

ROADMAP TO GOOD GOVERNANCE IN BANGLADESH: AN ANALYTICAL APPROACH

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Abstract : The main purpose of the study is to analyze the effectual components of good governance in Bangladesh to exploit the potentials of these components undertaken into practice. For Bangladesh that has little experience with democratic governance, the challenges are immense. In the country's journey, environment of past does provide an opportunity for countries to create new structures of government and systems of "good governance." But the country failed to ensure the good governance in spite of having their identity, the fan of democracy. The study argues that weak enforcement of the regulatory framework, rule of law, accountability and lack of control of corruption etc.—the main components of good governance are the underlying reasons or impediments in the process of state-development. It also argues that lack of these good governance issues is creating a shadowy environment making governors or actors or rulers of Bangladesh to be irresponsible in their performing stage. Finally, ensuring good governance in Bangladesh, some propositions have been put in the study titled as 'Roadmap to good governance in Bangladesh'.

1. Introduction

Good governance for state-development has been arguably a dominant phenomenon of the last several decades adopted by both the developed and developing countries in varying proportions. This term "Good Governance" which forms some of the important features have been significantly responsible for the change in the traditional notion of governance from being the synonym of government to include the integration of public, private and civil society organizations. Governance has now become a process that

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is more inclusive, democratic and participatory than in the past with the state no longer the sole actor in determining things and delivering services although it remains of central importance.¹ Bangladesh - a typical developing country in South Asia in terms of a large population, low per capita income, persistent trade deficit and an economy dominated by agriculture - has increasingly moved towards a market-based economy since the mid 1970s as a result of receiving assistance under structural adjustment programs of World Bank and IMF.² Despite the dependencies on foreign countries and agencies, political leaders, the visions they promote and the systems and values they bring to governing a country play a pivotal role in fostering peace and development, promoting oppression or the resurgence of conflict. Since so much is at stake, during peace negotiations there is often great competition for power and the prospect of controlling a government.³ It's the recognized realism of leader's rule, of course, ensures the Good Governance thereby, upholding the state-development meaning its overall socio-economic, political and cultural aspects. So, the state-development of Bangladesh might be acquired with the implication of the prerequisites of Good Governance in its broader context.

2. Concept of 'Governance and Good Governance'

There is no single opinion about the term of "Governance" among the scholars. They defined it in different ways. Governance is how people are ruled, how the affairs of the state are administered and regulated as well as a nation's system of politics and these functions in relation to public administration and law.⁴ According to Colebatch and Larmour, "Governance is seen as something achieved by the interaction of states, markets and communities".⁵ It's the World Bank booklet reports that "governance as the manner in which power is exercised, in the management of countries economic and social resources for development"⁶ Precisely, governance means the process of decision making that by which decisions are implemented in a relation between the ruler and the ruled, the government and the governed. So, governance, in a single word, might be shown with the functional mood as- $Governance = f(government + other\ actors)$ But Good governance, according to Dhiraj Kumar Nath, encompasses mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their obligations and resolve their differences.⁷ The World Bank, for instance, has identified six indicators of good governance "to help countries, identify areas of weakness so that capacity building and

assistance strategies are more effective”, which are voice and accountability, political stability and lack of violence, government effectiveness, regulatory quality, rule of law and control of corruption.⁸ The United Nation Development Program (UNDP) has identified five basic principles of good governance—**legitimacy and voice**- all men and women should have a voice in decision-making either directly or indirectly or through legitimate intermediate institutions that represent their intention, **direction**- leaders and public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development, **performance**- institutions and processes try to serve all stakeholders and institution produce results that needs while making the best use of resources, **accountability**- decision-makers in government, the private sector and civil society organizations are accountable to the public, **fairness**- all men and women have opportunities to improve or maintain their well being and legal framework should be fair and enforced impartially, particularly the laws on human rights.⁹ So, it is clear to us that the concept of good governance is necessary ingredient of particular process or system which endeavors to eliminate bad governing component to culminate in the highest development of the goal of any state. Despite the variations in definitions and indicators of good governance, most institutions agree that good governance typically includes efforts at democratization and decentralization, the introduction of free and fair elections, participatory politics, the creation of an independent civil society, guarantee of a free and independent press and respect for the rule of law.

