The European Union as a Partner in Promoting Democracy in Bangladesh

Ambassador Farooq Sobhan, President, Bangladesh Enterprise Institute and former Foreign Secretary of Bangladesh
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Abstract

The rehabilitation of democracy in Bangladesh reached an important milestone with the 29 December 2008 parliamentary elections. The elections were pronounced free and fair by hundreds of foreign observers, including a team of 150 observers from the European Union (EU) and thousands of observers from Bangladesh itself. Yet this does not mean that democracy and the democratic process have been accomplished in Bangladesh. On the contrary, this is a good time to recall three successful elections held in February 1991, June 1996 and October 2001 and the failure of the democratic process that followed each election. Bangladesh witnessed three weak, largely non-functioning parliaments, whose principal task turned out to be rubber-stamping the actions and laws of the government of the day. Parliament’s watchdog role was missing and the partisan role played by the speaker meant that the opposition was denied the opportunity to raise awkward and sensitive issues on the floor of the house or question the misdeeds – and there were many – of the government.

The EU’s support of Bangladesh has been both financial and technical, as evidenced by projects such as the PERP (Preparation of Electoral Roll with Photographs) and the large delegation of election observers. The European Union’s role in the process that yielded 29 December 2008 cannot be underestimated.

By expanding the EU’s activities to establish Bangladesh as a modern, sustainable democracy, Bangladesh can serve as a model for democratization in other Muslim countries struggling with the process. This requires embedding democratic principles and values across every level of society, ensuring people’s rights and participation, and establishing efficient, accountable institutions. A two-pronged approach addressing both state and non-state entities is necessary. In particular, the EU’s comparative advantage in institutional capacity building can benefit the reform process in Bangladesh’s institutions.
Summary of Recommendations

The EU can aid Bangladesh in the process of consolidating democracy by:

- supporting key institutions like the parliament;
- establishing a South Asian parliamentary group on democracy and good governance;
- supporting the improvement of civil-military relations (democratic control over the military);
- enhancing the role of civil society organizations and the media; and
- supporting political party reform.

The support should also extend to the region in order for South Asia to set itself on the path of economic integration to meet the challenges of the 21st century.

1. The Bangladeshi Experience of Democracy

A look through the literature on democratization in Bangladesh reveals descriptions like ‘illiberal democracy’ (Zakaria, 1997) and ‘fragmented democracy’ (Wagner, 1999). Despite the presence of many conditions thought to be conducive to democracy (high level of homogeneity with few cleavages in terms of ethnicity, class or religion; entrenched stratification; a people that has historically nurtured a strong democratic spirit), democracy has failed to establish a firm foothold here.

After gaining its independence from West Pakistan in 1971, the first Bangladeshi government was formed. General elections followed in March 1973. Up until January 1975, the country followed a parliamentary system of government based on the Westminster model with executive power in the hands of a prime minister. On 25 January 1975, parliament was dissolved and one-party rule was established. The then-prime minister, Bangabandhu Sheikh Mujibur Rahman, became president. In August of that same year, he was assassinated in a military coup. Although General Ziaur Rahman, who eventually assumed the presidency, reintroduced multiparty politics, he too was assassinated in an attempted military coup in May 1981. In March 1982 General H. M. Ershad took charge in yet another military coup. While elections were held under both the president/generals, these were stage-managed elections that ensured the power of the two ruling parties, the Bangladesh Nationalist Party (BNP) and the Jatiya Party. Thus, until the elections of February 1991 Bangladesh was either under direct military rule or quasi-military rule. As a result, when democracy was reinstated in 1991, it was a top-down imposition with few of the values and principles characteristic of democracies elsewhere in the world.

In December 1990, the overthrow of the autocratic regime of General Ershad gave way to a fragile and weak democracy in Bangladesh. The mass uprising, which demonstrated that the Awami League and the BNP, the country’s two biggest political parties, could indeed work together when they wanted to, resulted in elections in February 1991. The BNP in coalition with the Jamaat-e-Islami (Bangladesh’s largest Islamic political
party) formed the government in the 7th Jatiya Sangsad (parliament). The elections were held under the auspices of a neutral ‘caretaker government’, headed by the chief justice and a council of advisers made up of 10 eminent apolitical citizens drawn from civil society. Bangladesh’s sole contribution to democratic innovation was to formalize this arrangement of a caretaker government by amending the constitution in March 1996, following the February elections of 1996, which were boycotted by the other political parties and rejected by the overwhelming majority of the country.

