



OCCASIONAL PAPER NO. 13, JUNE 2012

STRENGTHENING DEMOCRACY IN BANGLADESH

Tim Meisburger, Director, Elections and Political Processes, The Asia Foundation



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INTRODUCTION

National elections in 2008 were generally regarded as among the freest and fairest in Bangladesh's history. The election commission was perceived as neutral and unbiased. The voting process was transparent and credible, and it had been preceded by a comprehensive voter registration exercise of such excellence that it was held up as a model for other developing democracies. These elections seemed to be ushering in a new era of effective democracy. Yet four years later doubts have already been raised about the fairness of the 2013 elections, there are fears that the election process will be politicized, and democracy is widely perceived to have failed to deliver on its promises of a better life for the average Bangladeshi.

Although steady progress has been made in improving the quality of elections over the past decade and a half, few see Bangladesh as particularly democratic, and consequently there is growing recognition that elections alone cannot deliver democracy. Several prominent stakeholders and analysts have noted that the gains possible from improving elections have already largely been realized, and if there is to be significant further progress in consolidating democracy in Bangladesh, these advances will have to be made in other areas.

For a number of reasons, the current system of government might more aptly be described as electoral autocracy, rather than liberal democracy. Political competition is largely inter-elite contestation for access to patronage resources, with voters deployed as pawns during elections and ignored between elections. Competition is fierce and can be violent, as it is a zero sum game and the winner takes all. Once a government is elected, there are few checks on its power, as the opposition is neutered by institutional design, and ordinary voters lack effective accountability mechanisms. According to Freedom House, "Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have long undermined government accountability."

Although the current government won election with a large majority, it seems unwilling to again risk its position to the vagaries of the electoral process, and it is accused of politicizing ministries and changing the Constitution to rig the system in its favor. The opposition has already raised the specter of election boycott, and some observers think it likely (or inevitable) that political gridlock will lead to military intervention. Meanwhile, growing dissatisfaction with the dysfunctional status quo has increased the appeal of more radical political movements (like Jumat), and a large and largely unemployed youth population, coupled with rising food prices, make a Middle-East type social and political revolution possible, if not likely.

This paper begins with descriptions of some of the critical challenges to democratization in Bangladesh. While electoral challenges are included, the paper seeks to look beyond elections and describe other factors that can have a profound impact on the quality and quantity of democracy experienced by the average person. The second section examines potential approaches to addressing these challenges.

http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=7993

¹Freedom in the World – Bangladesh (2011),

CHALLENGES TO DEMOCRATIZATION IN BANGLADESH

PERSISTENCE OF TRADITIONAL SOCIAL AND POLITICAL STRUCTURES

Although Bangladesh is nominally a parliamentary democracy, social and political relations in reality are largely governed by traditional customs and mores. Like many developing democracies, Bangladesh is in transition from a patron/client or feudal governance system. Although formally abolished with the adoption of Islam, the ancient Hindu caste system still influences society, dividing the population in several horizontal layers. At the top is an hereditary aristocracy or governing class (patrons), which monopolizes most political and economic power. These patrons provide their clients security and access to government services in return for loyalty and the vote.

Within the patron class there is also hierarchy, with lower level patrons owing fealty and service to higher level patrons. This includes mobilizing their own clients to support their patron when required; for example, on election day. The patron/client relationship is personal, but not permanent (as it would be in a family or clan relationship). Rather, it is continually renegotiated and renewed with changing circumstances. One explanation of vote buying — where individuals seem to sell their influence in government for relatively small amounts of money — is that it is actually symbolic reinforcement of the feudal tie between patron and client. The patron is in essence saying, "accept this gift as evidence that we have a personal relationship and I am here when you need me."

The patron/client analytical lens helps explain political development in Bangladesh. Essentially, rather than a single feudal hierarchy with a great king at the top, there are two competing hierarchies represented by the two main political parties, each with its own king, barons, nobles, merchant class and peasants. Between the two main parties and their supporters are several minor parties and many unattached or independent voters, who freely switch their support as voters or members of coalitions from one main party to the other with changing circumstances and prospects. Electoral competition, rather than being truly democratic, is largely a contest between feudal elites, and often about access to patronage resources.