3. Roadmap to Good Governance in Bangladesh

Democracy, in one hand, cannot flourish in the absence of good governance and on the other hand, the precondition of good governance is effective democratic institutions for democratizing the society. Improvement of the living standard of people cannot happen where people cannot participate in governance, human rights are not respected, information does not flow, and civil society and the judiciary are weak.¹⁰ Considerable criteria of good governance may be used to determine whether any country qualifies to have good governance. I would propose these following components to be referred as the model of good governance. In the absence of this model of good governance in Bangladesh like any other country will be a far cry. These components constitute the foundations of modern

democracy and create the underpinning to establish free economy and spur domestic and foreign investment, specially the potential investment of the Non Resident Bangladeshis (NRB's) particularly in the case of Bangladesh. These components are as follows-

a) Democratization

Democracy is a system of government in which power is vested in the people (the population) and exercised through representatives chosen in free and fair elections. But a democracy does not just mean that “the majority rules.” A democracy also includes and protects the human rights of minorities and respects multiple or “plural” views and opinions. In a democracy, people have rights as citizens, but they also have responsibilities to participate in the governance system. So, ‘democracy can be defined as a certain way to organize collectively binding decisions’.¹¹ There are many versions of democracies around the world (e.g. electoral, consultative) and ongoing debates about the extent to which “one size fits all” with regard to democracy. The process a country goes through in attempting to become more democratic is referred to as democratization. In order for a country-Bangladesh to be truly democratic, all of its citizens—men and women—must be empowered to participate fully in the governance process (as citizens, voters, advocates, civil servants, judges, elected officials, etc.). Democracy is an ideal, a utopia. We all know that our institutions are not perfect, affected by incompetence, abuse, dishonesty, corruption and fraud. We have built in mechanisms of control and sanction to limit such deficiencies. They don't work perfectly and in some situations they are overrun by plutocracy.¹² In the democratic journey of Bangladesh, lacks of institutional framework and the rule of particular class i.e. rich class is called plutocracy are the non-convenient apparatus in ensuring good governance in Bangladesh. Under the suggestive democratic framework, Bangladesh could go closer to the realm of good governance.

b) Independent and Non-partisan Election Commission

An election is the procedure by which citizens of a country choose their representatives and leaders and assign authority. Elections must be held regularly so that elected officials remain accountable to the population; if they do not uphold their responsibilities to the electorate, they can be voted out of office in the next election. Elections must be held within a period of time that is prescribed in

the constitution, or fundamental law. For an election to be truly democratic, it must be¹³: • **universal**—all citizens of a country must have the right to vote and to be elected, without discrimination based on sex, race, language, religion or political affiliation, • **equal**—the value of each vote must be the same, • **secret**—the balloting must be private so that citizens can participate without being afraid; only the voter must know for whom she or he votes, • **direct**—the voters must be able to choose their own leaders without an intermediary, • **wide choice**—the voters must have the opportunity to choose from among several available candidates. Government will be determined in general, free, equal and secret elections, and can be changed.¹⁴ Free and fair elections are open and transparent to all people without discrimination based on sex, religion, or race. Such elections are not restricted by government interference and coercion by money and muscle. The right to free and fair elections should be guaranteed by independent non-partisan election commission having appropriate capabilities and skill to deliver honest acceptable elections. And such elected government can only be held accountable to their citizens. Voters should be able to participate freely in the political process, whether through political parties or independent candidates.¹⁵ For universal, equal, secret and direct election in Bangladesh, an independent and non-partisan or political bias-free election commission is indispensable.

c) Independent Judiciary and the Rule of Law

Good governance is, in some cases, characterized with the presence of constitutional limits on the political power. Such limits include transparent, creditable, periodic elections, guarantees of Fundamental Rights, guarantees of Human Rights by an independent judiciary, which allows citizens to seek protection of their rights and redress against government actions.¹⁶ And respect for the rule of law is another key pillar of democracy which ascertains good governance in any affair. It means that the same constitution and set of laws govern and protect everyone and that all citizens are equal. It requires an independent judicial system that is fair and transparent and that prevents the government from wielding arbitrary power.¹⁷ According to Kaufmann & Mastruzzi, rule of law is the extent to which people have confidence in and abide by rules. These include the effectiveness and predictability of the judiciary, enforceability of contracts. Due to lack of accountability and prevalence of corruption people in Bangladesh do not have much confidence in and abide by rules. The establishment of accountability

