

Governance

Does it ensure democratic rights and protect individual security in Bangladesh?

Winning elections should not provide grounds for vengeance. Governance does not mean doing the opposite what others have done before. The prime task of governance is to ensure safety and security of every citizen and to facilitate a society to be congenial for peaceful living. If governance does not become governance for and of all, then elections become the most important mechanism for getting access to power, and once in power the state becomes a tool for personal and narrow gains and not championing the causes of common weal and welfare.

DR. ISHTIAQ JAMIL

It is true that the first and foremost precondition for any democracy to function properly is to hold regular elections in order to ensure rule by the majority and to make the elected accountable to the electorate. However, the observation of this phenomenon around the globe may not testify the fact that only holding elections are roads to democracy and ensuring proper human rights. If this would have been the case, then democracy in Bangladesh would have fared much better, but according to many reports Bangladesh is lagging behind in ensuring proper protection to journalists (often harassed by the law enforcing agencies), checking police atrocities on peaceful demonstrations, while widespread corruption is depriving many from their rightful benefits, a biased judiciary and bureaucracy often are manipulated by the party in power, and serious distrust leading to unabated feud between the party in power and the opposition often culminate in violent accusations of misdeeds alleged to be perpetrated by the other.

Given the voter turnouts in the 1991, 1996, and 2001 parliamentary elections in Bangladesh, it is observed that around 75 percent (except in 1991 when the voter turnout was 55%) of legitimate voters cast their votes. This is a very high percentage even compared to Western nations. In the USA, presidential elections usually draw only around 50 percent of voters, a nation which claims to be practicing the most effective and efficient system of democracy. Well according to the election yardstick, the USA may be considered less democratic than Bangladesh since the voter turnout there is lower than in Bangladesh. This may be justified in

this model, the public are the first and foremost voters who participate in elections and politics, choose between parties and programmes and gives political signals and decision making premises. After that it is up to the representatives and parties to handle this mandate. In this respect they are supposed to be responsive and reflect the attitudes of the voters channelling these attitudes in policies. In extreme cases, this type of governance may turn into complete hegemony by the party in power and total disregard of the views and opinions of opposition political parties and other religious and social minorities such as ethnic and religious communities, women, children, etc. In this model of governance, the winner takes all. The minorities are the losers and there is no place and room to entertain even their legitimate claims. Election becomes an instrument and gateway through which the preferences both legitimate and illegitimate of the ruling majority/coalition are entertained disregarding the political culture, history, and laws of the nation.

Once elected, promises to electorates are frequently broken, human rights are abused, rule of law becomes insignificant, and politics become utility maximisation of those in power. Dialogue and deliberation between and among political parties are seldom held and instead blaming and accusing each other become the order of the day. The parliament becomes ineffective and instead streets turn into forum for citizen's grievances. Examples of such governance are found mainly in newly emerged democracies.

Governance by rule of law: The state protects the values and rules such as rights of citizens as well as of minorities. Institutional standards such as values, norms, rules are superior to the values

with similar interests into organisation to press for their demands. Governance resembles horse-trading and those with better resources and expertise strike the best out of negotiation. Democracy and individual rights are ensured when citizens organise themselves in groups or interest groups to press for their demands. The USA is an example of such type of governance.