While we don't want to take this analogy too far, it does help explain how Bangladesh can have outwardly free and competitive elections without creating democratic and accountable governance. It is important to recognize as well that Bangladesh is not unique in this regard. Every established democracy has gone through a development process that incrementally expanded the electoral franchise and access to power. For example, the Magna Charta shared some of the king's power with a small group of barons. Over centuries the group with a share in power gradually expanded to include the rest of the aristocracy, then the merchant class, and finally ordinary citizens.

It is also important to acknowledge that Bangladesh is in *transition*. The old feudal system is breaking down, while the new democratic system is not yet fully established, and much of the political uncertainty and instability results from the tension between two systems. The old system is strained as a growing middle class demands a greater share of power. And as ever

more of the population — and especially young people — gain greater access to the outside world through electronic media, expectations and demands evolve.

ELECTIONS

After the well-run and fairly free elections of 2008, there was general optimism that the problems associated with elections had been addressed, and that there would be little need for election assistance in future. A few years later, elections are again seen as a looming problem, requiring substantial international assistance merely to maintain gains previously achieved. There are a number of factors that have led to this loss of confidence.

Caretaker Government

Although Bangladesh has conducted every national election since 1991 under a neutral caretaker administration, in June 2011 the Awami League used its large majority in Parliament to push through an amendment to the Constitution that, among other controversial measures, dropped the use of a neutral caretaker government to manage elections. While an unusual system internationally, the caretaker system had been relatively effective in delivering largely credible elections in the highly polarized political environment of Bangladesh.

Even though the Awami League pushed for adoption of the caretaker process, and demanded it in the last election, it is perhaps not surprising that they no longer support it, as every election in Bangladesh's history conducted under a caretaker administration has resulted in a change of government, while every election conducted under an incumbent government has returned that government. The opposition BNP, also cognizant of history, worries that an election conducted by the incumbent will never be fair, and has responded by threatening to boycott the election if the caretaker system is not restored.

Boycott and brinksmanship have worked in the past — most recently for the Awami League in 2006 — so it is not surprising that the BNP has adopted this tactic, but many see it inevitably leading to political gridlock and increasing confrontation. Some feel that the most likely outcome is intervention by the military and forced reinstatement of the caretaker administration, as happened in 2007. Some even hope for this outcome, but their faith in military government may be misplaced. While initially welcomed, the military-backed caretaker government of 2007 eventually lost public support, and consequently the military may be reluctant to intervene again, or, even worse, may be reluctant once in power to return government to civilians seemingly incapable of governing in the public interest.

Election Administration

The previous well regarded election commission, which was appointed by the last caretaker government, finished its term in January 2012, and a new commission was appointed by the government. In the past, both main parties when in power have attempted to politicize the commission to subvert elections, through appointments and control of the commission's budget. In the absence of the caretaker system both the opposition party and many in the NGO community are concerned that the government will attempt to re-politicize the commission prior to the 2013 elections.

Beyond politicization, the commission also faces a number of technical challenges. Inaccurate and incomplete voter lists have been a perennial problem in Bangladesh, leaving millions effectively, and sometimes purposely, disenfranchised. This problem seemed finally solved when the military, with significant support from the international community, conducted an exemplary registration in 2007. This registration was the best by far in Bangladesh's history. Using the latest technology, a list was constructed that was by all accounts both accurate and complete. But despite the many millions being spent on this project, fundamental development mistakes were made.

While the technology introduced was effective in ensuring an accurate registration, the process required significant foreign technical and financial assistance, and when this ended many areas lacked the financial and technical capacity to maintain the system. As a one-off registration the project was successful, but little consideration was given to long-term sustainability, and no process for updating the list was developed or institutionalized.

Now, four years later, the list is again inaccurate. In addition to updating the list, the commission has been tasked with expanding on the voter list to create a national register, but no one is quite sure how this will be done. Repeating (perhaps) the previous mistake of overreliance on advanced technology and foreign aid, the commission has requested assistance to build and equip IT centers across the country. While this may work in the short term, from a development perspective it would make more sense to develop a technologically appropriate and sustainable approach to managing both the voter list and the national registration that would be implementable with existing capacity and resources. And there is a danger that the attempt to introduce a new and complex civil/voter register will distract the commission from the critically important task of updating the voter list, leading to voter disenfranchisement, and diminishment of the credibility of the election process in 2013.