is therefore critically important for the establishment of the rule of law and also in controlling corruption.¹⁸ Sbragia argues that the rule of law and well defined legal and judicial mechanism for resolving conflicts among parties are critical for a market economy as well as political and social development. It makes hindrances in framing political and social institutions of a particular affair.¹⁹ Bangladesh unfortunately doesn't have an effective and strong judiciary and the enforceability of contracts is a problem although the judiciary has been separated from the executive of the government. Also due to lack of accountability and prevalence of corruption people do not have that much confidence in and or willingness to abide by rules. The efficiency of the legislative environment is further decreased due to the weak quality monitoring and policing by the regulatory authorities as a result of inadequate infrastructure facilities. To ensure rule of law, followings are to be taken into account-

Constitutionalism and Legal Rights: A country's constitution is its fundamental or supreme law, its overriding legal framework. It must guarantee the rights of all its citizens—women and men—and is critical to the development of a stable democracy. Because of their central importance, constitutional issues and legal rights are addressed more fully in a separate section of this tool. We have to come out of violating the constitutional law taken as supreme law of the country.

Judicial Independence and Impartiality: The judiciary is the system of courts that oversees legal proceedings and makes up the judicial branch of government. The courts must be independent from the other branches of government. "If a judiciary cannot be relied upon to decide cases impartially, according to the law and not based on external pressures and influences, its role is distorted and public confidence in the government is undermined."²⁰ Now, judiciary of Bangladesh is independent but its practicing magnitudes are in question for its law enforcement bodies' procedure always privileges incumbency's aspirations which have been the threat in establishing Justice under the scheme of good governance.

d) Participatory Politics and Political parties

The concept of "participatory politics" refers to the involvement of all citizens in politics and policymaking. This requires a relationship between the government and society in which the participation of citizens and a plurality of views are encouraged. This can be supported by strengthening political parties; encouraging the

participation of marginalized groups, such as women and youth; and by strengthening civil society. The right to convene and articulate political views is a key principle of good governance and democratization. Political parties are one of the cornerstones of a democratic political system. Parties are critical because they provide a structure for political participation for people with similar beliefs and interests. By joining together, individuals, who would otherwise not be influential, can make their voices heard in the political process through their support of a political party. Political parties also provide leaders with a space in which to learn the skills needed for governing a society.²¹ A democracy must have more than one major, viable party so that a single group does not dominate the government and voters have a choice. This principle is called multipartyism. Membership in political parties must be voluntary. It can be difficult for all citizens irrespective of creed, race, color, and clan, religion to achieve leadership positions within political parties and to be selected as candidates because, in many countries, parties operate or govern themselves without written party rules or transparent procedures. Such lack of openness allows patronage systems and "old boys' networks" to flourish, effectively excluding women and other classes from decision-making positions and candidate lists.

In some countries, political parties have adopted internal quotas for women and other segmented group's participation to ensure that they always put forward a certain number of their candidates.²² An important advocacy strategy for women is to work with political parties to make sure that the party platform, the formal declaration of the principles and positions that the party supports, describes its positions on issues important to women.²³ Most of the dominant political parties in Bangladesh also belong to the 'old boys' networks" so that women and young groups are in exodus in holding significant positions from parties. So, all inclusions in parties or in decision making process will be the concrete approach for the state-development under the umbrella of good governance in Bangladesh.

e) Independent Media and Civil Society

"Civil society" refers to the non-governmental and, usually, non-profit sectors (although some definitions of civil society do include the business community and media outlets). Civil society includes non-governmental organizations (NGOs) such as community associations, trade unions, professional leagues, religious and advocacy groups. It also describes the activity that occurs between the government and individual citizens. Civil society is critical to the

