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IT was hoped that Bangladesh's transition towards democracy in the 1990s would help the country develop its key democratic institutions, eventually consolidating its democracy and improving governance structure. However, such expectations have faded away not only in Bangladesh, but also in many promising democracies. The rise of democratic wave in the 1990s has turned into 'illiberal democracy.' Democracy and free and fair elections have not gone hand in hand with constitutional liberalism, rule of law and basic human rights.

The *State of Governance in Bangladesh 2010-11* report of the Institute of Governance Studies (IGS) argues that Bangladesh's democratic transition is incomplete and its democracy is far from being consolidated. In this light, it is hardly surprising that the country's democracy now faces a transitional crisis.

Unable to provide an institutional solution, Bangladesh's current political crisis has put the country at severe risk. Nevertheless, the ongoing institutional crisis or political violence is not new to Bangladesh. In the past, the nation had faced similar crises and also found a way out, albeit at the cost of violence or intervention.

This forces us to think as to why Bangladesh does not have mature democracy. Why has it failed to develop a political and social order controlling violence? To find answers to these questions, history could be a useful guide.

Nobel laureate Douglas North and his co-authors distinguished three general social orders: the foraging order (the primitive state), the natural state (limited access order) and the open access order, in their influential book titled *'Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History.'* The book shows that the majority of world's population (about 85% people and 175 countries) live in a socio-political setting where violence has at best been contained, not controlled. Only 20 developed countries (15% of the world's population) have been able to control violence or have a predictable social order.

According to the authors, all societies must deal with the possibility of violence, and they do so in different ways. Most societies limit violence by political manipulation of the economy to create privileged interests. These privileges limit the use of violence by powerful elites. However, doing so hinders both economic and political development. This type of political economy arrangement is called a natural state because it appears that human societies are organised in this way.

The authors argue that such arrangement to control violence depends upon holding together the interests of groups and coalitions that view their participation as an earned privilege, and are therefore unstable, prone to crisis and violence.

Within the class of natural order societies, three are distinguished: the fragile, the normal and the mature. The normal natural state like Bangladesh achieves significant institutional development, but organisations are defined as dependent of the government as they are not impersonal.

In contemporary times, the primitive society is nearly extinct. On the other hand, only a handful of countries man-

tutions' by Daron Acemoglu, an MIT Professor, and James A. Robinson, a Harvard University Fellow. In their *New York Times* best seller, titled *Why Nations Fail*, they argue that these kinds of institutions are designed to extract incomes and wealth from one subset of society (the masses) to benefit a different subset (the governing elite).

*Why Nations Fail* states that acute concentration of political power promotes the creation of extractive institutions. These institutions can sometimes achieve economic growth, but that is unsustainable and prone to collapse.

The framework of natural state and extractive institutions also offers insights about the sustainability of Bangladesh's

inclusive. According to Francis Fukuyama, in his recent book *'The Origins of Political Order'*, political development consists of three institutional domains: the state, the rule of law and accountability.

Fukuyama states that state building is the struggle of politics to rise beyond family ties and create a neutral system. The rule of law limits the power of government by establishing accepted rules of justice, which are higher than any individual who holds political power. Finally, an accountable government is responsible to the people it governs.

Fukuyama observed that these three elements of modern political order had evolved separately in different pre-modern civilisations. China was the first organised state, founded in 221 B.C. The rule of law that has close association with religion existed in India, Europe and the Middle East. Europe developed the idea that it was the law that should be absolute, not the ruler. Formal accountability made an important advance in England in the seventeenth-century.

China's strong state was, however, not restrained by a rule of law or by institution of accountability to limit the power of the sovereign. India could not develop a strong state. Prior to the late twentieth century there was persistent political disunity. England was the first country to experience the development of all three elements of modern political order.

To sum-up, being a typical natural state Bangladesh is likely to overcome its ongoing political crisis, albeit at the cost of violence or credible threats of violence. In extreme scenario, protected violence could make it a fragile natural state. As far as medium to long term outlook is concerned, there is no easy way out from its existing social and political order that is maintained with personalised organisations or extractive institutions.