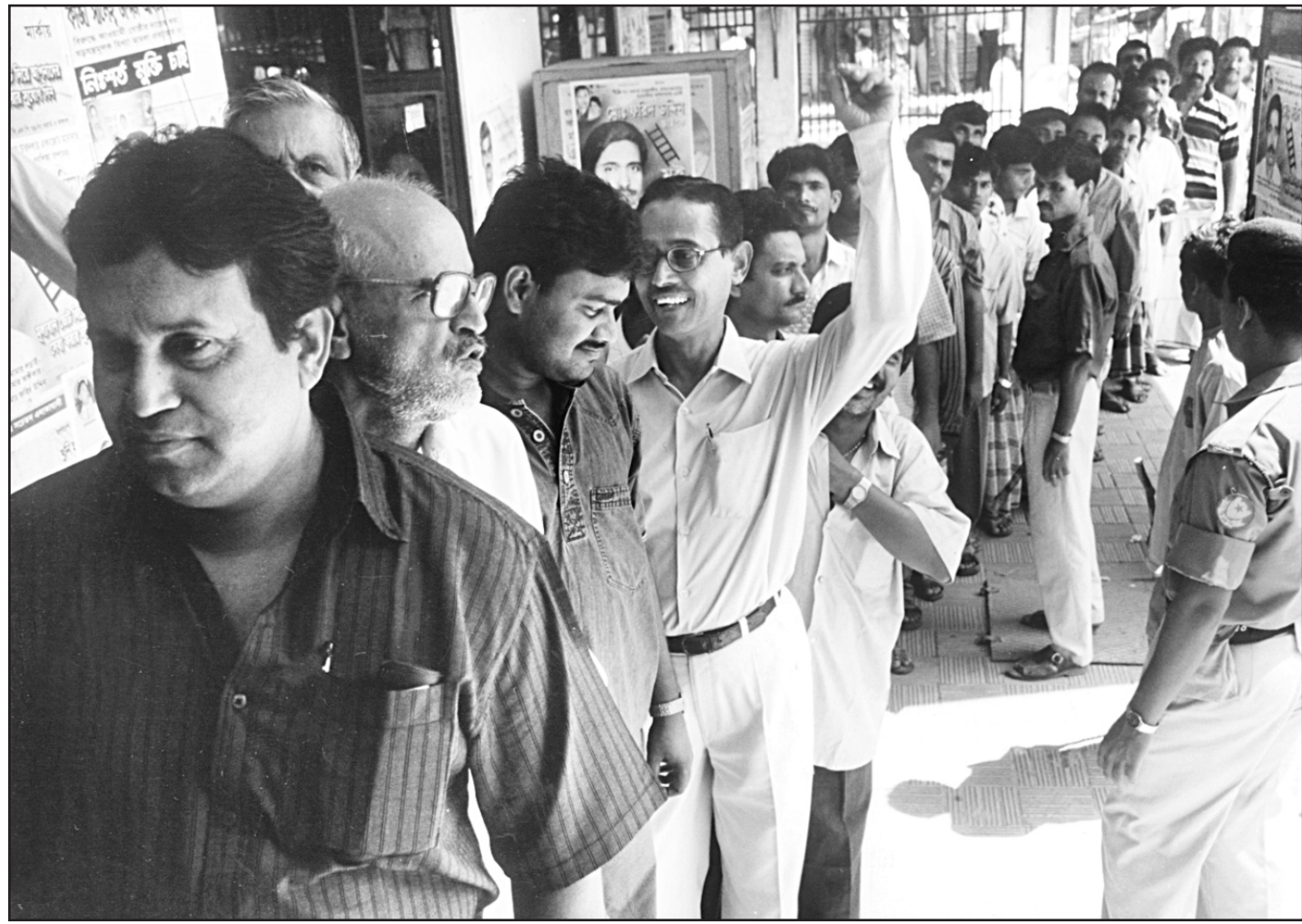
Governance based on supermarket interests: This new mode of governance is in vogue these days and is in practice in many nations. The main role of state is service provision with an emphasis on efficiency and quality, and it perceives the people as consumers or customers. The hierarchy here is turned upside down, i.e. instead of state controlling society, society controls state through market mechanism. The people are viewed as sovereign consumers. It emphasises economic values and norms such as efficiency and competition and downgrades other values. Customer service and service quality are to be achieved primarily through market competition such as tendering, outsourcing. It is a customer driven approach and is in practice mainly in the Western nations. Democracy is directly oriented to the people based on economic principles. Democracy and individual rights are ensured when

power find it less motivating to join parliamentary sessions.

The party in power has the attitude that since it is elected by the people it has the mandate to do and undo any decision and disregard any issue that may disrupt the present status of power and privilege. Even valid issues are not entertained. Deliberations, consultations, and discussions which are the strongholds of any democracy are considered as weaknesses and giving away to pressures from the opposition. "Might is right" becomes the rule of the game by which the party in power decides major policies without recourse to discussion and consultation with other groups.

A recent incident testifies how unresponsive to human rights can the government by majority may become. During one of the protests organised by the opposition, an innocent passer-by named "Shanta" was brutally assaulted by the law enforcing agency and later when she tried to seek justice against humiliation in the court of law she was framed by the government as one of the conspirators of the protest march who tried to set fire to a passenger bus. This is a clear indication that common citizens cannot and are not given proper opportunity to protect their own rights and security. If they try to do so their voices are choked by

In a system of hegemonic rule by majority, individual rights and privileges are very often compromised. Justice is sometimes bestowed when individuals manage to act in unison often by forming groups or seeking help from other groups through protests, meetings but not through formal institutions such as the judiciary.



Does only holding of elections ensure democracy and human rights?

party in power are the major criteria of decision making. Issues such as social, political, and economic however much valid are very often neglected. The government becomes "arrogant" with less flexibility to accommodate others' wishes.

