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Social movement against corruption

Governance Challenges of Bangladesh The Way Forward

Volume-VIII

**Governance Challenges of Bangladesh
The Way Forward**

Volume-VIII

Governance Challenges of Bangladesh: The Way Forward Volume-VIII

(A collection of summaries of research on selected sectors or institutions conducted by TIB in 2017)

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Foreword

Transparency International Bangladesh (TIB) has been working to create a social movement against corruption and to promote good governance in the country. As a part of its mandate, TIB undertakes research and knowledge-based advocacy focusing on sectors, institutions, and issues of public interest with a particular focus on the state of corruption and challenges of governance. The primary objective is to identify various factors that work as barriers to transparency, accountability, and effective governance. Based on the findings of the research TIB provides recommendations and undertakes advocacy initiatives to bring in positive changes through necessary legal, policy, strategic and institutional reforms engaging with the government and other concerned stakeholders.

The current volume titled Governance Challenges of Bangladesh: the Way Forward is the eighth in the series of compilation of summaries of reports on selected sectors and/or institutions that TIB publishes every year. The earlier such volumes were all in Bangla. The current volume, consisting of reports published in 2017 is being published for the first time in English simultaneously with the Bangla version. The English version is expected to meet the growing demand for TIB research by various non-native stakeholders.

The first article of this volume contains the findings of the Parliament Watch series of TIB covering the 7th to 13th Sessions of the current 10th Parliament. It analyses the roles of the Members of the Parliament (MPs) in representation, ensuring accountability of the government and enacting laws. The role of Parliamentary Standing Committees, the contribution of women MPs, the role of the Speaker, and the degree of openness of the Parliament, etc., are

also analysed, based on which TIB has made recommendations aimed at promoting further effectiveness of the parliament as the key institution for promoting democratic governance and corruption control.

The second article shows the preparedness, progress and challenges of Bangladesh for attaining the targets pertaining to anti-corruption and good governance under the Sustainable Development Goals (SDGs) 2030. It focuses on four specific targets under SDG 16 (16.4, 16.5, 16.7, 16.10) that are directly related to TIB mandate—reduction of corruption, bribery and illicit financial flows, development of effective, accountable and transparent institutions at all levels, and ensuring public access to information. The study made a set of recommendations to increase prospect of achieving these particular targets more effectively than otherwise.

The third study examines the extent of effectiveness and challenges of public hearings organised by the Anti-corruption Commission (ACC). It shows that although the public hearings, that bring the corrupt officials face to face with victims of corruption in the presence of ACC officials, have yielded positive result for about one-thirds of the aggrieved participants, they are yet to be effective up to the expected level. While as a consequences of public hearing considerable proportion of institutions adopted some measures to improve accountability, for lack of sufficient follow-ups there were also examples of counter-productive outcome including further harassment of the victims. The study has made a set of recommendations as way forward to make public hearings more effective in future.

The governance challenges in the process of labour migration from Bangladesh have been summarised in the fourth article. It shows how the aspirant migrants are being cheated in the process and are deprived of their due benefits in the hands of a section of recruiting

agencies, relevant officials and other stakeholders. The fifth article discusses the challenges in the passport delivery services including bribery and harassment of passport seekers and recommends specific measures for consideration of the passports and immigration authority, and other relevant agencies of the government.

The governance challenges of the National Curriculum and Textbook Board (NCTB), particularly with respect to manuscript preparation and publication of textbooks are brought into focus in the next article. It shows that although NCTB was designed to be an independent body, it operates under the influence of the Ministry of Education. The process of manuscript preparation and publication is bedeviled by political influence and corrupt practices leading to concern over deteriorating quality of the quality of text books. Recommendations put forward by the study include the creation of an independent commission for national curriculum and text book free from government control. The seventh article provides summary of the findings of a study that shows that open school data plays a supporting role in increasing transparency and accountability and reducing the risks of corruption, and non-governmental initiatives for promoting open data yields relatively more effective results than the public sector ones.

The nature of relationship between democratic decentralisation and urban development has been explored taking Khulna City Corporation, Khulna Development Authority and Jessore Municipality as case studies in the next article. It is observed that the devolved institutions where participation at the community level is higher are more accountable than those operating with delegated authority.

The next two articles deal with governance challenges in utilisation of climate funds by Bangladesh Water Development

Board (BWDB) and the local government institutions. In both instances it is observed that the climate fund is considered as yet another window of public funding for implementing local development projects, undermining the specific nature of climate vulnerabilities that such funds are expected to address.

In the last two articles different kinds of challenges as faced during crisis periods have been analyzed. One highlights the governance challenges faced in relief operations in the wake of the cyclone Roanu in the affected coastal areas in 2016. The other presents the governance challenges in the management of the forcibly displaced citizens of Myanmar (Rohingyas) who fled into Bangladesh since August 2017.

This volume has been collated and edited by Senior Programme Manager, Research and Policy of TIB, Shahzada M Akram supported by Senior Programme Manager, Outreach and Communication, Mohammad Zahidul Islam. I am grateful to all other members of the staff who have contributed from their respective position. We are grateful to all the experts and officials of the concerned institutions who provided valuable support and information that made the studies possible. We hope that the analyses and recommendations contained in the studies will be helpful for relevant stakeholders, particularly the Government, in their efforts to control corruption and promote better governance.

Comments and suggestions from readers are cordially welcome.

Iftekharuzzaman
Executive Director

Parliament Watch

Tenth Parliament (Seventh to Thirteenth Session)*

Juliet Rossette, Fatema Afroz, Morsheda Aktar, Amit Sarkar

1. Introduction and Objectives

The main objectives of a parliamentary system of democracy are to hold discussions and thereby take decisions on important national issues, enact necessary laws for the interests of the country, reach consensus on issues concerning national interests, and lead the country keeping people's aspirations and the world context under consideration. In line with these objectives, public representation, enactment of laws, and making the government accountable are three major businesses of a parliament. Parliament members elected by citizens, thus make a government accountable through different motions and discussions—question-answer sessions, notices on matters of public importance, discussions on the President's Speech and debate on the budget, making of laws, and functioning of parliamentary standing committees.

In Bangladesh, the parliament has been recognized as a major decision making and policy guidance forum in the country. Therefore, political parties in their manifestos in general elections have emphasized on making the parliament effective. Bangladesh has also joined global bodies of national parliaments like the Inter

* Summary of the study released on 9 April 2017 at a press conference at TIB Dhaka office.

Parliamentary Union (IPU) and Commonwealth Parliamentary Association (CPA) to ensure effective participation of parliamentarians for the peace and development of society and to articulate the needs and aspirations of its people. These platforms bring parliamentarians and parliamentary staff together to exchange ideas and identify benchmarks of good practices and new policy options that they can adopt in the governance of their societies.

The monitoring of a parliament is not a new idea. Nearly 200 Parliamentary Monitoring Organization (PMOs) have been monitoring more than 80 national parliaments worldwide. PMOs have been gathering information and data on parliamentary motions and developing a variety of innovative and effective tools for the monitoring of parliamentary functioning and performance and supporting reform initiatives aimed at strengthening the democratic development of parliamentary institutions.

Thus, in view of parliament's paramount importance in promoting a culture of democratic accountability for preventing corruption and establishing good governance in the country, TIB has been conducting "Parliament Watch" studies since 2001 from the beginning of the 8th Parliament. The present report is the third report on the 10th Parliament and the 13th report of the Parliament Watch series.

1.1 Objectives

The overall objective of this research is to analyze the role and proceedings of the 10th Parliament in ensuring democracy and good governance, and offer recommendations for making the parliament effective. The specific objectives are to:

- analyze the proceedings of 7th to 13th sessions of the 10th Parliament;
- analyze the roles of parliament members in ensuring

representation and accountability of the government;

- analyze the roles of Standing Committees;
- assess the roles of the members in enacting laws;
- assess the roles of women members;
- assess the roles of the Speaker and parliamentarians in parliament motions;
- assess the Parliamentary Openness;
- offer recommendations to make the Parliament more effective.

1.2 Methodology and Sources of Information

The study used both quantitative and qualitative data on the parliament. Information for this study was collected from both primary and secondary sources. The primary sources of data include the live broadcast of proceedings of the 7th to 13th sessions of the 10th Parliament by the state-owned national television channel Sangsad TV (Parliament TV Channel) and observation of parliament sessions by being present in some necessary sessions.

The research team observed the live session sitting in the parliament with prior approval of the Parliament Secretariat. The secondary sources include proceedings of the sessions and committee reports published by the Parliament Secretariat, government gazettes, parliament website, newspapers, books, and articles. Some data were validated with the help of newspapers and information from the Parliament Secretariat.

Data on parliamentary sessions were generated by using a checklist through listening to recorded television broadcasts. The checklist includes information regarding time and discussions of different motions in the parliamentary sessions relating to President's Speech, roles of the Speaker, question-answer sessions of the

Prime Minister and Ministers, enactment of laws, budget discussions, general discussions, discussions on Point of Order, notices on issues of public importance, parliamentary resolutions, boycott and walk-out by the opposition, etc.

The study also explored parliamentary openness on the basis of some international and national practices and standards that include the Sustainable Development Goal (SDG) targets regarding public access to information and IPU and PMO pleas for information dissemination by parliaments and other good practices.

1.3 Reference Period

Data for this study was collected on the 7th to 13th sessions of the 10th Parliament during September 2015 through December 2016.

2. Parliament sessions

2.1 Session Days

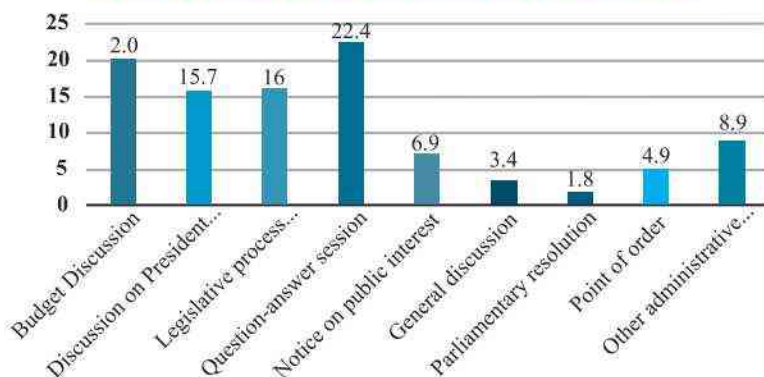
In 7 sessions (7th to 13th sessions), the total number of session days were 103. The 11th session was the budget session for 32 days. The 9th session discussed the President's Speech for 26 days.

2.2 Time Spent in Different Activities

In total, 345 hours and 55 minutes were spent on different motions in these seven sessions. The average working hours per day were around 3 hours and 22 minutes. The highest amount of time was spent on budget discussions, which is 20 percent of the total time (figure 1).

Other areas in which a notable amount of time was spent include discussions on question and answer sessions (22.4 percent), President's Speech (15.7 percent) and law making (16 percent).

Figure 1: Time Spent on Different Motions (%)



Data Source: Parliamentary Proceedings

3. Attendance in Sessions

The average attendance of the Members of Parliament (MPs) in these sessions was 233 days (67 percent of all MPs); 39 percent of members were present on more than 75 percent workdays and 5 percent of members in less than 25 percent workdays. Thirty-nine percent of the members of the treasury bench attended more than 75 percent workdays. Compared with that of the 9th Parliament,¹ attendance has declined. On the other hand, 40 percent members from the main opposition, 42 percent from other opposition and 21 percent ministers were present on more than 75 percent workdays. The Leader of the Parliament was present on 86 workdays (84 percent) and the Leader of the Opposition on 85 days (83 percent).

3.1 Walk-Out

The members of the main opposition party walked out from the parliament four times in the seven sessions. Some of the issues for which they walked out were:

- in protest of the increase in gas and electricity prices

¹ Source: Bangladesh Parliament Secretariat.

- in protest of passing a bill² containing errors
- in protest of placing a bill³ on table
- for not getting the floor in general discussion as they were placed by opposition members.

3.2 Quorum Crisis

Quorum crisis happens due to a delay of taking seats by a certain number of members. In the 7 sessions included in the study, the total time lost due to quorum crisis is estimated to be 48 hours and 26 minutes.⁴ This time is 12 percent of the total time spent (394 hours and 21 minutes) in 7 sessions. The average quorum crisis on a working day is 28 minutes. The estimated per-minute cost for running the parliament sessions is around BDT 0.16 million. Thus, the monetary loss for the total time lost due to quorum crisis is estimated to be BDT 472 million.⁵

4. Enactment of Laws

In total, 66 bills were passed in 103 work days of the 7 sessions under consideration. About 55 hours, 15 minutes were spent for legislative business which is 16 percent of the time spent in seven sessions.

² Bangladesh Petroleum Corporation Bill 2016

³ Supreme Court Judges (Remuneration and Privileges) (Amendment) Bill 2016

⁴ For calculating quorum crisis, time lost due to delays in starting sessions on a workday and proceedings after prayer breaks are considered.

⁵ The research team estimated the money value per minute for running the Parliament based on the revised budget for the Parliament for the Fiscal Year 2015-16. The main items of expenditure taken into consideration were salaries and allowances of employees of the Parliament Secretariat, repair and maintenance costs, electricity bills, supplies and services, and remuneration and allowances of Parliamentarians. Expenses for parliamentary committees and international institutions were deducted. The real sitting time of the house in 2015-16 was used to estimate per minute expense. This estimation gives an overview of average expense per minute for the sitting session.

The parliamentarians spent 46 percent of the time for law enactment, for raising amendments on the placement of bills, requesting verification of public opinions, and speeches for item-wise amendments.⁶

Thirty eight parliamentarians placed amendments on bills and attended discussions for these and requested verification of public opinions. Among the parliamentarians who took part in the legislative discussions, the main opposition members participated in around 72 percent of the time spent for this discussion. On average, 31 minutes were used including the process of placing the bill, discussion of the MPs and the Minister's speech on the bill.

The requests for seeking public opinion on proposed bills were rejected by voice vote as practiced traditionally. Thus, people's participation in enactment of laws could not be ensured adequately.

4.1 Budget Discussion

Almost 69 hours, 8 minutes were spent for budget discussions, which is almost 20 percent of the total session time in 7 sessions. In budget sessions, 233 MPs participated for 75 percent of the time spent for budget discussions. MPs used un-parliamentary language in 11 percent of the time for budget discussions where they criticised the opponent of the house (31 times) and opponents outside the house (174 times) in an offensive and derogatory manner. The members of the main opposition, in their discussions, raised financial irregularities and corruption issues to draw the government's attention. The Honourable Finance Minister, giving the nod to such

⁶ During 2015-16, about 17 percent of the sessions' time of the Lok Sabha (Lower House of the Parliament) was spent in legislative process. Source: www.prsindia.org, accessed on 1 September 2016. Around 52 percent of total session time of House of Lords was spent in legislative motion during 2015-16. Source: 'Statistics on Business and Membership': www.parliament.uk, viewed on 20 December 2016.

discussions, once said in the parliament that “we couldn’t take necessary action against those corrupt officials of Sonali Bank and Basic Bank as some of our party people backed them. It was expected that people who worked in the banking system should be honest. If there were breaches of honesty among these people, it was hard to ensure flawless system. In case of Sonali and Basic Bank scams, there was an utter lack of honesty and accountability from our side.” MPs in their discussions requested an increase of allocation in different sectors and urged the government to implement development projects on time. However, they could have discussed in a specific manner the issues of combating corruption and increasing allocation for development projects.

5. Representation and Oversight Function of the Parliament

To ensure accountability of the government, MPs participated in general discussions and question-answer sessions relating to different ministries, and floated notices on public importance and participated in related discussions.

5.1 Question-Answer Sessions

During 17 workdays of the Prime Minister’s question-answer sessions, in total 49 members asked questions. Among them, 34 were from the treasury bench, 10 from the main opposition and 5 from other opposition parties. The highest percentage of questions (33 percent), addressed to the Prime Minister, was to learn the progress of different development projects. A notable observation is that members mostly focused on the achievements and activities of the Prime Minister instead of asking questions.

Around 18.8 percent of the total time was spent on Ministers’ question-answer motions in 60 working-days where 202 members asked questions about concerned ministries. The Minister of Road Transport and Bridges was asked the highest number of questions (33).

5.2 Parliamentary Resolutions

Seventeen resolutions out of 34 were withdrawn with the consent of the MPs who floated them, 15 were postponed, 1 was rejected by the minister concerned, and only 1 resolution was accepted unanimously in the 12th session. The resolution related to confiscation of the properties of the killers of Bangabandhu Sheikh Mujibar Rahman. In this motion, members placed different demands from their constituencies and sought policy support. The highest number of resolutions (67 percent) related to the introduction of new services and building infrastructures. Other notable proposals include the formulation of certain policies, asking for allocations for different activities, renovation work, and improvement of existing services.

5.3 Notices on Issues of Public Importance

Ninety out of 1,570 notices were adopted for discussion under Section 71 of Rules of Procedures of which 32 were placed for discussion, and the concerned ministers gave replies on the same. The highest number of these notices (4 of each) pertained to the Ministries of Railway and Local Government. Of the rejected notices, 478 were placed by 122 members for the attention of concerned ministries. Among them, 85 notices related to the Ministry of Local Government, Rural Development, and Co-operatives. Later, decisions against notices were notified in writing to members by the ministry concerned.

5.4 Discussions under Point of Order

Altogether 70 MPs took part in discussions under Point of Order for which 4.9 percent of session time was spent. The highest percentage (27 percent) of issues related to contemporary matters and measures taken by the government. The remaining notable issues related to the implementation of different projects and programmes, law and order situation, public safety and security, praising the government and the treasury bench, and protests against some published news.

5.5 General Discussions

Around 3.4 percent of the total time was spent on this motion. Three out of four issues related to expressing gratitude for different achievements of the Head of the Government. In general discussions, some parliament members used un-parliamentary language for 24 percent of the total time spent on this motion.

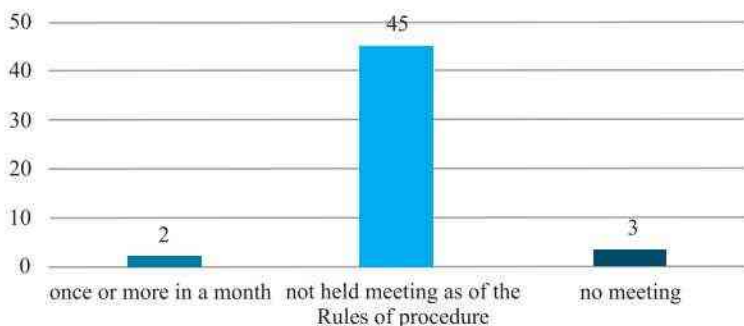
In total, 312 MPs participated in one or more of the segments allocated for general discussion in the reporting period, while 37 MPs (around 11 percent) did not participate in any segment. It is to be noted that among them 32 percent were present on 50 percent of the workdays. Furthermore, following earlier tradition, no discussion took place on international agreements, although it is stipulated in the Constitution that they should be placed by the President for discussion in the parliament. However, none of the 59 agreements signed with different countries in 2015-16 were discussed in parliament.⁷

5.6 Role of Parliamentary Standing Committees

Out of 50 committees, 47 committees held 337 meetings. The Public Accounts Committee held the highest number of meetings (22 meetings) during this reporting period. Only two committees held meetings at least once or more in a month according to the Rules of Procedure. Three committees—the Committee on Petitions, the Standing Committee on Privileges, and the Standing Committee on Rules of Procedure—could not hold any meetings.

⁷ <http://bdnews24.com/bangladesh> ;<http://www.reuters.com> ;<http://www.mof.gov.bh> ; <http://bangladesh.mid.ru> ; <https://www.jica.go.jp> ; <https://www.government.nl> ; <http://www.government.se> ; www.thedailystar.net (last viewed on January 2017).

Figure 2: Meetings held by Standing Committees



Data Source: Parliament Secretariat

Opposition members were given membership in the standing committees in proportion to their representation in the parliament. At the time of their selection, their skills, eligibility, experience, performance, and their conflicts of interest were not recognised. The dominance of the treasury bench and Party Chair is highly visible in the selection of the chair of committees and their members. According to the information given in the affidavits of members, the members of nine committees have conflicts of interest, a clear violation of the Rules of Procedure.⁸ In this reporting period, ten committees released ten reports; seven committees published their first report. According to the published reports, the percentage of members who were present at those committee meetings was 65 percent. By reviewing the reports of ten committees, it is observed that 39 percent committee recommendations were implemented during the reporting period. Analysis of the contents of implemented recommendations revealed that 33 percent recommendations related to planning and reviewing the decisions taken by the concern authorities. Furthermore, reviewing the implemented committee recommendations, the following issues were observed pertaining to corruption and irregularities:

⁸ Parliamentary Rules of Procedure, Rule 188 (2).

- Directive to form a committee to investigate and submit a report on irregularities and corruption at the Directorate of Zoo and Livestock⁹
- Directive to form a committee to prepare and submit an investigation report on corruption, nepotism, and irregularities prevailing in eight government dairy farms to make them profitable¹⁰
- Directives to take strong punitive measures against producers, regulators, and distributors involved with the production and selling of fake drugs¹¹
- Directives to ask some companies to stop production of certain drugs¹²
- Recommendation not to allow anybody to visit foreign countries using the project fund of the Agricultural Ministry who are connected with the specific project
- Recommendation to collect hundreds of crores as penalty from the individuals and institutions involved in the import of rotten wheat, and blacklist those individuals and importers¹³
- Recommendation to take punitive measures against the Check Station Officer of Kaliakoir in Gazipur who was responsible for the plundering forest resources¹⁴

⁹ 1st report of the committee relating to the Ministry of Fisheries and Livestock (5th meeting).

¹⁰ 1st report of the committee relating to the Ministry of Fisheries and Livestock (9th meeting).

¹¹ Recommendation of the committee relating to the Ministry of Health and Family Planning, The Daily Jugantor, 21 April 2016.

¹² Recommendation of the committee relating to the Ministry of Health and Family Planning, The Daily Jugantor, 13 May 2016.

¹³ Recommendation of the committee relating to the Ministry of Food, The Daily Jugantor, 14 February 2016.

¹⁴ Recommendation of the committee relating to the Ministry of Environment and Forests, The Daily Jugantor, 8 January 2016.

- Recommendation not to sanction loans to those who would be likely to default¹⁵
- Repare a list of those who were involved in fraud and misappropriation of Hallmark case and others with the help of the personnel of Sonali Bank¹⁶ and take necessary steps against them.

The Committee on Local Government, Rural Development, and Cooperatives rejected the report on the irregularities and corruption of WASA and City Corporation submitted by the concerned ministry and requested it to resubmit the report after a proper investigation. The reason for the rejection was an incongruity between corruption allegations and the facts in the report. Because of the media's limited access to committee meetings and the delay in publishing committee reports, fuller information on committee meetings could not be gleaned.

6. Discussions on President's Speech

Apart from expressing gratitude to the Honourable President, this session was rife with the use of un-parliamentary language (offensive, abusive, and vulgar words) towards the alliances or parties that have no representation in the current parliament and relating to the failures of earlier regimes. The members used such un-parliamentary language 1,579 times towards the political alliance that has no representation in the current house and 265 times towards the opponent that has representation in the current house. MPs in their speeches attacked both, citing their personal and family matters. Moreover, in their discussions on the President's speech, they demanded to take development projects in their constituency and sought the government's attention and

¹⁵ 18th report of the committee of Government Assurance (2nd meeting).

¹⁶ 18th report of the committee of Government Assurance (2nd meeting).

measures on the deteriorating law and order situation. Interestingly, at times, the opposition in the house was found to have criticized themselves for their dual roles and participation in the cabinet.

7. Role of the Speaker

Sometimes, MPs from the treasury bench and opposition violated the Rules of Procedure (rule 270, subsection 6) demonstrating un-parliamentary behaviour and the use of abusive language in the house. Members used an un-parliamentary manner in different motions for 15 percent of the total time. The Speaker remained silent and did not issue any ruling to expunge those obscene and unpalatable words and remarks which attacked the opposition out of the house in a contemptuous manner. In different motions, members used un-parliamentary words 2,101 times towards the political alliance out of the current house and 433 times towards the opponent that has representation in the current house. According to the Rules of Procedure, the Speaker can play a role in maintaining order in the gallery; however, disorder was observed on many occasions. The incidences of disorder included members leaving their seats to engage in discussions with other members, occasional discussions in small groups during session, some members indulging in conversations with members seated nearby, roaming the corridors outside the main hall, etc.

8. Gender Perspective: Participation by Female MPs

Around 61 percent of the female MPs attended more than 75 percent of total session times in the reporting period. In the Prime Minister's question-answer motion, 7 female MPs (3 from reserved seats) took part; in ministers' question-answer motion 42 female members (32 from reserved seats) took part. Only 4 female members (3 from the main opposition) participated in lawmaking through raising objections, proposals for public opinion, and amendments to bills. Moreover, 3 female ministers floated bills and

sought permission to pass the bills on behalf of the concerned ministries. Only 8 female members participated in discussions on 9 notices under Section 71 of the Rules of Procedure. A total of 33 female members participated in discussions on 117 notices under Section 71(A) of the Rules of Procedure. A total of 56 female MPs (39 from reserved seats) took part in discussions on the budget. A total of 50 female MPs took part in the discussion on President's speech. Though the participation of the female members increased in number, their role is still marginal in enacting laws and ensuring accountability of the government.

9. Role of the Main Opposition

Ambiguity still persists about the role of the Main Opposition Party, as they are participating in the cabinet and they take a dubious stance on different matters in the last three years of the parliament. They use irrelevant and un-parliamentary language toward the alliance or parties that have no representation in the house in unison with the treasury bench. Though the main opposition placed the proposal on taking public opinion in enacting laws and also placed some amendments, they were not taken seriously in the house. It was observed that they drew the attention of the government to the current law and order situation and financial misappropriation.

10. Major Observations of the Study

Some positive changes are observed when looking at some trends of the eighth, ninth and tenth parliaments. They include the following:

- increase in the average working time per work day of the session;
- increase in the percentage of the total time spent in legislative business;

- increase in the presence of the members;
- a slight decrease of the average quorum crisis;
- avoidance of the boycott culture by the opposition;
- increase in the opposition's participation in ensuring the accountability of the government and constructive criticism of the government;
- discussion in the plenary motion of the budget, President's Speech and point of order of the recent killings by extremist and terrorists, and financial misappropriation and corruption.

However, many challenges persist, as listed below:

- insignificant change in the average time spent on passing a bill;
- use of un-parliamentary language in the speeches of the treasury bench and the opposition;
- violations of the Rules of Procedure in the behaviour of members during session;
- inability of the Speaker to play an effective role in preventing un-parliamentary language and unpalatable behaviour of the members of the house;
- no discussion of international treaties and agreements or other issues of public importance;
- limited participation, especially of the treasury bench, in the motion of legislative business;
- lack of importance given to proposals and recommendations given by the opposition;
- limited participation of female members in the motions on legislative businesses and question-answer;
- conflict of interest of some of the committee members;
- irregular meetings of the standing committees, absence of any specific timeline, lack of enforceability of recommendations proposed by the standing committees;

- lack of disclosure and access to the information in parliamentary business (proceedings of the sessions) and committee information and reports.

Despite the fact that the number of walkouts by the opposition has decreased considerably in the 10th Parliament compared to that of the 8th and 9th Parliaments, it can hardly be said that they are playing an effective role. The identity of the opposition has been questionable in the prevailing political context and their role on different issues in the parliament. It was found that some members merely attended the sessions to retain their membership of the House and did not take part in any discussion.¹⁷ In the parliamentary democracy, Article 70 has been an obstacle against speaking spontaneously for the members of the House. In the judicial verdict of the High Court regarding the rejection of the 16th amendment of the constitution, it was stated that “Article 70 of the constitution confined the scope of sharing views of the members of the Parliament. They don’t have any freedom to express their position against the party decision. Even though the decision is wrong, they cannot. They are not able to cast their vote against the party decision. In reality, members of the parliament are captured by the policymakers.”