A natural state has to meet certain conditions, such as unrestricted entry into economic and political organisations, inter alia to control violence or maintain a predictable social order. However, history tells us that development of a predictable political order or inclusive institutions does not happen in few decades or even a century. Nevertheless, there are some recent examples where political and economic catch-up occurred quite quickly by historical standards.

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aged to develop open access social orders since the Second World War. The authors observed that in these societies, open access and entry into economic and political organisations sustains economic and political competition, as they are impersonal in nature.

The institutions that Bangladesh has developed are not impersonal. They mostly serve the interests of elites, limiting violence and offering a kind of order in the society. However, limited entry and lack of competition at the same time make the system unstable and prone to violence.

These types of institutions are coined as 'extractive insti-

development. The country has attained significant economic growth for the past two decades despite having poor institutions or weak governance, which is often called 'Bangladesh paradox.' However, history is full of examples that growth under extractive institutions could be unsustainable. The political and economic rise and fall of the Ottoman Empire and the Soviet Union are two noteworthy examples in this regard, although it remains to be seen whether the hypothesis proves China wrong.

This prompts us to think why Bangladesh has failed to develop an open access order or why its institutions are not

## BCB and ICC's new governance regime

SABER H. CHOWDHURY

A new Board is at the helm of Bangladesh cricket.

However, uncertainty as to whether this Board will sustain persists, given the Appellate Division's judgment that Bangladesh Cricket Board's (BCB) elections under National Sports Council's (NSC) amended constitution can take place, subject to results of ongoing appeals on a High Court judgment that had earlier held this constitution to be illegal and having no legal effect.

In essence, the appeals rest on fundamental and interesting points of law that include; can power once delegated (by NSC to BCB) and legitimately exercised (by BCB), be thereafter taken back (by NSC from BCB)?

Why the NSC and BCB chose to pursue a ruling from the Appellate Division to enable them to push ahead with a half-baked election under a disputed constitution, instead of asking for a Hearing on the appeals to determine once for all the legality of the constitution, is of course a legitimate concern and question.

Whilst the legal process plays out in Bangladesh's highest Court and we wait for the Appellate Division to rule finally on the matter, recent developments in our cricket merit a closer and necessary look on the critical question of to what extent the BCB is free of government control in context of International Cricket Council's (ICC) new governance regime.

Under the distinguished Chairmanship of Rt. Hon. The Lord Woolf of Barnes, Lord Chief Justice of England and Wales (2000-2005), ICC had carried out an independent governance review based on which amendments to ICC's Articles were adopted by its full council in 2011.

Accordingly, BCB, as with other ICC member Boards, is now obligated to comply with these new requirements relating to "Independence of Member Boards" and provide for (1) free and fair elections to its Board of Directors and (2) prohibit government interference in administration of the game.

Importantly, BCB is required to ensure that the processes necessary to achieve this are adopted, faithfully and appropriately, in its constitution.

As per the BCB president, its new constitution is fully compliant with ICC's above requirements. In fact, both the BCB and the NSC, through the attorney general and heavyweight lawyers, have robustly represented to the highest courts of the land that this new constitution has been drawn up as per "instructions" of none other than the ICC itself and, going further, asserted in their submissions that it is ICC's "model and standard constitution."

Per ICC's requirements, members of BCB Board must be elected to that position by virtue of either a free and fair elec-

toral process involving the membership, or be appointed to that position by the members themselves.

However, BCB's constitution provides for NSC to nominate three directors to its Board, and these nominated directors neither have to go through a process of election, nor are they appointed to the Board by the Board itself. In fact, under this government quota, in the recent BCB elections NSC duly nominated three directors, including one who was subsequently elected as president of the BCB!

Compare and contrast this with provisions of the constitution approved in BCB's EGM of March 2012 (which, by the way, both NSC and NSC appointed BCB's Ad Hoc Committee found most convenient and expedient to ignore) that provided for the president to be elected by direct vote of all the councilors of BCB.