development of a democracy because it can represent the views of citizens, hold elected officials accountable to the population and monitor democratic institutions.²⁴ From a governance standpoint, the laws and legal procedures developed for the registration of NGOs is also of critical importance. In many cases, the legal framework acts as an obstacle to the establishment of independent NGOs and becomes a vehicle for the government's control of civil society. In other instances if laws are too lax, they do not protect against entities that form NGOs for the purpose of profit or political gain. Many countries (like Bangladesh) have state-controlled radio and television that the government uses as a medium for broadcasting its own messages and views. But an independent media is an important pillar of good governance. Civil society groups and political parties should have the right to broadcast and publish information and ideas without fear of arrest or undue pressure. It is also critical to have a truly independent press that is skeptical of all parties, highlights corruption across the board and is not just the "mouthpiece" of one group or another. In states with authoritarian regimes or in the early stages of democracy, the Internet is increasingly used to share information. Similar to civil society, legislation governing media and protecting independent media is of critical importance and should be developed at an early stage.²⁵ Civil Society of Bangladesh is colored with civil in their expression but, in most cases, they act as an intermediary or propagandist for particular forces inside or outside the country either overtly or covertly. And although media in Bangladesh are independent in written, they face to some constraints from the government in viewing in time-necessitate. It facilitates the exchange of political discourse, creating an "open place for ideas" where no view is neglected and the best are chosen. Free Media can also serve as a check on government power ensuring that bureaucracy, public officials and government departments remain accountable to the voters.²⁶ Exact role of civil society and media and their actual privilege can ensure good governance in Bangladesh in its broader context.

f) Independent Anti-corruption Commission

Corruption in government is the misuse of public goods, funds, or office for private gain. It includes behavior such as embezzlement, fraud and the taking or requiring of bribes for the provision of public services. In addition to undermining economic development, corruption also undermines good governance. "Corruption in elections and in legislative bodies reduces accountability and

representation in policymaking; corruption in the judiciary suspends the rule of law; and corruption in public administration results in the unequal provision of services.”²⁷ Governance in Bangladesh is intimately linked with corruption. Rampant corruption at all levels throughout the country has made it difficult for entrepreneurs to run their businesses smoothly.²⁸ It is now widely accepted that corruption has not only negative effects on economic growth but also it has far reaching social, political and ethical implications. According to Transparency International Report (Global Corruption Report 2003: 4) corruption acts to diminish the ability of law enforcement to accomplish its mission. The prevalence of corruption in Bangladesh has not only diminished the ability of the law enforcement but has also adversely affected the judiciary, public administration and is impeding the fair functioning of the society.²⁹ The indicators of good governance in Bangladesh remain relatively weak. Although there have been significant efforts to combat corruption and improve governance issue both at national and international level, much still remains to be done. Bangladesh has been experiencing persisting problems of governance in lack of accountability, law and order situation and corruption which has been the main impediment in the development of an appropriate regulatory framework. As the indicators of governance are interrelated the lack of control of corruption and rule of law in Bangladesh lead to lack of government effectiveness, and accountability which in turn undermine the regulatory framework and political stability in some cases.³⁰ It can be argued that the lack of good governance issues i.e. weak regulatory framework, rampant corruption, and lack of accountability and rule of law are responsible for the emerging second generation problem of the reforms. These poor governance issues encourage and offer opportunities for unethical business practices by private sector i.e. hoarding, adulteration, and profiteering, providing less weight and also creating an artificial crisis. This second generation problem in turn is having adverse effects on socioeconomic conditions of farmers and is also threatening the sustainability of the reforms.³¹ In this perspective, strong laws against corruption, application of such laws and the actions of law enforcement agencies by an anti-corruption commission that may work against corruption to demonstrate a government's commitment to this principle in Bangladesh.³²

g) Independent Human Rights Commission

Human rights are the basic rights and freedoms to which all human beings are entitled. The most basic human rights include the right to life and liberty, freedom of thought and expression and equality before the law. The respect for and protection of human rights, including the rights of minorities and of women, is a cornerstone of any democracy. The Universal Declaration of Human Rights and the UN Charter are just two of the many international instruments that delineate basic and universal human rights.³³ The condition of human rights of Bangladesh is going to be developed in laying authority's hand broadly on women, minorities' i.e. various religious communities, tribal people etc. Based on critical analysis, government should come forward to resolving conflicts that has yet to be existed. For good governance in Bangladesh, existing institutions like human right commission need to be strengthened by laws and regulations. New regulatory institutions need to be created to address gaps in monitoring governance.³⁴ For protecting human rights, this commission may play a vital role.