11. Recommendations

TIB makes the following recommendations, and it believes that their implementation would strengthen the parliament by promoting governance and institutionalising democracy in Bangladesh.

Participation of the Members

1. Steps should be taken to re-table and enact the MPs’ Code of Conduct Bill with the necessary changes in the bill.

¹⁷ The Daily Prothom Alo, 8 July 2015; The Daily Jugantor, 7 July 2015.

2. The Speaker should play a strong role in preventing the use of unpalatable language and demonstration of un-parliamentary behaviour.
3. If the main opposition wants to play the role of a real opposition, they have to relinquish their dual identity to ensure the accountability of the government.
4. Article 70 should be amended to allow members to express their views and criticism except for no-confidence vote against the party and its decision on the budget.
5. Necessary steps should be taken to place international treaties for discussions in the parliament following the constitution. The details of international treaties except those relating to national security should be disclosed on the parliament website.

Public Participation in Parliamentary Affairs

6. People's participation in various phases of framing and reforming draft laws or bills should be increased by requesting their opinion. The official website of the parliament can be used for that purpose. Moreover, the Petition Committee should be made effective.
7. Legitimate and reasonable proposals given by the opposition should be considered by the treasury bench.

Making the Parliamentary Committees Effective

8. The committee meetings should regularly be held as per the rules.
9. The standing committees should be free from the conflicts of interest of their members according to the rules.
10. The reports of the committees should be regularly published (proposal – at least one report in six months).

Proactive Disclosure of Information

11. Public access to information related to parliamentary matters, including the attendance of the MPs, committee reports, and parliamentary proceedings should be regularly published on the parliament website. All the information on the website should be updated, and a yearly calendar of the parliament should be introduced.

Sustainable Development Goal 16

Preparedness, Progress, and Challenges of Bangladesh: A Study of Selected Targets*

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1. Background and Rationale

Sustainable Development Goals (SDGs), also termed as the New Global Agenda or Agenda 2030, have been adopted by 193 United Nations' (UN) members at the UN Sustainable Development Summit in September 2015. The implementation of SDGs started from 1 January 2016, and the member states of the UN are committed to the implementation of the targets by 2030. The SDGs are comprised of a set of 17 aspirational “global goals,” which are designed to be achieved by meeting 169 targets and to be measured by analysing 244 indicators. The main difference between SDGs and Millennium Development Goals (MDGs) is that SDGs put more importance on the concept of quality rather than quantity.

One of the important goals of SDGs is Goal 16, namely, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. This goal includes 12 targets and 23 indicators. Achievement of this goal is considered to be the prerequisite for achieving other goals.

* Presented in a press conference organised at the TIB conference room at Dhanmondi, Dhaka on 17 September 2017.

Every member state of the UN is committed to reporting on target-wise achievements through voluntary national reviews on a regular basis. An independent analysis can play an important role in the review process in assessing the achievements of the government. One of the main objectives of Transparency International Bangladesh (TIB) is to complement the government's effort for enhancing good governance in Bangladesh. This research has been undertaken to understand the state of the legal and institutional arrangements of Bangladesh, current preparedness and practices, and challenges to achieving SDGs, especially Goal 16.

2. Objective and Scope

The objective of the study is to assess the state of preparedness, practices, and challenges of Bangladesh for achieving some specific targets under Goal 16. Among the twelve targets of Goal 16, four targets (16.4, 16.5, 16.6, and 16.10) have been selected for this assessment. These selected targets are directly related to enhancing good governance and preventing corruption. Targets that are not directly associated with corruption prevention and good governance are not in the scope of this assessment.

3. Research Methodology

This research is a qualitative study using mainly qualitative data; some quantitative information has been used where applicable. Along with the review of relevant literature and documents including laws and policies, national and international databases, institutional reports, country reports, media reports, etc., this study has employed key informant interviews (KIIs) with relevant experts, academics, practitioners, former and current public officials, and journalists. The duration of conducting this assessment is April through August 2017.

The analytical framework for this assessment has three aspects:

Preparedness – The state of legal, policy, and institutional frameworks of the selected targets have been reviewed.

Practices – The practical aspects and practices of legal, policy, and institutional frameworks have been discussed.

Challenges – The causes of gaps between preparedness and practices have been identified.

4. Initiatives Taken So Far for Achieving SDGs in Bangladesh

Many initiatives have been taken by the Government of Bangladesh (GoB) and Civil Society Organisations (CSOs) to achieve SDGs in Bangladesh. As part of government initiatives, a High-Level Inter-Ministerial SDG Implementation and Monitoring Committee has been formed. Moreover, the government has identified its main agencies alongside their potential roles for the implementation of SDGs. In collaboration with the Bangladesh Bureau of Statistics (BBS), the General Economics Division (GED) has done a data gap analysis for monitoring SDGs. The development of the SDG monitoring system is currently under process. A web-based system of data collection, termed as SDG tracker, has been developed to carry out results-based monitoring and evaluation. For achieving SDGs, the Seventh Five Year Plan of the government has been streamlined, and the budget and strategies for implementing SDGs have been figured out. According to the estimation, Bangladesh requires US\$ 928.48 billion for the implementation of SDGs by 2030. GED prepared a Voluntary National Review report on some of the goals suggested by the UN for 2017 and presented it to the UN in July 2017. In the process of taking these initiatives, GoB has consulted with the relevant actors namely the NGOs, CSOs, development partners, the private sector, and media. Non-government agencies in Bangladesh have formed a Citizen Platform for SDGs to take part in the implementation of SDGs in Bangladesh. This platform has been playing an active role in meetings, seminars, workshops, and research.

5. Overall Challenges for Bangladesh for Achieving SDGs

Out of 244 SDG indicators, 241 are applicable for Bangladesh. According to GED's data gap analysis, the government has complete information on 70 indicators and partial information on

108 indicators. However, there is no official information on the remaining 63 indicators. No official information exists for the assessment of some of the targets under Goal 16, particularly on corruption and bribery, public satisfaction in public services and institutions, extra-judicial killings, etc. There is partial information available on some issues such as money laundering and recovery of stolen assets. Many in the government tend not to accept information on corruption and bribery, as generated through research by national and international organisations. Furthermore, there is concern about how neutrally and objectively the government will be able to collect and publish information on politically sensitive issues like corruption and bribery where there is a serious allegation that a number of employees of the legislative and executive branches and public officials are involved in corruption. Not surprisingly, the government is reluctant to work with CSOs to gather information on corruption and bribery.

6. Target 16.4: Significantly Reduce Illicit Financial Flows, Strengthen the Recovery and Return of Stolen Assets.

The indicator applicable for this target (16.4.1) is “the total value of inward and outward illicit financial flows (in current US Dollars).”

6.1 Preparedness

GoB has enacted the Money Laundering Prevention Act 2012 (amended in 2015), and the Mutual Legal Assistance in Criminal Matters Act 2012 for reducing money laundering. In order to reduce illicit financial flows, a number of institutions have been deployed including Bangladesh Financial Intelligence Unit (BFIU), Anti-Corruption Commission (ACC), Criminal Investigation Department (CID), National Board of Revenue (NBR), Attorney General’s Office, Department of Narcotics Control, and Bangladesh Securities and Exchange Commission (BSEC). Each of these institutions has different activities and responsibilities. The National Coordination Committee (NCC), the Working Committee, and the

National Taskforce on Stolen Asset Recovery have also been formed to preventing money laundering and combating terrorism financing. Two national risk assessments on money laundering and two sectoral risk assessments on real estate and NGOs have been conducted. Furthermore, the National Strategy for Preventing Money Laundering and Combating Financing of Terrorism 2015-17 has been developed, which has set targets for the regulatory authorities. Bangladesh is also participating in international level initiatives to prevent money laundering. It has attained membership of the Egmont Group, a network of 152 member states that facilitates such international initiatives. Bangladesh is also member of the World Customs Organisation and Regional Intelligence Liaison Offices (RILO), and has signed Memorandums of Understanding (MoUs) with 55 countries to exchange intelligence information on financial issues.

6.2 Practice

Despite having the necessary legal and institutional frameworks, the flow of illegal money — both inflow and outflow—is increasing. On the one hand, according to Global Financial Intelligence reports, the amount of illegal money from Bangladesh has increased by 120 percent during 2005 to 2014, and the estimated amount of the money smuggled at this time is US\$ 75 billion. According to another report, deposits of Bangladeshi financial institutions and individuals in Swiss Banks have increased significantly during 2011 to 2016—from BDT 4627 crore in 2015 to BDT 5560 crore in 2016, though the authorities claim that financial institutions deposited 93 percent of this amount as part of their commercial transactions. On the other hand, the amount of illegal inflow to Bangladesh has also increased by 120 percent from 2005 to 2014. Cybercriminals stole US\$ 101 million from Bangladesh Bank in 2016 of which US\$ 81 million was laundered to the Philippines and US\$ 20 million to Sri Lanka.

Bangladesh's achievements are very few in the cases of stolen asset recovery. From 2013 to 2015, Bangladesh Bank was able to recover US\$ 9.35 million confiscated money and US\$ 34.5 million stolen money.

Bangladesh's progress in complying with international standards to prevent money laundering is noteworthy. In terms of technical compliance, Bangladesh's position is satisfactory: out of 40 international standards set by the Paris-based Financial Action Task Force, Bangladesh is fully compliant in 6 standards, mostly compliant in 22, and partially compliant in 12. According to the Basel AML Index 2017, Bangladesh ranks 82 among 146 countries for their state of preventing money laundering and terrorism financing.

Several measures have been taken to prevent money laundering. A significant amount of money has been allocated to BFIU and other regulatory agencies to invest in raising awareness against money laundering. A process of collecting Suspicious Financial Reports (SFRs) from various financial and non-financial institutions is also in place. The reports are transferred to law enforcement agencies for investigation. During 2010-2014, BFIU made seventeen requests to foreign partners and received 38 requests from foreign countries—the requests are associated with corruption, money laundering, fraud, forgery, drug trafficking, human trafficking, gambling, embezzlement, and evasion of tax and customs duties. Since 2010 to date, only ten money laundering trials have been completed with ten convictions while 222 money laundering prosecutions remain pending.

6.3 Challenges

There is a lack of national and sector-wise risk assessment. Thus, the politicisation of regulatory agencies, politico-administrative collusion in corruption, involvement in politics by the board members of the securities and financial institutions, etc., have not been identified through the assessments. Besides, the exposure of state-owned commercial banks to money laundering, bank loan

scams, political appointees in the executive committee or board are risks that have not been properly identified. There is a gap in assessing the risks of money laundering by the designated non-financial businesses and professions (DNFBP). Moreover, the National Strategy to Prevent Money Laundering has not properly chalked out the needs for technical capacity and financial assistance. Furthermore, the Company Act 1994 and The Trust Act 1882 do not place a clear obligation on companies and trusts to disclose information regarding “beneficial ownership.”

There are deficiencies of capacity in the regulatory institutions for preventing money laundering. For example, there is no case management unit in some regulatory institutions such as ACC, NBR, etc. Capacity constraints cause delays in the investigation and settlement of money laundering cases and also in settling politically sensitive cases. Capacity constraints also result in improper investigation of money laundering and illegal sources of money. The courts and the Attorney General's office do not have sufficient institutional and financial capability to deal with money laundering cases. Moreover, there is a deficiency in the coordination between various regulatory institutions, a gap in regulating DNFBPs and in the institutional capacity to determine the amount of laundered money.

7. Target 16.5: Substantially Reduce Corruption and Bribery in All Their Forms

The applicable indicators for this goal are the “proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months” (indicator 16.5.1); and “proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months” (Indicator 16.5.2).

7.1 Preparedness

Bangladesh has anti-corruption laws, policies, and strategies. The important laws include the Penal Code 1860, the Criminal Procedure Act 1898, the Anti-Corruption Act 1947, the Anti-Corruption Commission Act 2004, the Government Employees (Conduct) Rules 1979, the Representation of the People Order 1972, the Political Party Registration Rules 2009, the Right to Information Act 2009, the Publication of Public Interest Related Information (Protection) Act 2011, and the Money Laundering Prevention Act 2009. In these laws, the activities related to corruption have been defined, and the provisions for taking action against corruption are stated. There are also some national strategies including the Vision 2021, the National Integrity Strategy 2012, and the Seventh Five Year Plan (2016-2020), all of which pledge to prevent corruption. Bangladesh has also ratified the UN Convention on Anti-Corruption and taken some significant initiatives to implement it.

Anti-corruption agencies include the ACC, Judiciary, Law Enforcement Agencies (LEAs), and the Comptroller and Auditor General office (CAG). As an anti-corruption agency, the Judiciary's and ACC's legal independence and status have been well determined, alongside their legal power and authority to control and prevent corruption. Besides, the Parliamentary Standing Committee, NBR, Bangladesh Bank, Election Commission, and Information Commission as state institutions as well as media, CSOs, and development partners have been playing an active role against corruption. The ACC's initiatives against corruption include efforts to prevent, identify, and take action against corruption.

The existing anti-corruption laws have detailed the required characteristics such as honesty, transparency, and neutrality in elected representatives and government employees; demarcated the line against receiving gifts, advantage, and making friendship; and spelled out the terms of nepotism, abuse of power, and conflict of interest. For example, disclosure of financial information is mandatory for the candidates of national elections, and it should be

available to the public. It is also stated that if a member of parliament (MP) is involved in any profitable position, his/her membership will be cancelled.

Likewise, public servants and their family member(s) are prohibited from investing in any sector which they can influence through discharging their official duties, and restricted from being part of state-owned enterprises. Moreover, public officials (with a few exceptions) are required to declare their annual return on assets, and annually declare all kinds of property and liquid assets belonging to them and their family members. There is a legal framework for the protection of a whistle blower.

There are provisions for transparency and accountability in government procurement and signing of contracts. The Public Procurement Act 2006, specifies the maximum purchase limit. Apart from publishing advertisements related to purchase, the Central Procurement Technical Unit and relevant agencies have an obligation to disclose information proactively. The law also defines the role of the private procuring entity in helping to ensure a competitive process in selecting a bidder. It also defines punitive measures against providing false information during financial transactions.

7.2 Practice

Despite having the necessary legal and institutional frameworks, corruption is widely prevalent in Bangladesh. TIB regularly conducts nationwide surveys of the number of bribes and corruption experienced by people in receiving services from the public and private sectors. It has been found in the surveys that the rate of corruption is consistently high. In the latest survey (2015), 67.8 percent of the surveyed households were victims of corruption, and 58.1 percent of the households were forced to give bribes.

Different international indexes on corruption and bribery reveal that the score and position of Bangladesh are low. According to Transparency International's (TI) Corruption Perceptions Index

2016, Bangladesh scores 26 (on a scale of 0 to 100) and holds the 145th position from the top out of 176 countries. Previous records of this index show that Bangladesh has stayed in the category of highly-corruption prone countries. Bangladesh scores 18.8 (out of 100) in the areas of corruption control in the World Bank Report 2016. The Global Competitiveness Ranking 2014 shows that Bangladesh scores only 2.3 (out of 7) in the area of making an effort to control illegal payments and bribes, and holds 140th position out of 144 countries. The World Economic Forum 2016 shows that the estimated cost of corruption in Bangladesh is equivalent to 5 percent of its GDP. In 2015, the current Finance Minister claimed that it is 2 to 3 percent of GDP.

Anti-corruption activities in Bangladesh have not yet met the expected level. It is seen that the rate of investigation is low in relation to the number of complaints lodged, and the overall rate of settlement of corruption cases is also low. Besides, there are allegations of partisan political influence in dealing with corruption investigation and prosecution. However, in recent times, the incidence of anti-corruption activities has increased. For example, 1,543 complaints out of the 12,568 received in 2016 have been taken up for investigation, and 543 complaints have been sent to various departments and ministries for administrative action, whereas on average, 1,020 complaints were considered for further investigation in the previous years. In 2016, 359 cases of getting benefit by illegal means were filed, and 13 accused were arrested and proper action was taken against them for taking bribes. In 2016, 388 people were arrested in different cases for getting benefits by illegal means. The conviction rate in corruption cases has increased in 2017 compared to the previous years. Since 2015, the ACC has been organising institution and administrative unit-wise public hearings. The ACC has also taken some initiatives in 25 selected sectors and institutions where they visit and take preventive measures. A hotline system has also been launched by the ACC so that people can report corruption.

7.3 Challenges

There are some legal limitations in corruption control and prevention. For example, the obligation for asset disclosure of government employees is not equally applicable for all; under the existing law, employees of some departments have been exempted from the obligation. Moreover, the government employees are not obliged to publish details about conflicts of interest. Public Service Conduct Rules has not demarcated any cooling-off period for the government officials to accept employment in the private sector by using their former position. MPs are not obliged to disclose their financial information after being elected. There is no law or policy in Bangladesh that can provide rules for lobbying. Furthermore, there is no standard referred to in the laws and regulations to prevent the misuse of confidential information. There is no systematic process mentioned in any law or policy which can provide direction on how professional obligations, conflicts of interest, protection of whistle blowers, and settlement of complaints can be addressed transparently and effectively while disclosing information relating to the protection of public interest. The official purchase and contract law has not clearly specified the maximum limit of any purchase from a single source. Moreover, there is no obligation of the companies to disclose information on beneficial ownership while participating in tenders. And there is no mechanism to stop secret collusion in public procurement.

The ACC does not have any strategic plan for the prevention of corruption. Asset-disclosure related information of public servants is not available in the public domains, and there are no statistics on the number of public servants who are not disclosing their assets. An online database of disclosed assets is not available that can be used for cross-checking. There is no specific designated body that can scrutinise the conflict of interest related information of elected representatives, and the ownership of assets of public officials, or ensure the protection of whistle-blowers. There is no uniform information disclosure system throughout the public bodies.

Moreover, there is also a lack of awareness on disclosure of information, and the implementation of relevant laws is also limited.

8. Target 16.6: Develop Effective, Accountable and Transparent Institutions at All Levels

The indicators under this target are (a) “primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)” (Indicator 16.6.1), and (b) “proportion of population satisfied with their last experience of public services” (Indicator 16.6.2).

Most of the institutions and sectors included in the National Integrity Strategy (NIS) have been selected for this assessment. These institutions and sectors are: (1) Parliament, (2) Executive (the President, Prime Minister, and Cabinet Members), (3) Judiciary, (4) Local Government (LG), (5) Public Administration (PA), (6) Law Enforcement Agencies (LEAs), (7) Election Commission (EC), (8) Office of Comptroller and Auditor General (CAG), (9) Anti-Corruption Commission (ACC), (10) National Human Rights Commission (NHRC), (11) Information Commission (IC), (12) Political parties, (13) Media, (14) Civil society/NGOs, and (15). Business sector.

8.1 Preparedness

There are elaborate laws and constitutional directions providing guidance for effective functioning, transparency, and accountability of the institutions mentioned in the NIS. The Constitution of Bangladesh provides independent status to the Parliament, Judiciary, Executive, EC, and CAG. Laws also provide independent status to the ACC, NHRC, and IC. The Constitution also provides power to the LGIs, details out the provision of PA and LEAs; and ensures the right to form political parties. Relevant laws also exist that legitimise activities of civil society and business. The Parliament, Executive, LGIs, CAG, EC, PA, LEAs, and ACC have well defined institutional setup, structure, human resources, and activities. Some institutions

have developed their strategic plans like the Parliament (2012-14), CAG (2013-18), NHRC (2016-20), and IC (2015-21).

Various initiatives have been taken to improve the quality of services in many public institutions and sectors. The initiatives include the Access to Information (a2i) Project, the Governance Innovation Unit established under the Prime Minister's Office, automation software developed for field-level administration and capacity building of PA staff on e-filing system, introduction of e-traffic police system by Dhaka Metropolitan Police, introduction of crime data management system at the police headquarters, online application for police clearance certificate, one-stop service-centre at the police station, and Victim Support Centre at the district level, the use of a web-based result management system in the 2016 Union Parishad elections, online voter registration, national smart card distribution by EC, Digital Audit Management System at CAG Office, online birth and death registration LGIs, etc. Moreover, a central e-service, Nothi, e-tathyokosh, and the National Information Portal have been introduced. Among other initiatives to instil integrity, the Cabinet Division has formulated the Integrity Award Policy 2017 and Ethics Committees in various ministries and divisions. The formation of the Student Integrity Unit by the ACC is also notable.

These institutions have also taken many notable initiatives related to transparency and accountability. For example, citizen charter across the public institutions has been introduced. Ward meetings and open budget sessions have been introduced in the Local Government Institutions (LGIs). Weekly public hearings have been introduced at the district and division level administration. The ACC has formed a Corruption Prevention Committee (DUPROK) at the district and upazila levels and initiated public hearings in local service sectors. Advisory committees have been constituted at the district level by the IC for implementing the Right to Information (RTI) Act. It is also noteworthy that almost all institutions publish their annual reports, bulletins, and newsletters.

A complaint redress mechanism has also been developed by the Bangladesh Press Council to ensure the accountability of media.

Some initiatives relating to enhancing the efficiency of the public sector includes the signing of an Annual Performance Agreement (APA) between the Cabinet Division and all ministries/ departments, sending encouraging letters to the Deputy Commissioners (DCs) for their notable performance, and formulation of the Public Administration Award Policy.

8.2 Practice

The various legal and institutional instruments and initiatives mentioned above are not effective, transparent, and accountable up to the expected levels.

The weak role of the opposition in the Parliament, limited participation of MPs in lawmaking, excessive exercise of power by the ruling party using its absolute majority, the absence of discussion on the reports submitted by the constitutional and statutory institutions, international treaties, and crucial national issues are common features of the Bangladesh Parliament. Although the parliament session maintains a live broadcast, people have limited access to other parliamentary activities. Although the MPs are bound to publish their financial statements for candidacy in the election, they do not publish them after getting elected. Moreover, there is no provision to hold the MPs accountable except through elections. They are not accountable for their misconducts outside of the house. Conflicts of interest of some Parliamentary Standing Committee members are also notable.

The Prime Minister holds all the executive power, although there are other parts of the Executive branch. Undue influence of the Executive branch in almost all constitutional and statutory institutions is visible. The head of the state, government, and cabinet members are legally bound to disclose their assets. Audit objections placed to the ministries are rarely taken into consideration for action. Apart from this, APA has not yet been introduced to track the performance of

public employees. It is observed that the ministers tend to use their executive identity in their own businesses.

The efficiency level of the Judiciary is not fulfilling expectations due to backlogs of cases. According to 2016 information, 31,39,275 cases are pending. There are allegations of irregularities and corruption in the lower judiciary. There is a lack of transparency in the recruitment process of the High Court judges. Details of the assets of the judges and the judicial staff are not disclosed. There is an ongoing debate about the independence of the judiciary in a real sense. Control of the concerned ministry on the lower judiciary is also visible.

LGIs depend on the Local Government Division (LGD) for any decision on service provisions, resource allocation, procurement, and implementation. Upazila and district councils are still not effective at the expected level. There is a party-centric polarisation in the LGIs and corruption in providing services to the people. Ward meetings and open budget provisions are not implemented properly. Government and parliament members have an undue tendency to control the elected local representatives. There is a tendency to dismiss mayors of LGIs on the ground of oppositional political identity. LGD supervision of LGIs is weak.

Local public administration depends on central administration for taking any decision, resource allocation, procurement, and service delivery. There is a strong allegation of corruption in the recruitment of employees in the administration. Moreover, there is deficiency in the capability of the employees. Conflicts of interest and income statements of the employees are not disclosed. There is a huge deficiency of transparency in the process of promotion and transfer of the staff in PA. Moreover, it is not evident that they take punitive measures against corrupt officials.

The effectiveness of LEAs is not also up to the expected level. In the last ten years, the crime rate in the country has remained

unchanged. There are allegations against LEAs for extra-judicial killings, arbitrary detention and later disappearance, non-disclosure of disappearance statistics, and lack of visible steps in investigating the allegations or filing cases against extra-judicial killings and torture. Furthermore, there are also strong allegations of the involvement of LEAs in bribery, corruption and misuse of law, negligence of duty, and in some cases, denial of service. Information about the conflicts of interest and statements of asset ownership of the employees of LEAs are not disclosed.

It is alleged that the EC, under the immediate past leadership, has failed to hold free, fair, and credible elections. People have witnessed widespread violence and election rigging in the national and local government elections. Moreover, the EC does not verify the election expenses of the political parties and candidates and check if they spend in excess of the limit. EC is deficient in taking the initiative to ensure disclosure of the income-expenditure of the political parties. It is also observed that EC does not take action against the public officials who are assigned during election but violate election rules and their duties. The recruitment process of the commissioners is not transparent. Above all, there is no mechanism to hold the EC accountable to the people.

Due to capacity constraints, the CAG cannot audit all public offices every year. They cannot even verify the third-party audit reports. The officials of CAG do not disclose their conflict of interest related information alongside statements of assets. There is an allegation that recruitment process at CAG is not done in a transparent way.

The ACC has not yet proved to be effective up to the expected level. A lengthy process in settling corruption cases, a low rate of conviction, and weakness in case management are some causes of the state of the ACC. Corruption prevention activities of the ACC are not yet effective. There remain questions about the transparency in the ACC's investigation process. The appointment process for the commissioners is not transparent. Moreover, there is no external accountability mechanism in the ACC.

The role of the NHRC and its activities are not yet visible. The Commission has huge backlogs of unsettled complaints. The appointment process of the Chairman and Commissioners is not transparent. Annual reports of the Commission do not use updated statements on income-expenditure. There is no mechanism to ensure the external accountability of the NHRC.

The IC also has huge backlogs of unsettled complaints. It is also alleged that the appointment of the IC commissioners is not transparent. Like the ACC and the NHRC, there is no mechanism to ensure the external accountability of the IC.

The deficiency of internal democracy in the political parties of Bangladesh is a much-discussed issue. Loyalty-based accountability to the head of the party is a common practice. Moreover, today's politics banks greatly on muscle power and money. The use of religion for political purposes is also a common practice. There is a tendency in the elected party to treat the government as a wing of their political party. Almost all political parties fail to maintain transparency in fundraising and expending money in elections and other political activities. There is a wide spread tendency of almost all political parties in Bangladesh to breach election rules.

Mass media outlets are mostly owned by business persons cum politicians. Thus, the media in Bangladesh is divided by major political identities. There is a tendency to impose self-censorship in reporting. There is lack of transparency in the income and expenditure of the media, and it is noticed that most of the media tend to be non-compliant with the provisions set in the Wage Board for media workers.

The civil society and NGOs are also biased and divided by partisan political identities. Most of the NGOs give priority on project-centric activities. In most cases, the NGO sector has to depend on foreign donations, and in many cases, there is a complaint that the donor demands and agenda get more priority than the local needs. There is

a lack of transparency in their income and expenditure, and they do not always maintain good practices of information disclosure. There is a tendency in many NGOs not to recruit information officers who would ensure people's right to information. In many cases, the internal accountability system of an NGO is weak. There is also a gap in ensuring accountability to their beneficiaries. Another noteworthy reality is that all the activities and decisions of NGOs are controlled by their Chief Executives. Moreover, the space for civil society to express opinions has narrowed.

The business sector in Bangladesh tends to get services from the government and other stakeholders in an informal way. There is also a tendency among the business persons to influence the government by politicising business organisations. It is alleged that business houses tend not to disclose their profit-related information, and are not transparent in the payment of income tax. The business leaders also tend to resist labour associations. Besides, they lack the very mind to improve the workplace environment and provide minimum wages and benefits to the workers in line with government rules.