Second, the government becomes unaccountable and non-transparent since it assumes that it has people's verdict and, therefore, the legitimacy and right to rule. As a result, it becomes unresponsive, its decision making process remains opaque and answerability to electorate becomes only a formality. Common citizens become alienated from mainstream politics and become fatalists.

Third, associated with non-transparency and unaccountability is the proliferation of corruption. Since election gives access to power where money is a decisive factor in obtaining nomination and later winning election; those who manage to win it from the party in power get a license to many privileges and favours not to mention import of luxury tax-free cars and later selling these in the open market (according to a report of The Daily Star, the lawmakers made a profit of Tk. 50 crore by selling imported cars in their present tenure). Therefore, a number of business and corporate houses in Bangladesh see election as a source of power and resources and thereby duly participate and invest in it. Politics becomes business and political (election) outcomes are considered as outcomes of business transactions.

Fourth, biased socio-economic development where certain regions and people rip the benefits of development activities. The country witnesses biased developments where powerful party-in-power stalwarts invest more in regions they come from. Obtaining public service becomes a "rat-race" where those with best connections win the favour of the government.

Fifth, serious erosion in the delivery of public services. Universal application of rules in the provision of public services is disregarded and instead party cadres and stalwarts are rewarded in exchange for their continuous support and loyalty. Professional norms and skills are disregarded in favour of the party loyalists who manage to snatch government tenders and other contracts.

Sixth, politics becomes polarised, with different parties sticking to their standpoints. The polity becomes even more hostile when the major political parties have their own histories to claim glory, credit and fame whether it concerns the independence movement of the nation, or making bridges, roads, and flyovers, or even petty achievements. Accusations by each other of failures and misdeeds become common, and sometimes become so hostile that normal life is seriously disrupted. Polarisation negates opportunity for deliberation and discussion between and among different political parties. As a result, narrow group interests are aggregated and common interests are not integrated. That means, every group or party sticks to its own narrow preferences and does not integrate other common interests.

Seventh, complete denial by stalwarts of the party in power of any misdeeds or failures of the

government. For example, in the wake of recent price hikes of essential commodities, serious crises in energy, electric, and fertilizer supply (echoed by grassroots workers of party in power and deputy commissioners alike) the party in power and even the chairperson is continuously denying that there is any serious crisis. In Kansat of Chapai Nawabganj, people fought with the law enforcing agencies in two violent incidents leading to dozens of deaths because the villagers were demanding regular supply of electricity. In spite of such tragic incidents when people died for a lawful claim, the government has remained unbent and kept on insisting that the whole incident was masterminded by the opposition party. Even in the height of Islamic militancy in northern Bangladesh in recent months, the government kept on denying their existence and insisted that they were the "creation of media". A government by a majority rule cannot accept failures because such admissions might affect the next election outcome, and elections are the prime mechanisms to get access to absolute power and favour.

Lastly, since rule by only major-

ity means depending on support from party loyalists and less support from others, governance resembles "fire-fighting". Only short term and emergency issues are paid attention to, like extinguishing fire. Long term planning becomes rare because widespread support and legitimacy are required for that. Governance by majority has less patience for long term planning because results do not come immediately, and results are important for winning elections. Therefore, short-term and eye-catching projects and programmes are more preferred because those give quick dividends.

How to improve the governance?

As of today, no one and any country has come out with a perfect model or recipe of governance. Governance is highly country specific. In every country, it goes through a trial and error method on the principle of learning by doing where successful initiatives are restored and repeated and failures are discarded. But the process of trial and error requires flexibility, accommodating different preferences and wishes, and attitudes to change.

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Obstructing democratic right is hegemonic rule by majority.

