the Government MPs to elect their preferred candidate, usually a partisan decision. In 2003, Dr Iajuddin Ahmed was elected to this post.

Election Commission (EC),³ a fresh voter roster, and transparent ballot boxes. They also demanded the depoliticisation of civil and police administrations as well as the state-run media, an end to political harassment, and a ban on corrupt former ministers, lawmakers, and godfathers.⁴ When the Caretaker Government failed to realise their demands within the stipulated timeframe, the Awami League announced a fresh agitation programme, including a blockade, *hartals*, and a siege of *Bangabhaban* - the President-cum-Chief Adviser's official office and residence.

Rather than addressing the issues placed before him, the Chief Adviser created discord within his cabinet of advisers by failing to hold regular meetings and making unilateral decisions, much to the objection of the ten advisers.⁵ Finally, on 11 December 2006, four advisers resigned in protest over the Chief Adviser's decision to deploy the army without consulting the advisory council when the Awami League threatened to form an indefinite sit-in at *Bangabhaban*. Most advisers as well as many of the citizens did not feel that the law and order situation had deteriorated to the point of calling in the army. The President's action was regarded as a BNP ploy to control the Caretaker Government.⁶

Despite the Chief Adviser's attempts at reconstituting the EC by sending the chief election commissioner on leave and appointing two additional commissioners, violence, agitation, and disrupted communication continued as charges that one of the new commissioners had sought a BNP seat was alleged. Mass rioting on the grounds of the Supreme Court over the stayed writ proceedings challenging the constitutionality of the President's role of Chief Adviser perpetuated the bleak picture that the country would not solve the political impasse before the scheduled elections. While the President continued to advocate the constitutionally-mandated date of 22 January 2007 for holding the elections, the Awami League and its allies on 3 January announced their boycott of the election. They alleged that the government had failed to prepare a fresh and accurate voter list. Blockades and *hartals* continued to choke Bangladesh all the way to 11 January, when the President finally declared a state of emergency.

Within hours of the state of emergency announcement, President Ahmed announced his resignation as Chief Adviser, as well as the postponement of the scheduled election. Prior to his own resignation, he accepted those of nine of his ten advisers. The sole remaining adviser Fazlul Haque was then appointed by President Ahmed as the interim Chief Adviser. On 12 January, 2007, the former Bangladesh Bank Governor Dr. Fakhruddin Ahmed was sworn in as the new Chief Adviser. Five advisers were appointed on 13 January to form the new interim government. The state of emergency, however, continues to be in effect, automatically suspending numerous constitutional protections, including such basic human rights as the freedom of movement, freedom of association, freedom of thought and conscience, freedom of speech, freedom of profession or occupation, and property rights.

Bangladesh's constitutional politics suffered greatly because of President Ahmed's Caretaker Government which contributed to the prolonged political uncertainty and social disorder. After assuming power, the Caretaker Government of Dr. Fakhruddin Ahmed faced the monumental task of reconciling bitter political rivals and ensuring their participation in the elections.

3 Speculation about the BNP's influence on the Chief Election Commissioner resulted in controversy over his appointment and a backlash from the opposition and other civil society members, charging that the voter roll under his command had been prepared inaccurately.

4 Daily Sangbad, 'Rashtrapoti O Prodhon Upodeshta-ke bol-len Sheikh Hasina, niropekhotar proman na pele 3 November-er por andolon' (Sheikh Hasina stated to the President and Chief Adviser, failure to provide evidence of neutrality will lead to street protests), 31 October 2006.

5 Daily Star, 'Council yet to pick up required pace', 7 November 2006.

6 New Age, 'Iajuddin executing dubious designs', 12 December 2006.

2.2 The Players and their Powers

The Caretaker Government

A Caretaker Government is a unique parliamentary innovation especially in the British Commonwealth. In the recent past, Caretaker Governments have been instituted in Italy, Australia, New Zealand, Palestine, Pakistan, and Iraq. The Thirteenth Amendment to the Bangladesh Constitution, passed on 26 March 1996, provides for power to be handed to a non-partisan Caretaker Government at the end of a parliamentary term, to hold free and fair parliamentary elections within ninety days of dissolving a parliament. The constitution stipulates that the last retired Chief Justice of the Supreme Court lead this Caretaker Government as its Chief Adviser (with status of Prime Minister) and would appoint a maximum of ten advisers (with status of ministers) to assist him. The other advisers cannot be members of parliament, cannot be running for election, cannot be members of a party and must be under seventy-two years of age. This allows a good mixture of community specialists with a judicial specialist. The Caretaker Government runs all the state's affairs during these ninety days. However, during this time, the Defense Ministry's charge is transferred to the President, who assumes the role of Commander-in-Chief. The Caretaker Government comprises a citizens' executive cabinet and is collectively responsible to the President of the Republic.

In Bangladesh the demand for neutral Caretaker Government originated in 1990 from a lack of agreement among contending parties about legitimate means of changing government and upholding an impartial election. Although the neutral Caretaker Government of 1990 was constituted without any prior constitutional amendments, all its decisions were subsequently ratified in 1991 by the popularly elected Fifth National Parliament. The restoration of parliamentary system on the basis of consensus marked a positive development in the political arena. But disagreements on major national issues, mutual intolerance and lack of trust among the competing parties soon emerged, and thus ensured a central position in Bangladesh politics to the Caretaker Government - only two years after the reintroduction of parliamentary democracy.

In the face of continuous agitation of the combined opposition, the Fifth Parliament was dissolved and preparations were underway for forming the Sixth Parliament to enact constitutional amendment for Caretaker Government. Having failed to convince the mainstream opposition, the ruling BNP moved unilaterally to legalise the Caretaker Government after the Sixth Parliament was constituted on 19 March 1996. Thus, on 21 March 1996 the Thirteenth Amendment bill was raised in the Parliament, and on 26 March 1996 it was passed by 268-0 vote (Hasanuzzaman 1998).

With the passage of the Thirteenth Amendment, Articles 58(B), (C), (D) and (E) were included in the Constitution which hold the following major provisions regarding the Caretaker Government: (a) after the dissolution of the Parliament there will be an 11-member non-party Caretaker Government headed by the Chief Adviser; (b) the Caretaker Government will be collectively responsible to the President; (c) the Chief Adviser will be appointed by the head of the state while other ten Advisers will be selected as per advice of the Chief Adviser; (d) the Chief Adviser will hold the status of Prime Minister while an Adviser will enjoy the status of a minister; (e) the non-party Caretaker Government will discharge its functions as an interim government and will carry on routine jobs, except in the case of necessity it will not make any policy decisions; (f) the Caretaker Government will assist the Election Commission to hold general polls impartially, fairly and peacefully; (g) this Caretaker Government will be dissolved on the date a new Prime Minister assumes office (Wolven 2007; GoB 2000).

Amidst opposition agitation, the controversial Sixth Jatiya Sangsad was dissolved on 30 March 1996. Subsequently a Caretaker Government was formed under the Thirteenth Amendment and the former Chief Justice, Justice Muhammad Habibur Rahman, took over the charge as the Chief Adviser. Four days later on 3 April 1996, ten Advisers were sworn into the Caretaker Government; including academicians, lawyers, members of civil society, entrepreneurs and former members of the armed forces. The Caretaker Government successfully discharged its duty of holding the free and fair seventh constitutional parliamentary election on 12 June 1996, and continued in office until 23 June 1996, when the newly elected Awami League led by Sheikh Hasina formed the government.

Following the constitutional provision, the third Caretaker Government of Bangladesh was formed on 15 July 2001 and the former Chief Justice, Justice Latifur Rahman, took charge as the Chief Adviser. After two days, ten Advisers were sworn in. The Caretaker Government discharged its prime duty of holding the eighth parliamentary election on 1 October 2001, and continued in office until 10 October 2001 when the newly elected BNP government led by Khaleda Zia assumed state power.

The neutral Caretaker Governments of Bangladesh have been the products of intense opposition movement centring on the forceful demand for free and fair general polls. By legalising Caretaker Government through the Thirteenth Amendment of the Constitution in 1996, Bangladesh has founded a distinct example in the existing parliamentary systems.

Box 1: The Caretaker Government of Fakhruddin Ahmed (2007)

Name	Portfolio
Dr. Fakhruddin Ahmed, Chief Adviser	Cabinet Division Ministry of Establishment Ministry of Home Affairs Election Commission Secretariat
Ms. Geeteara Safiya Choudhury	Ministry of Industries Ministry of Textiles and Jute Ministry of Social Welfare Ministry of Women and Children Affairs
Dr. Iftekhar Ahmed Chowdhury	Ministry of Foreign Affairs Ministry of Expatriates' Welfare & Overseas Employment Ministry of Chittagong Hill Tracts Affairs
Mr. Tapan Chowdhury	Ministry of Power, Energy and Mineral Resources Ministry of Food and Disaster Management Ministry of Science, Information and Communication Technology Ministry of Youth and Sports
Barrister Mainul Hosein	Ministry of Law, Justice and Parliamentary Affairs Ministry of Housing and Public Works Ministry of Land Ministry of Information
Mr. Md. Anwarul Iqbal	Ministry of Local Government, Rural Development and Co-operatives Ministry of Labour and Employment
Dr. A. B. Mirza Md. Azizul Islam	Ministry of Finance Ministry of Planning Ministry of Commerce Ministry of Post and Telecommunications
Dr. Chowdhury Sajjadul Karim	Ministry of Agriculture Ministry of Fisheries and Livestock Ministry of Environment and Forest
Major General (retd.) M. A. Matin, BP	Ministry of Communications Ministry of Shipping Ministry of Civil Aviation and Tourism Ministry of Liberation War Affairs
Mr. Ayub Quadri	Ministry of Education Ministry of Primary and Mass Education Ministry of Cultural Affairs
Major General (retd.) Dr A. S. M. Matiur Rahman	Ministry of Health and Family Welfare Ministry of Water Resources Ministry of Religious Affairs

Source: Cabinet Division, Government of Bangladesh, as of 18 January 2007

The President

The President of Bangladesh is elected by Members of Parliament as per Article 48 (1) of the Constitution. Article 50 (1) & (2) of the Constitution states that the President shall serve a term of five years, with no person serving more than two terms, whether or not the terms are consecutive. A closer look at the current norms and conventions existing in relation to the Office of the President provides a depressing picture. The selection of the President is based on partisan affiliation with the party in government, where the candidate put forward will almost certainly receive the votes of the MPs from the governing party. There is very little in the way of consultation with the opposition parties over the selection of the candidate or to build consensus after selection. Since independence the Presidents selected through a democratically elected Parliament have seldom challenged the Prime Minister or the legislature in any of their major decisions.

The current electoral system selects the President on the First-Past-The-Post system, where a majority of votes is sufficient for victory. A close look at the history of the Presidency in Bangladesh as well as the nature of politics, both within and outside of Parliament, points to a polity bereft of consensus. Throughout the political history of Bangladesh one can cite many examples of polarisation between the two major political parties, which has led to a digression of views and little room for common ground. As a result of this fragmentation of the polity, the Office of the President of the Republic should represent an institution which can rise from the depths of partisan politics and shoulder the responsibilities of neutrality, objectivity and cohesion. The first President of the Republic⁷ set a strong example of integrity and fortitude for subsequent Presidents to follow. However, the development of the polity was such that the Office of the President became the main source of many of the difficulties facing Bangladesh until 1991.

The return of established Parliamentary democracy in 1991 has unfortunately not seen the development of a strong Office of the President; on the contrary it has led to a subservient President. The development of norms and conventions require space between the President and his Prime Minister and political imagination from both the actors. Dereliction of either one of these components leads to an unbalanced relationship between the political and tutelary executives, as has happened in Bangladesh since 1991. This is not a shortcoming of the constitution but the body politics' inability to grasp the nuances of liberal democracy along with the roles and responsibilities of the President. The Head of the State within a Parliamentary form of government should be a candidate that can rise above the bitterness of partisan politics and someone who has the ability to hold the Parliamentary executive to account without fear of any repercussions.

7 Sheikh Mujibur Rahman was elected President of the provisional Mujibnagar government through a Proclamation of Independence issued on 10 April 1971. Mujib remained President in absentia until his return to Bangladesh from Pakistan (where he was interned) on 10 January 1972. In the absence of Bangabandhu Sheikh Mujibur Rahman, Vice President of the People's Republic of Bangladesh, Syed Nazrul Islam acted as President from 17 April 1971 until Sheikh Mujib's return to Bangladesh. On 12 January, Mujib stepped down from the office of President to become the Prime Minister of the country. President Abu Sayeed Chowdhury was the figurehead President of Bangladesh from January 1972 to December 1973.

Box 2: Ordinance-making Power

According to Article 93 (1), *“At any time when Parliament stands dissolved or is not in session, if the President is satisfied that circumstances exist which render immediate action necessary, he may make and promulgate such Ordinances as the circumstances appear to him to require, and any Ordinance so made shall, as from its promulgation have the like force of law as an Act of Parliament”*. This Act permits the President to promulgate ordinances, which was part of the original constitution of 1972. The ordinance making power provides Government the room to manoeuvre and introduce laws which act in the wider interest of the nation at a given time.

However, this power has been used to forward vested interests by the government of the day, often to avoid the scrutiny of Bills by parliament. In the Fifth Parliament 40% of laws were passed in this manner. In the case of these bills, there was a tendency to rush the bill(s) in a hurry, short-circuiting the rules (Khan 2006a). In the Seventh Parliament 16 bills were placed in this manner and all these bills were hastily passed. After an ordinance is promulgated it must be placed before Parliament as per a traditional Bill of Parliament for scrutiny and approval. Ordinances have seldom been placed before Parliament with idea of scrutiny and parliament has only acted as a rubber stamping body. And along with Article 70, which compels a sitting MP to resign if he/she votes against his/her nominating party, MPs, esp. from the governing party, will most certainly vote in favour of the ordinance.

The Special Powers Act 1974

The Special Powers Act, promulgated on 9 February 1974 (Act XIV of 1974) provides special measures for prevention of certain prejudicial activities and for conducting speedier trials and effective punishments for certain grave offences. It was a follow-up of the repealed Security Act, 1952, Public Safety Ordinance, 1958 and Bangladesh Scheduled Offences (Special Tribunal) Order, 1972 (President's Order No. 50 of 1972).

The Act can be invoked at any time (not just during a state of emergency) and can be used against individuals suspected of inciting 'prejudicial acts' against the state. These include undermining the sovereignty or security of Bangladesh, creating or exciting feelings of enmity and hatred between different communities, and interfering with the maintenance of law and order (SPA Act, Section 2[f]). The main provisions of the Act are:

- Detention without warrant (Section 3)
- Suspension of a detainee's right to know the charges against him if it is for public security (Section 8)
- Suspension of right to legal council (Section 11)

Arbitrary detention of political opponents is not a new concept to the people of Bangladesh. It has been a part of the region's national security policy since the nineteenth century during British colonial times. It was used during the War of Liberation in 1971 by the Pakistani military to detain Bengali freedom fighters. When Bangladesh ratified its first Constitution in 1972, provisions for arbitrary detention were not included, indicating the will of the new country to put an end to this practice. However, it again became part of the suppression of political dissents when the Second Amendment Bill was passed in September 1973, which amended Article 33 of the Constitution to authorise Parliament to pass preventive detention laws. The Special Powers Act 1974 was passed several months later, and despite repeated assurances by political parties to repeal the law if elected, the Act continues to play a prominent role in suppressing any opposition that may threaten the lawful (and, at times, unlawful) activities of the political party in power.

A significant feature of the Special Powers Act is the ability of police or military officers to detain or arrest anyone without a warrant. A detainee may be confined indefinitely without an explanation of the charges against him or her if the authorities determine it is in 'the public's best interest of safety.' Although the Act provides some measure of a safeguard in protecting a detainee's right by requiring that s/he be produced before an Advisory Board within six months of detention, little evidence is required to remand the detainee, as there is no burden of proof on the government to detail the alleged offence. Furthermore, detainees are denied access to legal counsel when presented before the Advisory Board. The Advisory Board may recommend an initial detention period of one month and may continue to extend the term in six-month increments.

Judicial scope for adjudication of offences under the Special Powers Act lies with the District Magistrate or Additional District Magistrate in the area. Prior to the Caretaker Government, lower courts were under the authority of the executive, resulting in many detentions that were politically motivated by local government officials or by police administrators who were not in favour with the detainee, either for personal or official-related reasons. This failure of the separation of the Judiciary from the Executive brought into question the neutrality of the courts and undermined their ability to dispense justice, particularly to opposition activists, minorities, and fringe groups. The Caretaker Government has taken steps to effectively separate the two institutions, but it is too early to determine if this brand of unjust detention has been phased out.

When the state of emergency in Bangladesh was called on 11 January 2007, all fundamental rights were suspended according to Articles 36, 37, 38, 39, 40, and 42 of the Constitution.⁸ Moreover, the Act prevents anyone from challenging the state of emergency or the suspension of rights in the courts. However, petitions challenging arbitrary detentions were still filed with the Appellate Division of the Supreme Court. After hearing arguments from both the petitioners and the government, the court ultimately decided that the state of emergency does not suspend a person's legal rights. By the time the courts ruled against the detentions, however, the government had filed other cases against the defendants to keep them in police custody.

The legacy of the Special Powers Act is the precedent in which thousands of political activists voicing their opposition to the established government have been detained for 'the security of the nation.' This brings into question whether the Act enables and protects national security or political security. It also emphasises flaws in other systems, such as the unfair treatment of minorities and the historical binding of the judiciary to the executive, both of which undermine the principles of democracy. So far no government in Bangladesh has expressed a genuine desire to abolish the tradition of repressing dissent, as it is too valuable a tool for continuing policies of self-interest rather than national interest. It is interesting to note that the same political parties that promised to repeal the Act and later reneged in order to enjoy its benefits are the primary recipients of the current Caretaker Government's use of the Act during the recent anti-corruption drive.

Emergency Power Rules and Emergency Power Ordinance 2007

One day after the state of emergency was declared in Bangladesh the Caretaker Government promulgated the Emergency Power Ordinance 2007 (the "Ordinance"), which was supplemented by the Emergency Power Rules 2007 ("the Rules"). Both have been criticised for violating human and civil rights. However, the Ordinance makes it illegal for anyone to challenge its authority in a court of law.

⁸ These rights, namely freedom of movement, freedom of assembly, freedom of association, freedom of thought and conscience, freedom of speech, freedom of profession or occupation, and the right to property respectively, are suspended pursuant to Article 141B of the Constitution.

Offences under Emergency Power include corruption, smuggling, hoarding, black-marketing, money laundering, illegal possession of firearms, explosive substances, foreign currency, narcotics, tax evasion and any other crimes considered a threat to the security of the state, people, and economy. The consequence of this definition is validation by the authorities in imposing tough law and order tactics because 'threats to the security of the state' can be broadly interpreted. Moreover, the Rules define the Bangladesh Police, the Armed Police Battalion, the Rapid Action Battalion, Ansar, Battalion, the Village Defence Party group, the Bangladesh Rifles, the Coast Guard, the National Security Intelligence service, the Defence Intelligence service and the Armed Forces as the country's 'law and order maintaining force'. This provides for any of its members to arrest and detain a 'suspect' without any charges or a warrant, and to discharge their functions in any way necessary to restore law and order. This has created abuse by its members for detaining people whose views are counter to the governments, such as demonstrators, journalists, and human right advocates (Asian Legal Resource Centre 2007). During the state of emergency, the Ordinance supersedes the Criminal Procedure Code in that any offence committed under Emergency Power is non bailable during the investigation and trial of the accused. The punishment is two to five years rigorous imprisonment and hefty fines.

Reports and pictures of torture while in detention have surfaced in the media,⁹ and detainees are allegedly intimidated into signing fabricated charge sheets to justify their detention. Although Bangladesh is a State Party to the UN Convention against Torture (CAT), the country has not formulated any laws for punishing those that use misleading tactics or torture as a way of extracting information from detainees. Instead, the Ordinance grants impunity to anyone in the law and order force who is accused of torture while carrying out its authority.¹⁰

The Rules forbid any kind of public gathering, demonstration, or rally¹¹ without special permission from the authorities. This also extends to meetings of trade unions and political parties, although the ban on indoor politics was lifted on 10 September 2007, permitting political parties to hold meetings in offices, houses, halls, community centres or hotels but not in open spaces or anywhere outside the capital.¹² Additionally, the media is restricted from publishing or broadcasting material that is critical of the government, including news bulletins, cartoons, editorials, talk shows, articles, and TV footage. The rule also prevents graffiti and wall writing. Authorities are empowered to halt or delay the publication and distribution of any news or messages that are deemed to be offensive to the government. The purpose of these rules is to prevent provocation of the public to challenge or upset the rule of law. To exemplify, on 19 April the Press Information Department issued an order to the media not to publish or broadcast any statements made by Sheikh Hasina. At the time, the government was taking measures to bar her return to Bangladesh after a trip abroad, arguing that she was inciting violence by making inflammatory remarks against the government.¹³ According to Asian Legal Resource Centre (2007), a large number of grassroots newspapers have been shutdown indefinitely, and two private television channels, ETV and CSB News, were reportedly ordered not to air any more 'provocative' footage of recent riots. Furthermore, a number of journalists were harassed, assaulted and arrested in the aftermath of the University of Dhaka riots involving students who were protesting against army occupation of their campus.¹⁴

9 Daily Star, 'Police Brutality,' 27 January 2007.

10 During Operation Clean Heart in 2002, a reported 58 people died under suspicious circumstances while in custody following mass arrests provoked by civil unrest. The then BNP-led government granted impunity to the law and order authorities by order of the Joint Drive Indemnity Act 2003.

11 Functions related to religious, social, or state affairs are exempt from the restriction.

12 Daily Star, 'Ban on indoor politics relaxed: Limits set on what parties can do,' 10 September 2007.

13 Ibid., 'Hasina flies in UK amid government ban on home return,' 20 April 2007.

14 Ibid., 'Journalists harassed,' 24 August 2007.

Under the Rules, authorities are permitted to seize land or property that are set up on state property and evict the occupants. For example, the beginning of the anti-corruption drive saw hundreds of slum dwellers, hawkers, and shopkeepers evicted from property owned by the government and their homes and shops destroyed. While some people praised the government's efforts to curb abuse of this system, others were concerned about the negative social and economic impact of stripping the homes and livelihoods away from so many people.

The abuses of the system by the 'law and order maintaining force' is allegedly driving up the incidences of human rights violations, but their numbers are hard to verify because many human rights advocates have been allegedly silenced through intimidation and threats by the authorities.¹⁵ This may have the misleading effect of construing an improved human rights situation in the country, when in reality the absence of information makes it difficult to paint a clear picture of what is happening.

Unwarranted arrests, impunity for perpetrators of torture, censorship, and other human rights violations, all sanctioned by the Caretaker Government under the Emergency Power Ordinance and Emergency Power Rules 2007, call into question the legitimacy of the government's assertion of bringing democracy back to Bangladesh. However, the government argues that these actions are necessary to protect the security of the country.

2.3 A New Governance Paradigm

The institutions of the democratic multi-party state have been dominated and undermined by partisan politics and party patronage networks run by the major parties. Bangladesh is characterised by high levels of competition between major parties, absence of intra-party democracy, highly centralised decision-making and personalisation of internal party structures. These have had a negative impact on the political governance of the country. This situation was unlikely to change given the major parties' unwillingness to change any rules of electoral politics and the parties' opposition to introducing credible mechanisms for accountability and transparency of the governance process.

However, it is clear that since January 2007 a new governance paradigm has emerged in the country. The Caretaker Government has stated its vision of establishing a modern democratic Bangladesh free from corruption, discrimination, and exploitation. This has several key manifestations. It appears from the current developments that the new administration is trying to reduce executive dominance by putting emphasis on reconstituting the public institutions to ensure the creation of adequate checks and balances within the Bangladeshi body politic.

Box 3: A Chronology of Major Events: October 2006 - January 2008

Incident	Date
Awami League - BNP dialogue to end political deadlock	Oct 2006
K M Hasan declines to be the chief adviser	27 Oct 2006
Dhaka becomes battlefield	27-28 Oct 2006
President Iajuddin Ahmed sworn in as chief of caretaker government	29 Oct 2006
President Iajuddin appoints 10 advisers	31 Oct 2006
Opposition parties protest through strikes	12 Nov 2006
Chief Election Commissioner M A Aziz goes on leave	22 Nov 2006
Two new election commissioners join the Election Commission	27 Nov 2006
Election schedule of 9 th general elections announced election date 21 January 2007	27 Nov 2006
Four advisers resign	11 Dec 2006
Four new advisers sworn in	12 Dec 2006
Election date of 9 th general elections rescheduled election date 22 January 2007	18 Dec 2006
AL refuses to participate in 22 January elections	3 Jan 2007
Grand Alliance led by AL boycotts Jan 22 election	3 Jan 2007
Grand Alliance's 72-hr blockade starts	7 Jan 2007
State of Emergency declared	11 Jan 2007
Resignation of the caretaker government with President as Chief Adviser	11 Jan 2007
Adviser Fazlul Haque becomes the temporary Chief Adviser	11 Jan 2007
Dr. Fakhruddin Ahmed sworn in as new Chief Adviser	12 Jan 2007
Five Advisers sworn in [Barrister Mainul Hosein, Major General (retd) M. A. Matin, Ms. Geetiara Safiya Choudhury, Dr. A. B. Mirza Md. Azizul Islam and Mr. Tapan Chowdhury]	13 Jan 2007
Gazette notifications of four rules relevant to separating the judiciary from the executive	16 Jan 2007
Three more advisers sworn in [Mr. Md. Anwarul Iqbal, Major General (retd) Dr A. S. M. Matiur Rahman and former secretary Mr. Ayub Quadri]	16 Jan 2007
Two more advisers take oath [Dr Iftekhar Ahmed Chowdhury and former chairman of Bangladesh Atomic Energy Commission Dr Chowdhury Sajjadul Karim]	18 Jan 2007
Acting CEC Justice Mahfuzur Rahman resigns with commissioners S. M. Zakaria, Mahmud Hasan Mansur, Modabbir Hossain Chowdhury and Saiful Alam	31 Jan 2007
Demolition of illegal structures and eviction of hawkers and slum dwellers begin	Feb 2007
Dr. A. T. M. Shamsul Huda selected as CEC and Mohammad Sohul Hossain as Election Commissioner	4 Feb 2007

Anti Corruption Commission Chairman and Commissioners resign	7 -11 Feb 2007
Publication of list of 50 corruption suspects leading to arrests	18 Feb 2007
Lt General (retd.) Hasan Mashud Chowdhury appointed Chairman of ACC	22 Feb 2007
List of 51 top graft suspects unofficially released	7 Mar 2007
Ban on indoor politics imposed	8 Mar 2007
Formation of National Coordination Committee to fight corruption	8 Mar 2007
Restrictions on Sheikh Hasina's entry into the country	18 Apr 2007
Special graft courts start rolling (Special Judge's court opened)	6 May 2007
PSC reconstituted with the appointment of Dr. Saadat Hossain as Chairman	7 May 2007
University Grants Commission reconstituted	8 May 2007
Result of 27 th BCS cancelled	30 May 2007
Formation of Local Government Committee	3 Jun 2007
2007-08 Budget announced	7 Jun 2007
Political party reform proposals tabled internally	Ataur Rahman Kaiser (AL) 6 Jun 2007
	Mannan Bhuiyan (BNP) 25 Jun 2007
	Sheikh Hasina (AL) 26 Jun 2007
	Abdur Razzak (AL) 30 Jun 2007
	Tofail Ahmed (AL) 2 Jul 2007 Suranjit Sengupta (AL) 4 Jul 2007
Floods grip the country	Jul-Aug 2007
EC announces roadmap and election by end of 2008	15 Jul 2007
Arrest of Sheikh Hasina	16 Jul 2007
Proposed Umbrella Law for Public Universities	31 Jul 2007
Voter listing begins (in Khulna city)	17 Aug 2007
University of Dhaka incident	19 Aug 2007 (incident) 20-21 Aug (crisis) 21 Aug (army withdrawal from campus)
Restriction on Media after the University of Dhaka incident	22 Aug 2007

Curfew declared	22 Aug 2007
Arrest of Khaleda Zia	3 Sep 2007
President Iajuddin's tenure extended	6 Sep 2007
Dialogue of EC with Political Parties- first dialogue takes place with Islamic Oikkyo Jot	12 Sep 2007
List of 39 high profile corruption suspects released	27 Sep 2007
List of 35 graft suspects published	4 Oct 2007
Lift of ban on indoor politics in the capital	9 Oct 2007
Changes in the leadership of BNP	29 Oct 2007
Submission of report by Local Government Committee	13 Nov 2007
High Court stays EC dialogue with BNP led by Saifur-Hafiz	18 Nov 2007
Cyclone Sidr hits country	16 Nov 2007
Donor commitment for US \$550 million for SIDR affected people	22 Nov 2007
Formation of Bangladesh Better Business Forum (BBBF) - the first ever public-private business forum in the country - headed by the Chief Adviser	26 Nov 2007
Teachers of University of Rajshahi get two years jail sentence for violation of emergency rules during August incident	4 Dec 2007
Launching of Bangladesh Welfare Party by a former army general and Freedom Fighter	4 Dec 2007
BRAC writes off Tk. 100cr loan in SIDR affected areas	6 Dec 2007
Rangs building collapses partially with deaths and injuries of workers	8 Dec 2007
Four University of Rajshahi teachers released from Rajshahi central jail on Presidential clemency	10 Dec 2007
Remains of Bir Shreshtha Sepoy Hamidur Rahman arrives from India	10 Dec 2007
High Court rules Aziz appointment as CEC illegal for holding dual offices	12 Dec 2007
Trial of University of Dhaka teachers and students begins in cases relating to the 20-22 August campus violence	17 Dec 2007
Two Paris-bound Vishnu statues stolen from Zia International Airport	21 Dec 2007
Public servants asked to disclose wealth by 31 Dec 2007	23 Dec 2007
Government decides against sending artefacts to Paris and return them to the National Museum	25 Dec 2007
Education and cultural affairs adviser Ayub Quadri resigns over loss of the two Paris-bound artefacts	26 Dec 2007
RAB finds broken pieces of missing Vishnu statuettes	28 Dec 2007
Detained former prime minister Khaleda Zia and two of her detained cabinet colleagues Moudud Ahmed and AKM Mosharraf Hossain shown arrested in the Niko corruption case	30 Dec 2007
Sheikh Hasina also shown arrested in Niko corruption case	31 Dec 2007

2.4 The Economic Situation

Political regime change and an anti-corruption drive brought a (possibly) short-term uncertainty to the market and had an adverse impact on nationwide economic activity. Parts of the economy, in the past decade or so, had adapted to the endemic corruption in the country (CGS 2006). The current political reforms designed to improve the transparency of the system had a repercussion on the economy and may be partially contributing to a slowdown in the private sector and investments. The rising prices are also affecting the population, with the fertiliser crisis especially hitting the farmers hard. The recent floods (Aug-Sep 2007) severely damaged the country's agricultural sector as well as infrastructure. Cyclone Sidr further worsened the situation. Lack of investment in power generation during the previous government coupled with corruption and poor management in the distribution system constrained the power supply situation and was considered as another risk facing the economy (CPD 2007c). The economic growth predictions have been revised downward several times over 2007. The economy grew about 6.51 percent in FY¹⁶ 2006-2007 compared to 6.63 percent in FY2005-2006. This decline is largely due to the prolonged political uncertainty and a setback in agricultural production (Bangladesh Bank 2007a). The Economic Intelligence Unit (EIU 2007a, b) first revised GDP growth predictions for Bangladesh to 6.2 percent in September 2007 and further to 5.8 percent in December after the Cyclone Sidr.

In an attempt to compensate for the loss of the *aman* crop, the government has striven to boost *boro* production by ensuring adequate supplies of agricultural inputs such as credit, diesel, fertiliser and seeds to farmers. However, administered prices of fuel and fertiliser carry a substantial fiscal and quasi-fiscal cost to the government. Despite price adjustments, the implicit subsidy for diesel and kerosene remained high. The fertiliser subsidy is also inducing fiscal pressure due to the sharp rise in international urea prices. Even though the Government is providing huge subsidy to supply fertiliser to the farmers at lower prices, but farmers in most places pay higher prices to procure needed fertiliser (ADB 2007a). The farmers are still not deriving the benefits of government subsidy as the middlemen and dealers of fertilisers, seeds and other agricultural items continue to deprive them of their due share. In fact, there have been several instances in 2007 of farmers clashing with Upazila Nirbahi Officers (UNOs) and other government officers over fertiliser.¹⁷ Economists have said that the postponement of the traditional system of fertiliser circulation without setting up a new arrangement has prompted a crisis. Major glitches in distribution with the abandonment of the previous system, the failure of the government to anticipate a sudden rise demand because of a change in crop variety, the traditional barriers such as hoarding, smuggling and production shortfalls, as well as the government attitude, have all contributed in creating a crisis. This report expresses the immediate need for a streamlined fertiliser distribution system to improve performance of the fertiliser market.

This section looks at some economic issues faced by Bangladesh in the calendar year 2007, and includes data from the last two quarters of FY2006-2007 and first two quarters of FY2007-2008.

Economy mired by natural calamities

The projected GDP growth was revised as the year progressed amidst uncertainty caused by political turmoil followed by the activities of the Caretaker Government, and the supply shocks due to the persistence of high energy prices. Agriculture experienced a slowdown compared to the previous fiscal year but manufacturing remained stable. Both agriculture and manufacturing sectors supported the buoyancy of the service sector. GDP growth for FY2006-2007 was broadly-based and led by export oriented industries. However, factors like avian influenza distorted supply of agricultural inputs and non-transparency of fertiliser distribution,

¹⁶ FY refers to fiscal year, which starts in July and ends in June.

¹⁷ New Age Xtra, 'Where is the fertiliser?', 23-29 November 2007.

inadequate irrigation caused by power shortage, and increased fuel prices inflicted agricultural output. Economic growth during the last fiscal year was aided by strong remittance inflow. Remittance grew by 24.5 percent contributing to a surplus in the Balance of Payments, which further helped to improve the foreign exchange reserve (Bangladesh Bank 2007a,e). The story for the second half of the calendar year 2007, i.e. first two quarters of FY2007-2008, looks less optimistic. The devastating floods in the late summer had a negative impact on agriculture and infrastructure, and were followed by the devastations of Cyclone Sidr on 15 November, killing over 3,000 and rendering millions more homeless. Crops on 2.47 million hectares of land were destroyed. Being hit by two consecutive natural calamities further worsened the economic woes, especially for the poor and the marginal groups. The EIU revised real GDP growth from 6.4 percent to 6.2 percent for FY 2007-2008 (EIU 2007b). The government's macroeconomic policy is thus geared towards targeted increases in public expenditure for rehabilitation of infrastructure and public service facilitated by reallocation of existing ADP and additional quick disbursement of international assistance (Bangladesh Bank 2007b). Revenue collection during the first five months of the current fiscal year is 21.83 percent higher than the previous fiscal year in the same period.¹⁸ The government has maintained the budget deficit within a sizeable limit. Global Economic Prospects published by the World Bank (2007a) forecasts economic growth is tapering off for the sub-continent as well as for the rest of world. Yet the growth rate is likely to remain robust in the medium term.

Box 4: Natural calamities: devastating floods followed by Cyclone Sidr

The 2007 floods have severely damaged the country's agriculture and rural infrastructure. The floods caused human distress with the fatalities of at least 300 and displacement of about 8 million people,¹⁹ damage to infrastructure, livestock, and economic dislocation. The floods affected 262 *upazilas* of 39 districts. It is estimated that a total loss of rice production due to the floods would be about 0.85 million tons. Post flood rehabilitation of crop production faces the challenge of high seed prices, black marketing of agricultural inputs, irrigation, and finance (CPD 2007b).

Official report from the government agency show death toll of Cyclone Sidr is at least 3,347 and other effects on at least 8.9 million people. Damage to crops, houses, livestock and infrastructure was reported from 1950 unions of 200 *upazilas* of 30 districts. Crops from approximately 2.4 million acre land were damaged.²⁰ Damage to physical infrastructure including schools, hospitals, roads and bridges, livestock, houses and crops was estimated at approximately 16 thousand crore taka.²¹

Increasing inflationary pressure

At present, price spiral and rising inflation is a major concern. National data on inflation for the recent years indicates an upward trend and inflationary pressure heightened with accelerating food prices (ADB, 2007a).

18 Statement of Revenue Target and Earnings, National Board of Revenue, Government of Bangladesh, www.nbr-bd.org.

19 World Bank, 2007, South Asia Floods: Cash Transfers Key Rebuilding Lives (accessed on 24 April 2008, www.worldbank.org).

20 Situation Report, 11 Dec. 2007, Disaster Management Information Centre, Disaster Management Bureau, Ministry of Food and Disaster Management, GoB.

21 Prothom Alo, 'Prakritik durjog biswajure orthonitite aghat anche' (Natural disaster all over the world is denting economies), 10 December 2007.

Figure 1: Twelve month average inflation

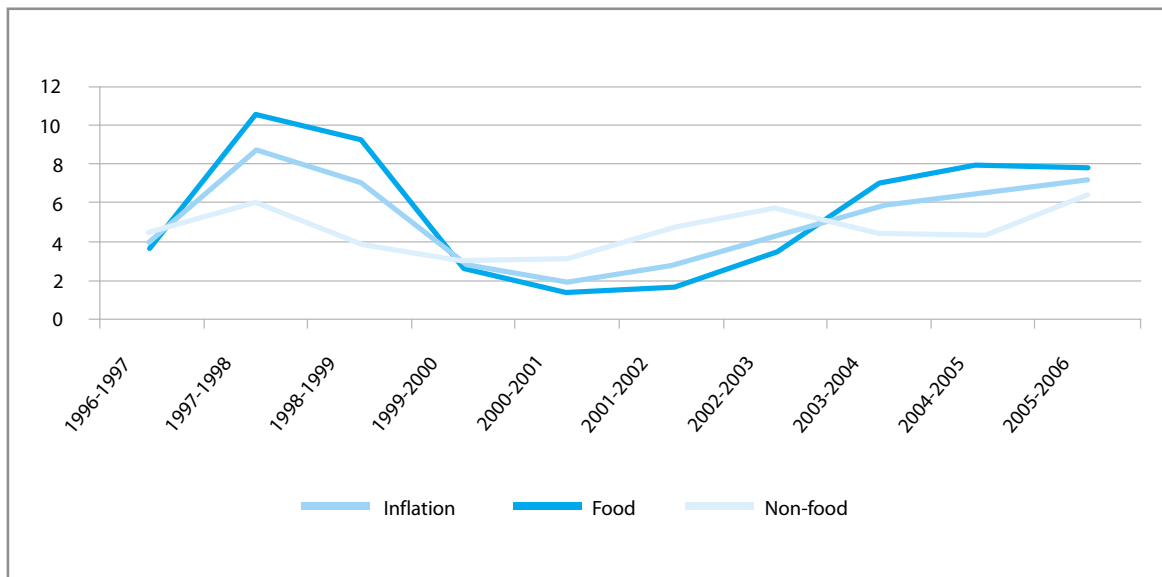
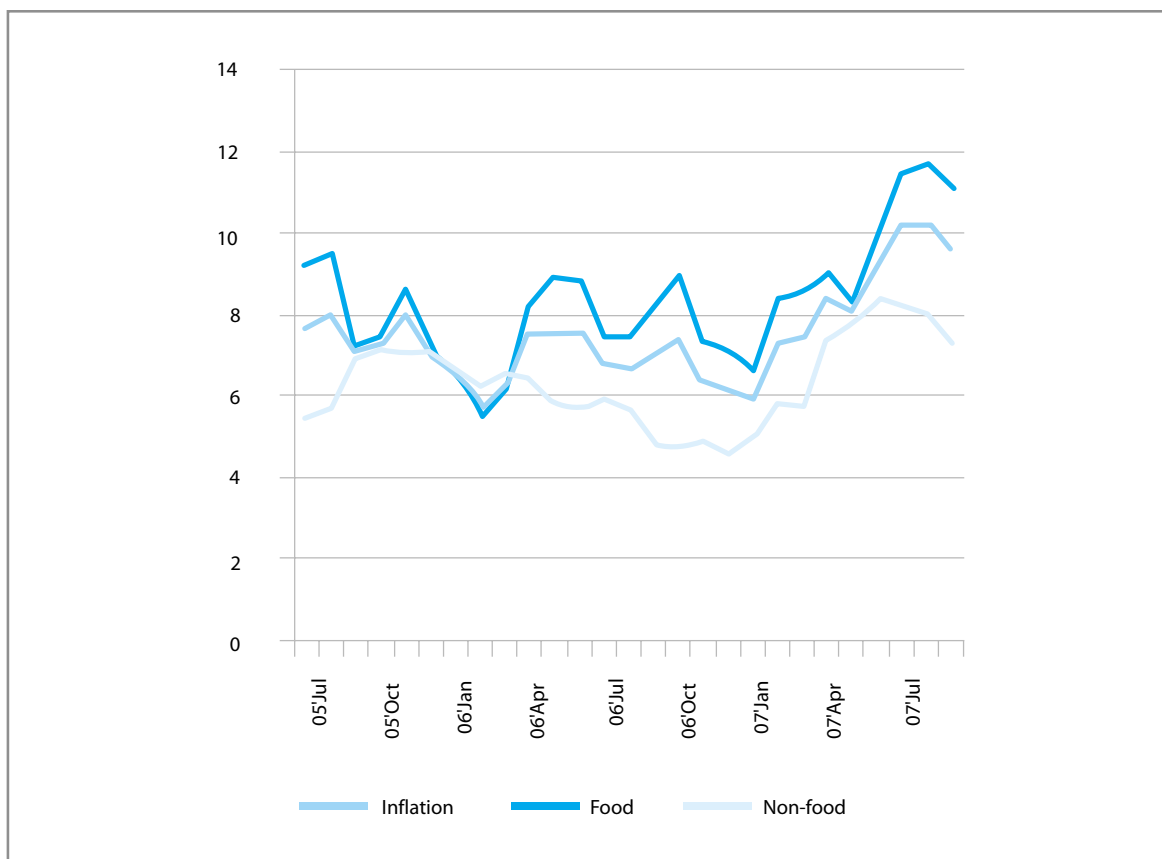


Figure 2: Monthly point-to-point estimate



Data source: Bangladesh Bureau of Statistics

Figure 1 with a 12-month average inflation rate indicates an increasing inflationary trend since 2001. Food inflation has been steadily rising with a high degree of volatility since 2001 and exceeded non-food inflation in 2002. Non-food inflation rose initially and dipped in 2003 before rising again in 2005. Figure 2 with monthly point-to-point inflation estimates from July 2005 to September 2007 indicates a high degree of volatility in food inflation, which was higher than the general and non-food inflation for most of the period. Non-food inflation has been falling but started rising again since the first quarter of 2007 to reach a ten-year high in September 2007 (EIU 2007a). Newspaper reports estimate that various essential food prices rose from 30 percent to 200 percent in 2007. Price volatility in the international market and supply shortage were also adding to the food price spiral.²² Further, inflation in rural areas was notably higher than in the urban areas (CPD 2007c).