We thus have a situation where, under the present Constitution, even the president of BCB owes his position to a nomination by NSC, in flagrant disregard of ICC's stipulations on non-interference by the government in the administration of cricket in Bangladesh as well as provisions of free and fair elections.

Interestingly, not only does NSC nominate directors to the BCB Board, it continues to retain its absolute right and authority, based on National Sports Council Act, to dissolve BCB's Board of Directors at any time, as with Executive Committee of any national sporting body, and no steps have been taken by BCB to protect/insulate itself from possible future application of this draconian law.

The flip side of relying on government patronage to get elected is that the same hand can strike and bite at a later date, and this has not been unknown to happen.

This constitution also institutionalises government control and scope to meddle and interfere in affairs of BCB, given that NSC is the authorised body to conduct its elections and is also the sole and mandated authority for arbitration on all matters relating to functioning of BCB.

How equitably, transparently and fairly NSC conducts such elections was clearly evident in the recent polls when, over a mere few days, BCB's controversial voter list was adopted as NSC's own and all appeals from aggrieved councilors on a range of legitimate issues having sound merit were unexceptionally rejected.

Consistent with this agenda and scheme of institutionalising government control and influence over the BCB, the NSC imposed constitution now also provides for presidents of District and Divisional Sports Associations (government appointed bureaucrats) in their individual capacity to nominate 71 councilors who will then go on to elect 10 of BCB's 27 directors.

One, thus, does not have to dig deep to see that as per provi-

sions of BCB's constitution, the government can interfere, directly and/or indirectly, and nominate no fewer than 13 members to BCB's Board and, as the recent elections demonstrate, this includes the post of president of BCB as well.

This is not a numbers game and even one nominated director would be one too many as per ICC's Articles, but it just shows how far away we are from compliance in terms of free elections as well as zero government influence.

Rewind 13 years to BCB's AGM in Cox's Bazaar. We had the courage and wisdom then to understand that Bangladesh cricket needed to be free of government control and influence and resolved that future presidents of BCB would be democratically elected instead of being selected. In 2013, this sadly remains an unfinished agenda and needs to be corrected, sooner the better.

What I find astonishing is how, in light of above conflicts and contradictions, the BCB can regard this constitution as being a model and standard constitution of the ICC itself, and has represented accordingly to the Supreme Court of Bangladesh.

If ICC has indeed endorsed this constitution as the BCB president maintains, it would essentially mean that the guardian of global cricket has violated its own Articles. If not, and it is the BCB that has been misrepresenting, then it is most serious and alarming. Clarity in either event is thus an urgent imperative, as is the need to bring and hold the concerned to account thereafter.

Regardless of whether it has been taken for a ride by certain quarters or it has misdirected itself and not exercised due caution and proper diligence, it would appear in this instance that ICC has undermined the very standards of governance it espouses and now requires all member Boards to aspire and adhere to.

Cricket today is a global sport that merits and demands highest standards and excellence in governance -- including management, integrity and ethics -- nationally, regionally and internationally.

To quote Lord Woolf from the Governance Review: "Cricket has a unique position in the sporting world. It is synonymous with fairness and integrity, exemplified by common referrals to 'the spirit of cricket' and 'it's just not cricket.' Cricket's values are integral to the game and its future. They are perceived by the public as being instrumental to cricket's long-standing success."

We need to find the resolve and integrity within our own selves, at all levels, to embrace these values and embed them in our cricket and social fabric as Bangladesh cricket hopefully marches forward, on and off the field.

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## The 37 minutes that shook politics

FARID HOSSAIN

WHEN Sheikh Hasina picked up her cell phone and called her bitter rival Khaleda Zia, history was made. October 26, 2013 (Saturday) should go down as a Red Letter Day in the annals of Bangladesh's acrimonious politics. The telephone conversation, first in more than a decade, between the country's two most powerful women, sent the people of Bangladesh into a state of euphoria. It was as if the 37 minutes that the prime minister and the leader of the opposition spent over phone was going to transform Bangladesh's acrimonious politics, forcing the two leaders to scale down their bitter rivalry.