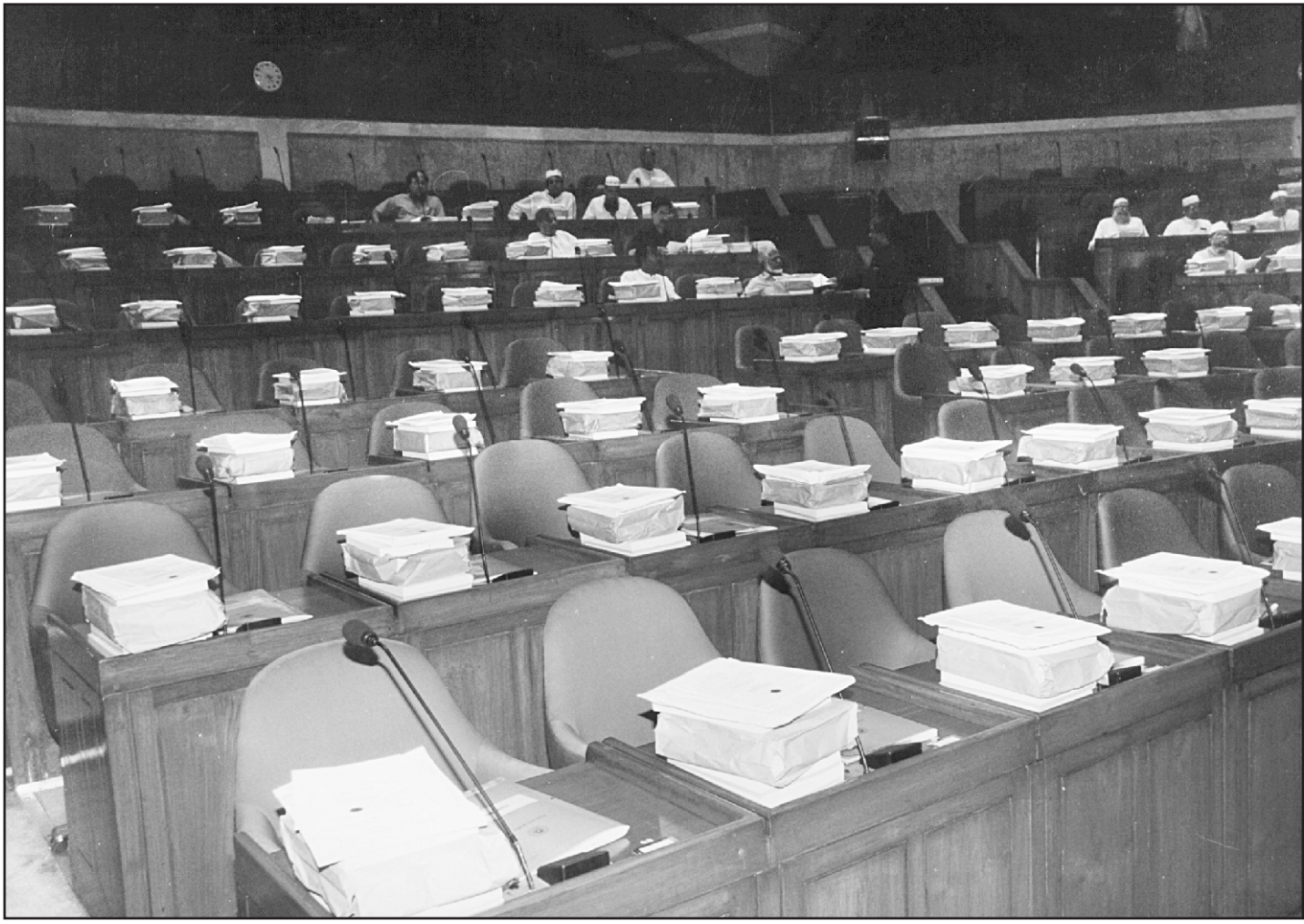
The issue is, of course, setting standards of governance and standards can only be achieved through discussions, and deliberations with those who have a stake in governance. Since relevance of governance is very much context oriented and standards are never constant, the modus operandi of governance must be decided through proper dialogue and discussion. The question of issue should be the prime motor of discussion and not who initiated it. An issue may be raised by the opposition political parties; the question then to be asked by the party in power is whether this is a valid and legitimate issue for the greater benefit of the country and not concentrate on who initiated it.

Governance is ensuring strict adherence to rule of law irrespective of party and partisan interests. Only through establishing rule of law individual and democratic rights are established. This must be *sine qua non* of any government coming to power. Winning election does not mean usurping unlimited mandate to do anything but provide an opportunity to serve different interests and needs. A rule by the majority must ignore narrow party interests and must become a rule by all where human rights, individual safety and security must be the major concerns. Access to power is not access to utility and profit maximisation rather an access to define and set politics in order to serve society and humanity. Dialogue and deliberations should be set in motion and not just politics of rhetoric.

History provides a window of learning opportunity. Every government should learn from history and must not repeat mistakes of themselves or of others. Winning elections should not provide grounds for vengeance. Governance does not mean doing the opposite what others have done before. The prime task of governance is to ensure safety and security of every citizen and to facilitate a society to be congenial for peaceful living. If governance does not become governance for and of all, then elections become the most important mechanism for getting access to power, and once in power the state becomes a tool for personal and narrow gains and not championing the causes of common weal and welfare. The state may very shortly turn into a "failed state" where state becomes predatory and citizens become common preys. Corruption becomes rampant, and unlawful lobbying and "tadbir" become widespread.