Acceleration of food prices both in the domestic and international markets was mainly attributed to higher food inflation, together with reduced imports and lower domestic production of food grains. The Caretaker Government's drive against hoarding might have added to inflation by disrupting import and supply. The recent increase in fuel prices could also have caused temporary inflationary pressures due to the rise in the transport costs (ADB 2007a,b). Majumder (2006) argued that the inflation trend of recent years was suggestive of significant mutual relationships between the consumer price inflation and the supply side phenomena such as import costs, oil price hikes, exchange rate, and production shocks. Wage inflation, however, was found to be weakly related to inflation. Market imperfections were also responsible for inflation.

Food insecurity

With various reforms undertaken by the Caretaker Government, the expectation was that economic development would further pick up in the country, and that there would be an accelerated reduction of poverty in Bangladesh. Unfortunately, events that followed depicted an unmistakable downturn in the economy with dwindling investments, both internal and external. The poor of the country are increasingly facing hardships over food price hikes as wages have failed to rise in line with inflation. The Bangladesh Bank Annual Report for FY 2006 - 2007 said that wage rates increased by only 4.5 percent compared to 9.8 percent the previous year (Bangladesh Bank 2007c). Wage rate increases in the manufacturing, agricultural, fisheries and construction sectors stayed below the consumer price inflation rate of 7.2 percent during this period. A number of problems is driving up prices. They include soaring petroleum prices, which increase the cost of fertilisers, transport and food processing; rising demand for meat and dairy in China and India, resulting in increased costs for grain, also used for cattle feed; and the ever-rising demand for raw materials to make bio fuels. Worldwide food prices have risen sharply and supplies have dropped in 2007, according to the November 2007 Food Outlook of the UN Food and Agriculture Organisation.²³ Because of the long-term and compounding nature of all of these factors, the problems of rising prices and decreasing supplies in the food system are not temporary or one-time occurrences, and cannot be understood as cyclical fluctuations in supply and demand. The rising price spiral and natural disasters have serious implication on food security in Bangladesh, which will be covered in detail in *The State of Governance in Bangladesh 2008* research.

The Caretaker Government has responded to the shortages with varying degrees of success. It has opened a substantial number of outlets selling rice at prices substantially lower than the market as well as other essentials and has announced plans to open more outlets. However, the crisis can be attributed to a number of governance factors.

22 Prothom Alo, 'Oshohonio bajar, ek bochore dam bereche 30 theke 200 shotangsho' (Intolerable market prices, price rose from 30 to 200 percent), 7 November 2007.

23 Food Outlook: Global Market Analysis, November 2007, Food and Agriculture Organisation www.fao.org/docrep/010/ah876e/ah876e00.htm.

The poor economic mismanagement under the Caretaker Government started with indiscriminate raids on the warehouses of large food dealers and importers on the pretext of cracking down on food adulteration (Hulme 2007). As a result, many food importers and food merchants stopped importing and distributing food. On the heels of the government's failure to build a substantial public sector food reserve, came the foot-dragging over the decision to import food grains. The decision finally came rather late in the day when international prices had already soared. The civilian field administration was also suffering from low morale and resorted to minimum actions and 'text-book behaviour' (Ibid.). In the absence of a popularly elected government, the national response to natural calamities and the subsequent food crisis left much to be desired. And finally, the government decision to provide a high degree of subsidy to food and fertiliser has not been a complete success, as the really needy were unable to obtain these items.

Azmat and Coghill (2005) argued that lack of good governance influenced high input prices in the agricultural sector in Bangladesh despite reforms in the input supply mechanism. Poor governance encourages and offers opportunities for unethical practices by the private sector i.e. hoarding, adulteration, rent-seeking; and creates artificial crises which lead to the price spiral. The government has undertaken both fiscal measures through reduction of import tariff and non-fiscal measures through market intervention to combat inflation. But a rise in the fuel price and eviction of traders further affected the market. Market imperfection created by the middle-men in the supply chain is considered responsible for the price spiral and government intelligence on the market recommend that undue influence of the middlemen and hoarding should be curbed (CPD 2007a).

It is worth mentioning that rising commodity prices is a challenge for the world economy as well and rising energy prices globally influences the commodity prices (World Bank 2007a).

Business confidence and investment

The anti-corruption drive and the steps against tax evasion ironically evaded confidence of the business community and led to the economic growth deduction in 2007. With a number of top businessmen behind bars, a climate of fear pervaded the business community (EIU 2007a). Primary estimates indicate that manufacturing activities have slowed down in the first quarter of FY2007-2008 in comparison to FY 2006-2007. Import of capital machinery experienced a 30 percent decline and export earnings have declined as well in the first quarter of FY 2007-2008. Uncertainty on the political front coupled with low business confidence is believed to have caused this decline in investment.²⁴ As a result, overall manufacturing production experienced an estimated one percent decline in the first quarter of FY2007-2008 (Bangladesh Bank 2007d). Domestic investors have been reluctant to expand capacity fearing that such an activity might attract attention of the Anti-Corruption Commission (EIU 2007a; CPD 2007c). A decline in Foreign Direct Investments (FDI) was another major concern for the economy (CPD 2007c). The Bangladesh Board of Investment is showing virtually no new future investments.²⁵ The cost of borrowing has also gone down due to a decline in the real interest rate but investment ceased to be related to the interest rate. Rather, investment turned out to be crucially dependent on the entrepreneur's susceptibility to the ongoing anti-corruption drive and the perceptions of overall stability of the market.

The Caretaker Government, in an attempt to reassure the business community, has made several attempts to restore confidence. In September 2007 the government organised talks with business leaders (EIU 2007a). The government also proposed to set up the 'Truth Commission' mainly for the business community. 'Bangladesh Better Business Forum' has been established to improve the country's trade and investment climate with 38 members from the government, the business community and civil society. The forum aims at

24 Daily Star, 'Slow growth of Investments, 30 pc fall in capital machinery import in first quarter', 1 December 2007.

25 New Age, 'FDI proposals plunge by 98pc in first quarter', 26 November 2007.

establishing a friendly relationship between the government and the business sector to discuss problems and grievances and to work out remedies and prepare action plans.²⁶ In addition, the Regulatory Reform Commission has been established to look at the legal framework of the country for any inconsistency and provide recommendations. The legal framework governing the business sector is a top priority of this Commission.

The economy seems to be going through a transition phase. Reforms have been initiated and structural changes are taking place. Despite the infrastructural constraints, natural calamities and slow investment, the growth forecast for Bangladesh during this fiscal year is encouraging.

Box 5: Ill-gotten wealth in Government coffers

Since the present Caretaker Government assumed power and initiated the drive against corruption, the country saw a new development. For the first time in the history of Bangladesh, the government retrieved ill-gotten wealth from businessmen and politicians and deposited it in the Bangladesh Bank (BB).

A total of Tk. 877 crore has been deposited in the Bangladesh Bank up to the third quarter of 2007. In April 2007, seven businessmen deposited Tk. 270 crore. The central bank received Tk. 436 crore from April to August 2007 and another Tk. 424 crore was deposited through October 2007. The joint forces investigating high profile financial crimes suspected that large amounts of ill-gotten wealth were siphoned off abroad to Malaysia, Singapore, United Kingdom, the United States, and countries in the Middle East. Attempts are underway to recover money from banks abroad. The government formed a 10 member task force, composed of experts in the field, for this purpose. The task force coordinates efforts of other government agencies working towards the same objective. The task force comprises of members from the Chief Advisers Office, National Board of Revenue, ACC, Foreign and Home Ministry, Finance Division, Attorney General's Office, and Police Department. An Executive Director of the central bank is a member secretary. So far, a total of US\$ 201 million was brought back and US\$ 240 million more is expected to be retrieved.

Source: Daily Star, 'Task force formed to bring back siphoned money', 30 October 2007; '25 deposit Taka 424 crore of ill-gotten money to BB', 31 October 2007

The National Budget of 2007

Budget making remains a fairly top-down process in which various actors use their political clout to steer allocations toward their agencies, but may not follow an overall strategic vision. The absence of computerised accounting and reporting and the shortcomings in procurement policy also make the financial management system ineffective. In recent years, however, the government has made efforts to introduce strategic budgeting and improve the coordination of capital and recurring budgets. Yielding to donor pressure, the government also introduced reform programmes to computerise the financial management system and strengthen the role of the CAG in auditing public expenditures. Although the last BNP-led government adopted a more effective legal framework for procurement that ensures open bidding and fair competition among all parties, it did not fully implement it.

In the budgetary process the Ministry of Finance prepares the annual financial statement (the budget) of the Government of Bangladesh. The Minister of Finance presents the budget proposal to the Parliament for

²⁶ New Age, 'Better Business Forum Formed', 27 November 2007.

discussion. Traditionally the ruling MPs praise the budget and the opposition MPs oppose it, usually using the argument that it is an anti-people one. Any detailed budget discussion in the Parliament involves primarily demands for additional funds by the MPs for their respective constituencies.²⁷ Following the discussion, necessary modifications (if any) are made and the Parliament passes the budget. Then it goes to the President for signature. Once signed, the budget bill passes into the law.

In a critical juncture in the history of Bangladesh, the budget proposals for the fiscal year 2007-2008 were presented directly to the nation for the first time ever. The Adviser for Finance of the Caretaker Government discussed the proposal over all public and private radio and television channels on 7 June 2007. After proposing the budget, the government invited suggestions from different sections of the society through emails, post, and a website. Different political parties, civil society organisations, chambers of commerce, exporters' bodies expressed mixed reactions after the budget was made public. The Awami League termed the budget highly ambitious, but lacking any resolution to the problem of price hikes of the essentials and warned the government to exercise caution in the implementation of the budget. The BNP also described the budget as highly ambitious but a positive one and 'acceptable on the whole'.²⁸ In the opinion-maker community of Bangladesh, the Centre for Policy Dialogue (CPD) commented that the Finance Adviser wanted to break with the past but failed to make a breakthrough. CPD observed that the budget's success and failure would depend on the government's ability to finance and implement its targets.²⁹ Different chambers and exporters' bodies welcomed some proposals included in the budget such as allocations for different sectors, financial assistance and subsidies to agriculture, changes in income tax administration, and better safety-nets for the poor.³⁰ At the same time tariff structure presented in the budget document was criticised for the trade policy prescriptions drawn from the structural adjustment programmes. The exporters asked for the extension of tariff concessions to local industries to help them grow and be competitive.

In addition to gathering comment from the aforementioned parties, the Adviser for Finance attended dialogues, discussions and press conferences to register feed-back on the budget proposal.³¹ The Ministry of Finance received 1,808 suggestions in total sent by a cross-section of the population through emails and conventional mail. The consultation process brought most changes to custom duties, VAT, and income tax.³² The proposed duties on computer accessories, mobile phone sets, and export-oriented capital machinery were withdrawn. Once amended, the budget was approved by the Council of Advisers on 27 June 2007.³³

According to the Adviser for Finance, public scrutiny of the budget approval process was maintained.³⁴ The public and the stakeholders got the opportunity to review and comment on the budget proposals for the fiscal year 2007-2008. The President approved the budget on 28 June 2007, and it was passed through an ordinance under section 93(1) of the Constitution. The budget came into effect on 1 July 2007. The budget process of 2007 was unique as for the first time, the process was a consultative one and changes were made to the proposed budget after input was received from the public budget process.

27 Daily Jugantor, 'Computer newsprint O kacha-maalshulko hrash, 2007-08 orthobochor-er budget onomodhon korechen rashtropoti' (The President has approved reduction in duty on newsprint, computer and produce in the 2007-08 budget), 29 June 2007.

28 Daily Star, 'Budget big in size, highly ambitious', 8 June 2007; Speaking for the party, Awami League Presidium Members Ataur Rahman Khan Kaiser, Motia Chowdhury, Tofail Ahmed, and BNP Vice-president MK Anwar talked to the media and gave their reactions to the budget proposal.

29 For CPD's detailed comments on the proposed budget see Daily Star, 'Bid to break with past but no breakthrough', 9 June 2007.

30 Daily Star, 'Tariff proposals to hurt industry', 15 June 2007.

31 Ibid.

32 Ibid., 'Duty withdrawn on capital machinery for export plants', 29 June 2007.

33 Prothom Alo, 'Computer O Newsprint-er shulko koamno hochche' (Duty on computers & newsprint to be reduced), 28 June 2007.

34 Daily Star, 'Duty withdrawn on capital machinery for export plants', 29 June 2007.

Box 6: Chittagong Sea Port becomes efficient

Chittagong Sea Port - the 'Gateway' of our economy has attracted media attention in recent times for its fascinating performance. This port was known for its inefficiency, irregularities and corruption. But after a number of long overdue reforms undertaken by the current Caretaker Government, the port has become much more efficient. Port stakeholders - including businessmen, shipping agents, importers and exporters - expressed their satisfaction over the recent performance of the port but demanded sustainability of the initiatives.

The efficiency of the port has increased 30 percent while the cost of doing business at this port has reduced 40 percent. The 'turn around time' for vessels has been reduced to 3-4 days from 11-12 days. The waiting time of vessels at outer anchorage has become zero. The number of vessels handled per month in the port has also increased. The amount of cargo being handled has risen sharply. Customs officials claimed that they are now able to assess 98 percent of documents within the time frame. There is no vessel congestion at the port. However, some berths remain empty at times due to lack of ships.

Steps taken to improve the efficiency of Chittagong Port included deployment of army personnel to assist the civil administration in the port. A task force - led by the joint forces - has been formed. The task force held a series of meetings with stakeholders to identify the main obstacles to efficient functioning of the port. A number of corrupt officials and labour leaders have been arrested. The government also dissolved the Dock Workers Management Board. A number of private operators have been engaged to manage the terminal and handle cargo. Moreover, the authority has started a duty roster at each station where the name of the employee and duty time are recorded. Duty officers undertake regular visits to ensure things are going well and two complaint cells have been set up to respond to complaints in the port. In addition, the joint forces have taken steps to stop power outages in the port. All these factors led to higher efficiency and an increase in the port's income. However, one question remains foremost in people's minds: *what will happen once the change agents are withdrawn and the business of governance is handed over to an elected government?*

(Bangladesh News.com, accessed on 19 November, 2007 and Financial Express, 'Chittagong Port Authority', 16 May, 2007)

2.5 The Political Situation

Democracy is often defined as a sum of government institutions and processes, yet under successive political regimes in Bangladesh, these institutions have often been used for undemocratic purposes. The current Caretaker Government's activities seem to be based on the premise that democracy is firstly about principles: involving popular control over public decision-making and decision-makers; and equality between citizens in the exercise of that control. It is these principles that make institutional arrangements democratic, and they in turn involve the values of participation, authorisation, representativeness, accountability, transparency, responsiveness, and solidarity. It is through these values that the institutions of representative government derive their democratic character (Barman, Rahman & Siddiqui 2003). The Chief Adviser has termed this period as the most crucial in the nation's history as it would mark a transition to a genuine democracy fulfilling public aspirations.

This Caretaker Government, keeping in mind that there is a dearth of public confidence in the effectiveness of government and political leadership (CGS 2006), has been pursuing an agenda of institutional reforms

that include strengthening the independence and neutrality of the Anti-Corruption Commission, the Election Commission, and the Public Service Commission; reform of the electoral process, local government and political parties; and separation of the judiciary from the executive. The focus is on creating stability in the institutions of accountability, fighting corruption, and to ultimately strengthen the role of Parliament as the supreme legislative authority.

The Anti-Corruption Commission

Reconstitution of the Anti-Corruption Commission (ACC) has been a priority for the Caretaker Government, which made the ACC central to the implementation of its ongoing drive against corruption. The ACC, since its inception on 21 November 2004, had remained virtually non-functional mainly due to a lack of manpower, lack of financial autonomy, absence of rules, inability to develop an acceptable staff-recruitment policy and internal feud in the hierarchies. Since 22 February 2007, a reconstituted ACC has displayed improved functionality and efficiency after the appointment of new leadership and drafting of rules of procedure for its operations.³⁵ An organogram was also approved by the National Implementation Committee for Administrative Reorganisation (NICAR) with a total of 1,281 posts for the Commission of which 1,073 are permanent, 191 supernumerary, and 17 to be outsourced.³⁶ The ACC Act 2004 was revised along the lines of the Emergency Power Rules 2007 to reinforce the effectiveness of the Commission. The Special Task Forces were created to assist the ACC in gathering evidence and investigating corruption cases. The Special Tribunal Courts were established to speed up the prosecution of cases. The ACC is further supported by a new National Coordination Council (NCC) (IGS 2007a), which is assisting the organisation in the investigation and arrests of suspected corrupt politicians and businessmen.

Public awareness of the ACC increased greatly with the wide media coverage of its activities, especially after the publication of the list of graft suspects. The ACC chairman regularly meets the press to share information and addresses public gatherings to gain support for the fight against corruption. However, a number of issues are still outstanding. The Commission is showing effectiveness in working with the contemporary cases but the problems of addressing the backlog, including those from the Bureau of Anti-Corruption, remains. A structural problem for the ACC is its formal dependency on the executive. This impaired the activities of the Commission and the Bureau in the past. A constitutional amendment is required to make the ACC a constitutional body, which will make the Commission equivalent to the Election Commission and the Public Service Commission. This measure would add safeguards to prevent the ACC Act from being altered or manipulated towards a partisan direction by successive governments. In the interim, the Council of Advisers on 31 October approved amendment of Section 3 (2) of the ACC Act 2004 to include the word 'autonomous' along with the present 'independent and neutral' in reference to the ACC status, following the ACC's proposal submitted to the Cabinet Division.³⁷ This proposal came after a conflict over recruitment issues between the Ministry of Establishment and the ACC. The change in the Act enables the ACC to recruit its own staff in a speedy and smooth process. The conflict showed that formal, constitutional safeguards are necessary to ensure consolidation of the ACC reforms.

35 GoB, 2007, Bangladesh Gazette, SRO No. 32-Law/2007, 29 March 2007.

36 New Age, 'ACC's target is to convict 150 bigwigs before general elections', 21 August 2007.

37 Daily Star, 'ACC to be Self-governed', 1 November 2007.

Box 7: Special Task Force and the drive against corruption

To assist the ACC in arresting suspects and compiling evidence of corruption against top businessmen and political leaders, twenty different task forces were formed around the country, consisting of one member each from the ACC, Directorate General of Forces Intelligence (DGFI), National Security Intelligence (NSI), National Board of Revenue (NBR), Rapid Action Battalion (RAB), the army, and the Special Branch (SB) of police. The teams were formed just prior to the 'midnight crackdown' arrest drive launched on 4 February 2007. Each team was given separate assignments to avoid duplication of work to produce a well-coordinated campaign.³⁸ However, it was not until 12 March that the task forces actually received legal authority. By 14 March, one central, seven regional and 64 district-based task forces had been established that had up to seven days to complete their investigations after filing a case.³⁹

On 18 February the ACC published an initial list of fifty graft suspects, followed by three other lists with additional 51, 39, and 37 (35 graft and two special suspects) names. In addition to the task forces, the National Coordination Committee (NCC) was set up on 8 March as a support body for the ACC. The NCC is headed by the Adviser for Communications and includes senior military officials.

The task forces, under the direction of the NCC, can confiscate assets of corruption suspects, seize documents for investigation, conduct raids, issue arrest warrants, and take measures to recover illegal funds deposited in foreign banks. Despite unclear lines between the functioning of the ACC and the NCC, the NCC chairman assured the public that there would be no conflict between the two Commissions, and the NCC was to act as a support mechanism since the ACC was tasked with the critical job of rooting out immediate sources of corruption (IGS 2007a).

The NCC chairman announced in October that a number of these special task forces and special courts will be increased to speed up the trial process of the corruption cases.⁴⁰ At present, there are 60 task forces operating and so far the Special Courts have given its verdict in 44 cases. A total of 131 graft cases are under trial and another 285 cases are under investigation.

The Election Commission

The Election Commission (EC) is a constitutional body that oversees the preparation of voter lists and conduct of national elections. In the period leading to the parliamentary elections (later cancelled) in January 2007, the Election Commission was heavily criticised for the quality and accuracy of the voter rolls (for example, the inconsistency between a very high number of voters enrolled and the actual increase in the population of eligible voters measured against demographic trends) and the inadequate preparation for the elections. The EC leadership had little credibility and was not accepted by the opposition. The Chief Election Commissioner (CEC) and the EC members were perceived as biased after they had been appointed following changes in the appointment rules. For example, the retirement age for judges was raised to suit candidates sympathetic to the ruling party.

In the period between November 2006 and 11 January 2007, the conflicts between the Election Commission and the Caretaker Government increased. The date of the elections was announced late and there was little

38 Daily Star, '20 Govt Groups Busy Gathering Graft Info,' 11 February 2007.

39 Daily Star, 'Taskforces Assisting ACC,' 14 March 2007.

40 Prothom Alo, 'Durniti birodhi task force o bishesh adalot barano hocce' (Task Force and Special Courts are to be increased), 25 October 2007.

cooperation between the two on the conduct of the elections to assure they were free and fair. The declaration of the state of emergency halted all election-related activities. A formal cancellation of parliamentary elections and previous notices related to it came through a notification under section 21 of the General Clauses Act 1897 on 21 January. A ban on indoor politics followed, effectively closing any activities of political parties. Many party leaders and prominent members became the subject of inquiry, and in some cases, were placed under detention in the broadening anti-corruption drive. On 27 March, the High Court declared the electoral roll published ahead of January elections null and void and ordered the EC to revise the rolls prepared in 2000, as per Supreme Court directive.

The deadlock involving the Election Commission (EC) was finally resolved on 31 January 2007 when all five commissioners resigned at the request of the President, including the Chief Election Commissioner who was on leave since November 2006. A three-member Election Commission was reconstituted in February 2007. This marked the beginning of an intense period of the electoral process reforms. After much discussion leading to the preparation of the Electoral Roll Ordinance 2007, the Election Commission, assisted for the first time by the army, started voter registration to prepare lists with voters' pictures. The registration drive was inaugurated in the Khulna City Corporation area on 17 August.⁴¹ The registration drive is combined with issuing national identity cards which are provided free of charge at specially set centres for eligible voters as an incentive to register.⁴²

In addition to the voter registration, the 'election road map' unveiled by the EC in July 2007 identified other tasks the Commission is undertaking: preparation of a package of broad electoral reforms including political parties' reforms, a delimitation of the constituencies, and setting a timeline for local government and parliamentary elections. It is also considering using transparent ballot boxes instead of the traditional steel boxes and reducing the number of polling agents to cut down on polling expenditure. The EC is also making changes to its internal structures. The Commission has already re-organised its human resources but the establishment of an independent EC Secretariat is a key issue for the current leadership. The separation of the Secretariat from the Prime Minister's Office will decrease the Commission's dependence on the executive and will enable the EC to make its own decisions on hiring and promotions.⁴³ However, a constitutional amendment is required to achieve this⁴⁴ and, in the interim period, the Commission submitted a request for a separation by ordinance to the Council of Advisers which approved it in principle on 23 June. The Council authorised the Law Ministry to draft the ordinance which would ensure the Secretariat's independence. A draft was submitted, and on 3 December 2007 the Council sent the proposed ordinance back to the Ministry of Law, Justice and Parliamentary Affairs for further scrutiny.

In October 2007 the Chief Election Commissioner announced plans for elections to be held by October 2008.⁴⁵ The electoral reforms that need to take place before the elections are subject to consultation with political parties.⁴⁶ After the ban on indoor politics was relaxed on 10 September to allow parties to prepare for the dialogue with the EC among other things, parties also engaged in internal discussions about their future. The Commission has proposed a set of electoral reforms for the political parties that include

41 Daily Shamokal, 'Khulna-y utsab mukhor poribesh-a voter talikar kaaj shoo-roo' (Voter registration begins in Khulna amid celebratory atmosphere), 18 August 2007.

42 The Council of Advisers approved the National ID Card ordinance (2007) on 31 October. The cards will be mandatory and required to obtain 22 services: issuance and renewal of passport, driving licence, trade licence, tax identification number, business identification number; opening bank account, and beneficiary owner's account with stock exchange; connections of gas, water and electricity, telephone, mobile, internet and cable television; registration with public examinations, for any public services, government subsidy facilities, allowance and relief payments; marriage registration; obtaining loans; selling and buying land and motor vehicles, admission of children to schools, lodging cases and appeals to court. (New Age, 'No fees for nat'l ID cards during voter registration', 24 October 2007).

43 Daily Star, 'EC Recruitment Rules', 24 October, 2007.

44 Bangladesh Election Commission-Press Release, 17 May 2007, www.ecs.gov.bd.

45 Daily Star, 'Polls before Oct. '08', 3 December 2007.

46 Bangladesh Election Commission-Press Release, 28 August 2007, www.ecs.gov.bd.

amendments to the Code of Conduct 2007,⁴⁷ the Representation of the People's Order 1972, the Conduct of Election Rules 1972, registration of the political parties,⁴⁸ and setting eligibility criteria for candidates wishing to participate in elections.

Representation of the People's Order 1972 did not contain any provisions regarding registration of political parties. Representation of the People (Amendment) Ordinance 2001 put in place an amendment for optional registration of political parties with the EC during the period of a non-party Caretaker Government. The Representation of the People's Order 1972 can be amended again to make the registration mandatory but, this or any other proposed amendments as described in the following section will eventually have to be approved by the Parliament.

Box 8: Key amendments of the Representation of the People's Order 1972 proposed by the Election Commission

1. One can stand for the parliamentary elections as an independent candidate or be nominated by a political party registered with the EC. A party-nominated candidate should have been a member of that party for at least three years.
2. A retired government officer can take part in the parliament election after three years of his/her retirement. Similar provision is made for NGO personalities/officials.
3. Bank loan defaulters cannot take part in the parliament election. The same provision applies to defaulters of non-bank financial institutions and to the guarantors of defaulted loans.
4. A person cannot submit his/her nomination for more than three constituencies. A non-refundable security fee of Tk. 500,000 is applicable for each submission.
5. Candidates have to provide information on the source of their election expenses while submitting the nomination form. In addition, one cannot accept funds for election expenses from foreigners or foreign organisations.
6. Each political party will have to submit a statement of election expenses to the EC, signed by the Secretary General of the party, within sixty (60) days of the elections.
7. Party registration:
 - (a) Each political party will have to register with the EC to participate in the elections including any party that won at least one parliamentary seat in any of the past elections or received at least two percent of the overall vote.
 - (b) Each party, at registration, has to provide information on its bank accounts at home and abroad along with disclosure of the source(s) of income.
 - (c) Each party, at registration, should provide the party constitution along with its election manifesto.

Source: Bangladesh Election Commission-Press Release, 5 April 2007, www.ecs.gov.bd

Separation of Judiciary

Bangladesh's Judiciary is a civil court system based on the British model; the highest court of appeal is the Appellate Division of the Supreme Court. At the local government level, the country is divided into divisions, districts, sub districts, unions, and villages. Local officials are elected at the union level and selected at the village level. All larger administrative units are run by members of the civil service.

⁴⁷ Bangladesh Election Commission-Press Release, 19 April 2007, www.ecs.gov.bd.

⁴⁸ Ibid., 5 April 2007, www.ecs.gov.bd.

An independent Judiciary free from influence of Legislative and Executive organs of the state is the prime requirement of a democratic state. Article 22 of the Bangladesh Constitution states:

"The State shall ensure the separation of the judiciary from the executive organs of the State."

Independence of Judiciary means a fair and neutral judicial system of a country, which can afford to take its decisions without any interference of executive or legislative branch of government. Independence of Judiciary depends on some certain conditions like mode of appointment of the judges, security of their tenure in the office and adequate remuneration and privileges.

However this was not made possible since the independence of Bangladesh in absence of no specific vesting of judicial power to the Judiciary. Moreover as per the Constitution (article 115 and 116) the appointment and control of judges in the Judicial service or as magistrates exercising judicial duties be made by the president. He controls (including the power of posting, promotion and grant of leave) and discipline of persons employed in the judicial service and magistrates.

Using the above articles, the Executive branch had been able to gradually make ground and influence the Judiciary in Bangladesh. The Judiciary had to rely on magistracy power of the executive branch especially in the lower courts. Executive magistrates control the mobile courts although it is the work of judiciary. According to the Criminal Procedure clause-190 magistrate can not direct the mobile court. This had induced the political governments to use Judiciary for their own directive and people were deprived of justice because of political influence and corruption. Quality and independence of the Judiciary has become widely questioned in the process.

The President on 11 February 2007 promulgated Criminal Procedure Code (Amendment) Ordinance 2007 completing the legal process of separating the Judiciary from the Executive. The long-awaited ordinance to amend the century-old Criminal Procedure Code (CrPC) for separating the magistracy from the executive control was earlier endorsed by the council of advisers of the Caretaker Government. The promulgation of the ordinance completed the entire process of separating the judiciary from the executive in compliance with the Supreme Court edicts given seven years ago in December 1999.

The Code of Criminal Procedure (Amendment) Ordinance came into effect on 1 November 2007 by separating the Judiciary from the Executive. The Caretaker Government's initiative to implement this reform process was hailed as an important step towards ensuring independence of the judiciary and strengthening democracy in the country.

However in a surprise move the Law Adviser granted some temporary judicial powers to the administrative officials.⁴⁹ According to the amended Code of Criminal Procedure, the executive magistrates will have a number of powers and functions, including the power to command law enforcers to disperse any unlawful assembly, to arrest or order the arrest of offenders, to endorse a warrant or order for removal of an accused person arrested under the warrant, to enable search by postal and telegraph authorities for documents and to detain them, to issue search warrants, to direct the searching of any place, to require security to keep peace, to discharge sureties, to issue injunctions as immediate measures in the case of public nuisance and to order imposition of Section 144.

Executive Magistrates can initiate legal proceedings under section 190 and proceed with summary trial which may again be used for political purposes and further human rights abuses. In this trial even in the

absence of plaintiff and accused a ruling can be declared. They are also getting judicial power from Section 260 to 265 which include land and building disputes, adulteration, environment abuse etc). But no legal framework has been drawn for this. Law experts have raised questions whether this was required to uphold smooth functioning of law and justice or whether this move has been initiated to serve the interest of certain quarters.

Some problems remain as certain constitutional amendments are necessary to make the separation complete. In the proposed process, the judges are supposed to be indirectly controlled by the President. But Article 48 of the Constitution states that in the exercise of all his function, save only that of appointing the Prime Minister and the Chief Justice, the President shall act in accordance with the advice of the Prime Minister. Moreover, in Article 55, it is clearly mentioned that the executive power of the republic will be vested upon the Prime Minister. Articles 48 and 55 therefore should be amended as appropriate. However, in the absence of a parliament, this is an unlikely possibility in the immediate future.

Box 9: 'Internal reforms, external progress': A story of good governance from the Department of Immigration & Passport

The demand for passports has increased substantially in Bangladesh in the past decade. The number of Bangladeshis travelling abroad for work, study and business has increased rapidly. The largest increase has been in contracted manpower, exported to various parts of the Middle East and recently East Asia.⁵⁰

One of the many challenges has been the presence of brokers in the vicinity of Passport Offices. This caused continuous difficulties for the applicants. In 2007 a number of new initiatives were introduced by the Department of Immigration & Passports (DIP) to improve the quality of service. The most significant changes came about in late 2007, which included:

- Introduction of a one-stop service;
- Decentralisation of service delivery to 17 Deputy Commissioner's (DC) Offices throughout Bangladesh (in addition to Regional Passport Offices);
- Six additional offices to the Dhaka Regional Passport Office;
- On-going discussion between the Passport Office and the International Organisation for Migration (IOM) to develop a Machine Readable Travel Documents (MRTD).

The Department has undertaken two pilot projects of three months duration to improve service delivery. These are based on institutions rather than individuals. A private bank was selected to carry out the task of receiving and forwarding passport applications to the local Passport Office for a small fee of Tk. 200. This is a good example of private-public cooperation. The Dhaka Regional Passport Office receives up to 120 applications per day via this initiative.

The second pilot project involved the Bangladesh Postal Service. The post office forwarded the application forms to the regional passport office free of cost. The applicant had to collect the passport from the regional passport office. The Dhaka Regional Passport Office currently receives up to 50 applications per day via the post office. The introduction of the one-stop service has provided an opportunity to receive a new passport in the same day.

⁵⁰ Bureau of Manpower, Employment and Training (BMET), www.bmet.org.bd/report.html (accessed 27th January 2008).

Sustainable change & long-term growth

The problems identified by the Public Service Reform Commission Report (*Public Service in Twenty First Century*, 2002) have continued in reducing the quality and efficiency of the passport offices. It has also reduced public confidence in this Department. The new initiatives undertaken by DIP have improved the governance of the application process. The introduction of the 'one-stop service' has expedited the process of obtaining a passport within a very short space of time. The introduction of the one-stop service has not only improved the waiting time but it has also cut through the layers of red-tape.

The Department has also decentralised its activities to 17 Deputy Commissioner's (DC) office throughout the country. A DC office can now receive, issue and distribute passports to applicants within its jurisdictional area. This has somewhat relieved the pressure on the Regional Passport Offices. In the past there was a constant overflow of applicants creating an atmosphere of chaos and discord between staff and applicants.

Tackling forgeries and 'fakes'

The innovative initiatives undertaken by DIP tackled the network of criminals providing forged documents and fake passports to the public. The popularity of the brokers and network of forgeries were due to the barriers to securing a passport.⁵¹ These included a manual processing system, overburdened passport offices and staff, and bureaucratic passport processing system.

The DIP needs to develop an Intelligence Unit to better understand the processes behind these criminal activities as well as the motivations to utilise these services. There needs to be a closer relationship between the port authorities (land and air) and DIP to improve the expertise of DIP staff to detect forged documents. Further to this, DIP should appoint officials, in partnership with Bangladeshi missions abroad, at the major destinations for Bangladeshis to detect improprieties in all immigration documents.

Future trends...

The capacity development of the staff at DIP is vital to the sustainability of the current initiatives. In the past ten years the expenditure of the DIP has been nominal of earnings; there needs to be a concerted effort to improve the internal capacity of all staff through training and updating skills. This is vital to restoring public confidence in the Department and developing the *esprit de corps* of the staff.

This is a service oriented Department which should be judged on the merit of its output and its staff, on their work. In order to ensure high quality of performance the remuneration packages should be linked to performance. This should include a set of 'carrot' and 'stick' measures for staff, rewarding those providing good quality services and highlighting areas of improvement.

The Department has taken a number of positive steps to improve efficiency, quality of service and reduced malpractice in the application process. The innovations have begun to reduce the bottlenecks which contributed to poor service delivery. The decentralisation of passport processing to the DC offices throughout Bangladesh has improved service delivery. Once, where one had to wait in line for hours to

submit application form and collect their passport, now one can choose from a number of options (some of these are currently only available in Dhaka) at hand. The central factor behind the reform initiatives has been the bold steps taken by the leadership of DIP; the senior figures, led by the DG, have been united to tackle some of the major fundamental problems within this institution. The current government has provided leadership and sufficient room to the Department to undertake the initiatives to improve service delivery and the overall state of governance of the Department.

Regulatory Reforms Commission

One of the important contributing factors to the regulatory policy uncertainty felt by businesses in Bangladesh is the absence of a complete and officially sanctioned overview of existing business regulation. A host of private and partial collections of business regulations exist, but none are comprehensive and provide the certainty businesses and new investors need.

The Caretaker Government has made regulatory reforms a top priority and has established a high-level body- the Regulatory Reform Commission (RRC) - to oversee a regulatory reform programme. The RRC is a high-level inter-ministerial commission with non-governmental (private sector and civil society) representation. The purpose of this programme is to support investment, innovation and growth through the reduction of regulatory costs and risks of doing business in Bangladesh. The Government has indicated that it would emphasise: a) some quick wins to generate early enthusiasm for the programme among stakeholders, and, b) a demonstration effect through selected interventions so that pressure is created on subsequent governments to continue the reform effort. It would also like to lay the institutional basis for ensuring the sustainability of the reforms.

Through the RRC, the government intends to radically streamline and eliminate ineffective and redundant business regulations, to establish effective screening mechanisms for new regulations, design a complete inventory of business regulations in Bangladesh, and strengthen and develop institutional capacities to implement and sustain pro-competitive and investor friendly regulatory reforms in Bangladesh.

The government's regulatory reform programme will involve regulatory review, reduction and simplification of all business related regulations, reforms of targeted administrative interfaces and reforms of broader regulatory regimes, institution of self-administered administrative reviews, and analytic work, capacity building and awareness-raising on competition issues to adopt a framework for competition law-policy. The regulatory reform programme will be underpinned by a systematic process of public-private dialogue. To this end, the Government has announced the establishment of a formal platform, the Bangladesh Better Business Forum (BBBF), to be chaired by the head of government, and with representation from government, private sector and civil society. BBBF will serve as the central formal platform for dialogue between the public sector, private sector, and civil society in Bangladesh. The BBBF is expected to be composed of a plenary that will receive inputs from a number of working groups, organised along sectoral and thematic lines, and will set a clear agenda for reform.⁵²

⁵² Program Design and Implementation for the Regulatory Reform Program and Public-Private Dialogue (2007) Bangladesh Investment Climate Fund, International Finance Corporation.

The Commission will recommend regulatory reform actions to be implemented by the relevant ministries and agencies, and will monitor implementation progress. RRC may form temporary committees to work on particular regulatory reform areas. The RRC will work closely with the BBBF. The Forum will identify regulatory issues faced by the private sector and refer these to the RRC for in-depth investigation and recommendation of reform actions. However, to be sustainable and effective, efforts to streamline existing regulations must be matched with efforts to assure that new regulation is of high quality.

Political Party Reform

The institutionalisation of politics raises questions on whether political parties uphold the interests of the public or sacrifice democracy in pursuit of their own interests. Although multi-party democracy is part of Bangladesh's political landscape, the democratic process within the parties themselves is sadly missing. Internal reform of the parties has been given priority by the Caretaker Government, the Election Commission (EC), and political parties themselves. If democracy cannot be practised within the parties themselves, then it remains doubtful that they will be able to dispense democratic principles if and when they are elected to government.

According to Article 152 of the Constitution of Bangladesh, a political party is a group or combination of persons who operate within or outside Parliament under a distinctive name and who hold themselves out for the purpose of propagating a political opinion or engaging in any other political activity (GoB 2000). The Political Parties Act, 1962 (of then Pakistan) defined a political party as a body of individuals or an association of persons setting up an organisational structure or collecting funds or owning property with the object of propagating political opinions or indulging in any other political activity (GoP 1962). It appears from the above that the characteristics of a political party include, *inter alia*, (a) forming a group of persons who hold a common view about the problems of society, (b) propagating a political opinion that is different from the opinion(s) of other political parties or engaging in any other political activity, (c) having an organisational structure for promoting and furthering its political ideals, and (d) owning funds or properties. The act was incorporated as the 'Political Parties Act 1978' after the birth of Bangladesh.