8.3 Challenges

There are some gaps and limitations in the existing laws that work as impediments to the effective functioning, transparency, and accountability of almost all institutions. For instance, the Constitution provides the restriction on MPs to vote against the party's decision, which hinders the potential of constructive criticism of their own party. There is no legal binding on the head of the state and government as well as the cabinet members to disclose their assets. In some cases, there is an absence or limitation of the law; for example, there is no Public Administration Act, and the laws relating to LEAs are not updated. Moreover, there is no defined code of conduct for the ministers, members of similar ranks and status, and the MPs. The qualifications and selection procedures of the Supreme Court Judges, ECs, and CAG are unclear. However, broad selection criteria and procedures are

followed to select Chairs and Commissioners/Members of ACC, NHRC, and IC. The Mobile Court Act 2009 provides authority to Executive Magistrates which creates confusion on the separation of the Judiciary from the Executive. There is no accountability mechanism defined under any laws that could hold the MPs, CAG, chairmen and commissioners/members of EC, ACC, NHRC, IC accountable to the people.

The expected level of efficiency of the institutions has not been achieved due to partisan political influence on most of the institutions. For example, the LGIs have inadequate autonomy due to control by the MPs and local administration. There are also allegations that some institutions such as LEAs, the Judiciary, LGIs, CAG, EC, ACC, NHRC, and IC are sometimes used for partisan interests. Moreover, the Parliament, Judiciary, LG, CAG, EC, ACC, NHRC, and IC all depend on the government for budget allocation and administrative human resources. The government's control of the media, businesses, civil society, and opposition political parties has been reinforced. For example, there are some articles in the Information and Communication Technology (ICT) Act 2013, and Foreign Donation Regulation Act 2016 which have been articulated to control the media and civil society and to shrink their spaces. It is alleged that partisan political influence has been used in the appointment of the judges of the Supreme Court, the chairman and other members of various constitutional and statutory bodies.

Some institutions such as the Judiciary, LEAs, EC, ACC, CAG, NHRC, and IC have shortages of necessary human resources. There is a shortage of sufficient skilled human resources in business, mass media, and some independent institutions of the state. On the other hand, the Judiciary, NHRC, and IC have inadequate infrastructure. The donor-dependency of NGOs and the advertisement-dependency of the media are also constraints against functioning well. Small political parties have limited opportunity to collect funds. On the one hand, Parliament, Judiciary, PA, EC, and NHRC have capacity

constraints in utilising their allotted budget. On the other hand, the LEAs and LG have a weakness in forecasting their budget. Lack of public awareness about transparency, accountability, and service delivery system is also prevalent.

9. Target 16.10: Ensure Public Access to Information and Protect Fundamental Freedoms, in Accordance with National Legislation and International Agreements

The indicators included in this target are the “number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months” (16.10.1).

9.1 Preparedness

The Constitution of Bangladesh ensures some fundamental freedoms such as equity, right to life and livelihood, freedom of thought and conscience, and freedom of speech, freedom of assembly, freedom of religion, freedom of movement, and the right to property. Besides, other rights (such as information rights) have been confirmed according to the relevant laws. Bangladesh has signed or ratified (partially or completely) some international declarations and charters regarding various rights. Among them, UDHR (human rights), ICCPR (civil and political rights), CRC (child rights), CEDAW (elimination of discrimination against women), UNCRMW (rights of migrant workers), ILO Conventions (labour rights) are notable.

Bangladesh has formulated the Right To Information Act 2009 (RTI) to protect people's access to information. Under this law, the definition of information, the appointment of designated officers to respond to the needs of the applicants, the provision of appeals without reference to information, the direction of guidance for unacceptable applications, and the minimum criteria for publication of self-reported information are mentioned. Under this Act, an

independent statutory body has been formed which is accountable to the head of the state. Additionally, the Strategic Plan 2015-2021 and guidelines for the implementation of the Proactive Information Disclosure 2014 have been formulated.

9.2 Practice

In spite of having the appropriate legal framework, there is a tendency to diminish fundamental freedoms in Bangladesh. For example, LEAs are allegedly responsible for extrajudicial killings. In 2012 and 2016, 192 and 195 people respectively were subjected to extrajudicial killings by LEAs. In 2016, LEAs were accused of the abduction, kidnapping, and murder of 97 people. Five journalists or bloggers were killed in 2015 and one in 2016. In the field of information rights, the score and ratings of the country are moderate. According to the Freedom in the World Rating 2017, Bangladesh scores 47 out of 100, which means there exists “partially open” freedom of expression. The World Press Freedom Index 2017 shows that Bangladesh scores 48.36 out of 100 with the 146th position among 180 countries. The Global Right to Information Rating 2016 shows that Bangladesh secures 107 points out of 150 with the 24th position among 111 countries. The IC Report 2015 shows that 6,181 RTI applications were received in 2015, among which information was delivered to 5,954 applications (96.33 percent of the applicants). APAs signed between the Cabinet Division and other ministries have included the provisions of the Proactive Information Disclosure Policy as directed in the RTI Act.

9.3 Challenges

The government’s tendency to deny the violation of people’s fundamental freedoms is noticeable. In most of the cases, the investigation of these incidents seems to lack goodwill from the government’s end. Moreover, the investigation reports were also not disclosed. There are allegations of the misuse of some articles

of the law against the publication of information and opinion. For example, Article 57 of the ICT Act 2006 has been misused against common people, which is alarming; the preventive part of Article 14 of the Foreign Donation (Voluntary Activities) Regulation Act 2016 limits the freedom of expression and independence of NGOs and CSOs. Besides, it is disturbing that the National Online Mass Media Policy 2017, the Bangladesh Press Institute Act, the National Broadcasting Act, and the Digital Security Act drafted as upcoming laws are prone to increase government control and restrict the freedom of expression.

10. Overall Observation

In spite of having identified some gaps in all the selected targets of Goal 16, Bangladesh has adequate preparedness in terms of having laws, policies, and institutional arrangements required for implementing the targets. However, on the one hand, there are weaknesses in some of the laws, and on the other hand, in some cases, the required laws have not been enacted. In many cases, the laws are not applied, or their practice is limited; in some cases, abuse of law is noticed. It is seen that political identity is considered in applying the laws.

In spite of various initiatives, corruption, bribery, money laundering, and violation of fundamental freedoms and human rights are continuing in Bangladesh. The institutions included in the National Integrity System are not effective up to the expected level, and the dominance of partisan political influence, centralised power of the executive and administration are the key factors for keeping the performance of the institutions less effective, transparent and accountable. In most of the institutions, there exists no framework to hold them accountable to the people, and the internal accountability system of these institutions is also weak. The proactive disclosure of information in some institutions is not sufficient.

11. Recommendations

Considering the gaps in laws and practices, and the challenges that have been identified in this study, TIB proposes the following recommendations:

Legal Reform

1. The credentials and procedures of the appointment of Chairs and Members of the constitutional and statutory bodies must be clearly defined and implemented to ensure fair and transparent appointments.
2. Article 70 of the Constitution must be amended to allow the MPs to vote against their own parties' decisions except in some specific instances.
3. The sections that allow control of the Ministry of Law and Parliamentary Affairs over the lower courts must be repealed.
4. A Public Service Act must be enacted to ensure the transparency, accountability, rights, and capacity of public servants.
5. The Police Act 1861 must be amended, and Section 54 of the Special Powers Act 1974 must be repealed to make the police force more pro-people.
6. The provision allowing MPs to be the advisors of local government bodies must be repealed.
7. A law on the formation, appointment procedure, and activities of the Election Commission must be adopted.
8. The National Human Rights Commission must be empowered to investigate violations of human rights committed by the disciplined forces including LEAs.
9. The business community, political parties, and the media must be covered under the RTI Act 2009.

10. Section 57 of the Information and Communication Technology Act 2006 must be repealed.
11. The repressive part of Section 57 of the Foreign Donations (Voluntary Activities) Regulation Act, 2016 must be repealed.

Institutional Level

12. The organograms of the concerned agencies should be reviewed, and the staff strength (by posting of own staff instead of staff on deputation), the level of skill and capacity, and infrastructural facilities should be increased.
13. The budgets for concerned anti-corruption institutions (ACC, CAG, judiciary, law enforcing agencies) must be increased according to need.
14. Dedicated money laundering investigation and prosecution units must be ensured for LEAs like the ACC, NBR, and DNC. The customs authority must be empowered to identify over-invoicing, under-invoicing, over-shipment, under-shipment, or phantom shipments to curb the illicit flow of funds.
15. Positive and negative incentives must be ensured for the transparency and accountability of public institutions.

Implementation Level

16. The Government should conduct a nationwide survey to determine the baseline on the state of corruption and bribery, and people's satisfaction and trust in NIS institutions; it may engage organisations working on anti-corruption and governance for technical support if necessary.
17. In the SDG Implementation Action Plan, the Government should fix targets or milestones up to 2030 with particular emphasis on SDG 16; for example, to what extent will corruption and bribery be reduced, or to what extent will the level of satisfied service recipients increase up to 2030.

18. Measures should be taken against corrupt public representatives and high public officials, and people from other groups of society to increase public confidence and showcase the political will to fight against corruption.
19. The effective and timely investigation and quick disposal of corruption cases must be ensured.
20. E-procurement and e-tendering must be introduced for all public procurements by all public agencies.
21. A judicial committee should be formed to investigate all extra-judicial killings and forced disappearances, and take legal measures against the perpetrators.

ACC's Public Hearing as a Means of Controlling Corruption Effectiveness, Challenges, and the Way Forward*

***Md. Waheed Alam, Md. Rezaul Karim, Md. Shahidul
Islam***

1. Background and Rationale

A public hearing is a multi-stakeholder formal process where aggrieved service recipients raise specific deviances in service delivery provisions that would prompt service providers to take corrective measures. Thus, a public hearing has become an effective tool to improve service provisions and combat corruption through creating social accountability of service providers. Realizing its efficacy in curbing corruption and improving service provisions, the Anti-Corruption Commission (ACC) started holding public hearings on different public service provisions in December 2014.

Because of the colonial legacy and inadequate administrative reforms over the years, public services in Bangladesh have been beset with unresponsive service provisions, inefficiency, and corruption. In Bangladesh, citizens have to travel long distances—often multiple times, incur high costs, and endure considerable delays and hassle to access public services (PMO Bangladesh). According to the National Household Survey on Corruption 2015, 67.8 percent households experienced corruption while accessing different public and private services.

* Summary of the study released on 5 November 2017 at a press conference at TIB Dhaka office.

Conversely, the legal and policy frameworks of the country support accountable, responsive, and corruption free public services. The Article 7(1) of the Constitution stipulates that all powers in the Republic belong to the people. The Seventh Five Year Plan 2016-2020 and the National Integrity Strategy underscore the need to provide services free of corruption and establish feedback and a grievance redress system. Equipped with these mandates, the Five Year Strategic Plan of the ACC 2017-2021 highlighted the importance of public hearings for ensuring corruption-free public-service delivery. Besides, the Cabinet Division issued a circular on 1 June 2014 to conduct public hearings for improving the integrity of public offices and preventing corruption.

Thus, emboldened with different legal and policy frameworks, the ACC along with Transparency International Bangladesh (TIB) started to conduct public hearings on public service provisions from 15 December 2014 with the objective to curb corruption and improve public services. To what extent these public hearings have been successful in curbing corruption, redressing public harassments, and improving public services, and what strategies and tools have been found effective need to be examined. No study has yet been undertaken to examine the above concerns. In this context, TIB conducted this study on the public hearing.

2. Study Objectives

The main objective of the study is to assess the effectiveness of the ACC's public hearing in controlling corruption. The specific objectives are:

- to assess the effectiveness of the public hearing in redressing complaints regarding corruption and other irregularities;
- to assess the impacts of the public hearing in concerned institutions;

- to identify the challenges of arranging and implementing public hearings;
- to provide recommendations to enhance the effectiveness of the public hearing.

3. Scope of the study

Up to December 2016, the ACC had conducted 35 public hearings of which one was in 2014, five in 2015, and twenty-nine in 2016. However, seventeen public hearings were considered for the study giving a six months gestation period to allow institutions enough time to solve or address the complaints raised. Thus, seventeen public hearings conducted from December 2015 to June 2016 were considered as the purview of the study. However, the contact information of participants who had raised complaints in four public hearings was not available. They were conducted in Muktagachha, Narail Sadar, Chargat, and Bhandaria. Thus, finally thirteen public hearings were considered for the study.

4. Methodology

Both quantitative and qualitative research techniques were applied in this study. The quantitative technique involves two surveys: the complainers survey and the institutions survey. The complainers survey collected interviews of 195 aggrieved persons out of 299 contactable complainers who raised complaints at 13 public hearing events. In case of the institutions survey, interviews were conducted with 51 institutions out of a targeted 59 institutions. Some targeted respondents and institutions in both the surveys could not be interviewed because of wrong contact address, wrong phone number, and unavailability of concerned officials. Two different structured questionnaires were used for collecting data for both the surveys.

Some qualitative techniques were also applied to collect information for the study; they include key informant interviews

and cases studies. Key interviews were done with a Commissioner of the ACC, Deputy Commissioners (DC), Additional Deputy Commissioners (ADC), Upazila Nirbahi Officers (UNOs), the concerned supervisory authority at the district level, ACC officials at district and upzila levels, members of Corruption Prevention Committees, TIB's Committee of Concerned Citizens (CCC) members, and a representative of the World Bank. Different check-lists were used for conducting these key informant interviews and case studies.

The indirect sources of information include relevant books, laws, circulars, and different documents.

5. An Overview of ACC's Public Hearing

The public hearings conducted at upazila and district levels were attended by major public services. They include the AC Land offices, Sub-Registry Offices, Settlement Offices, Rural Electrification Board (REB), health complexes, etc. The public hearings in Dhaka Metropolitan City were on Rajdhani Unnayan Kortripokkho, RAJUK (Capital Development Authority), Bangladesh Road Transport Authority (BRTA), and Department of Immigration and Passport (DIP). In total, 360 participants raised complaints against 59 public institutions in the 13 public hearings covered in this study.

6. Effectiveness of Public Hearing

6.1. Modes of Complaint Submission

Out of the contactable 299 participants, 65.2 percent (195 participants) could be reached through the complainers survey, of whom 66.0 percent submitted their complaints before the public hearing in the designated complaint box and remaining 34.0 percent submitted their complaints on the days of the public hearing events. Among those who participated in the survey, 96.0 percent got the opportunity to raise their complaints of which 86.0 percent could raise complaints fully, and 14.0 percent partially. Among the complainers, 94.0 percent

could raise their complaints without fear. Only 6.0 percent participants did not feel comfortable in raising complaints. The reasons for which they could not feel free or comfortable include the fear of not getting services later, the fear of being harassed later, fear of the authority, and pressure from powerful and influential entities.

6.2. Institutions and Officials Against Whom Complaints Were Raised

The survey findings reveal that complainers in the thirteen public hearings made complaints against diverse institutions and individuals. The majority of the complaints were made relating to institutions and officials involved in land services (67.0 percent). Among land offices, the majority complaints were against Upzila Land Offices (29.0 percent). Other notable institutions against which complaints were made include the Bangladesh Rural Electrification Board (BREB) (13.0 percent), RAJUK (12.0 percent), and health facilities at upazila and district level (10.0 percent).

6.3. Nature of the Complaints

It was found that the prevalent types of complaints include bribery, harassment, negligence of duties, fraudulence, and unlawful behaviour by some public officials. In the land sector, most complaints related to the illegal grabbing of land, the occupation of land without record of rights and muscle power. Health service related complaints centred on negligence of doctors, scarcity of medicines, and bribes paid for receiving services at hospitals. Major complaints against the REB services include delays in giving electricity connections to households and bribes paid for getting services. Regarding the services of RAJUK, the major complaints made by complainers were occupation of plots by illegal means and not getting plots allotted by RAJUK. The BRTA related complaints mostly related to demands for bribery experienced by the complainers.

6.4. Solutions Delivered against Complaints at the Time of Public Hearing Events

The findings of the complainers survey reveal that a majority of the complainers got decisions or commitments at the time of public hearing events from the authorities against whom complaints were raised. It is observed that among the complainers who got decisions, 69.0 percent got commitments from the concerned authorities that the problems would be resolved. Other notable solutions include setting deadlines for the solution of the complaints (15.0 percent), and orders given by the ACC to conduct inquiries by the concerned authorities on the allegations (19.0 percent). The study also shows that 22.0 percent complainers could not receive commitments for solutions. As per complainers' opinions, the most prominent reasons for which they did not receive commitments include: authorities did not take the complaints seriously (51.0 percent), authorities were negligent (9.0 percent), and complaints were beyond the jurisdiction of concerned authorities (11.0 percent).

6.5. Complaints Solved after Public Hearing Events

The study found an encouraging situation regarding responses made by concerned authorities. According to the complainers survey, a majority of the complainers (78.0 percent) got commitments or assurances to solve the problems at the time of public hearing events. Afterwards, about one third of the complainers (27.2 percent) said that they got solutions against the commitments made to them. However, more than half of the complaints (59 percent) were found unsolved. Among these complaints almost one tenth (14.0 percent) remained under the administrative process to resolve. There were instances where complainers got back bribe money paid to certain public officials. The study found that BRTA, Union Land Office, and BREB were able to solve the majority of their complaints. However, Upazila Land Offices, Settlement Offices, Sub-Registry Offices, and RAJUK could not solve an overwhelming number of complaints made against them, possibly because the solutions processes in these institutions are relatively complex involving different laws and procedures.

6.6. Reasons for Not Getting Solutions after Public Hearing

The major reasons for not getting solutions of the complaints raised by complainers are non-cooperation from authority (69.0 percent), demand for unauthorised payment (27.0 percent), and lack of initiative (24.0 percent). In this regard, key informants blamed lack of effective process tracking or monitoring by the ACC and concerned authorities.

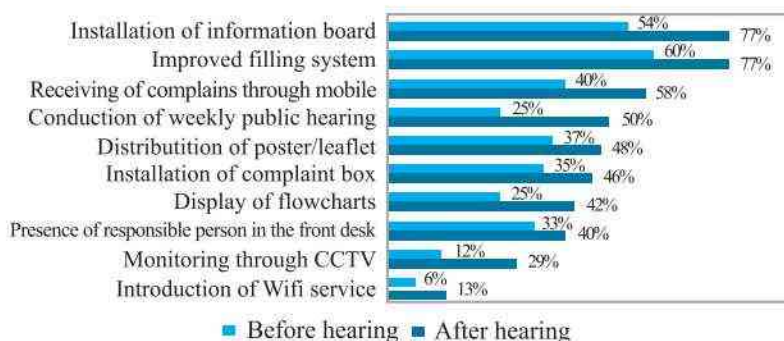
6.7. Difficulties Confronted by the Complainers

According to the complainers survey, 43.0 percent complainers experienced difficulties in getting services from concerned institutions after the public hearing events. The notable challenges they faced include: concerned authorities did not actively solve the problems (70.0 percent), non-cooperation from concerned authorities (60.0 percent), experiences of bad behaviour compared to previous encounters (42.0 percent), obstacles created during service delivery (15.9 percent), demand for unauthorised payment (12.0 percent), showing of displeasure by the concerned authorities (8.0 percent), threats made by police and on mobile phone (5.0 percent). Among those who experienced negative reactions, 75.0 percent of them the officials and staff of the concerned authorities, 40.0 percent encountered difficulties from those against whom complaints were raised, brokers (5.0 percent), and powerful and influential persons (3.0 percent).

6.8. Measures taken by concerned authorities

The findings of the institutions survey show that authorities of the concerned institutions took certain measures after the public hearing for improving the quality of services. Almost all the measures are related to enhancing transparency, accountability, and responsiveness in public services. According to the survey, 77.0 percent of the institutions set up an information board after a public hearing whereas the percentage before the hearing was 54.0 percent.

Figure-1: Measures taken by institutions after and before the public hearings



The same trend in different degrees was observed in all other areas like improve the filing system, receiving of complaint through mobile, weekly conduct of public hearing, distribution of posters, installation of complaint box, display of flowcharts, ensuring the presence of assigned person at the front desk, monitoring through CCTV, and introduction of Wi-Fi services.

7. Positive Aspects of the Public Hearing

All complainers found the public hearing to be a positive tool for enhancing the accountability of public institutions because it created opportunities for making the authorities accountable to the public (75.0 percent), provided the opportunity to raise complaints before officials (69.0 percent), and promoted a commitment to solve complaints (20.0 percent), among other things.

The organizers of the thirteen public hearings used multiple media to invite local people to attend the public hearings and come up with complaints. The highest percentage of complainers were informed about public hearing events through friends, neighbours, or acquaintances (29.0 percent), the use of loudspeakers or miking (29.0 percent), by information dissemination through leaflets and posters (23.0 percent), and by ACC officials or Duprok representatives (22.0 percent).

The seating arrangements for the public hearing were found highly satisfactory. According to the survey, 95.8 percent of the participants stated that the seating arrangements in the public hearing venue were comfortable and satisfactory. Almost all the participants (97.4 percent) expressed their satisfaction about the quality of the sound system arranged for public hearing events. The survey shows that almost all complainers (97.4 percent) were satisfied with the location of the venues as they were easy to locate and reach. Almost all participants (94.2 percent) opined that the public hearing events commenced on time.

8. Challenges

The study found that there were a number of challenges in the three different stages: (1) arranging a public hearing, (2) conducting a public hearing, and (3) implementing post-public hearing initiatives.

8.1. Challenges during arranging public hearing

Lack of citizen's awareness of public hearing processes: Ordinary complainers do not know exactly what the public hearing is, why it is arranged and how it would benefit them. Therefore, some people were not forthcoming and enthusiastic enough to raise complaints at public hearings.

Lack of knowledge about services: Sometimes service recipients do not know how to get a service, the person or institution responsible for the service, the jurisdiction of concerned offices, etc. Therefore, service recipients raised complaint against the wrong office. Such types of complaints created confusion at the public hearing events and cause a dilemma for the institutions.

Lack of sufficient publicity: Generally, public hearings are arranged at upazila and district headquarters; therefore, their publicity is mostly confined within the periphery of the upazila and district headquarters. Thus, people from remote and disadvantaged areas get less opportunities to learn about public hearing events and are unable to participate.

Less participation of people from the marginalized areas: The location of the events is also found to pose constraints to people living in remote areas. Thus, people from disadvantaged regions get less opportunities to participate in the public hearing events.

Hesitation to submit complaints: Because complaint boxes were installed at DC offices, UNO offices, or at the head office of concerned institutions, ordinary people hesitated to submit complaints fearing repercussions from concerned public officials and powerful and influential people.

Prevention of complainers to raise complaints: In some cases, concerned authorities, brokers, or influential political people prevented or intimidated some complainers from raising complaints. Eventually, few complainers kept away from raising their complaints.

Lack of interest of public officials: Some responsible officials of some institutions or offices were found to be reluctant to participate at some public hearing events due to their other businesses. As a result, some complaints could not be responded to at public hearing events in a proper manner, and the administrative measures taken to resolve them were also prolonged.

Lack of logistics, human resources and adequate budget allocation: There is a lack of budget, logistics and human resources for the ACC to arrange public hearings.

Not all public institutions are invited: It is observed that some local offices/institutions that are found to be corrupt and delinquent, namely, police, tax, custom, Roads and Highway, Water Development Board were not invited to the public hearing events.

8.2. Challenges during conduct of public hearing

Late start of public hearing: Sometimes the public hearing started late in some places because guests arrived late and protocol had to be followed.

Long speeches delivered by guests: In some places, considerable time was lost because of lengthy speeches given by some guests and to accommodate all guests to deliver their speeches.

8.3. Challenges in post-hearing initiatives

Resolution of complaints hampered because of transfers and retirements of public officials: Sometimes, the resolution of complaints went into oblivion due to transfers and retirements of concerned public officials.

Absence of follow-up measures: The ACC and participating institutions undertook inadequate follow-up to ensure the resolution of complaints raised at public hearing sessions even though specific deadlines were promised.

Solutions beyond the jurisdiction of authorities: At times, solutions to complaints rested with the jurisdiction of the courts, especially in cases of land disputes, but complainers attended the public hearing with the hope of getting a solution to their complaints.

9. Overall Observations

According to the findings of the study, the public hearing can be a powerful tool to empower people and create a space to resolve complaints and grievances—resolutions of the complaints raised were found to be considerable. However, a significant number of complainers did not receive solutions for their complaints. Sometimes they encountered repercussions when they went to the concerned institution for receiving services. The major problem is that the ACC and concerned institutions had not adopted adequate follow-up to see if the raised complaints were addressed as per commitments. Although institutions had undertaken some encouraging initiatives to improve transparency, accountability, and responsiveness in their services, a number of officials were found less willing to deliver services with commitment and adequate professionalism. Also, the ACC and other organizations responsible for arranging public hearings suffer from lack of budget, logistics, and human resources.

10. Recommendations

1. Take administrative and institutional initiatives so that the solution of complaints cannot be interrupted by the retirement or transfer of public officials or any other causes.
2. Allocate an adequate amount of budget for the ACC and local administrations to arrange public hearings.
3. Take necessary measures to extend publicity in remote areas by engaging local NGOs and other organizations.
4. Avoid lengthy speeches by guests and extending protocol—the public hearing needs to start on time.
5. The ACC and local administration have to take initiatives so that complainers can raise their complaints without fear, and the complainer does not experience in security and harassment after the public hearing.
6. Arrange separate public hearings for institutions and sectors that are infested with corruption and allegations.
7. Ensure the presence of relevant officials in the public hearing events.
8. The ACC and relevant institutions have to initiate monitoring and follow-up activities to solve raised complaints within the predetermined period.

Good Governance in the Labour Migration Process Challenges and the Way Forward*

Manzoor E Khoda, Shahzada M Akram

1. Background

Labour migration is an important sector in the Bangladesh economy. Overseas employment plays a critical role in reducing the pressure of employment generation at home as well as in increasing supply of foreign currency and reserve. The contribution of the investment and use of technical skills by incoming migrants to the national economy cannot be understated. Migration through employment, firstly, results in reduction in unemployment in the country. Secondly, through earning of foreign exchange, it helps maintain balance of payments in external transactions. The country received remittances amounting to US\$ 14,930 million in 2015-16 fiscal year and US\$ 15,310 million in 2014-13 fiscal year. The inflow of remittances has exceeded foreign exchange earnings from other sources such as official development assistance (ODA) and net export earnings. In 2015, the remittances sent by expatriates accounted for 7.83 percent of the gross domestic product (GDP).

The Bureau of Manpower, Employment and Training (BMET) was established under the then Ministry of Labour and Employment in 1976. In 1982, the Emigration Ordinance 1982 was formulated to facilitate, regulate, and monitor labour migration from Bangladesh. The Ministry of Expatriates' Welfare and Overseas Employment was

* Summary of the research paper presented at a press conference at TIB Dhaka office on 9 March 2017.

formed in 2001 to ensure development of this sector. Subsequently a number of laws and rules were framed in this regard. Bangladesh has also signed and ratified ten international conventions including the most important one: the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990. To help develop the sector efficiently, consistent initiatives have been taken, such as introduction of the Expatriates Welfare and Overseas Employment Policy 2016, enactment of the Overseas Employment and Migrants Act 2013 through annulment of the Emigration Ordinance 1982, and the founding of the Expatriate Welfare Bank in 2013.

2. Rationale, Objectives, and Methodology

There is a dearth of in-depth research on good governance in migration-related institutions, legal framework, and migration process. Despite various initiatives by the Government, many pre- and post-migration problems prevail, and ensuring transparency in this sector has not been possible. In spite of legal and institutional frameworks for labour migration in Bangladesh, a number of problems have been identified in different research and newspaper reports. Moreover, establishment of good governance in migration has been emphasised in different studies, and it has also been mentioned that the shortcomings of good governance in the labour migration sector instigates risky, irregular migration and human trafficking.

