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ELECTORAL TRANSITION AND DEMOCRATIC GOVERNANCE IN BANGLADESH: AN ANALYTICAL STUDY OF CONFLICTING ISSUE AND POLITICAL CULTURE

Dr. Md. Sultan Mahmud*
Mst. Quamrun Naher**

Abstract: After 1991, especially two political parties (Awami League and Bangladesh Nationalist Party-BNP) come to power by turn through popular elections in Bangladesh. Though they form government as coalition or alliance with other small political parties, but they remain as flag bearers. Unfortunately, the regimes have been marked by indiscriminate politicization of government, semi-autonomous and even autonomous offices and institutions, and by corruption and misrule, violations of state laws, which make the governance weak, conflicting political culture and undemocratic in practice. This study is focused on finding the politics of electoral transition and the nature of political culture in the state. This study also reviews the conflicting issues which are obstacles for democratization of Bangladesh. Finally some recommendations have been pointed for the institutionalization of democracy in Bangladesh.

Key Words: Political Culture, Democracy, Elections and Conflicting Issues

Introduction

After independence of Bangladesh about 43 years have been passed but our achievements in the spheres of democracy are going in various conflicting issues. Every political leader or party, civil or military, popular or unpopular, big or small, in or out of power, talks about democratic constantly in Bangladesh. Yet the nation has failed to put it into practice. Parties voted into power to strengthen democracy have all failed to encourage its values. In fact taking advantage of this situation, military leaders intervened to practice their own version of democracy, which only exacerbated the crisis.¹ Moreover the country today is riddle with numerous problems threatening the

development of democracy. Again our society with an under developed political culture and poverty ridden illiterate and incompetent masses is lacking democratic political organizations, institutions and practices.² In the developed democratic countries the actors and institutions more or less understand and abide by the rulers of a democratic political system. But after many years of independence we try to find the answer to a fateful question; where are we at now? In the past four decades, the country has experimented with various systems of governance. The failure of democracy in the state as a whole seems to have been caused by absence of democratic political culture within the political parties. The polity has been marked by the lack of institutionalization of democracy, that is the absence of strong institutions to ensure the rule of law, accountability, and transparency in governance. In the past 43 years ten elections to the parliament have been held, of which three under military regimes, evidently to provide legitimacy to the incumbent government. Of the remainder, four elections were held under a non-partisan caretaker government all of which have been applauded as fair elections with high voter turnout and which brought a change in regime. Six elections, held under an incumbent partisan government (civilian and military - resulted in the re-election of the incumbents and were marked by fraud and blatant vote-rigging. The latest was the election held on 5 January 2014. None of the previous five parliaments elected under an incumbent regime has completed its five year tenure stipulated in the constitution, whereas all four parliaments elected under caretaker regimes have completed their terms. What kind of governance the new parliament will deliver and how long it will remain in power are the questions many are pondering.³

The critical point to be noted here is that ordinary members of any democratic association are, and ought to be, directly involved with appointing the individuals who will represent them and further their interests. The same principle must be followed in practicing democracy in our political parties.⁴ In the parliamentary form of government, ordinary members of a political party ought to be involved in two very important party functions. First, they must be directly involved in the selection of the leadership teams, from the grassroots level up to the national level. Second, they must nominate their party candidates for the national as well as local elections. When ordinary members are allowed to perform these two functions adequately, only then can a political party be said to be practicing democracy in the party. For that reasons it is necessary justify the issue of conflict and nature of political culture in Bangladesh. It is tried to find the political conflicts and the field of political discourse in Bangladesh.⁵ This research uses the literature review method where different secondary materials were reviewed. The secondary materials were books, journal articles, and newspaper articles linked to our research topic. Observations are discussed in the textual format related to our research objectives. At first, the concepts of political culture, democracy,

* Assistant Professor, Department of Political Science, Rajshahi University, Rajshahi-6205.

** Assistant Professor, Department of Political Science, Rajshahi University, Rajshahi-6205.

and election are defined. Then the conflicting issues which are concretely related with democratic process and the nature of political culture in Bangladesh are discussed. All the discussions are mainly focused here in the context of Bangladesh.