After 11 January 2007 the Caretaker Government turned its attention to reforming the political party system by focusing on leadership changes. The dysfunction and ineptness of the government's service delivery can, in some instances, be traced back to the bitter rivalry between the two leaders of the AL and the BNP. Moreover the Caretaker Government wishes to provide a level-playing field for all political parties to participate in the elections, which is ultimately expected to establish a properly representative, democratic government.

The demand for political party reforms by the Caretaker Government paved the way for dissidents within the mainstream parties to seek their own internal reforms. This in effect would mean curtailment of dictatorial powers and dynastic politics of both the mainstream party leaders. On the other hand 'conformists' are voicing their opinions for keeping the traditional system with their leadership intact as the basis of all reforms. A clear division over the multidimensional reform proposals is already visible within the parties. A significant stakeholder, the EC has initiated dialogue with various stakeholders to find consensus on the most practical and broadly acceptable reforms. However, this all depends on the capacity of the current government in establishing checks and balances in the entire electoral process by involving electoral institutions, political parties, and voters.

The only legal provision for the political parties in electoral roles was the Representation of the People Order (RPO) 1972⁵³ made on 26 December, 1972, although it did not contain any provision for registration of political parties. Representation of the People (Amendment) Ordinance, 2001 further amended RPO, 1972 and made a provision for the registration of political parties with the EC. However it did not make it mandatory. The Caretaker Government is preparing laws to make registration of political parties with the EC mandatory in a bid to ensure financial transparency and accountability of the major parties.

Other than interpreting the term itself, the Constitution does not describe the functionary role of political parties. Therefore, significant changes to the Constitution can only be made once a representative parliament is in session to formalise their desired structure and functions. The EC has no power to amend the 'Political Parties Act 1978'; this can only be achieved by order of the government. However it can amend the RPO 1972 by adding the currently discussed reforms to create a system of checks and balances to regulate the conduct of the political parties.

Proposed electoral reforms with regard to political parties as stated in the draft Representation of the Peoples Order 2007 include:

- Barring a person who is not a member of a political party registered with the EC from contesting in the elections⁵⁴
- Requiring registration of political parties
- Prohibiting branch organisations of political parties to be established beyond the geographical boundary of the country.

The ongoing debate on political reforms has triggered infighting within the political parties, mostly centred on internal corruption, the undemocratic nature in which parties are run, and dynasty-based leadership. Parties finally received the chance to debate and initiate internal reform once the ban on indoor politics was relaxed in the capital on 10 September 2007. However, the process was stalled for one of the major political parties when they failed to reach consensus over leadership of their party. This prompted one faction to file a writ petition with the High Court to prevent another faction from meeting with the EC in scheduled talks over political party reforms.

The EC is actively reaching out to stakeholders by inviting former military and civil bureaucrats, former chief election commissioners, people within the education sector, and NGO officials to ascertain their opinion on how to reform the electoral roles of political parties. Formalisation of the reforms would be through amendments to RPO 1972. The EC is now holding talks with the political parties to incorporate their opinion. However the reconstitution of electoral laws would not be sufficient to bring a holistic change in the political culture of Bangladesh. It falls short of providing a guideline for the internal functions of the political parties.

Demand is growing for national elections to be held soon, but implementation of basic reforms is necessary to ensure a level playing field among and within the political parties. This in turn requires further relaxation of the ban on the political process and a return to democratic rule to engage all parties and stakeholders in debating, defining and shaping the period leading up to the polls itself.

53 GoB (1972) President's Order No. 155.

54 The condition will not be applied to the candidate of a party within the tenure from the first date of the party's registration to the last date of the third year.

Local Government Reform Initiatives

The Constitution of Bangladesh prescribes a decentralised local government. Articles 9 and 11 of the Constitution provide the basic foundation for representative local government institutions at all level of the administration and also advocate for special representation of peasants, workers and women. Moreover, Articles 59 (1), (2) and 60 clearly specify the role and nature of the local government. The Articles say:

- a. Every administrative unit of the local government will be composed of elected representatives.
- b. Every such body elected will administer the work of public offices, will maintain public order and will operate and implement plans related with public service and economic development.
- c. Local government bodies will have the power to impose taxes for local purposes, to prepare budgets and to maintain funds.

However, despite having clearly stipulated provisions, the activities of successive governments did not reflect the content or the spirit of the Constitution. The malfunctioning of the local government structure is the outcome of a number of 'mal-governance' syndromes. Most importantly, local government reform initiatives were previously taken in a haphazard manner and none of the elected governments so far showed their determination to bring a positive change to the local government system. Rather, almost all the time these institutions fell victim "to party politics or evil designs of autocratic regimes, passed through the order of suppression, dissolution or management of their affairs by official bureaucrats" (Mollah 2007:11). Besides, elected representatives at both local and national levels often failed to independently discharge their respective duties. The local government units were dependent on the bureaucracy as most of the development programmes were administered by different development agencies of the central government. Thus, though popular representation was ensured, democratic control remained absent (CGS 2006). Moreover, the role and authority of the local government representatives were not clearly defined and, as a result, allowed the MPs to intervene in the development activities at the local level (CGS 2006).

To strengthen the local government system, on 3 June 2007 the current government constituted a seven-member committee of experts on local government issues to put forward recommendations for re-vamping the local government bodies.⁵⁵ The committee held a number of meetings to exchange views with different stakeholders including professionals, political leaders and civil society activists. After considering the outcome of these meetings and reviewing issues such as organisational structure of the local government bodies, financial autonomy, relationship of the local government with legislature and bureaucracy, women empowerment, transparency and accountability of the local government bodies, the committee finally submitted its report to the Chief Adviser of the Caretaker Government on 13 November 2007. The key recommendations of the committee are:

- Establish a three-tier local government system comprising *Zila*, *Upazila* and Union Parishad at the rural level and City Corporation and municipalities at the urban level. The committee specifies the need of elected representation at all level of the local government system⁵⁶
- Reserve 40 percent of the seats in local bodies for women ⁵⁷

55 GoB (2007) Circular no. LGED/Up-2/C-26/2007/209.

56 Daily Jugantor, 'Tin-stor bishisto stanio sarkar kathamo proborto-ner shuparish' (Debate over 3-tier special local government structure), 14 November 2007.

57 Ibid., 'Sthaneo sarkar porichalon-a 20 karon-a prathira ojoggo hob-a' (Candidates for local government will be discounted on 20 stipulated reasons), 15 November 2007.

- Identify political interference of the local MPs and bureaucratic tangles as key impediments to a decentralised local government system and recommend the establishment of an independent local government commission whose main task will be to make sure that the local government bodies are free from political interference and bureaucratic control⁵⁸
- Publicise the wealth statement of elected members of the local government to dissuade elected members from engaging in any illegal actions.

The committee also submitted three draft ordinances – one for *Zila, Upazilla* and Union Parishad, one for City Corporations, and the third for the municipalities to replace the exiting law on administrative bodies. These ordinances have two distinct features. On the one hand, they ensure accountability of the local level institutions by empowering the citizens to obtain information regarding the functioning of these local bodies. Moreover, these ordinances propose punishment of local government officials in case they fail to comply with this 'right to information' of the citizenry.⁵⁹ On the other hand, these ordinances extend the current tax net of the local government bodies as they empower respective local governments to charge annual fees from private hospitals, paramedical institutions, tutorial schools and coaching centres.⁶⁰

The recommendations of the local government committees, if implemented, will significantly restructure the existing administrative pattern and consequently place a new challenge before the Caretaker Government. For instance, an independent local government commission will curtail the regulating authority of the Ministry of Local Government, Rural Development and Co-operatives. Moreover, decentralisation will take away a large portion of influence from the purview of bureaucratic machinery. The bureaucratic response to administrative decentralisation has so far been quite negative and in some cases hostile (Morshed 1997). Therefore, it will be a major challenge for the current government to manage the bureaucratic resistance while implementing these recommendations.

The Public Service Commission

In Bangladesh, the public personnel administration is conducted by two central personnel agencies: the Ministry of Establishment (MoE) and the Public Service Commission (PSC). Of them, PSC enjoys the status of a constitutional body and is responsible, along with other duties, for conducting examinations to select personnel to be recruited to the cadre services of the administration. The other functions of the PSC are to formulate and oversee the implementation of recruitment policies, determination of government servants' intense seniority, to take decision regarding disciplinary matters and employee appeal, and the matters affecting the terms and conditions of service (Ahmed 1990; Khan 2005).

However, during the tenure of the last elected democratic government, serious allegations of leakage of question papers were made against the PSC, which had to cancel the 24th Bangladesh Civil Service (BCS) preliminary examination due to the allegation.⁶¹ The 24th BCS examination was not the only incident where allegation was made of question leakage. Again, widespread allegations of leakage of the question papers of the 25th and 27th BCS examinations rocked the organisation. The pervasiveness of corruption in the recruitment and selection processes also became quite evident. A number of members were accused of being directly involved in bribe-taking from the candidates and thereby awarding them undue opportunities in the 27th BCS' *viva-voce* examination.⁶² Matters related to promotion and disciplinary actions also were not immune to corruption. Promotions were reportedly sold at Tk. 5-10 lakhs, while

58 Daily Star, 'Draft Ordinances Submitted to CA, Citizens being empowered to know how local govt acts', 17 November 2007.

59 Ibid., 'Proposal for Local Government, Elected members must make wealth info public', 13 November 2007.

60 Ibid.

61 Ibid., 'PSC to defend charges as protests continue', 11 August 2003.

62 Daily Shamokal, 'PSC-te Beporoa Durnitee (Unbridled Corruption in PSC)', 27 January 2007.

corruption cases against government officials - which must be first vetted by PSC - were dropped for sums as high as Tk. Two crore in the past five years.⁶³ Recent studies conducted by TIB and IGS presented a detailed picture of this malpractice (TIB 2007; IGS 2007b).

Due to these mal-practices, the demand for cancellation of the viva voce examination of the 27th BCS and also the reconstitution of this constitutional body became quite strong once the current Caretaker Government came into power. Finally on 8 May 2007, the Caretaker Government appointed a new chair at the Public Service Commission.⁶⁴ Following the appointment of the new Chair, the Government took some further initiatives. First, on 30 May 2007, the Government cancelled the result of the 27th BCS examination and decided to hold the *viva voce* (candidate interview) again.⁶⁵ Second, from 15 June 2007 and onward, six members of the PSC decided to step down and later four new PSC members were appointed by the Government.⁶⁶ However, the decision of the PSC regarding the cancellation of the result of *viva voce* was challenged in the High court and the High Court on 22 July 2007 issued a rule upon the PSC to explain why its decision of cancelling the *viva voce* results should not be declared "illegal" and also why its decision on holding a fresh viva exam should not be declared "without lawful authority".⁶⁷ However, the High Court allowed the PSC to carry on with its action of taking fresh *viva voce* while restraining it from publishing results until the disposal of the case.

The new team in PSC has so far taken a number of initiatives to bring reform both within the PSC and in the existing BCS examination system. For instance-

- The PSC has taken initiatives for the candidates to know their marks on any specific subject and also to have them re-examined on payment of an additional Fee⁶⁸
- The PSC has decided to amend the Bangladesh Civil Service Recruitment (Age, Qualification and Examination for Direct Recruitment) Rules, 1982. Whereas in the past, application forms were verified by the PSC employees and minor mistake would cause cancellation of the application forms, the PSC has decided to verify the application forms in four phases: first by the Deputy Director, then by the Director, then by a Member and finally by the Chair. Moreover, the institution has decided not to cancel applications for not mentioning 'late' or 'designation of freedom fighters' before parents' names.
- The PSC has also prohibited mentioning telephone and cell phone numbers in the application form as that had been a major source of corruption.
- Contrary to the previous practice where written examinations were not held if the number of applicants was less than 100, the PSC decided to hold written examination even if the number of applicants is less than the vacant posts.
- The PSC has decided to deduct marks for wrong answers in the Multiple Choice Question (MCQ) section of the preliminary examination.
- The institution has also decided to form expert viva boards comprising newspaper editors, bureaucrats, teachers of both public and private university and Heads of corporate organisations.

All these recommendations are still in the process but the PSC states that these new rules will be followed from the 28th BCS examination.⁶⁹

63 New Age Xtra, 'How Greed Destroyed the Public Service Commission', 16 February 2007.

64 Daily Star, 'Saadat Hussain made PSC chairman', 8 May 2007.

65 Ibid., 'For a Credible PSC and Dynamic Bureaucracy', 17 May 2007.

66 Ibid., 'PSC Member', 27 June 2007; Daily Jugantor, 'PSC sodosh-O Ashrafal Islam Chowdhury podo-deg' (PSC member Ashrafal Islam Chowdhury resigns), 15 June 2007; 'PSC dui-jon soddosho neo-og' (PSC recruits two members), 21 June 2007.

67 Independent, 'Cancellation of viva voce result of 27th BCS exam by PSC challenged', 23 July 2007.

68 Daily Star, 'Fourth National Career Fair Held, Changes in exam system from 28th BCS to protect rights of job seekers', 21 July 2007.

69 Daily Jugantor, 'Snatok pass hol-a PSC preliminary porikha ongsho-grohon kora jab-e na' (Graduate pass cannot take part in PSC preliminary exams), 8 November 2007.

The most notable feature of the reform efforts initiated by the PSC is that they have been initiated by the PSC, not the Caretaker Government. Whereas in the case of other public institutions, the caretaker government has influenced their activities (e.g. building partnership with the ACC regarding the anti-graft drive or lifting the ban on indoor politics to assist the EC in holding dialogue with the political parties), for the PSC, the government opted to play the role of a facilitator. Moreover, most of these proposed changes have followed an incremental approach and are preventive in nature. Rather than bringing about radical changes in the question pattern or exam structure, these changes aim at providing preventive measures in combating corruption in the examination procedure. Furthermore, the PSC, so far, has not taken any initiative to abolish or revise the quota reservation policy and also no initiative has yet been taken to modify the recruitment policy applied for the PSC's in-house employees or even to increase their level of efficiency. All in all, reform efforts taken so far by the PSC are bureaucrat-friendly and may not bring any radical change in the existing bureaucratic structure.

Proposed National Constitutional Council Ordinance 2007

The Caretaker Government is planning to formulate a national constitutional council to ensure appointments to constitutional posts in a transparent manner. In an advisory council meeting, chaired by the Chief Adviser on 19 September 2007, the draft of the National Constitutional Council Ordinance-2007 was reviewed to accelerate the formation of a committee to select appropriate persons for the constitutional posts. The meeting asked the authorities concerned to further examine the draft and place it again before the Council of Advisers. A draft ordinance titled National Constitutional Council Ordinance, 2007 is now at the Ministry of Law, Justice and Parliamentary Affairs for further scrutiny after the council of advisers sent it back there.

The council would propose two persons for each of the posts e.g. Appellate Division judge, High Court judge, Chief Election Commissioner, Election Commissioner, Comptroller and Auditor General, member and chairman of the PSC, and ombudsman. 'The constitutional council will evaluate the qualifications of the persons to be appointed to the constitutional bodies, which will make the whole process more transparent and free from political influence,' mentioned the Adviser for Law, Justice and Parliamentary Affairs adding that this was also important for establishing genuine democracy.⁷⁰

According to the draft, the President shall pick one for a given post from those recommended by the council. S/he may send the recommendations back to the council for reconsideration. The proposed national constitutional council will consist of seven members and be headed by the Chief Justice.⁷¹

The committee will look into seniority, judgement skill, honesty, and reputation among others while recommending High Court judges for appointment to the Appellate Division. Academic qualifications, professional skill, seniority, honesty, and reputation will be considered in making recommendations for additional judges in the High Court. For permanent appointment to the High Court, the additional judges will need further recommendations of the council, according to the draft proposal.

Umbrella Act for Public Universities

Reform of the Public University Ordinance 1973 is one of the priority tasks that the present Caretaker Government has taken on. The University Grants Commission (UGC) - the apex body to oversee both public and private universities, has been assigned to draft the proposed 'Umbrella Act' comprising unified rules for regulating the academic and administrative activities of public universities. Objectives of the law are to

⁷⁰ New Age, 'Govt decides to form national constitutional council', 20 September 2007.

⁷¹ Daily Shamokal, 'Saangbidhanik council gothon korche sarkar, odha-desh aashche' (Constitutional Council to be established by the government, ordinance to follow), 24 September 2007.

introduce new rules to select the vice-chancellor and deans, and for appointment of teachers at the entry level. Barring direct political involvement of university faculty and students with the national political parties is another objective that the proposed Act plans to put forward.

Faced with strong criticism from public university teachers and the mass media, the Caretaker Government has taken an initiative to amend the draft. In a meeting with the representatives of UGC on 15 July 2007, the Ministry of Education directed the UGC to amend the draft 'Umbrella Act' by 31 July.

The Ministry of Education has formed a seven-member search committee headed by the education secretary to recruit vice-chancellors, pro-vice-chancellors and treasurers for all public universities in a transparent manner. The four autonomous universities University of Dhaka, University of Rajshahi, University of Chittagong, and Jahangirnagar University, however, have been kept out of the committee's jurisdiction. These four universities possess their own recruitment rules. The Ministry sent a letter to the UGC chairman for taking further action in this regard. According to its Terms of Reference, the committee will select candidates from the leading professors at the public universities for appointment as VCs, Pro-VCs, and treasurers and send their names to the chancellor's office for final appointment. It will short-list three candidates for any vacant post.⁷²

Prior to the planned reforms, the UGC had sent letters to the authorities of six public universities, University of Dhaka, Bangladesh University of Engineering and Technology (BUET), Jahangirnagar University, University of Chittagong, University of Rajshahi and Bangladesh Agriculture University with a request to prepare a list of senior professors.⁷³ This list would be used as a pool of the most senior and experienced teachers for the top positions in the public universities. The six universities, however, are yet to submit their lists.

It has been proposed in the new law that there will be no direct appointment of lecturers. Under the new system, candidates will be appointed as 'Research Assistant' (RA). After confirmation of the job as RA, they will be appointed as 'Lecturer.' However, the majority of Bangladesh's public universities are 'teaching universities.' With the exception of a handful of technical universities, most others lack the resource and infrastructure to develop as 'research universities.' Hence, the position of RA will be of little use under the present circumstance.

The government and the UGC are opting for rigorous reform measures for the public universities with profound emphasis in the areas of faculty recruitment, top level selection and political involvement of faculty and students. However, teachers of public universities have protested against the move to approve the draft of this 'Umbrella Act' for all public universities without consulting the academics and others concerned while academicians said the new act would destroy the autonomous character of the public universities. At the same time, these initiatives have been highly praised by other segments of the society.

Police Reforms

The Police in Bangladesh - entrusted with maintaining law and order - are perceived as one of the most corrupt government agencies with very low level of citizen trust (TIB 2005; PPRC 2006). UNDP and Bangladesh government initiated the Police Reform Programme (PRP) in 2001 with an objective to increase effectiveness and efficiency of the police department with financial assistance from EC, DFID and UNDP. The programme seems to have gained momentum in recent months especially after the new Caretaker Government took up the reigns of the administration. The PRP conducted a baseline survey to gauge public

72 New Age, 'Search body formed for public univ VCs, pro-VCs, treasurers', 16 May 2007.

73 Daily Star, 'Depoliticising VC Selection Seniority, competence will be key criteria', 3 April, 2007.

opinion on certain aspects related to policing. The survey result indicates that Bangladesh police are over-worked and that external influences obstruct police performance. A key element of such external influences comes from the political sphere. The popular perception is that police remain engaged in controlling political conflict rather than crime prevention and crime-fighting (PRP-Public Attitude Baseline Survey, 2007).

As part of the recent reform initiatives 11 police stations have been converted into model police stations (model *thana*),⁷⁴ legal Service Delivery Centres have also been established in a number of police stations to improve police-community relationships, while Police Open Days are to be observed regularly to facilitate interaction, foster partnership between police and people and to ensure community involvement. Victim Support Services have been introduced recently (Police Reform Programme website). As a new and welcome development the age-old Bengal Police Act (1861) is being scrutinised for revision and it is being proposed that the Act be substituted by a Police Ordinance. Print media sources⁷⁵ indicate that the draft Bangladesh Police Ordinance 2007 - expected to be submitted to the Chief Adviser - includes forming a new pay commission recommending a salary increase for the police, code of conduct for police personnel, and an aim to uphold human rights during any search, arrest, detention or interrogation of suspects. Deviation from the code of conduct may be considered a criminal offence. To reduce the influence of ruling political parties on the police department, the draft proposes that between the ranks of Superintendent of Police (SP) and Inspector General of Police (IGP), none can be transferred from their current postings within two or three years of assuming the current responsibilities. The proposal has been incorporated in the draft mainly due to allegations of harassments of opposition leaders and activists at the hands of policemen who often try to appease the ruling party in an effort to avoid any 'punishment posting'. The draft will also prohibit contractual appointments to the post of IGP. Recommendations from any Minister, Parliamentarian or influential person for appointments, transfers and promotions in the police department will be considered a criminal offence. Once the draft ordinance is adopted, the police department is expected to be freed from the undue influence of political parties.

The draft focuses on issues like human rights, a police code of conduct, guidelines on dealing with women and children, and community policing based on mutual understanding between a community and law enforcers. Formations of a National Police Commission (NPC) and a Police Complain Commission (PCC) have been proposed in the draft ordinance to supervise policing.

a) National Police Commission (NPC)

According to the draft ordinance the NPC will finalise a list of three nominees for the post of the IGP and forward it to the government after scrutinising their service records, and the government will appoint one of the nominees as the police chief. NPC's consent will be required to remove an IGP and it will investigate any allegation brought against the police chief. It will recommend measures to the government for building a skilled, effective and accountable police system. The Minister for Home Affairs will head the proposed 11-member NPC. Two Parliamentarians each from the ruling and opposition political parties will be included in the commission while four non-party civil society representatives will also be on board. The lawmakers and

⁷⁴ Model *thanas* have been established in metropolitan and rural locations to demonstrate how pro-people policing can benefit the community and ensure their needs and expectations can be met. Personnel of this model *Thanas* will be gender inclusive and trained to enhance skill levels and prepare them to implement a more pro-people policing approach in their engagements with the local community. Standard Operation Procedure (SOP) would be developed for the model *Thanas* through workshops that are being held at each model *Thana*. People from various walks of life, government officers, representatives from various NGOs and local government department have been participating the Model *Thana* workshop and contributing in preparation of SOP. Usually all model *Thanas* would be conducted following the SOP. To run the model *Thanas* effectively and efficiently logistic support such as vehicles, Motor Cycles, walkie-talkies, fax, computer systems, investigation kits, camera etc. are being provided. As per SOP regular training programme would be conducted to the model *Thana* officials. Source: www.prp.org.bd.

⁷⁵ Daily Star, 'Worn out, they see no light at the end of the tunnel, Draft police ordinance holds little relief for low-ranked cops', 20 June 2007.

civil society representatives will have voting rights for selecting the IGP nominees. The current IGP and the Home Secretary will act as the member-secretary and secretary respectively. Each member of the commission will be selected for a three-year term and for one term only.

b) Police Complaint Commission (PCC)

The proposed five-member commission, with a retired judge of the Supreme Court as its chief, will ensure accountability of the police department. A former IGP or a former additional IGP, two representatives from the civil society - one of each gender, and a retired secretary or retired additional secretary will be the other members of the commission. The commission will be entrusted with the authority to accept complaints against the police and take legal action against guilty individuals. The commission will also collect necessary information and evidence from the NPC, police range or any police unit regarding incidents of death, rape or grievous injury in police custody. Allegations will generally be forwarded to the concerned authorities while high profile or serious cases will be dealt with by the commission itself. If necessary, the commission may recommend judicial inquiries of the incidents of alleged police brutalities and other irregularities to the chief justice.

c) Summary Court

For quick adjudication of cases against police personnel and for meting out exemplary punishments, the draft ordinance includes the provision of a summary court for the police department, which will take quick actions if police personnel are accused of abuse of power or other departmental irregularities. Any convicted police personnel, however, will be allowed to appeal to the PCC against a summary court verdict.

Recently the government has allocated funds to the police department to meet its expenses for case investigations. It has been the norm for investigating officers to raise the costs related to case investigations through unfair means, which have led to submission of biased probe reports. Henceforth, investigation officers will receive Tk. 3,000 to cover the cost of murder and *dacoity* cases, Tk. 2,500 for abduction cases, Tk. 2,000 for robbery and unnatural death cases, Tk. 1,000 for repression of women and children cases, law and order related cases and for investigation of other offences. The police headquarters had calculated the sector-wise expenditures for investigation of different cases and submitted a proposal to the Home Ministry seeking allocation of Tk. 32.65 crore as investigation cost. This initiative is expected to enhance fairness and accuracy of probe reports and at the same time, to reduce corruption. The police headquarters is now working out ways of smooth and effective distribution mechanism of this money to the investigating officers. In addition, the traffic police will get 30 percent of their basic salary as allowance.⁷⁶

The aforesaid reforms initiatives are imperative to make the Police Department pro-people, accountable and transparent as these will strengthen the institution. Social pressure, public support and awareness, and strong political will are required to achieve this.

The Truth Commission

Since assuming power, the current Caretaker Government regime has initiated a drive against endemic corruption along with sweeping reforms aimed to clean up notorious individuals within the political and economic system. In the process politicians, businessmen, former and current civil servants are being

arrested and convicted on graft charges. These praiseworthy efforts have put a dent in the business-politics nexus, which previously dominated the country. However this in turn has had a damaging side-effect on the economic front: the economy is on the verge of a slowdown accompanied by a price spiral. There is a very high degree of resentment among the general people on the government's failure to tackle the unprecedented price hike. Business leaders have been complaining that the drive against corruption has induced a 'climate of fear' among the business community, which has put a damper on domestic economic activity. The Government has held several meetings with the business community to regain their confidence but things are yet to change for the better.

On 3 October 2007, the Government announced⁷⁷ the possibility of establishing a 'Truth Commission'. The Truth Commission, similar to reconciliation commissions in several other countries, will be formed to give corrupt businessmen and entrepreneurs a chance to surrender their ill-gotten wealth or pay financial penalty and thus avoid trial or arrest. The commission will be a major tool for 'negotiating a deal' - an agreement whereby the defendant agrees to plead guilty or no contest in exchange for settlement from the prosecution regarding the punishment. The Government expects that this will not only reduce the time for disposal of cases, it will also reduce government expenditure for trial and prosecution. The Government started working on formulating a legal framework to give legal cover to the commission, and prepared a draft in November 2007. The Commission will consist of a Chairperson (a former chief justice) and two members (a former justice and a retired secretary level official of the government). The Commission will be valid for twelve months and will be responsible for disposal of suit within 30 days. The President will give permission of formation of the commission through an ordinance. The Commission will mainly work with the corrupt businessman but other government officials and political persons will also be under its jurisdiction. The Commission can reduce their sentence if the corrupt persons admit their misdeeds and surrender the ill-earned money to the commission. Those who are already in jail for graft charges can also take this opportunity but any corrupt person facing the Commission will never again qualify to participate in future elections.

All these efforts have been designed to regain the confidence of the business community in an attempt to reverse the economic slow down. However, one dilemma for the government is with the suspects who have dual identities: politicians-turned-businessman or vice versa. This has created controversy as the government is yet to demarcate its stand on this issue. Yet another dilemma⁷⁸ for the government is to identify the businessmen engaged in 'reactive' or 'proactive' corruption. Politicians,⁷⁹ however, strongly opposed the idea of a Truth Commission only for the business sector as they feel that this will add to the further rise in corruption. The politicians also felt that if any law is to be enacted or any commission is to be formed, it should be made for all, and that if such a commission is set up for a special quarter, that would imply double standards and the importance of the common laws of our country would be greatly undermined. Members of the legal community have voiced the concern that although the idea is to create this Commission to ease the pressure on the judiciary and also allow the suspects to make a fresh start, the concept of a Truth Commission is not in accordance with the Constitution.

Reforms in the Civil Service

The overall responsibility for implementing development projects and improving the quality of life and livelihood of the people depends on the members of the civil administration. The civil service is a core state

77 Daily Jugantor, 'Bab-shaider voy-bitu door kor-te truth commission hochche' (Truth Commission to be formed to reduce fear within businessmen), 4 October 2007.

78 Daily Star, 'Fighting Corruption: who's for real?', 18 October 2007.

79 Daily Jugantor, 'Truth Commission-er sagotom janaache FBCCI' (FBCCI welcomes Truth Commission), 7 October 2007.

institution and works under the political authorities which adopt policies and undertake development programmes. The civil service officials are expected to provide inputs needed for making appropriate policy decisions on day-to-day administration as well as development issues. That being said, the efficiency and effectiveness of civil service personnel are of great significance.

Rapid political changes effected through extra-constitutional means has destabilised civil service management. The executive style of decision-making in civil service management has created room for not only politicisation but also *ad hoc* decisions thus making the operative environment for civil service unstable and uncertain. Necessary reforms to develop a merit-based efficient and effective civil service are crucial to ensure the implementation of development programmes for the achievement of social and economic development goals of the country.

The Government is aware that the primary way by which corruption can be tackled in the long term is to target the development of a merit-based, suitably rewarded civil service. It has reconstituted the Public Service Commission by appointing a new chairman and other members, and has planned to develop a strategic perspective for improving the quality of the civil service, beginning with recruitment and promotion policies and practices. This report is pleased to note that the Government has constituted a high powered Advisers' Council Committee headed by the Chief Adviser on 'Public Administration Reforms and Good Governance' to steer the reform process in the civil service.

2.6 Conclusion

The last 15 years of democratic experience has reflected the country's anguish due to extensive executive dominance over the other organs of the state. The Caretaker Government, after assuming office, has been aiming at reducing this executive authority and establishing a 'check and balance' system between organs of the state. Their strategy has included cleansing the actors of the legislative organ through conducting an anti-graft drive, with the intention of formulating a strong legislature. Moreover, the Caretaker Government is putting emphasis on reconstituting the public institutions to make sure that these institutions can create adequate checks on executive dominance. Furthermore, the separation of judiciary will ensure better control on executive authority and at the same time will scrutinise more effective legislative activities.

The State of Governance in Bangladesh 2006 report showed a dire state of governance in Bangladesh. In 2007, unprecedented changes have been taking place to overcome executive dominance on the organs of the state. Low levels of public trust toward state institutions appear to confirm the necessity for change. The Caretaker Government remains committed to pursuing critical governance reforms with a focus on combating corruption, ensuring the effectiveness and independence of the judiciary and depoliticising the civil service. It has framed new laws to tackle corruption; taken tough legal and prosecutorial actions against a number of corrupt politicians, public officials, and others; and ratified the United Nations Convention against Corruption. National and district task forces have been constituted to tackle serious crimes, including corruption. The legal process for separating the judiciary from the executive is now complete, and the government has also decided to set up a national human rights commission. The Caretaker Government has accelerated economic and sector reforms in several areas where previous governments had difficulty moving forward for political reasons. The development partners have expressed continued support for the Government's key reforms.

The anti-corruption drive is making inroads in bringing elite members of political, business, and civil administration to accountability for their corrupt practices in the past. The preparation for the elections, and

thus the return of a democratic government, to possibly take place in late 2008, is going on in earnest. Supplementary reforms of institutions either in progress or in the design stage are expected to bring a massive, and badly needed, improvement to the governance in Bangladesh.

The impact of these initiatives cannot yet be assessed, but this report is cautiously optimistic about the trajectory of reforms. They are internally driven and there is determination on behalf of the government to implement them, both factors noticeably absent in the past. One of the notable exceptions of the present emergency rule is that the media has been kept comparatively free from government control. There is also public support for the activities of the Caretaker Government and a high degree of optimism for the future (see Chapter 3). However, the implementation of changes would prove difficult without the support of the state administration apparatus.

The Constitution of Bangladesh has envisaged the Caretaker Government only as an interim arrangement to conduct elections. It was the unexpected turn of events which placed the current Caretaker Government in uncharted waters, and subsequent episodes that have delayed the next Parliamentary elections. Therefore, a prolonged stay of the Caretaker Government might lead to unforeseen and unpleasant consequences. At the same time, it is evident that the sum of changes occurring in Bangladesh in 2007 has an immediate impact on governance in the interim period of transition between the compromised past and, possibly but not certainly, a functional democracy in the future.

Perceptions of Governance

Political instability and violence resulting in political deadlock marked the last quarter of 2006. The first Caretaker Government, led by the President, failed to hold the general elections which created immense concerns at home and abroad. The current Caretaker Government assumed power on 11 January 2007. Since then we have been observing a state under transition - on both political and executive fronts. However, the current Caretaker Government has gone beyond its constitutional obligation to hold a parliamentary election within 90 days and subsequently hand over power to the elected government. It has also become a policy-making and policy-implementing body. State of emergency, ban on indoor politics and the presence of armed forces are three important features of 2007. A number of important reforms have already been implemented, some are currently in the process of implementation, and more have been proposed. As part of the attempt to create a level playing field, the government has initiated the drive against corrupt politicians and public office-holders and has pledged to hold the elections by the end of 2008. It is argued that such reforms are imperative in the pursuit of holding a free and fair election with a level playing field, one which would not only be corruption-free but would also encourage honest and credible leadership to participate.

3.1 The Context

There are a number of issues extremely pertinent to governance in Bangladesh, such as access to information, political party reform, local government, law and order, access to justice and human rights. These issues have been under public scrutiny for a considerable period. However, issues like the rising price of essentials, the poor energy situation and natural disasters greatly affect day-to-day lives and the current government finds it imperative to address these issues as well with due importance.

The Institute of Governance Studies decided to scientifically investigate public perception and opinion on the above issues and the activities of the current Caretaker Government. To measure public perceptions and opinion, IGS carried out a nationwide quantitative survey.¹ Data was collected under eight thematic areas² and analysed to study people's perception and opinion. These thematic areas are - living standards, political engagement and citizen's participation, access to information, religion and politics, institutions of

1 The complete survey dataset is available on the IGS website at www.igs-bracu.ac.bd.

2 The English version of the survey questionnaire is at Annex 1.

accountability, the law and order situation, government initiatives and corruption. This survey gives us an opportunity to document information about public perceptions and opinions during such a unique period in the political history of Bangladesh.

This chapter looks at a number of issues drawn from the survey and is structured in three sections. The first section describes the methodology of the survey. The second section presents the findings. The conclusions are presented in the third section.

3.2 Methodology

This public perceptions and opinion survey is nationwide in nature. Data was collected from all over Bangladesh with a sample size of three thousand. Two thousand individuals were chosen randomly from all segments of the society, referred to as 'general public' in the chapter hereafter. The remaining one thousand were chosen from professional groups, referred to as 'professionals' in the survey chapter hereafter. Professionals include respondents from opinion leaders of the society.

A structured questionnaire was developed to collect information from the respondents. A pre-test of the questionnaire was conducted to ascertain the suitability of the questionnaire in the field. The issues covered in the questionnaire included living standards, trust in different professions, local government and political ideologies, the law and order situation, reform initiatives of the current government, political party reform, access to information, and corruption in public institutions. The respondents were also asked to express their opinion regarding the forthcoming national election schedule.

The field work was completed in the last quarter of 2007. SIRIUS Marketing and Social Research Ltd conducted the fieldwork and data collection for the survey. IGS has been actively involved in both the questionnaire design and data collection process. A three-stage random sampling technique was used to select the respondents. In the first stage, *upazila*/police stations from rural areas and municipality/city corporations from urban areas were selected randomly. In the second stage, *villages/mahallas* were selected randomly from the selected *upazilas* and municipalities. In the third stage, respondents who belong to the general public were selected through a systematic random sampling technique from the selected village or *mahalla*. On the other hand, professional respondents were chosen at this stage using a purposive sampling technique. The estimated sampling error is not more than 3.35 percent and individual respondents have been assigned weights on the basis of area, gender, and age.

Data has been collected from both male and female Bangladeshi adults (18 or above) from urban and rural areas. Fifty-seven percent of the respondents are male and 43 percent are female. Half of the respondents were selected from rural areas and the other half from urban areas. Nineteen percent of the respondents do not have any formal education. Fourteen percent of the respondents completed primary education and 37 percent completed secondary education. Almost 29 percent of respondents had completed graduation. Seventy-two percent of the respondents have an average monthly income of up to ten thousand taka.

3.3 Findings

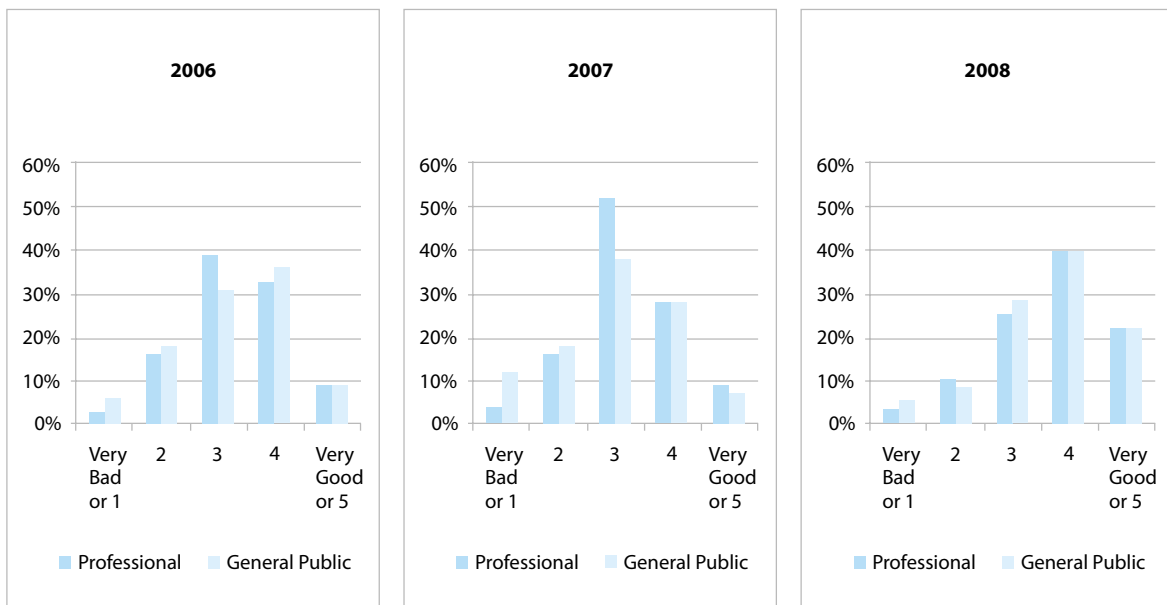
This section furnishes some core findings of the survey under 10 sub-headings - describing people's perceptions and opinions on the issues they were asked. These 10 sub-headings are drawn from the eight thematic areas covered in the survey.

Living standards

The respondents were asked to evaluate their standard of living for the year 2006 and 2007. They were also asked about their expectations for 2008. In addition, views and opinions were sought on the level of satisfaction with various aspects of service delivery that affect the respondents' standard of living such as health, education, water supply, drainage, electricity, judiciary, disaster management, price of essentials, local government, and law and order situation.

The data shows that a relatively large fraction of the respondents, from both the general public and professionals, hold the view that their living standard was relatively better in 2006 than in 2007. The general public as well as the professionals rank the previous year better than the present although a significant proportion of the respondents view themselves in the middle of the scale (Figure 1). Data also shows that people are optimistic about their expectations for the future.

Figure 1: Standard of living



Note: Using a scale from 1-5 (1 being very bad and 5 being very good)

The survey inquired about the respondents' level of satisfaction on various aspects of service delivery related to their living standard on a scale of 1 to 5, with 1 being highly dissatisfied and 5 being highly satisfied. The survey found two areas in which respondents' satisfaction level is very low, these are - price of essentials and the electricity situation. The mean score for price of essentials is 1.2 for both the general public and professionals. The level of satisfaction on the price of essentials does not vary between rural and urban residents nor between male and female groups. On the other hand, the mean score on electricity is 1.9 for professionals and 2.0 for the general public. Although the mean score on power supply does not vary between male and female groups, it varies between rural and urban residents. The satisfaction level on electricity is lower in rural areas than in urban areas. In contrast, education, law and order and the judicial system have been identified as areas in which respondents' level of satisfaction is on the higher side in comparison to others (Table 1).