h) Independent Ombudsman System

In the constitution of Bangladesh, it is said as provision that Parliament may, by law, provide for the establishment of the office of the Ombudsman. The Ombudsman shall exercise such powers and perform such functions as parliament may, by law, determine, including the power to investigate any action taken by a Ministry, a public office or a statutory public authority. The Ombudsman shall prepare on annual report concerning the discharge of his functions, and such report shall be laid before Parliament.³⁵ Stopping political appointments in institutions like ombudsman system can be a good start towards ensuring good governance in Bangladesh. But without transparent process and expertise in law-enforcement, such system, commissions or agencies will remain ineffective.

i) Investment Friendly Government

According to unofficial estimates many business house just account for it on their books – as much as 10% – adding to the cost of doing business. Business leaders as well as the government should take initiatives so that local and foreign investors can set up business enterprise and function in Bangladesh without resorting to corruption and extortion. In this case, Anti corruption commission (ACC) may visibly start a crusade against corruption which may be looked upon as a proactive move towards investment friendly governance.³⁶

j) Independent and Effective Parliament

When the speaker becomes partisan, when Parliament Members loses their membership if they vote against anti people bills presented in the parliament by their party due to the black law like Article 70 of the constitution, presenting bill in the parliament becomes a farcical exercise. When ministers do not remain accountable even to the MPs, the parliament becomes autocratic establishing parliamentary autocracy and Prime Ministerial dictatorship frustrating the spirit of people centric accountable government. Further when the elected opposition in the Parliament abstains from taking part in the proceedings of the Parliament, the Parliament becomes ineffective as a constitutional arrangement of scrutinizing government's activities. This is the common scenario of the parliamentary democracy in Bangladesh. The idea that the opposition can topple a government without election is most unhelpful for democracy and democratic good governance.³⁷ Good governance can be ensured if we minimize the undue role of Prime Minister and the boycotting parliament by opposition based on any lame excuse and make the speakership beyond partisan point with ensuring a first-rate policy for sure the effective parliamentary session.

k) Investing in the people

A government's ability to provide job and a high standard of living for its people is considered by the democratic world in determining governmental effectiveness.

4. Concluding Observation and Suggestions

In Bangladesh, it is evident that the present condition of governance is not satisfactory that has been assigned through our discussion. In short, we may identify that many issues and problems are the barriers to ensure good governance, equity and social justice. Corruption, political interference in administration, nepotism, misuse of power, absence of rule of law, non-accountable and non-transparent government etc. are the common features of our governance. Although a lot of measures may be taken for ensuring good governance, it is high time to make our autocratic parliament a democratic one. And re-engineer the role of the dictatorial Prime Minister to a democratic one.

In the interest of good governance, time has come for us to think about amending the black law (Article 70 of the constitution) to curb its abuse and free the public representatives to voice peoples

aspiration in the parliament. Public opinion should be mobilized to discourage boycotting of Parliament and make the Parliament fully functional and democratic by making the speaker system a non-partisan institution. It is also necessary to make the ministers accountable to the parliament members while discharging their executive roles to make the parliament truly democratic. Re-engineering is also required to make the MPs the key actors of the parliament instead of the ministers by making the parliamentary standing committees more powerful, effective and functional. All the standing committees of the parliament must be formed and made fully functional by the third session of any elected parliament. To ensure increased accountability and set the culture of resignation due to failure or inefficiency of ministers, legal provisions should be made so that cabinet ministers have to tender resignation if no confidence motion is moved by one third members of the parliaments of which one third must be from the ruling party. It is required to make the parliament effective and functional and center of all debates. On the other hand, the opposition, civil society and social groups and organizations also have the moral obligations to help and co-operate the government in establishing good governance.

But after 1/11/07 discussions are tabled that constitutional amendments are necessary to bring checks and balance of powers between the President, Prime minister and Speaker of the country. To make the parliament democratic, functional, effective measures should be taken to make the speaker panel an institution above partisan standing. Further brain storming is required whether a national security council can play an even positive role in maintaining balance of power as it is said – 'Power corrupts and absolute power corrupts absolutely'. Lastly, my enterprise will go towards a fixation that stable atmosphere makes sure good governance which might be the prerequisite of state-development i.e. socio-economic, political and cultural development.

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