Political Culture

Political culture can be defined as "The orientation of the citizens of a nation toward politics, and their perceptions of political legitimacy and the traditions of political practice,"⁶ and the feelings expressed by individuals in the position of the elected offices that allow for the nurture of a political society. It has been observed, "is one of the most popular and seductive concepts in political science; it is also one of the most controversial and confused".⁷ The term was first employed by Lenin and its first use in English can be traced to Sidney and Beatrice Webb in the middle of 1930s. They used the term to refer to the role of political education and mass media in the (former) Soviet Union.⁸ Almond initially defined political culture as the "particular pattern of orientations" to political action.⁹ It was, however, *The Civic Culture*, published in 1963, which became a landmark in the study of political culture. Basing their views on the survey data of five countries, Almond and Verba (1963) fleshed out the properties and types of political culture. In their efforts at delineating political culture, they were quite conscious of its relevance to the developing countries. If the newly emerging countries were to embrace democracy, mere import of formal institutions of the West was not sufficient; they had to understand "the inner working", the cultural dimensions of democracy. "What must be learned about democracy," they. Participant - Citizens are able to influence the government in various ways and advocated," is a matter of attitude and feeling, and this is harder to learn".¹⁰ Political culture is a distinctive and patterned form of political philosophy that consists of beliefs on how governmental, political, and economic life should be carried out. It creates a framework for political change and are unique to nations, states, and other groups. A political culture differs from political ideology in that people can disagree on an ideology (what government should do) but still share a common political culture. Some ideologies, however, are so critical of the status quo that they require a fundamental change in the way government is operated, and therefore embody a different political culture as well.¹¹ Gabriel Almond and Sidney Verba outlined three pure types of political culture: Parochial - Where citizens are only remotely aware of the presence of central government, and live their lives near enough regardless of the decisions taken by the state. Subject - Where citizens are aware of central government, and are heavily subjected to its decisions with little scope for dissent they are affected by it.¹²

Democracy

Democracy is one of the popular ideas in politics and it has become in the twenty first century, one of the most central points. The term democracy is originated from the Greek words *Demos* and *Kratos* that means people and power respectively. Thus democracy means power of the people. The type, nature and working of democracy may vary from country to country and environment. No two democracies can be regarded as totally identical. Nevertheless, democracy essentially requires some common pre-requisites, which ensures that ruling authority is based on popular mandate and remains accountable to the people.¹³ Alexis de Toqueville has suggested three pre requisites for democracy 1. Voluntary association as mediating institutions; 2. the division of power in a federal system; and 3. relative socio-economic equality that fostered political participation.¹⁴ S. M. Lipset has stated that a primary requirement of a stable democracy is 1. a value system allowing the peaceful play of power otherwise becomes chaotic, 2. Periodic awarding of effective authority to one group otherwise unstable and irresponsible measurement rather than democracy will result, 3. conditions for existence of an effective opposition otherwise the authority of the officials in power will steadily increase and popular influence on policy will be at a minimum.¹⁵

Robert Dahl used democracy as synonyms to democracy.¹⁶ He proposed that political democracy must have eight institutional guarantees: 1. Freedom to join and form organizations; 2. right to vote; 3. freedom of expressions; 4. eligibility for public offices; 5. right of political leaders to compete for supports and votes; 6. alternative source of information; 7. free and fair election; and 8. institutions for making governmental policies dependent on votes and other expression of preferences.¹⁷ While L. W. Pye has emphasized democratic pre-requisites such as participation and orderly change for political development. Philip Cutright equated political development with democracy.¹⁸

Lipset in his final analysis define democracy as apolitical system which provides regular constitutional opportunities for changing government officials, permits the largest possible part of the population to influence decisions through their ability to choose among alternative contenders for political office.¹⁹

After careful observation and analysis of above listed theoretical discussions and definitions we can suggest some indicators for democratic system. These are:

1. A legitimate authority having popular mandate; 2. Accountable to the people; 3. Functions in an environment of consensus; 4. Capacity for conflict management; 5. Protects the maximum welfare of the people; 6. Stability and orderly change of the government; 7. Permits the majority of the population to influence decisions; 8. Elects leaders through a free and fare elections; 9. Functions where effective and autonomous political institutions are available.

Election

Since in a democracy the ideal is seeking the consent and mandate of the citizens for any leader to be accepted as legitimate, citizen participation in the choice of their leaders is important. Elections as the 'means of filling public offices by competitive struggle for the people's vote has become synonymous with democracy as it empowers the common citizens with the right to choose their leaders. As a result, elections have become one of the yardsticks for measuring how democratic a country is as such, participation in the decision-making process and the conduct of free and fair elections are some of the major principles of democracy, to the extent that one of the political responsibilities of every citizen is to vote for responsible leadership in their community or country.²⁰ Actually Election is the lifeline of democracy.