Table 1: Level of satisfaction with standard of living

Aspects	Professionals	General Public				
		Total	Urban	Rural	Male	Female
Education	3.4	3.9	3.8	3.9	3.8	3.9
Law and order	3.5	3.5	3.6	3.5	3.6	3.4
Judiciary	3.1	3.5	3.4	3.5	3.4	3.4
Health services	2.7	3.4	3.2	3.5	3.2	3.4
Disaster management	2.9	2.9	3.0	2.9	2.9	3.0
Local government	2.7	2.9	2.8	3.0	2.8	2.9
Water supply	2.6	2.9	3.0	2.9	2.9	2.9
Sanitation	2.4	2.7	2.7	2.7	2.7	2.7
Electricity	1.9	2.0	2.3	1.9	2.1	2.1
Price of essentials	1.2	1.2	1.2	1.2	1.2	1.1

Note: Using a scale from 1-5 (1 being highly dissatisfied and 5 being highly satisfied)

Respondents were asked for their opinion on the state of the aspects mentioned above. The study found that respondents saw improvements in the law and order situation, education and the judicial system. On the other hand, the state of price of essentials and the power situation have declined significantly. A large fraction of the respondents believe that health services, local government, water supply and disaster management remained unchanged (Table 2).

Table 2: State of service-delivery

Aspects	Professionals (percent)			General public (percent)		
	Improved	Same	Declined	Improved	Same	Declined
Education	58	36	5	70	24	5
Law and order	71	24	5	64	30	5
Judiciary	57	33	10	57	36	6
Health services	45	44	11	54	33	12
Disaster management	37	49	15	32	47	19
Local government	24	58	18	27	55	17
Water supply	23	60	16	23	56	16
Sanitation	16	61	21	16	58	19
Power supply	27	29	44	19	29	51
Price of essentials	2	3	95	2	5	92

People's trust in institutions and professions

The current government initiated specific reforms for a number of institutions. The respondents were asked to express their trust in various professions and institutions of our society. The chapter first analyses the data on professions and then the data on institutions (Figures 2, 3, 4 and 5).

Figure 2: Level of trust in professions (general public)

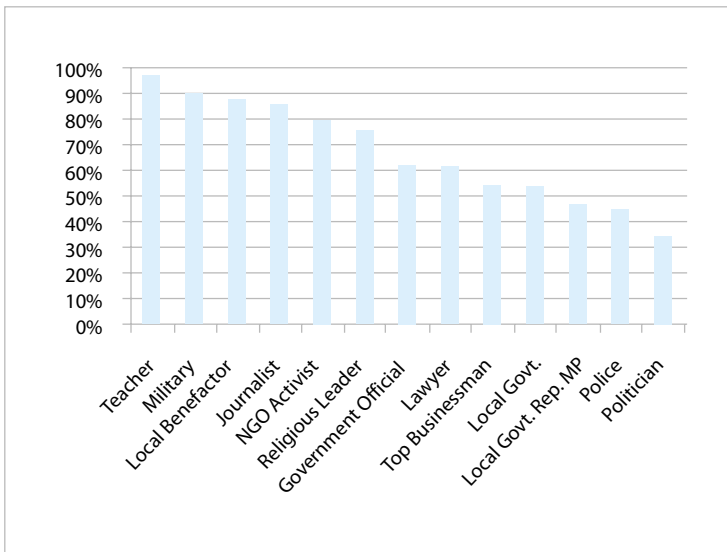
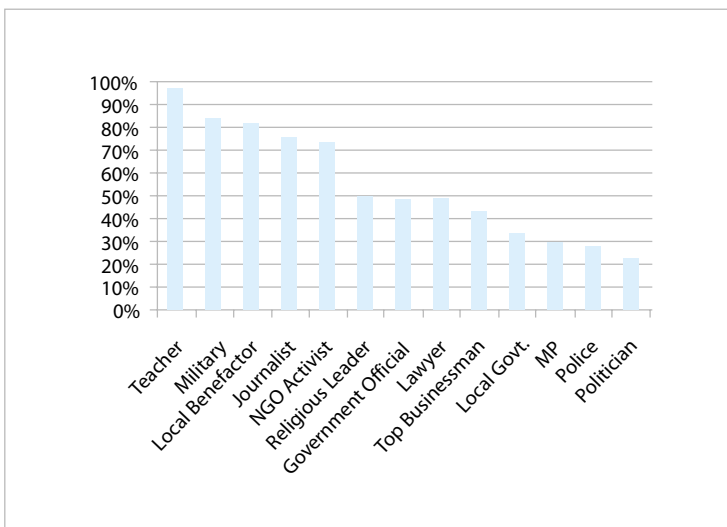


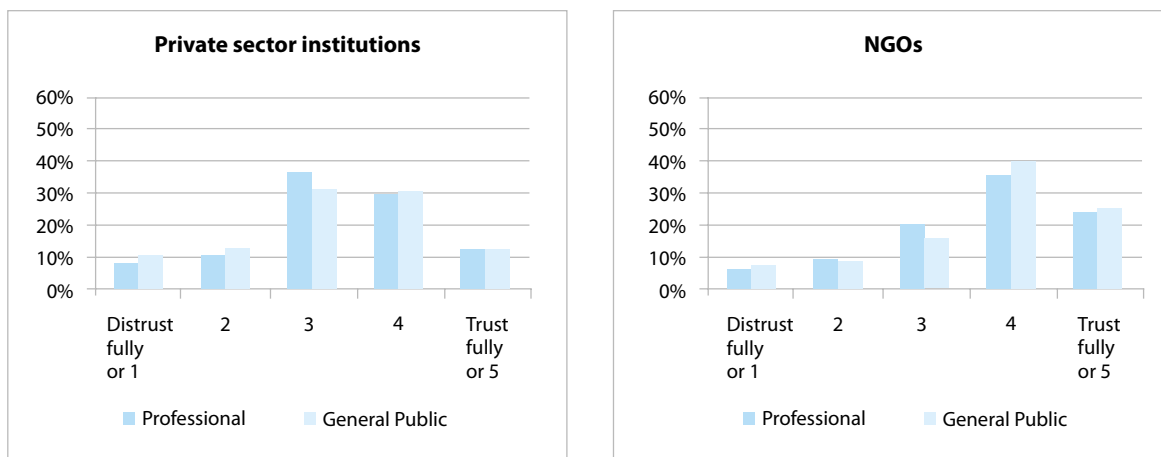
Figure 2 shows the trust of the general public in various professions ranked from most trustworthy to the least. Data indicates a high degree of trust toward teachers, the military, local benefactors and journalists. Rural-urban and male-female break-downs are consistent with the above findings. Figure 3 is based on the findings on perception of the professionals, which was found to be consistent with the perception of the general public.

Figure 3: Level of trust in professions (professional groups)



The survey also looked at people's trust in certain institutions, both government and non-government, which includes the Anti-Corruption Commission (ACC) and the Election Commission (EC). The latter two draw most public attention these days as they are integral to the on-going reform initiatives.

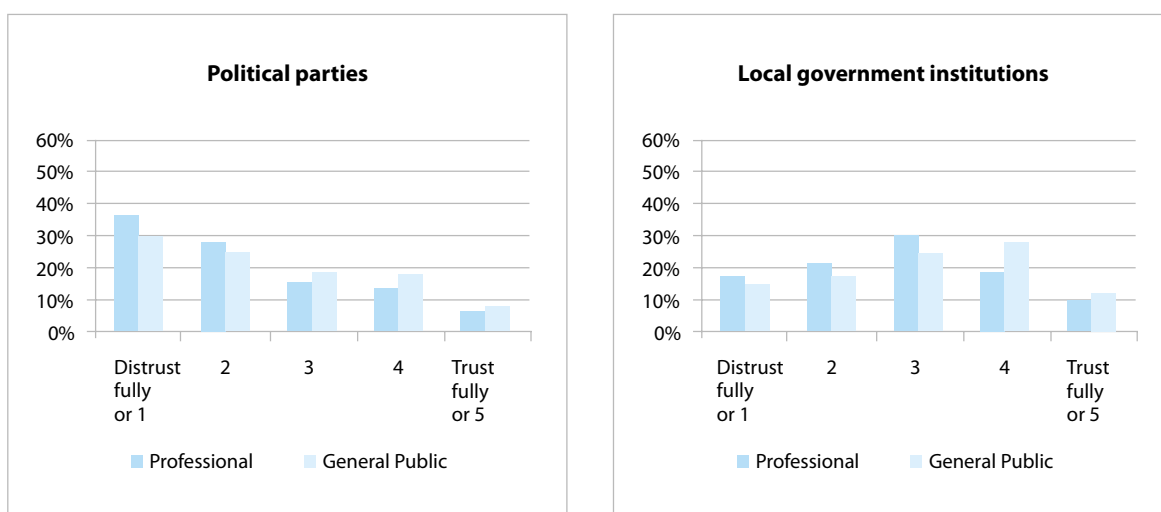
Figure 4: Trust in selected institutions



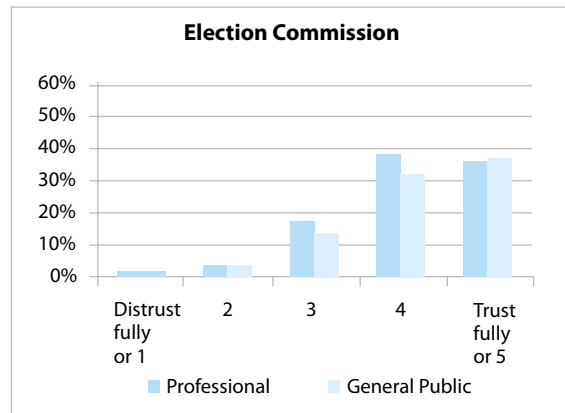
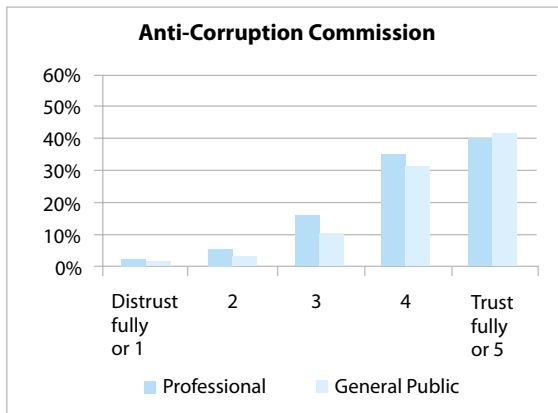
Note: Using a scale from 1-5 (1 being distrust fully and 5 being trust fully)

The survey shows that respondents are largely indifferent to private sector and local government institutions but have more trust in the NGO sector (Figures 4 and 5), while political parties are trusted least. People have a high degree of trust in the ACC and the EC, institutions that have gone through leadership transition and a comprehensive overhaul. It is worth mentioning that the Election Commission is directly involved in the reform of political parties and the Anti-Corruption Commission is at the forefront of the current drive against corruption. Such a high degree of trust in the ACC and EC also indicates not only the general people's support for the institutional reforms but also support for the activities they are currently engaged in (Figures 4 and 5).

Figure 5: Trust in selected institutions



Note: Using a scale from 1-5 (1 being distrust fully and 5 being trust fully)



Note: Using a scale from 1-5 (1 being distrust fully and 5 being trust fully)

Perception of corruption

Bangladesh has for several years had the dubious honour of being ranked as the most corrupt country in the world by Transparency International. There are reservations about this ranking - that it reflects primarily the perceptions of corruption by foreign firms and international organisations and that a single numerical score is not particularly useful for identifying or diagnosing specific problems. To gather more detailed information based on citizens' perceptions of corruption in the institutions they rely upon, the IGS survey inquired about corruption perceptions of institutions.

The respondents were asked to rank (1 being least corrupt and 5 being highly corrupt) various sectors in terms of the perceived level of corruption in those sectors. The survey findings have shown that the respondents have identified electricity, police and customs as the top three corrupt sectors. Income tax and roads and highways departments have also been identified as highly corrupt sectors. On the other hand, education, banking and the judicial systems have been identified as less corrupt compared to other sectors. However, the survey result indicates that all the sectors are perceived to be somewhat corrupt (Table 3).

Table 3: Mean score on the level of corruption in various public service and institutions

Sectors	Professionals	General public				
		Total	Urban	Rural	Male	Female
Electricity	4.3	4.0	3.9	4.1	4.1	3.9
Police	4.1	3.9	4.0	3.8	4.0	3.8
Customs	4.2	3.7	3.7	3.7	3.9	3.6
Income tax	4.1	3.7	3.7	3.8	3.9	3.5
Roads and highways	4.0	3.6	3.6	3.7	3.8	3.5
Local government	3.6	3.3	3.4	3.3	3.4	3.2
Health services	3.7	3.2	3.3	3.2	3.4	3.1
Judicial system	3.5	3.2	3.3	3.2	3.3	3.1
Private sector	2.8	2.8	2.9	2.8	2.8	2.9
Banking	2.9	2.8	2.7	2.8	2.8	2.7
Public education	2.8	2.3	2.4	2.3	2.4	2.3

Note: Using a scale from 1-5 (1 being least corrupt and 5 being highly corrupt)

The two groups display strong consistency in the ranking of corruption although professionals appear more sensitive to perceiving corruption. This is likely because they either have more direct contact with these institutions or are better informed than the general public. This is particularly evident in the much higher rates found for customs and income tax - institutions that primarily upper-income households interact with. Professionals may also have higher expectations and feel less deferential to authority, thus they are more critical.

Also evident in this figure is a tendency for institutions under control of the executive (government) to be viewed as more corrupt than private institutions and local public services. This pattern also emerges when respondents were queried about the trustworthiness of various professions. Teachers receive the greatest respect with support of 97 percent of the general public and 96 percent of professionals. The military, intellectuals, and local benefactors were deemed trustworthy by at least 80 percent of both the general public and the professionals, although the latter were characteristically slightly more critical. The least trusted professions were those directly associated with politics such as politicians, MPs, local government officials, and the police. Government officials - career civil servants - are viewed as more trustworthy than politicians.

On the public-private sectoral interactions, the survey found two different opinions - that the private sector (to ensure profit) influences the public sector to engage in corruption, and that the public sector forces the private sector to opt for corrupt means. The survey inquired about respondents' perception using the following statement 'The private sector is compelled to engage in corrupt practices'. A large percentage of the respondents from the professional groups have the opinion that the private sector is not always compelled to engage in corrupt practices. The percentage of respondents from the general public group, agreeing with the opinion of the professionals, is relatively smaller. About one-third of the respondents, from both professionals and the general public, fall in the middle of the scale. (Table 4).

Table 4: Compulsion of the private sector to engage in corrupt practices

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Strongly agree or 5	10	10	10	10	13	8
4	20	22	23	22	23	23
3	31	37	33	39	31	40
2	19	19	22	17	19	20
Strongly disagree or 1	20	11	11	11	13	9

Note: Using a scale from 1-5 (1 being strongly disagree and 5 being strongly agree)

Opinion of reform activities

The respondents were asked to express their opinion of various reform initiatives undertaken by the current Caretaker Government such as the drive against corruption, state of emergency, electoral roll with photo ID etc. It was found that a large portion of the respondents, both professionals as well as the general public, view the government's reform initiatives positively. The proportion of respondents viewing the government's reform initiatives in a non-positive manner is very small. The response did not vary between urban and rural residents or between male and female groups (Table 5).

Table 5: Government reform initiatives

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Very Good or 5	47	46	42	50	52	40
4	34	35	35	34	31	39
3	14	14	18	10	13	15
2	4	3.5	3	4	3	4
Very Bad or 1	2	1.5	2	2	1	3

Note: Using a scale from 1-5 (1 being very bad and 5 being very good)

From our past experience we have seen that politically powerful elites are viewed as being beyond the reach of the legal system. The current government has arrested a number of such politically powerful elites in Bangladesh. The survey result indicates that people's views have changed in this regard now. The majority - of respondents from both groups (52-59 percent) no longer think that politically powerful elites are beyond the reach of law. However, a large portion of people (27-29 percent) still think otherwise (Table 6).

Table 6: Politically powerful elites are beyond the reach of law

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Strongly agree or 5	13	12	12	12	12	11
4	14	17	16	18	17	16
3	14	19	18	19	14	24
2	28	27	29	26	25	30
Strongly disagree or 1	31	25	25	25	32	18

Note: Using a scale from 1-5 (1 being strongly disagree and 5 being strongly agree)

The current government took steps to demolish structures that did not conform to the government regulations and also evicted traders from the city footpaths and markets. The government however took initiatives to rehabilitate the evicted traders. They survey inquired about people's support for these measures taken by the Caretaker Government. A large proportion of the respondents - from both professionals and the general public - were found to be supportive of such initiatives especially the professionals and urban dwellers. The proportion of respondents who did not support hawker eviction is relatively low. The urban-rural and male-female data does not show any significant variation in this regard (Table 7).

Table 7: Support for government's decision on hawker eviction

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Strongly Support or 5	38	33	36	31	39	28
4	30	34	32	34	33	34
3	14	15	15	15	11	20
2	9	11	10	11	10	11
Do not support at all or 1	8	7	6	8	7	7

Note: Using a scale from 1-5 (1 being do not support at all and 5 being strongly support)

The government also took an initiative to evict people from slums illegally set up on government land. The survey inquired about people's support for such measures. It was found that most of the respondents from both professional and general groups support the government's decision on slum eviction. Fifty percent of respondents from the professionals and 39 percent of respondents from the general public were in favour of this decision. The number of respondents who did not support the government's decision in this regard is relatively low. Urban dwellers and male respondents were found to be more supportive of such government initiatives (Table 8).

Table 8: Support for government's decision on slum eviction

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Strongly Support or 5	50	39	43	37	46	34
4	27	29	26	31	27	29
3	13	18	16	18	14	20
2	6	9	11	9	8	12
Do not support at all or 1	5	5	5	5	5	5

Note: Using a scale from 1-5 (1 being do not support at all and 5 being strongly support)

Institutions of accountability

The present Caretaker Government has undertaken reforms in some important constitutional bodies such as the Public Service Commission (PSC), the Anti-Corruption Commission (ACC) and the Election Commission (EC), aiming to improve their efficiency as well as effectiveness. This survey has tried to seek public opinion on reform of these institutions.

The above-mentioned institutions underwent leadership transition soon after the current government assumed power. Respondents were asked to express their views about whether leadership transition has led to an improved image of these three institutions. The results show that the majority of the respondents view this leadership transition positively as the image of these three institutions has greatly improved. Unfortunately, a large portion (32 percent) of the respondents from the general public could not comment on reforms in the PSC. This proportion is 14 percent and 11 percent for ACC and EC respectively. This finding clearly indicates that a significant proportion of respondents are unaware of the existence of such institutions and the reforms undertaken by the current government in this regard (Table 9).

The ACC, among three surveyed constitutional bodies, received the highest approval from both professionals and the general public followed by the EC. Ninety-one percent of the respondents from professional groups and 76 percent from the general public think that the image of the ACC has greatly improved. This proportion is slightly lower for the EC, which is 86 percent for professionals and 75 percent for the general public. On the other hand, this proportion is surprisingly lower for the PSC, as a large portion of the respondents have not responded at all to this query. However, the proportion of respondents who contend that the image of these three institutions has declined is insignificant, ranging between 1-4 percent (Table 9).

Table 9: Image improvement

Institution	Professionals (percent)				General public (percent)			
	Improved	As before	Declined	NR	Improved	As before	Declined	DK/CS
PSC	73	21	3	3	45	19	4	32
ACC	91	7	2	0	76	9	1	14
EC	86	12	1	1	75	13	1	11

Note: NR: No reply, DK/CS: Don't know/Can't say

The respondents were also asked whether the efficiency and effectiveness of the ACC, EC and PSC have improved due to the reforms. The survey found that a very large proportion of the respondents in the professional category attested that the efficiency and effectiveness of the ACC, EC and PSC have improved. A large proportion of the general public also think that these three institutions have improved. The proportion of respondents who think that there is an improvement in the PSC, is relatively low (42 percent). It is important to note that a significantly large proportion of the respondents from the general public were unable to offer an opinion. This proportion is significantly high with the PSC - 34 percent (Table 10).

Table 10: Improvement in institutional efficiency and effectiveness

Institution	Professionals (percent)				General public (percent)			
	Improved	As before	Declined	NR	Improved	As before	Declined	DK/CS
PSC	70	24	2	4	42	22	2	34
ACC	90	9	1	0	75	11	1	13
EC	86	13	1	0	73	14	2	11

Note: DK/CS: Don't know/Can't say

The respondents were asked whether the extent of reforms in the PSC, ACC and EC, undertaken by the current government are adequate. The survey shows that a large proportion of the respondents from both groups feel that the reforms are adequate. Respondents viewing reforms as inadequate are higher among the general public than among professionals. It is important to note that a significantly large proportion of the respondents from the general public were unable to make a judgement and the proportion is quite high - about one-third - for the PSC (Table 11).

Table 11: Extent of reforms

Institution	Professionals (percent)				General public (percent)			
	More than adequate	Adequate	Inadequate	DK/CS	More than adequate	Adequate	Inadequate	DK/CS
PSC	38	45	12	4	17	37	14	32
ACC	27	51	21	0	9	50	28	13
EC	26	54	18	1	10	51	27	12

Note: DK/CS: Don't know/Can't say

Access to information

Access to information is playing an increasingly important role in civic life. Information is perceived as a necessary condition for transparency and accountability. The survey investigated public perception on the situation of accessing information from government institutions. Respondents were asked to identify the sources they use for obtaining information on government institutions and activities.

Figure 6a: Sources used to access information on government activities

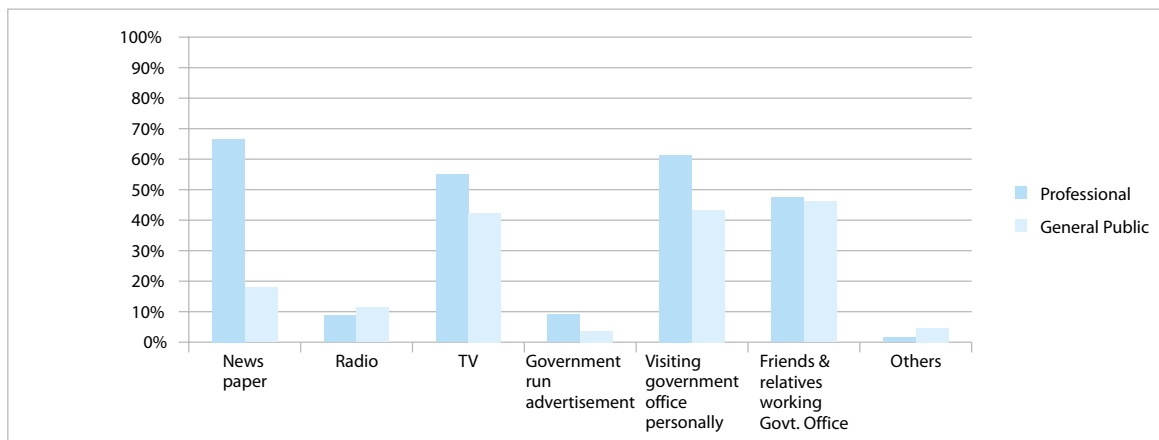
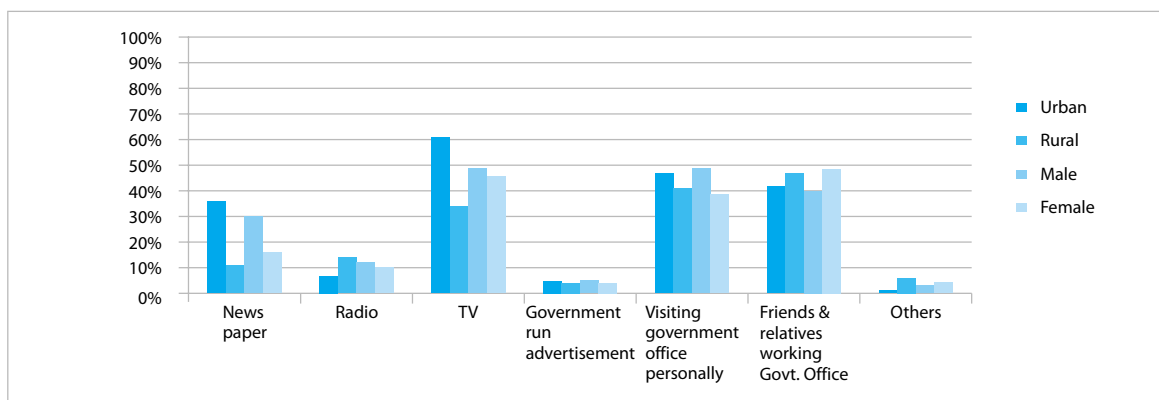


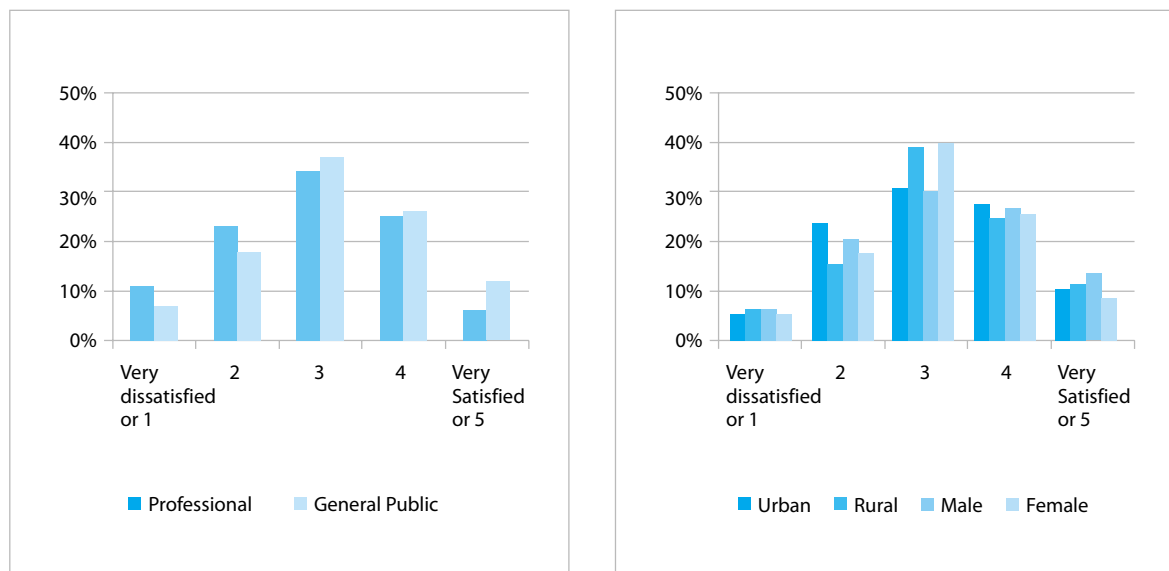
Figure 6b: Sources used to access information on government activities



The survey found that professionals depend alike on print and electronic media along with personal visits to government offices. The general public, on the otherhand, relies more on electronic media and friends and relatives working in government offices. Data analysis along rural-urban and male-female lines in the general public group, show an interesting trend: Urban respondents are more reliant on electronic media but the rural population is largely reliant on friends and relatives working in government offices. Interestingly, female respondents regardless of location, were also found to be reliant on friends and relatives for such information. It appears from the survey that word of mouth from relatives or friends working in government offices is a principal means of accessing information on government activities (Figure 6a, b).

The survey also posed the question as to how satisfied the respondents were with the information they receive from various sources on government institutions and activities.

Figure 7: Level of satisfaction on information received on government activities

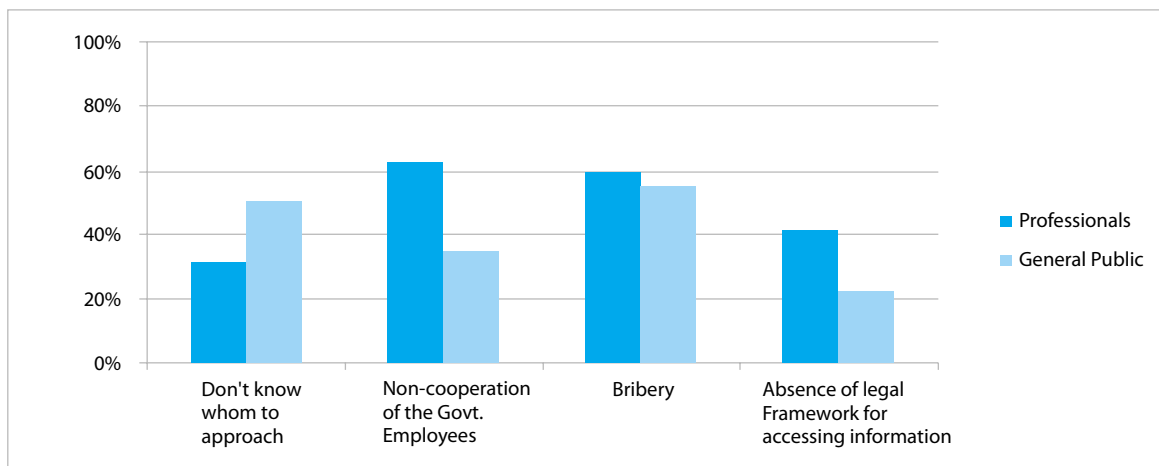


Note: Using a scale from 1-5 (1 being very dissatisfied and 5 being very satisfied)

The findings revealed that a large proportion of respondents appear to be satisfied with the information they obtain on government activities. Professionals are predictably less satisfied than the general public. The trend is similar for urban-rural and male-female respondents (Figure 7).

The survey also investigated the main hindrances faced by people in accessing information from government offices. It was found that the non-cooperation of government officers and bribery along with lack of a legal framework to ensure access to information are viewed as the principal impediments by the professionals. On the other hand, the general public felt that bribery and lack of awareness of any procedure to obtain information were the two major hindrances. Male-female and urban-rural respondents, in the general public category, view bribery as the main obstacle, closely followed by lack of awareness and absence of any systematic procedure for obtaining information as well as non-cooperation of government officers (Figure 8).

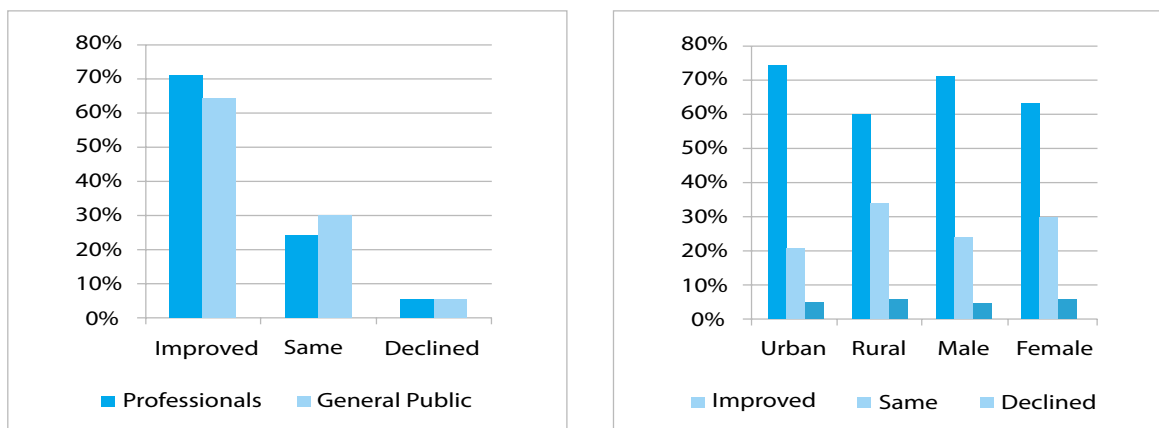
Figure 8: Major hindrances faced in obtaining information from government offices



Law and order

Maintaining law and order is considered a major challenge for any government in Bangladesh. Incidents of extortion, abduction, murder, bombing, kidnapping, and other criminal activities threaten our personal safety and security. The survey inquired about perceptions of the law and order situation under the current government.

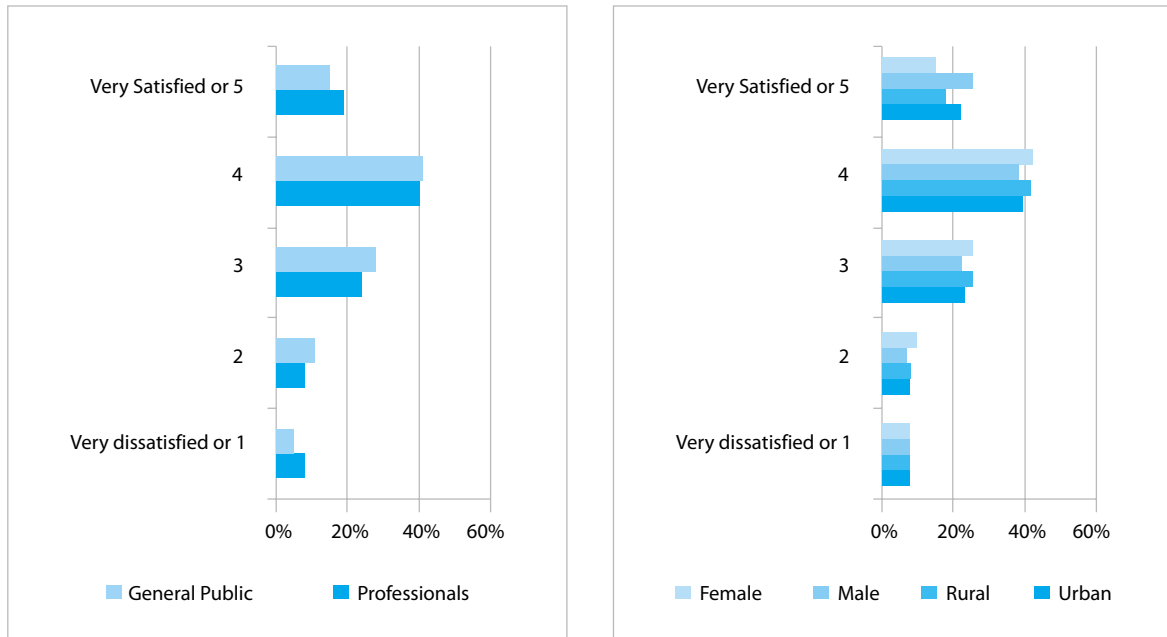
Figure 9: State of law and order situation under the current government



The findings show (Figure 9) that a large majority of the respondents perceive that the law and order situation under the current government has improved compared to the previous year. Rural-urban and male-female breakdown of responses show almost similar findings, although a slightly larger proportion of the rural respondents and female respondents perceive that it has remained the same.

We measured the level of satisfaction on the prevailing law and order situation under the current government on a scale of 1-5, with 1 being highly dissatisfied and 5 being highly satisfied. The findings show that a large proportion of the respondents are satisfied with the current law and order situation. The proportion of respondents who are dissatisfied is relatively low (Figure 10).

Figure 10: Level of satisfaction with law and order situation under the current government



Note: Using a scale from 1-5 (1 being very dissatisfied and 5 being very satisfied)

Respondents from the general public group, when broken down into male-female and rural-urban sub-sections, show similar trends.

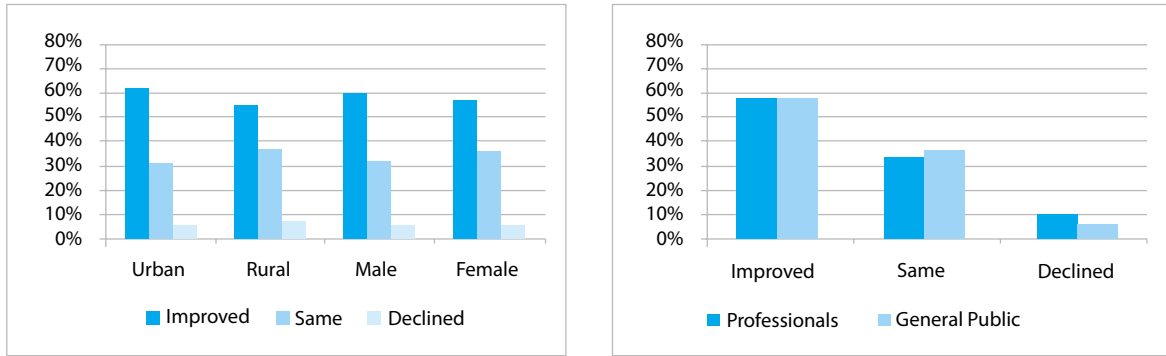
One should be cautious in interpreting these results. Approximately 40 percent of respondents perceive the police as highly corrupt and, at the same time, about two-thirds of respondents perceive that law and order has improved in the last year. This is not necessarily contradictory. The police are now likely perceived as less corrupt than they were a year ago. More likely, the term 'law and order' has little to do with the local police and more to do with the absence of political violence and street unrest, now prohibited by the ban on political activities. It is possible that the respondents may also have reflected on the activities of the Anti-Corruption Commission and some of the high-profile actions of the current Caretaker Government. Indeed, the survey finds high levels (over two-thirds) of approval for hawker and slum evictions, and that a majority believes that the powerful are no longer above the law.

Justice and human rights³

The rule of law and justice are important aspects of civic life. The survey gauged people's perception of the state of the judiciary and human rights under the current government. The findings show that the majority of the respondents feel that the justice sector has improved under the current government. On the other hand, only a small fraction of the respondents feel that it has declined under the current government as compared to the previous year (Figure 11).

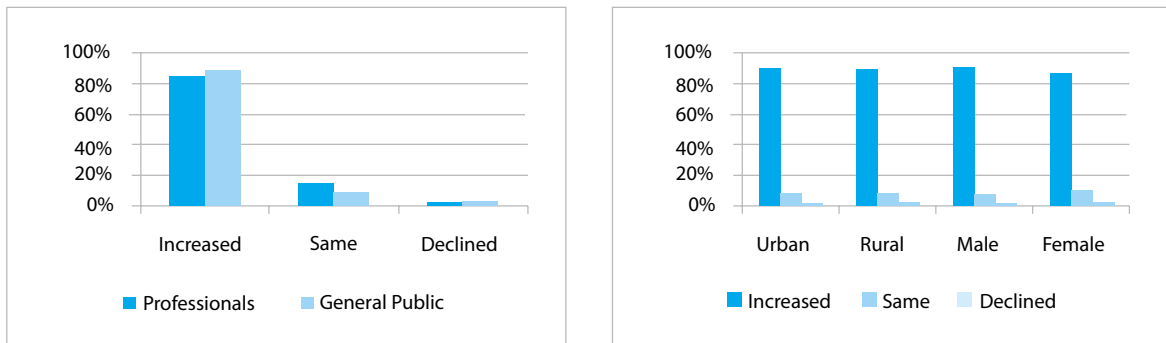
³ This survey was conducted before the separation of the Judiciary from the Executive

Figure 11: State of the judiciary under the current government



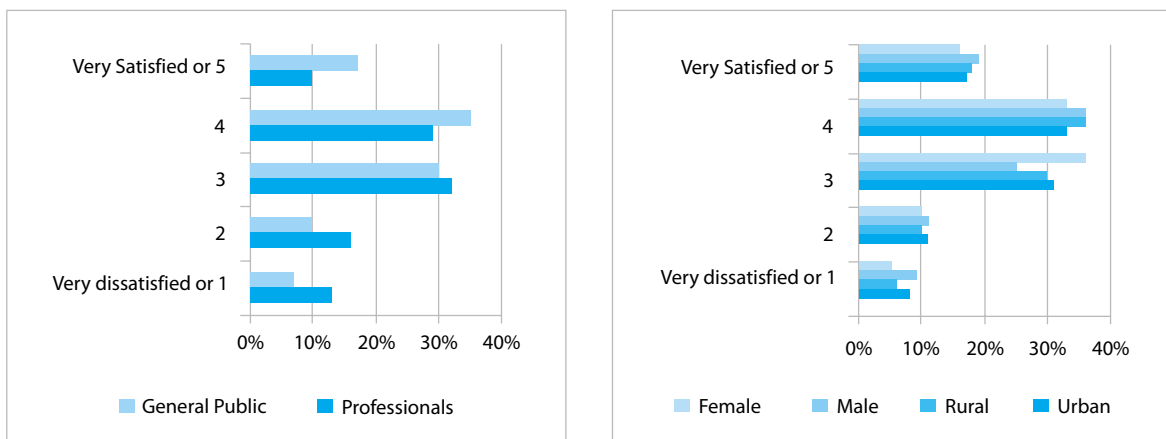
Respondents from the general public echoed similar sentiments. The survey also checked whether there is any improvement in access to justice under the current government as compared to the previous year. The results show that people perceive improvements in this regard vis-à-vis the previous year. The fraction of respondents who feel that access to justice has declined is insignificantly small (Figure 12).

Figure 12: Access to justice under the current government



The survey also attempted to gauge the level of satisfaction with the judiciary. Respondents, both professionals and the general public, appear to be satisfied with the state of the judiciary under the current regime. Again, the proportion of respondents dissatisfied with the state of the justice sector is relatively low (Figure 13).