This research has been conducted considering labour migration as a sector of employment generation for a huge number of people, a foreign exchange generator through remittances, and a key driver of the national economy. Accordingly, different challenges relating to good governance in labour migration process have been identified.

The major objective of this research is to review the challenges of good governance in Bangladesh's labour migration sector and work

out the ways to overcome them. Its specific objectives are to:

- Review the legal and institutional frameworks for Bangladesh's labour migration;
- Identify the role of the concerned organisations in the labour migration process and areas of coordination among them, their management, and areas of accountability;
- Identify patterns and reasons of existing irregularities and corruption in the labour migration process;
- Make recommendations for creating an atmosphere of good governance and proper accountability.

The scope of this research includes the process of going abroad for employment following the formal procedure for international labour migration, review of governance structure relating to international labour migration, investigation into the value chain of the international labour migration process, existing corruption and irregularities in it and the causes thereof.

This research is based on qualitative analysis of information. Interviews with key informants and in-depth interviews have been used as the method of this research. Policies relating to labour migration, laws and rules, both published and unpublished research papers, articles, government and private sector information and documents, and news reports published in newspapers and other media have also been reviewed. Information collection, analysis, and report writing were done during March to December 2016. The draft report was shared with the officials of the Ministry of Expatriates' Welfare and Overseas Employment and other concerned public authorities on 12 February 2017. Based on their opinions and feedback, the report was revised.

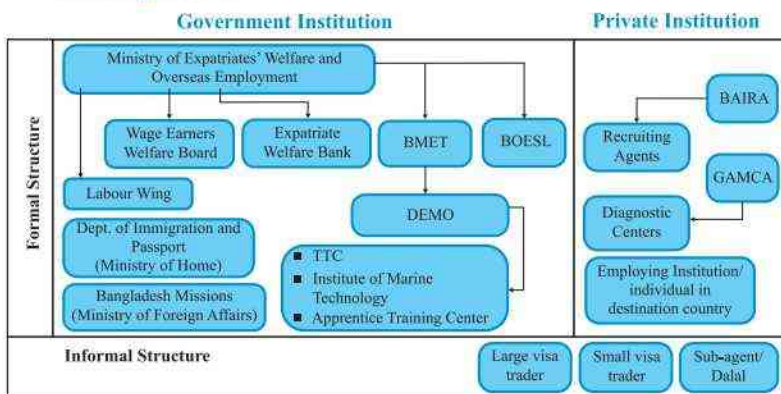
It may be noted that the findings of this study cannot be generalized and cannot be considered applicable to all the stakeholders equally.

However, the findings can be used as an indication of the existing situation in this sector.

3. Management Structure of Labour Migration

Bangladesh's labour migration structure can be divided into two parts: formal and informal. The formal structure includes different government bodies under a number of ministries, on the one hand, and the employers (institution/ individual), private recruiting agencies and diagnostic centres, on the other. These organisations are regulated by laws and rules. On the other hand, there are a few stakeholders that play independent roles outside the recognised institutional structure, and thus may be called the informal structure.

Figure 1: Management Structure of Labour Migration of Bangladesh



The Ministry of Expatriates' Welfare and Overseas Employment is the key institution for managing labour migration. The Ministry runs its overall activities through four departments/institutions: (1) The Bureau of Manpower, Employment, and Training (BMET), (2) Bangladesh Overseas Employment and Services Limited (BOESL), (3) Wage Earners Welfare Board, and (4) Expatriate Welfare Bank. The Labour Wings at Bangladesh missions abroad also work under the Ministry to expand the labour market in cooperation with the Bangladesh missions and the Ministry of

Foreign Affairs. The Department of Immigration and Passport under the Ministry of Home Affairs provides passport issuance and renewal services to facilitate the movement of Bangladesh nationals abroad. Also, in 65 Bangladesh missions around the world, machine-readable passports and visas are being issued.

Among the private players, the collective body of the recruiting agencies, the Bangladesh Association of International Recruiting Agents (BAIRA) dominates the labour migration structure. The private recruiting agencies licensed by the government are the medium for the process of migration of Bangladeshi workers. There were a total 1,037 recruiting agents in the country as of December 2016. The Gulf Approved Medical Centres' Association (GAMCA) provides medical services to expatriates planning to join the labour market in GCC countries.

The stakeholders in the informal structure of labour migration include employers or appointing organisations abroad, foreign recruiting agents, big or small visa traders or agents, and middlemen or brokers at different tiers in the country. The most important role in the appointment of migrant workers is played by the foreign recruiting organisation or employer, and its demand for labour creates the opportunity for migrant workers to enter the overseas job market.

There are supplying organisations or recruiting agents of foreign labourers or migrant workers in almost all the countries of the Middle East, Malaysia, and Singapore. These agencies supply migrant workers to different government and private organisations and projects as per demand. In the countries that receive Bangladeshi workers, some Bangladeshi and foreign traders buy visas from recruiting organisations or foreign recruiting agencies and sell them to Bangladeshi recruiting agencies. These traders play the role of wholesale visa traders.

Some Bangladeshi migrant workers, over time, attain a reputation and build a good rapport with their employer or organisation. When the organisation needs migrant labour, such Bangladeshi workers collect a demand note for new migrant workers, based on their rapport or in exchange for money. These small visa traders or visa collectors sell visas to potential migrant workers at a high price.

Bangladeshi recruiting agencies are dependent on brokers for collecting migrant workers as per demand notes. Intending migrant workers do not have direct contact with the recruiting agencies which are mostly based in Dhaka and Chittagong; they have no branch office or representatives at the grassroots level. Thus, the middlemen or brokers are a medium of communication between the migrant workers and recruiting agencies. However, there are differences amongst the brokers themselves. In the first tier, the subagent or broker works directly with the recruiting agent and this group is connected to another group of brokers who maintain contacts at the grassroots with the potential migrant workers. The first tier broker has contacts with more than one grassroots brokers through whom the former collects migrant workers or sells visa. The first tier brokers have contacts among themselves.

4. Recent Government Initiatives

The government has taken steps in recent times to simplify the services of overseas employment. As part of the initiative to decentralise the services, finger printing is done in 25 districts. Smart cards are being provided in Chittagong as well as in Dhaka by decentralising the authority to issue emigration clearance certificates. The process of issuing no-objection certificates (NOC) to the families and relatives of expatriates has also begun in Chittagong and Sylhet. Intending migrant workers can check the status of their visa online on the BMET website and at Union Digital Centres, and a mobile phone app has also been developed to check for visa updates. The services are available for Bahrain, the United Arab Emirates, Qatar, and Singapore. The countries that

hadsuspended importing workersfrom Bangladesh have recently resumed the hiring process following the government's diplomatic initiatives. A memorandum of understanding (MOU) was signed on 18 February 2016 between Bangladesh and Malaysia to send workers through Government-to-Government (G2G) plus process.

A Complaint Management Cell for expatriate female workers has been set up at the BMET to ensure the security of female migrant workers and quickly resolve their complaints. A telephone hotline has been introduced, and a website has been launched to lodge complaints. Mentionable initiatives include disbursement of loans from Expatriate Welfare Bank for meeting the cost of migration, setting up of technical training centres, and enhancing their capacity.

5. Labour Migration Process

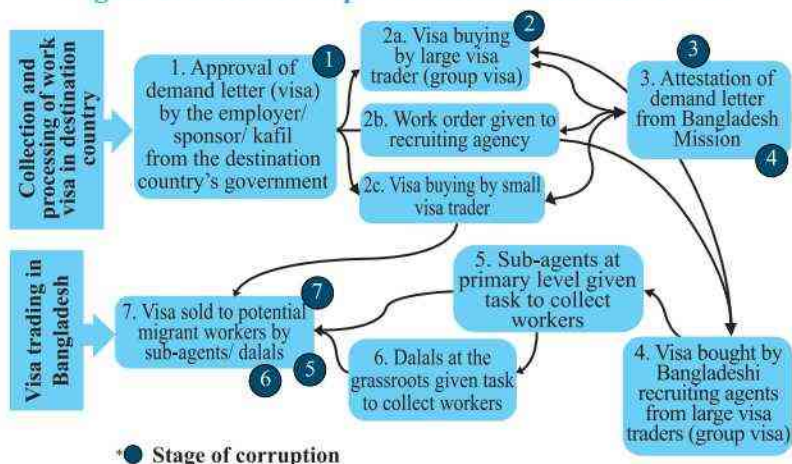
The process of labour migration from Bangladesh encompasses three levels. At the first level, work orders or visas are traded because of corruption and irregularities committed by employers and brokers in the country of destination. There is corruption involving endorsement of visa at the labour wing of the Bangladesh mission in the country of destination. The local recruiting agents siphon off money to the country of destination through illegal hundi to purchase work order or visa.

At the second level, visas are sold to the potential migrant worker. At this level, the recruiting agencies, operating through subagents or brokers at different tiers, select the migrant workers and the brokers sell visas to these workers. The price of a visa increases manifold as it changes hands. Money is collected unlawfully from the female migrant workers although the process is supposed to be free of cost.

At the third level, a complex process is followed during the processing of visa involving a number of stakeholder institutions. Outgoing workers revealed that they paid a significant amount of

money at every step: from medical diagnosis, police clearance certificates, visa stamping, approval from the ministry, registration and pre-emigration training to collection of the final emigration certificate.

Figure 2: Different steps of collection and sales of visa



5.1 Collection and processing of work visa in destination country

The parties or stakeholders that collect work orders and process visas from different countries for migrant workers are (1) employers/sponsor/kofil, (2) organisations supplying workers, or recruiting agencies in receiving countries, (3) big visa trader/collector, (4) small visa trader/collector, (5) Bangladeshi recruiting agency, (6) subagent/broker active at first and third levels, and (7) potential migrant worker.

The first and most important step is the collection of demand notes and visas for migrant workers from different countries. The process starts with the issuance of demand note for migrant workers by possible hiring organisations or employers in the recipient countries to any recruiting agency to collect necessary migrant workers as per law. The recruiting agency charges for providing this service. Similarly, some rich people in recipient countries

including in the Middle East, who are capable of hiring migrant workers such as domestic help, cleaning worker, chef, gardener, driver, etc., as per law, prepare the demand notes as sponsors or kofil for migrant workers. Sometimes, the work orders are purchased at exorbitant rates by non-institutional visa traders, big and small, in the country of destination. In most cases, the organisations supplying migrant workers or recruiting agencies buy the work orders from the hiring organisations.

Photocopies of demand notes, power of attorney or authorisation letter or okala to recruit migrant workers on behalf of the employers are attached to the work orders. The recruiting agencies or visa traders that secure demand notes for supplying migrant workers generally get the demand notes examined and attested to by the Bangladeshi mission in the recipient country.

A migrant worker has to spend from BDT 500,000 up to BDT 1.2 million to go to Saudi Arabia with a job although the government has fixed the cost at BDT 165,000. To migrate to Malaysia, Singapore, and some other Middle East countries, a worker has to spend a minimum of BDT 250,000 up to BDT 800,000. Different research findings show the cost of migration for a Bangladeshi worker in the labour market of the Middle East is several times higher than workers from other countries. According to the International Organisation of Migration (IOM), the Bangladeshi

Table 1: Comparative price of Saudi visa in different countries

Countries sending workers	Purchase price of visa (Saudi Riyal)
Philippines	Free Worker is given 3750 riyal for ticket and other costs
Nepal	500-800
India	1,000-1,500
Pakistan	3,000-5,000
Bangladesh	7,000-15,000

migrant workers bear the highest cost of migration in South Asia. This cost increase in migration is largely because of the purchase price of visa from the recipient countries.

Illegal sales of visa in country of destination and siphoning money through hundi to buy visa: Unscrupulous officials in the hiring organisations, with the consent of the authorities or without their knowledge, sell the demand notes or visas (a totally unlawful practice) instead of distributing them free of cost. In some cases, the demand notes are prepared seeking a higher than the required number of migrant workers to make more money. Since trading visas is prohibited under the recipient countries and Bangladesh laws, it is impossible to send money through legal banking channels to buy visas. As a result, Bangladeshi visa traders transfer money through hundi.

Table 2: Purchase price of visa and sales price for migrant workers, depending on country of destination

(Projection in accordance with 2016 data)

Serial	Country	90% male workers (2016)	Minimum purchase price of visa	Minimum sales price of visa	Total purchase price (Crore BDT)	Total sales price (Crore BDT)
1	Saudi Arabia	68,064	68,064	5,00,000	817	3,403
2	Bahrain	64,879	70,000	2,50,000	454	1,622
3	Oman	1,57,815	70,000	2,50,000	1,105	3,945
4	Qatar	1,03,501	1,20,000	3,50,000	1,242	3,623
5	United Arab Emirates	2,692	1,00,000	2,50,000	27	67
6	Malaysia	36,087	1,00,000	3,50,000	361	1,263
7	Singapore	49,163	2,50,000	2,50,000	1,229	2,950
Total					5,234	16,873

Irregularities and corruption in attesting demand notes: It is alleged that the labour wing of the Bangladesh mission in the country of destination sometimes attests the demand notes without proper knowledge of the hiring authority of the migrant workers. There are also complaints of harassment by Bangladesh embassies and attestation of the demand notes in exchange for money.

5.2 Sales of Visa in Bangladesh

The demand notes are sold to Bangladeshi recruiting agencies after attestation at the Bangladesh mission in the recipient country, and in some cases without attestation. When selling the visas collected through various means, the Bangladeshi recruiting agencies depend on brokers posted at different levels of their networks. They inform these brokers about the country of visa, types of visa, available facilities, qualifications of the potential migrant workers, and the selling price demanded by the brokers. A first tier broker then informs all the brokers at the grassroots level about visa details and selling price of visa applicable to the grassroots brokers. Finally, the grassroots broker contacts potential migrant workers with details and selling prices of visa. The recruiting agencies make a net profit ranging from BDT 30,000 to BDT 50,000 for each visa after recovering all the costs involved in the process.

The price of a visa for the migrant worker increases manifold through value addition at different levels starting from the collection of visa to passing through several middlemen. Generally, fees for diagnostic tests, visa processing and other government charges, income tax, and unpredicted costs are added to the final visa price applicable for migrant workers (See table 3).

Table 3: Country-wise Sale Price of Visa (in lakh BDT)

Country	Hiring org	Foreign recruiting agency	Big visa trader	Small visa trader	Bangladesh recruiting agency	Broker (first level)	Broker (grass-roots level)
Saudi Arabia	1.2-2.8	1.5-3.2	2.0-3.7	1.2-2.8	4.0-5.5	4.5-6.5	5.0-12*
Bahrain	0.7-0.8	1.0-1.3	1.2-1.5	0.7-0.8	1.7-2.0	2.0-2.3	2.5-3.5
Oman	0.7-0.8	1.0-1.3	1.2-1.5	0.7-0.8	1.7-2.0	2.0-2.3	2.5-3.5
Qatar	1.2-1.5	1.5-1.7	1.7-2.0	1.2-1.5	2.2-3.0	2.5-3.0	3.5-5.0
UAE	1.0-1.5	1.3-1.8	1.5-1.8	1.0-1.5	2.5-3.5	2.8-4.0	2.5-8.0
Malaysia	1.0-1.4	1.2-1.5	1.5-2.0	1.0-1.4	2.5-3.0	3.5-5.0	3.5-6.5
Singapore	2.5-3.0	2.8-3.8	3.5-4.5	2.5-3.0	5.0-6.0	5.5-6.5	6.0-8.0

* After resumption of formal migration to Saudi Arabia, visa prices fell

** Small visa traders generally purchase visa from employer and sell to migrant workers

Charging higher price during selling of visa to migrant workers by brokers: The migrant workers commonly rely only on personal network and communication when purchasing their visa from the brokers, and they do so without knowing details of the services abroad. The migrant workers remain entirely dependent on brokers because the payment of instalments starts long before confirmation of visa. The migrant workers have no choice but to believe whatever information the brokers give them. They are handed over the job contracts of just before their departure at the airport. Since these brokers remain out of any institutional framework, there is no scope for holding them accountable. As a result, the brokers often manage to cheat the migrant workers, harass them for a long time, and charge higher amounts by alluring them with the promise of lucrative job offers.

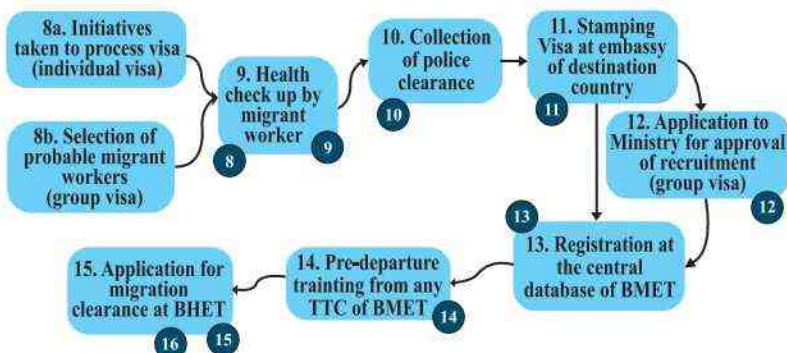
These brokers charge BDT10,000 to BDT15,000 from each female migrant worker willing to go to different countries of the Middle East including Saudi Arabia, as domestic help, on the excuse of

diagnostic test, collection of emigration clearance certificate, sending them to good cities, etc., although according to the rules, the visa should be free of cost.

5.3 Visa Processing and Collection of Emigration Certificates

Following the collection of visas from the host country and completion of visa sales to migrant workers in Bangladesh, the visa processing is completed at different levels in Bangladesh. This stage includes approval from different authorities, completion of diagnostic test of migrant worker, collection of police clearance certificate, stamping of visa in the worker's passport or collection of paper visa in the worker's name, registration of worker in the central databank, and collection of emigration certificate once approved by the BMET. Finally, the migrant worker collects his air ticket and flies to the host country.

Figure 3: Steps of visa processing in Bangladesh



* ● Stage of corruption

Selection of potential migrant workers: In the case of a group visa, intending migrant workers are selected in the first step. According to rules, the recruiting agencies are expected to collect names of potential migrant workers from the database of the BMET, following receipt of work order for migrant workers and approval by the Ministry of Expatriates' Welfare and Overseas Employment.

If the required number of workers is not available through the database, there is scope for searching for additional workers by publishing an advertisement in the newspapers. However, currently the recruiting agencies select the required number of migrant workers through their informal network of brokers, instead of taking the names from the BMET database.

In the case of individual visa collected through personal initiative, the first step of visa processing is to contact a registered recruiting agency and make a contract for visa processing. Whether the type of visa is group or individual, the application has to be submitted to the BMET through a registered recruiting agency, although in case of an individual visa, the intending migrant worker himself can apply for one-stop service by submitting necessary documents to obtain the emigration certificate and collect required papers. But practically, one hundred percent of the migrant workers going abroad from Bangladesh are dependent on the recruiting agencies for their emigration clearance certificates. They pay the recruiting agency for its expenses in the form of income tax, and other necessary fees.

Diagnostic tests of migrant workers and allegations of irregularities:

There are specific diagnostic centres for health checkups of the migrant workers in accordance with demand and required standard of each host country. The recruiting agency collects specific number of slips from GAMCA office to complete diagnostic tests of migrant workers as per the demand notes. The migrant workers then go to the GAMCA office with the slips and register their names by submitting photo and giving fingerprints. After the GAMCA office informs the migrant worker of the name of the selected diagnostic centre, the worker gets the diagnostic test done at the centre with a registration card from the GAMCA office.

An amount of BDT 5,850 has to be submitted for the diagnostic test. But some diagnostic centres charge much higher than this

fixed amount. There are allegations that the centres do so by threatening to declare the medically qualified migrant worker as medically unqualified. In some cases, a migrant worker has to undergo repeated medical tests on the plea of extra caution. At the other extreme, there are allegations that some diagnostic centres issue medical certificates without carrying out the required tests.

Visa stamping at the embassy of host country: The migrant workers who are selected after the diagnostic tests have to get their visas stamped on their passports from the embassy of the host country. A separate visa application file containing necessary papers has to be prepared for each migrant worker. Each worker has to collect his police clearance certificate on his own initiative. The embassy stamps the visa once it confirms the authenticity of all the submitted papers. If there is any discrepancy or error in the information provided, the file is returned to the worker. Some embassies have been accused of unnecessary delay, harassment, and charging money illegally when stamping visa on passports. Countries such as Oman, Bahrain, and Qatar do not require the visa to be stamped on passport.

Charging money illegally while collecting police clearance certificates: Most of the migrant workers allege that the police extort money illegally when they go to collect clearance certificates. The extorted amount is allegedly BDT 500 to BDT 1,000 in each case.

Approval for appointment from the Ministry, registration of name and training: Upon receipt of visa stamped on passport or paper visa from the host country, an application has to be submitted in case of group visa to the Ministry of Expatriates' Welfare and Overseas Employment for permission for the appointment of the migrant workers. However, this procedure is not required for individual visa processing.

In both cases, once a migrant worker receives permission, he has to register his name with the central database by attaching photo and fingerprint. The official fee for this is BDT 200. Currently, these facilities are available at the employment and manpower offices in 25 districts outside of Dhaka. After receiving a visa, a worker has to undergo at least a three-day pre-departure training session on migrating abroad at a designated training centre under the supervision of the BMET. A training completion certificate is also issued and is submitted to secure the emigration certificate.

Irregularities and corruption in the receipt of emigration certificates: Before applying for the emigration certificate at the BMET, a migrant worker has to make sure that all required procedures have been followed properly and completed. The agent of the recruiting agency generally prepares separate files for each of the migrant workers seeking emigration certificates. Each file with signature of the concerned official confirming permission in a forwarding letter has to be submitted to the appropriate section. The emigration certificate is issued after examining the authenticity of the visa for the worker, the contract with the employer, and an undertaking from the migrant worker; and the certificate is given through a smart card. Later, the recruiting agent collects the emigration certificate or smart card. Ultimately, the signature of the concerned BMET official together with the clearance number has to be put on the passport of the worker.

A dishonest section at the Ministry of Expatriates' Welfare and Overseas Employment allegedly charges BDT 13,000 to BDT 15,000 for each visa, unlawfully, for issuance of the permission for appointment. Besides, the recruiting agencies, in most cases, select migrant workers through informal network of brokers, instead of picking them from the database of the BMET. There are also allegations that migrant workers pay additional money to the brokers to collect training certificates without taking part in the required training session or even being present there.

When the migrant workers collect emigration certificates, each of them is charged BDT 100 to BDT 200, in violation of rules by the BMET.

Appointment of low-skilled and semi-skilled workers from Bangladesh remained suspended in Malaysia since 2009. But about 30,000 workers went to Malaysia with different kinds of visa in 2015 and about 40,000 in 2016 under private management, taking emigration certificates from the BMET. In these cases, it is alleged that low-skilled and semi-skilled workers were sent although they were shown as skilled workers. The emigration certificates of these workers were endorsed in exchange for money illegally drawn by a section of unscrupulous officials of Malaysian Immigration, the embassy concerned, and other relevant authorities. At the BMET, it was alleged that between BDT 5,000 and BDT 15,000 was charged for issuing each emigration certificate for going to Malaysia.

Table 4: Amount of money collected illegally for endorsement by different authorities in visa processing and clearance of certificates

Sl.	Sectors of unlawful financial transactions	Amount charged for each visa	Number of visas in 2016
1.	Approval for group visa by the Ministry	13,000-15,000	61,122
2.	Emigration certificates from BMET for Malaysia-bound low-skilled, semi-skilled workers	5,000-15,000	40,126
3.	Approval from BMET for emigration certificates	100-200	6,83,107
4.	Collection of police clearance certificates	500-1,000	7,57,731

6. Causes of Deficiencies in Governance of the Labour Migration Process

The causes of deficiencies in governance of the labour migration process could be divided into three types—legal, institutional, and procedural. The Overseas Employment and Migrants Act 2013, the

major law on Bangladesh's labour migration, lacks clear and realistic guidelines. It makes no mention of the personal arrangement for labour migration although the lion's portion (almost 90 percent) of labour migration from Bangladesh is done through personal initiative. Instead, the authority to send migrant workers abroad is invested in government agencies and recruiting agents, and the recruiting agents alone, or jointly with employers, share the liabilities of the employment contract. Some clauses of the Act (such as selection of workers, determination of the amount of compensation, etc.) are stated merely as guidelines, not as obligations, thus weakening the strength of the Act. For instance, Article 18 stipulates cancellation of license of the recruiting agent and compensation for affected migrant workers, but this has not been made mandatory. Moreover, the role of brokers active in the sector has been kept outside the purview of the law.

There are certain inconsistencies visible in the migration rules and regulations. The role and duties of the immigrant registrars and labour attachés have been defined, but no process or mechanism of accountability has been specified. Punishment for crimes and irregularities relating to migration has been mentioned in the regulations for recruiting agencies' license and conduct, but no provision for compensation to the migrants has been specified here. No regulations based on Overseas Employment and Migrants Act 2013 have been framed as yet, so the regulations made in 2002 are still effective. As a result, proper regulation and monitoring of the sector according to the 2013 law are not possible.

A major cause of the existing problems, corruption, and irregularities in the labour migration process is the institutional limitation in the relevant agencies. Lack of capacity of the government agencies involved in labour migration is obvious. The budgetary allocation for the sector is inadequate on the one hand, but the money allocated is not fully utilised, on the other hand. There is a shortage of staff in both private and public agencies engaged in labour migration. The rate of vacancy at the Ministry of Expatriates' Welfare and Overseas Employment is 36.7 percent.

The training centres under the BMET suffer from staff shortage, resulting in deficiency in pre-departure training for the migrant workers.

Decentralisation of visa processing and the activities of recruiting agents is slow. Because the offices of the agencies involved in processing visas are mostly located in Dhaka, the intending migrant workers from rural areas have to come to the city more than once to complete the visa formalities. As the migrant workers, in most cases, are not well educated and not familiar with the atmosphere of Dhaka city, they rely on the brokers for getting their work done. Most recruiting agencies are located in Dhaka (at best in Chittagong) and they have no branches at the grassroots level; so, they too depend on the brokers for collecting migrant workers. As a result, the sector as a whole is dependent on brokers (*dalals*).

There is also lack of coordination among the stakeholders engaged at different stages of visa processing. For example, a migrant worker has to give biometric identity (fingerprints and photographs) more than once as part of the migration process. Besides, in the cases of group visa and visa for unfamiliar nations, an application has to be submitted to both the Ministry of Expatriates' Welfare and Overseas Employment and the BMET. There are allegations of a difference of opinion between the Ministry of Foreign Affairs and the Ministry of Expatriates Welfare and Overseas Employment over who has jurisdiction over the labour wings, during their functioning at home or at the Bangladesh missions abroad. There are shortcomings in the process of regulating and monitoring the sales and purchases of visas in the labour recipient countries, examining the legality of employment in the host country, and controlling the costs of migration in Bangladesh. The reasons for failure to provide required services also include distance to the mission in geographically large countries, lack of skilled officials and lack of money to provide legal services to the migrant workers. Many missions do not have the kind of vehicles required to move from one part to another in large countries such as Saudi Arabia.

Procedural limitations are another major cause of existing problems, corruption and irregularities in the labour migration process. The entire process of migration is complex and time-consuming. It involves up to twenty-seven steps from collection of visa to collection of emigration clearance and smart card. Of them, there are eleven steps at the BMET. Most of the migrant workers give money to brokers or small visa traders for collecting visas. It takes three to five days to receive the emigration certificate in case of an attested visa and seven to fifteen days in case of an unattested visa. It is alleged that illegal transactions of money occur without which the concerned officials would procrastinate and the approval process would take longer. It takes thirty to forty-five days to complete the entire process. The process of securing an emigration certificate is one hundred percent dependent on agencies. According to the rules, there is no scope for low-skilled and semi-skilled migrant workers to apply personally for emigration certificates. In the cases of group visa, applications have to be submitted simultaneously to the Ministry and the BMET.