The elements of democratic elections include:

- Elections must be competitive: Opposition parties and candidates must enjoy the freedom of speech, assembly and movement necessary to voice their criticism of the incumbent government openly and to bring alternative policies and candidates to the voters.
- Elections must be periodical: Democracies do not elect dictators or presidents-for-life. Elected officials are accountable to the citizens and they must return to the voters at prescribed intervals to seek their mandate to continue in office or face the risk of being voted out of office.
- Elections must be inclusive: Who is entitled to vote and how widely is the franchise drawn? The definition of the citizen and voter must be large enough to include the adult population.
- Elections must be definitive, as they define who the public office bearers will be for a specified period of time.

Democracies thrive on openness and accountability, with one very important exception: the act of voting itself. To minimise the opportunity for intimidation, voters in a democracy must be permitted to cast their ballots in secret. At the same time, the protection of the ballot box and the tallying of the votes must be conducted as openly as possible, so that the citizens are confident that the results are accurate and that the government does, indeed, rest upon their consent.

After the election, the losers accept the judgement of the voters. If the incumbent party loses, it must turn over power peacefully. No matter who wins, both sides must agree to cooperate in solving the common problems of the society.²¹

Conflicting Issues and the Nature of Political Culture in Bangladesh

Formation of Gana-Adalat

The movement for public trial of Golam Azam and formation of the People's Court (Gana Adalat) was an unprecedented political event and conflicting issue in the history of Bangladesh regarding democratic movement. Formation of the People's Court was a political movement led by non-political freedom fighters, intellectuals, writers, journalists, lawyers and professional leaders. From the beginning, random clashes took place between the pro-People's Court and Jamat Islam-forces. Violent processions, meetings and hartals were observed. The number of casualties in both sides was significant political understanding among the various forces, which was achieved during the post-Ershad period, disappeared and a situation of massive confrontation prevailed.²²

After taking over power within one year BNP government faced an unprecedented event of the trial of Golam Azam, the newly elected Ameer of Jamat Islam (JI), by a Gana-Adalat. On 29 December 1991, Majlish-e-Shura of JI elected Golam Azam, a 'war criminal' and a Bangladeshi turned 'Pakistan citizen', as Ameer of their party. This incident resented many people who argued that the article 38 of the Constitution does not allow a foreign citizen to be a member of any political party. Golam Azam's election as the Ameer of the party made serious reaction among the political parties. AL in its reaction commented: 'There is no any civilised country that a foreign citizen had ever been allowed to involve in the direct or indirect politics of the country.'²³ The government party was also critical of JI. The government questioned this appointment from a legal point of view.²⁴ The opposition MPs in the parliament strongly criticized JI for their decision. the issue of formation of Gana Adalat was a democratic movement which is a conflicting event among political parties and other civil societies organizations.²⁵

By-elections during BNP Regime (1991-1994) and Caretaker Government Issue, 1996

After the parliamentary elections of 27 February 1991, a record number of by-elections (fifteen²⁶) were held during 1991-1993. None of these elections caused any problem, conflict or controversy. But the performances of the Election Commission (EC) and the incumbent government in the by-elections of Mirpur, Dhaka-11 constituency held on 3 February 1993 and Magura-2 constituency held on 20 March 1994 were seriously criticized. The media reported widespread vote rigging by the BNP government in several by elections.²⁷ The opposition parties brought an allegation of rigging against the EC and the government. The two by-elections, the allegation of rigging, the oppositions' movement and the subsequent political programs and actions immensely influenced the ensuing political directions of the country. Thus a conflicting situation arises in the country which has finally moved to

install caretaker govt. The issue was arranged in constitution by 13rd amendment and later it has dismissed by 16th amendment.

Politics of Confrontation: *Hartal*

Nowadays Bangladesh observes many hartals are usually associated with the stoppage of vehicular traffic and closure of markets, shops and offices for a specific period of time to articulate agitation. In today's context of 'contentious politics' hartals can be described as: The temporary suspension of work in business premises, offices and educational institutions and movement of vehicular traffic nationally, regionally or locally as a mark of protest against actual or perceived grievances called by a political party or parties or other demand groups. Many scholars mention the harmful impact of hartals on the economy. Some attempts have been made to calculate the economic cost of hartals in terms of the forgone output, employment and lost earnings.²⁸ However, it is also important to understand the various coping strategies used by people and businesses to re-coup those lost earnings.

