
Facing Critical Governance Challenges in Bangladesh: An Overview

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Abstract

This paper is a reflection of author's research and writing over last three decades in the area of governance. This paper looks at and analyzes governance challenges faced by Bangladesh. The paper proposes for adoption of a few policy actions that may go a long way to improve the present situation in this country, such as creation of a meaningful partnership between three sectors-public, private and third; creation of jobs for unemployed and educated youth; revamping the education sector by emphasizing on moral and technical education; right-sizing the public service; reducing corruption by further strengthening of ACC; filling the three sectors on the basis of merit and merit only; encouraging bright, young and civic-minded individuals to actively participate in politics.

Keywords

Governance, challenges, Bangladesh

Introduction

This paper is a reflection of author's research and writing over last three decades in the area of governance. Governance, both as an area of academic research and consultancy, has attracted widespread attention world-wide. This occurred due to a number of reasons. First, governance still remains an area where no consensus exists in terms of its meaning, scope and utility. Second, because of its interdisciplinary and cross-cutting nature, governance still attracts lot of attention of scholars and consultants alike who find it a convenient tool to understand the interrelationship between the State and its three organs. Also, they aim to understand State's relation with non-State actors and institutions in the face of increasing complexities both inside the State and outside. Third, there still exists further scope for research in the area of governance.

This paper looks at and analyzes governance challenges facing Bangladesh.

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As we all know there are many challenges that a country like Bangladesh faces at this critical juncture of its turbulent history. It is neither feasible nor possible to discuss all the challenges in this paper. Rather, the intention here is to highlight some challenges only.

The paper is structured in the following way. First, we look at the meaning of the term governance. Second, we talk about good governance as a variant of governance, and then we move to utilize it as a framework to understand the challenges of governance. Third, we discuss the concept of development from a different yet meaningful manner. Finally, we try to analyze critical governance challenges facing Bangladesh. The concluding section contains author's few observations pertaining governance challenges in Bangladesh.

Meaning of Governance

Governance, both as a term and a concept, has been widely discussed and deliberated upon but no universally accepted consensus has been reached as to the meaning of governance. Why this has happened can be understood from the background and interest of many including scholars, practitioners and laymen who write and do research in the area of governance. This divergence in the background of interested people to understand governance has led to the emergence and availability of plethora of definitions. Each definition indicates the academic background and professional association of the definition-giver.

The meaning of the term governance still remains illusory. It is useful to view it as an umbrella term as it is all-inclusive and comprehensive. That is why some people term governance as many things, including "a buzzword, a fad, a framing device, a bridging concept, an umbrella concept, a descriptive concept, an empty signifier, a weasel word, a fetish, a field, an approach, a theory and a perspective" (Levi-Faur, 2012, p.3). That is why governance has now been viewed as an interdisciplinary research agenda that encompasses within its reach and matters within the state (Khan & Islam, 2015).

Good Governance and Development

Before we move to discussion on good governance it is useful to look into the relationship between good governance and development. Good governance and development are interrelated both conceptually and practically. Without development in the true sense of the term, good governance will not take place in a country. It is pertinent therefore to look at the meaning, strategies and goals of development. Development is a collective process in which the concerns and interests of the entire population is taken into consideration and the fruit of development is shared equitably by all (Khan, 1978). What can be the strategies for ushering in development? Self-reliance can be one of the key strategies to attain desired goals of development. This will enable the less developed countries to design their development goals without looking for aid/assistance from the developed countries and donors. Goals of development are the maintenance of social justice and creation of a new human being with

ethical values (Khan, 1978). More specifically, the development that we have discussed above, can be considered as the macro framework within which good governance essentials can be made operational.

Good Governance

Good governance has been used to do primarily two things. First, to understand the symptoms of poor governance. Second, to understand how to overcome this situation and move towards a better and desirable stage. Naturally, any discussion of good governance is premised on better serving the people at large by public servants-elected and appointed.

However, this has not been easy. Some elaborated the symptoms of poor governance to suggest that opposite of poor governance is good governance. Some concentrated on understanding what it means. Finally, some took a normative viewpoint and advocated the potential benefits of good governance (Khan, 2002a).