Transparent Election Processes

In polarized societies a transparent process is the key to credible elections. A process is transparent when it is understandable, open and observable by the public. For example, when an observer is shown an empty ballot box on the morning of election day, then watches the box all day, then sees it opened and the ballots counted at the end of the day, the observer will be confident that no one has tampered with the ballots and the result accurately reflects the intention of the voters.² If ballot boxes are brought already sealed to a polling place and observers are prevented from verifying they are empty, or if observers are prevented from observing the entire polling process, or if ballot boxes are moved before they are counted, then the chain of observation is broken. The process is no longer transparent, and credibility is diminished.

To be transparent a process should be open to everyone: party poll watchers, neutral observers, the media and the general public. But because poll watchers are presumed partisan, and the media and general public spend relatively short periods in a polling station, neutral observers are a key element in promoting transparency and credible elections in polarized

²Unfortunately, although hyped as promoting transparency, transparent ballot boxes contribute nothing to the transparency or integrity of an election process.

societies. They are the witnesses for the public who can later confirm (or deny) the legitimacy of the process. With concern growing that elections will be marred by faulty voter lists, pre-election and election day violence, booth capture and ballot stuffing, and biased administration of polling and counting, the need for nonpartisan observers seems greater than ever. Yet the election commission has introduced rules making it difficult for nonpartisan groups to register to observe the elections, and will no longer allow stationary observation (observers who remain all day in one polling station), thus breaking the chain of observation and preventing verification or endorsement of the process. At the same time, the old observer groups, relatively inactive and thought to be unneeded after the last election, have lost some capacity, and are not as strong as they once were.

QUALITY OF REPRESENTATION AND DEMOCRACY

Although elections are relatively free and fair, the quality of democracy and representation in Bangladesh is low for a number of reasons.

Participation and Accountability

Large numbers of voters turn out for elections (80% in 2008), but political participation in other ways is almost nonexistent. Formal and informal barriers to entry tend to restrict substantive political participation as a candidate to a very small segment of the total population. These barriers can be financial, as it takes significant resources to run a campaign and dole out the patronage required to win elections, but cultural factors can be just as important.

A person's caste or class, gender and educational background remain important criteria for most people in determining a candidate's fitness for office. The relative importance of these attributes in candidate selection is in part related to the still largely feudal culture prevalent in Bangladesh, but also related to the absence of alternative criteria. Political competition is almost never programmatic, so there is little else to differentiate candidates. The lack of clear policy alternatives means that voters lack the information needed to make an informed choice on election day that will influence the direction of governance, and lack the information needed to hold leaders accountable after elections.

Beyond elections, there are few other accountability mechanisms available to voters. The dominance in society of the patron/client relationship means that few see the role of MPs as being "accountable to constituents". Rather, once elected, MPs tend to see their primary role as being chief patron and gatekeeper for government services in their constituency. But even if they wanted to be accountable, there are institutional constraints that would limit their ability to independently pursue their constituents' interests. Consequently, the quality of representation that voters have in government is very low.

Interestingly, surveys suggest that the average voter increasingly recognizes, and chafes under, the lack of substantive representation. Most say that their MP never visits their constituency, or visits just once a year, while the same voters believe that the best way to improve the quality of representation is to meet more often with their MPs, and to closely

³In a recent survey of MPs, just 3% saw "being accountable to constituents" as the role of MP.

monitor their activities in Parliament. The emerging attitudes towards representation may be a sign that the old feudal order is breaking down more rapidly than leaders recognize, and it is conceivable that the growing disconnect between the masses and the ruling class could create an opening for a charismatic populist to circumvent the established order, as leaders like Estrada in the Philippines, Thaksin in Thailand and Yudhoyono in Indonesia have done in other emerging democracies.

Political Party Development

Political parties in Bangladesh are well developed, but not very democratic. They tend to be organizationally thin, elite-based cadre parties⁴. The leadership of the parties tends to be dynastic, with the children and grandchildren of early leaders expected to follow in their parent's footsteps. Since there is seldom turnover in leadership, policy change is glacially slow. Campaigning is based primarily on feudal ties and patronage, and appeals to historical grievances, rather than advancing a programmatic agenda for addressing current and future challenges.