The politics of agitation has its deep root in the conflicting political history of Bangladesh. Bangladesh is not the only country where political parties use agitation to achieve their demands. Hartal is 'a political weapon without which the opposition is not taken seriously in Bangladesh.'²⁹ It is used in various democratic countries. The opposition parties call and observe hartals to compel the government to realize their demands. Bangladesh holds hartal records unmatched in the world.³⁰ Now a days various conflicting issues arise in hartal. After independence many hartals are called by the political parties. The following table shows hartal picture in Bangladesh since 1972 to 2014.³¹

Table 1

Period	No. of Hartal
1972- 15 August 1975	17
16 August 1975- 23 August 1982	53
14 August 1982- 6 December 1990	298
7 December 1990-30 March 1996	378
31 March 1996-12 June 2000	266
13 June 2000-6 November 2014	267
11 January 2007-December 2008	00

In addition, there is widespread consensus amongst citizens and the business community that the frequent use of hartals is harmful particularly to the economy and education sector. The recurring 'hartal seasons' give Bangladesh a bad image abroad, deterring foreign investors and causing costs to business – the quantifiable impact on the economy. Children and young adults also suffer interruption of educational courses, resulting in

missed and delayed exams and unfulfilled potential – thereby reducing Bangladesh's development in general.³²

Election and Rejection of Election Results

Political parties are facing clash and conflict each other during electoral transition. Specially conflict is made immediate before or after election. Election is the vital conflicting issue of the country. Before and after election political parties go with violence, terrorism and various conflicts. Even the contestation between the AL and the BNP-led forces over the issue of election-time government has continued till today without any resolution.³³ Not only that the rejection of election results by the defeated party leader has become a tradition of Bangladesh politics. This kind of rejection fuels to widen gaps between the contending parties. One of the leading observers of Bangladesh politics has rightly commented that: They (political leaders of Bangladesh) take election as the veritable gateway to political power and win they must, by means fair or foul. If they win, everything is fine. When they lose, they go on discovering conspiracy all around, at all layers of electoral exercise, as if the whole world were busy conspiring to bring about their defeat. Then they start talking about rigging or vote-robbery, whether subtle or blatant, even if an angel were in charge of the whole exercise.³⁴

In a parliamentary democracy the opposition has also an important role to play. So, it is a normal practice that the defeated party will concede the results, congratulate the majority and prepare to act as a responsible opposition. But in Bangladesh this practice is completely absent, which disappoints the general electorate and foreign observers. So it is the democratic unfortunate for Bangladesh.

Sixth Parliamentary Election

As all efforts failed to diffuse the political deadlock of 1994-1995, the BNP government finally fixed the date of the election of the sixth parliament on 15 February 1996. All opposition parties declared to boycott the election.³⁵ AL-led opposition parties not only decided to boycott the election but also firmly announced that the election would be resisted to stop another vote rigging by the ruling party. The government tried to bring other parties in the election but only the Freedom Party took part in it. As victory, was guaranteed many aspirants from BNP came forward to contest the election. As the date of the election was approaching clashes between the pro-election and the anti-election activists were heightened across the country. Many candidates were beaten by the anti-election political workers.³⁶ EC's and BNP's offices in many places were set on fire.³⁷ The opposition leader Sheikh Hasina warned the government employees, army personnel and western donors against backing the farcical elections and called upon them not to play with the fate of the people of Bangladesh.³⁸ Low turnout, killings, ransacking of polling booths, ballot box stuffing, sporadic armed clashes, hijacking of ballot boxes,

arson at polling stations, intimidating the voters, chasing, counter-chasing marked the day. At least 12 people were dead and 1000 injured, 600 polling centers were attacked by the anti-election activists and 30 presiding officers were missing.”³⁹

14th Amendment and Military Intervention (2004-2006)

Political conflict started brewing between the AI and the BNP-led political forces over the issue of the fairness of the ninth parliamentary election. There were indications the government was trying to exercise partisan influence over the next Non Partisan Caretaker Government (NCG) and the Election Commission (EC). The eighth parliament approved the 14th amendment of the constitution, in May 2004 which is amongst others provided for increasing the retirement age of Supreme Court judges from 65-67. The AI-led opposition rejected this change as a political move to ensure the appointment of Justice K.M. Hasan as the Chief Adviser of the next NCG. The opposition alleged that Hasan was a BNP supporter. The opposition also found the newly appointed chief election commissioner Justice M. A. Aziz to be unaccepted as he persistently refused to the flawed voter's list which reportedly had included 12.2 million bogus voters.