The caretaker government arrangement worked reasonably well in 1996 and in 2001, but by December 2006 it became evident that the country was heading for a rigged election that the BNP was going to win notwithstanding the fact that it had proved itself to be a highly corrupt and incompetent government. In turn, this triggered the army takeover on 11 January 2007 and the formation of a new caretaker government, with Dr. Fakhruddin Ahmed as the chief adviser.

The subsequent fragility and eventual capitulation of the system proved that simply holding elections does not ensure a functioning democracy; it is also necessary to identify and create the institutions that can sustain it. Khan (2007) makes a distinction between the ‘formal’ aspects of democracy (elections, transfer of power) that manifested themselves after the overthrow of Ershad and the deeper ‘structural’ aspects that failed to be institutionalized, resulting in the crisis that saw democracy suspended in January 2007, and a military-backed caretaker government taking over the reins with the express intent of returning the country to democracy once some fundamental flaws had been rectified. Understandably, these intentions were subject to deep suspicion in the eyes of the people, given the history of the military’s propensity to hold on to power not only in Bangladesh, but also at regular intervals in Pakistan from 1958 onward.

Nevertheless, the military-backed caretaker government (CTG) that took over on 11 January 2007 enjoyed popular support for the first year, as well as the support of Western governments, the EU, the United Nations (UN), and donor agencies. The CTG’s stated objectives were to hold free and fair elections within two years, plus prepare a new voter list and introduce a series of reforms (Quadir, Freedom House, 2007).

Over the course of the next two years, the CTG took steps to adopt multifaceted reforms in the electoral process. The EU was a valued partner of the CTG in this exercise, especially via the PERP project. The CTG also focused on the restoration of law and order, cracking down on top criminals and corrupt politicians (both the leaders of the two main parties served time in prison), and renewing the public’s trust in key state institutions. Elections were held 29 December 2008, and in these elections, the Mohajot (Grand Alliance) led by the Awami League swept to power in a landslide victory that gave expression to the public’s dissatisfaction with the misrule of the BNP-led Four Party Alliance and the forces of Islamic extremism that had gained prominence during the BNP’s tenure.

The December 2008 elections were widely acclaimed as free, fair and representative of the people’s will. But key tasks remain undone in lending sustainability to the democracy that now prevails in Bangladesh.
Commission make the system responsive, transparent and accountable. Legislative monitoring of the executive branch, one of the tenets of democratic government, was absent. Citizens’ confidence in key institutions, which they viewed as inefficient and lacking integrity, continued eroding during this period of democracy marked by patron-client relations.

The weakness of the institutions to sustain democracy in Bangladesh can be attributed in part to the politicization of the civil bureaucracy. Some senior civil servants failed to maintain their bipartisanship vis-à-vis the political parties. Partisanship was seen to manifest itself right from the recruitment stage, which is administered by the Public Service Commission. Other key institutions that had fallen victim to politicization and corruption included the Office of the Comptroller and Auditor General (CAG), the National Board of Revenue (NBR), the public universities and even the security services, particularly the police. The deterioration of faith in these institutions also meant deterioration in the quality of government services, since many Bangladeshis no longer view public service as an attractive career option.

Another feature of the flawed democracy that prevailed in Bangladesh from 1991 to 2006 was the politicized judiciary that failed in providing an institutional counterweight to the powerful executive branch. Although steps have been taken by the CTG to make the judiciary independent and separate it from the executive branch, the process must continue until the lower courts are independent, too.

Prior to January 2007, corruption had become so endemic in Bangladesh that people came to regard it as a part of everyday life. The CTG took the bold step of putting many of the perpetrators in prison, but almost all of them have since been released. Questions have been raised over whether this top-down approach would have worked anyway, since the systematic corruption that reigns in Bangladesh includes both the ‘grand’ form of corruption that ruling elites engage in, as well as the ‘petty’ corruption that pervades deeper into all levels of society.