Parties lack internal democracy, and consequently younger leaders with fresh ideas have little opportunity to move up within the party hierarchy. The lack of internal democracy also means that the concerns and aspirations of supporters and constituents have little influence on party leaders, and the quality of representation provided by parties is therefore poor. Although these cadre parties do have loyal supporters, they have few members in the formal sense (as one would see in mass or membership parties), and those members they do have are given few opportunities for substantive participation.

Institutional Constraints on Democracy and Representation

The constitutional and legal architecture of government in Bangladesh prevents or hinders effective democratic representation in several ways. Perhaps the most pernicious constraint is contained in Article 70 of the Constitution, which prevents Members of Parliament from voting against their party in Parliament. This article prevents MPs from voting in the interest of their constituents whenever those interests conflict with the interests of their party leadership, and shifts power from the Parliament to the Prime Minister's Office. As one commentator from a local legal group noted:

This law basically blocs the development of the parliamentary government. The main spirit of the parliamentary government is that the government is accountable or responsible to the legislature. So, the executive is always not sure whether he is going to be supported or not and therefore it always tries to feel the pulse of the members or tries to be more responsive. But, under the anti-defection or anti-floor crossing law the government and the executive is

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⁴A cadre party is a party composed of, or dominated by, political and economic elites, and is typically top-down in structure. In contrast, a mass-based or membership party is intended to represent the interests of the common people, and its power is based on the number of its members.

in a position from where they can practice dictatorship, as there is none from the government to protest or vote against.⁵

By preventing MPs from voting against their party, Article 70 concentrates all power in the Prime Minister, creating, in effect, an electoral autocracy. By limiting MPs' ability to represent their constituents, Article 70 prevents democracy. For example, it is plausible that in a functional democracy coastal MPs from several parties might band together to represent their constituents interests in discussions on fishing policy. Under Article 70, these MPs must vote for the policy preferred by their (Dhaka-based) leadership, regardless of the wishes or interests of their constituents.

To increase the number of women in Parliament, Bangladesh reserves 45 of the 345 seats for women. These seats are allocated to parties based on their proportion of the national vote. While this would seem a laudable provision, Article 70 negates its potential positive impact by preventing the women MPs from forming cross-party alliances to represent women's interests.

Given their legal inability to represent constituent interests in Parliament, it's little wonder that just 3% of MPs saw their role as "being accountable to constituents." In general, MPs and most voters think an MP's major role is to serve as gatekeeper for all public resources directed to a constituency. In essence, they serve as the constituency patron, doling out jobs or assistance, or directing infrastructure development, in return for loyalty or cash.

Unable to effectively represent the interests of their constituents in national government, the MPs might at least be an effective means for channeling priority government resources to their community, but unfortunately the MPs are not in the community — they are in Dhaka — and so they may be unaware of critical needs and priorities. For example, in a recent survey, 50% of voters said their MP never visits their constituency, while another 21% say he or she visits just once a year. And while 80% of voters think they should remain engaged between elections, and 86% believe the best way to improve public participation is to improve public knowledge and awareness of the democratic process, few say they have any means of learning MPs' plans or holding them accountable for election pledges.

The lack of knowledge of constituency needs is exacerbated by the fact that candidates for MP do not have to be residents in the constituency they seek to represent, and can run in up to three different constituencies. The effect of these provisions is that MPs seldom have real ties, beyond perhaps some historical connection, to the communities they represent. Instead, they tend to be Dhaka-based elites with money and connections in the party. Local candidates simply cannot compete with the power and the resources outsiders are able to deploy. The

⁵Floor Crossing Law under Bangladesh Constitution, The Lawyers and Jurists, accessed 11/11/11 at http://www.lawyersnjurists.com/resource/articles-and-assignment/floor-crossing-law-under-bangladesh-constitution/

dual governance role of MPs at both national and local levels means that neither commands their full attention.

CIVIC CULTURE

Culture and Democracy

Experience over the last several decades has demonstrated that legal frameworks and the structure of government have much less impact on the process of democratization than culture does. Expectations and understanding matter. If a people believes it right and proper that their leader should be a man, or a feudal patron, or an eminent religious figure, then they will confirm that through elections, regardless of laws that allow other classes or genders to stand as candidates. Likewise, if a population believes all people should be equal regardless of gender or class, they will advocate and pressure to align the legal structure with these beliefs. Seen in this light, the primary challenge for democratization in Bangladesh is not legal or structural reform, but developing and strengthening a civic culture of democracy.