The labour migration process is almost entirely dependent on dalals (brokers)—direct contact between the licensed recruiting agents and the worker willing to migrate is almost absent. The migrant workers are mostly dependent on brokers for information relating to recruitment abroad and terms of services, migration, processing of migration, etc. Similarly, the recruiting agents are also dependent on the brokers to select migrant workers from the grassroots, keep in touch with them, provide assistance in processing visa, etc. For these reasons, a significant number of the migrant workers cannot obtain receipts for financial transactions, thus making it impossible to preserve documentary evidence of spending for migration. As a result, the migration cost is not fixed, and the migrant worker is cheated out of the amount of compensation due to him because it is not fixed properly.

On the one hand, potential migrant workers are willing to buy a visa at any cost and deposit money with the brokers. On the other hand, the demand for labour in the countries of destination is limited, and in the past few years, migration to a number of major destinations remained suspended. As a result, there has been a tendency to migrate to those destinations by going beyond the legal channels. Taking advantage of the situation, visa traders in the countries of destination and the brokers have tended to make windfall profits.

The majority of Bangladeshi migrant workers severely lack education and skills. Given the complex migration process and lack of necessary information, as well as the advantage of social networks to brokers, the migrant workers place their confidence and reliance on the brokers. They do not heed the cautionary signals from the government and other partners. The decision to seek overseas employment is an important subject, and the availability of authentic information is essential. Unfortunately, there is a discrepancy in publicity and the publication of authentic information about labour migration. Currently, relevant information is disseminated from demo offices in 42 districts and by some non-government organisations. However, these are very limited. There are short comings on the part of the government in generating and disseminating necessary information on overseas employment.

Enforcement of laws to address the corruption and irregularities in the process of labour migration is inadequate. The High Court had issued a rule on 5 March 2015 asking the government to explain why no case was filed under the Overseas Employment and Migrants Act 2013 against the culprits involved in human trafficking. So far, eight cases have been filed under the purview of this law, but none are disposed of yet. After the enactment of the Prevention and Suppression of Human Trafficking Act 2012, more than 200 cases were filed, but none were ready for trial.

Table 5: Analysis based on the indicators of good governance

Indicator	Sub-indicator	Problem
Transparency	<ul style="list-style-type: none"> - Availability of information on migration - Publication of information on migration 	<ul style="list-style-type: none"> - Necessary information on migration (cost, terms, process, etc..) is not available - Information on migration is not published lucidly - No documentary evidence of the actual cost of migration is available
Accountability	<ul style="list-style-type: none"> - Strong monitoring and regulation of the labour migration process - Divisions of jobs in migration management - Accountability of all stakeholders 	<ul style="list-style-type: none"> - Lack of monitoring and regulation - Accomplishment of similar tasks by more than one organisation - Accountability of all stakeholders is not ensured
Capacity & Effectiveness	<ul style="list-style-type: none"> - Full-fledged and effective structure for migration management - Smooth and quick migration process - Lower cost of labour migration 	<ul style="list-style-type: none"> - Lack of capacity of the stakeholders involved - Complicated and long process - Informal process dependent on individuals - Process requires a high cost
Rule of law	<ul style="list-style-type: none"> - Required legal and policy framework - Proper and fair enforcement of laws 	<ul style="list-style-type: none"> - Legal limitations - Limitation in enforcement of law - Prevalence of corruption and irregularities in the migration process - No guarantee of fair and accurate compensation

Most complaints by the victim migrant workers against the recruiting agents are not settled, and even if some are settled, the compensation for the victims cannot be realised. For example, in

the 2015-16 financial year, only 89 (23.42 percent) out of 380 such cases were resolved, and only BDT 890,000 were realised as compensation after complaints were proved; thus, per head compensation was BDT 10,000.

7. Overall Observations

The findings of this research reveal that the legal framework of migration has not clearly spelt out some important issues like a complaint mechanism, worker selection, compensation, etc. Moreover, it has been difficult to enforce the existing laws in a proper manner due to the obscurity and limitation in the legal framework. There are also deficiencies of capacity in relevant stakeholders to ensure oversight and control in the process of labour migration.

The process of labour migration in Bangladesh is still long, complicated and uncertain, and mostly Dhaka-based, which can lead to corruption and irregularities. The existing process depends mostly on informal and personal dealings without documentation or evidence thus creating room for cheating and depriving the potential migrant workers. There is also a lack of institutional protection to get compensation in case a worker is cheated. Moreover, the lack of transparency about the work environment, facilities and entitlements of the jobs at the destination countries, VISA/migration cost, etc., for less educated migrant workers eventually enhances dependency on the brokers.

Irregularities and corruption exist in the labour migration process of Bangladesh. There are allegations that almost every stage in visa processing requires unauthorised payments. This situation is instigated by uncontrolled visa trading which creates extra an expenditure burden on the migrant workers. As a result, Bangladesh is failing to gain returns from labour migration at the expected level. The high cost of labour migration instigates illegal overseas migration, which puts workers at risk as illegal migrants in the destination countries.

Table 6: Causes, results and impacts of governance deficiencies in the labour migration process

Causes	Results	Impacts
<ul style="list-style-type: none"> • Legal and enforcement problem • Lack of institutional capacity (budget, manpower) • Legal and enforcement problem • Lack of institutional capacity (budget, manpower) • Lack of decentralization, coordination among stakeholders, oversight and control • Complex, long process • Dependence on informal process (brokers) • Excessive demand for visa compared to availability • Lack of education, skills, and awareness of migrant workers • Information deficiency • Lack of evidence-based dealings lack of decentralization, coordination among stakeholders, oversight and control • Complex, long process • Dependence on informal process (brokers) • Excessive demand for visa compared to availability • Lack of education, skills, and awareness of migrant workers • Information deficiency • Lack of evidence-based dealings 	<ul style="list-style-type: none"> • Illegal sales of visa • Siphoning off money for purchasing visa • Attestation in exchange for money without verifying identity of employers • Purchase of visa at high cost by migrant workers • Burden of migration cost on migrant workers • Institutionalisation of broker-dependent system • Illegal collection of money at different levels (demand note attestation, health diagnosis, police clearance, visa stamping, permission for appointment, emigration certificate) • No guarantee for compensation 	<ul style="list-style-type: none"> • Failure to gain the returns from labour migration at the expected level • Risk of being deprived, cheated, and losing money • Tendency to migrate through illegal routes • Risk of being illegal on foreign land

8. Recommendations

1. The Overseas Employment and Migrants Act 2013 requires following amendments:
 - Provisions for selection of workers, determination of the amount of compensation, and payment of compensation, etc., must be made mandatory.
 - This law must be given priority while resolving complaints relating to migration, irrespective of provisions in any other laws.
2. For processing visa received through personal contact, a one-stop service should be introduced instead of one dependent on recruiting agencies.
3. Capacity and skills of the labour wings in the countries that receive a large number of Bangladeshi migrant workers should be strengthened in terms of budget and staffing.
4. Legal provision should be made to include dalals (brokers) as subagents or registered agents of the recruiting agencies to bring them under the transparency mechanism.
5. Compensation to cheated workers should be ensured, the amount of which should be made mandatory at a minimum of five times the migration cost set by the government.
6. The provision for taking permission from the Ministry for sending migrant workers under group visa should be scrapped.
7. Procedures such as taking photos and fingerprints of the workers should be coordinated to lessen the steps of providing the same information to different agencies.
8. Diplomatic steps should be undertaken with labour receiving countries to ensure an online visa checking mechanism.
9. In order to raise the awareness level of the migrant workers:

- Information on different aspects of labour migration such as types of jobs abroad, migration cost as determined by the government, and legal process of migration should be made available.
- Publicity on labour migration at the grassroots level (broad casting in radio and television, and street drama) should be increased.
- On the websites of the Ministry, the BMET, BOESL and BAIRA, information that is important for migrant workers as listed above must be presented in a lucid manner.

Good Governance in Passport Services Challenges and the Way Forward*

Md. Shahnur Rahman

1. Background and Rationale

Passport is an important public service. It is invaluable for exporting human resources, expansion of trade and commerce, medical treatment, and foreign travel of citizens. The demand for passports has increased manifold in recent years, thanks to exports of human resources to the Middle East and Southeast Asian countries, expansion of trade and commerce, migration to developed countries, education, medical treatment, and travel. The applicants seeking passport services need to pay a fee; thus, the government earns a notable amount of revenue from this service. During fiscal years 2010-11 to 2015-16, the government on average earned revenue amounting to BDT 1100 crore (or BDT 11 billion) per year from passport services.¹⁸ Apart from paying a fee, the applicants are allegedly compelled to endure additional costs due to various forms of irregularities, harassment, and corruption. Transparency International Bangladesh's (TIB) research on passport service conducted in 2006 identified a number of limitations in the passport service. They include procedural complexities, low-quality services, problems of infrastructure and staffing, dominance of dalals (brokers) and irregularities and corruption in the police investigation.¹⁹ Besides, in the "Corruption in the Service Sectors:

* Summary of the study released on 21 August 2017 at a press conference at TIB Dhaka office.

¹⁸ Directorate of Immigration and Passport, Dhaka, 2017.

¹⁹ 'Passport Delivery Service: A Diagnostic Study', Transparency International Bangladesh, 2006, Dhaka.

National Household Survey 2015” conducted by TIB, the passport service was identified as the most corrupt service. According to the survey, 77.7 percent of passport applicants were victims of irregularities, harassment, and corruption and 76.1 percent applicants were compelled to pay bribes or money beyond the official fee.

During 2010-15, policy makers took a number of steps to make passport services user-friendly and easy. They include the decentralization of passport offices by establishing offices in 64 districts, the introduction of Machine Readable Passport (MRP), the introduction of an online application system, the inclusion of private banks in receiving passport fees along with government banks, etc. In spite of these reform measures, passport service is replete with numerous problems and challenges that have been published or broadcast in the mass media. Against this backdrop, TIB conducted this study as part of its efforts to promote transparency and accountability at different institutions in the face of local and national demands. A meeting was held between TIB and the Department of Immigration and Passport after passport service had been identified as the most corrupt sector in TIB’s National Household Survey 2015. At the meeting, both parties agreed to conduct a comprehensive study to unearth prevailing limitations and governance challenges in this service and come up with remedial measures based on study findings. TIB hopes that this research will help to improve the level of services, make reform programmes sustainable, and prevent corruption.

2. Objectives and Scope of Research

The main objective of this study is to identify prevailing challenges in passport services and make recommendations to overcome them. Its specific objectives are:

- to identify limitations at different stages of passport service, and institutional limitations and challenges that influence them;

- to identify types and extent of irregularities and corruption in the passport service.

This study dealt with the roles of the Immigration and Passport Directorate, banks, SB Police and dalal (brokers) at different stages of the passport delivery process. They include collection of application forms, filling up of the application forms, submission of fee to the banks, submission of application, pre-enrolment, bio-enrolment, scanning of documents, police investigation report, scrutiny of the application, approval of the application, printing of the passport and sending to regional offices, and delivery of passports to clients. Information was collected and analyzed on the basis of different indicators of good governance such as capacity, transparency, accountability, sensitivity, and integrity while discussing the issue of good governance in passport service. It should be mentioned that the information on irregularities and corruption found in this research are not equally applicable to all officials and employees of the Immigration and Passport Directorate and other stakeholders. However, it offers an impression of the state of existing problems.

3. Research Methodology

The research used both qualitative and quantitative research tools and techniques. Information was collected from direct and indirect sources in line with the objectives of the research. Client survey, Key Informant Interviews, in-depth interviews, group discussions, case studies and observations were used as direct sources of information. The sources of direct information were clients, officials and concerned employees at the Passport Directorate (Central, Divisional and Regional), the concerned official of the Machine Readable Passport (MRP) project, police officers-employees (Special Branch), journalists, commission agents/ dalals, and security guards/ Ansars. Different research papers, news published or broadcast in mass media, and review of relevant documents are indirect sources of information. This research was carried out between September 2016 and May 2017. The client survey was conducted from October 8 to 15 December 2016.

A Multi-Stage Sampling Technique was followed for conducting the client survey. At the first stage, as many as 26 out of 67 passport offices were selected randomly in proportion to divisional weight. Then, out of 20 working days, 5 days were randomly selected on which 40 to 70 clients were interviewed through Exit Poll method depending on the location of offices at district and divisional levels. Through this process, a total of 1,453 clients were interviewed for the client survey. A structured questionnaire was used for the survey.

4. Limitations and Challenges at Different Levels of Passport Service

There are a number of steps in processing a passport: receipt of application form, filling in of form, submission of fee at bank, submission of application form and pre-enrolment, bio-enrolment, document scanning, police investigation report, scrutiny of application fee, approval of application, printing of passports, sending of passports to regional offices, and distribution of passports. Passport offices, banks, and SB Police have distinct roles at different stages of passport service. The problems, limitations, and challenges in processing passports are discussed below:

4.1. Collection of Application Form

Fifty-four percent (54 percent) of the clients covered in the survey collected forms from formal sources (36 percent from passport offices, 10 percent from the website, and 8 percent from Union Digital Centres). On the other hand, 46 percent collected forms from informal sources (25 percent from photocopy shops, 19 percent from dalals, and 2 percent from friends and relatives). As per rules, the passport seekers are supposed to get two copies of application forms from the passport office free of cost. But the passport offices usually provide the clients with one copy of the form and ask them to photocopy the other. Clients who collect forms from informal sources come into the contact of dalals. The survey results show that website and Union Digital Centres are yet to become popular sources of application forms.

4.2 Submission of Passport Fee at Banks and Scrutiny of Bank Fees

The reluctance of passport applicants to pay fee at banks and their lack of awareness in this regard are identified as problems in passport service. There is a tendency among some applicants to submit fees with the help of dalals. And when the applicants themselves do not submit the fee to banks, anomalies in the spelling of names appear between the application form and the bank receipt. The passport offices then face difficulties in checking the bank scroll. Again, when the bank scrolls from some branches of Sonali Bank do not reach the respective passport office within the stipulated timeframe, the processing of the passport is delayed. Applicants lack awareness about the facility to pay passport fees at branches of five private commercial banks alongside Sonali Bank. As a result, huge crowds are observed at the branches of the Sonali Bank branches near the passport offices.

4.3 Filling in Application Form

The application form available online is not user-friendly for some applicants. There are problems and limitations in filling it online, as revealed by the experiences of the applicants: Sometimes the links of the application form do not work properly, the relevant information is accessible through multiple links, some sections of the guidelines are written in Bangla and others in English, and the space for filling in profession does not work for certain professions. The application form can be printed and photocopied after it is completed, but there is no guideline on this on the hard copy. Despite filling the form online, the provision for submission of the printed copy to the passport office with attestation, and submission of two copies of the form with attestation in case of a hand written application are posing difficulties to passport applicants. The survey found that the majority of clients (86 percent) submitted hand written forms and only 14 percent fill in forms online. When asked why they did not submit application online, 47 percent of the applicants said they did not know that there is a

provision for online submission of application, 31 percent felt the online system was cumbersome, 30 percent were not aware of how online application needs to be submitted, 6 percent did not have internet facility, and 2 percent wanted to avoid additional costs.

4.4 Attestation and Certification of Application Form

The requirement of attestation of an application by a gazetted officer appears to be a source of harassment for the applicants. It encourages corruption and irregularities. Most applicants from rural areas do not know persons in urban areas who could attest their forms, and depend on dalals for attestation of their application. Those who have attestation authority use this power commercially, taking advantage of the dependency of the applicants on the dalals.

4.5 Submission of Application Forms and Scrutiny by Passport Offices

Long queues during the submission of application forms and interference from certain officers and employees of the passport offices hinder a fair process of submission of forms—the longer the queue, the more serious the problem. There are allegations that some officers responsible for the scrutiny of the applications harass applicants. The types of harassment include pretext of identifying different errors and omissions by officials at receiving counters, returning of forms to applicants without telling them the types of errors and identifying errors once again after new forms are filled in.

4.6 Pre-Enrolment and Bio-Enrolment

Another problem is a long waiting time for pre-enrolment and bio-enrolment of passport applicants due to a lack of adequate workstations and operators at some of the passport offices. According to ICAO guidelines, an operator is supposed to deal with a maximum of forty pre-enrolment and bio-enrolment of applications in a day.

But due to the pressure of work in certain sections of the passport offices, an operator has to handle double or even triple this number per day. Consequently, the quality of work done by an operator is hampered and it is not possible to properly scrutinise the information shown in pre-enrolment.

4.7 Document Scanning

Problems and limitations in document scanning in some passport offices are noticeable. There are shortages of operators and scanners at the scanning section of the passport offices where additional applications are submitted. As a result, the timely uploading of scanned documents into the system is not possible.

4.8 Police Investigation Report

The requirement of a police investigation report for getting passport services, particularly new passports, is a key means of making passport applicants victims of harassment and corruption. According to the survey, 76.2 percent of the new passport applicants faced corruption and irregularities in securing police reports, and 75.3 percent of them had to pay bribes. Applicants complain of harassment by Special Branch (SB) police in the name of preparing police reports. Such complaints include attempts to identify unjust errors in the application forms, intimidation of the applicants by implicating them as militants or for their political involvement, calling the applicants to tea stall or police station instead of visiting their house, demanding a bribe and in some cases asking the applicants to send the money through the BKash service. There are problems of coordination in exchanging information between the passport office and the SB office. In this case, although a section of the passport offices sends the reports online, there are discrepancies in the SB office in sending reports online. Some reports sent online are delayed. As a result, the processing of the passports is delayed. The SB police officers faced technical difficulties in sending the reports online such as links that do not always remain functional, non-operational machines for online sending of reports under the MRP project, and lack of timely response from the

passport offices in servicing machines and equipment. The local police administration and passport offices are supposed to hold quarterly meetings to address problems relating to the issuance of police reports, but that does not happen in reality.

4.9 Sending of Printed Passports to Regional Offices

Delay occurs in the sending of printed passports to some of the regional offices. For example, only four to five passports have to be printed per day for regional offices where the demand for passports is low. Although these passports are supposed to be sent on the day they are printed, to save costs, they are sent after a few days in a larger consignment. According to officials, they transport printed passports only if there are one hundred passports in a consignment. Thus, the sending of passports to remote places is delayed due to the complexities of postal delivery.

4.10 Distribution of Passports

According to the survey, 27 percent of the applicants experienced delay in receiving passports and they had to wait on average up to 12 days from the designated date of delivery. An analysis of their delay shows 44.8 percent had to wait up to 7 days, 35.4 percent from 8 to 14 days, 14.5 percent from 15 to 21 days, 10.9 percent from 22 to 30 days and 4.4 percent had to wait over 31 days. As reasons for the delay, 37.3 percent said authorities told them that the copies of the passports had not come from Dhaka, 13.7 percent said police investigation reports were not available, 2.3 percent referred to problems in the server, and 57 percent did not know the reasons for the delay.

5. Dominance of Dalals in Passport Services

According to the survey, 41.7 percent applicants said they used the services of dalals and other helpers, and 80 percent of them took help only from dalals. There are variations in taking assistance from dalals, however: 82 percent made a contract for the entire

process, while 18 percent utilised their partial services. Also, the reasons for taking services from dalals vary from one applicant to another. Of those, 61 percent did so in order to avoid hassles and harassment such as standing in a long queue, and going to the passport office more than once, 51.3 percent used their services because of the lack of knowledge about the rules and regulations of passports, 21.6 percent could not submit the application forms without the mediation of the dalals, 6.1 percent used them for getting the passport before the designated time, 5.7 percent used them to avoid the harassment of police investigation, and 5.9 percent did not have time to go to the office frequently to collect the passport. The dalals claimed that they could play the role of a catalyst in handing over passports to the clients in due time, but this research found no significant correlation between timely delivery of passports and services provided by the dalals. In the sampling survey, it was found that 75.1 percent of those who took services from the dalals got the passport in due time, whereas 72.2 percent of those who did not utilise the dalals got the passport in due time. So it cannot be concluded that the support from the dalals would accelerate the process of getting the passports.

6. Irregularities, Harassment, and Corruption in Passport Service

Among the respondents of passport applicants, 55.2 percent have fallen victim to irregularities, harassment, and corruption while availing of passport services (such as collection of application forms, submission of application forms, and pre-enrolment, bio-enrolment, distribution of passports and contract with the dalals). Analysis of types of harassment and corruption show that 35.3 percent had to pay bribes, 27 percent experienced an inordinate delay, 2.3 percent were the victim of negligence in duties, and 0.1 percent were subjected to deception. The average amount of bribes for transactions at passport offices is estimated at BDT 2,221. Also, 76.2 percent of the applicants of new passports faced irregularities and corruption during the police investigation, and 75.3 percent of them had to pay a bribe amounting BDT 797 on average.

7. Institutional Limitations and Challenges at the Passport Offices

7.1. Workload and Shortage of Human Resources

The inadequacy of human resources is noticeable in comparison to the increasing workload at passport offices. The pressure of work has increased as passport offices have been decentralised to the district level and the MRP system has been introduced, but the required staff has not been deployed commensurate with the work. In the current organogram, the size of staff is 1,184, but the passport offices need an additional 4,748 persons to be hired to cope with the increased workload. An organogram was proposed to the ministry concerned in 2016, and it is being scrutinised. Even in the current organogram, the shortage of staff is 9 percent. In some case, the vacant posts could not be filled by giving promotions due to administrative bottlenecks, although there is provision for giving 50 to 100 percent promotion. Due to the shortage of human resources, the vacant post of the Director in four offices (Dhaka, Chittagong, Sylhet, and Khulna) could not be filled. Currently, a Director is posted only in the Dhaka division. Maintenance activities in different sections including support centre, data centre, networking centre, and CI centre are being hampered due to a shortage of technical staff (sub-assistant maintenance engineer, sub-assistant engineer, computer operator, etc.).

7.2. Shortage of Infrastructure and Logistics Support

It has been difficult for some of the passport offices (especially Dhaka, Comilla, Chittagong, Sylhet, and Mymensingh) to serve clients at the desired level of efficiency due to the lack of an adequate number of offices and sub-offices. There are often long queues, and clients face nuisance and harassment. Some passport offices are plagued with infrastructural deficiency. As many as thirty-four regional passport offices are housed in rented houses. A few of these offices (such as the Jatrabari office) were set up in congested houses which makes it difficult to provide proper service

to clients. There are shortages of vehicles at the central and divisional offices to monitor operations of regional offices. Out of ten vehicles at the Passport Directorate, four remained idle. The directorate has provided a corporate mobile phone at each of the regional offices, but there is no allocation for their bills. The concerned official has to bear the cost.

7.3. Deficiency in Monitoring Regional Offices

There is a noticeable deficiency in the monitoring of regional passport offices. According to the organogram of the directorate, regional offices at the district level are supposed to be regulated by divisional passport and visa offices, but that cannot be implemented due to staff shortage. A Director or Deputy Director from the central office is supposed to visit at least one regional office every week but cannot do so due to work pressure. As a result, it becomes difficult for the directorate to ascertain if the different guidelines on passport services given from time to time are implemented at the regional offices. Overall, the monitoring and accountability system at the regional offices has thus become weak.

7.4. Deficiency in Skills and Training of Officials and Employees

Apart from administrative knowledge, a number of employees lack adequate knowledge and skills in information and communication technologies (ICT). It is essential for the officials of passport services to attain professional knowledge and skills. Some high-level officials at the regional offices lack professional knowledge and adequate experience. An Assistant Director recruited for the regional office joined the directorate as a junior officer, but there is no arrangement for foundation training of new assistant directors. As a result, they face difficulties in providing services professionally when dealing with legal issues and public functions.

7.5. Limitations in Providing Information on Service and Deficiency in Enforcement of Policies

Several measures have been taken to facilitate providing information about passport services and redress of complaints: most offices have information and inquiry centres: the name of the persons to contact and the medium of communication to provide information has been set; a Facebook page has been introduced for receiving complaints and making comments; and public hearings to address complaints have been introduced. However, the survey found that passport officials do not practice them properly. Registers for tracking information dissemination and receiving complaints are not maintained. Some employees are not sensitive and forthcoming enough at regional offices and demonstrate a lack of willingness to implement public hearings.

8. Overall Observations

After TIB's "Corruption in the Services Sector: National Household Survey-2015" identified passport service as the most corrupt service, steps have been taken by the Directorate of Passport in the past year (2016-17) to make the passport service employees friendly and easy. They have begun to hold public hearings in order to address clients' complaints and improve service delivery; five private banks have been included for receiving passport fees online; a courier service has been introduced for faster delivery of passports to the Bangladesh missions abroad; awards have been introduced for the best performing officials and employees to inspire them to provide better service; passport service delivery week has been observed to create awareness about passport service; and client satisfaction registers have been introduced to record clients' complaints and satisfaction, or any other comments.

On their part, regional passport offices have taken the initiatives listed below to improve service provisions:

- Installation of help desks for applicants.

- Setting up of complaint boxes at regional passport offices.
- Separate service points for bio-enrolment of old, disabled, sick, female, and children applicants.
- Setting up of a Facebook page by some offices.
- Introduction of breast feeding corner.
- Introduction of wheelchairs for old, disabled, and sick applicants.
- Different notices and directives regarding service provisions, room numbers, developing awareness of applicants to do away with dalals.

Because of these measures, the incidence of corruption and irregularities has declined. The 2015 survey found that among passport service recipients 77.7 percent of the applicants had fallen victim to irregularities, harassment, and corruption, and 76.1 percent applicants were compelled to pay bribes. According to the latest survey, 55.2 percent clients have fallen victim to irregularities, harassment, and corruption, and 35.3 percent applicants were compelled to pay bribes. Despite the progress, there are a number of problems, limitations, and challenges at different tiers of the passport service. For example, no easy and user-friendly system of filling in application forms is available online; attestation of application form is mandatory; and harassment and corruption faced by applicants from SB police are still prevalent. The survey found that 76.2 percent of passport applicants faced corruption and irregularities while getting police reports and 75.3 percent had to pay a bribe.

Some of the passport offices are deficient in practicing the guidelines given by the Directorate to make the passport service easy and user-friendly. It was noticed that in practice there is a deficiency in providing information about passport services although the arrangement for access to information exists in almost all passport offices. Since there are a number of complexities and challenges in collecting and filling in the application form online, the system has not become popular yet, and there is a lack of publicity in this regard. As a result,

many clients tend to take help from dalals. Corruption and irregularities are being committed due to the nexus between the dalals and some passport service employees and SB police officials. The system of police reports for securing passports is one of the major sources of corruption and has damaged the image of this service. Apart from different problems and limitations at different stages of issuance of passports, the offices are handicapped by institutional challenges and limitations such as shortage of human resources, infrastructure and logistics compared to an increased demand for passports, deficiency in coordination with relevant stakeholders, lack of monitoring at the regional offices, and deficiency in skills and training of officials and employees.

In analysing good governance in passport service, different governance indicators like capacity, transparency, sensitivity, and integrity have been taken into considerations. Causes, results, and impacts of deficiency in good governance in passport service, in the light of the indicators mentioned above, are described below:

Figure 1: Causes, results and impacts of deficiency in good governance in passport service

Causes	Results	Impacts
<ul style="list-style-type: none"> Deficiency in necessary human resources, infrastructure, and logistics Deficiency in skills and training of employees Non user-friendly application form and provision for attestation Deficiency in information on services Deficiency in monitoring regional offices 	<ul style="list-style-type: none"> Discourages filing of online application Harassment of clients: overcrowding and long queues at passport offices Delay in delivery of passports Dependency of applicants on dalals 	<ul style="list-style-type: none"> Involvement of some officials and employees in irregularities and corruption, in collaboration with dalals Monetary losses of clients Lack of confidence in the passport service

Causes	Results	Impacts
<ul style="list-style-type: none"> • Deficiency in coordination with partners • Lack of a system with accountability against corruption and irregularities committed by a number of officials and employees • Harassment and corruption in police verification 		<ul style="list-style-type: none"> • Risk of facing cancellation of travel for migration, medical treatment, trade and commerce, and tourism abroad

9. Recommendations

Transparency International Bangladesh (TIB) is making the following recommendations to improve the standard of services at the Passport and Immigration Directorate, make it sustainable, and prevent corruption and irregularities:

Short-Term Recommendations

1. Application form for a passport must be made easy, and submission of application online must be made user-friendly. Mobile banking should be introduced along with using state-owned and private banks for submission of fees.
2. Rules of filling in application forms for passport, information directory on different services, and frequently asked questions with answers must be published on the website of the Directorate, and they should be distributed among interested people free of cost. Publicity on passport service must be enhanced at the Union Digital Centres (UDCs).
3. The provision for attestation must be cancelled.
4. The holding of a monthly coordination meeting with the local police administration to remove complexities relating to the police report must be ensured.
5. Applicants must be informed in advance (by SMS) in case of failure to deliver passports in time.