What are then the symptoms of bad governance? In short, these are: (a) failure to make a clear distinction between public and private resource and hence creating opportunities to direct public resources for private gain; (b) failure to establish a framework of law and government behavior conducive to development; (c) excessive rules and regulations and licensing requirements which impede market functioning and encourage rent-seeking; (d) priorities, inconsistent with development, resulting in misallocation of resources; and (d) excessively narrowly-based or non-transparent decision making (World Bank, 1992, p. 9).

Key elements that determine the nature of good governance are: (a) democracy characterized by political freedom; (b) constitutional and jurisdictional protection for the rights of the individual reinforced by the rule of law, including fair and accessible legal and judicial system; (c) strengthening of transparent, accountable, efficient governmental system including bureaucracy; (d) existence of strong and independent anti-corruption agencies capable of tackling and curbing corrupt practices; (e) ensuring free flow of information and independent media; (f) ensuring human rights of all citizens irrespective of caste, creed and sex; (g) existence of vibrant civil society organizations; (h) reducing excessive expenditure on defense and instead increasing expenditure on social sectors including education and health; (i) and maintenance of a stable macro- economic framework (Stowe, 1992, p. 388).

More in-depth look at good governance has resulted in further delineation of its key ingredients. These are:

A. Participation

This means that all should have a voice directly or indirectly through intermediate institutions that represent their interests.

B. Rule of Law

Legal framework should be fair and enforced in all cases impartially.

C. Transparency

Transparency is built on the premise of free flow of information. It is assumed that all processes, institutions and processes are to be directly accessible to concerned citizens and enough information to be provided to them in away so that they can understand and monitor such information.

D. Responsiveness

This means that all institutions and processes are mandated to serve all stakeholders irrespective of their background and status in the society.

E. Consensus Orientation

Good governance mediates different interests in the society to arrive at a broad consensus on what is in the best interest of the group, and where feasible, on policies and procedures.

F. Equity

The fundamental assumption here is that all citizens should have equitable opportunities to improve their position in the society.

G. Effectiveness and Efficiency

All processes and institutions should produce outcome that meet the needs of the citizens while making certain that all resources are utilized optimally.

H. Accountability

The basic assumption is that all service- providing institutions and individuals be held accountable for their actions. This means that all decision makers in the public sector, private sector and civil society organizations alike including non-government organizations and community- based organizations should be accountable to people and their institutional stakeholders for all their actions.

I. Strategic Vision

Both leaders and citizens must have a broad and long-term perspective on good governance and human development and a clear sense of what is needed for such development. To possess strategic vision leaders must have knowledge and clear understanding of the country's history, cultural heritage and social complexities.

Key Ingredients of Good Governance Utilized as Indicators

There are nine ingredients of good governance. These can be used as measuring rods to gauge the present state of good governance in Bangladesh.

Participation

Participation in national elections remains consistently low. This is not because citizens are disinterested to exercise their franchise. Rather many do not get the opportunity to cast their votes. Local level elections, like the national ones, are also marred by violence and use of unaccounted money. Ordinary citizens have little access to public offices. Therefore, the question of voicing their opinion on matters that concern them do not arise let alone participate in them.

Rule of Law

Laws are not applied uniformly in all cases. In some cases, individual's position and status in the society matter more than the merit of the case. In this situation poor and members of the weaker sections of the society suffer most. The criminal/civil laws have been described as anti-poor, a lot of discretion is allowed to prosecuting attorneys, slow disposal of cases with frequent postponement characterize these laws (Siddiqui, 2007). The lower judiciary is "tainted by corruption, inefficiency and callousness towards the common man like the police" (Siddiqui 2007, p.86). In recent years there has been a number of cases of enforced disappearance and extrajudicial killings. Many international bodies including European Union (EU) and human rights organizations have expressed concern at this trend (The Daily Star, 2018).

Transparency

Ideally, transparency implies that people should have free access to all information and documents that concerns their interests. This is important because this enables citizens to be informative about their rights and obligations. But reality is different. Ordinary people have little access to public offices and officials. Hence, they have the tendency to bribe public officials for any service. Corruption is rampant among officials in police, health, land, judiciary and education sectors. Surveys after survey by Transparency International Bangladesh (TIB), other research organizations and surveys by individuals have shown repeatedly that corruption has engulfed all sectors and suffering of citizens continue to increase. This does not mean that other sectors are immune from corruption. In fact, whenever and wherever citizen-public interaction takes place there exists the possibility of corruption.