Although there is no standard consensus on what constitutes a culture of democracy, there is general agreement on at least some aspects of democratic culture:

- Respect for equal justice and rule of law, and intolerance for illegality
- Belief in the equal worth of all individuals, and the equal right to participate
- Belief that citizens have the right to rule their country, and politicians have a duty to respect their wishes

Anecdotal evidence and survey data suggest that few Bangladeshis have fully embraced these attitudes and expectations (although there seems to be a positive trend, particularly among the young). Corruption is endemic, and there is a casual acceptance of corruption as normal and expected justice is malleable, with impunity the accepted norm for the rich and powerful. Government is the exclusive preserve of the ruling class; the little people are expected to know their place, and they do.

Although all of these practices are at odds with the formal legal framework, there is little demand for justice, equality or redress, because culturally this ordering of society is expected and accepted. This is not surprising, as Bangladesh is a country in transition, from agrarian to urban, from feudal to democratic, from traditional to modern; and it strongly suggests that efforts at reform or democratization that fail to address underlying social and cultural factors will have little influence or impact.

Trust in Institutions

Trust is the glue that binds together society, but in Bangladesh, trust in the institutions of state and society is very low. More than half of the population (53%) says they have no trust in the police, 29% have no faith in the judicial system, and 25% don't trust NGOs. Three key factors that contribute to low levels of trust are corruption, politicization and impunity. Corruption is endemic and accepted at every level of society, from the local classroom or market to the halls of Parliament and academia (Bangladesh was ranked 134 out of 178 counties on Transparency International's 2010 Corruption Perception Index).

Politicization is the use of supposedly neutral institutions for partisan purposes. In Bangladesh, politicization or at least the perception of politicization affects every government body and civil society organization, weakening trust in the very institutions meant to protect and promote the interests of the general public. A sense that justice is relative — harsh and unfair for the poor, but with impunity for the rich — also weakens trust.

Civil Society

Civil society plays an important role in a democracy, balancing and checking to some degree the powers of political society and commercial society. But civil society is very weak in Bangladesh, and unable to effectively perform this role. This statement may seem counterintuitive at first, because Bangladesh is known as a country with many NGOs — some of them very large — and the acronym "NGO" is often used interchangeably with "CSO" (civil society organization). But from a democratization perspective, CSOs and NGOs are often quite different.

In many developing countries (including Bangladesh), NGOs that are funded through international assistance are often primarily non-profit service providers. Many would be unsustainable in the absence of foreign funding. CSOs, in the usage we employ here, would be described as "voluntary associations" or "membership organizations." They would be groups of citizens who have banded together to pursue some common interest or aspiration. The roles that CSOs and NGOs can and do play in democratization are quite different.

To access international resources, NGOs need (English-speaking) technical and academic experts, and consequently the most successful tend to be capital-based and led by a foreign-educated and charismatic member of the local elite. The structure of such organizations is hierarchical, and while an NGO may have many clients, they typically have few members. NGO advocacy is primarily relational, with the elite leader seeking favors or dispensations based on personal relationships or class solidarity. Advocacy can also be based on presumed or actual expertise (essentially promoting a particular course of action because it is a "better way"). Elite-based NGOs fit easily within the traditional patron/client system, and tend not to rock the boat too much, as they operate within the existing system.

CSOs, on the other hand, are by definition membership organizations (U.S. examples of CSOs are the Sierra Club, the NRA, and labor unions). Since they are voluntary associations based on mutual interest, they can exist and operate without outside funding. CSOs are powerful in a democracy because of their membership. Rather than basing advocacy on a personal relationship, and respectfully asking a favor of government, CSOs make demands, and threaten to remove those that do not accede to those demands by deploying their members at election time (the more members, the more power).

Unsurprisingly, CSOs of this sort make governments and politicians (and donors) nervous, but it is just this sort of advocacy power that civil society is meant to provide in a democracy, and just this sort of advocacy that is most missing in Bangladesh. NGOs have only persuasion as a tool, and their advocacy approach as supplicants or humble petitioners tends to reinforce and perpetuate the patron/client system, rather than undermine it. Additionally, without a membership base, NGOs are easily captured by political parties.