6. Dishonest officials and employees of the passport offices and SB police who are engaged in corrupt practices in collaboration with dalals must be brought under an accountability mechanism. There should be publicity discouraging applicants from using dalals.
7. The passport offices must ensure officials and employees wear designated uniform during office hours, and the use of identity cards must be made mandatory.
8. A periodic evaluation to examine the standard of service, perhaps by engaging civil society organizations, must be introduced in order to make improvements.

Long-Term Recommendations

9. Supply of human resources, infrastructure, and logistics, and their proper management must be ensured in view of the needs of passport offices across the country. Branch offices of passport offices should be increased where there is a higher demand for passports.
10. The system of police verification for issuance of passports must be cancelled. Apart from making a biometric databank of all citizens, the making and distribution of smart cards must be completed soon and a criminal database should be made available to the passport department and immigration check posts.
11. In using pre-enrolment and bio-enrolment information in a passport application, the use (in phases) of information contained in the national identity card (smart card) should be allowed.
12. The validity of a passport must be extended to ten years instead of the current practice of five year validity.

National Curriculum and Textbook Board (NCTB) Governance Challenges of Manuscript Development and Publication Management and the Way Forward*

Morsheda Aktar

1. Background and Rationale

The National Curriculum and Text Book Board (NCTB) has been playing an important role in developing and printing the textbooks for pre-primary, primary, secondary, higher-secondary and madrasa education in Bangladesh. The NCTB has been involved in curriculum development, syllabus reform, verification and evaluation of the textbooks' effectiveness, developing manuscripts of textbooks, and distribution of free books and other learning related materials among students. In the academic year of 2017, the NCTB distributed 362,182,245 free books among 42,635,929 students, which cost around BDT 10.91 billion. The NCTB has printed and distributed around 254,301,128 books till date.

The NCTB is facing controversy for different activities in recent years. The institution is now the talk of the town in mass media due to errors in textbooks, low quality books, and satisfying vested interest groups. There is a dearth of research on how these mistakes are occurring in the first place, who is involved in the process, and what initiative the government is taking to mitigate the mishaps. Education is one of the five sectors that Transparency International Bangladesh (TIB) is focusing on to establish good governance and

* Summary of the study released on 13 November 2017 at a press conference at TIB Dhaka office.

prudently explore ways to overcome the challenges. In this context, this research has been conducted to explore the reasons behind the lack of good governance in the development and publication of manuscripts by the NCTB.

2. Purpose of the Research

The objective of the research is to identify the challenges of good governance in the development of manuscripts and publication by the NCTB, and to provide recommendations to overcome the challenges. The specific objectives of this research are to:

- review the legal and organizational structure of the NCTB with regard to the development of manuscripts and textbook printing
- review the process of manuscript development and publication of textbooks
- identify the irregularities and corruption in the process of manuscript development and publication of textbooks
- make recommendations for addressing the challenges identified in manuscript development and publication of textbooks

3. Research Method and Timeline

This is a qualitative research where key informant interviews have been used as the method of data collection. Interviews of the staff of the NCTB, senior officials of the Ministries of Education and Primary and Mass Education, officials of the departments of primary and secondary and higher education, members of the manuscript development committee, manuscript writers and editors, researchers and academics, supervising organisations, printers, head teachers of primary and secondary schools, representatives of donor agencies, and journalists were conducted. Besides, the relevant laws and regulations related to manuscript development and publication management, various publications, annual reports of NCTB and reports published in newspapers and

other media have been reviewed. After completion of the research, two meetings were organised with the NCTB high officials in which the results of the research were shared and discussed, and the report has been updated on the basis of their feedback. Data collection, analysis, and report writing were done during October 2016 to October 2017.

4. Review of the Legal Framework Concerning Manuscript Development and Printing

The National Curriculum and Textbook Board Ordinance 1983 was adopted in order to conduct activities related to the curriculum and textbooks. In January 2010, the ordinance was amended as the National Curriculum and Textbook Board (Amendment) Act 2010. This act stipulates (1) the formation of a national curriculum and textbook board (recruitment of Chairperson and members, process of forming board), (2) activities of the NCTB, and (3) rules for forming various committees (number of members and educational qualifications).

The limitations of the act may be identified as follows:

- There is a dearth of policy guidelines on the development of the curriculum and manuscripts.
- There is a shortage of textbook printing guidelines.
- So far, no rules have been adopted under the National Curriculum and Textbook Board Ordinance 1983, as a result of which the NCTB activities are conducted based on executive orders.
- There is no reference to the National Curriculum Coordination Committee (NCCC) and the Curriculum Committee under the current law. These committees were formed by executive orders from the relevant ministry.
- The duration of the textbook and syllabus committee members are not mentioned. The old committee can keep working until a new committee is formed.

- The NCTB is under the risk of arbitrary control by the education ministry under various provisions of this act.

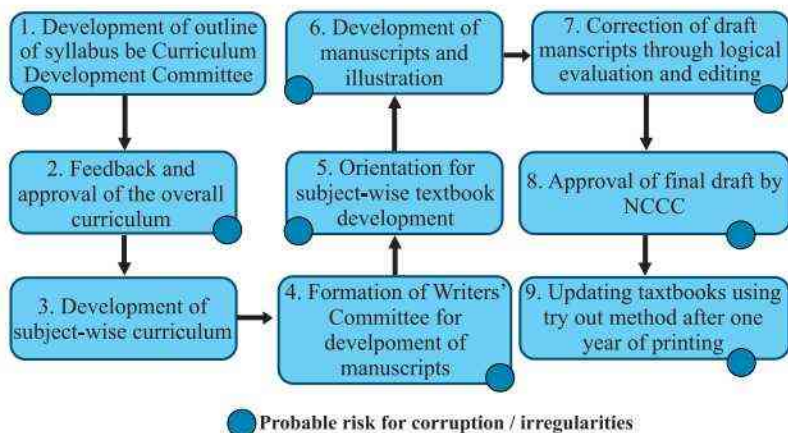
5. NCTB's Organizational Structure and Activities

The NCTB is an autonomous organization. The Board comprises a Chairperson and four Members appointed by the government, and the activities are undertaken according to the terms set by the government. The Member (Secondary) looks after the activities of the secondary and higher secondary curriculum and provides necessary guidelines, the Member (Primary) supervises the pre-primary and primary level curriculum, the Member (Textbooks) is responsible for the production, editing, and distribution of textbooks, and procurement of papers, and Member (Finance) is responsible for all financial issues. The Secretary is appointed by the government, and provides overall support for the performance of the administrative functions of the Board.

6. NCTB's Manuscript Development Process

Development of the manuscripts begins with curriculum development by the specified committee. After receiving feedback on the curriculum, the outline and subject-wise curriculums are approved. Then the writers' committee is formed with one or more editors assigned for each writer group, and orientation training of subject-wise textbooks is provided. After development of each book, the write ups are selected in appropriate cases, and edited by proofreaders. Later, logical evaluation and editing are done for every book. The final manuscript is then approved by the Board and the NCCC. One year after printing, feedback is collected on the textbooks through try-out method, and the books are revised based on the feedback.

Figure 1: NCTB's Manuscript Development Process



7. Challenges of Good Governance in Manuscript Development

Formation of various committees: Different committees (such as the NCCC, Technical Committee, Vetting Committee, Curriculum Development Committee, Writers Committee) are formed following the recommendations of the NCTB by the government through the Ministry. It is alleged that political considerations play a crucial role in selection of the membership in these committees as it is under the purview of the government. It is also alleged that members are either included or discarded from the committees despite being competent.

Organising of different workshops: The NCTB organises different workshops for developing the curriculum, subject-wise curriculums, and level-wise textbooks with participation from experienced academics, education researchers, teachers from school, college and universities. It is alleged that the participants are selected through personal bias and nepotism. The opinions of the participants are not considered seriously. Every team is supposed to have forty trainees which is not always the case. There are also allegations that the trainees are not informed of the training times and not given adequate time slots.

Selection of writers: Writers' Committees comprising of five to seven members are formed with national experts, experienced class teachers and syllabus experts of NCTB following the law. However, there are allegations of selecting unqualified members on the basis of nepotism and recommendations from the ministry. As a result all members do not have proper conception of the subject matter, all do not have the equal contribution and all members do not have adequate understanding capacity. Moreover, some writers are included in the team whose contribution are not known to other team members.

Selection of write ups: The tendency of using particular terms in textbooks reflecting the ruling party's creed is observed. During the tenure of the previous alliance-led government, the phrase "people of this country" was used rather than the word "Bangalee." Moreover, the goat-raising programme was highlighted in textbooks during that period. Recently a religious fundamentalist group demanded that NCTB (1) replace "Hindu, Christian or foreign names" with "beautiful Islamic names", (2) discard any kind of dialogues between girls and boys from madrasa books, (3) discard eleven "non-Islamic" poems from four textbooks of primary and secondary levels, (4) discard different Hindu names and stories, and (5) discard the use of "period" from the physical development chapter for girls. It is observed that sixteen write ups have been discarded from five primary and secondary level books of which eleven were included in the demands of that religious group. All the Hindu, Christian, or foreign names have been replaced with Islamic names, and all kinds of dialogues between girls and boys have been discarded. The name of the NCTB Chairman, who is a Hindu by religion, has been omitted in the madrasa textbooks.

Appointment of subject specialists: In many instances, subject related specialists are not appointed, and the expert for one subject is given the responsibility for another subject. Officials on deputation are appointed as subject specialists despite not having

adequate competency. For instance, a teacher of Economics is given the responsibility for Bangla, and a teacher of Zoology is given the responsibility for Christian and Ethical Education. Even accounts and store officials are given charge of different books. In many instances, teachers whose aim is to stay in Dhaka influence the administration to be posted at NCTB. There are more experts than necessary, for instance, NCTB has seven specialists for philosophy out of a total of sixty-four experts although there is no curriculum in philosophy at the primary or secondary level.

Writer-editor coordination: After writing, modification, and enrichment of the manuscript, it is submitted to NCTB's editing section and the editor(s) edits the manuscript. However, it is alleged that there is lack of coordination between the writers and editors which is attributed to lack of time.

Editing: There are allegations that the editors are not doing their job properly. They are more involved in personal matters, share business on internet, or personal NGO activities, and printing business. As a result, there are hundreds of errors in different primary and secondary level books. In 2016, 58 errors in the sixth grade Islam and Ethical Education books were corrected, but in 2017, there are 20 new errors.

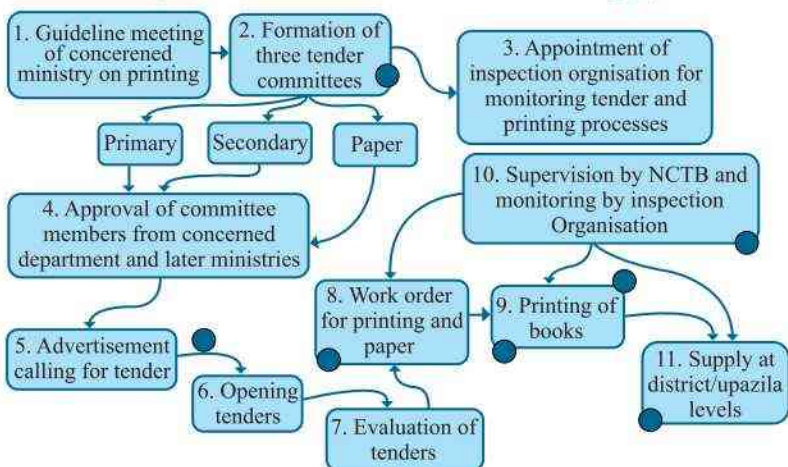
Appointing proofreaders: There are several complaints that proofreaders are appointed through lobbying and nepotism. It is alleged that a number of officials from the ministry and the NCTB are involved in such irregularity.

Using the try-out method: One of the functions of the NCTB is to collect feedback from the field level on a textbook one year after publication, known as the try-out method. There are allegations that they do not follow this process properly, and changes are not made in the textbooks on the basis of the feedback.

Preserving manuscripts: The NCTB does not have any kind of rule or initiative to preserve the manuscripts. The editor's section is supposed to do this task, but it does not happen due to a lack of initiative.

Changing write ups: Write ups are changed not following the curriculum. Such changes are made without the knowledge of the writers-editors, and in some instances, the editors are made to bring in such changes. In the 2013 education year, a poem written by a senior government official was included in the ninth-tenth grade Bengali textbook without following the proper procedure. As a result, students got the book a few months late.

Figure 2: Textbook Publication and Supply



8. Textbook Publication and Supply

First NCTB's printing committee decides to form and approve three separate tender committees for primary, secondary, and paper procurement. The names of the members of these committees are sent to the concerned ministries and departments for approval. In case of the committee for the primary level, the names of committee members are sent to the World Bank for approval. Afterwards, the NCTB completes all tender related activities such as the publication of advertisement, the formation of tender open committee, evaluation committee, and so on. Then, the list of names and the information of NCTB are sent to the Education Ministry for secondary inspection and purchase of paper. Finally, all the work related to the tender is completed.

With the formation of the tender committee, the NCTB appoints inspection organisations for monitoring the tender and printing processes. The Member (textbook) arranges for open tender in line with the Public Procurement Act 2006 and Public Procurement Rules 2008 (PPR) to print textbooks of secondary and higher-secondary levels. The Curriculum section collects the annual demands of books from the grassroots, and calls for two types of tender: with paper and without paper. The NCTB forms a seven-member evaluation committee to evaluate the infrastructure and other documents submitted by the tenderers, and to submit for final approval to the concerned ministry. The approved tenderers are given the work order. The printers directly supply the printed textbooks to the district and upazila level. The inspecting organisation monitors the printing and distribution of textbooks (see figure 2).

9. Good Governance Deficit in Printing Work

Calling tender: It is alleged that information on the estimated cost of printing is provided to some printing firms by a number of NCTB officials for financial benefit. Moreover, the printing firms form a syndicate to submit tenders.

Honorarium for textbook production and distribution: A section of the NCTB staff takes an honorarium ranging from BDT 1,000 to 3,000 for regular tasks such as developing guidelines, opening the tender box, and preparing CS, despite the fact that there is no official order in this regard. For this, BDT 2,760,200 was spent for the education year 2017, and Tk 580,000 was spent for the education year 2016. An audit objection was raised in the latest audit done by the Comptroller and Auditor General (CAG), which is still pending resolution.

Selection of printing organization: It is alleged that a number of NCTB officials take part in the bidding process in another name and get the work orders. It is also alleged that individuals take part in the bidding process in various names and get work orders. There is influence peddling by higher authorities, despite bidders being

rejected by the technical committees. It is also alleged that false information is provided in the tender forms about ownership of printing press, binding and laminating system, cutting machine, and adequate human resources to get the order. Work orders are given even if the above conditions are not met. Moreover, these conditions are not applied equally to all bidders.

Subcontracting: Although the Printing Act 1973 prohibits any printing being contracted to any firm except a printing organization, most of the organisations receiving work orders subcontract the work after getting the order from NCTB. Printing, binding, and lamination are given out as subcontracts. It is alleged that this is allowed in exchange of bribes.

Procuring paper: The NCTB procures paper for the textbooks for secondary levels, in accordance with the PPR terms. The paper is procured through open international tenders. However, it is alleged that NCTB officials are bribed to give work orders to paper mills that are not approved by the Bangladesh Standards and Testing Institution (BSTI). The Certification Marks Scheme (CM) license has not become mandatory despite recommendations from BSTI. It is alleged that work orders are given despite lack of capacity of supplying papers as per specifications, and to mills that are blacklisted. As a result, low-quality paper is supplied. It is found that organisations blacklisted in the last four years have been given work orders in 2016. Complaints from printing organisations are not taken into consideration.

Quality control: There are allegations that the inspection organisation submits reports despite being absent, and are bribed to submit satisfactory reports. According to many informants, printing organisations use proper papers during daytime in apprehension of supervision, but use low-quality papers during night time shifts, which, in most cases, are supplied at the upazila level.

Supplying textbooks: The textbooks are to be supplied in every upazila according to the schedule; however, some institutions fail to

meet the schedule in a number of districts. However, the inspection organisation reports that the textbooks were supplied within the timeline.

10. Overall Observations

It is evident in the study that there is influence and control by the Ministry of Education in the activities of the NCTB program, which is reflected in a range of activities from the formation of different committees to the selection of write-ups for textbooks. As a result, the NCTB relies mostly on the government. The manuscript development process is opaque, not proper, and influenced by partisan politics and creed. Another notable issue is that, in many instances, the real experts are not involved in the process albeit such 'specialised' the need of textbook development.

The NCTB, with limited technical and professional competence, has to face the great challenge of distributing a huge number of free books to students on the first day of the year. There is lack of coordination between the ministry and NCTB and between the writers and editors. Due to gaps in inspection and supervision, there are gaps in timely distribution and quality of textbooks.

Also, corruption and irregularities exist in the publication of textbooks. The NCTB is not capable of delivering at the expected level due to administrative and legal limitations. Likewise, the officials of the NCTB are involved in various corruption and irregularities in the absence of proper accountability. Above all, transparency and accountability in the responsibilities of the NCTB is hampered in many instances.

Figure 3: Governance Challenges, Reasons and Impacts of NCTB's Manuscript Development and Printing at a Glance

Causes	Results	Impacts
<ul style="list-style-type: none"> • The curriculum is not publicly available • Political/ ideological consideration in selection of members in different committees • Insufficient honorarium and time for writers • Lack of coordination between writers and editors • Lack of capacity – human resources, skill • Negligence in editing, inspection, and supervision • Gap in ensuring accountability 	<ul style="list-style-type: none"> • Specialists of concerned subjects not appointed • Irregular selection of write ups • Corruption and irregularities in procuring paper, selection of printing institutions and inspection agencies • Decreasing quality of textbooks (in terms of low quality papers, information, and spelling errors) • Delivery of textbooks not within time 	<ul style="list-style-type: none"> • Institutionalization of corruption in NCTB • Decreasing quality of child education • Risk of spreading communalism

11. Recommendations

The following recommendations are proposed to establish good governance in the development and publication of manuscripts:

Law and Policy Reform

1. The NCTB should be established as an independent commission, which will work to develop policies for preparing textbooks, compilations, and other related tasks.
2. A committee comprising of nationally eminent experts must be formed in order to form the above Commission and make recommendations in three to six months.
3. Until the formation of the independent commission, the National Curriculum and Textbook Board Ordinance 1983 will be amended where the following should be mentioned:

- The influence and control of the Education Ministry on the activities of NCTB must be decreased.
 - The formation, duration, activities, and criteria for being members of the NCCC and the Curriculum Committee must be specified.
 - The criteria and duration of the Syllabus and Textbook Committee members must be determined.
 - Instructions and guidelines for printing textbooks must be included.
4. The Rules for the National Curriculum and Textbook Board Ordinance 1983 have to be adopted.
 5. Specific policy for developing curriculum and manuscripts must be adopted.

Institutional Capacity

6. The current curriculum must be made publicly available.
7. Individuals experienced in education and curriculum must be appointed as members of the NCTB (especially for primary and secondary levels).
8. A code of conduct must be adopted for the NCTB staff following the National Integrity Strategy, and initiatives for positive and negative incentives must be undertaken.
9. Appropriate and capable people have to be deputed as subject specialists in the NCTB.
10. All investigation reports (including formulation and publication) must be published on the website.

Manuscript Development and Printing

11. Contracts with the writers and editors for every book have to be introduced, where the scope, honorarium, duration, etc. will be detailed.

12. Subject-wise specialists and writers skilled in writing textbooks for children must be appointed for developing manuscripts.
13. The honorarium of writers must be determined based on specific standards.
14. Every step of formulation and publication of manuscripts must be properly documented. The manuscripts must be preserved in digital format.
15. E-tendering must be introduced for printing textbooks.
16. The technical skills of the NCTB staff involved in supervision must be improved.

Using School Data to Improve Transparency and Accountability in Primary Education of Bangladesh Lessons Learnt from Transparency International Bangladesh (TIB) and Government of Bangladesh (GoB) Initiatives*

Dipu Roy, Abu Said Md. Juel Miah

1. Background

In Bangladesh, a number of open school data initiatives have been taken by the government and civil society organisations (CSOs) in public primary schools. However, there are some differences in the initiatives—in terms of type, modality, target audience, objective, etc. Major initiatives led by the government, on the one hand, include a school monitoring board, mothers' gathering, citizen charter, etc. On the other hand, citizens' initiatives include an open information board, citizen report card, public hearing, etc. As a CSO, Transparency International Bangladesh (TIB) has been contributing to ensuring quality in primary education by implementing some transparency and accountability initiatives (TAIs) in public primary schools. TIB targets to empower parents of the students in some selected schools by providing useful school data through leaflets, information

* This has been produced as part of UNESCO International Institute for Educational Planning (IIEP)'s research on using open school data to improve transparency and accountability in education, and is extracted from Roy, Dipu, Md. Juel Miah, Abu Said. 2018. Using open school data to improve transparency and accountability in Bangladesh. Series: Ethics and corruption in education. Paris: IIEP-UNESCO. The online version will be available at: <http://etico.iiep.unesco.org/en/publications> once it has been published.

boards, information desks, interactive discussion in mothers' gatherings, meetings with authority, etc.

This study highlights the importance of TAIs and compares government and CSO led initiatives by testing three assumptions: (i) Open data initiatives are powerful tools to improve transparency and accountability and reduce corruption in education, (ii) Government-led initiatives are less likely than citizen-led initiatives to respond to users' needs, engage them, and generate real impact, and (iii) All users do not benefit equally from open data initiatives. For testing these assumptions, this study has mined into twenty public primary schools—ten from TIB interventions schools and ten from non-intervention schools.

The objectives of this research are:

- to get an updated overview of various open school data initiatives developed in Bangladesh;
- to better understand how the initiatives contribute to improving transparency and accountability in primary education;
- to reflect on the limits and potentially adverse effects of public access to information;
- to formulate key strategic recommendations for decision-makers.

2. Methodology

The study has used both qualitative and quantitative data collected from both primary and secondary sources. Semi-structured interviews, in-depth interviews, Focus Group Discussion (FGD) and sample survey have been applied in data collection from the field, that is, from the primary sources of information. Structured and semi-structured questionnaires for survey and interviews and a checklist for FGD have been used as tools for the primary data collection. Semi-structured interviews have been conducted with persons responsible for the GoB and TIB led initiatives mainly at the implementation level, representatives from CSOs, education experts, and media. In-depth interviews have been conducted with head teachers, school management committee (SMC), and

parent-teacher association (PTA) members by using semi-structured questionnaires. FGDs have been conducted with assistant teachers of the selected schools. Sample survey has been conducted with parents of the students of the selected schools by using a structured questionnaire. Statistical Programme for Social Science (SPSS) software has been used for analysing survey data. The analysis includes comparisons between two initiatives, specifically of the main features, accountability models, and the usefulness of data, success, limits, and strategies for improvement of the two initiatives.

Table 1: Comparisons made between schools by parents, head teacher, SMC and PTA members on the basis of published data (multiple responses)

Types of comparison	Parents (%)		Head teacher (f)		SMC (f)		PTA (f)	
	TIB (n=125)	Non-TIB (n=35)	TIB	Non-TIB	TIB	Non-TIB	TIB	Non-TIB
Year-to-year comparison of the schools	76.4% (68)	67.6% (23)	2	5	3	2	3	1
Comparison with a set of standards	74.2% (68)	73.5% (25)	6	4	7	6	6	5
Comparison with other similar schools	38.2% (34)	8.8% (3)	5	5	-	2	3	2
Comparison with other schools within district	10.2% (10)	5.9% (2)	2	2	2	-	2	2
Other comparisons	-	-	1		3	2	2	-

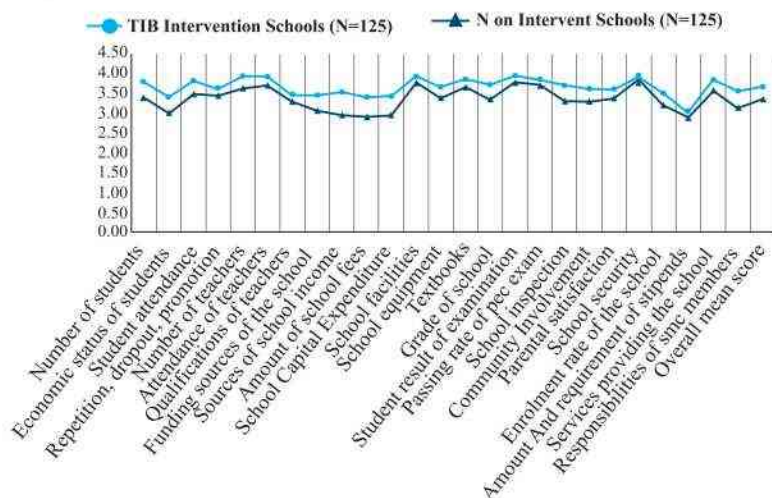
Source: Field survey data

3. Major Findings

Open school data facilitate comparisons in both cases: In the TIB intervention schools, almost all head teachers (10), SMC members (9), and PTA members (10) use school data for making a comparison between different schools, which is slightly lower in the non-intervention schools. Survey data also show that parents (71.20 percent) of the TIB intervention schools also make comparisons between schools on the basis of school data. Parents of non-intervention schools also make comparisons, but this is less than those (47.3 percent) of the intervention schools. In the TIB intervention schools, head teachers, assistant teachers, PTAs, and SMCs are more concerned about the development of their schools; therefore, they make comparisons with other schools on the basis of some set standards (see table 1).

Pedagogical accountability targeted as major domain on both cases: In both of the initiatives, the main domain of accountability targeted by the agencies is pedagogical accountability. The assistant teachers of the non-intervention schools argue that students' performance and their learning should be the highest priority in their meetings with parents. Therefore, they prioritise: (1) to provide information on students' attendance, (2) to emphasise parents' role in checking their children's dress and school bag, and (3) to provide guidance for overseeing homework and exam preparation. Figure 1 shows that the parents find usefulness in particular data which are related to pedagogical issues like the number of students, their attendance, and results. Management accountability has also been targeted under both initiatives. Financial accountability is also applied in all public schools; however, it is limited to reporting to the education offices. Under no initiatives have parents and local communities been targeted as stakeholders for ensuring financial accountability towards them. Nonetheless, it has been expected that there would have been some byproducts or unintended outcomes on financial accountability resulting from opening school data to community people.

Figure 1: Scoring of parents' perception on their information needs



Multiple accountability including public participation model creates ownership to parents:

As stated above, TIB intervention schools follow the public participation model in facilitating TAIs in primary schools. Field data show that the level of participation in school events is far better among the parents of TIB intervention schools. TIB intervention schools take into account the literacy barriers of some parents. Therefore, they have adopted some alternative modes. For example, TIB has provided information to the parents by setting up an advice and information desk prior to the mothers' gatherings and carried out open discussions in the mothers' gatherings. TIB also facilitates some extensive programmes to build awareness among parents on the importance of participating in mothers' and parents' gatherings at schools with proper knowledge so that they can hold the school authorities accountable for their performance.