The resounding defeat suffered by the political parties cultivating and espousing extremism in their ranks in the recently held elections has temporarily averted the threat of these groups hijacking the nation’s traditionally secular, tolerant values. This threat had come to the forefront during 2004 to 2006, allegedly patronized by powerful forces in the BNP-led coalition government, in which the Jamaat-E-Islami was a key component. Although they have never enjoyed widespread support, there are pockets within the nation that preach hatred and embrace undemocratic values. The Jamaat’s humiliation in the last elections can be attributed more to their image as an ‘anti-liberation’ party (their constitution did not even recognize Bangladesh’s War of Liberation until very recently, and in the run-up to the elections, a public awareness campaign revealed several of their present leaders had sided with the Pakistanis during the war) that was ideologically opposed to the very birth of Bangladesh. Nevertheless, the rise of the madrasahs and their intake of students relative to general education institutions remains a cause for concern (Tannock, 2005).

As a persistent, pervasive and perverse condition, the biggest bane for democracy in Bangladesh has been the crippling fractious nature of party politics. A political war of attrition between the two major parties, Sheikh Hasina’s Awami League and Khaleda Zia’s BNP, has continued to undermine the country’s efforts at development and fostering a
democratic culture of co-existence between political parties. The nepotism and lack of democracy within the parties themselves made them unfit custodians of democracy. For both parties, the period from 1991 to 2006 represented a cycle of patron-client relations and coercive politics when in power, and agitations and mobilization politics when in opposition (Islam, 2006). Sobhan (2001) observes how the poisonous relationship between the two has undermined the foremost institution of any parliamentary democracy, the Parliament, with the perceived unfair behaviour of ruling parties causing successive oppositions to resort to ‘a highly confrontational path, leading to [a] boycott of Parliament, invocation of hartals [strikes and political demonstrations], and a relocation of opposition political activity away from Parliament and into the streets’.

A by-product of this perpetual brinkmanship has been the inability to select a neutral speaker. Successive speakers have failed to maintain their constitutionally bound neutrality in the face of pressure from those who have elected them. The speaker is elected by parliament members by a simple majority, and each time has been a member of the ruling party. A look back at parliamentary sessions spanning from 1991 to 2006 will reveal numerous incidents of the opposition staging a walk-out, citing insufficient time granted to them on the floor of Parliament, often no time at all, and recently, the pettiness has even descended to the allocation of seats.

2. The European Union’s Support for Democracy

A strong, functioning democracy is widely accepted as the foremost enabler of good governance, poverty reduction, grassroots empowerment, gender equality, conflict prevention and counter-terrorism available to any state today. It is not yet a system that has been perfected, but as John Dewey memorably said, ‘the cure for the evils of democracy is more democracy’.

The EU is now the largest donor of humanitarian aid in the world, and fifth behind the United States, Japan, Germany and France when it comes to grant financing. As a proponent of lasting peace, social harmony and inclusive development, the EU has supported the democratization agenda in every part of the world, particularly in the newer democracies of Latin America and Africa. A statement on the EC Web site reads ‘The European Union believes that democracy and human rights are universal values that should be vigorously promoted around the world. They are integral to effective work on poverty alleviation and conflict prevention and resolution, in addition to being valuable bulwarks against terrorism’. The European Consensus on Development Policy makes it clear that ‘support for

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Development projects sanctioned under one government have been pushed to the back-burner under another, debilitating opposition strikes for no valid reason have hampered the nation’s economy, and the inability to strike a consensus on almost any issue has contributed to deepen an atmosphere of distrust and antagonism within the nation’s polity.

The poor, sometimes almost non-existent functioning of Parliament was a blight on democracy in Bangladesh from 1991 to 2006, most regrettably because it meant so many of its citizens who had voted were not represented or underrepresented in Parliament, depriving them of one of the basic premises of a functioning democracy.

The hallmark of the EU’s democracy projects around the world has been its emphasis on using soft power and civilian involvement in nation-building or democratization. This has allowed it to tailor its agenda to local contexts.
democracy, human rights and good governance’ underpins all of the EU’s development assistance. The EU’s commitment to the cause is borne out by the fact that approximately half of the estimated USD 2 billion spent annually on democracy-related aid projects worldwide is spent by the EU (Ferrero-Waldner, 2006).

