



## **Wilton Park Conference 906**

### **BANGLADESH: THE PROSPECT AND MEANS FOR STRENGTHENING DEMOCRACY Monday 23 - Tuesday 24 June 2008**

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#### **Summary**

1. National parliamentary elections are scheduled by the Caretaker Government (CTG) for December 2008. Wilton Park's conference brought together diverse political actors, civil society and government representatives from Bangladesh with experts from donor institutions and other governments. It reviewed achievements over the past 18 months on democratic reform and anti-corruption, looked ahead to the December elections and assessed the policy changes that will confront the next elected government in providing a sustained return to democracy.
2. Among key issues discussed were: building confidence between the political parties and the Anti-Corruption Commission; promoting internal democracy and financial transparency in political parties; strengthening parliament so it can exercise proper oversight and accountability functions on executive authority; and encouraging dialogue among political parties, and between political parties and the CTG.
3. Although multi-party pluralism is a strong feature of Bangladeshi politics, the 'winner takes all' electoral system which has prevailed since the restoration of democracy in 1991 is perceived by many to have been detrimental to the public interest. In 2006, Bangladesh ranked 156<sup>th</sup> (out of 163 countries) in the Transparency International Corruption Perceptions Index. Since January 2007, the CTG set itself an

ambitious reform programme, including key elements of tackling corruption amongst political, business and public administration elites and the reform of political parties. To date, there has been broad public support for CTG initiatives, notwithstanding the opposition of major political parties. Yet the CTG is also seen to have acted in a 'schizophrenic manner', with actions that have at times run roughshod over the rule of law.

### **Tackling corruption**

4. The Anti-Corruption Commission (ACC) predates the CTG, but was reconstituted by it, under new leadership. Although still in the process of building capacity in both its human resources and level of performance, it is central to the CTG drive against corruption. Some question the ACC's independence, particularly since its budget is controlled by the government. Through constitutional amendment it could be made a constitutional body, and a constitutional committee could nominate senior officers, including the ACC Chair, which should ensure its independence under future governments.

5. The relationship between the major political parties and the ACC is strained in view of the ACC's top-down strategy of pursuing cases against senior political leaders, although prosecutions in some of these cases have been difficult. Confidence building and greater engagement between the ACC and political parties is needed. There is also criticism that due process has not been followed since those indicted are tried by Special Tribunal Courts not open to public scrutiny. At the same time, many acknowledge that the lower courts would have been incapable of dealing with additional cases since they persistently face a backlog, and the degree of corruption in the lower level judiciary also raises concerns about fairness. But it is important to uphold the rule of law in combating corruption, and justice should be seen to be done. One option could be for the verdicts from special courts to be appealed to higher courts.

6. While the ACC is seen to be tackling corruption at the individual level, its record in addressing institutional corruption is generally regarded as weaker. To remedy this, it plans in the future to prioritise its activity in those service sectors where corruption impacts most severely on the general public. Some question whether it will take up

corruption in military circles. It is suggested that the ACC should provide guidance on what can be done to introduce greater transparency in ministries and other institutions to impede malpractices. For example, using e-governance, especially for procurement purposes, could help, as well as ensuring robust internal audit systems. In addition, the ACC could require all running for public office to make a declaration of income.

7. The ACC's efforts are unprecedented, and to succeed it needs strong political yet non-partisan commitment at the highest level. It receives wide media coverage; the media, and civil society organisations, should act as both watchdog over the ACC, and indicate shortcomings, as well as support its work through responsible investigative activity of their own. The ACC also needs sustained and coordinated support from the international community.

### **Reform of political parties and electoral reform**

8. Internal reform of political parties has also been a priority of the CTG, which has triggered debate, and some division, within political parties themselves. Political parties are currently perceived by many as built on feudal culture and personality politics, easily influenced by money and 'muscle-power', and run in an undemocratic manner.