Figure 13: Level of satisfaction with the judiciary under the current government



Note: Using a scale from 1-5 (1 being very dissatisfied and 5 being very satisfied)

As stated earlier in this chapter, the survey investigated public sentiment on the eviction drives of the current government. The survey investigated people's perception of whether those who are affected by such government measures have access to justice, using a scale of 1-5 (1 having no access at all and 5 having full access). The findings revealed that a significant part of the respondents, from both the professional group as well as the general public, feel that the affected have no access to justice at all. Responses from the general public, when broken down into male-female and rural-urban sub-sections, show a similar trend (Table 12).

Table 12: Access to justice for victims of eviction

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Full access or 5	8	7	8	7	8	7
4	19	24	22	24	23	23
3	21	23	19	24	19	24
2	19	22	26	20	22	25
No access at all or 1	32	24	25	24	28	21

Note: Using a scale from 1-5 (1 being no access at all and 5 being full access)

The survey asked the respondents to validate allegations of human rights violation by the law enforcement agencies. In response to this question, a large portion of the respondents (41 percent) from the professional group marked the allegation as valid. Surprisingly, the result is the reverse for the general public; 44 percent of the respondents from the general public were of the opinion that allegations of violation of human rights by law enforcement agencies are invalid (Table 13).

Table 13: Human rights violation by law enforcement agencies

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Absolutely invalid or 5	13	15	13	16	15	14
4	21	29	29	29	29	30
3	25	26	27	26	26	27
2	25	19	20	18	19	19
Completely valid or 1	16	10	12	10	12	10

Note: Using a scale from 1-5 (1 being completely valid and 5 being absolutely invalid)

The respondents were also asked whether the incidence of human rights violation have increased or decreased under the current government. A large portion of the respondents, from both professionals and the general public, feel that such incidence have declined under the current government. It is most interesting to note that a large fraction of the respondents - one-third of the professionals and almost half of the general public - has refused to comment on this issue. A very small fraction of the respondents think that such incidence have in fact increased under the current regime (Table 14).

Table 14: Incidence of human rights violation by law enforcement agencies

Type of response	Professionals (percent)	General Public (percent)				
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Increased	5	6	10	4	7	7
Same	13	13	13	13	13	14
Declined	47	36	35	37	36	35
Refused	34	45	42	46	44	44

Elected representatives

Politicians play a central role in governing the nation. The Parliament and local government bodies are instrumental in promoting accountability and transparency in the governance process. Since both members of parliament and local government representatives are elected by the people to represent them and to build a consensus on issues related to the public interest, it is imperative that they are elected in a free and fair manner. Any collusion between the two tiers is a hindrance to governance. The past performance of the Members of Parliament (MP) have been verified in this survey. The respondents were asked to grade the performance of MPs on a scale of 1-5 (1 being highly unsuccessful and 5 highly successful). The mean score given by the professional group and general public on the performance of MPs on local issues is 2.7 and 2.9 respectively. The mean score on national issues is slightly lower - 2.4 by the professional group and 2.7 by the general public (Table 15).

Table 15: Performance of Members of Parliament (mean score)

Issue	Professionals	General public
Local	2.7	2.9
National	2.4	2.7

Note: Using a scale from 1-5 (1 being highly unsuccessful and 5 highly successful)

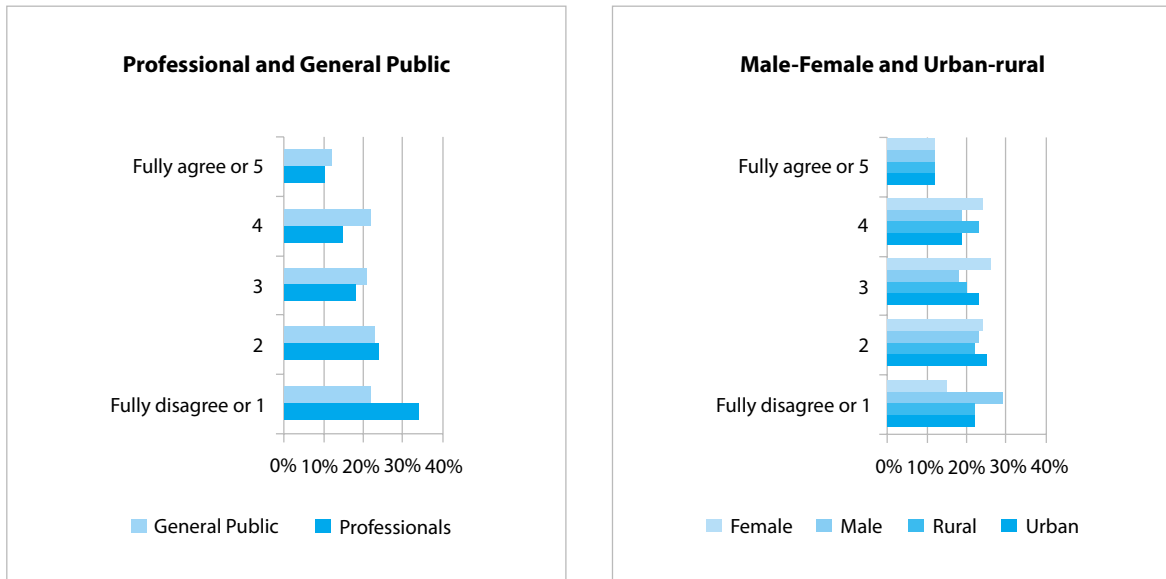
The survey has tried to elicit the motivating factors that guide the public in choosing the candidate for whom to vote. The survey has found interesting results in this regard. Most of the respondents from both groups (62-68 percent) claimed that they make the selection based on the personal honesty of the candidate (Table 16).

Table 16: Factors affecting voting intention

Factors affecting voting intention	Professionals (percent)		General Public (percent)			
	Total	Total	Location		Gender	
			Urban	Rural	Male	Female
Political party or party symbol	8	6	5	6	6	6
Locality of candidates	6	12	11	12	10	13
Honesty	68	62	61	62	63	60
Contribution to constructing roads, building educational institutions	7	16	14	16	16	15
Contribution to developing policy at national level	10	5	8	3	6	6

The survey inquired whether people believe that the elected local government representatives uphold the people's interests beyond their political identity and belief. The findings show that a large fraction of the respondents, from both professionals and the general public, disagree with the above proposition (Figure 14).

Figure 14: Ability of elected local government representatives to uphold public interest

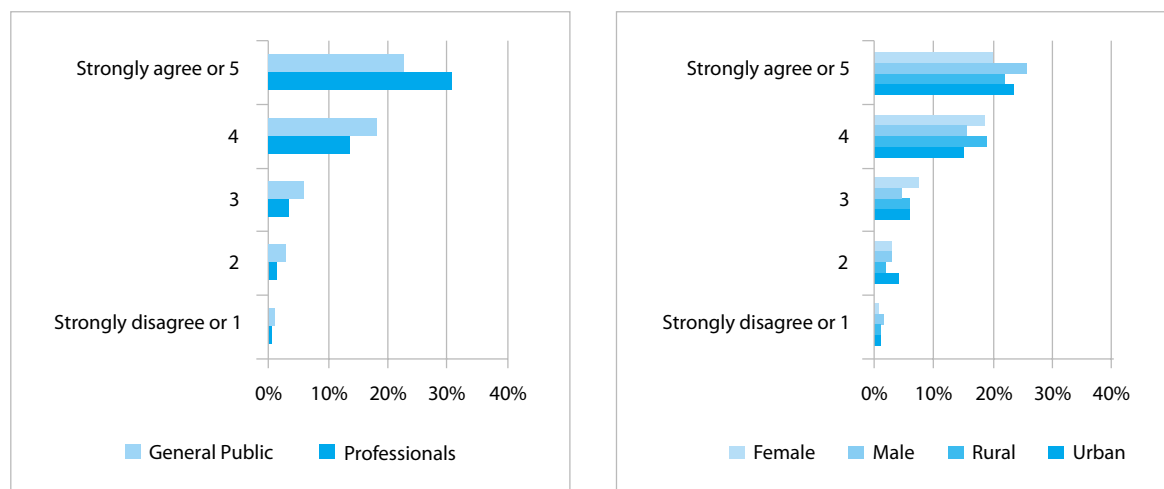


Note: Using a scale from 1-5 (1 being fully disagree and 5 fully agree)

Political party affiliation during elections - both parliament and local government, play an important role in Bangladesh. The survey investigated public perception on the possible nexus between the parliamentarians and local government representatives during local government and parliamentary elections. Any form of collusion obviously indicates partisan patronisation, which further implies that biased mandates are given during the election.

The survey investigated whether local government representatives try to influence people's voting decisions during parliamentary elections in favour of their party candidates. Survey results indicate that a large fraction of the respondents, from both professionals and the general public, agree with this (Figure 15). Professionals however, tend to agree relatively more with the proposition than the general public. Rural-urban and male-female breakdown of the general public respondents conform to the findings. Notably, male respondents and urban respondents agree more with the proposition. A very small fraction of the respondents disagree with the proposition.

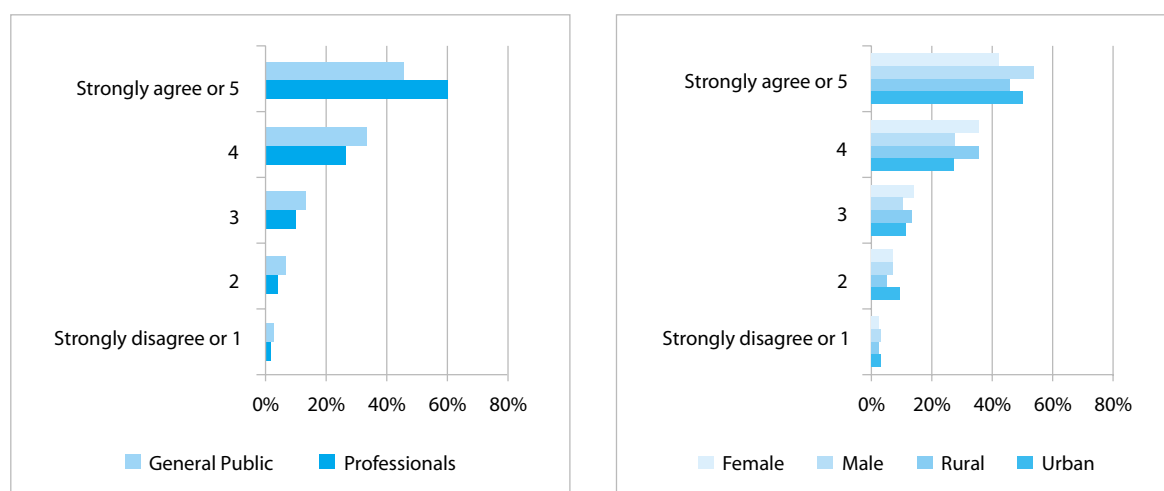
Figure 15: MP-local government representative nexus during Parliamentary elections



Note: Using a scale from 1-5 (1 being strongly disagree and 5 strongly agree)

The survey then reversed the argument and inquired whether parliamentarians try to influence people's decision in favour of their party candidates during local government elections. Survey results indicate a large fraction of the respondents, from both professionals and the general public, agree with the proposition (Figure 16). A very small fraction of the respondents disagree with the proposition. Respondents from the general public, when broken down into male-female and rural-urban sub-sections, displayed a similar trend. Notably, male respondents and urban respondents agree more with the proposition.

Figure 16: MP-local government representative nexus during local government elections

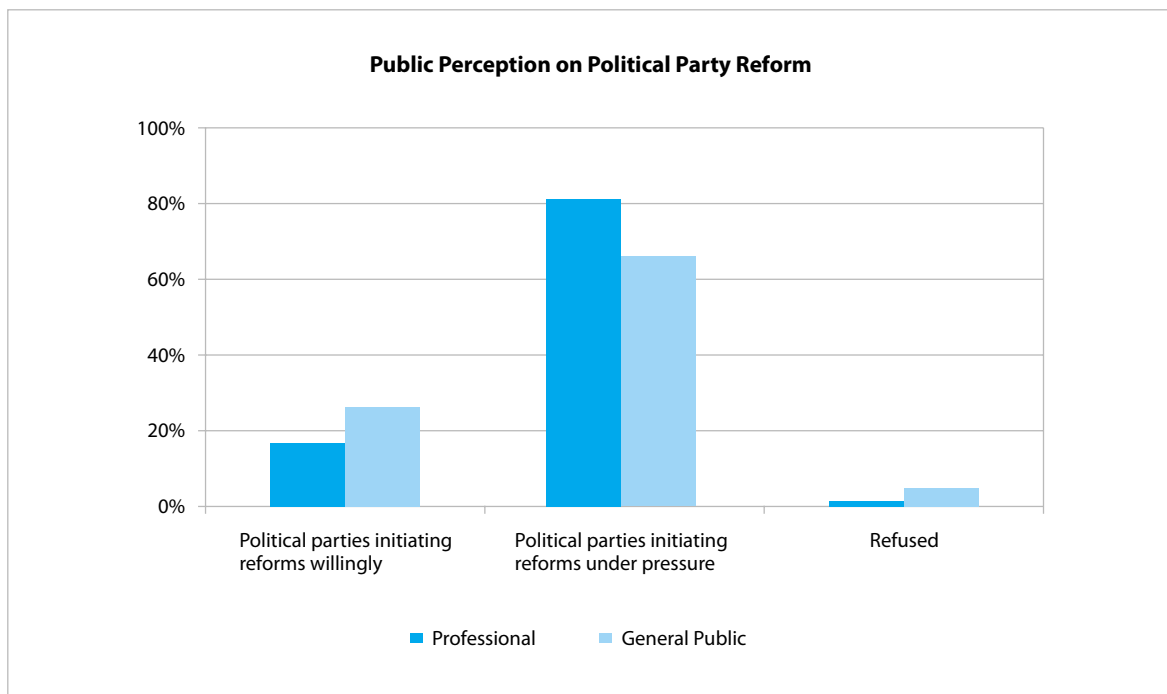


Note: Using a scale from 1-5 (1 being strongly disagree and 5 being strongly agree)

Elections

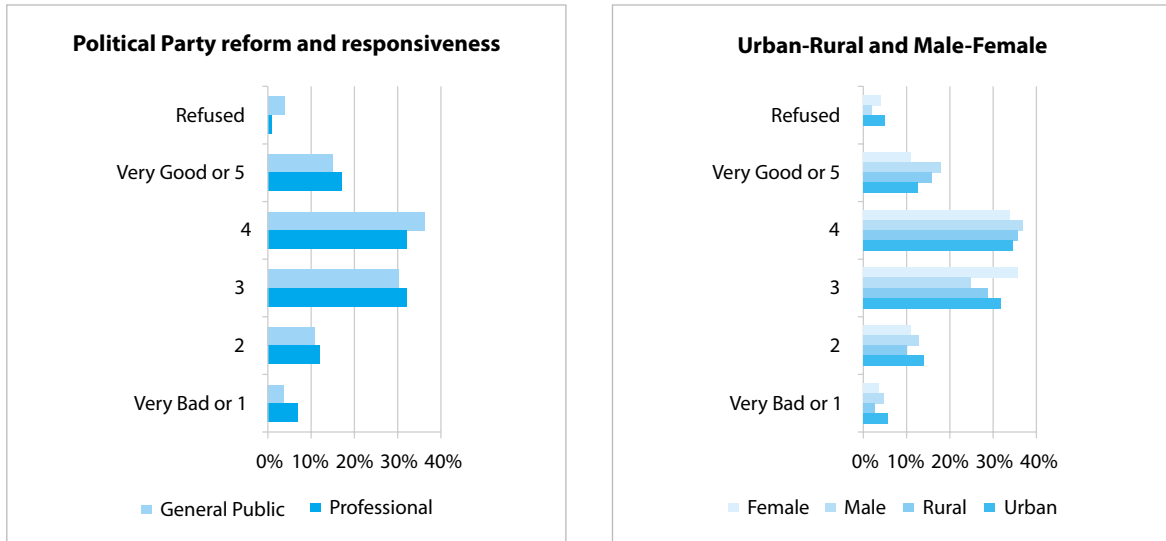
The Bangladesh constitution gives the mandate to the Caretaker Government to conduct a free and fair election within 90 days. The current Caretaker Government has gone beyond its constitutional mandate and undertaken a number of reform initiatives. Political turmoil and uncertainty have been major impediments to the nation's development in recent years. Following the regime change in January 2007, party politics have been under severe public scrutiny. Survey findings indicate a decline in public confidence in politicians and political parties. The Election Commission has put forth a set of reform proposals for the political parties. The politicians are also proposing internal reform measures for political parties. It seems that reform of the political parties has become a pre-requisite for the general election scheduled for 2008. The survey asked people for their opinions on the political party reform initiatives.

Figure 17: Political party reform initiatives



The survey findings show that a large proportion of the respondents are of the opinion that political party reform initiatives are externally driven. A key feature of the political party reform agenda is the transition in leadership. With the two most influential personalities of contemporary politics currently in custody on corruption charges, the process of leadership transition is being debated as an issue. The survey tried to elicit public opinion on whether this leadership transition would have a constructive impact on the overall development of Bangladesh. The findings show that only a small fraction of respondents (both professionals and the general public) consider such transition either very good or very bad for Bangladesh's development. The number of respondents who think such transition positive is significantly large. Respondents from the general public, when broken down into male-female and rural-urban sub-sections, show a similar trend (Figure 18).

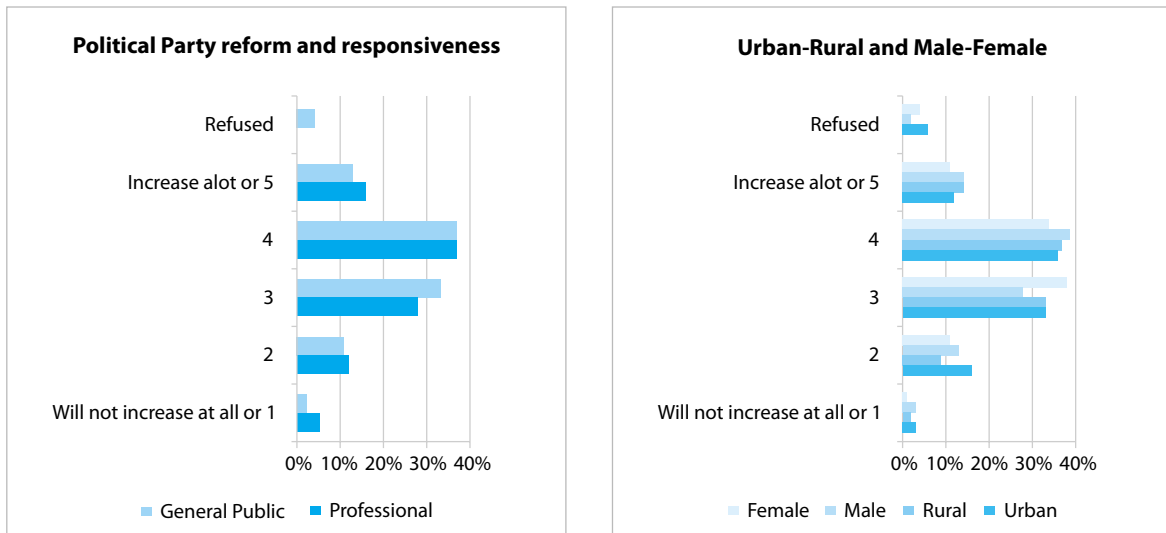
Figure 18: Party leadership transition



Note: Using a scale from 1-5 (1 being very bad and 5 being very good)

Apart from leadership transition, a number of reform initiatives have also been proposed to increase internal transparency and accountability within the political parties. The survey posed the question whether these efforts are going to increase political party's responsiveness towards the public.

Figure 19: Responsiveness of political party reform measures

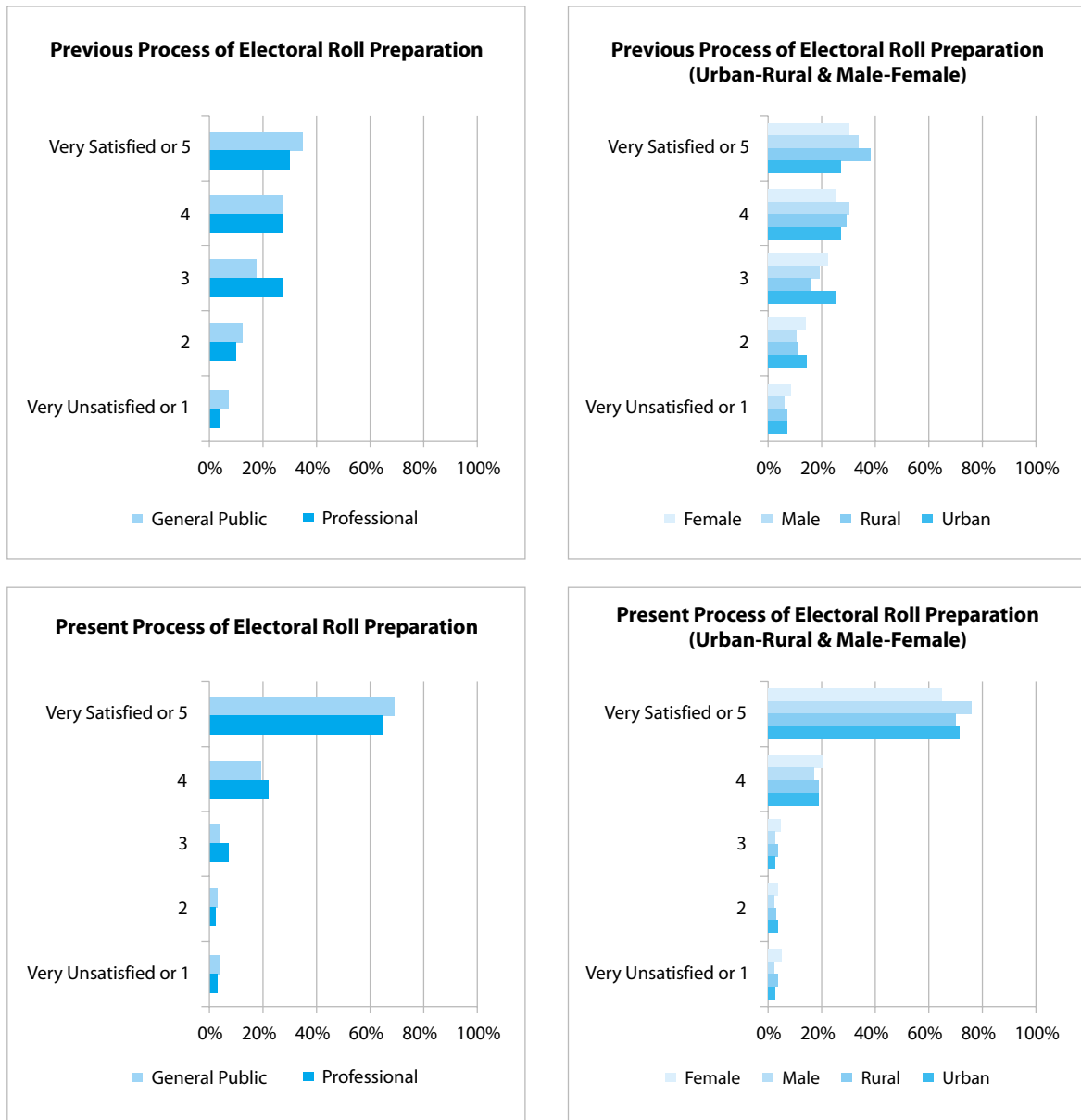


Note: Using a scale from 1-5 (1 being will not increase at all and 5 being increase alot)

The findings depict a large fraction of respondents, from both professionals and the general public, as optimistic that such initiatives are likely to improve the political party's responsiveness toward the general masses. The number of respondents who are less optimistic is relatively small. Respondents from the general public, when broken down into male-female and rural-urban sub-sections, show a similar trend (Figure 19).

The current Election Commission (EC) has started preparing the electoral roll with photo ID. Although in all previous cases the EC prepared the roll itself, the Bangladesh army is executing the operation for the first time in national history. The survey asked how people are evaluating the present electoral roll process in comparison with the previous one.

Figure 20: Electoral roll preparation process

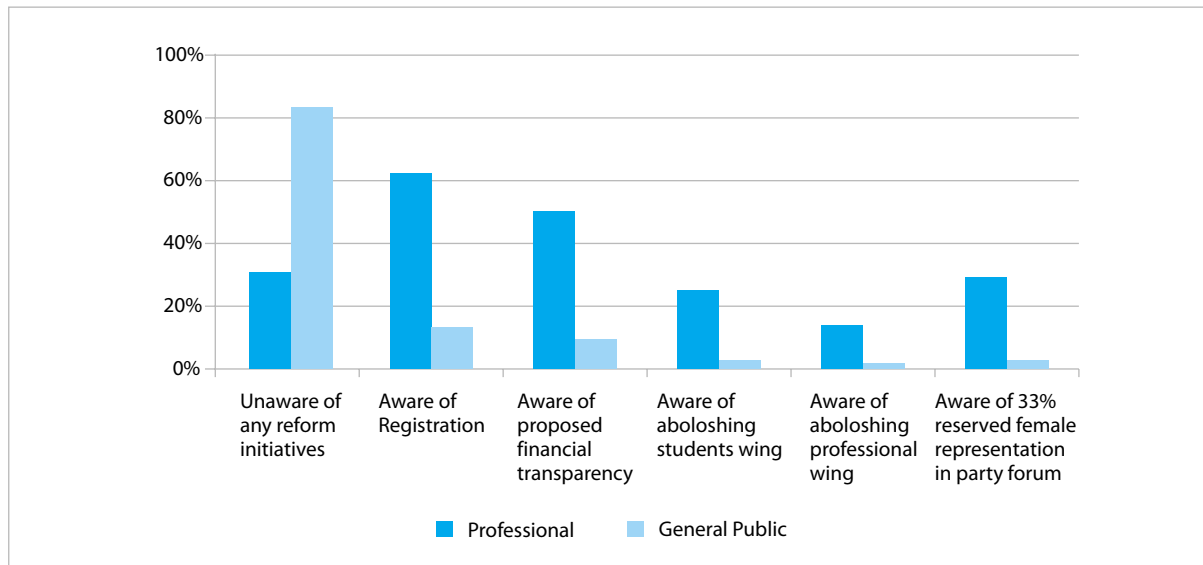


Note: Using a scale from 1-5 (1 being very unsatisfied and 5 being very satisfied)

The findings show that respondents - both professionals and the general public, were dissatisfied with the previous process of preparing electoral rolls, but are satisfied with the present process of electoral roll preparation with a photo ID.

The EC also proposed a set of reform initiatives for the political parties. These initiatives are meant to bring about positive changes in the political culture along with an increase in transparency and accountability of parties. These proposals include: mandatory registration of political parties with the EC, submission of income statements, 33 percent women's participation in the party, a ban on student, foreign or other wings etc. The survey attempted to check the level of awareness amongst the people on the aforesaid reforms proposed by the EC.

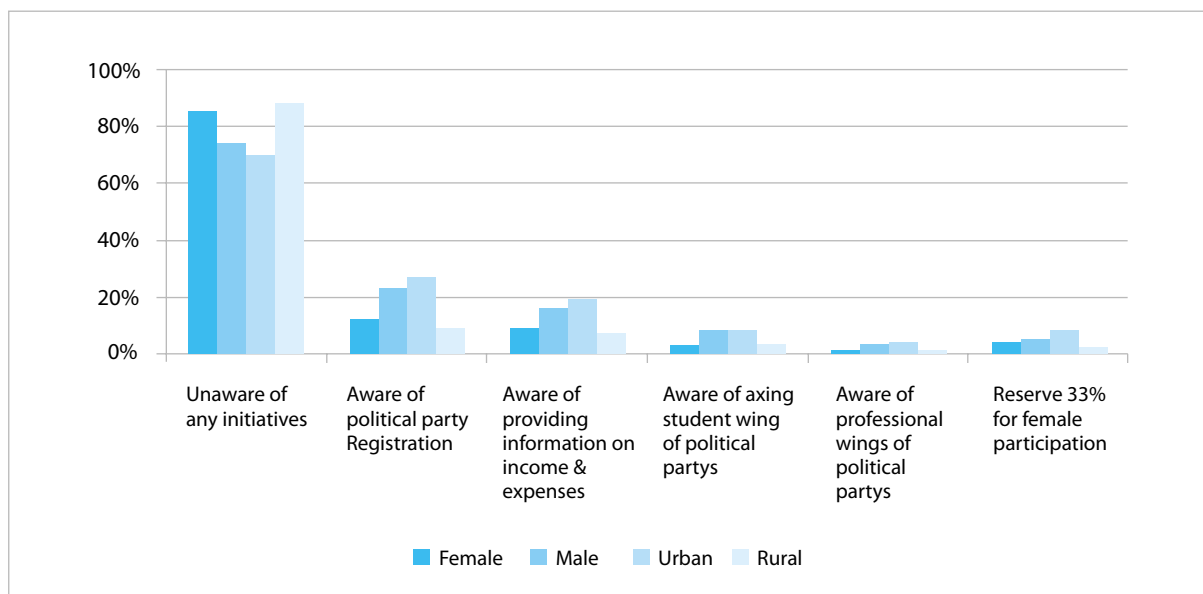
Figure 21: Awareness of EC proposed political party reform initiatives



The results show that an overwhelming majority (83 percent) of respondents from the general public are unaware of such initiatives, as opposed to approximately 30 percent from the professional groups. The remaining 70 percent of professionals appear to be aware of these issues, although the degree of awareness varied across issues (Figure 21).

The figure below shows male-female and urban-rural breakdown of the respondents from the general public. Ignorance about proposed reforms is very high and ranges from 70 percent to about 90 percent amongst this group. Rural respondents have the highest ignorance level followed by female respondents. Data reveals that urban respondents are relatively more aware about these issues than rural respondents. Similarly male respondents are relatively more aware than female respondents. Female respondents have the lowest awareness in the group (Figure 22).

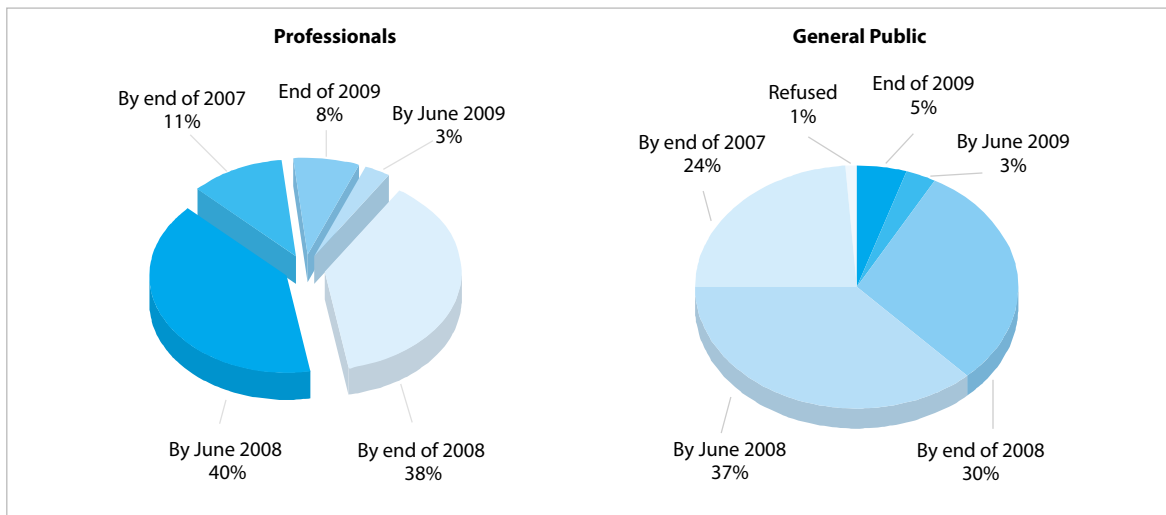
Figure 22: Awareness of EC proposed political party reform initiatives



The EC has proposed a road map for the next Parliamentary elections. Besides this, the Caretaker Government has at numerous times reiterated its intention to hold the parliamentary elections at the end of 2008. The survey asked people their opinion about the timeframe of the next Parliamentary elections. The respondents were asked about the schedule of general election, particularly when it should be held.

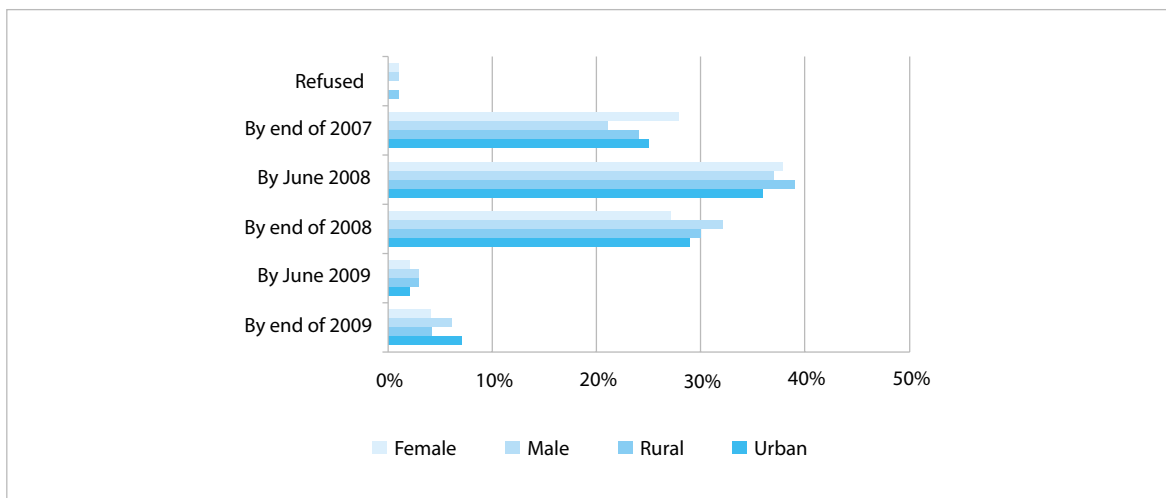
Findings show that 40 percent of professionals and 37 percent of the general public are of the opinion that elections should be held by June 2008, while 38 percent of professionals and 30 percent of the general public felt that it should be held by the end of 2008. Only about 11 percent of professionals and 8 percent of the general public felt that the elections should be held in 2009 (Figure 23).

Figure 23: Opinion on national election schedule



Male-female and urban-rural break down of respondents from the general public group in the survey largely conform with the earlier findings. About 30 percent of the female respondents felt that the Parliamentary elections should be held by the end of 2007.⁴ The majority of the respondents, both male-female, and urban-rural, felt that the elections should be held by June 2008 (Figure 24).

Figure 24: Opinion on national election schedule



4 The survey was conducted in October 2007.

3.4 Conclusion

The survey findings show that respondents - from both professional as well as the general public groups - have a generally positive perception of the reforms initiated by the current government with strong discontent mainly on the price spiral and the electricity situation. The survey also reveals strong support for a return to democracy - depicted through a demand for parliamentary elections.

The survey result clearly underlines the perception that people's standard of living in 2007 has not only failed to improve *vis-a-vis* the previous year, but that it has declined significantly under the current Caretaker Government. There is general discomfort over the price spiral and electricity situation. However, the ongoing reforms and anti-corruption drive has created a sense of optimism among the masses that their standard of living might improve in the near future. The deteriorating law and order situation and rampant corruption that permeated all aspects of society were the prime concerns for the government when it assumed power in January 2007. The public also has a positive perception that the law and order situation and the state of the judiciary has improved under the current regime.

It is clearly revealed in the survey that any professions and institutions that are political or perceived as being political are trusted least. The public has little faith in politicians, political parties, MPs and local government representatives. On the other hand, teachers and the military enjoy a high degree of people's trust. People have also shown a high degree of trust in the activities of the Anti-Corruption Commission and the Election Commission under the current regime, a marked improvement from the findings of *The State of Governance in Bangladesh 2006*. Perhaps it is the re-constitution of the leadership and subsequent reforms under the current regime which has helped these institutions gain public trust and confidence. It is interesting to note that despite improvement in the law and order situation, the police are still perceived as one of the most corrupt professional groups. It is easy to surmise that the law and order situation has improved due to the operations of the joint forces. Absence of political violence might have also influenced public perception about improvement in law and order. This government has also altered public perception about political elites being beyond the reach of the law by arresting and trying several high profile politicians.

The study unveiled interesting information regarding the issue of hawker and slum evictions. Most of the surveyed respondents were in favour of the government's decision on hawker and slum evictions. This indicates that most people do not approve of illegal activities. However, it was generally agreed that there is little recourse to justice for the victims of eviction.

It is a major concern that a significant portion of the public are unaware of the reforms proposed for political parties by the EC. However, those who are aware of such efforts appreciate and support such reforms. It is interesting to note that a large portion of the respondents expressed the view that the general elections should be held by June 2008. The second largest group hoped that the general elections should be held by the end of 2008.

The chapter findings indicate strong hopes for a return to a democratic regime. A critical question is how long hopes can be sustained without tangible evidence of major positive progress toward normalcy. One indication of the timeframe the respondents have in mind regarding the return to parliamentary government is the timing of the next election. Although respondents expressed optimism for the future, the context in which their responses were given must be considered. First, the Caretaker Government (one that has also become a policy-making and implementing body and not just an institution responsible for holding

free and fair elections) has made considerable efforts to 'clean up' elements of bad governance. Given that this is unprecedented in Bangladesh's history, one cannot predict the success or failure of their efforts. Furthermore, one must consider how much of the optimism expressed by survey respondents is conditional on the expectation of elections in mid-2008. Also, it can be questioned if the answers about the future are based on what the respondents hope will happen or what they believe will actually occur. Finally, it should be noted that the survey was conducted prior to the devastating Cyclone Sidr, the economic fall-out of which is yet to be determined.

The survey findings allow this chapter to conclude that the government's success with reforms, although mostly appreciated by the public, can not be evaluated in a short period of time. In spite of the fact that the majority of the people are in favour of current reform initiatives, it can not be argued that these reforms would bring about any significant differences in people's lives. However, it is obvious that despite some reservations, the public - both professional as well as the masses - is mostly satisfied with the performance of the current Caretaker Government, and remains optimistic about the future.

Crime, Violence and Insecurity

When crime was first considered in relation to poverty and development, in the 1970s, the emphasis was on whether urbanisation amidst mass poverty risked increasing criminality: would the disruptions and new tensions that arise from uneven development force the poor frustrated masses to turn to crime? Clinard and Abbott's influential 1973 account of crime in developing countries framed the problem as one of 'young male migrants with rural family backgrounds failing to adapt to city life' (Clinard and Abbott 1973; Rogers 1989: 315), with poor people chiefly of interest to the extent that they had moved to the cities as potential perpetrators, rather than as victims of crime and violence. The state of rural law and order has not been an important topic of research, particularly in Bangladesh where the focus has historically veered between explaining the mystery of law-abiding rural social harmony, on the one hand, and the conditions underlying spasmodic peasant revolts such as *tebhaga*, on the other (Hossain 2005).

Crime and violence are returning to the development agenda, and this time with a focus on how these affect human wellbeing, or human security. While the literature remains dispersed and unconnected, there is some consensus that human insecurity is manifested most directly in experiences and threats of crime and violence to persons and property. There is also growing recognition that experiences and threats of crime and violence are likely to be major drags on poverty reduction and development, restricting people's mobility, livelihood options and investment choices.

These issues are of particularly acute significance to the state of governance in Bangladesh in 2007, in the wake of an extended period of declining rule of law and persistently uneven access to justice, expected to have been halted by the installation of the Caretaker Government in January 2007. The research reported in this chapter aims to inform debates about how the rule of law affects human security by presenting evidence and analysis of how crime, violence and related forms of insecurity impact on the lives and communities of ordinary Bangladeshis, focusing on the experiences of the poor, marginal and vulnerable. The chapter documents experiences and perceptions of different sources of insecurity; their impact on people's lives and wellbeing; and the actions people and communities take to cope with the insecurities related to high levels of crime and violence. The chapter is based on in-depth qualitative research conducted in 2007, and so records experiences in the recent past, including prior to the present Caretaker Government.¹

¹ The qualitative research into crime, violence and insecurity reported here is part of a larger research agenda on human security within BRAC-RED. This includes a nationwide baseline survey of the levels, forms and distribution of experiences, actions and events which contribute to human insecurity, intended to enable monitoring of trends in human security over time, being undertaken in collaboration with the international NGO specialising in human and community security, Saferworld. One objective of the research presented here was to inform the design of the national survey, a full report on which will be available in early 2008.