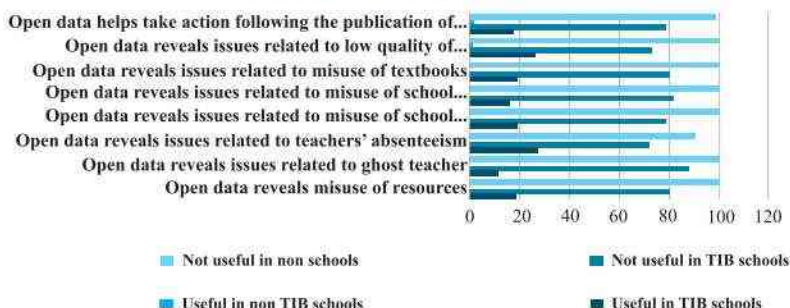
Downward-external accountability route followed in the TIB intervention schools empowers parents: Field data suggest that TIB intervention schools target the parents as one of the main stakeholders. Therefore, TIB has raised parents' level of awareness and engaged them in parents' or mothers' gatherings so that they can raise concerns or questions on teachers' performance, problems they find in schools—more specifically in the classrooms, toilets, teacher's attendance, etc. Through this process, parents hold the teachers, and more broadly the school management, accountable.

Table 2: Comparison of accountability lines/routes

Stakeholders involved	TIB Intervention Schools	Non Intervention Schools
Data collection	TIB, schools	Schools
Formatting	TIB, Directorate of Primary Education (DPE)	DPE
Dissemination	TIB (staff, Youth Engagement and Support (YES), and Committee of Concerned Citizens (CCC), schools	Bangladesh Bureau of Educational Information and Statistics (BANBEIS), DPE, District Education Office (DEO), UEO, schools
Use at administrative level	Schools, Upazila Education Office (UEO)	Schools, UEO, DEO, DPE
Who is made accountable to whom?	Teachers to SMC and parents	Teachers to SMC and UEO
Type of accountability	Downward-external	Upward-internal

Consequences of open school data visible in both cases: Both interventions have concrete examples of sharing information with parents and other community people. Figure 2 shows that there are differences in the consequences of the initiatives. However, it is evident that the parents have not found any use of the open data in uncovering mismanagement and corruption in schools. The parents of the TIB intervention schools have found some uses of open school data for this purpose, though not remarkably. However, the differences are not significant. This is because parents mostly want to get information on their children's education and school facilities rather than the information on financial, transparency, and accountability issues.

Figure 2: Practical use of open school data to the parents to understand level of mismanagement and corruption (% parents)



Open data initiatives, especially of the TIB intervention schools, have created some short-term impacts in communities and schools. Some remarkable impacts are described below:

Community initiatives: After realising the incidents of mismanagement and corruption in schools perceived through participating in school events, community people have taken some initiatives. Survey data show that 17.6 percent parents have taken some initiatives following the publication of school data and their perception of mismanagement and corruption in schools.

Awareness created among parents to hold the schools accountable: Field data suggest that TIB led interventions have contributed to building awareness among parents, and SMC and PTA members about their responsibilities. Parents and SMC members have become active in their responsibilities.

Sense of responsibility enhanced among teachers and SMC members: Field data show that teachers of the TIB intervention schools have become proactive in disclosing school information. Their behaviour with parents and students has improved. They take better care of their students. The teachers of a TIB intervention school have argued that their sense of responsibility increased after TIB's intervention. They have become punctual in attendance and serious about teaching in classes.

Mothers' gatherings held regularly in TIB intervention schools:

The teachers of the TIB intervention schools said that they have started holding mothers' gatherings on a regular basis, TIB's cooperation and are finding that TIB's interactive sessions in the mothers' gathering increase the participation of parents in school events. However, mothers' gathering has not been regularised in the non-intervention schools.

Replication of good practices: Some UEOs have stated that they discuss the results of TIB initiatives with non-intervention schools so that the latter can learn good practices and apply them in their schools.

Conditions of success of the initiatives identified: Field survey data suggest that there were several conditions behind the success of effective open data initiatives. Table 3 shows that accessibility to data is the main factor for TAIs being effective. It is crucial for the parents to get accessibility to school data (95.2 percent responses from the parents of TIB intervention schools and 41.9 percent responses from the parents of non-intervention schools). The second important factor (84.8 percent responses) to the parents of TIB intervention schools is comprehensibility of data, which is the most important issue to the parents of non-intervention schools (55.4 percent responses).

Table 3: Distribution of parents' perception on the conditions for effectiveness of open school data (multiple responses)

Conditions	TIB intervention schools (f)	Non-intervention schools (f)
Capacity to produce accurate and timely data	74.4% (93)	45.9% (34)
Comprehensibility of data	84.8% (106)	55.4% (41)
Accessibility of data	95.2% (119)	41.9% (31)
Capacity of the school to act upon information	26.4% (33)	5.4% (4)
Capacity of parents/communities to act upon information	24.8% (31)	6.8% (5)
No response	-	8.1% (6)

Thus, parents perceive that it is important to have access to accurate and timely data that is comprehensible and that the parents and communities have the capacity to use the school data.

4. Conclusion

Field data captured from school level stakeholders including parents suggest that open school data initiatives under the interventions are useful in improving transparency and accountability and reducing corruption risks in schools. However, field data show that none of the selected schools under any initiative directly discloses financial statements of schools with parents. Rather, the schools tend to open information relating to pedagogical issues and management issues on a limited scale. Nonetheless, field data suggest that sharing of pedagogical and management data sometimes expose an indirect picture of the use of financial resources, and thus parents learn about corruption risks in schools and can stand against irregularities.

Field data suggest that the CSO led initiative makes some additional efforts to ensure that parents, SMC members, teachers, and education officials are enriched with school data and thereby act properly to ensure transparency and accountability in schools. The initiative takes into account the accessibility of school data to parents, which is addressed through interactive discussion in mothers' or parents' gatherings and by making additional efforts like leaflets, information desks, etc. However, there are deficiencies in making such efforts in the government led schools. In the government led initiative, the accountability route is mostly upward and internal to the education offices, and to some extent, to SMCs. On the contrary, CSO led initiative values the downward and external accountability route; here, school authorities are accountable specifically to parents and broadly to the community as a whole.

This study also indicates that a significant number of parents of non-intervention schools living in the poverty-stricken and rural areas have relatively less access to school data compared to the less poor and urban areas. There are no significant differences found

among the parents in accessing data provided by the intervention schools located in diverse locations and socio-economic conditions. Therefore, findings of the present study indicate that the CSO led initiative is more likely to address the data needs of parents, benefit them more equally, and create a positive impact on quality primary education.

5. Recommendations

The research findings lead to the conclusions above and thus to the following recommendations for the decision-makers, education managers, school authorities, and parents to make the open data initiatives more powerful and effective to ensure quality services through schools:

For the decision-makers:

Create legal provisions for the disclosure of school data: Legal provisions should be adopted to ensure that disclosure of school data in the primary education sector is made effectively by all public primary schools.

Allocation of budget: A budget for organising mothers' and parents' gatherings as well as other activities for disclosing school data must be allocated for all public primary schools so that they can plan and implement some additional and effective disclosure activities.

Rewards and punishment: The schools that perform better in disclosing data and ensuring transparency and accountability should be rewarded. The schools that do not disclose necessary data and fail to ensure transparency and accountability should be encouraged to do better. Punitive measures can be taken in case of failure in the disclosure activities.

For the education managers including teachers

Training for teachers on effective information disclosure mechanism: All teachers, especially the head teachers, should be trained on how to implement the information disclosure policy, and to organise mothers' and parents' gathering effectively. Detailed modules should be developed for this purpose.

Regularise mothers' gatherings: The mode of mothers' gatherings must include the effective participation of parents and usefulness of school data, interactive discussion, and the use of multimedia.

Figure out and disclose more useful information: Information regarding income and expenditure, teacher's absenteeism, inspection, socio-economic status of students, rules of services (with fees and without fees), eligibility criteria and amount of stipend, responsibilities of SMC members, satisfaction level of parents, community involvement, etc., should be included in the list for disclosure. Community people and local civil society members can be engaged by education offices to inquire into illegal practices like fund embezzlement, leakage, etc., in schools.

Systematise regular dialogue: Regular dialogue among teachers, SMC, education officials, and parents should be organised to discuss their collective role to improve the quality of schools and to stop and prevent irregularities.

Create provision of incentives: School data initiatives should be designed and organised in a way that both school authority and parents find it beneficial to get involved in the disclosure procedures. Parents should be engaged in the mothers' and parents' gatherings by facilitating interactive discussion. Schools can arrange a small gift for the active mothers for their contributions to school level open data initiatives.

Introduce community-led monitoring of school performance: The Citizen Report Card (CRC) should be conducted by engaging the community in the data collection process. The youth can be engaged in measuring community satisfaction of school performance. The

findings of the CRC should be disclosed to all stakeholders including parents.

Training for teachers, SMC, and selected community groups:

Teachers, SMC members, and selected parents like TIB's active mother's forum can be trained in the modality and practical usage of open school data. Upazila Education Office can coordinate the process. Parents should be involved in organising mothers' and parents' gatherings.

Make information available in open place: A monitoring board, citizen charter, and other information boards should be hung in open places to make sure that they are accessible to all stakeholders.

Regular home visit: Home visits should be made on a regular basis. It may add some messages to the parents so that they find their participation in mothers' or parents' gatherings useful.

Learning visit to TIB led mothers' gathering: The teachers of non-intervention schools can be taken to TIB intervention schools to observe mothers' and parents' gatherings to gain experience.

Use attractive information dissemination mediums: Non-intervention schools can develop and use some innovative mediums for data dissemination. Additionally, they can use leaflets, multimedia, drama, folk song, etc. Accessibility of data for parents who are illiterate must be taken into consideration.

Democratic Decentralization and Promotion of Accountability in Urban Development of Bangladesh Study of Khulna City Corporation, Khulna Development Authority and Jessore Municipality*

Dr. Md. Ashiq Ur Rahman

The success of decentralization depends upon the improvement of local government accountability. The forms of accountability vary according to context; with respect to the concept of decentralization, accountability mainly involves the relationship between the local governments and the central government as well as with their citizens. The problems of accountability (both upward accountability and downward accountability) vary with the forms of decentralization practiced. Though the decentralization process exists in Bangladesh, the issue of accountability is a major challenge for urban development. This research is an attempt to identify the upward and downward accountability issues associated with urban development. This research also identifies the impacts, if any, of the organizational arrangement of decentralization on the promotion of accountability in the urban development practices of Bangladesh.

The mixed method research strategy was adopted in this study. The study was conducted on Khulna City Corporation, Khulna Development Authority and Jessore Municipality to evaluate their

* Summary of the study released on 2 March 2017 at a roundtable discussion at TIB Dhaka office. This study has been conducted under the TIB Fellowship.

performance in implementing accountability issues in their urban development activities. Specific methods utilized for the data collection process included analysis of grey materials, household questionnaire surveys, focus group discussions, and key informant interviews. The household close-ended questionnaire survey was performed in order to collect quantitative data, and qualitative data collection techniques such as key informant interview (KII) and focus group discussion (FGD) were used to collect qualitative data. A sample of 218 respondents was carefully selected for two cities (Khulna and Jessore) which provided an estimate P for an attribute, perception of an item, with a standard error of 6.5 percent. The margin of error at 93.5 percent confidence level for an estimate is equal to twice the standard error of the estimate.

Khulna City Corporation (KCC) represents the organizational form of devolution for delivering services to city dwellers. It was observed that Khulna City Corporation did not allow any community participation in road construction and maintenance services as almost 95 percent of respondents never participated in the process of constructing or maintaining local roads. KCC has no system of registering formal complaints for road maintenance services, and more than 95 percent respondents agree that informal negotiations with ward councillors or local politicians are the major means to get services. A large proportion of the respondents (52 percent) expressed their dissatisfaction with KCC in the case of road fixing. Similarly, most of the respondents (64 percent) expressed their dissatisfaction with cleanliness of local roads in their neighbourhoods. Nearly 90 percent residents feel that the current frequency of waste collection does not meet their needs. It was observed that only 10 percent of total respondents attended public hearings of the municipal budget, but they confirm that the public hearing meetings were not participatory and city residents can get only information about the municipal budget and other matters. This study shows that a large number of respondents are not satisfied with KCC mainly because of its failure to implement

citizen's priorities. Similarly, many respondents state that they did not feel free to express their opinions and confirm that KCC did not have enough initiatives to protect vulnerable people from abuses. A large number of residents also state that they are not conscious of any scope for their participation in local government events.

It was observed that most citizens (89 percent) participate in the decision-making process of KCC through indirect mechanisms such as maintaining good networks with ward councillors, local political leaders, and City Corporation officials more often than through direct mechanisms such as participation in public hearings, meetings, and petitions. The findings of FGDs and key informant surveys also confirm the household survey findings. The FGDs reveal that the house owners maintained informal networks with local ward councillors to get their work done. In many cases, citizens without personal connections sought help from a middleman who had an informal relationship with the City Corporation or was an employee of the City Corporation. The residents' participation is limited because they feel their participation would ultimately be ineffective in influencing local decision making. Concurrently, 61 percent of household survey participants agree that awareness of local governance can affect their tendency to participate in local government meetings and planning of infrastructure development. A sense of urgency is another socio-cultural factor that affects the tendency to participate in the local governance process. About 60 percent participants believe that residents became motivated to participate when they saw themselves as being potentially negatively affected by the decisions of local government. Many respondents (more than 25 percent) also perceived economic condition as one of the determinants of willingness to participate. The above findings and discussions comprehensively explain why the level of community participation is low in Khulna City Corporation. The empirical

study indicates that the individual's unwillingness to participate could result from lack of awareness, discouraging perceptions about participation outcomes, and most notably, lack of institutionalization in the planning system. Ensuring transparency and accountability through people's participation has not been institutionalized in KCC.

The Khulna Development Authority (KDA) represents the organizational form of delegation for delivering urban services. KDA is a semi-autonomous organization under the Ministry of Public Works and Housing, Government of Bangladesh. The main functions of KDA are (i) to prepare the master plan of the city and its vicinity, (ii) to develop the city according to the master plan, and (iii) to control its development. A look into the planning processes adopted by KDA confirms that it upholds the core principles of community involvement. Relevant planning documents outline the requirement of three-tier participation of the public in decision making and emphasize participation in demand mediation, formulating planning standards, and designing development. However, it is reported that only selected representatives from relevant public departments, professional groups, civil society organizations, business groups, media, political leaders, and academics were consulted to determine the preliminary design of plan preparation process. In KDA, there is no single unit to support the landowners for preparing the supporting documents for issuing No Objection Certification (NOC) of land use clearance. In addition, there is no grievance redress mechanism in place to accommodate complaints from the landowner. Hence, the planning permission process has no accountability. It was observed that 86.3 percent of the respondents paid speed money to KDA officials, architectural firms, or other agents outside of KDA for getting NOC. Of these informal channels, KDA officials mostly (81.4 percent) are getting speed money.

As per Section 23 of the Khulna Development Authority Ordinance 1961, KDA provides feedback to clients about their building plan

permission. In most cases, a violation of setback rule is a common feedback from KDA (35.5 percent). Other feedback includes adequacy of road width, violation of master plan proposals, fault in building design, and problems of land entitlement and easement deed. These types of feedback minus any grievance redress mechanism cause another layer of corruption. As the complaint system lacks accountability, the citizens often use informal channels to resolve their issues. The KIIs reveal that the feedback is often directly provided by the chairman himself. The above issues have a direct impact on the satisfaction index of the residents regarding the planning permission process and resulting from the violation of setback during construction by individual households.

A survey of the selected neighbourhoods revealed that more than 98 percent of respondents did not get involved in the planning process of KDA. However, 98 percent are willing to participate in the planning process. Among those who want to participate, around 45 percent would like to attend the community or ward level decision-making process, but KDA has no such provision. This study reveals that public hearings largely attracted those who perceived that they might be negatively affected by the proposed plan (18.4 percent). Others (23 percent) wanted to participate only to get information. Therefore, the level of participation does not reflect active citizenship which could make KDA more accountable to residents. The study findings highlight the planning agency's limitations in building public awareness of the planning process and making a genuine effort to consult residents to minimize potential conflicts. Furthermore, it was observed that there was no provision made within the procedure to allow follow-on updates or feedback for those who are affected by KDA decisions. Similarly, there was no provision for a grievance redress mechanism to inform the community whether or not their objections or suggestions were incorporated in the activities of the KDA.

Jessore Municipality, established in 1864, is one of the oldest municipalities in Bangladesh. It represents the organizational

arrangement of devolution and the sole government agency for urban development activities. Jessore municipality is performing the services defined by the Local Government (Paurashava) Act 2009. It was observed that Jessore municipality allows community participation in road construction and maintenance services as almost 74 percent respondents participated in the process of constructing or maintaining local roads. Indeed, these respondents participated voluntarily and through their community in the road construction process in their neighbourhoods. They are all self-motivated people who steer the process of constructing new roads or repairing old roads by overseeing Jessore municipality's road construction activities. The strong presence of a ward level coordination committee (WLCC) and a town level coordination committee (TLCC) is a determining factor for such participation. It was observed that there is a formal complaint system regarding road construction and maintenance at Jessore municipality and 34 percent of the respondents have used this service—they usually got feedback within six months of complaining.

Decisions on various urban development functions, such as planning for infrastructure facilities, regular monitoring of the services, approval of municipal budget, etc., are taken in the meetings of the Jessore municipality. Representation of residents is a distinctive feature in these meetings. In Jessore, there are two levels of citizen committees as mentioned before; one is a ward level (WLCC) and the other is a town level coordination committee (TLCC), and their representation is very significant in the governance structure of the municipality. Meetings are held periodically during which resolutions are passed by voting. According to the Local Government (Paurashava) Act 2009, participation in municipal meetings is not restricted to any category of persons and may include elected, nominated, and ex-officio members, as well as other appointed officers associated with the local government. Besides, every meeting is open to the public. Jessore municipality allows its citizens to take part in local

government events such as council meetings, public hearings, town level coordination meetings, and municipal assemblies. It was observed that 48 percent of total respondents attended public hearings for the municipal budget.

Before construction, a plot owner must apply for a building construction permit as per the Local Government (Paurashava) Act 2009. The findings from the questionnaire survey revealed that 88 percent of 50 households directly applied for permission, but they paid speed money (54 percent of the respondents), usually to Jessore municipality officials, to avoid unnecessary delay. It was observed that Jessore municipality gave feedback regarding building plan permission— in 36 percent of the cases, it concerned a violation of setback rule. Other feedback acknowledged by the respondents includes faults in building design and problems of land entitlement. Seventy-six percent of the respondents were satisfied with the feedback and only ten percent registered complaints against their feedback. Revision of building plan is a common mechanism to accommodate feedback and 90 percent of the respondents reported that after necessary corrections, the building plans were approved. They stated that the complaint procedure was best resolved by networking with a ward councillor. Thus, it was observed that the grievance redress mechanism is functional in Jessore municipality. The above findings and discussions comprehensively explain why the level of community participation is higher in Jessore municipality. Community involvement while implementing a project, an independent complaints cell as a grievance redress mechanism, participatory budgeting process, regular standing committee meetings, and TLCC and WLCC meetings ensure the active participation of a diversified group of people in the governance structure of Jessore municipality.

In terms of a transparent and democratic decision-making process, it was observed that Khulna City Corporation, which represents the organizational arrangement of devolution, has some limitations. In the case of Khulna Development Authority, the scenario is very threatening in this respect. KDA represents the central government

under the organizational arrangement of delegation; as such, KDA is more reluctant about citizens' participation. In the case of Jessore Municipality, citizens participate in the decision-making process through Ward Level and Town Level Coordination Committees. Whereas the Local Government (Paurashava) Act 2009 has specific recommendations for TLCC and WLCC, the Local Government (City Corporation) Act 2009 lacks this provision. Therefore, this study recommends the amendment of the Local Government (City Corporation) Act 2009 to make TLCC and WLCC mandatory for ensuring democratic decision-making in KCC. However, sceptical attitudes about the effectiveness of participation, and limited knowledge of government process were observed among respondents. Therefore, this study recommends that the organizations should develop communication strategies and iterative processes to (i) inform citizens about local government policies, programs, services, and initiatives, (ii) listen to the public more effectively, and (iii) respond to their needs and incorporate their opinions into local government actions.

To ensure accountability this research identifies a burning question among the citizens, which is: who should I ask for any services. Procedural clarity is a major function for making an organization accountable. In the case of KCC, most respondents confirmed that they did not register any formal complaints, instead, they informed a ward councillor and city corporation officials informally for solving any urban development issues. A large number of the respondents believe that the informal process is more effective than the formal one. Some respondents state that there is no formal system of registering complaints. In the case of KDA, the study found KDA has limited procedural justice; information seekers do not have the access to use a form for any services. These respondents get information verbally from the reception desk.

The reception desk staff direct service seekers to the respective department. This impedes accessibility to high quality service that

is responsive to their needs. It also indicates limited awareness among actual or potential information seekers regarding a citizen's right to get information. Therefore, this study recommends that a separate nodal section should be institutionalized for receiving the grievances and complaints from citizens in general, and from service recipients in particular. A senior official should be deployed as the nodal/focal person who will facilitate the development and implementation of the grievance mechanism.

During this study, it was observed that there is a problem of institutional cooperation when formulating physical development projects for local areas. There is no established legal mechanism for communication among public authorities in Khulna city. In Jessore, there is no problem in institutional cooperation at the local level. However, dependency on central government for project and budget approval restricts their potential to perform in urban development activities. In Khulna city, the KCC as the arm of the local government and the KDA as the planning authority are responsible for coordinating urban development. In case of any important issue, KCC can invite the members of other organizations to participate actively in KCC meetings under section 49(15) of Local Government (City Corporation) Ordinance 2009. But the problem is that there is no binding obligation on other organizations to participate in such meetings. As a result, the participation of KDA depends on the will of high officials. This study recommends that it is essential to have a Coordination Board that has representatives from different government, civil society, private, and community organizations.

This study concludes that local government organizations in the form of devolved organizations (KCC and Jessore Municipality) are more accountable than the delegated form (KDA) of decentralization. This study also advocates for incorporation of civil society organizations irrespective of the organizational arrangement of the local level organizations that are performing

urban development activities. This study identifies that pro-accountability arrangements cannot be expected to arise spontaneously from devolution, but need to be intentionally structured. Therefore it can be concluded that where a single form of decentralized organization exists, there is no problem of upward accountability. In terms of downward accountability, which relates to the ability of the organization to be accountable to citizens, there is still room for manoeuvre to ensure active citizen participation. The case of Jessore municipality justifies this claim. In the case of Khulna city where two different form of decentralized organization exist, the problem of upward and downward accountability prevails to a larger extent. Therefore, this study recommends a better mechanism for coordination among Khulna City Corporation and Khulna Development Authority.

Climate Finance and Governance in Project Implementation The Case of Bangladesh Water Development Board*

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Masum***

1. Background and Rationale of the Research

Bangladesh Water Development Board (BWDB) has been working as the principal agency of the government for managing the water resources of the country since its inception. BWDB is also one of the agencies that have been implementing climate projects, especially those funded by the Bangladesh Climate Change Trust Fund (BCCTF). The Board has been involved in the implementation of 141 climate finance projects (till July 2017) receiving a total amount of about BDT 1,132 crore, which is about 40 percent of the total funds BCCTF has allocated so far.

Climate finance is a comparatively new and uncharted domain for Bangladesh as a country. The country has been gradually gaining experience over the years and improving the management of projects. The collective efforts of the government and relevant stakeholders are bringing about positive changes. Corruption was reported in different news media in various projects implemented by BWDB. Deficits in governance often facilitated the incidences of corruption. Ensuring good governance is now even more crucial in climate finance projects. To access global funds directly, one has to comply with the strict fiduciary standards set by the funders. BWDB

* Summary of the study released on 23 August 2017 at a press conference at TIB Dhaka office.

is one of the applicants from Bangladesh working to obtain accreditation as a National Implementing Entity (NIE).

Transparency International Bangladesh (TIB) has been working on climate finance governance since 2011. TIB has been exploring the governance status of climate finance in Bangladesh through tracking the climate finance projects at the local level, conducting national and regional level research, and also conducting advocacy work. Considering BWDB's extensive involvement and importance as one of the key implementing agencies for climate finance projects and its potential for accreditation as an NIE, this study was undertaken to explore the governance status of Climate Finance Projects implemented by BWDB and identify the governance challenges and to provide recommendations as the way forward.

2. Aims and Objectives of the Research

The main aim of this study was to explore the governance challenges in climate fund usage by BWDB. The specific objectives were:

- reviewing of the existing and relevant acts, policies, guidelines, and identifying the provisions related to governance;
- exploring governance challenges in climate project implementation and the reasons behind identified challenges;
- providing recommendations to overcome the governance challenges.

3. Scope of the Research

The study selected six climate projects implemented by BWDB and funded by BCCTF. The results are discussed based on the six selected projects, which provide an indication of the overall scenario but may not be equally applicable for all projects. The governance status was explored and analyzed on the basis of four governance indicators, namely: transparency, accountability, integrity, and participation.

4. Research Methodology

Six climate finance projects implemented by BWDB were selected for this study on the basis of climatic risk zones, types of activities, project duration, and amount of budget. The study was based on both qualitative and quantitative data. Research data were collected from both direct and indirect sources. Key Informant Interviews (KII) and Group Discussions (GD) were used in qualitative data collection, and the data collection continued till it reached a saturation point. A checklist for the KII and GD was prepared and used during the data collection process. A survey was conducted to collect quantitative data for this study by using a structured questionnaire. A total number of six hundred respondents participated in the survey. The sample was selected through systematic sampling technique with a five household interval starting from the project location. Collected data were analysed by considering the aims of the research using an analytical framework.

5. Study Findings

5.1 Limitations in Existing Legal Framework

The relevant laws, policies and guidelines to the selected four governance indicators (transparency, accountability, people's participation, and integrity) were reviewed to identify the provisions for BWDB-implemented climate projects. Given below are a few challenges found within the existing legal framework:

- There are no clear instructions about the content, duration, and maintenance of the information board at the 'Right to Information Act 2009' and BCCTF project implementation guideline.
- Neither the BCCT nor BWDB have specific directions to establish a grievance redress mechanism in their act/policies/guidelines.
- In contractor selection, the E-tendering process is considered a standard which reduces the scope for corruption. However, the

E-tendering process ends with the submission of tenders. The evaluation and selection of submitted tenders are still being done in the traditional manual system which keeps the window of corruption open.

- There is a specific guideline for people's participation in different phases of a project in the water resource sector. However, no legal provision for participation was kept by the BCCT in their act or guidelines. Hence, it is a challenge in terms of climate finance governance.

5.2 State of Governance: Transparency

In this study, the state of transparency in BWDB-implemented climate projects was observed by exploring proactive and demand-based disclosure of project information.