Responsiveness

Responsiveness is one of the biggest casualties of poor governance in Bangladesh. In fact, poor and underprivileged, as stakeholders, have very little opportunity, if any, to make the service-givers responsible to them. This simply does not happen. One of the major reasons for such a state of affairs is lack of attitudinal

change in the attitude of service providers both in the public and private sector. In the private sector, payment for services does not help in many cases. Health service is a clear case resulting in the exodus of rich patients going to other countries for treatment. So is the case with the education sector. Barring a few exceptions, educational institutions from primary to post-graduate especially in the private sector suffer because there is more interest in minting money than nurturing future generation with proper education premised on morality. Only issuing certificates will not help but possession of technical and moral education will.

Consensus Orientation

This is proving to be a challenge both at the group and national levels. Consensus-building is vital as it forms the basis for different groups and communities living in a society to interact and reach consensus on vital national issues. However, it appears that with the passing of each day having consensus on vital national issues and policies and building bridges between contending parties are becoming increasingly difficult. The clear case is the unwillingness on the part of two major political parties to come to a consensus as to how the national elections are to be held. This situation portends to a bigger danger lurking in the horizon, that is the credibility of the entire governance system will be at stake. Retaining this winner take all mentality is indeed dangerous and this should be replaced by win-win mentality for the future of the people of Bangladesh.

Equity

Equity connotes a state that provides equitable opportunities to all segments of the society including women, tribal and other backward segments of the society. In Bangladesh as a result of successive government's adoption and adherence to affirmative policy, many women have made remarkable progress in their lives and contributed to the economy. Many women today hold high positions both in public and private sector institutions. But their safety in the workplace and in the road remains a nagging problem.

Effectiveness and Efficiency

The public sector continues to suffer because of public officials' lack of efficiency and effectiveness in service delivery. So the question of receiving quality service does not arise. This is primarily because of two factors. First, unwillingness of elected public officials to rectify the situation created by appointed public officials. Second, unwillingness of appointed public officials to be effective and efficient because of the following factors: politicization of the public service, lack of proper training, lack of appropriate and timely punishment for negligence and non-performance, prevalence of corruption and influence-peddling in recruitment, training, placement and promotion. Thus, the sufferings of people at-large continue unabated.

Accountability

This is a clearly deficit area. Most organizations –public, private and non-governmental organizations (NGOs) – in Bangladesh have either been ineffective or literally useless accountability mechanisms. It has been observed that in the public sector chain of accountability stretching from the Parliament to Class IV employees is weak and fuzzy; many of the links have been ruptured, resulting in an inability to enforce financial contracts, stop theft in the public enterprises or hold officials accountable for improper and delayed judgments (World Bank, 1996, p.VII). Traditional internal mechanisms like hierarchy and supervision have mostly failed (Khan, 2013). Parliamentary accountability has not worked well either. Accountability mechanisms are less than satisfactory. Parliamentary oversight of public sector organizations is very weak and different parliamentary committees responsible for exercising oversight over them have performed below expectations (Khan, 2014; PARC, 2000). The state of private sector accountability is less than satisfactory (Khan, 2007). Accountability systems of NGOs, especially the big ones, have problems of different type. The accountability mechanisms of small and medium-sized NGOs are in place. But the case is different when it comes to the Big NGOs. A study of seven NGOs of different sizes- small, medium and big- showed that accountability is not satisfactory. All three types of accountability- to patrons, to clients and to themselves- still suffers from a number of deficiencies (Khan, 2002b).

Strategic Vision

The most critical deficit in achieving good governance in Bangladesh is the absence of strategic vision in the thinking and actions of both leaders and people. This is surprising that the concern is only with the immediate present and not on what and where we want to see Bangladesh twenty-five to fifty years from now. This is clear from the present happenings in politics, business, education, health and security sectors. It appears that there is a mad rush to move ahead at any cost. Along with this all are looking for a short-cut to reach their goals. We all tend to forget the consequences of such actions for the country in the future.