In the face mounting street violence on 28 October 2006, Justice K.M. Hasan refused to assume the position of the CA of the NCG. The confrontation between the two sides intensified after the government chose to install President Iajuddin Ahmed, a BNP loyalist as the CA of the NCG. Iajuddin's appointment as the CA was regarded as a violation of the 13th amendment which stipulated that if the last retired CJ declined to assume the post of Chief Adviser (CA) the previous Chief Justice (CJ) should be offered the position. Attempts to challenge the constitutionality of this decision through writs filed in the Appellate Division by some senior lawyers loyal to the BNP.⁴⁰

Continued street violence was temporarily averted when the leader of the AL, Sheikh Hasina agreed to accept Iajuddin as the CA and the nominated advisers to serve as members of his advisory council. But the opposition's olive branch was ignored by the BNP-led alliance and Iajuddin continued to behave in a partisan manner. His conspicuously partisan conduct of the NCG eventually compelled four advisers to resign but this did not encourage the CA to contain his partisan behavior. Finally, the confrontation between the two political forces came to a head. The opposition led but the AL eventually took the fateful decision to boycott and thwart the holding of the ninth parliamentary elections scheduled for 22 January 2007.

Faced with prospects of a new civil war between the two principals political alliance, the military finally intervened on 11 January 2007, declared a state

of emergency and installed a second NCG under the leadership of a civilian, Dr. Fakhruddin Ahmed, a former governor of the Bangladesh Bank. The first choice of the military of the CA position was noble Laureate Professor Dr. Muhammad Yunus, who however declined to assume this position. Prior to intervention the military sought assurances from the United Nations (UN) that this act would not prejudice the military's already globally established credentials to serve in the UN peace keeping operations, an engagement highly valued by the military. After receiving such an assurance from UN, the military decided to over in to break the political impasse.⁴¹

Tenth Parliamentary Election, 2014

The tenth parliament election held on 5 January 2014. None of the previous five parliaments elected under an incumbent regime has completed its five year tenure stipulated in the constitution, whereas all four parliaments elected under caretaker regimes have completed their terms. Previously said, What kind of governance the new parliament will deliver and how long it will remain in power are the questions many are pondering.

The election has delivered a predictable but hollow victory to the incumbent regime. The results were predictable as most of the political parties, including the main opposition party BNP, boycotted the election and more than half of the members (153 out of 300) were elected unopposed.⁴² There are other features that have made this election unique. It is not a small feat considering how many anomalies Bangladeshi citizens have witnessed in the name of democracy. The election was held against a backdrop of unprecedented violence. In 2013, at least 507 people were killed in political violence, according to the human rights groups.⁴³

The Guardian reported voter turnout at 10 percent, others have suggested about 22 percent at best. It is worth noting that in 50 polling centers no votes were cast. Considering that the election was held in 147 seats, a 39 percent turnout is about 18 percent of the total voters. The extent of violence in the run up to the election is well recorded in the press. Between 25 November 2013, the day the election schedule was announced, and 4 January 2014, the day before the election at least 123 people were killed. On the Election Day itself at least 21 people were killed. Immediately after the election a further 10 or more persons died in clashes and police firing. The BNP enforced 26 days of blockade and general strikes in six instalments between 25 November and 5 January. In a similar situation in 1996, a total of 28 people were killed in pre-election violence, and 41 died between February 1 and 15. It was a major conflicting issue is still unresolved.⁴⁴

Parliament Boycotts and Walkouts

It is said that 'The history of the Bangladesh parliament is the history of walkouts and boycotts.'⁴⁵ During the lives of Fifth, Seventh, Eighth and Nine

Parliaments, the Opposition, which is an indispensable component of the system, led by Awami League (AL), Bangladesh Nationalist Party (BNP), respectively have missed 34%, 43%, 60% and 83.38% of the working days of parliamentary sessions by boycotting it.⁴⁶ It is pertinent to mention that, according to parliamentary procedures, whatever the issues are, national or international, should be settled on the floor of the House. Unfortunately, by shifting away from its constitutional role the Opposition in Bangladesh is giving more prominence to extra-parliamentary form of opposition than the constitutional one. Such activities of the Opposition in Bangladesh are accelerating the downward trends in country's democratisation process.