Experiences of crime, violence and related forms of insecurity prove to be unexpectedly diverse, with perceptions varying from the acute insecurity faced by oppressed minority groups to perceptions that crime, violence and related forms of insecurity are insignificant - at least in comparison with other sources of insecurity, such as those from natural disasters or poverty. In some communities, the perception is that security conditions have improved over time; others detect a deteriorating situation. This variability may reflect diversity in how different groups perceive and conceptualise different forms and sources of insecurity: for instance, educated people tend to understand crimes with reference to formal law, whereas less educated and rural people often refer to the severity and identity of the perpetrator to evaluate an act as a crime. Similarly, while many women experience violence within their homes, they neither view this as a crime, nor as a particularly significant source of insecurity, as domestic violence is, with some qualifications, a 'normal' part of women's lives.

Feeling safe appears to have a strongly localised dimension: the capacity and willingness of local authorities to protect against insecurity, often through informal means, appears to be an important determinant of whether people feel safe and whether they have objectively good reasons for feeling so. Experiences of crime to a less extent of violent crime are unexpectedly dispersed. And while many - although not all - people feel safe within their neighbourhood, they often feel less safe once they leave their local area: public spaces such as roads in which local and informal authority is absent or weak, tend to be those most closely associated with insecurity.

While local factors appear to be highly significant, national and international political forces are also apparent. There is clear evidence that impunity for those with connections to the ruling political party has fuelled the unchecked abuse and violation of human rights. Ethnic and religious minority groups are particularly vulnerable, as they lack protection from national political party sources, and because of the related fact that law enforcement officials and local officials and politicians do not see it as in their interest to protect minority groups against illegal or violent acts by members of the majority; this is often because they are themselves complicit in such acts. Gender, ethnic and religious group membership are all highly significant determinants of insecurity. All households - rich and poor, urban and rural, Bengali Muslim and Bihari, Garo and other ethnic and religious groups - experience pervasive insecurity with respect to the public safety of women and girls, with the burden falling most heavily on young girls and women, for whom fear of sexual violence and sexual harassment is an everyday reality.

A significant set of findings shows how people and communities cope with the spectre of crime and violence: it is clear that some communities are more successful than others. But while efforts to fight crime at the village level may be believed to be effective, they do not typically respect human rights. And many strategies for coping with crime involve considerable costs, human and material: it may not need stressing, but there is an overwhelming case for stronger public action on community security against crime and violence.

4.1 Global and National Perspectives of Human Security

One motivation for researching crime, violence and insecurity in Bangladesh comes from the growing recognition globally that human security is an important goal in its own right, and distinct from human development objectives. There are both broad and narrow concepts of human security in use. Broader approaches identify poverty and inequality, global economic injustice, war and all forms of political conflict, authoritarianism, the absence of the rule of law or access to justice, corruption, human rights violations, sex- and gender-based violence, oppression of minorities, and climate change and natural disasters as key dimensions and indicators of human insecurity. More specific formulations identify 'inter-personal violence

or the risk of it' as the central dimension, recognising that this may have political or criminal origins and social and economic impacts (Stewart 2003). This narrower focus means that human security is focused less on how people come to be poor or oppressed and more on protection against the risk of further descent - the 'downside risk' as Amartya Sen put it. It is precisely on people's experiences of this 'downside risk' that this research is focused.

Within Bangladesh, there is an acknowledged gap in the empirical evidence on human insecurity, which impedes advocacy and policymaking on these issues. Major assessments of the state of human security in Bangladesh to date have not contributed significant new knowledge of the levels or dimensions of human insecurity (although there is a strong body of knowledge on poverty, food insecurity, and sex- and gender-based violence (SGBV)).

The first major assessment of human security was UNDP's *Human Security in Bangladesh: In Search of Justice and Dignity* in 2002 (UNDP 2002), which treated human insecurity in Bangladesh as firmly rooted in failures of the justice system, exploring the legal and institutional framework, including attitudes and experiences of victims, stakeholders and service-providers - police, *shalishkars* (customary legal authorities) and the judiciary. Data on crime in general and violence and repression against women and children in particular were recognised to dramatically under-estimate the scale of the problem, although it was nevertheless argued that the same figures point to a serious problem in terms of extent. The report concludes that the efforts of media and civil society to highlight the prevalence of such problems should be encouraged, although the absence of data on levels and trends in human rights violations, crime and violence was not specifically flagged.

More recently, *The State of Governance in Bangladesh 2006* report by BRAC University's Institute of Governance Studies and BRAC-RED which reviewed the evidence on the conditions of governance over the period 1991-2006 also noted the weakness of the empirical evidence and reliance on problematic official statistics for assessments of how rule of law failures were impacting on wellbeing in Bangladesh (CGS 2006).

The DFID-funded *Bangladesh Human Security Assessment 2005* (or BHS 2005, published in 2007) attempted to analyse the dimensions, trends and 'drivers' of human insecurity in Bangladesh, and to develop a conceptual framework and methodology for monitoring and assessing human security levels and trends (Khan 2006b). Recognising that economic insecurity is already adequately addressed, particularly through poverty monitoring activities, the focus of BHS 2005 was on adding value to policy development and economic assessments of wellbeing in Bangladesh by recording and monitoring aspects of human security that are more usually excluded. Based on stakeholder consultation and literature review, six dimensions of human insecurity were identified as relevant to the Bangladesh context: the impacts on insecurity of 1) politics and the political system; 2) conflicts over land and assets; 3) the administrative and judicial system; 4) violence and discrimination against women; 5) violence and oppression of minorities; and 6) crime. A key finding of the BHS 2005 was that existing data on these dimensions of human security are inadequate for assessment or monitoring purposes (Khan 2006b).²

4.2 BRAC-RED Research on Crime, Violence and Insecurity

A final reason for the present research emerges from BRAC Research and Evaluation Division's focus on empirical field-based research, which is oriented towards practical solutions to poverty. The mandate of the

² There have been empirical studies on dimensions of human security but for various reasons, the findings are either unavailable or have not been publicly released. Preliminary findings from a little-known comparative study of human security in which Bangladesh was one of four Asian case studies suggested that human insecurity was a strongly local phenomenon, and that material deprivation was closely associated with other forms of disadvantage and human rights violations (Michels 2005). A major survey, chiefly focusing on attitudes towards the police, was conducted under the aegis of the UNDP's.

Governance Research Group at BRAC-RED is to create knowledge about the impact of governance on the poor, including supporting the development of solutions to governance failures that affect them. Experience of programmes for the poor and the ultra-poor has demonstrated that violence, abuse, corruption and crime, and the threat of these are significant sources of ill-being for the poor and the poorest, as well as being obstacles to their efforts to pull themselves out of poverty. The value of an emphasis on human security in the Bangladesh context is that it reduces debates on how governance and development interact, to human dimensions. As we have termed it here, human insecurity is important because it represents the frontline of governance failure, a focus on how people experience bad governance most directly in their day-to-day lives.

For these reasons, BRAC-RED undertook a programme of research into crime, violence and related forms of insecurity during 2007. This is the large-scale qualitative research, including a national survey of 4,500 households, conducted with the support of the NGO specialising in security, Saferworld.

Developing a researchable working concept of human security in the Bangladesh context was an initial challenge, as the broader definitions of human security are not necessarily amenable to empirical research. As we have seen, human security can be an unhelpfully capacious concept, overlapping with human development to include all forms of economic and natural risks and vulnerabilities - hunger, disease, natural disasters. In its narrower, and arguably more useful, definition, human insecurity refers to the levels and threats of violence to individuals, communities and their property; from this viewpoint, human security is seen as distinct not from human development (of which it is a part) but as distinct from national security, or the threats to states from external forces. This narrow definition nevertheless recognises that violent threats to individuals, and their ability to prevent, protect against, or obtain redress for, acts of violence, tend to be closely associated with poverty and other forms of social and political inequality and state capacity.

The approach taken in the BRAC-RED research locates human security firmly within a context of poverty, gender inequality, ethnic, religious and cultural marginality, vulnerability to political and asset-related conflict, the negative consequences of economic and climate change, and bad governance, including corruption and weak accountability across the public administration, with particular reference to justice and law enforcement. However, in the interests of empirical research, the approach recognises that human insecurity is manifested in concrete experiences: events and actions that may be criminal, unlawful, violent or threatening to people and communities. These events and actions may be personal experiences, but they may also be the experiences of others within our social and professional networks (relatives, friends, batchmates, colleagues) or our communities. What is distinctive about the BRAC-RED approach is that it focuses on researchable and measurable experiences of insecurity, rather than relying solely on less tangible perceptions-based data, media reports or official crime statistics. Crime and violence victimisation surveys are established means of assessing and monitoring human security levels in other contexts, although these have not been used systematically in Bangladesh to date.

The BRAC-RED approach thus focuses on capturing how people's day-to-day lives and experiences are shaped by violence, crime and the threat of violence and crime. But by 'crime' we do not refer only to those acts which come to the attention of the law enforcement institutions and therefore are actionable under the Criminal Procedure Code: 'crime' here refers to unlawful and/or unjust acts against people and persons, and may therefore include land-grabbing and eviction, domestic violence and sexual harassment, and abuse of minorities. It may also include the large number of petty thefts that appear to shape the lives of the very

Police Reform Project. For reasons of sensitivity, however, this report has not been widely disseminated or publicly released. There is better evidence available on the extent and form of violence against women, including through the WHO cross-country study on domestic violence (WHO 2005); the most recent Bangladesh Demographic and Health Survey (NIPORT 2004).

poor, but which even they may not consider crime. This focus is based on the assumption that people's perceptions and behaviours in relation to insecurity are closely shaped by the accumulation of actual lived experiences, including knowledge of the experiences of others within our social networks. This accumulation of experiences of insecurity also shapes our responses to insecurity: how we modify our behaviour, the institutions we develop to prevent and to sanction.

4.3 Research Activities

The qualitative research exercises on which this chapter is based were designed to explore issues on which we felt existing knowledge was inadequate to support the design of the national household survey. The groups covered are not exhaustive of all social groups or even of those whom we can reasonably expect to be most vulnerable to insecurity. Methods used are summarised in table 1 below.

Table 1. Summary of qualitative research methods

Activity	Location	Methods	Focus
Meanings and dimensions of insecurity	18 communities, nationally spread, rural and urban	23 FGDs with men, women, poor, middle-income	Perceptions of personal and community security levels; sources of insecurity
Insecurity, crime and violence in the lives of the urban poor	Dhaka and Khulna	FGDs and in-depth interviews with 30 men and 30 women in urban slums	Sources of insecurity; experiences of crime and violence
Insecurity, crime and violence among minority groups	Ahmediyyah, Bihari and Garo communities in Dhaka, Saidpur, Madhupur, and Brahmanbaria	In-depth community case studies; in-depth interviews and FGDs, repeat interviews; document review	Sources of insecurity; experiences of crime and violence
Mapping of community security strategies	15 villages, nationally spread	Community-based mapping exercise involving 23 FGDs and two in-depth interviews	Places, spaces, actors, institutions and strategies for preventing and addressing crime, violence and related forms of insecurity

Research involved contact with close to 350 focus group participants and interviewees, as well as more intensive research into three minority communities.

The qualitative research was undertaken in part to inform the design of a national household survey of security, crime and violence. The survey comprises a nationally representative sample of 2,000 households, as well as an additional 2,500 households from specially selected vulnerable groups, including the extreme poor, ethnic and religious minority groups, the urban poor, and residents of ecologically fragile zones (*haor*

and *char* areas). The survey is designed to collect perception data on the full range of factors relating to human insecurity, with a focus on actual experiences and events. The questionnaire is the result of a careful design process including review of existing human security assessments as well as the richer seam of crime victimisation surveys used in many countries, tailored to the Bangladesh country context on the basis of qualitative research findings. A full report on the findings of the survey will be available in 2008.

This chapter is organised into six sections. The next section briefly discusses categories and meanings assigned by different groups to different sources of insecurity. Section 4.5 explores the experiences of the Dhaka urban poor, while Section 4.6 discusses three detailed case studies of the experiences of religious and ethnic minorities. Section 4.7 concludes with a discussion of coping mechanisms and community-level strategies for preventing and addressing threats to security.

4.4 The Meanings and Dimensions of Human Insecurity

The initial concern of the research was to acquire a sense of how people conceptualise and talk about insecurity in their lives and communities, including how they categorise different acts and events that impact on their personal wellbeing or property. This was deemed essential prior to conducting further in-depth qualitative research, and in order to enable the development of a survey instrument. Twenty-three focus group discussions were conducted across the country, split between men-only and women-only groups, with some representation of minority ethnic groups, and a strong focus on poor and rural communities and occupation groups. Topics addressed included the following:

- Feelings of safety/non-safety, including personal and property
- The distribution of safety/non-safety within the community, i.e. who experiences the worst forms of insecurity
- Factors that contribute to insecurity within the community, e.g. presence of small arms, drug-users, politically-linked *mastaans*
- Injustices (*onnay*) that occur within the community, with a focus on specific unjust or bad acts within the last two years
- Crimes (*oporadh*) that occur within the community, with a focus on specific crimes, within the last two years
- Prevalence and experience of specific 'bad acts' (injustices or crimes), including 1) violence related to politics; 2) theft; 3) *dacoity*; 4) land-grabbing; 5) rape; 6) kidnapping for ransom; 7) mugging; 8) murder; 9) alcohol and drugs (selling and using); 10) gambling; 11) domestic violence; 12) abuse of children; 13) eviction (threat of and actual impact); 14) false arrest; and 15) sexual harassment ('eve-teasing').

The findings of this initial exercise to conceptualise the dimensions of insecurity and the roles of crime and violence within that varied widely according to gender, location, and ethnic and social status. A key finding is that injustices, 'bad acts', acts of crime and violence are conceptualised and categorised as unrelated to the structures and practices of the rule of law, reflecting the irrelevance of formal institutions as sources of protection against human insecurity. At the same time, it is clearly through the accumulation of concrete experiences that human insecurity develops. These experiences may be personal, or they may affect members of the household, community or broader social network.

Sources of insecurity

Sources and forms of insecurity were found to vary considerably, even within the 20 initial focus groups. The discussion below is intended to give a flavour of the diversity of the findings, rather than a full description of

all the findings. But from among this diversity, one critical finding to emerge is that different forms of insecurity tend to be clustered: economic insecurity exposes people to theft, natural disaster, corruption and sexual violence, while tenure insecurity limits livelihood options and leaves people vulnerable to police harassment and organised crime.

The situation between the urban poor in Khulna was different compared to that in Dhaka. For the poorest women in Khulna slums, income and food insecurity were the worst threats, but they did not feel threatened by eviction: one of the Khulna *basti* was settled permanently on Government land, while in another, security of tenure was perceived to be strong, as the community enjoyed the protection of their highly active Ward Commissioner. The Khulna slum poor felt the insecurity of their access to water and sanitation services to be a major concern.

The rural ultra poor also initially feared that the change in Government would expose them to police harassment or jail, and noted their inability to protect themselves as do the rich with their money and access to 'muscle'.

Rural men from the elite and educated classes in the northwest had a very different set of perceptions. Their view was that the greater sense of community and stronger social networks in rural areas than in big cities meant that people in rural areas and provincial towns had a greater sense of security. All men from this group felt that communities would be safer under the new Caretaker Government, as compared to previous Governments. Fear of loss of respect and social position was the most important source of insecurity for this group, a theme which was echoed in focus groups with young middle class women, including young professionals and university students (see Box 1).

Members of the ethnic minority Garo community in Madhupur face a wide range of insecurities. Economic insecurity comes in a wide range of forms, and creates an entire range of other forms of insecurity: dependence on declining opportunities for wage labour and the threat of eviction and false cases by the Forest Department intent on grabbing land that is customarily cultivated by Garo people have produced other vulnerabilities, as young girls and women are tricked and forced into sex work or exposed to rape when they collect fuel from the forest. The threats faced by members of the Bihari community are similarly wide-ranging, yet different in type: Biharis in Dhaka are used as scapegoats for criminal activity, and their camps are used by political-criminal networks for many illegal and illicit activities. The physical facilities of the Bihari camps also create insecurities, just one example of which is that women risk being raped or harassed if they try to use the toilets.

Poor women in Manikganj feared theft, but gave particular emphasis to the security of children: they feared abduction as a result of conflicts over land, and kidnapping of young girls and of young children, identifying actual recent events that had given rise to such fears. The new Caretaker Government was also a source of some anxiety as some young boys in the area had been arrested or questioned; however, overall, focus groups in Manikganj suggested that the Caretaker Government had resulted in a decline in crime and other sources of insecurity.

One major source of insecurity which neither this nor other studies of human security is geared towards assessing is that of accidents: road accidents, drowning, particularly of children during the rainy season, kitchen fires and accidents at work are all major sources of death and injury in Bangladesh, and were often highlighted by the respondents. The health literature goes some way towards addressing this significant gap: the Bangladesh Health and Injury Survey in 2005 estimated that around 38 percent of classifiable

children's deaths involved injuries. And there are important matters of policy and governance which are frequently neglected, in particular those to do with workplace, labour, traffic and transport regulations.

Times, places and seasons

For many, villages and communities are places of relative safety and security: even the poor in some rural and urban communities feel that the local authorities in their areas play a reasonably effective role in ensuring security within their villages and communities. Far more threatening are the spaces in between, in particular public roads, over which community leaders have no power. Long-distance coach and bus journeys are reportedly particularly prone to armed robbery, demonstrating the highly insecure nature of travel in Bangladesh, quite apart from the very serious problem of road accidents. Fears that girls will face sexual violence or sexual harassment on the journey to school or college are frequently major factors in parents' decisions to withdraw girls from school; these insecurities also explain why building schools closer to people's homes has such a disproportionately positive impact on girls' enrolments.

Neither are all groups safe within their homes or communities, however: poor rural women noted that extreme violence occurs regularly within some homes, while young urban middle class women commented on sexual and other forms of abuse and harassment that occur within homes, educational institutions and workplaces. And as the section below on minority groups points out, entire communities can be targeted by outsiders, leaving them acutely vulnerable to violent forms of attack. In the worst cases, these include bombs and arson attacks.

But home may not itself be secure: at the time of the focus groups with the Dhaka slum-dwellers, a major eviction of illegal occupants of Government land was in process under the new Caretaker Government, and the Dhaka urban poor were living in great fear for the security of their homes - a fear which overshadowed all other concerns at the time. Fear of police harassment was also a major source of insecurity for the Dhaka urban poor, although this had reportedly declined since the Caretaker Government in January 2007. But poverty also creates insecurity of the most extreme kinds for the Dhaka urban poor: one woman explained that she was more worried that her house would collapse on its bamboo stilts into the filthy water beneath as had happened in the past, than that thieves might try to rob her of her meagre possessions.

Insecurity of shelter was also a theme among the extremely poor women in the rural north-western districts. Others included *monga*, or the seasonal famine that afflicts the agricultural wage labourers of the region. Many women from the very poorest classes make their homes on the land of rural landowners, which exposes them to the risk that patronage may be withdrawn at any time and for any reason, leaving them without shelter. Other concerns were the anxieties surrounding risks to family honour posed by young girls in ultra poor households: parents worry that if their daughters remain at home too long they may elope and ruin family honour, they may be kidnapped on their way to school, or parents fear ending up having to pay large dowries. Unsurprisingly, many women feared having to travel at night, particularly alone. This is mainly a concern for young women working in the garments industry in Dhaka, for whom late night travel is frequently necessary.

Crime has its seasons: there have historically been associations between famine and property crime (see Hossain 2005 for a review of the evidence), so that the lean season might be expected to be a time of raised risk of crime. However, the correlation is not necessarily that simple: research by Ali (2004) found that while rural people expect that increased deprivation - for example rising rice prices - may lead to increased crime levels, in practice their experience had always been that spikes in theft and robbery related more to changes in opportunity rather than to increased need. So rice theft usually takes place during harvest time because

rice is more plentiful and easily accessed; vegetables are stolen during winter, when they grow; and fruits when they ripen. Thieves take advantage of heavy rain that keeps people indoors, and agricultural products that are experiencing relative rises in value for example, ginger are particular targets of theft. Many people noted that cow theft was particularly high just before Eid-ul-Azha, again signalling the importance of opportunity. As we will see below, community security mechanisms are often geared towards addressing seasonal crime and *pahara* activities may be triggered by a series or clustering of incidents. Arguably, violent crimes, particularly domestic violence, may be related more closely to seasons of deprivation.

Categories of insecurity

Crime, violence, injustices and other 'bad acts' were not seen as major features of insecurity by the urban poor people with whom focus groups were conducted, at least not in comparison to tenure and livelihood insecurity. This does not mean that 'bad acts' involving violence and criminality do not occur, but it highlights an important issue regarding how these are conceptualised, in particular that perception of the significance of different forms of insecurity inevitably involves relative judgements.

While the sale and use of drugs was a problem in both Dhaka and Khulna slums, for example and in both areas was connected to regular occurrences of petty theft, most slum-dwellers did not feel that crime was a major problem in their area. This may reflect the fact that many very poor people feel their poverty means they are unlikely targets of theft. This fits with the findings of one of the few sources of empirical survey-based evidence on crime in urban Bangladesh, which found prevalence to be highly unevenly spread across slum communities, suggesting that some slum-dwellers may indeed have good reasons for feeling that their communities are relatively crime-free (Garrett and Ahmed 2004).

Some forms of crime, violence and insecurity may be so regular that they become routine and people learn to cope with and incorporate strategies for aversion or avoidance (For further information World Bank 2007b). For example, while very poor people do not view their meagre possessions as worthy of theft, for many, their behaviour suggests they have incorporated the expectation of theft into their behaviour, for example by keeping a constant watch on their livestock, even to the extent of having them in the room in which they sleep. One study of petty crime found that theft and damage were so commonplace in poor rural communities that they were barely noticeable occurrences, and community members across the board felt that their villages were notably crime-free areas (Ali 2004). Constraints on the mobility and behaviour of young girls and women, and the psychological toll of pervasive sexual harassment evidently has impacts, the costs of which are largely internalised by women, who are forced to curb their movements and behaviour in efforts to deflect unwanted attentions. Vigilance against everyday insecurities that are so routine as to be invisible may thus come at a high cost, both in terms of aversion to economic risk, and human wellbeing.

Box 1. Coping with 'eve-teasing'

The innocuous, innocent-sounding phrase 'eve-teasing' glosses over the serious and universal threat to Bangladeshi women's human security posed by sexual harassment. While sexual harassment may not attract the same attention or urgency as sexual violence, it should nevertheless be recognised as a major check on women's mobility, livelihoods, psychological health and overall wellbeing. Verbal abuse, taunts and 'teasing' and grabbing at *ornas* are at the less serious end of the scale. It is not only with strangers and in public places that 'eve-teasing' occurs, either: repeated unwanted sexual attention causes girls and women great psychological stress, particularly when it comes - as it often does - from colleagues, fellow students, male relatives and teachers. Girls and women are harassed particularly, but not only, when they are travelling on public transport, or on roads and in other public spaces. Celebrating national events and cultural festivals can be a perilous ordeal, as can crossing the university campus or travelling to the factory for a late shift.

New technology has been a mixed blessing: while for some women the mobile phone is a source of safety, others are plagued by unwanted calls and SMS'. University hall residents fear video cameras have been installed in women's halls and an apparently common fear among young middle class women is that their photos will be taken by men with camera-phones and then photo-shopped onto pornographic pictures and posted on the internet.

Women cope with pervasive sexual harassment, but at a considerable cost. Young women in our focus groups explained that they were seriously constrained in how they dress, where they go, when and with whom; even their facial and body expressions are tightly controlled by the fear of attracting unwanted male attention. Some women reported developing an angry, irritated expression, specifically for use while travelling; others have learned a sharp new vocabulary with which to put down their tormentors. But the environment of pervasive sexual harassment causes women to live in great dread that they may fall victim to rumours about their 'loose' behaviour; they frequently respond by passing harsh judgement on the sexual morals of women and girls who feel less constrained, whom - it is widely claimed - give all women a bad reputation. Parents claim reluctance to send girls to school or college as a result of fears of harassment en route or in school, and early marriage appears to be one response to the problem. In a Dhaka slum, women noted that sexual harassment and sexual violence had caused many young women to throw themselves under trains in desperation.

Source: Focus group discussions conducted by Nasheeba Selim

Given the diversity and range of forms and sources of insecurity, any meaningful analysis of human insecurity will depend on a categorisation of these different forms. So how do people categorise and conceptualise different sources of insecurity? What characteristics of different forms of insecurity are most significant for poor and vulnerable people? One distinction which people hold clearly is that between economic forms of insecurity on the one hand and forms of insecurity related to violence, crime and injustice, on the other. But there is also strong awareness that these are linked, and that poverty and marginality make people more vulnerable to the intentional 'bad acts' (*kharap kaj*) involved in crimes, violence and injustice. From the focus group discussions, it emerged that poor people conceptualised and categorised crimes, violence, injustices and other 'bad acts', along the following lines:

- Impact and/or severity: poor women in Manikganj felt that an act of violence was not a crime unless the victim died. Others felt that more serious matters were usually crimes (*oporadh*), and less serious were merely injustices (*onnay*). This categorisation of less and more severe has parallels with how access to justice and retribution feature.
- Justice and retribution: educated men and women in the northern districts distinguished between crimes (addressed through the legal system) and injustices (in which remorse was shown and resolution achieved). When pressed, the rural poor were able to draw distinctions between acts which should or should not be dealt with by formal justice institutions. However, because most poor people have good reasons to avoid contact with the police, categories based on whether or not they should seek police assistance were not felt to be particularly meaningful.
- The identity of the perpetrator: who commits a 'bad act' matters for how it is defined. In a number of discussions, rural people explained that they would consider an action whose perpetrator was a secret or unknown to be different from one in which the perpetrator was known. An example given by women in Rangpur was that theft of livestock by unknown thieves was a very different matter to theft or damage of property by a neighbour or a known village thief. Similarly, a poor person who was known to have stolen to feed a hungry family was seen to have committed a different kind of act to a thief who was not stealing out of desperate need. Again, violence against women, including sexual violence within the home, is not seen as criminal: violence must involve outsiders for it to be treated as a crime or injustice.

4.5 Structural Violence and the City Poor

Consistent with the emphasis on crime as a mainly urban phenomenon, it is urban slum crime on which most studies have focused in Bangladesh. Two recent studies of note are by Garrett and Ahmed (2004) and research conducted for the World Bank's 2007 report on urban poverty (World Bank 2007b), both of which provide valuable basic information about the extent and character of urban crime as it affects poor slum-dwellers. Our own qualitative research builds on existing research by focusing less on documenting prevalence than on exploring experiences of crime and violence in relation to human insecurity. Methods involved focus groups in Dhaka and Khulna slums, followed by 60 in-depth semi-structured interviews in Dhaka slums, 30 with women, mainly the elderly poor, and 30 with men, divided between the elderly poor and younger men.

The most important findings of the study of how crime and violence affect the human security of the urban poor were that a) the impact was highly variable, with most people reporting that they felt safe within their homes, and that the crime situation had improved since the introduction of RAB (the Rapid Action Battalion) in 2005; and b) poverty and 'structural violence' by state actors were more significant sources of insecurity than crime and violence, except in one particularly crime-ridden slum.

Sources of insecurity: poverty, tenure insecurity and structural violence

A key finding of the research was that while crime and violence were features of the urban slum landscape, they were not the primary sources of insecurity for the urban poor. Instead, economic insecurity and homestead insecurity predominated. This emerged most clearly in responses to questions about whether people felt safe in their homes. Most respondents in the research in Dhaka slums reported feeling safe within their homes, with only eight respondents (13 percent of the total) reporting feeling unsafe. These figures correspond closely to the 10 percent who reported feeling unsafe in Garrett and Ahmed's survey of Dinajpur slum households (2004). But many did not feel their homes themselves were secure, for two main

reasons. The first was poverty, which led to fears of being evicted for failure to pay rent, and in one particularly desperate case because the house, precariously perched on stilts, was liable to collapse into the filthy water below. The second was lack of secure property rights, which led to fears of eviction as a result of official drives against illegal settlements or for criminal purposes such as to establish a drug market.

While poverty and lack of property rights took priority as sources of insecurity, crime and violence, including 'structural violence' by arms of the state, were present, and were particularly common in one area. But there was widespread agreement that the problem of crime had declined substantially, chiefly since the introduction of RAB in 2005. The research team identified major incidents and hubs of criminal activity in each of the research sites. But most respondents did not feel that they were themselves particularly victimised by crime, and just over half of the households had ever experienced any form of crime or violence, including sexual harassment and domestic violence (very likely under-reported). In some cases, however, incidents of crime had occurred more than once, and problems such as gambling and drug use persisted.

There were clear gender differences in the perception and experience of insecurity in urban slums. Women were less concerned about crime and violence outside their home and neighbourhood than men, a finding which corresponds with that of Garrett and Ahmed's Dinajpur survey (2004). But this reflects greater constraints on women's mobility rather than greater protection. Women were aware that their insecurities differed from those of the men in their communities, and were acutely aware of their vulnerability to sexual violence, fear of which imposes serious burdens on urban poor women's lives. Women, and in particular unmarried girls, are extremely sensitive to threats to their reputation and honour: the vital importance of women's reputation exacerbates the already very real threats of sexual harassment and sexual violence. Issues of shame and honour may appear to be somewhat trivial in comparison to concerns about eviction or murder or false arrest; yet it should be kept in mind that women's rights to familial and community protection in Bangladesh are closely premised on their reputation, which remains one of their primary assets. Many young women and their families appear to be in a state of constant anxiety and vigilance around their reputations: the unfortunate fact is that victims of sexual violence are doubly victims, as they often also lose their social standing.

Some of the reported crimes, categories such as gambling and drug abuse, reflect the accumulation of risks and unsafe activities within the local environment, rather than necessarily personal victimisation. The in-depth nature of the interviewees enabled connections between different forms of insecurity to be identified: it emerged that some forms of insecurity clustered together, as threats of eviction, for legal or criminal purposes, were closely related to the presence of hubs of criminal activity in the slums, and different forms of criminal activity appeared to feed on each other. There was some concentration of reported instances, and in one slum, residents were more likely to report crime and violence as the major sources of insecurity.

The prevalence of crime and violence in urban slums

This qualitative research was not intended to provide evidence about crime victimisation rates: those are the objectives of the quantitative survey now in progress. However, the findings suggest that while crime and vice are features of many Dhaka slum environments, slum residents do not all necessarily suffer from high rates of victimisation. It may be for this reason that the recent World Bank study (2007b) found an astonishing 93 percent of the urban slum population had been 'affected by crime or violence' in the previous year, but an undisclosed yet apparently low percentage of slum-dwellers personally reporting having been victims of crime in the previous year. The reputation of slums as high crime zones may also be based on slums in which crime is concentrated (see also Garrett and Ahmed 2004 and World Bank 2007b).

The introduction of RAB is believed by many slum-dwellers to have dramatically improved the security of many poor urban areas, so that crime prevalence may have declined, even though structural violence evidently persists.

In comparative perspective, urban crime prevalence rates may not be particularly high outside of Dhaka: for the poor northern district of Dinajpur, Garrett and Ahmed (2004) found that around 16 percent of households had been the victim of a crime in the previous 12 month period. Contrary to popular belief, these rates are actually low in comparative perspective: one cross-country study of crime found that 40 percent of Nigerian and 29 percent of Malawian households reported having been victims of burglary or attacks, 34 percent of Chileans and 30 percent of Nicaraguans reported experiencing crime (Fernandez and Kuenzi 2006), and around 15 percent of the population in 18 European Union countries reported having been victims of crime (EU ICS 2005) in the previous 12 month period. While some slum residents may fear reprisal if they openly discuss crime in their areas, there are no compelling reasons to believe that organised crime in Dhaka slums is so much more restrictive as to fully explain substantial differences in crime prevalence rates. Part of the reason for lower crime rates may be that some urban communities feature forms of rural social authority and control that have been more or less successfully adapted to the urban context, so that despite criminal environments, the residents are afforded protection through the efforts of community leaders and local authorities. Some of the more in-depth analysis of the social structure of urban communities' suggest that, for example, the much-feared *mastaans* play a more complex role than is generally believed, and that this often includes some community protection. It is possible that variability in crime prevalence rates thus reflects the very diverse nature of poor urban communities

Compared to different forms of theft and violent crime, events involving structural violence associated with politics and the abuses of official power were more common. Although comparatively few respondents independently identified political violence as a major source of insecurity, violations of civil and property rights that deeper exploration revealed were connected to political competition were common. Some 19 out of 60 respondents reported police harassment; 11 had been victims of land-grabbing; and some 37 out of 60 had at some time been evicted from their homes. The experiences of Mala, a 40 year old widow, is one illustration of how political connections feature in violence and insecurity: a year ago, a local BNP leader had been angered at her rejection of his offer of marriage, and had retaliated by accusing her of 'undesirable activities' (prostitution), and her father and two brothers-in-law of aiding and abetting these activities. His political influence meant that Mala was jailed for 10 days and her brothers-in-law spent one and six months in jail respectively, as well as having to pay substantial court costs.

It is worth noting that several respondents felt that police harassment had declined since the Caretaker Government had been installed. Dealings with the police involve payments which many poor households cannot afford, adding to their economic insecurity. Poor households reported having to make payments to courts of between Tk. 10,000 and 20,000; arrests that do not end up in court cost Tk. 4,000 to Tk. 5,000.

4.6 The Crisis of Human Insecurity among Ethnic and Religious Minority Groups

Our findings support those of other studies and human rights monitors in demonstrating that the extent of human insecurity among ethnic and religious minority groups in Bangladesh amounts to a crisis situation.³ The approach taken to the study of human security among ethnic and religious minority groups reported here involved extended and in-depth research drawing on ethnographic methodology, including repeat visits and efforts to build trust and rapport with community members over a six month period, in a) Ahmediyyah communities in Brahmanbaria, Kushtia and Mymensingh; b) Garo communities in two sites in

3 This includes work by the leading scholar on the security of minority groups, Amena Mohsin, the recent volume by Md Rafi in the wake of communal violence following the 2001 election, 'Can We Get Along?', and studies by Human Rights Watch and other human rights monitoring organisations.

Madhupur, and c) Bihari camp dwellers in Khulna, Nilphamari and two sites in Dhaka city. The additional value of our study is that it enables a history of community experiences with sources of insecurity to be built up, as the backdrop to the study of the day-to-day realities of minority group life in Bangladesh; in addition, having three case studies of very different communities enables some valuable comparative analysis of the higher-level sources of and responses to security to be made.

Drawing on the analytical framework developed for Bangladesh by Khan (2006b), this section focuses on assessing human insecurity among these three groups. Its main findings are that:

- Minority groups face acutely low levels of security across most dimensions of human security
- There are clear and common patterns of official indifference and collusion in how community leaders in connection with national political and state actors profit from and neglect the security needs of minority groups
- Local communities - local leaders, neighbours and fellow villagers - are frequently complicit in the harassment and abuse of minority groups, often but not only in response to stimulus from religious and political actors. This corresponds to the finding discussed in the previous section that community safety is closely bound up with the capacity and willingness of local leaders to protect community members.
- Routine, everyday harassment and social exclusion, particularly, by local community members are important sources of insecurity for minority groups which are not adequately captured by the Khan (2006b) human security framework.
- Sex- and gender-based violence are particularly prominent weapons of abuse against minorities; even religious leaders have been reported to promote the use of violence against women of minority groups
- Crime, violence, routine harassment and social exclusion exacerbate insecurities that are economic, political or administrative in origin.

Box 2. A brief history of crime and violence against Ahmediyyahs in Brahmanbaria

- 1977 3rd November saw the first attack on the community during their *jolsha*. Over 400 *mullahs* attack them with sticks, machetes and other weapons. They also incite the general population to 'beat the *kadiani*'. Two members of the Ahmediyyah community were killed immediately and a number injured.
- 1982 *Mullahs* prohibit them from burying their dead in the common burial ground and beat those who try to bury their dead. The police and Government officials fail to act.
- 1985 Ahmediyyah businesses face threats. Day labourers are prevented from working for Ahmediyyahs. Three Ahmediyyah homes are looted. A businessman is physically harassed by *madrassah* students. Finally, a number of Ahmediyyah businessmen decide to stop and sell their businesses. Those who continue to run their business are beaten with shoes by the *mullahs*.
- 1986 10th February, *mullahs* burn five Ahmediyyah homes using petrol. In the same year they are again attacked during their religious congregation.
- 1987 *Mullahs* stop irrigation to their paddy (*irri*) land. Losses from paddy amount to 30 *bighas* worth of crop. The *mullahs* ban them from using their sound system at their mosque. Later in 1987, the *mullahs* grab their central mosque with the help of the police. Twenty members of the Ahmediyyah community were severely injured during this attempt at land-grabbing. Ahmediyyah homes were again looted, and women received threats from *mullahs* instructing them to change their religion.
- 1989 15 acres of land were not cultivated out of fear of attack.

- 1994 With permission from the *Pourashava*, the Ahmediyyah community prepared to rebuild their mosque on their own land. Having built two columns, their permission was cancelled pending an appeal by *mullahs*.
- 2005- Thirty-two bomb blasts went off from among 35 planted around the community. Twenty-eight people were injured. A local newspaper published an anti-Ahmediyyah report inciting the general population to rise against the Ahmediyyah. *Mullahs* hung a sign stating that 'This is a place of worship for *Kadianis*; no Muslim should mistake it for a mosque.' At Ramadan, *mullahs* carry out *Awaj Mahfil* during which the Ahmediyyah community are abused repeatedly. Work outside the community area is increasingly difficult. There is a rumour that the police have complained that the *mullahs* have failed to oust the community, and that they have said: 'have we stayed to guard the *kadiani* all the time so that you could not finish them in our absence?', signalling that they have had no protection. *Madrassah* students have on five occasions damaged and looted their grocery shops, and beaten three shopkeepers. When the issue was taken to the local *shalish*, the Chairman stated his indifference to the torture of '*kadianis*'. *Mullahs* urged the village doctor to prescribe the wrong medicine and wrong treatment to Ahmediyyah so that they would die.

Source: Interviews by Ashrafuzzaman Khan and Mrinmoy Samadder with men from an Ahmediyyah community in Brahmanbaria

So what are the experiences of the Ahmediyyah, Garo and Bihari communities in relation to the key dimensions of human security? As summarised in Table 2, all three communities report facing acute economic insecurity. Of the three communities, the Garo and Bihari community members are the poorest, while Ahmediyyahs are affluent. Both the Garo and the Ahmediyyah face concerted efforts to grab land to which they have legal or customary title, and unfair and often violent efforts to take over their share of markets in agricultural production and retail. Contracts are particularly weak for minority groups, as members of the majority can break these with impunity. For the Garo, this has exposed women in particular to new vulnerabilities such as the risk of being trafficked into sex work: in one Garo community, a young woman was cheated into leaving home for a job which turned out to be in a brothel: when she finally returned she committed suicide. For the Biharis, the chief economic concerns involve access to employment of any kind: the dearth of employment opportunities has driven the younger men into criminal activities.

Both national and local politics also play a role, most notably in how criminals and potential land-grabbers acquire protection from the Union Parishad or local MP. Ahmediyyah communities reported that they were encouraged to vote by both parties, but that their elected representatives later neglected them. By contrast, Garos were prevented from voting, in particular for a candidate from their community, and Biharis who are not legally allowed to be on the voter list as they are not citizens reported being forced or paid to cast fake votes. BNP political activists tend to be predisposed against Ahmediyyah and Garo people, assuming they support the Awami League. In all cases, basic political and civil rights were abrogated, on a routine and regular basis.

Insecurities arising from the administrative and judicial system were also shared across the three communities: the interesting contrast is between the Ahmediyyahs, whose rights are evidently in the process of being excluded and denied rights, compared to the Garo who are formally entitled to the same rights as Bengali Muslims and the Bihari about whose entitlement, no pretence is made to equal provision.

The Garo appear to seek social services such as education and health elsewhere, particularly in the non-state sector. To the extent that they can access such services, the Biharis are forced to lie and cheat to gain these. Ahmediyyahs still expect their children to attend government schools, and attempt to send them there: but the acceleration of violence and abuse may well cause them to withdraw their children over time. Extortion and bribery are common experiences for all, and this may be exacerbated by the lack of political clout among these communities. The total failure of both the informal and formal justice sectors to provide security or redress to these communities is striking: it is notable that the Ahmediyyahs still seek assistance from their political representatives, Union Parishad leaders, and police, whereas the Garo appear to expect less support and the Biharis do not appear to expect any protection from law enforcement officials, perhaps in reflection of their closer association with criminal behaviour.

All three communities suffer extensively from crime and violence, and this appears to be a major source of insecurity, both in terms of how they affect their economic security, and because of the impacts on their day-to-day lives. All three communities have experienced murder and rape; arson and bombing campaigns have been regular features in some Ahmediyyah communities since the 1980s. Theft, harassment, and other forms of sexual violence are also common. It is notable that domestic and sexual violence within the Bihari community is also an extremely serious and common problem. There is apparently no protection and no redress from official sources: indeed, for the Garo community, it is forest officials who are most to be feared, while Ahmediyyahs report that religious leaders have threatened to abduct young women who refuse to leave the faith. Environmental and infrastructural conditions are also reported to be significant sources of insecurity, particularly for women's safety.