Major Challenges of Governance in Bangladesh

In this section we analyze critical challenges faced by Bangladesh today (for details see Khan & Islam, 2015; Khan, 2003; Khan, 2002a). As indicated earlier, it is not possible here to discuss all the challenges faced by this country.

Institutionalization of Democratic Governance

In Bangladesh the most critical challenge today is to institutionalize a democratic governance system (for details see Khan & Husain, 1996; Khan & Islam, 2015). A democratic system of government is an essential precondition of good gover-

nance. The history of Bangladesh shows that democracy as a form of government has not done well as political actors were interested in capturing and retaining power. Going back to history may help us to understand why this is the case. In 1991, in the face of increasing agitation and united movement by all major forces and political parties, the then military leader Ershad was forced to hand over power to his handpicked Vice President who handed over power to the then Chief Justice. Later he headed the first non-party caretaker government (NPCG). This interim governance arrangement was earlier agreed upon by all major political parties including both Awami League(AL) and Bangladesh Nationalist Party (BNP). The 1991 parliamentary elections were held under this first NP CG in which BNP won and formed the government.

The irony is that the country has now an elected parliament but without the representation of one of the major political parties, Bangladesh Nationalist Party (BNP). The main bone of contention between the ruling party Bangladesh Awami League (AL) and BNP is the way national elections are to be held. For the former, elections can be free and fair under a political government. The 2014 parliamentary elections were held with AL in power. The BNP boycotted the parliamentary elections alleging that it was not possible for holding a free and fair election having a political government at the helm of affairs. In 2011, AL scrapped the non-party caretaker government (NPCG) by 15th amendment to the Constitution. Since then BNP has been demanding the restoration of the NPCG with no avail. In 1996, both AL and BNP passed an amendment in the parliament to form Caretaker Government (CG) to hold parliamentary elections. In that amendment, composition of CG was clearly specified. However, BNP did not do this on its volition. In fact, it held the parliamentary elections in 2006 without the participation of Awami League, Jamat-e- Islami and many other political parties. Nevertheless, BNP found it extremely difficult to continue as its ally Jamat-e-Islami joined the AL to boycott the parliamentary sessions and demanded the dissolution of the parliament in light of rigging and manipulation in the Magura by-election and passage of the NPCG bill in the parliament. The short-lived parliament, in its first session, without opposition passed the NPCG bill by voice vote and thereby formalized the NPCG. Immediately, the parliament was dissolved and NPCG was formed under the last Chief Justice of the Supreme Court.

A recent report by Election Working Group (EWG), Bangladesh, a coalition of NGOs that monitors elections, clearly portrays the dismal state of elections in recent years (Alim, 2016). The report states that in the parliamentary elections 2014, the following things were observed (a) only 30% registered political parties participated; (b) 51% of the candidates were elected unopposed; (c) 52.2% voters did not get chance to exercise their voting rights. At the end, EWG made a caustic comment that the 2014 parliamentary elections were “Constitutionally correct, but credibility has been seriously questioned due to lack of inclusiveness” (Alim, 2016)

Over the last four decades, Election Commission in Bangladesh has repeatedly

demonstrated its inability and unwillingness to go against the desires of the ruling party and regime in power (for details see Khan, 1989).

The electoral process has often been characterized by the dominance of unaccounted money, muscle power, vote rigging, burning of voting centers, killing of rival candidate's supporters, and arson attacks. As a result, many voters chose to abstain from voting. It has been estimated that in the parliamentary elections of 2014, 52.2% voters did not get the chance to exercise their voting rights (Alim, 2016).

Ensuring Effective Corruption Control

Corruption is not a new phenomenon in Bangladesh (Khan, 2013). It existed in rather elaborate forms in the past and engulfed state institutions including administration, judiciary and trade in ancient India. No one questions the existence of corruption as it has affected each and every aspect of the society. There may be differences of opinion as to the nature and extent of corruption. This has seriously undermined the quality of governance and credibility of politicians. The old maxim that 'money talks' is very true in this country. When one adds connections and muscle power then the circle is complete. One sees an unhealthy competition among some as to how fast and how much money one can make. Once you have the money you join politics as it opens up the door for further accumulation of financial resources. What has been the outcome of such a situation? Public and private properties are grabbed without regard to rule of law; environmental hazards are disregarded; financial institutions especially banks are looted; big business is monopolized by few to reap huge profit; and conditions of the poor becomes more marginalized. All these are clearly the symptoms of poor governance.