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At the turn of the century, in response to concerns over the effectiveness of aid programs, the European Commission reoriented its development policy to concentrate the EU’s activities in six core areas where it has identified a competitive advantage for itself. One of these is institutional capacity building to consolidate good governance and the rule of law. The European Instrument for Democracy and Human Rights stemmed from this, and provides support for electoral reform, election observation and legal training.

Bangladesh’s ties with the EU predate this instrument. Diplomatic relations were established in 1973, and in 1976 the two parties entered into their first formal agreement, the Commercial Co-operation Agreement, which was replaced by the Trade and Cooperation Agreement of 2001. Under this document, five key areas were identified for closer development cooperation between the EC and Bangladesh. One of these was good governance and human rights, and soon after the agreement was signed, the EU Election Observation Mission was deployed in the Bangladeshi general elections of October 2001 at the invitation of the Government of Bangladesh.


- The Country Strategy Paper (CSP) describes the EC’s development policy for Bangladesh.
- The current CSP for 2007-2013 has a budget of EUR 385 million.
- The area of good governance and human rights has an envelope of EUR 130 million.
- The CSP is influenced by Bangladesh’s Poverty Reduction Strategy Paper and by the UN Millennium Development Goals.

Possibly the EU’s greatest success in its efforts to establish good governance and the rule of law was the Preparation of Electoral Roll with Photographs (PERP), which was completed ahead of time in 2008, and was part of wider EU assistance to hold free and fair parliamentary elections to help Bangladesh revert back to democracy after two years under a caretaker government. More than 80 million voters were registered, and the election they voted in was widely acknowledged as a credit to the democratic process in Bangladesh. Implemented by the Bangladesh Election Commission and the United Nations Development Programme, the EU was the principal financier of this project with a contribution of EUR 15 million.
The EU’s ultimate objective in promoting good governance lies in alleviating poverty—nearly 40 per cent of Bangladeshis live below the poverty line and need access to basic human amenities, the strengthening of democratic values and the reinforcement of a more just and equitable society. An evaluation commissioned by the EC of previous country strategies for Bangladesh revealed that good results were attained where the EC operated directly through non-governmental organizations. Programmes requiring a high degree of political commitment met with less success. Accordingly, the evaluators’ recommendations were incorporated into the 2007–13 CSP. The most important of these was that any future EU strategy should give more prominence to governance and human rights issues, ‘in view of their critical influence on socio-economic development and the effectiveness of aid delivery’.

The EC evaluation identified low absorption capacity as a fundamental problem for governmental institutions. Weak institutional capacity, aid governance problems and a lack of political will for reforms were identified as the underlying factors. For the 2007–13 strategy, it was decided to ensure the government’s involvement from the early stages of programme design in order to grant it higher ownership of the programmes and for better coordination between the EU strategy and the Bangladesh Government’s own development strategy. Both place good governance as the underlying requirement without which development cannot take place.

The Poverty Reduction Strategy Paper (PRSP) prioritizes five areas to alleviate poverty: better service delivery, particularly in education and health; accountability and anti-corruption programmes; access to justice; regulatory support, particularly to the informal sectors of the economy; and reduction of the threat of income erosion. These are placed within the overall framework of increasing the state’s efficiency in supporting growth and increased democratization of the discourse and practice of power. The overall objective of the EU’s strategy is deliberately grounded in these principles. The EU will strive for this broader target through two more specific plans: increasing the effectiveness of public institutions, and improving security and access to justice for the poor.

The EU supports the Bangladeshi Government’s agenda through a comprehensive, integrated reform programme. This support concentrates on overhauling the public administration and public sector management; reforming the police, the judiciary and the prison service; creating governance institutions such as the new Human Rights Commission and an ombudsman’s office; and continued support for the decentralization process in order to enhance local governance. All of these interventions are intended to establish a strong, service-delivery oriented public sector alongside a government that is fully accountable to a people represented effectively in a fully functioning Parliament.

3. Policy Recommendations

Although democracy has been restored, it is still a fragile one, and will require consolidation and nurturing in order to entrench itself. The December 2008 elections were held in an atmosphere of hope and expectations that this time the experience with democracy would prove a far more fruitful one. Turnout at the elections exceeded all
expectations, and was representative of all strata of Bangladeshi society, most notably with more women voting than men.