9. Reform of political parties, it is felt, should ideally come from within the parties, notwithstanding external catalysts, in particular the proposed Representation of the People Ordinance 2008 which outlines criteria for registering political parties. Reform will require a change in mindset and values, encompassing a range of issues for strengthening the professionalism of political parties. The financing of political parties needs thorough consideration, including the option of providing public funding; all financial transactions, concerning both income and expenditure of parties, need to be transparent. To promote internal democracy, there should be regular elections for leadership posts at all levels, with secret balloting. Limitations on the length of holding office should be introduced. Parties should be accountable to their membership, although at present there is little system of 'membership' or recruitment policy; parties are currently supported by 'activists' rather than members. Party membership should

not be granted to persons convicted of corruption. Decision-making processes should be participatory and reflect the views of local members. Effective internal party communication needs to be established. Parties should produce manifestos outlining, for example, their proposed economic programme. They should engage with policy institutes in preparing these programmes, and with constituents. Parties need to encourage internal dissent. They urgently require injections of fresh blood, particularly with greater participation of women and youth – though without returning to the student sections traditionally attached to parties which have often generated violent confrontations on campuses. The international community can assist capacity-building in political parties when there is political will for reform.

10. While the agenda for reform of political parties is lengthy, with elections scheduled in just over five months political parties need to commit fully to discuss among themselves, and reach a consensus with the CTG for pre-election reform. There should be an effort to secure agreement on ground rules for what will constitute a free and fair election, to avoid post-election recriminations or reprisals and retaliatory prosecutions. Lifting all emergency powers is essential in this respect. Once adopted, a code of conduct for election campaigning should be communicated effectively to all party organisers.

11. The Election Commission (EC) has made considerable progress in creating a new electoral roll with photographic voter identity cards. There are high expectations of the elections. The EC has proposed a set of electoral reforms to the political parties; not unreasonably political parties equally wish to inform EC policy and electoral planning through early and ongoing dialogue not strictly in the context of specific electoral preparations. The selection of election commissioners, for example, and the length of their term of office, is a fundamental issue, as well as institutionalising routine EC audit mechanisms. To minimise the risks of manipulation of election results, there should be adequate provision for election observation and monitoring. Sufficient time should be taken to investigate complaints, and results should be audited before being formally announced.

## **Parliamentary reform**

12. There is widespread agreement that Bangladesh's parliament has for many years been ineffective in exercising accountability over executive authority, and there is an urgent need to redress the balance of power. Parliament lacks capacity and has been ill-served by some poor quality legislators.

13. Although some suggest a bicameral body may be more efficient, most believe such restructuring is unnecessary. One constitutional measure which would empower parliament, however, is the repeal of Article 70, imposing rigid party discipline in parliament by preventing a member from voting against his or her party. Only if there is a no-confidence motion should such a requirement be made, – this would enhance the role of backbenchers and strengthen the role of the Speaker. To reinforce the neutrality of the Speaker, s/he should resign party membership. Parliamentary committees also need to exercise proper oversight and be able to examine and propose policy; they should be formed within two months of a new parliament, be chaired by opposition members, as is the practice in India's Lok Sabha, and meet regularly, for example every month. Parliamentary committees need to be professionally staffed. To help brief these committees, and assist all parliamentarians, an adequate research library needs to be created, and its staff also trained. Additional expertise can be provided by policy institutes, to challenge information provided by ministries and civil servants. Parliament could play a much greater role in setting the annual budget by holding a debate over several weeks during which time an interim budget would be in place, replacing a process which at present is largely in the hands of the Finance Ministry.

14. More importance should be given to parliamentary question and answer sessions; the opposition should be afforded at least equal time, if not more, to ask probing questions of the executive. A 'shadow cabinet' is needed to mirror government responsibilities. The Speaker will need to monitor time allowances rigorously. There should be conscious efforts to convey information about parliament's work in a manner accessible to the public; students and pupils should be encouraged to visit.

15. There should be a code of conduct pertaining to members of parliament, especially concerning potential conflict of interest. Parliamentarians should be required to declare their assets, and update this information on a regular basis. Parliamentarians' voting records could be published to deter absenteeism. If members of parliament undertake a boycott of parliament, as has occurred regularly in the recent past, they should not be entitled to their salary or other benefits.