A critical issue here is that the insecurities faced by minority communities cannot be explained solely with reference to national or even international (in the case of the Ahmediyyah and Bihari communities) politics. Local communities and their leaders have proven extremely willing to take advantage of the political weaknesses of these communities to attempt to grab their land, trees, crops and markets. In this they may have been encouraged by religious or political leaders, but the fact remains that ordinary Bangladeshis have been complicit in reducing the security levels of their neighbours.

A second conclusion worth noting is that mundane forms of harassment and abuse by neighbours and local community members appear to play a highly significant role in creating uncertainty around economic activities, personal and asset safety, and in terms of investing in children's education. That is, while everyday forms of insecurity are connected to broader forms of national politics and administrative and judicial failures, they play a role in people's lives quite distinct from that of corruption, the violence associated with political competition, or encroachment.

Table 2. Sources of insecurity reported by minority groups in summary

Form of insecurity/threat	Ahmediyah	Garo	Bihari
Economic insecurity: threats to property and livelihoods			
	<ul style="list-style-type: none"> ▪ Land-grabbing ▪ Prevented from cultivating crops ▪ Prevented from irrigating crops ▪ Prevented from accessing markets for sale of crops, purchase on inputs ▪ Fields and crops damaged and destroyed ▪ Unfair competition (business forcibly closed, threats from customers) ▪ Forced to sell business below market price ▪ Barriers to selling services/domestic work/other livelihood and social activities ▪ Prevented from renting property ▪ Threatened to kill if claim loan repayments ▪ Fear attacks on cattle ▪ Local retail destroyed 	<ul style="list-style-type: none"> ▪ False cases over theft of forest trees ▪ Forest officials and army cut banana trees ▪ Eviction and land-grabbing ▪ Insecurity over customary tenure ▪ Prevented from cultivating crops ▪ Barriers to livelihood/domestic activities ▪ Women and children particularly vulnerable to trafficking ▪ Barriers to market access for sale of products, purchase of inputs ▪ Contracts are weakly enforceable ▪ Eco Park construction in Madhupur threatens to destroy livelihoods ▪ Lower prices paid for products in local markets ▪ Unfair competition, eg forced to sell products to wholesaler rather than direct retailing 	<ul style="list-style-type: none"> ▪ No property rights ▪ Limited economic activity in refugee camps ▪ Vulnerable to trafficking ▪ Vulnerable to deployment in drug trade ▪ Contracts are weakly enforceable ▪ Use of child labour is common ▪ Unable to get permanent jobs in jute mills
Violation of civil and political rights, political violence			
Voting	<ul style="list-style-type: none"> ▪ Small vote bank means weak political power 	<ul style="list-style-type: none"> ▪ Threats to kill prevent voting ▪ Voting stopped because a Garo woman would have been elected as Union Parishad member 	<ul style="list-style-type: none"> ▪ No vote ▪ Used for false vote

Form of insecurity/threat	Ahmediyah	Garo	Bihari
Political parties	<ul style="list-style-type: none"> ▪ Assumed to be AL supporters, threatened by other party activists 	<ul style="list-style-type: none"> ▪ Assumed to be AL supporters ▪ BNP leaders file cases 	<ul style="list-style-type: none"> ▪ Hired and forcibly used for party campaigning ▪ All major parties claim their allegiance
Religious and cultural identity	<ul style="list-style-type: none"> ▪ Religious practices and beliefs are directly threatened ▪ Prevented from holding annual festival ▪ Not allowed to broadcast azan using loudspeaker ▪ Spreading rumours about vice in Ahmediyah community ▪ Put a price on the head of the community preacher ▪ Prevented from burying dead in common burial group 	<ul style="list-style-type: none"> ▪ Cultural practices abused and threatened 	<ul style="list-style-type: none"> ▪ Children unable to speak Urdu, no rights to learn language ▪ Abused as <i>razakars</i>, even younger generation
Insecurity arising from the administration and administrative corruption			
Denial of public services	<ul style="list-style-type: none"> ▪ No education stipends ▪ Teachers and students abusive ▪ Children pressured to leave school ▪ Children unable to attend school because of threats of violence ▪ Health centre damaged so unable to access medical treatment ▪ Not allowed access to water ▪ Prevented NGO staff from providing loans 	<ul style="list-style-type: none"> ▪ Non-state schools only ▪ No VGF until military took control of distribution 	<ul style="list-style-type: none"> ▪ No legal schools in the camp ▪ Lack of legal address means no legal means of sitting for public examinations ▪ No access to legal services ▪ Teachers biased against Bihari children ▪ Blocked dustbins ▪ Not given citizenship certificates by Chairmen ▪ Not given textbooks ▪ Not able to open bank accounts

Form of insecurity/threat	Ahmediyah	Garos	Bihari
Extortion and bribery	<ul style="list-style-type: none"> Police demand bribes Local leaders demand bribes Union Parishad leaders took payments for government allowances but did not provide 	<ul style="list-style-type: none"> Forest department officials take bribes Police take bribes 	<ul style="list-style-type: none"> Monthly payment of bribes to police Extortion by local <i>mastaan</i> for relief goods from abroad
Denial of Security/Justice	<ul style="list-style-type: none"> No <i>shalish</i>/informal dispute resolution judgements go against them Inaction by police after complaints <i>Shalish</i> decisions against them 	<ul style="list-style-type: none"> No <i>shalish</i>/informal dispute resolution judgements go against them Police refuse to file cases against Bengalis on behalf of Garos Police harassment means men are forced to stay away at night leaving women without protection False cases Justice denied Officials accused of rape or shooting of Garos are merely transferred 	<ul style="list-style-type: none"> False cases Police harassment No action by <i>shalish</i> Justice denied
Denying basic civil right	<ul style="list-style-type: none"> Denied right to free religious practice 	<ul style="list-style-type: none"> Denied legal land title 	<ul style="list-style-type: none"> No legal address No voting rights No nationality
Crime and Violence			
Crime against community property	<ul style="list-style-type: none"> Mosque bombed Water sources damaged 	<ul style="list-style-type: none"> Forest land and resources are stolen 	<ul style="list-style-type: none"> Camp used by drug users and peddlers Buildings taken over by outsiders Encroachment on camp territory

Form of insecurity/threat	Ahmediyah	Garo	Bihari
Crime against personal property	<ul style="list-style-type: none"> Land grabbing Bombing Arson Organised attacks 	<ul style="list-style-type: none"> Eviction by forest department Crops are cut Livestock stolen 	<ul style="list-style-type: none"> Property/houses damaged Petty theft
Violent crime	<ul style="list-style-type: none"> Murder Beating Arson Bombing Children beaten en route to school Mob procession against the community Throwing stones 	<ul style="list-style-type: none"> Murder Police shot woman collecting fuel wood Women and girls have been raped while collecting firewood Forest guards rape and assault Garo women Trafficking into sex work 	<ul style="list-style-type: none"> Murder Rape Young Bihari men are involved in criminal activity Bihari women working as domestic servants have been sexually assaulted and harassed
Threats of Violence	<ul style="list-style-type: none"> Mainstream religious leaders order doctors to mis-prescribe medicines to Ahmediyahs Threats by religious leader to abduct women if they do not leave the faith Threats from Union Parishad Threats from religious leaders Threats from business competitors Threats from students Threats from neighbours 	<ul style="list-style-type: none"> Sexual harassment Threats from forest officials and from BNP leaders Threats from <i>mohajon</i> (money-lenders) Threats from BRAC staff Threats from neighbours 	<ul style="list-style-type: none"> Sexual harassment Threats from police Threats from political leaders Threats from youth leaders Threats from community Threats from drug dealers
Domestic community violence		<ul style="list-style-type: none"> Muslim men break promises of marriage to Garo women 	<ul style="list-style-type: none"> Bengali men break promises of marriage to Bihari women Rape Torture of women for dowry Violence against women Drug-related violence

Form of insecurity/threat	Ahmediyah	Garo	Bihari
Environmental and infrastructural conditions	<ul style="list-style-type: none"> ▪ Women fear having to travel far to collect water, fuel wood and cattle fodder ▪ Toilets destroyed ▪ Women prevented from using toilets 	<ul style="list-style-type: none"> ▪ Women fear having to travel to collect fuel wood ▪ Women are harassed when they use public transport, visit the bazaar ▪ Road conditions are unsafe for travel between village and towns 	<ul style="list-style-type: none"> ▪ Grossly inadequate space ▪ Inadequate sanitation ▪ No infrastructure for enterprise/livelihood development ▪ Blocked dustbins/lack of waste disposal ▪ No drainage

4.7 Coping and Preventing: Strategies for Living with Human Insecurity

Amidst these grim findings about the state of human insecurity in Bangladesh in 2007 is a set of findings that testify to people's extraordinary resilience and capacity to cope with and prevent insecurity from overwhelming their lives. The significance of these findings includes that there has been little emphasis to date on interventions to support community-based security strategies: this merits considerably greater attention than it has received to date, and should become part of strategies for supporting informal justice systems. As this section documents, there is a wealth of local practice on which support can be built in this area; to date, NGOs have been notably absent, although the Government and the police have made some notable attempts to engage with local communities on security issues. A more cautionary note also deserves to be sounded: many community strategies for coping with insecurity verge on vigilantism and few are troubled by any requirement of adhering to human rights. While these may indeed be effective in creating highly localised sites of community security against particular forms of crime, there are many instances in which these flout the rule of law.

This section draws on the research into urban poverty and the experiences of minority groups, as outlined above, as well as a mapping exercise in nine districts across the country, in which some 15 focus groups were undertaken, as well as two in-depth interviews. Seven focus groups were with poor women, four with young men and four with young women, and an additional eight with relatively affluent rural people, including members of the local elite. The discussions were focused on mapping how different communities responded to threats to their security, and how and to what extent Government and non-governmental actors were involved.

Findings from the research included that:

- There was a strong sense of common interest within rural communities around security, despite the presence of numerous dividing factors on other issues
- Communities have historically provided and continue to expect to provide their own security themselves: governmental and quasi-governmental actors play a limited role, while NGOs have to date played none
- Numerous and varied strategies and systems are in place for tackling security, crime, violence and threats from outsiders, and new strategies are constantly being sought.

Below are a number of strategies for community- and household-level action on security.

Community security strategies

a) *Pahara* and *lathi-bashi* committees: village and market night patrols

Collective action around village security appears to be extremely common, particularly in the form of *pahara* and *lathi-bashi* committees. This common institution of village-level governance may have its origins far back in the history of crime in Bengal: *dacoity* or gang robbery and particularly river *dacoity* were forms of crime that were historically fairly specific to rural Bengal, particularly in a context of relatively low police-to-population ratios (Mukherjee 1995).

Typically, each household within a village will send one male member to be a member of the committee, from whose membership a guard will be placed on nightly watch. Villagers may also assign or hire a night guard, who uses his whistle to alert to any danger, and to warn potential predators off. Guards are

particularly likely to be hired to protect marketplaces. The whistles may be used to send messages, such as 'danger', or to alert other night guards in the area to the need to come together to ward off an attacker. Other weapons and tools used include licensed pistols or rifles, *ballam*, *hasua*, hurricane lantern, and battery cells. The mosque loudspeaker may be used to summon villagers to 'Wake up, we are being attacked by bandits, please come out to defend us against them, bring sticks, knives, *da*, *kirich*, whatever you can find'. Those who have guns may fire blank shots, and poor villagers will stand ready with wooden sticks, pieces of brick or even hot water that they can throw on robbers using a bamboo funnel. Villagers reported that this kind of collective action has beaten back many bandits in the past.

In most rural areas, it is expected that the local bazaar committee will arrange for a night guard to protect the marketplace against crime. In the same way, rickshaw-van drivers also typically form *samities* (co-operative societies) to also arrange a system of guards to keep their vehicles. In the event that a van goes missing or is stolen, the *samities* of different areas communicate with each other to share any information they may have, and to try to recapture the stolen vehicle.

b) Criminal castes and carrots-and-sticks: branding and rehabilitating professional thieves

As was discussed above, whether or not one knows the perpetrator of a 'bad act' is a determinant of its seriousness, and whether or not it is perceived to be a 'crime'. It is thus significant that those who habitually steal as part of their livelihood, may be known to community members as the 'caste' or a profession of *jat chor*.⁴ The common view is that *jat chor* are a part of rural life, more of a public nuisance than a major threat. They are rarely handed over to the police: instead, Union Parishad chairmen are usually charged with their punishment and rehabilitation (Ali 2004). Known local recidivists are believed to inherit their role (perhaps a kindly way of excusing the errant behaviour of a local citizen). Discussing their village *jat chor*, one community member explained that 'his grandfather and his father were thieves too, so theft is his profession by inheritance'.

Some communities adopt a 'carrot-and-stick' approach to habitual thievery: public disgrace to shame regular offenders coupled with encouragement and support to engage in more law-abiding livelihoods. As with other forms of crime, *jat chor* is seasonal; during the thieving season when villagers are suffering most, the Union Parishad Chairman or Member may call a meeting to discuss action. 'Carrots' include pooling community members resources to invest in an asset or small business for those identified as habitual offenders, so that they have no excuse for further theft. Before receiving the cash or asset, reforming thieves will be required to swear 'I will not steal again' on the holy Quran Sharif. 'Sticks' include various forms of branding, including shaving heads of thieves caught in the act into an X or cross shape, or painting their faces with *chun-kali* (black and white colour) and displaying them to people in the market place, as a deterrent. People from neighbouring villages may come to look at known *chiski chor* or petty thieves so that they will be able to recognise them should they come to their villages. Not all communities are so tolerant of criminal offenders: in one Dhaka slum, a highly active *lathi-bashi* committee had been well-known for meting out particularly tough punishments to first-time offenders, on the grounds that, as one member put it, 'if they are given tough punishment at the very beginning, then they will be afraid to do it next time'.

4 This may relate to the assumption, enshrined in - or arguably established by - legal statute through the 1871 Criminal Tribes Act, that some social groups are born criminals. Under the Act, certain 'tribes' were required to register with or to be institutionalised by the authorities. Independent India formally 'denotified' these groups, but the 'Denotified Tribes (DNTs)' remain disadvantaged and suffer serious human rights violations, even compared to Scheduled Tribes and Scheduled Castes.

Box 3. Fighting crime, village style

A study of poverty and theft in Domar, Nilphamari, found that people felt reasonably secure against crime in their villages. The most fearful criminals, the mythical *dakat* of yore, had started to disappear since the 1970s: people explained that some had been killed by the *Mukti Bahini*, some by the 'public' and others in internal fighting within *dacoit* gangs. Local people also noted that economic development, employment opportunities and the rule of law also reduced the scope for *dacoity*. Another explanation is that new opportunities have arisen, including from the state. One erstwhile criminal, Sanwar *dakat*, no longer robs private property: instead he now cuts down government-owned trees, the timber of which he uses in his furniture workshop.

One reason people in Domar appeared to feel they were relatively safe against crime was that village leaders had an established system for punishing and deterring criminals. Apprehended thieves are routinely and viciously beaten; another reportedly popular method is to hang them upside down and pouring hot water down their noses. In an effort to protect his betel nut crop, one man fixed razor blades all the way up his tree; after one morning, when he found blood dripping down the tree trunk, he never suffered betel nut theft again. People appear to feel the fierceness of the response to the crime is in proportion to its deterrent effect:

They had caught this guy who had tried to steal cows in the early hours of the morning. The villagers started beating him, everyone hit him and they used what they could get bamboo, pipes, fists. Even the women hit him. When the thana police arrived, the Officer in-Charge said: "where am I going to hit him? You haven't left a single part of his body untouched." Still, he had to hit him a bit, to show the people that he meant business.

But whether or not a criminal will be punished appeared to depend substantially on how well-connected they were. In one village, the rice-cutting season had seen a spate of petty thefts, as fistfuls of rice were being cut, it transpired, by small children on behalf of *pitha*-makers. The local *Imam* took action against the thefts in the form of banning *pitha*-making, an act which mainly harmed the livelihoods of the poor and widowed women for whom this was an important sideline. By contrast, many practised thieves have good connections with local government representatives and the police. An Officer-in-Charge explained that many Union Parishad members and chairmen provide protection to thieves, using criminal networks to circulate stolen goods often ensuring goods are returned to their original owner for a price, a kind of ransom.

The very poorest are easily victimised, and rarely have recourse to even the *shalish* for compensation. As Rezia, a member of BRAC's Ultra Poor Programme demonstrated, sometimes all very poor women have is their willingness to shout and shame: when her plants were stolen from her new nursery, she complained loudly and vociferously near the house of the person she suspected of having taken them. She was later compensated, in secret and in cash.

Source: Ali (2004)

Earlier research on the topic of theft in rural communities found some extremely harsh punishments had been awarded in the past to repeat offenders in communities in north-western districts. Chairmen with reputations for being particularly fierce with criminals were widely considered positively; many villages in

the area reported that criminal activity had declined over the previous decades, as criminals had either died, been reformed and rehabilitated, including in one case having completed *Hajj* and become pious, or had left the village. The common view was that this gap had not been filled by entrants from the younger generation: explanations of why this was the case included both that the rehabilitation effort had succeeded in deterring crime, but also that new economic opportunities meant crime was comparatively less lucrative than it had once been.

c) Staying alert: loudspeakers, dogs, mobile phones

People use a wide and ever-increasing range of methods to stay alert and to warn each other of threats to their security. In one village, gambling was on the rise, and many young men were so addicted to it, that they were carrying on even in public and in front of the college itself. The principle of the local college went to the local police station, after which it was announced over a loudspeaker that 'from today, anyone seen gambling will be handed over to the police, by the order of OC (Officer-in-Charge) of the local police station'. The desired effect was achieved, and gambling declined.

Community and household pets, both cats and dogs, are commonly kept for the express purpose of alerting people to the presence of intruders. Many people, including in rural communities, report keeping contact numbers of the police, RAB, the Fire Brigade or the *joutho bahini* available on their mobile phones or written down. Some of the richer people, particularly *Londonis* in Sylhet, are known to hire personal bodyguards to protect against kidnapping and mugging. Many Chairmen and other rich people have been following this lead. Rural households that can afford to do so build strong iron gates or keep arms (which they claim are licensed) in the interests of ensuring their own security. Shopkeepers in *thana sadars* rely on 'security bulb' (i.e. lights which remain lit the whole night) to ward off thieves, who fear being recognised and caught later. Banks are also increasingly seen as vital to security of property: many people feel that their cash and valuables are safer now because they can place them in a bank.

The co-production of security: joint community and official strategies

Many people note that relatively recent efforts (previous two or three years) by the government to 'decentralise' the police force by creating the highway police, patrol police and RAB, have meant that people have greater access to the police than previously. For many people, this has been one reason why security has increased. But increasing accessibility cannot overcome the problem of corruption in the police force: the police remain synonymous with bribe-taking and therefore remain inaccessible to people who cannot afford to pay.⁵

⁵ A routine finding. See surveys by Transparency International Bangladesh and PPRC (2007).

Box 4. Community policing that works

Before 2000, this slum was full of drug dealers, 'terrorists' and smugglers. When a police officer was murdered by a known gangster in 2000, the police arrested many innocent people. Mr H, a local leader organised a protest-visit by a group of slum-dwellers to the Deputy Commissioner, who referred them to the Officer-in-Charge (OC). A deal was struck whereby the innocent were released in return for the slum leaders forming a Community Police Committee which would be supported by the thana police.

The Awami League government had been supportive of the Committee when in power, but when the BNP returned to power in 2001, so did Gangster M, a local youth and president of the BNP Jubodol. He warned Mr H that he expected to maintain complete control over the slum, and that if he did not obey, he would 'make him sleep without a pillow' (i.e. kill him). Gangster M. used his government links to get the honest OC and his successor transferred. The Committee became defunct.

By 2003 the area was controlled by criminals, and it was unsafe to walk down the street. Two Ward Commissioners recognised that they would lose their constituencies if they could not control the drugs and crime situation. They called in Mr H and promised him support if he re-started the committee. But they were still too scared of Gangster M. Two months later, Gangster M was killed in 'crossfire' by RAB. With renewed courage, the Ward Commissioners again contacted Mr H and asked him to re-start the committee with their full backing. One paid Tk. 3000 per month for its running costs out of his own pocket, although this stopped once he was jailed in 2007.

The Committee has 101 unpaid members, of which 21 control the committee and 80 ordinary members constitute the pool of revolving night guards. Their primary objective is to make the slum drug-free. First they caught many dealers and handed them over to the *thana*. Then they took action against drug users in the slum, using *shalish*, eviction and beatings. The Committee has evicted around 50 households of drug-users who did not stop after these measures, particularly where their homes had become dens of vice. Most users and sellers have now vanished, although a group of drug dealers led by Mango-seller Murad continue to compete for control of the slum.

There is also a system of night guards that protects the slum each night. The Head Office is Mr H's tea stall, and there is a sub-office in the middle of the slum. Fourteen night guards patrol different sections of the slum, mostly community volunteers but with some professional night guards paid from household contributions. The guards have a rota system and an established system for communicating with the police, who also regularly patrol the area. If the police wish to make an arrest, they now come first to the Committee with their warrant. The Committee also holds *shalish* and helps resolve minor disputes between neighbours. And finally, the Committee works alongside Dr Kamal Hossain's Gono Forum party in campaigns against slum evictions.

The single largest institution of rural law and order is the Ansars and Village Defence Party (VDP), a Government-recognised and supported volunteer force totaling some 4.6 million members, with a presence in every village; some 2.2 million of these volunteers (50 percent of the VDP component) are women. The force consists of the *Bahini*, the Battalion and the Village Defence Party (VDP), all tasked with maintaining rural law and order and assisting other law enforcement agencies. The present mapping exercise found that rural people were dismissive of the Ansar/VDP, regarding their role as derisory, and the personnel as

increasingly corrupt, no doubt as a result of their new-found quasi-police powers.⁶ While Ansar/VDP may be ineffective, the counter-factual cannot be disregarded: there are virtually no rural communities which have lacked such institutions since 1976, making it difficult to assess the impact of their role.

Union Parishad Chairmen and Members play a critical role in many communities, as noted above. However, the effectiveness of *Chowkidars* or the village policemen selected or appointed by Chairmen and Members appears to have declined over time. They once played an important role in ensuring local security, but their increasing dependence on Chairmen have meant, as one villager put it, that '*chowkidars* are now become weak, simply obeying chairman's orders'. Interestingly, many people were considerably more positive and respectful of the role of *gram sarkar*⁷ (or village government), who despite having been abolished in 2006, were found to be arranging guards, *shalish* and communicating with the police.

The qualitative research came across one striking example of success in community policing (see Box 4), but no evidence of such co-production of safety in rural communities.

Responses that harm: psychological stress, cost, and Faustian bargains

Strategies for coping with insecurity may come at a cost to people's freedom, autonomy and peace of mind as well as their pockets. The research into theft reported above (Ali 2004) found that people seemed relatively untroubled by crime, even though petty and not so petty theft was clearly an extremely common aspect of life, impacting particularly seriously on the very poorest. The distribution of reported thefts varied widely between the four villages, but between 39 and 67 percent had lost small household items, between 13 and 46 percent had lost small livestock, 12-31 percent had lost small quantities of crops, and 2-21 percent had lost large amounts (40 kgs or more) of crops in the previous two years (Ali 2004). These losses may be too small on an individual basis to take action, even for poor people for whom they represent fairly significant losses. But they very clearly contribute significantly to a climate of paradoxically - highly predictable insecurity. The predictability that their assets and possessions may be lost or stolen is extremely likely to have an impact on the investment decisions and economic behaviour of the residents of Domar.

People report taking drastic action in efforts to protect against crime. In one coastal area, *chingri* or prawn farmers reported fearing the rains, as robbers find it very easy to access their village by boat during this season. When one village in the area has been attacked, neighbouring villages may go to the extent of destroying their own roads, bridges and culverts, to make it difficult for robbers to enter their village. People also reported finding themselves on the wrong side of the law in their efforts to protect themselves and their families.

While even men will stay over night in the *sadar* in preference to travelling at night, the mobility of women and girls is particularly constrained by fears of crime. Early marriage is perhaps the most serious, widespread response to insecurities around women. In the words of one parent: 'When my daughter grows up, wicked young boys might tease her. So to save her from this problem, she was married off at a young age.' Fear of sexual violence, sexual harassment and loss of reputation result in extremely tight controls on women's behaviour, many of which are internalised by young women themselves. Young women from a range of social contexts: professionals, students, and slum-dwelling garments workers and other occupation groups, evidently suffer great strain in having to cope with persistent and pervasive sexual harassment. And as was

6 See reports in Prothom Alo 'A young man victim of Ansar's violence', 27 May 2007; '12 Ansar complain against adjutant for bribe' 18 May 2007.

7 *Gram Sarkar* were village level institutions of selected representatives established in 2003, and declared illegal by a High Court verdict in 2006.

noted above, a significant minority of urban slum-dwellers do not feel safe even within their homes, suggesting they must suffer from persistently intolerable levels of psychological stress in their everyday lives.

A final issue that deserves to be flagged is that pervasive crime and violence-related human insecurity may lead to systematic adverse incorporation or 'Faustian bargains', in which the best options for the poor or powerless are to behave in ways that assure some security, but at the cost of their autonomy and growth (Wood 2003). This may be one reason for the persistence of the social authority of rural elites, *shomaj* leaders and Union Parishad Chairmen or Members, in contexts in which their capacity to deliver regular employment or public resources may be limited. It seems clear that pervasive sexual harassment and fear of sexual violence causes women to choose or to have chosen for them solutions to their insecurity that severely curb their independence and limit their capacities. Poor households may have always faced such a myriad of small threats that they do not really perceive their security to be at threat, particularly as the situation for those among the ethnic majority appears to have improved. Yet the many arrangements and adjustments that people make to their livelihoods and behaviours indicate that coping with crime and violence takes up time and effort and resources. And there is very little indication of public action on what is undeniably a public good.

4.8 Conclusion

This chapter has reported on exploratory research into the experience and perception of crime, violence and other dimensions of human insecurity, based on qualitative research undertaken by the BRAC Research and Evaluation Division's Governance Research Group in 2007. A key finding of the research includes that sources of insecurity are unexpectedly diverse, and no simple patterns emerge. For instance, gender matters considerably, but so do socioeconomic status and ethnic and religious affiliation. Where you live appears to be an important determinant of how safe you feel at home, but what makes some places more and others less safe is not self-evident. Another complication is that feelings of insecurity are not directly caused by experiences of crime or violence in any simple sense. For instance, urban slum-dwellers tend to feel highly insecure, but not always because of experiences of crime or violence. Crime control systems are better developed in some than in other poor urban communities, suggesting there is much to be learned about successful community-based security provision in poor urban areas. In any case, structural and gender-based violence, poverty and eviction are more serious sources of insecurity than crime for many urban poor people. This means that the vulnerabilities of urban slum-dwellers are rooted in how their gender, socioeconomic and legal status locate them with respect to protection from the state.

The chapter also reports fresh evidence about the acutely high levels of insecurity faced by religious and ethnic minority groups. Ahmediyyah, Garo and Bihari communities face persistently high sources of threat along almost all the dimensions of human security as defined by the Bangladesh Human Security Assessment 2005 exercise (Khan 2006b). Finally, human security appears to be highly localised, with community-level security arrangements apparently playing a significant role. But there are concerns about human rights abuses and the extent to which the rule of law can be flouted by community-based arrangements for preventing and tackling crime and other sources of human insecurity.

As a prelude to a full-scale national survey of crime, violence and human insecurity across Bangladesh, the present chapter points to some key issues that merit further attention.

More and better data on human security. Policies geared towards protection of human security will depend, first and foremost, on reliable data to enable monitoring of the situation. This entails not only monitoring of the national situation, but ultimately the development of information systems that are sensitive to more local conditions: sources of human insecurity vary widely as, it appears, does the incidence of crime and violence. Vitally, data collection must be gender-sensitive. The research presented in this chapter confirms the belief that gender is one, if not the key determinant of human security. Monitoring efforts will fail to capture the situation accurately if they do not incorporate sensitivity to gender throughout their design and implementation; this includes sources of insecurity within households, and sources and effects of insecurity that affect women's, but not men's, mobility.

Community vs state security provision. Local-level and often community-based systems for preventing threats to human security emerge as playing a significant role in Bangladesh. In the absence of effective, functioning police and formal judicial systems, a wide range of crime prevention and punitive mechanisms exist. This finding is double-edged: on the one hand, there is likely to be much that can be learned from how communities effectively prevent external threats from entering, but on the other, there are human rights concerns about how offenders are dealt with. In many cases, security is maintained but at the expense of the rule of law. In addition, there appears to be a high price to be paid in the way people cope with their insecurities in the impacts on women's and girls' movements and activities; on investments in livelihoods, business activities, and even in children's education. Even when people feel safe within their communities and most people appear to they generally feel less safe moving beyond their communities, as they move beyond the jurisdiction of their local authorities. What all of this suggests is that, despite some stated and visible reluctance to rely on the police for protection and resolution of human security issues, community-based security provision is an inadequate substitute for official law enforcement.

The crisis of insecurity among minority groups. The fact of minority status appears to ensure that the community-based forms of prevention and protection are denied to people of religious and cultural minority groups; the police, local government and local administrative officials at worst side with and support offenders, and at best ignore offenses. While conflicts are superficially related to religious and cultural difference, barely concealed beneath the surface are coordinated campaigns aimed at grabbing land or other assets such as markets and crops. While these may require the support of powerful individuals with national connections, our research suggests that the campaigns are often fairly localised. The failures of community security provision are most visible with respect to minority groups, as are the connections between local, national and in some cases, global politics, with human security outcomes. The present political inter-regnum provides an opportunity to tackle the multiple failures of governance that are creating the crisis of human security being experienced by minority groups.

NGO Governance in Bangladesh: A View from Within

Bangladesh has emerged as a resilient economy over the past 15 years, making impressive progress on a range of social indicators and slowly but steadily climbing the human development ladder. This feat has been partially attributed to the service provider regime of Non-government Organisations (NGOs). Essential vehicles of development in Bangladesh, NGOs are closely involved in a wide range of activities from education, health, poverty alleviation, employment, human rights, minority issues, social and environmental protection to relief and rehabilitation. This sector effectively fills the gap between the development needs of the people and the capacity and performance of the formal sectors.

Defining NGOs has been referred to as a "mission impossible" (Martens 2002:282), who has advanced the following definition:

"NGOs are formal (professionalised) independent societal organizations whose primary aim is to promote common goals at the national or international level!"

NGOs are a heterogeneous group differing in size, nature and scope. The concept of the modern NGO was probably first reflected in Article 71 of the UN Charter which provides for "consultation with non-governmental organisations." The terminology and notion of a third sector, however, only started gaining ground in the early 70s, largely in response to the widening disparities resulting from the "trickle down" theories of the 50s and 60s and the limitations of government in reaching resources to the poor (Khan 2003). In Bangladesh, NGO activities began in the aftermath of the 1971 War of Independence. The first generation of NGOs that emerged in Bangladesh focused on relief and rehabilitation activities. Soon, they began to address economic and social development conditions and in recent years have blossomed into a vibrant sector with a comprehensive approach towards development. The proliferation and outreach of NGO activities can be clearly understood in the claim that it is extremely rare to come across a village without an NGO. Given the fact that there are over 68,000 villages in Bangladesh, this is indeed an achievement for a young sector. Currently, there are approximately 2000 development NGOs in Bangladesh (Irish and Simon 2005).

Perhaps because the formal institutions of the state in Bangladesh do not completely fulfil social expectations and have limited capacity and resources - especially in the areas of education, service delivery,

economic empowerment, and access to justice - NGOs complement (and indeed sometimes overtake) the activities and functions of the government. The extent and diversity of activities by NGOs however do not automatically mean that the civil society of Bangladesh is politically active in the role of a watchdog of the state. Along with the undeniable need for a strong NGO sector to complement the government, there is an increasing realisation that the long-term sustainability and effectiveness of the NGO sector is dependent on organisational credibility, internal self-regulation and good governance (Zaman 2003). This chapter on NGO governance focuses on the regulatory framework for NGOs in Bangladesh, the formal and informal accountability mechanisms, leadership structures and transitions, and political boundaries of NGO activities within the framework of accountability and governance.

This chapter seeks to identify existing governance procedures in the NGO sector, explore the political space occupied by NGOs, and gauge public perceptions of NGO performance in the country. The chapter is structured in four sections. The first section describes the methodology of the research, the second section analyses the state of governance of the NGO sector, and the third section portrays public perceptions towards NGO performance in Bangladesh. The chapter concludes that while formal accountability mechanisms within the sector are arguably weak, NGOs have a strong informal accountability mechanism in place, with an essential layer of checks and balances involving issues of representation, roles, legitimacy and sanctions. It stresses that NGOs play a supplementary rather than competing role *vis-à-vis* the government in raising social awareness.

5.1 Methodology

After an extensive perusal of secondary literature on the subject, a qualitative national survey was carried out to study the internal organisation and management of NGOs in Bangladesh, as well as their perception of political space. The study also identified the challenges for NGOs operating in Bangladesh. The 39 NGOs in the sample included local, national, and international organisations. Most selected NGOs were involved in service provision and/or awareness-raising. This study surveyed NGOs involved in micro-credit operations, as well as education, health, agriculture, disaster management, human rights and women's empowerment programmes. A total of 51 senior and mid-level NGO officials were interviewed - two each from 12 NGOs, and one each from the remaining 27. The survey consisted of two sets of semi-structured interviews, one for senior level officials and one for mid-level staff. The selection of NGOs relied on a two-stage sampling design. The initial sample frame was constructed by preparing a list of known NGOs. Six administrative units - district *sadars* - were then randomly selected. The actual number of NGOs operating in each district capital was obtained, and NGOs were randomly selected in each city on the basis of a stratified sampling procedure that assured sub-samples among NGO types. The sites at which the questionnaires were applied were mostly NGO head offices.

A nationwide large sample household survey was carried out separately to gauge people's perception of performance of government versus non-government organisations. Questions pertaining to the role of the NGO sector in providing particular public goods; trust in NGOs and perception of NGO transparency were asked. Data was collected from 3,000 respondents from urban and rural areas in 37 districts. Among the respondents, 2,000 were selected from the general population and 1,000 from specialised groups including teachers, local government representatives and political leaders. A three-stage random sampling method was used to select the respondents. The findings of this quantitative research are presented in a separate section of this chapter.

5.2 Governance of NGOs

Governance can be viewed as the sum of three major components: process, content and deliverables (Aminuzzaman 2006). In the case of NGOs, the process includes transparency and accountability; content covers values such as justice and equity, and deliverables ensure that citizens, especially the poor, have their basic needs met. Good governance in NGOs would therefore call for open and transparent policy-making; measures of accountability; as well as responsive, equitable and inclusive service-delivery. For the purpose of this chapter, we have only focused on the process issue as the internal governance of NGOs is a matter generally perceived to be closed to the scrutiny of the public.

NGO governance in Bangladesh is a function of the corporate laws and mechanisms that prevail in the country and therefore needs to be considered within this framework. Corporate governance has been defined as the system by which organisations are directed and controlled. The corporate governance system evolves around a multitude of economic, political, legal, cultural, and historical factors. The effectiveness of the corporate governance mechanism depends on the quality of monitoring, the legal system, a good operating environment, stable and market friendly regulations and regulators (Khan 2003). Furthermore, the strengthening of corporate governance depends on an effective legal system. In Bangladesh, the private sector in services such as education, health and banking has rudimentary corporate governance arrangements, is overseen by an overstretched regulatory framework, and in many cases is enmeshed with the politics of the country (World Bank 2006).

The rapid expansion in NGO activities bears testimony to their comparative advantage in successfully delivering services directly to the poor. It also stresses the need for transparent governance of NGOs - through formal accountability mechanisms towards their beneficiaries. It is only fair that NGOs should be subject to the same demands for accountability and transparency that they place upon government, business, educational institutions and other organisations they challenge.

An overview of NGO accountability literature outlines two kinds of accountability: performance accountability and voice accountability (Slim 2002). Performance accountability requires NGOs to be accountable for what they do, while voice accountability requires NGOs to be accountable for what they say, i.e. for their goals, aspirations and mission. The central issue in addressing NGO accountability involves the means by which they will be required to provide an account.

Accountability is also closely related to the actual and potential contribution of NGOs to development (Gauri & Galef 2005). It is not merely a technical issue but a tool to help an organisation promote better performance, and is intended to encourage positive conduct, behaviour and values. NGO accountability can therefore be of different types: upward accountability (to donors, boards of trustees), downward accountability (to partners, beneficiaries), horizontal accountability (to peers, fellow professionals) and inward accountability (to staff) (Cavill & Sohail 2007). NGOs may also practice corporate, personal, collective and individual accountability, as well as practical and strategic accountability.

NGOs are generally accountable to a number of entities: donors, their boards and members, governments, their own networks and international organisations (Tilt 2005). A number of complex questions make the issue of NGO accountability a multifaceted and difficult one. The questions raised include to whom and how NGOs should be made accountable, what are the different types of accountability that exist, and what sort of accountability mechanisms are appropriate (Ibid.). In the qualitative survey an attempt was made to identify what accountability mechanisms were in place for NGO governance and how the respondent NGOs were handling the issue of accountability in their work.

External governance: a regulatory framework for NGOs

There is growing concern in Bangladesh about NGO accountability, governance and the regulatory framework. Various studies have investigated the relationship between NGOs and the Government of Bangladesh and between the NGOs and the donors (World Bank 2006; TIB 2006; DFID 2000, 2005a). In assessing NGO governance, the external accountability relationship with the government is important, as it is the government which provides the legal status to NGOs, and determines the framework and environment in which the sector operates (Zaman 2003). NGOs must pay heed to this relationship, both to maintain their legal status as well as to be effective partners in delivering public services.

Governments enforce registration and monitoring mechanisms in order to keep track of NGO activities to avoid duplication and establishment of false organisations and to ensure quality and accountability. Governments may also desire to restrict NGOs when they feel that NGOs siphon off resources which might otherwise have come to the state or where they are afraid that NGO activities could challenge state ideology. NGOs on the other hand, may consequently be wary of state intervention for fear that their freedom and independence will be curtailed, although they may also acknowledge benefits in legislation to protect their activities, offer them incentives and maintain their reputation (Mayhew 2005).

The Bangladesh Government guides, directs, oversees, regulates and controls the operation of NGOs through a wide range of statutory and administrative regulations. NGOs in Bangladesh operate under a stringent legal and regulatory environment. The relevant laws fall into two main categories: laws under which these organisations are incorporated and given legal status and laws governing their relationship with the government (Zaman 2003). Each NGO must be registered/incorporated under either of the following: the Societies Registration Act 1861, the Trust Act, 1882, the Companies Act, 1913 (amended 1994), the Cooperative Societies Act, 1925, the Social Welfare Act, 1961 or the *Waqf* Ordinance of 1962. NGO operations are regulated under either the Voluntary Social Welfare Agencies (Regulation and Control) Ordinance (VSW Ordinance), 1961, administered by the Department of Social Welfare and the Foreign Contributions (Regulations) Ordinance (FCR Ordinance), 1982 (formerly the Foreign Donations Voluntary Activities Regulation Ordinance, 1978), administered by the NGO Affairs Bureau. Under the FCR Ordinance, an NGO requires the approval of the Ministry for Home Affairs, submission of a five-year plan, submission of individual project proposal(s), and a pledge of external financing from a foreign donor.

The main feature of the Foreign Donations (Voluntary Activities) Regulation Ordinance and Rules, 1978 are:

- Any person or organisation receiving foreign donations for implementation of voluntary activities shall have to be registered with the Government.
- Receiving foreign donations without permission of the Government by any person or organisation is prohibited.
- NGOs are supposed to implement "Voluntary Activity" which is defined as "an activity undertaken or carried on partially or entirely with external assistance by any person or organisation of his or its own free will to render agricultural, relief, missionary, educational, cultural, vocational, social welfare and developmental services, and shall include any such activity as the Government may, from time to time, specify to be a voluntary activity."
- Accounts have to be maintained in the cash book and ledger book on a double entry basis.
- The power for inspection and audit of the accounts of any person or organisation receiving or operating foreign donations is vested with the Government.

The government also set-up the NGO Affairs Bureau (NGOAB) in 1990 to ensure implementation of the regulatory framework. All NGOs receiving or seeking foreign funds must register with NGOAB, which has the following responsibilities:

- Processing NGO registration and project proposals including renewal of registration every five years.
- Approval of NGO projects, clearance of funds, permission for appointment of foreign expatriate consultants and fixation of their tenure.
- Examination and evaluation of reports submitted by the NGOs.
- Coordination, monitoring, evaluation and inspection of NGO activities.
- Collection of fees and service charges levied by the government.
- Inspection of field level NGO activities and examining their accounts.
- Liaison with the donors and the NGOs.
- Scrutiny of reports on NGO activities and the implementation of appropriate measures.
- Enlistment of chartered accounting firms for auditing NGO accounts.
- Approval of proposals for one-time grants from foreign contributors.
- Other matters relating to NGO affairs (Zaman 2003).