Now the question is when a proper dialogue between the major political parties to unlock the present status quo will resume? The people of the country have waited long and still have the patience and enthusiasm to participate in general elections. Now the time has come to properly regard and uphold people's wishes. According to many scholars and academics, dialogues and discussions between and among the major political parties are the key to salvage the nation and to save the country from serious conflicts. Some consider these conflicts to be "suicidal" for the country in terms of generating economic and social prosperity. Bangladesh is poor because of poor choices of governance. This state of affair can only be turned into a better future with proper dialogue and discussion among the major stakeholders of governance.

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Absence from parliament does not ensure democratic governance.

theory, but in reality it may be not. This is because there are other powerful and effective channels in the USA such as the judiciary, a strong civil society empowered by various voluntary and non-government organisations, powerful and professional lobby groups with corporate interests, etc. through which individual and human rights are well protected and well respected, except in some exceptional cases.

The question is then does only holding of elections ensure democracy and human rights? The answer is obviously no. What are the other ingredients of democracy that should be in place before proper democracy along with its paraphernalia is established and entrenched in a society, like Bangladesh? One of these is the nature and functions of governance, i.e. how the government and polity run and function, how policies are made, and how the needs, interests and preferences of citizens are responded to and taken care of. What is the nature of governance in Bangladesh and does it ensure individual rights and protection of human security?

We usually observe four types of governance in practice these days, and a nation must find a balance between these various modes of governance in order to ensure proper democracy and democratic rights: 1) Governance by rule of majority; 2) Governance by rule of law; 3) Governance by corporate and group interest; 4) Governance by supermarket interest.

Governance by rule of majority: In

of majority rule and cannot be changed by a majority. The rule of law takes precedence over the wishes and whims of the majority. Political leaders defend and protect what are fairness, justice, and appropriateness on the basis of rules, norms, and legal principles. The main channel of influence of people as citizens is indirect and through legal rules and procedures. The judiciary is independent and concerned with people's grievances and safeguarding citizen's rights and property. Democracy and ensuring democratic rights depend on strict adherence to the application of universal and impersonal rules to each and all citizens. Nobody is trivial or big in the eyes of law. The Scandinavian and Nordic countries (Norway, Sweden, Denmark, Finland, and Iceland) are the prime examples where universal and egalitarian norms are very dominant in the system of governance.

Governance by corporate and group interest: In this model of governance, power is distributed among different economic, social, and political interests such as business organisations (chamber of commerce), religious organisations, trade unions, student organisations, etc. The power is not a monopoly of those at the helm but they share it with interest groups. Citizens are members of some organisations such as trade union, student organisation, business organisation, etc. and try to influence government policy. A citizen alone cannot influence government policy but rather join hands with other individ-

people have direct control over service provision and when service providers are directly accountable and responsible to the customers or consumers. This governance system is now seems to be the catchword in both the developed and developing world.

Governance in Bangladesh
What kind of governance is dominant in Bangladesh and does it ensure democracy and democratic rights of citizens? To answer the question, we need to analyze the governance system in Bangladesh along the four models of governance illustrated above. The conclusion is that the first model Governance by rule of majority in its extreme form is more dominant in Bangladesh compared to the other models of governance even after the restoration of democracy in 1991 and the holding of free and fair elections subsequently. Let us now analyse why regimes in Bangladesh have been hegemonies of the party/parties in power.

Once voted to power, the party which assumes the responsibility of the government enjoys complete monopoly of power. The police, bureaucracy, even the judiciary are politicised and work for the wishes of those in power, otherwise promotions, postings and other favours are withdrawn making lives of these functionaries uncertain and miserable. The parliament has remained ineffective with deliberate absence of the opposition from joining it from time to time. Even the members of the party in

the state machinery. An obvious consequence of such helplessness and alienation is to seek help from other groups such as political parties, NGOs, civil society. In a system of hegemonic rule by majority, individual rights and privileges are very often compromised. Justice is sometimes bestowed when individuals manage to act in unison often by forming groups or seeking help from other groups through protests, meetings but not through formal institutions such as the judiciary. The other incident that may be cited is the harassment of opposition political party stalwarts during so called "hatalts". Even the former minister who once was in charge of the Ministry of Home is not spared from the wrath of the government and frequently bashed by law enforcing agencies. Further, even those party lawmakers from the ruling party who voiced against their own party in power were ousted, live under constant physical threat, and had to hide for fear of reprisals from party hoodlums. Freedom of speech and expressions that may threaten the government by majority are coerced and intimidated.

Extreme case of rule by majority consequences
The list of negative consequences of an extreme case of government by majority is large. The following are some of the serious consequences, the biggest of course being the neglect of rule of law. The wishes, preferences and even whims of the