### **Local government**

16. Despite constitutional provisions prescribing decentralised and elected local government, much control of local government has been in bureaucratic hands; local government reform has been piecemeal. In 2007 a CTG-appointed committee made several recommendations for strengthening local government, including: establishment of a three-tier system, with elected representatives at all levels; 40% of seats in local government to be reserved for women; establishment of a local government commission tasked to ensure local government bodies are free from political interference and bureaucratic control; and publication of a wealth statement by elected members of local government bodies. While these recommendations have generally been well received, some are sceptical as to whether the local government commission will have real power, curtailing the authority of the local government ministry.

17. There is concern that if local elections are held before parliamentary polls, as the CTG proposes, this will influence the national vote. Some suggest that there is a lack of confidence in the independence of lower-tier officers of the EC. There is also felt, by some, to be insufficient time for preparation of these elections. One suggestion, to enable an election process at local level to begin as early as possible, is to select a few geographical areas in which local elections could be held. Efforts to depoliticise local elections, by holding them on a non-party basis, are generally seen to be ineffectual; the party affiliations among candidates should be openly acknowledged. Involvement in local party politics is an important channel for entering political life which should not be stifled. At the same time, local government is the vehicle for delivering services, and narrow party interests should not undermine this primary objective.

## **Civil service reform**

18. The Public Service Commission (PSC) is a constitutional body which is responsible for recruitment of the civil service, its oversight and terms and conditions. Following concern over recruitment malpractice, the CTG appointed a new chair to the PSC in 2007, and some new members. While the PSC has since made a number of recommendations for reform, these are seen to lack the vision to bring substantial change to current bureaucratic structures.

19. Over the years, a number of commissions have reported on civil service reform. Key recommendations from these reports should be summarised and reviewed, in particular to identify why the recommendations were not implemented. The PSC itself needs to be made neutral, and have more interaction with the public sector and civil society, rather than being an ivory tower of the bureaucracy. Key issues requiring attention include a comprehensive review of the recruitment and quota reservation systems, with key public positions open to competitive process; regular training and capacity building for mid and senior level officers; review of pay and service conditions; introduction of an accountability system, code of conduct and strong cross-party oversight committee, aimed at ensuring the administrative service is non-political; and review of the performance evaluation system to make it more objective and quantifiable. Best practice should be promoted, and public-private partnerships encouraged. To undertake substantive reform sufficient resources will need to be allocated, and specific responsibility assigned at ministerial level. Efforts should be made to engage with the media to portray the civil service as an institution for public service so as to inculcate this mindset in public servants and to improve recruitment. Some suggest a Civil Service Act is necessary. International donors are keen to support civil service reform, but need a political framework in which to do this.

## **What role for the international community**

20. While it is essentially for Bangladeshis to resolve the political, economic and social challenges of Bangladesh, many of the issues they face in institutional reform are or have been experienced in other countries; there are lessons which could be learned from how others have tackled these issues. International institutions and other donors are prepared to support sustained efforts to tackle corruption, build capacity in political parties, offer training to parliamentarians and parliamentary staff,

and contribute towards civil service reform. They have also assisted shorter-term objectives, including through technical support to the electoral process and encouragement to initiating inclusive dialogue among political parties, and between political parties and the CTG. Donor governments are, however, accountable to their tax-paying public; supporting good governance and development overseas needs to be linked to demonstrable outcomes.

## **Conclusion**

21. There is urgent need for inclusive dialogue between the CTG and the political parties. A smooth transition to democracy has to be agreed by all major actors. A first step would be to address the mistrust between the CTG and political parties, as well as the acrimony between the two principal political parties. A new consensus would cover not only the conduct of the forthcoming elections, but also develop commitments on how to sustain the institutional reform process and strengthen democracy post-elections. Failure to reach a consensus would invite confrontation. Could a national-unity government, with the major political parties sharing power, be the best solution? For this to happen, narrow party-political interests will need to be relinquished to the national and far-sighted vision required to address the spiralling food prices, severe energy crisis and economic slowdown Bangladesh is facing.

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Wilton Park Reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs' personal interpretations of the proceedings – as such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of rapporteurs.