Hopes were raised about a solution to the current political impasse. It was thought that the leaders of the country's two major parties would now be able to resolve the dispute over the polls-time government and end the destructive politics of general strikes that lead to violence, bloodshed and deaths. About two dozen people -- many of them innocent ordinary citizens -- had been killed during the 60-hour shutdown called by Khaleda's 18-party alliance, which ended on Tuesday evening. More protests have been threatened by the opposition.

Unfortunately, the optimism raised by the telephone conversation is already proving to be short-lived. Khaleda turned down Hasina's invitation to a dialogue followed by dinner on the excuse of the hartal her alliance had enforced from Sunday to Tuesday. The opposition leader refused to withdraw the hartal despite repeated requests from the prime minister. Khaleda's initial response to the PM's invitation came as a big disappointment even to the neutral non-partisan political analysts who thought that the opposition leader should have called off the strike and gone to Ganobhaban on October 28 for what could have been a historic meeting.

The more people learned about the conversation -- thanks to the media -- the greater the shock they got. To many of them a large portion of the conversation was unnecessary and lacking taste. The leaders should not have bickered so much over whether the red phone at Khaleda's residence was dead or not. What mattered most was that the prime minister kept trying to reach the opposition leader, and she finally made it over mobile phone. Instead of arguing over the red phone they should have devoted more time to serious talks; the invitation to a dialogue over dinner and the issues to be discussed.

The contents of the telephone conversation now available in the media and Facebook are raising a big question: has the conversation brought them closer to a dialogue aimed at resolving the political deadlock or has it created more distance between them? People are giving mixed answers, but most believe that the hopes for a face-to-face meeting between the two leaders are fading away fast. What is now expected is a meeting between the general secretaries of the two parties.

In spite of the public disappointment it will be wrong at this stage to dismiss the Hasina-Khaleda telephone talk as a failure. It has at least made the unimaginable a reality. Whatever is the public impression, or sometimes criticisms, about them, the two feuding leaders have demonstrated that direct talks between them are possible. This can be seen as an ice-breaking exercise. In attacking each other during the telephone talks they have at least been able to pour out their feelings about each other. This catharsis should provide a sense of relief to both of them. What they wanted to tell one another at personal and political levels has been said.

They fired their first salvos at each other. The more they fight across the table or over telephone or across the floor of parliament the better for the nation. A day will surely come when they will exhaust all their weapons, paving the way for a ceasefire that may lead to a permanent peace.

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By THOMAS JOSEPH

ACROSS

1 Highland lakes

3 Daisies

11 Downloadable read

12 Take care of

13 "Q & A"

14 Greet casually

15 Racker

16 Came into view

18 PC key

19 Pewter component

20 Hosp. parts

21 Organ part

23 Friend of Porthos and Aramis

25 Auction buy

27 Lawn makeup

28 Bye, in 13

30 Wings

33 Tough wood

34 Snapshot

36 Unconscious

37 Spy's asset

39 Spanish gold

40 Hooping mad

41 "Little Miss Sunshine" co-star

43 Writer

44 Lorelei's river

45 Politician

46 Salad servers

DOWN

1 Eye parts

2 Orchestra member

3 Hank Williams song

4 Trendy

5 Trap-shooting

6 Gives approval

7 Tolerate

8 Hank Williams song

9 Everyone else

10 Sports no-nos, informally

17 Farrow of film

22 Luau dish

24 Garden tool

26 Like some bars

28 Texas team

29 Plop

31 Enticing

32 Mick's group

33 Out of the way

38 In (even)

42 Letter before sigma

Yesterday's answer

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### BEETLE BAILY



### HENRY



by Mort Walker

by Don Trachte

### QUOTABLE Quote

"Peace is not merely a distant goal that we seek, but a means by which we arrive at that goal."

Martin Luther King, Jr.