The suggestion that the current NGO advocacy approach fits well in a traditional society centered on personal relationships is reinforced by recent surveys conducted by The Asia Foundation⁶. In that survey, 60% of NGO workers said the most effective way to get an MP's attention and support is to contact him or her personally. In stark contrast, 80% of citizens considered the greatest impact would be through public forums, where presumably they felt the MP would be more influenced by the opinions of a mass of prospective voters. The three surveys of MPs, NGOs and the general public reveal a divergence of opinion between elites and the masses that suggests a growing democratic consciousness in the population that might prove fertile ground for the growth of mass-based civil society organization able to advocate from a position of electoral power.

Cultural Constraints on the Political Participation of Women

Although not as repressed as women in some parts of Pakistan and Afghanistan, women in Bangladesh still face significant challenges to full political participation. These challenges and constraints are, in general, cultural rather than legal, and emerge from the perception that women are not suited for the rough and tumble, often violent, political arena. Driving these political perceptions is an underlying societal understanding that women are not quite equal with men.

With society failing to value the participation of women, women have little incentive or opportunity to learn about or engage in the political process. A recent survey by the PRODIP project measured understanding of democracy, and while half of the men surveyed could describe some characteristic of democracy, only 20% of women could. Because of their lack of knowledge and engagement in politics in general, women are also more easily influenced than men, with 20% of women reporting that their choice of candidate was influenced by local leaders or relatives, compared to just 8% of men.

The devaluation of women in Bangladeshi society has other adverse consequences, apparent in public attitudes towards violence against women. Rape, dowry-related assaults, acid throwing and other forms of violence against women occur regularly but are seldom prosecuted, or perpetrators receive light sentences, while police readily accept bribes to quash rape cases, and rarely enforce existing laws protecting women.

ACCELERATING THE DEMOCRATIC TRANSITION IN BANGLADESH

If the primary problem of democratization in Bangladesh is the persistence of traditional feudal social structures, and the country is currently in transition from traditional society towards a modern culture of democracy, then those interested in strengthening democracy should prioritize facilitating or accelerating that transition. As this involves public education and changing attitudes and expectations, it will be important to begin the process with a clear understanding of problems and potential points of intervention. This will facilitate monitoring of progress and measurement of change over time.

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⁶ The surveys referred to are unpublished.

Improvements and reforms in other areas will have little impact if the gains made over the last several decades in elections cannot be maintained. An important element in ensuring that elections are credible is transparency. Civil society advocacy and observation will both be important to maintain and increase transparency. Also important to reduce political tension and encourage acceptance of election results is a perception that the process was administered fairly and neutrally, so advocacy for an unbiased, unpoliticized neutral and independent BECmight be appropriate.

To improve the quality and reliability of elections processes, and ensure that Bangladesh can afford elections regardless of the availability of foreign funding, efforts should be made to encourage the adoption of technologically appropriate and sustainable approaches to election administration. This would include promotion of voter registration processes that can be accomplished with existing resources, and the use of domestically produced election equipment (ballot boxes, etc.).

Civil society organizations may encourage the growth of more open, inclusive and democratic political parties by supporting activities aimed at changing public and internal understanding and expectations about the appropriate role of parties in a democracy. This may be accomplished by facilitating the development of issue groups, and by encouraging parties to expand their membership base, so that the parties better represent the interests and aspirations of the broader population. Mechanisms might also be developed that provide opportunities for better communication between MPs and constituents, to strengthen accountability and improve representation.

Addressing constitutional constraints on democracy may be politically difficult, but organizations and interest groups should consider advocacy to reform Article 70. Also important will be to clarify the appropriate role of MPs, and if possible enhance local level democracy through further decentralization.

To strengthen the culture of democracy in Bangladesh, civic education aimed at facilitating public transition from a feudal understanding of place in society towards an acceptance and expectation of equality of class and gender will be essential. Civic education should also aim to reduce tolerance for corruption and impunity. Finally, to strengthen civil society and help balance the power of the political and commercial sectors, democracy assistance actors should explore ways to encourage the development of voluntary associations and membership organizations.