**Capacity building and strengthening institutions**

Some of the key institutions in need of reforms in Bangladesh include the judiciary, the police, the National Board of Revenue, and the Office of the Comptroller and Auditor General. How can the EU help in the implementation of reforms within these key organs of the state?

Most useful would be long-term programmes centred on sharing ideas, knowledge and practices. This may take the form of key officials from Bangladeshi institutions residing in Europe for a month to observe the institutions corresponding to the ones they are working for in Bangladesh. Bangladeshi officials would learn first-hand the operational methods that give European institutions their efficacy and allow them to stay above politicization and corruption. Mere observation though, will not be enough. Bangladeshi officials will benefit most if observation is a component of modules specifically designed to address their shortcomings, and are taught effectively by experienced European officials.

The EC’s help is also necessary to upgrade the logical framework approach prevalent in Bangladeshi institutions. Automating public records to bring them all under one central database is crucial. One Bangladeshi institution, the Election Commission, benefited greatly from modernization. The time has now come to extend this process of modernization to other institutions such as the National Board of Revenue. Europe’s help is also necessary to reform or even create some of the institutions that sustain democracy. Calls for a national ombudsman have persisted for a long time, and now is the time for such an office to be established. The recently created Human Rights Commission can also benefit from Europe’s expertise to improve access to justice for groups that have been denied access in the past. Reforming the institutional structures to include better terms and conditions for civil servants can also benefit from EC guidelines.

Improving access to justice also requires an overhaul of the judicial system. The separation of the judiciary from the executive branch was an important step taken by the CTG in this regard, but equally important will be the implementation of projects designed to free the lower courts from becoming subject to interest groups, as well as activating the village courts so that those in remote areas can have access to the justice system. A project partially funded by the EU to activate as many as 500 village courts is currently in the pipeline, and of all the good governance and democratization projects underway in Bangladesh, this is perhaps the most important one. The EU must not let this important project slip away, because it has the potential to make a significant contribution to the expeditious, transparent and affordable dissemination of justice among the disadvantaged and marginalized groups of the country.

**Strengthening the Parliament**

During 1991 to 2006, the Bangladeshi Parliament witnessed frequent opposition walkouts and boycotts. Strengthening the Parliament as an effective institution to
represent and carry out the people’s will is imperative in order for democracy to sustain itself this time. Bangladesh’s parliamentarians must be brought up-to-the-mark on crucial issues such as consensus-building and forming an effective opposition, and, for the speaker of the House, maintaining neutrality.

Although the European Parliament is not divided along such fractious lines as the Bangladeshi one, members of the European Parliament (MEPs) can share some lessons from their knowledge built up over many years of experience. If this information is provided to all parties in Bangladesh, the knowledge can contribute to an effective Parliament performing to its potential. One training session aimed at one group of parliamentarians will never suffice. To be effective, regular sessions have to be held, with Bangladeshi parliamentarians attending the sessions in perhaps groups of 30 at a time, with each group containing members from all the different parties. This common platform can extend opportunities for the parliamentarians from across party lines to work together and learn from the MEPs.

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**Capacity building for local government**

Following the December 2008 parliamentary elections, elections for local government were held in January for the first time in 16 years. The 22 January 2009 elections for the 494 Upazilas (sub-districts) represented an important milestone for the decentralization of power away from the centre. However it is absolutely crucial now that in its early stage of reinstatement, local government is not captured by and made subservient to a powerful elite, made up of parliamentarians from the ruling party. This will require capacity building for the local government institutions (Union Parishads) in order for them to deliver infrastructure and services in an effective, efficient and accountable manner. Only this can increase their legitimacy in the eyes of the people and help them maintain their autonomy in the face of the powerful forces intending to capture their decision-making space. The EU could help local governments establish participatory planning, efficient budget procedures, and effective monitoring and control mechanisms for performance assessment.

**Democratization of political parties**

The democratization of political parties has taken on increasing significance in Bangladesh, particularly during the two years of the caretaker government. The lack of democratic processes within the parties themselves has hurt the process of
democratization on a national level, breeding nepotism and favouritism. In this regard, European political parties from which the MEPs are drawn can have an important role to play in encouraging and promoting political party reform in Bangladesh, a process that was started under the CTG but then inexplicably abandoned. For the long-term prospects of democracy in Bangladesh though, this is a process that needs to be reignited. The most prominent areas that need to be addressed include the party leader’s all-encompassing powers to appoint key personnel such as the secretary-general. Appointment to these positions, including the post of president, should be decided through free and fair elections held at regular intervals. This needs to be a transparent and credible process.