Whatever are the reasons a parliament, in the absence of its opposition, can neither deliver the fruits of democracy nor consolidate the system. No democratic politics is possible without transparency and accountability. In order to achieve such politics there must be a limited government i.e. existence of various formal and informal mechanisms to restraint the arbitrary powers of the government.⁴⁷ Parliament boycott situation has occurred in many times. Table 2 shows the details boycotting the parliament in Bangladesh from 1973-2013.⁴⁸

Table 2

No.	Parliament	Total Working Day	Boycotted by the Opposition	Percentage
1	First	134	1	.74
2	Second	206	67	32.52
3	Third	75	29	38.66
4	Fourth	168	3	1.78
5	Fifth	395	135	34.18
6	Seventh	383	163	42.56
7	Eighth	373	223	59.78
8	Ninth	418	342	81.81

Evaluation and Recommendation

Democratic governance depends on the nature and organization of the political parties that exercise the political power. Institutionalization of democracy is essential for social, economic and political development, and push forward with overall national objectives. Due to the competition of political parties and political power, democratic culture and environment was never practiced properly. The Constitution of Bangladesh in its preamble states that democracy will be the ultimate goal of the government and government will ensure democracy. But to ensure democracy, freedom is an important aspect. This aspect of democracy is manifested in majority rule, and in the centrality of the legislative body through which the people's representatives act. But this representation is not possible under the present Constitution of Bangladesh because of Article 70. Article 39 rightly mentions no restriction in case of exercising the right to vote inside the Parliament. Again, Article 78(3) prescribes immunity to the Members of Parliament in

exercising his right to vote that he will not be liable to proceedings in any court in respect of the publication of vote by the authority of Parliament. But Article 70 is contrary to the spirit of the democratic character of the Constitution. Now it is high time to think over it. In 8th, 9th and 10th Parliamentary election it is seen that the ruling party got more than two-third majority. So, this is high time to amend Article 70 as recommended above. Otherwise, the proper functioning of the democratic government which is ultimate aim of the Constitution of the People's Republic of Bangladesh will be an unfulfilled dream.

This article examined the political culture behind Bangladesh's confrontational politics. It has been seen that the political situation in Bangladesh does not equal any of the academic definitions of democracy at the moment. It has been seen that country became the victim of political division since 1991 and it continues till now. The paper finds that Bangladesh has been facing problems of enmity between rival political parties, ineffective parliament and politics of street cause the violence, confrontation and discord. It has been found that the enmity is linked with ideological, cultural, historical and political dimensions. These issues instigate a political culture of intolerance, mistrust, and suspicion, which turn into antagonism. It creates arrogance and revenge as well. This leads to a situation of stalemate, deadlock and relations of non-cooperation among the parties. This is a cycle Bangladesh witnesses repeatedly. Bangladeshi democracy has been passing a critical juncture. Bangladesh needs institutionalisation of democracy and ensures good governance to overcome confrontational politics and to achieve faster economic development.

The residue of historical conflicts tempered by ideological belief that appears to be the key factor affecting consensus- building and political stability in Bangladesh. The reform of political system and building institutions is necessary for political culture and sustainable democracy. To establish political culture permanently democratic accountability and transparency in every sphere of our political and cultural life and ensuring social justice is very important at the same time nothing outside rule of law. If we are to get ourselves freed from the course of longtime political instability, election and institutions have to function freely and fairly. The ruling coalition, political parties and civil society can either work together to address and overcome these problems and may help to ensure political culture. Bangladesh needs structural changes in the governance and parliament. Reform is essential outside parliament as well. Formal institutional change can induce informal changes in behaviour. For structural change Bangladesh needs both internal and external support. Civil society, media and international development partners can come forward to institutionalise democracy and establish good governance. As aid and assistance have with democracy and good governance, international donors can find a way to facilitate development of Bangladeshi system of governance. With this assistance the country can meet the criteria to join developed world from developing stage.

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