What has happened to corruption-control efforts?

An Anti-Corruption Commission (ACC) was formed in 2005 with limited powers and supporters and sympathizers of the ruling party. It was no better than its predecessor Bureau of Anti-Corruption (BAC). The ACC came into being as a result of pressure from donors.

In recent years, ACC has been reinvigorated by the dynamic leadership of its present Chairman. He has taken a number of actions to make ACC as an effective anti-corruption body. He has asked the government to give it more power to arrest and prosecute those against whom specific corruption allegations have been made. The government is yet to act on his request. He has already asked his officials to arrest corrupt individuals and many such individuals have been arrested and handed over to police. But the problem that ACC faces in this regard are two-fold. Most of the corrupt suspects get bail easily from the lower courts and then either they leave the country or live in the shelter of powerful individuals. Second, ACC has not yet been given the power to prosecute corrupt suspects on its own. But the ACC Chairman is trying to increase the conviction to 100% (The Daily Star, 2018). This is feasible as conviction rate in graft cases has increased

in 2017 to 69%.

Also ACC has already prepared a five- year Strategic Plan to counter corruption. In short, ACC visualizes that by 2021 it will be able to do the following: strengthening its institutional capacity, undertaking effective investigation and effective case disposal, building an effective corruption- resistant strategy, promoting an education strategy premised on ethics, encouraging innovative research and development, ensuing strengthening of its legal foundation based on neutrality and freedom, and strengthening its institutional structure.

Professional and Politically Neutral Public Service

A key governance challenge in Bangladesh is to build and sustain a professional and politically- neutral public service. This means that under no circumstance public service should be used for narrow partisan purpose. Politicization of public service is to be avoided at all cost. Experience shows that non-merit based public service denies a country the services of the best and the brightest. Experience also shows that once politicization of the public service is allowed, all its basic elements like selection, recruitment, training, placement and promotion are adversely affected and citizens suffer most as corruption and cronyism set in and get institutionalized. Public service becomes the rehabilitation center of party loyalists. In this highly competitive world, Bangladesh will fail to reach and occupy its rightful place in the world stage if this present trend continues.

Shared Governance with Private Sector and Third Sector

Today it is not only desirable but imperative to involve all the relevant sectors to the governance process of the country. Shared governance is no longer a utopia but is a reality as governments in many countries are increasingly moving towards co-governance. This means that the private sector, non-governmental organizations and other non-State actors are becoming active partners with the public sector in the governance of the country. This will enable all the sectors, institutions and actors to contribute their mite to the betterment of the country's economy, social sectors including health and education and society at large. Cooperation among all sectors will enable the country to the next level of growth and development.

Conclusion

The discussion above indicates that the situation pertaining good governance in Bangladesh is far from satisfactory. Qualitatively, during last fifteen years nothing very significant has happened to be hopeful about the future of good governance in this country (see Khan, 2003). The institutions are there. Leaders often talk about their good intentions to change for the better. However, common people's security has not been ensured, effective parliamentary control of the executive is yet to materialize; politicization of the civil service continues unabated.

ed; corruption of all varieties from petty to grand shows no sign of slowing down. At the end we can suggest adoption of a few policy actions that may go a long way to improve the present unsatisfactory situation in this country. Creation of a meaningful partnership between three sectors-public, private and third- may show us the way towards a desirable future. This tri-sector partnership will lead to: (a) creation of jobs for the unemployed and educated youth; (b) revamping the education sector by emphasizing on moral and technical education that will equip youths to seek jobs abroad; (c) right-sizing the public service by retaining only core positions and services within its fold and introducing competition for promotion to senior-level positions enabling competent individuals with relevant experience in the private and third sectors to compete; (d) reducing corruption in the country should be premised on further strengthening of ACC by giving it magisterial and prosecution powers and making Ombudsman functional as well as mobilizing people against corruption and ensuring severe punishment for the big fishes; (e) ensuring that all positions in the three sectors be filled on the basis of merit and merit only; and (f) encouraging bright, young and civic-minded individuals to actively participate in politics.

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