**Support to local organizations and civil society groups**

The London School Of Economics Centre for Civil Society says that civil societies are often populated by organizations such as ‘registered charities, development organizations, non-governmental organizations, community groups, women’s organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups’. A vibrant civil society able to voice its concerns and aspirations is a necessity for a strong, functioning democracy. In Bangladesh, despite many difficulties, civil society has performed an admirable job. However, that does not preclude even more effective activity on its part. The EU can assist Bangladeshi civil society groups by holding dialogues, knowledge-sharing and dissemination sessions and by encouraging and fostering partnerships between organizations in the EU and in Bangladesh and the South Asian region. Such partnerships can pursue joint activities geared to promoting democracy, co-existence among political parties, and supporting institution building within Bangladesh and the region as a whole.

**Media training**

In any democracy, the media must be an effective tool to ensure the accountability and transparency of politics in general and government in particular. Bangladesh has fortunately been able to sustain a vibrant media throughout its struggle to promote and sustain democracy. But this vital organ of the democratic process can still benefit by interacting with its European counterparts through joint programmes. The programmes should address the concepts and issues necessary to strengthen the democratic process, and improve journalists’ skills in covering parliament and investigative reporting. Bangladeshi media professionals can gain from interacting with the European media, both print and electronic, on how best to accommodate the views prevalent in Bangladesh through objective, fair, balanced and responsible reporting.

**Regional integration**

On a regional level, South Asia must rejuvenate the process of integration in order to meet some of the challenges of the 21st century. It is also important that stable, functioning democracies are established in each of the countries of South Asia. Given the volatility that besets relations between India and Pakistan, the establishment of strong democracies in the region assumes further importance, since it has been seen
that stable, liberal democracies rarely, if ever, go to war against one another (Kinsella, 2005). The EU can play a useful role in strengthening the foundations of democracy in the region as a first step toward promoting and facilitating regional integration. There is growing recognition that many of the problems common to the countries of South Asia can best be addressed on a regional or subregional basis (the prime minister of Bangladesh recently proposed a South Asian Joint Taskforce to tackle the common problem of terrorism). The most effective bulwark against the growing number of acts of terror throughout South Asia can be achieved through strengthening democratic institutions and practices eventually leading to a South Asian Parliament where regional problems such as terrorism can be deliberated and tackled in an effective manner.

At the non-state level, promoting regional dialogues between young leaders and politicians committed to instilling democratic values in their society provides another opportunity for the EU to support democratization as well as provide a platform for regional integration.

4. Conclusion

Democracy in Bangladesh stands on a delicate precipice today. The citizens have demonstrated a desire for it above all other forms of government, but the institutional and cultural framework for democracy to persist remains fragile.

The Bangladeshi institutions for sustaining democracy need help. They range from the state institutions such as the tax-collecting National Board of Revenue to the political parties themselves. The EU has sufficient expertise in the institutionalization of democracy, which is precisely the expertise that Bangladesh needs to draw upon. The EU’s current Country Strategy Paper makes it clear that it is willing to lend this expertise.

What is important to recognize is that despite many problems, Bangladesh is today again a democracy. Its institutions may be weak, its politicians may be corrupt, and its culture still reticent, but throughout history, its people have exhibited an abiding aspiration for democracy. It is this aspiration that has seen them regain it, and it is this aspiration that gives hope to those who support democracy everywhere—that the country can finally put in place an institutional framework and cultivate a political culture to sustain itself as a modern, viable democracy. In turn, it can establish a model that other Muslim countries struggling to become functioning democracies can follow. With the help of the EU and the international community, Bangladesh can correct its past mistakes through capacity and institution building to ensure a healthy democracy now and for the future.

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If Bangladesh can cultivate a political culture to sustain itself as a modern, viable democracy, it will be a model that other Muslim countries struggling to become functioning democracies can follow. With the EU’s help, Bangladesh can correct its past mistakes through capacity and institution building to ensure a healthy democracy now and for the future.
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**List of Abbreviations**

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<tr>
<td>ACC</td>
<td>Anti-Corruption Commission</td>
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