These laws define the permissible framework and methods of operation, governance, management and financial control of NGOs operating in Bangladesh. Although these laws are supposed to facilitate smooth functioning and growth of the organisations, they are often viewed as instruments for control (Zaman 2003). The regulation of NGOs remains a contentious issue in Bangladesh because of the size and impact of the NGO sector and of the government's resolve to control it without an overarching legal framework (Mayhew 2005).

In considering mechanisms to ensure accountability, the most obvious is to ensure that NGOs provide full disclosure of their activities to stakeholders and that they practice internal transparency. Some consider it important to distinguish between external and internal accountability mechanisms (Spiro 2001; Keohane 2002), but what is obvious from a review of the available literature is that there is no 'one size fits all' approach to ensuring accountability, as NGOs are hardly a homogeneous group.

Despite the abundance of laws and government agencies dealing with NGOs in Bangladesh, the overall legal framework for NGO governance has not undergone substantive changes in recent times, and hence has been rendered obsolete and impractical. There is also a shortage of appropriate procedures for censure and appeal.

Internal governance of NGOs

NGOs combine characteristics of businesses, governments and charities. Although Bangladeshi NGOs vary widely according to size, sector of activity, function, organisational sophistication and relationships to donors, and despite the fact that NGO existence as a legal entity is not always homogeneous, this sector is highly organised and homogeneous.¹ The expansive networking of NGOs nationwide, including places where even the state has no presence, and the rapid growth and successful mass replication of micro-credit, health and education programmes by a large number of NGOs have raised concerns of accountability and transparency among development stakeholders. The government too, is forced to approach the sector as a complementary component of the state governing structure.

¹ Gauri and Galef (2005) find that similarities among Bangladeshi NGOs are more striking than their differences: "the majority utilise a branch and headquarters structure in which branches have limited autonomy from headquarters. At the branch level, most NGOs in the country, whether big or small, focus on credit services, derive more of their income from fees for services than from grants, rely on salaried rather than voluntary staff, keep detailed financial accounts that are externally audited, and hire middle-class college educated men as managers."

A formal management structure is generally in place for all NGOs - even if only on paper, the management and staff are salaried employees, and the activities are carried out within an approved annual work plan which specifies programmes and targets (Zohir 2004). It is essential that the structure, function, and activities of NGOs be as transparent as possible so that they may be held accountable. Formal reporting structures and oversight mechanisms exist for this purpose for certain stakeholders including donors and the government. Other stakeholders, beneficiaries and the general public for example, rely on informal methods and tend to view NGOs as mostly opaque. In our qualitative survey we looked at the procedure and effectiveness of the existing transparency and accountability mechanisms. The findings from the qualitative survey are presented in the sections below.

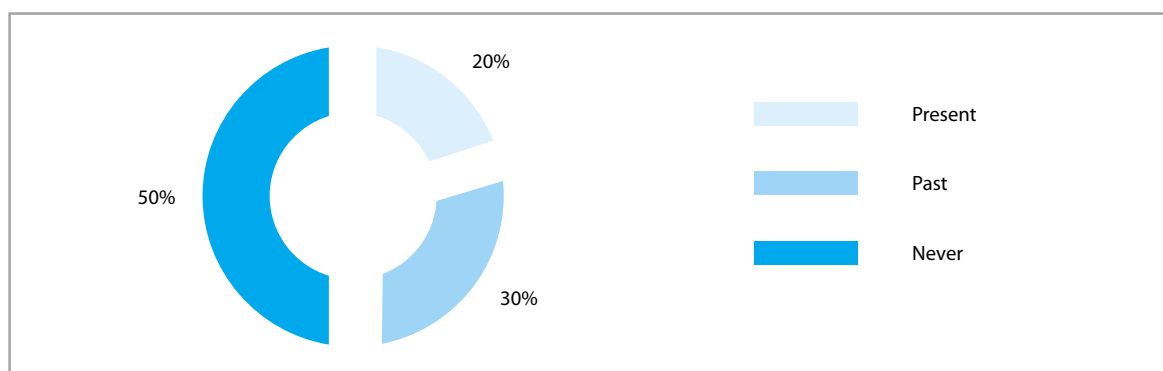
All NGOs interviewed in this survey were registered with the government, although accountability by way of registration remained limited, as supervisory visits by government officials were more bureaucratic or political, rather than substantive or evaluative. All respondents had an executive/oversight committee from whom approval was needed for a variety of activities. It is interesting to note that the majority of our respondents identified accountability with corporate accountability, i.e., where the NGO is accountable as an entity.

Power structure

The power structure of some NGOs was found not always to conform to the management structure outlined (Annex 3, 4). Decision-making is often centralised among the head of the organisation and a select few, and even senior managers were found to have limited autonomy. The board of directors of a medium to large NGO was typically found to have 25 general members and eight executive members on average. The board members are selected or elected for approximately two years, and the executive director is invariably a member of the board. Most of the boards are involved in policy making, approving decisions, planning and strategy. They oversee project activities, analyse audit reports and participate in fund raising. They also seem to maintain liaison with the government. Some boards are actively involved in generating new ideas.

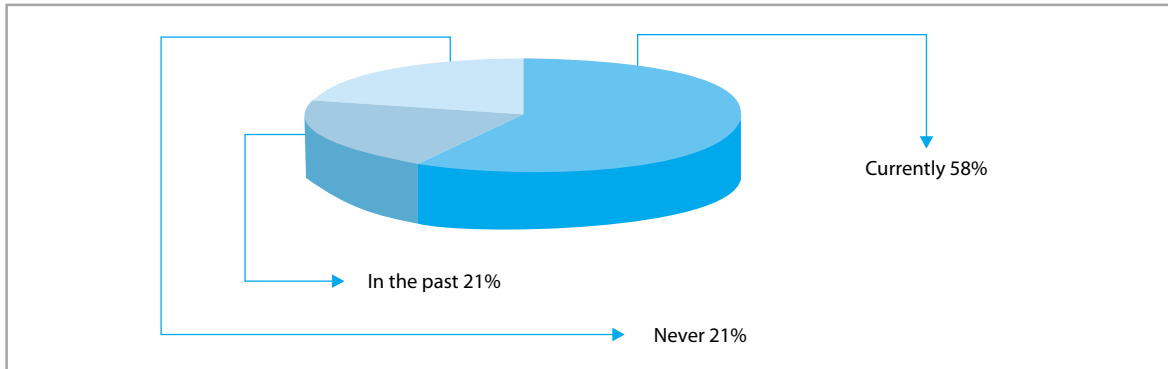
The incidence of having family members and friends on the board is a common scenario in NGOs (Figure 1, 2). Twenty percent of respondents reported that their organisations have board members from the same family. Thirty percent of the respondents reported that their organisations used to have board members who were relatives. But half of the NGOs surveyed reported that their organisations have never had board members who were related to each other.

Figure 1: Family members on the same board



Some board members were found to be friends/close acquaintances, this being the case with 58 percent of the respondent NGOs. Twenty-one percent reported that this was the case previously in their organisations while the remaining 21 percent reported that their organisations never had any such board members.

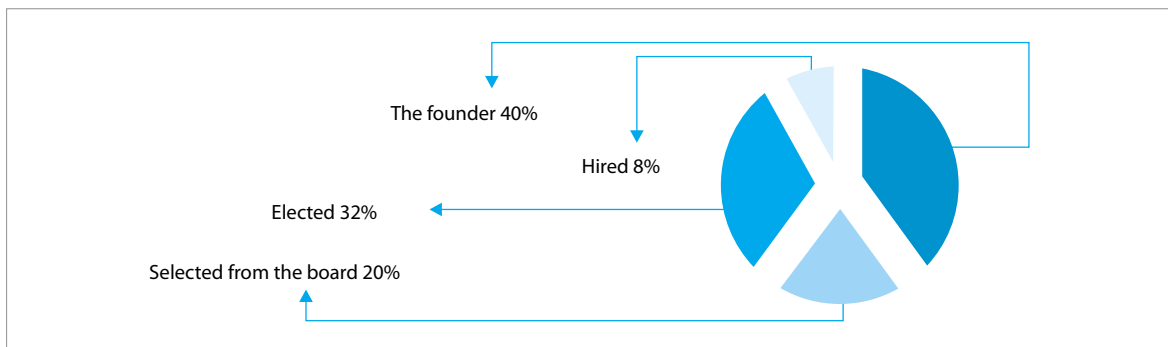
Figure 2: Friends/acquaintances on the same board



The criteria used by NGOs for selecting board members vary widely and include education, interest in social development, interest in participation, honesty, integrity, skills, reputation, interest in democracy, community standing and commitment to society. However, members are sometimes chosen at the personal discretion of the chairman. Some respondents complained that this selection process lacks internal democracy. Furthermore, board members typically do not have term-limits. NGO boards therefore tend to remain static and may often be reluctant to challenge decisions of the founder (World Bank 2006). There are no regulations in this regard and the concerned government bodies do not provide sufficient regulatory oversight in this matter.

In all NGOs surveyed, the Executive Director (ED) was found to be a charismatic individual, who is also a member of the civil society, having strong connections with other influential people in both government and non-government sectors. In 40 percent of the cases, the ED held the position by virtue of being the founder of the organisation (Figure 3). Twenty percent of EDs were selected from among the board members while 32 percent were elected. Only eight percent EDs were hired. It is interesting to note that of the selected/elected EDs, some were founders of the organisation. This depicts the trend of keeping power concentrated in the hands of a known entity, and an apprehension of bringing in an outsider. It is interesting to note that most EDs (62 percent) have been with the organisation for more than ten years. Half of the respondents furthermore reported that their ED maintains a formal relationship with the board. This reflects a permeation of corporate culture in NGO governance.

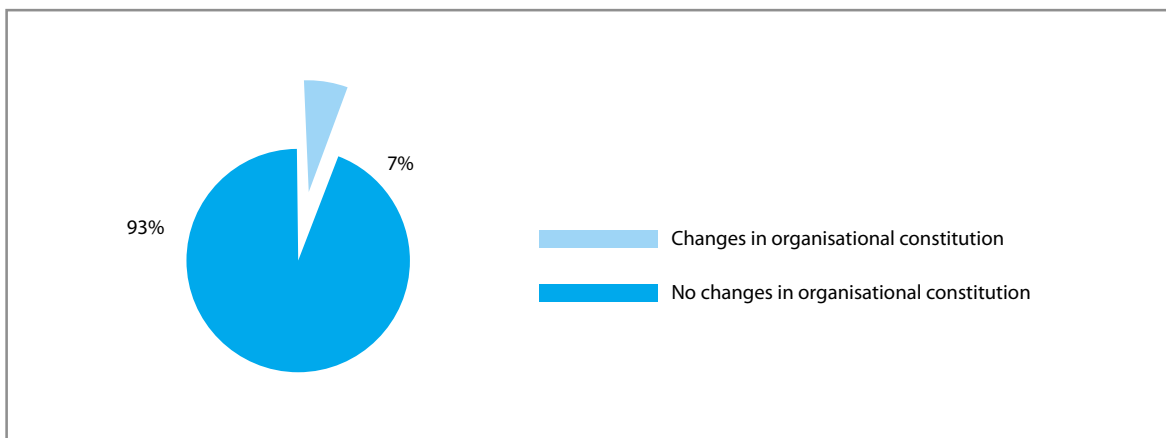
Figure 3: Mechanism for appointing Executive Director in NGOs



The lack of decentralisation of power and authority within NGOs becomes glaringly apparent when the ED happens to be the founder of the NGO. This translates to senior managers not feeling a sense of “belonging” to their respective organisation as the ED makes all decisions, leaving them with only day-to-day management responsibilities, and little or no say regarding the direction or development of the organisation.

In most cases (57 percent), the governing structure of the organisations has not altered since inception while 43 percent of respondents stated that the original structure has changed. Interestingly, only seven percent reported changes to their constitutions (Figure 4). The growth of the organisation is the primary reason for the expansion of the governing board. Changes in the governing board may also be dictated by donors and regulatory agencies while changes to the constitution of the organisation may arise from a multitude of reasons, including a lack of consensus among board members.

Figure 4: Changes in constitution of NGOs



An informal code of conduct was found prevalent in most of the surveyed NGOs in which *ad hoc* decision-making circumvents formal management structures. This informal code of conduct apparently does not conflict with professionalism. The respondents admitted that although formality in the organisations might help smooth administration, it sometimes creates dissatisfaction among staff. Some respondents (eight percent) actually preferred this informal management, claiming that informal decision-making brings people closer, creates a better work environment, makes senior managers more accessible and facilitates decision-making and problem solving. However, 18 percent of the respondents said that informal decision making leads to negligence of duties and less accountability.

The NGOs in the survey also display signs of entrenched leadership. The leader-centric culture that developed in the NGO sector does not encourage innovation and limits incentives for career advancement beyond operations management. There are no traditional or well established mechanisms for fluid leadership transition. Although senior management does provide training sessions and workshops for staff development, there is a tendency toward leader-centric organisational structures and a potential vacuum in the next generation of leaders. Yet, there was little comprehension among the officers interviewed in the qualitative research that this may pose a problem for leadership transition. Most respondents remained content with the current governing and power structures, and believed that no changes were necessary. This is an alarming situation and does not bode well for the future of these now-successful NGOs.

Annual reports

Annual reports typically include detailed information on programme activities, organisational structure and finances. All respondent NGOs produced annual reports but only 12 percent made the entire report public. Twenty-six percent of responding NGOs published an annual report but withheld the financial part from the public. The remaining 62 percent of NGOs used the annual report internally (Figure 5, 6). The reason cited for their unwillingness to publish financial reports is that it would compromise a competitive advantage or reveal a funding crisis and that financial reports are prone to misinterpretation.

Figure 5: Dissemination of annual report

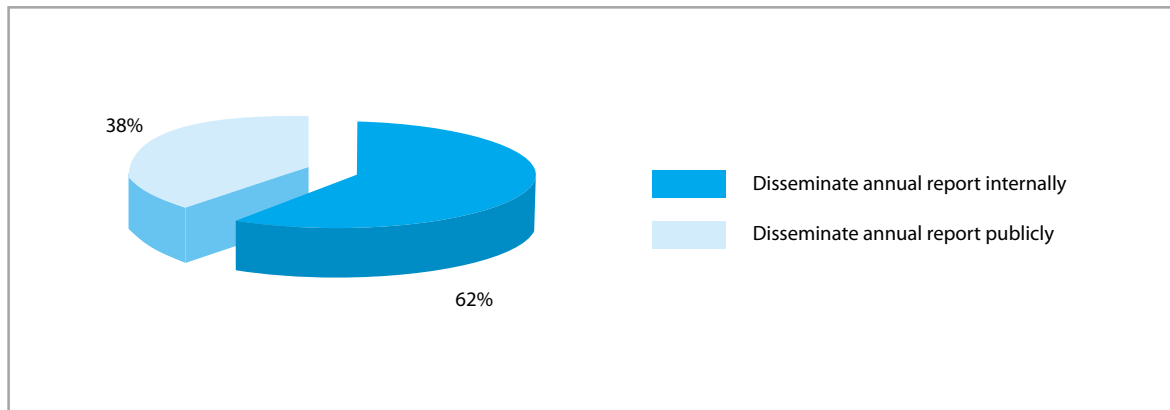
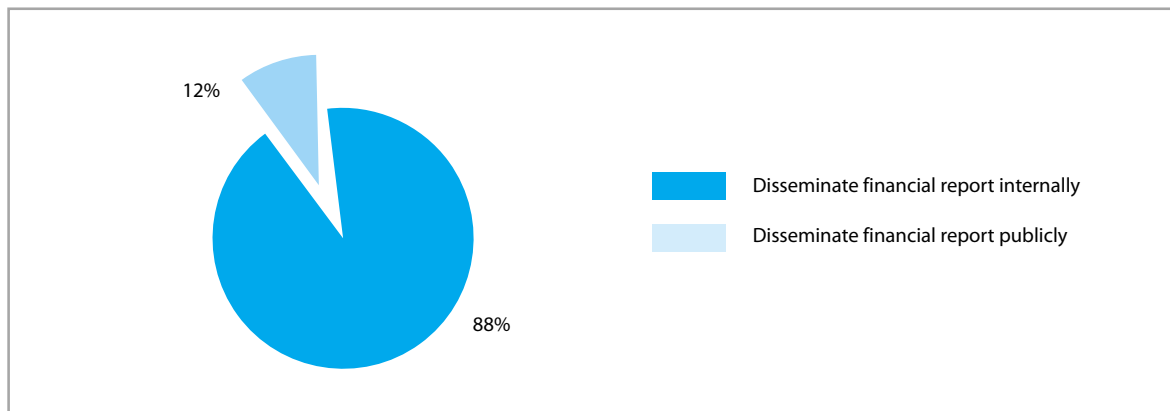


Figure 6: Dissemination of financial report



Audits are a mechanism of independent verification of financial documents and certification of the same as accurately exhibiting the true state of the organisation's affairs. The practice of using external auditors is well established among the surveyed NGOs with 96 percent using external auditors on a regular basis.

Senior officials agreed that releasing annual reports - with an externally audited financial report - increases the transparency of the organisation. Even those NGOs which refused to publicly release their reports acknowledged this benefit, but deemed the potential cost of such actions to be too great when competing for limited funds. As a result, the circulation of the majority of annual reports in the NGO sector remains internal. Organisations that do publicly release their annual reports omit technical details that may compromise any competitive advantage the NGOs may have.

There is a feeling among the majority of NGO managers that competition for limited funding has created a collusive club of donors. A large number of NGOs are involved in designing programmes to attract funding rather than to best serve the needs of their beneficiaries. The unwanted fallout is the prevalence of copy-cat programmes that mimic funded ones. As a consequence, NGOs have become less transparent as a way of maintaining their competitive edge.

NGOs which publish reports with full disclosure of information believe that the negative consequences are minimal and that the image of accountability and feedback received from external institutions have the opposite effect, serving as a catalyst for new ideas and challenges to refine already successful programmes.

Practices of financial opacity

Financial management practices of NGOs have been shaped by donor requirements and by absence of a coherent and uniform accounting standard within the government regulations (World Bank 2006). Some respondents of the qualitative research alleged that some NGOs regularly maintained two sets of books with a hidden internal account known as the "working budget" that deviated from the published accounts - often referred to as the "shadow budget". It is alleged that the working budget contains funds for entertaining donor or government representatives, covers the costs of necessary bribes (mostly to local and central government officers), and includes money for other operational expenses that cannot be explained in an audit. The working budget reportedly contains accurate financial information but is known only to a handful of people within the organisation. The shadow budget contains apposite but false information. Its purpose is to give an impression of financial sustainability and of meeting relevant requirements. Our study however, could not find any evidence of such practices.

Many of the organisations surveyed, especially the larger ones, are leading the way in creating sound accounting structures, which have been globally recognised for their levels of transparency. There is a strong correlation between an NGO's frequency of reporting and their level of credibility in the sector and among donors. Many of these organisations require monthly or bi-monthly reports from each division/programme component. Donors furthermore have introduced their own budgeting mechanisms to ensure transparency in the programmes and NGOs they are financing. External institutions view many of the larger NGOs as more transparent and efficient. It is perhaps for these reasons that donors are increasingly channelling funds through large NGOs. However, this should not be interpreted in any way that smaller NGOs practice duplicity in general or that they are viewed as less trustworthy.

Our research has revealed that transparency in the NGO sector in Bangladesh is generally externally driven. External regulations and requirements compel this sector to practise transparency in their operation. The respondents reported that the NGO Affairs Bureau, donors, the Social Welfare Secretariat, Bangladesh Bank, and Palli Karma Shahayak Foundation (PKSF) encourage them to practice transparency. Some organisations also reported that they arrange periodic meetings with their stakeholders and beneficiaries to provide an update of activities. A few organisations also have internal monitoring units to promote internal transparency and accountability. However, it should be noted that donors, in their performance assessment requirements, usually "focus attention on projects or programmes, while overlooking the NGO...itself" (Ebrahim 2003).

The proliferation of NGOs in Bangladesh has resulted in fierce competition for funding and members. This in itself serves as a check on power and hence a measure of accountability. In sharing information, community participation and close collaboration with other NGOs, "accountability becomes part of the price of increased trans-national effectiveness" (Wapner 2002). Thus, while formal accountability mechanisms need

strengthening, NGOs nevertheless can demonstrate that they have a variety of accountability mechanisms in place to ensure responsibility for the activities they undertake. Their actions and activities are often highly visible to the society, and thus being unaccountable is not an option. The argument for NGO accountability is presented mainly from a functionalist perspective (Ginsberg 1998), but when considered from a conflict theory paradigm, it is clear that NGOs play a vital role in civil society (Tilt 2005), providing services and a voice to the marginalised sections of society.

5.3 Political Space

The legal framework for NGOs in Bangladesh does not clearly define political activities nor set any limit to the extent in which NGOs may engage in political activities. NGOs have emerged as a pressure and advocacy group for the rights of the poor, working toward policy changes and resource allocation (Zaman 2003). Today they are an active force in setting the development agenda in the country. The prevalence of NGOs in Bangladesh, and the importance of the services they provide for their communities, places them in a unique position to influence the government at both local and national levels. It is also in the interest of NGOs to build a rapport with local government officials as it would be impossible for them to carry out their activities without government approval and support. Furthermore, working in partnership with local authorities gives NGO activities added credibility.

Political space can be defined as the 'types and range of possibilities present for pursuing poverty reduction by the poor or on behalf of the poor by local organisations' (Rahman 2006). This space is composed of two elements: (i) institutional channels through which policy formulation and implementation can be accessed, controlled or contested by the poor, and (ii) political discourses in which poverty and poverty reduction are significant issues (Rahman 2006). Although the onus is on the state to create and facilitate this space, in Bangladesh it has involved a process of struggle, disagreement and negotiation between state and non-government actors.

NGOs in Bangladesh emerged out of the civil society movement, from an inability of the state to provide basic needs and services. Although highly critical of the government, initially, and loudly vocal in questioning the power structures at rural, urban and national levels, NGOs have undergone a paradigm shift in their preference to work with the system rather than oppose it. Political space, therefore, in the sense of social mobilisation and social activism has been negotiated by both the state and NGOs.

However, given their goal of giving voice to those less powerful, NGOs face the political dilemma of providing vested interest groups with too much information through transparency of their (NGOs') actions and performance. In some cases, it has led to cancellation of registration and closure of organisations for being subversive. NGOs also wish to avoid the label of bi-partisanship, not only because of possible political backlash, but also as their donors and beneficiaries feel more comfortable with service provision. Consequently, the recent focus of NGO activities has been better service delivery and empowerment of the poor. NGOs are also active in the field of capacity building of the public sector. Despite some who still feel the need for a politically vibrant NGO community, most viewed the change in NGO philosophy and practices as a strategic and necessary move which has in fact benefited the people by bringing stakeholders together. Furthermore, NGOs generally believe in the necessity of a strong state apparatus to ensure the basic needs and right of the people (DFID 2005b). Our research showed that NGO officials appreciate the support of the government as it lends them greater credibility. The sole concern expressed was that working with the local government poses certain limitations in implementing activities.

Our qualitative research has confirmed that NGOs function with the motive of increasing social awareness either directly through service delivery or indirectly through rights-based activities. The majority of rights-based NGO workers stressed that they worked only with the purpose of raising awareness so that their beneficiaries know what their rights are and how to access these rights. An overwhelming majority (90 percent) of respondents claimed that the NGO and the public sector play a complementary role. Indeed, there are instances of government representatives highlighting the success of micro-credit or the gender parity in primary enrolment - achievements that may not have been possible if NGOs had not focused their attention to working with women and children. The general current perception is that with their greater grassroots-level access, NGOs act as the frontline actors for carrying forward the development agenda of the government, supplementing and complementing public sector activities. It is because of this role that the majority of respondents felt that NGOs will continue to make a positive contribution in the area of raising social awareness.

5.4 Overcoming Challenges

NGOs face internal as well as external challenges in their operations. As revealed in our study, most NGOs do not generate sufficient revenues to be financially sustainable and depend on funding by foreign donors or larger NGOs. Financial sustainability is thus identified as the most important challenge faced. NGOs also face management problems that involve empowerment of their own staff and of cultivating trust and credibility among an often cynical citizenry. Another major challenge faced by NGOs, as identified in this study, involves interference in the internal affairs of NGOs - particularly in recruitment and programme administration - by influential people and local government officials. Threats often arise from religious fundamentalists for empowering women. Transactions with the government often involve demands for bribes or "illegal" taxes, payment of which leads to opacity in financial reporting. And finally, regulatory reporting requirements are complex and voluminous and registration with multiple government agencies adds to bureaucratic overload.

After analysing the realities of NGO governance in Bangladesh, this chapter would like to suggest first of all that a streamlining of government regulations is essential to improve NGO governance. The process of registration needs to be simplified and standardised requirements should be introduced for all NGOs. The 2006 World Bank report also recommends that there should be tiered regulation based on the size and activities of the NGOs and that the overall framework needs to move away from the stereotyped welfare approach to one that reflects the present-day scope of development activities (World Bank 2006). The chapter, after analysing respondent experiences, recommends that arbitrary powers of the state (those that allow the state to interfere with NGO structures) be curtailed and the focus of the regulations should shift from micro-management of foreign funds to the creation of an environment conducive to improved governance and accountability. The chapter also recommends that NGO boards should be constituted of individuals with diverse backgrounds, skills and expertise, and especially non-family members, and that board members should be appointed for a fixed term. NGOs should also develop internal financial and management guidelines, as well as reporting formats, invest in human resource development and make public their annual reports, including audited financial statements.

However, there are real risks associated with amending laws and setting up new oversight institutions. Regulations should focus on facilitation of NGO activities and utmost care should be exercised so that poorly designed regulations do not stifle the NGO sector. Changes should be introduced in a consultative manner, and possible options weighed carefully before introducing new legislation.

5.5 Public Perception of NGOs

The emergence of a large non-profit private sector to provide certain public goods and services has led to citizens becoming directly involved with these private interest groups, namely, NGOs. With exponential growth of NGOs in numbers, size, and programmatic interventions, as well as their influence on civil society, it was felt that it is important to gauge public perception of the performance of the NGO sector. Our quantitative research attempted to gauge public perception on the legitimacy of these organisations, accountability and representativeness of these groups and the level of public trust in these organisations *vis-à-vis* the civil administration.

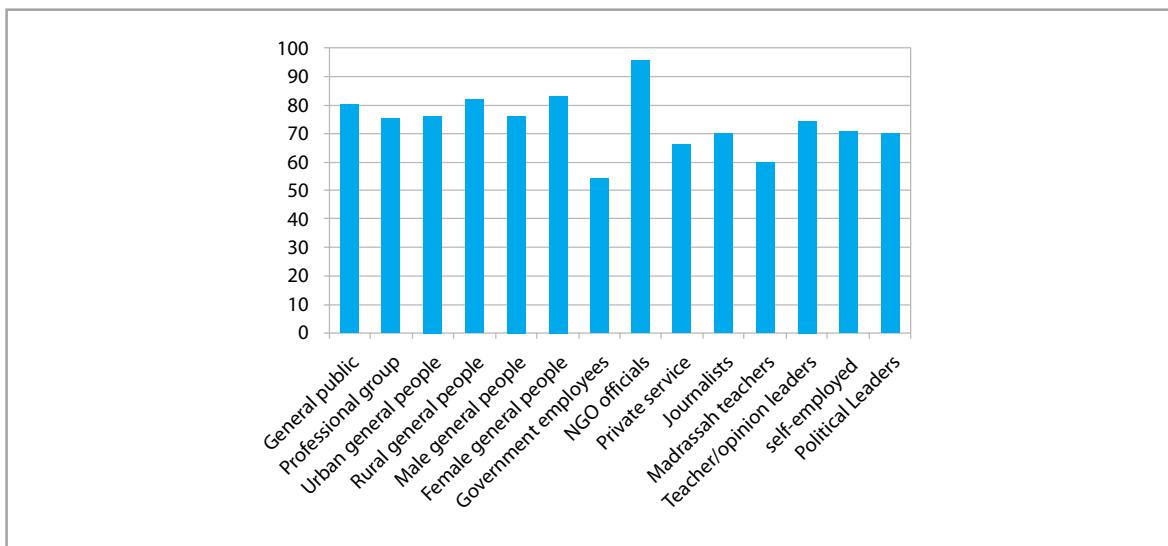
The nationwide household survey made specific enquiries regarding trust, performance, expertise, accessibility of services, integrity, hidden political agendas and impartiality of NGOs. Analysis of the data yielded surprising information on the public's perception of NGOs with regard to these areas.

Public attitudes towards NGO initiatives in Bangladesh are generally positive. There is not only recognition of the sector's role in contributing to development and its focus on the poor, vulnerable and marginalised segments of the population, but also acknowledgement of the importance of NGO activism in the area of policy advocacy. NGOs have played a decisive role in policy changes that have made a positive impact on the lives of common people.

Trust

The overwhelming majority of people surveyed (80 percent) stated that they fully trust NGO professionals. There is some variance among occupational subgroups with government officials (54 percent) and *madrassah* teachers (60 percent) being least trusting of NGO professionals. However, it should be noted that this trust does not automatically translate to "trust in the NGO sector as a whole". Our research found that only a small portion (eight percent) of government officials and 57 percent of NGO officials themselves "fully trust" the NGO sector (Figure 7 and Annex 5).

Figure 7: People's trust in NGO professionals (percentage)



Performance

Madrassah teachers and government employees appear to have a peculiarly negative perception of NGO performance - despite widespread evidence to the contrary. Most people surveyed have a mostly positive or neutral perception. The data is somewhat dispersed around the middle of the scale but the overall sentiment is mostly positive (Annex 6).

Expertise and accessibility

The majority of respondents expressed an affirmative view that NGOs possess the necessary expertise in delivering services. These services are perceived to be generally accessible, with the data somewhat dispersed on the positive side of the scale. Government employees stand out with the lowest positive perception of NGO expertise in service delivery and access to NGO services, while *madrassah* teachers also stand out with the highest negative perception (Annex 7, 8).

Integrity

The vast majority of the responses are distributed on the positive side of the 5-point scale. However, a very small proportion of the sample perceived the NGO sector to be "irresponsible". Again, government employees and *madrassah* teachers make up the larger proportion with a negative perception in this regard (Annex 9).

Hidden political agenda

Most respondents did not have a strong feeling in this regard as the responses are found to be clustered in the middle of the scale. More people hold the positive perception that NGOs do not have any political agenda hidden behind their service delivery activities (Annex 10).

Impartiality

There appears to be a strong general perception that the NGO sector is not politically biased but impartial when they work to raise political awareness. This opinion holds true even among local political leaders. Again, government employees and *madrassah* teachers form the largest proportion with a perception of political bias among NGOs (Annex 11).

The success of NGOs in Bangladesh is widely recognised by the public as a major contribution to social innovation, awareness raising and entrepreneurship. While the sector has its many critics - government, politicians, fundamentalists, academics, business community, and donors, with the criticisms based on grounds of ideology, power relations, violence, and envy among other factors - the actual indicators point to the vital positive role played by NGOs in the development of the country.

The government's relationship with NGOs is largely determined by the prevailing ideology and values of those in power along with the socio-political situation of the country. Even though NGOs are sometimes viewed with scepticism by government employees, they have mostly been able to counter these pressures quite effectively. The government values the NGO connection in a number of areas such as health and family planning, education, and more recently micro-credit. Similarly, NGOs also greatly appreciate the government association. As regards the suspicion with which religious teachers view NGOs, this tension can

be attributed to an ever-growing discord between the fundamentalist lobby and the predominantly secular NGO community.

5.6 Conclusion

The role NGOs play is an integral part of efforts to achieve national poverty reduction targets by delivering and facilitating pro-poor services (GoB 2005). The dynamics within the NGOs shape the scope and character of NGO activities in Bangladesh (Zohir 2004), and therefore the policies which govern these organisations are important instruments in Bangladesh's development. The failure of state and market solutions in dealing with important social problems was partially responsible for the creation of the space for NGOs to operate in. Additionally, endemic corruption in poorer countries also led to donors searching for alternative channels for their aid. NGOs in Bangladesh offered this alternative channel and greatly benefited from donor support.

Nevertheless, two important weaknesses reflective of the sector as a whole continue to plague the sector. Firstly, NGO organisational governance is not particularly well developed with neglect of issues such as board representation and responsibilities, separation of board from management and succession planning. While part of this can be attributed to limitations within most of the existing legislation and agencies responsible for oversight, a major consideration is the influence of NGO founders and their possible resistance to addressing these issues. Secondly, certain social problems have been difficult to overcome (e.g. the *monga*) and NGOs need to make stronger efforts to address those. It is expected that the next generation of NGO leaders, inspired by the dynamic leadership of their first generation counterparts who paved the way for social entrepreneurship to be a powerful force in our nation's development, will be up for this challenge. With the sector preparing for transition to the next generation of leaders, effective leadership transition is an area that needs attention.

Attempts to increase regulatory control over the NGO sector have resulted in the creation of multiple regulatory bodies, and this may well have compromised accountability. NGOs are able, to a degree, to select which regulatory body they wish to be governed by, and as many of the NGOs (interviewed during the qualitative research) revealed, many are registered with more than one. Currently there is no communication infrastructure that allows government offices to keep track of NGO registration, and this makes difficult the task of holding the organisations accountable. The lack of coordination among the relevant government agencies also makes it difficult for the government to regulate NGOs. In fact, donor regulations are often more successful in holding NGOs accountable than those of the government. This chapter argues that along with changes in formal institutional practices, NGOs are also undergoing changes in their informal codes of conduct, which in turn are leading to tensions within the NGO community and perhaps a transitional vacuum in leadership and ideology within individual NGOs.

A streamlining and simplifying of government regulations is essential to improve NGO governance. The overall framework needs to move away from the stereotyped welfare approach to one that reflects the present-day scope of development activities. The focus of the regulations should shift from micro-management of foreign funds to the creation of an environment conducive to improved governance and accountability. NGO boards should be reconstituted under streamlined regulatory requirements. NGOs should also focus on developing internal financial and management procedures, human resource development and public disclosure of annual reports. Although there are risks associated with amending laws and setting up new oversight institutions, care should be taken to introduce changes in a consultative manner.

NGO officials perceive their organisations to have greater access to grassroots and overall to be more effective in service delivery than the government. These views were corroborated by the quantitative survey: an overwhelming majority considered NGOs to be credible institutions and perceived them as more efficient than the government. The PRSP 2005 also endorses NGO involvement in service-delivery, promoting social awareness and legal literacy, and improving information flows. All these activities are an integral part of a functioning democracy.

There is little doubt that the NGO sector is currently at a crossroads in Bangladesh, and crucial directions will soon need to be chosen in areas of financial and programme accountability. Given the fact that NGOs already practice informal accountability, there exists the opportunity to simplify and expand the formal accountability and transparency mechanisms of the sector. In order to avail of this opening, the government, donors, and the organisations themselves must coordinate their efforts to create a regulatory environment that encourages such principles.

Conclusions

The State of Governance in Bangladesh 2007 report has attempted to provide a chronological analysis of this year of change in Bangladesh's political history. The target audience is academics, researchers and expert practitioners in the field of governance and development, among whom it is hoped that it will provide a basis for discussion and debate. It is also expected to provide information for students on the increasing number of courses devoted to the study of governance and development in Bangladesh. Criticisms and comments are actively welcomed, as the State of Governance Research Project continues beyond the publication of this report.

It needs to be stressed that the report, and the two surveys conducted to support the analyses, is a portrayal of the situation in Bangladesh in 2007 and does not necessarily reflect the conditions as they are in 2008. The year 2007 will certainly be known as a period of uncertainty, flux, and transition to a functional democratic system. Bangladesh was ill prepared legislatively for the events that culminated on 11 January 2007. The Caretaker Government had no option but to adopt contingency plans on several fronts to meet the increasing demands for facilitating free and fair elections while also trying to dispense policy to avoid a complete shut-down of the country. The task has been daunting for the Caretaker Government: how does an administration with no legitimate policy formulation role keep the nation moving if the rules of conduct are weak, where they exist at all? Adding to the complicated task were the natural (floods and Cyclone Sidr) and manmade (landslides in Chittagong) disasters that painfully exposed the greed and corruption of local and national administrators who were tasked with safeguarding the nation's resources. Add systemic corruption into the mix and it is no surprise that it has taken over a year of a Caretaker Government administration to (hopefully) meet the definition of 'free and fair' elections, as determined by the general public, civil society organisations, political parties, and the international community.

On the one hand, the Caretaker Government has demonstrated its desire to rid the system of undemocratic elements by launching an ambitious anti-corruption drive and targeting several high-profile personalities who were blamed for the dysfunctional governance in certain aspects of the country's economy, service delivery, and law and order sectors. Reforms of public institutions and initiatives to bring accountability and transparency to the government were met with broad support, if not cautious optimism, from all quarters of society. Their attempts at balancing the power of government has manifested itself in the long-awaited

separation of the Judiciary from the Executive and the untangling of the stronghold that the political party in power (*vis-à-vis* the Executive) had maintained over key institutions of accountability. They have reached out to the public for their opinion, such as with the budget; they have de-mystified and streamlined government procedures by removing brokers who collect a 'fee' for procuring a government service, as in the case of the passport office; and they are attempting to dismantle the culture of bribery that permeates both public and private sectors. The Caretaker Government's approach has been top-down and seems to have filtered down to the political parties which are now undergoing a self-evaluation of their policies of dynasty-centric leadership and undemocratic internal practices.

However, in pursuing the objective of a fully-functional democracy in Bangladesh, the Caretaker Government has taken certain liberties that are contrary to their spoken ambitions. They are utilising laws that suspend fundamental rights and are making it more difficult for dissidents to express their grievances. Moreover, by establishing new or enforcing current business regulations, they have actually shaken the economy's once relatively stable foundation, albeit rooted in corruption, bribery, and 'kickbacks'. Having to defend one's innocence as opposed to proving one's guilt has become standard practice within the business community, thus creating a sense of fear among both the honest business people as well as the corrupt ones.

Despite the downturn in the economy, the price hike of essentials, lack of improvement in the electricity situation and the suspension of fundamental human rights, the general public has accepted and even lauded the initiatives of the Caretaker Government. The public appears to have accepted that the situation must worsen before it can get better, as long as it ultimately leads to a free and democratic Bangladesh. However, political parties have a considerable way to go to regain the trust of the general public, as indicated by the public perceptions survey. Given the past influence of political parties in the daily lives of the general public, it remains to be seen how well their own initiatives at bringing democracy into the political party system will be successful and ultimately accepted by the people.

One sector where improvements in governance will certainly have the largest impact is in human security and crime and violence prevention. While national-based policies will certainly enhance human security, it is at the community level where the largest impact of reforms to governance will be achieved. Each community has its own set of unique dynamics, such as whether they contain a mixed religious or ethnic makeup, or are an agrarian community versus a manufacturing one, and it is up to each community to decide the policies that will most effectively identify and address the sources of human insecurity.

Despite remarkable progress in certain developmental aspects, there is no doubt that where the government has lapsed in meeting the needs of the Bangladeshi people, NGOs have successfully filled the void. However, their own lack of transparency and accountability and outdated regulation mechanisms creates a vulnerability to their credibility. As deeply entrenched as NGOs are in Bangladeshi society, it is doubtful that their prominence will diminish if and when the government's initiatives to improve governance are indeed successful. However, to maintain viability even in the face of 'good governance,' NGOs need to take a discerning look at their own practices and follow suit.

There are a number of important issues that this report has not been able to address. These include gender and poverty analyses, environmental governance, impact of aid on governance, governance failures in infrastructure and energy, professional associations and religious extremism. These limitations reflect the constraints of time and availability of researchers. Possible future steps include developing governance indicators for Bangladesh, and depiction of a full and detailed picture of current governance conditions on gender and poverty. This is an ambitious and difficult undertaking, but necessary to indigenise governance analysis in Bangladesh.

The assessment of the state of governance in Bangladesh for 2007 remains mixed, as it has been termed the 'year of change' and, although immediate impacts can be ascertained, long-term effects are not readily identifiable. Additionally, it is characterised by a series of paradoxes: an undemocratic administration working to improve conditions for a stable, accountable, transparent, democracy; a weakening economy in the face of better governance; and a generally supportive public that has been denied fundamental human rights and basic necessities. *The State of Governance in Bangladesh 2008* report will continue to follow these trends, tracking the success or failure of political governance in Bangladesh, and create a more robust source of information on the realities and experiences of governance in the country.


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