5.2.1 Legal Framework and Institutional Provisions to Ensure Transparency

The National Water Act 2013 states that any person, organization, or institution which is empowered under the water act is bound to comply with the Right to Information Act 2009 with regard to the disclosure of their activities/projects. In accordance with the Right to Information Act 2009, BWDB has the following provisions to ensure transparency in its project implementation activities:

- appointing a designated Information-Providing Officer in each office
- informing project beneficiaries and the local community about the project
- providing an information board on the project sites to disseminate information about the projects among the community
- updating and publishing the website information on climate projects

- establishing an effective demand-based information disclosure system

5.2.2 State of Transparency: Challenges and Observations

- One local office of BWDB which is implementing a climate project has no designated information-providing officer.
- About 92 percent of the local community responded that they were not informed about the project's activities, budget, and other relevant details.
- The schedule of the infrastructure work was not disclosed to the local people in any project by the contractor or BWDB.
- In three projects, no information boards were installed in the project area. In two other projects, an information board was installed at the beginning of project implementation, but the board was withdrawn before the completion of project; and in one project, there were five different project implementation areas, but the information board was installed in only one area.
- Important information like where to contact for more information and for filing complaints, and details of the contractor were missing in the installed boards.
- Website of the central office of BWDB includes a list of all completed and continuing projects since its inception, which is a list of more than seven hundred projects. However, there is no separate list of climate projects, and that makes it difficult to identify them. Among the six projects of this research, two local offices did not have any website. The remaining four local offices have their own websites, but only the name of the project is given there; project proposals, progress reports, and other information about the project have not been provided.
- About 89 percent respondents said that they did not know where to go for information about the project.

- Eight survey participants stated that they asked the implementing authority to provide project-related information, but the authority did not respond to their request.

5.3 State of Governance: Accountability

In this study, the monitoring and evaluation system and the auditing and grievance redress mechanism were explored to assess the state of accountability.

5.3.1 Legal Framework and Institutional Provisions for Ensuring Accountability

The Bangladesh Climate Change Trust Act 2010 and “The Guideline of the Bangladesh Climate Change Trust Fund for project formulation, processing, approval, correction, implementation, fund release and uses 2012” have specific instructions for the stakeholders and describe their duties to ensure accountability in implementing climate projects. According to the above-mentioned legal framework, stakeholders and their responsibilities are listed below:

Table 4: Accountability stakeholders and their duties

Stakeholder	Duty
1 Implementing agency/local BWDB office	Monitoring
2 Implementing Ministry/ Ministry of Water Resources	Monitoring and Evaluation
3 BCCT Team	Monitoring and Evaluation
4 Elected local representatives	Monitoring
5 Local administration	Monitoring
6 Implementation, Monitoring and Evaluation Division (IMED)	Evaluation
7 Comptroller and Auditor General Office (CAG)	Audit

5.3.2 State of Accountability: Challenges and observations

In all six projects, local office representatives undertook regular visits to oversee the progress of the work executed by the selected

contractors. They had to submit a monthly progress report of the work. However, no reports were found including information about the gaps and challenges identified during their visits to the project location.

BWDB local offices implement climate projects and other development projects with their limited human resources and logistics. No monitoring and evaluations were conducted by the BWDB central monitoring and evaluation team in the six projects selected for this research. BCCT representatives visited all the projects twice, at the start of the projects and before releasing the last financial instalment. But no evaluations were conducted upon completion of the projects. Local representatives visited four projects to see the progress and state of ongoing work. However, there were no written reports of their visits and observations. None of the six selected projects were evaluated by the IMED. None of the selected projects was audited by the CAG office.

The task force assessed the quality and quantity of infrastructure material in all six projects. However, infrastructures in two projects were noticeably damaged within the project period, which raised a question about the effectiveness of their assessment.

The survey data showed that about 93 percent people did not have any idea about how and where they could submit complaints. In most cases, the implementing authorities mentioned that there was no provision for a formal grievance redress system in projects implemented by BWDB. But BWDB officials claimed that they were very positive in this regard and took all complaints seriously. The research team asked for written evidence, which was not found.

5.4 State of Governance: Community Participation

In this study, community participation was assessed by exploring people's participation in the design, implementation, and monitoring of the projects.

5.4.1 Legal Framework and Institutional Provisions to Ensure Participation

Section 6.2.D of the Bangladesh Water Development Board Act 2000 includes the provision of people's participation in project design, implementation, and maintenance. In addition, the "National Water Policy" and the "Guidelines for People's Participation (GPP) in Water Development Projects" remain part of project planning by all institutions and agencies involved in public sector management of water resources. In the Guidelines for participatory water management, community people are considered as one of the stakeholders for water sector projects (section 2.2). According to the guidelines, people's participation will be ensured in the different phases of a project cycle through the following activities:

- local level meetings, discussions, identifying problems, and developing a problem solving process
- social assessment involving both beneficiaries and project-affected persons, as well as those living inside and adjacent to the proposed scheme area
- soliciting the opinion of women
- assessing the capacity of local stakeholders for participation in different levels of project cycle, initiating the process of forming a Water Management Organization (WMO), and assessing the need for training/orientation;
- organizing pre-project meetings at the local level
- using various techniques and methods during feasibility studies, such as participatory rural appraisals, focus group discussions, and discussion meetings with the local people

5.4.2 State of Participation: Challenges

No community level problem-identification meetings were held in the projects under this study. No social evaluation took place in any of the project areas this study covered. Participation of women was

not ensured in any of the projects, nor was their opinion taken. No assessment was conducted for the community's capacity for participation or training requirement. No participatory rural appraisals, focus group discussions, or discussion meetings were conducted with the community in any of the project areas.

5.5 State of Governance: Integrity

In the research, the state of integrity in BWDB-implemented climate projects was assessed by exploring the approval of projects, contractor selection, quality control, and the anti-corruption mechanism in project activities.

5.5.1 Legal Framework and Institutional Provisions to Ensure Integrity

Based on the provisions of the National Integrity Strategy (NIS), BWDB formed an Ethics Committee on September 3, 2013 consisting of fourteen members, in which the Director General of BWDB acted as President of the committee. The committee had the following operational mandate:

- Identify the successes and challenges in ensuring integrity within BWDB and its field operations, and prepare action plans to overcome the identified challenges.
- Nominate/select the persons responsible for implementing the action plans on integrity.
- Implement and monitor the action plans.
- Send progress reports to the National Integrity Strategy Implementation Unit.

In addition, the BCCT guidelines instruct the implementing agencies to follow the Public Procurement Act 2006 and the Public Procurement Rules 2008 for purchases and selection of contractors.

5.5.2 State of Integrity: Challenges and Observations

The Ethics Committee was not active at the local level in the selected projects during any stage of the project cycle. Thee-tendering process was used for the selection of contractors in all six projects. In group discussions, the community people mentioned that they had no idea about the contractor selection process. However, the research team found in every project that the work was done on a subcontract basis which is illegal, and both contractors and subcontractors were politically influential.

In four projects, it was found that unethical influences were used in the approval process, which hindered the ensuring of support from the climate fund for the most vulnerable areas and populations. In two projects, the community blamed the contractors for the poor quality of work resulting in clashes between the local community and the contractors' men. In one case, the quality of work was so inferior that the embankment and road built were noticeably damaged within the project period. In one project, the contractor was involved in the brickfield business. He took the soil from the canal excavation to his brickfield instead of using it to protect the banks of the canal.

In another project, the contractor sold some ten to fifteen trees from the road at the project site at an average price of BDT 28,000 and embezzled the money during the rebuilding of an embankment. Nobody protested as the contractor was a powerful individual in the locality. In one project, the contractor used electricity from a nearby shop but did not pay the bill upon completion of work. As a response, the local people took control of his bulldozer machine.

6. Causal Analysis of Identified Governance Challenges

BCCT-funded climate project proposals are first forwarded by the respective ministry of the applicant agency and are assessed by the BCCT Technical Committee. After the technical review, a project proposal is submitted to the BCCT Trustee Board for selection and

funding approval. The Trustee Board consists of mostly ministers from different ministries. There is lack of an accountability mechanism in the board's selection and approval of climate projects. This process is often influenced politically and leads to selecting projects and allocating funds in areas less vulnerable to climate change.

There is a knowledge gap in the implementing agencies about the existing legal framework. This gap is observed especially in the case of proactive information disclosures, people's participation, and the accountability mechanism. For BCCT-funded climate projects, in theory, an accountability mechanism consists of seven different stakeholders. However, most of the stakeholders are inactive and suffer from lack of coordination.

Because no formal complaint mechanism or grievance redress system exists, the number of reported irregularities and corruption was found to be quite low. Moreover, the irregularities and corruption that were reported were neither properly investigated nor taken to the trial phase.

Unlike many other sectors, there is a definite guideline and a law for people's participation in the projects in the water resource sector. But due to a knowledge gap at the implementation level, the implementing agencies did not always follow the existing policy during project implementation.

7. Overall Findings of the Study

BCCTF representatives visited all six projects twice, once before the project approval, and again before the last financial instalment. Central task forces visited all six project areas to assess the quality and quantity of the construction materials.

BWDB local offices implement climate projects and other development projects with their limited human resources and logistics. The state of governance is inadequate and insufficient in

BWDB-implemented climate projects; climate projects are not given adequate importance and attention due to smaller allocations than the regular development budget projects. Also, some of the stakeholders are involved collectively in irregularities and corruption.

The absence of meaningful participation of concerned stakeholders in curbing irregularities and corruption made the overall governance system weak. Lack of direction about the grievance redress mechanism in the legal framework of both BWDB and BCCT is a drawback for ensuring accountability in project implementation.

Due to a lack of accountability in project selection-cum-approval as well as political influences, the projects are often being implemented in areas less vulnerable to climate change. Inadequate measures were observed in both proactive and demand-based information disclosure. The overall accountability mechanism involves a large pool of stakeholders, but the mechanism remains weak since most of the stakeholders are inactive and there is no coordination among them.

Their lack of action is impacting the overall climate project implementation enabling opportunities for irregularities and corruption. For water-sector projects implementation, there are specific laws and guidelines for ensuring people's participation in the implementation, but in reality that has not been done.

8. Recommendations

1. Specific instructions about the contents of the information board and its management need to be incorporated into the existing law/policies.
2. Provisions for establishing a grievance redress mechanism and independent third party monitoring and evaluation should be included in the existing legal framework.

3. The sharing of all relevant information (project proposal, monitoring reports, evaluation reports, audit report, tender, project design, implementation area, budget, etc.) through websites, information boards, citizen charter, and other media must be ensured.
4. Assigning a designated information officer in every local offices and disclosure on demand of information about the project must be ensured.
5. Importance must be given to non-technical aspects of a project besides the technical issues.
6. An effective grievance redress mechanism involving all relevant stakeholders must be established.
7. Climate vulnerabilities should be assessed properly before approving any climate project.
8. Activation of ethics committee and publishing the reports they produce is essential.
9. Establishing an effective mechanism of reporting corruption and protecting the person who has reported is also necessary.
10. Effective implementation of the Guidelines for People's Participation in water sector (GPP) must be ensured.
11. The community should be involved in project implementation to create ownership and promote effective adaptation.
12. Project Implementation Committee (PIC)-based project implementation, if necessary, after reforming the law/policy, needs to be activated.
13. The capacity of local people must be strengthened for the effective use of project infrastructure by providing necessary inputs.

Climate Finance and Local Government Institutions Governance in Project Implementation*

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1. Background and Rationale of the Research

Bangladesh is one of the countries most affected by climate change. Frequent natural disasters cause massive destruction of infrastructure and loss of life, and heavily impact the livelihoods of the poor and marginalised people. Bangladesh is highly prone to tropical cyclones and floods and increasingly vulnerable due to rise in sea levels, salinity intrusion, tidal surges, droughts and tornados.

In consideration of the above mentioned phenomena and with a view to tackling climate change issues in an effective way, the Government of Bangladesh has already taken some specific initiatives to build capacity of the people and tackle climate risks and vulnerabilities. These initiatives include formulation of National Adaptation Program of Action (NAPA) in 2005 (updated in 2009), formulation of Bangladesh Climate Change Strategy and Action Plan (BCCSAP) in 2008 (updated in 2009), enactment of the Climate Change Trust Act 2010, establishment of Bangladesh Climate Change Trust Fund (BCCTF) and Bangladesh Climate Change Resilience Fund (BCCRF) in 2009 and 2010 respectively.

* Summary of the study released on 23 January 2017 at a press conference at Transparency International Bangladesh (TIB), Dhaka office.

To combat the adverse impact of climate change, Local Government Institutions (LGIs) are implementing 108 projects (City Corporations-3, Zila Parishads-14 and Municipalities-91) and estimated budget of these projects is about BDT 354 crore. The projects are designed under the six themes of BCCSAP and funded by BCCTF. A few projects have already been completed and the rest are ongoing. The Upazila Parishads and Union Parishads are not implementing any projects under BCCTF.

This research, which focused on the governance scenario prevailing in climate finance project implementation by local government institutions, is important in many aspects. Firstly, the importance of LGIs as implementing agencies has been emphasised to combat climate change vulnerabilities at the local level in the 7th Fifth Year Plan. This was also echoed in various strategy and action plans and in several researches. LGIs have been implementing a large portion of the BCCTF projects but there are concerns and allegations raised in the media and in different reports about irregularities in using climate funds. Secondly, there is scarcity of in-depth research on governance issues in project implementation by LGIs with funds from the BCCTF. Lastly, climate finance governance and local government are two of the key areas of interest for TIB research and advocacy. This research has been undertaken as a continuation of the TIB's efforts around these sectors.

2. Objective and Scope of the Research

The objective of this study is to look into the governance challenges in the implementation of climate funded projects by the LGIs. Therefore, the following research questions have been taken into consideration:

- What are the major gaps and strong points from the governance perspective in the BCCTF projects implemented by LGIs?

- What are the enabling or disabling factors behind performance of the existing projects as well as their implications for achieving expected results?

To collect the empirical data, six projects implemented by various types of LGIs and funded by the BCCTF were selected for this research. The entire project cycle, that is, the design, implementation, monitoring, and evaluation phases of the projects have been considered. The LGIs—Zila Parishad, Municipality and City Corporation—that are directly implementing the projects have been taken into the research scope. Eight indicators, derived from relevant academic literature, have been used to assess the governance situation. These indicators are legitimacy, equity, coherence, participation, transparency, effectiveness, accountability, and integrity.

3. Research Methodology

This is a qualitative research but participatory statistics have been used parallel to various qualitative research methods. Six projects have been selected for the research based on the climate hotspot, geographical location, six pillars or themes of BCCSAP, types of LGIs, implementation period, and budget. Four projects were selected from the 91 projects being implemented by municipalities, one from the 14 projects of Zila Parishad and one from the three projects implemented by the City Corporations.

Information for the research has been collected from both primary and secondary sources. Key Informant Interview (KII), Focus Group Discussion (FGD), Community Scorecard, Social Map and Observation methods have been used in data collection from primary sources. Project directors at local level, elected representatives, engineers, officials, and secretary of selected LGIs, contractors, masons of the projects, direct beneficiaries, and local community people have been consulted during data collection. In addition, experts on climate change and local government, relevant ministries, departments, and organisations have also been consulted and interviewed.

Beside this, to ensure the credibility of the information, primary information has been triangulated and thoroughly rechecked and, prior to finalisation, the findings of the study have been shared with relevant government stakeholders and their feedback has been incorporated. Relevant laws, rules, policies, and guidelines such as BCCSAP 2009, Climate Change Trust Act 2010, Guideline for Project Design, Implementation and Monitoring 2012, The Public Procurement Act 2008 have also been reviewed. Moreover, various official orders of government, project proposals, relevant research reports, annual reports of the BCCT (Bangladesh Climate Change Trust), newspaper articles, and websites have been used as secondary sources of information.

An analytical framework has been followed on the basis of a theoretical framework for data analysis. The duration of the data collection, analysis, and report writing is March through November 2016. The timeframe for this research is FY 2009-2010 to FY 2015-2016.

4. State of Governance in Projects

4.1 Strong and Weak Points in the Project Design Phase

Strong points of governance in the selected six projects are as follows:

Two projects are found to be unorthodox in the context of combating climate vulnerabilities: One project located in cyclone-prone area and prone to salinity intrusion built disaster-resistant houses for the vulnerable households. Another project located in low disaster-prone area took the initiative for waste management. These two projects are different considering most projects' regular infrastructural development activities include culvert and drain construction.

Weak points of governance in the selected six projects are as follows:

The projects are designed without assessing the adverse impact of climate change: The selected LGIs prepared the project proposals and submitted to the BCCT without proper needs assessment or vulnerability analysis in communities in the context of climate change. The BCCT approved the projects without proper assessment or verification and also suggested modification of activities and budget reduction. Expanding the activity coverage geographically was given priority over the relevance of the project in terms of real needs and climate change.

People's participation is ignored: Project design was done without climate risk and vulnerability assessment. Because the LGIs did not carry out needs assessment, the participation of community people remained absent. In most cases, the mayor, secretary, and engineer (CEO and administrative officer in case of Zila Parishad) developed the project proposal on their own. Even the participation of the LGIs councillors was ignored in some cases.

The disasters addressed by the projects are not coherent with climate change induced disasters: Most of the projects researched described the water-logging crisis to climate change. However, in four projects it was found that the main reason behind the water logging was the encroachment of the local water bodies. In some cases, lack of navigability of adjacent rivers also played a role in creating water logging.

Overlaps with other development projects: The Climate Change Trust Act 2010 clearly stated that climate projects will not be overlapped with other development projects. However, it was found in a project that the funds for the climate change project were used by a municipality for an incomplete project, namely, building a retaining wall to protect the municipality premises from landslide.

Personal or political influence takes place in project approval process: In some projects, it was found that LGI personnel had close personal and political connections with the members of the BCCT Trustee Board and Technical Committee. This relation was used to get the approval of projects.

BCCTF is used as an additional funding source for regular development activities: Considering the funding limit from the Local Government Division (LGD), the LGIs often considered the BCCTF as an additional funding source for their regular development activities.

Typical infrastructural development is approved: Building infrastructure is a regular activity of the LGIs. Though the BCCTF is a special fund aimed at climate change induced disasters, it was commonly found during the research that the LGIs continued their regular infrastructural development activities with this fund. There are six thematic areas in BCCSAP, including infrastructure. It was found that projects taken by the LGIs focused mostly on infrastructure. In some projects, other themes were mentioned in the proposal but during the implementation, the theme turned into infrastructure.

Project proposal is developed without any feasibility study: One project included disaster resistant housing but the design did not include any shelves in the upper part of the houses to help households protect their belongings during a disaster. Another project built some waste transfer stations and a waste management plant but the collection process of the waste was not assessed before preparing the project design. Thus, the project did not work out as planned and the entire plant and transfer stations remained unused.

4.2 Strong and Weak Points in the Project Implementation Phase

The strong points in the project implementation phase are as follows:

Disclosure of project-related information: Two projects maintained transparency measures to disclose project-related information at the project locations. They provided an open board with related information at the locations where the activities were being implemented.

Three projects maintained consistency between implementation and the proposal: Three projects among the six selected projects maintained consistency during the implementation of plans chalked out in the project proposals.

The weak points in implementation phase are as follows:

Non-disclosure of project information: Only two projects established an information board to share project-related information in the project locations where the other four projects did not. Moreover, the websites of the respective LGIs, LGD, and BCCT do not have adequate information about the individual projects. In case of the BCCT, their website includes only the project name, fund size, and the name of the implementing agency. No other information like proposals, monitoring and evaluation reports, and audit reports is available there.

Lack of transparency in vendor selection process: In most of the cases, the selected contractors could not mention any well-known newspaper where the circular for tender had been published. They heard about tender verbally from the LGIs. The LGIs claimed that they published the circular in a well-known newspaper but they could not show any evidence of it.

Nepotism and abuse of power in vendor selection process: In most of the cases, complaints were heard that the mayor and the secretary of the LGIs abused their power to tamper with the tender process and rewarded it to their friends and relatives or others in exchange for a bribe.

Selection of less vulnerable areas for implementation: In many cases, the most affected areas and people were ignored during project area selection. For example in one project, though the mayor's ward (ward in which he resided) was less vulnerable, it was selected for building a drain. In another project, a retaining wall was built to save the municipality premises instead of protecting the areas with real threat of landslides.

Complaint about irregularities during direct beneficiary selection: There were complaints in a project in the salinity- and cyclone-prone area that the direct beneficiaries of the project were selected by means of bribery and nepotism. The faulty selection process also neglected the most eligible, i.e., the poorest and most vulnerable people.

Implementing authority changed due to political consideration: In one project, even after approval and disbursement of funds, the project director was changed overnight and the task was given to a different ministry because the newly elected mayor was not a ruling-party-supported candidate.

Selection of fake contractor to evade tax and VAT: According to the CHT Regulations 1900, the indigenous people are out of the direct tax net. This was used to evade tax and VAT by apparently selecting two indigenous contractors whereas the tasks were actually done by persons who did not belong to the indigenous community.

Burden over the direct beneficiaries: A project in salinity intrusion and cyclone prone areas was supposed to provide everything free to the direct beneficiaries when building disaster-resistant houses. In reality, each of the beneficiaries had to spend BDT 10,000-80,000 to make up the carrying cost, refreshment cost of the masons, and the costs for buying partial rod and cement to fulfil quality work as the masons informed them that the materials provided by contractors would not ensure quality construction.

Inconsistency between project proposal and implementation: One project included four schemes in the approved proposal but only three schemes were implemented. Another project mentioned in proposal that they would build a retaining wall to protect people from landslide threat but they built the wall to protect the municipality's land.

Project implementation in disputed land: In one project, a flood-shelter cum school was built on disputed land. The land is owned by the Zila Parishad but the municipality built the infrastructure there without their prior permission. After the construction, the Zila Parishad raised objection; hence, the teachers of the schools expressed tension about their future amid the dispute between two LGIs.

4.3 Major Gaps and Positive Aspects in Monitoring and Evaluation Phase of the Projects

Some good points identified in the monitoring and evaluation phase of the BCCTF projects implemented by LGIs are as follows:

Primary activities of all projects visited by the BCCT: According to Financial Guidelines, before releasing the second instalment, a visit from the BCCT to the project area is mandatory. In this

research, it was found in all cases that the BCCT visited the selected project areas after releasing the first instalment.

The LGD visited the project areas after completion of the projects: According to Financial Guidelines, final instalment of the project will be disbursed after the LGD visits the completed projects. According to findings of this research, all selected completed projects were visited by the LGD.

Project evaluation started by the IMED: Implementation of three projects out of six was completed. Of these three, one project has been evaluated by the Implementation, Monitoring, and Evaluation Division (IMED).

Some gaps observed in the monitoring and evaluation phase of the BCCTF projects implemented by LGIs are as follows:

Absence of qualitative monitoring from the BCCT: Although the BCCT made visits to all projects during the initial stage of project implementation, at the later stages, they relied on the reports submitted by the respective LGIs which focused mainly on quantitative progress of the projects rather than the quality of the work.

Absence of effective involvement of community during monitoring: There was no example of involving community people in monitoring of the project activities during the implementation phase.

Absence of complaint mechanism: It was found that there was no specific mechanism for complaining to the relevant authority about project quality. Furthermore, although an information board was opened in two projects, there was no mention of the contact number and address of the focal points of the responsible authorities who could record the complaints. However, in some cases, the community people addressed their complaints to the representative of LGIs after bringing them to project areas.

No involvement of all ward councillors in monitoring: According to the research findings, only the relevant ward councillors, in the ward where the project was implemented, were involved in the monitoring of the project activities.

Gaps in evaluation of the completed projects by IMED: Out of the three completed projects, IMED have not yet evaluated two of them.

Gaps in monitoring efforts by the LGD and local administration: It was found that during the project implementation, the LGD and local administration did not go the project areas to monitor the projects.

Participatory evaluation, on the basis of opinion from the direct beneficiaries, was conducted at the community level in five projects implemented during the study. According to the community people, no project was found strong in the context of good governance. According to the participatory evaluation, two projects were moderately strong and three of them were weak in terms of good governance.

5. Causes of Governance Deficiencies in LGIs Implemented BCCTF Projects

Gaps in laws and policies: BCCSAP 2009 and Climate Change Trust Act 2010 have not addressed the crucial governance values of transparency, participation, and equity. These values are well recognised in global policy papers and funding mechanisms. Furthermore, the necessity of assessing the project rationale is stated in the Financial Guidelines 2012, but the assessment does not require any base documents such as needs assessment or vulnerability analysis of all projects during the proposal submission phase. There are no specific directions about how to revise a project, especially with respect to the basis on which project activities and budget can be cut down.

Gaps in oversight and accountability: It was also found that the IMED of the Ministry of Planning did not prioritise the monitoring and evaluation of the BCCTF projects though the BCCT officials sought support from them on several occasions nor did the office of the Comptroller and Auditor General (CAG) prioritise the auditing of the BCCTF projects. Furthermore, neither local administrations nor community people were properly engaged in the oversight of the projects during implementation.

Inconsistency between local climate vulnerability and project allocation: The findings show that the powerful members of the BCCT Trustee Board and Technical Committee have influence over the project approval process. For this reason, in some areas, projects were approved without assessing local climate risk and vulnerabilities. In addition, BCCT funds were allocated for the LGIs located in non-climate hotspot areas. For example, a number of projects related to water logging were allocated in drought prone areas.

Lack of capacity and coordination among the relevant institutions: There was no initiative to enhance technical knowledge and capacity of the LGIs to implement long term solution oriented projects considering future climate change vulnerabilities. The research found that the LGD is unable to monitor climate projects due to a shortage of human resources. CAG did not give priority to auditing the climate projects due to changes in organisational arrangement and shortage of human resources. In addition, BCCT itself faces a lack of human resources and has a lot of capacity constraints particularly on the technical issues of climate change and in dealing with climate finance.

Weak project review and approval process: Without reviewing the reality and rationale of the projects, BCCT asked the LGIs to resubmit their proposal with reduced budgets, set the ceilings, and suggested that the project activities be trimmed down. Furthermore, the projects

ignored people's ownership and involvement in the project activities in the design phase.

Gaps in BCCT formulation: The BCCT was formulated in a such a way that it was more concerned about the climate fund management rather than enhancing the capacity of the project implementing institutions.

6. Consequences of Governance Deficiencies

Poor effectiveness of project outputs: Poor effectiveness of project outputs was found in most of the cases. For instance, the rainwater harvesting systems developed by the Zila Parishad were found unlikely to reserve water to meet the needs for more than 15 days in the dry season. The Paurashava in the flood prone areas could not complete the drain construction. The waste management plants and transfer stations constructed under a project remained unused. Instead, the plants were found being used for different purposes. Another project constructed a school cum flood shelter on disputed land. Consequently, the teachers of the school were concerned about the future of the school. Thus, local community people in project areas were deprived of effective results from the projects.

Uncertainty about the long term solutions: In many cases, long term effect of the projects is uncertain because measures were not taken to solve the root causes of the problems. For example, the decreased navigability of the rivers and the conversion of the wetlands into high land for the sake of expanding cities and towns cause water logging in most of the cases. Without addressing the roots causes, efforts as in the selected projects would not be able to achieve sustainable solutions to climate vulnerabilities.

No significant knowledge enhancement in the LGIs on climate change: The research findings cause doubt about how much the project implementation experience would enhance the capacity of the LGIs to integrate climate change in their regular activities

because during implementation of projects, they resumed their regular development activities rather than address climate change concerns.

7. Conclusion

Gaps in governance practices are evident in BCCTF projects implemented by LGIs. Governance situation of the projects as perceived by the beneficiaries and community people indicates a weak scenario of project implementation. Community participation, transparency, equity, and efficiency have weak priority in the projects. The political influence of the powerful BCCT Trustee Board members in allocating funds to the LGIs has been observed through this research. Besides, there are inconsistencies between local climate vulnerability and allocation of climate funds for the LGIs. In addition, BCCT's consideration for covering more areas with limited resources on the one hand and providing insufficient budget to the LGIs on the other hand has been found less likely to facilitate sustainable solutions to climate change vulnerabilities. In many cases, LGIs have been continuing their conventional infrastructural development activities using the BCCTF funds. Gaps in relevant laws, policies and guidelines; institutional limitations; inconsistency between local climate change vulnerability and fund allocation, and absence of long term solution oriented plans, as well as gaps in the accountability mechanism appear to be the key factors for the gaps in governance practices in the LGIs implemented BCCTF projects.

8. Recommendations

Given the governance scenario in the LGIs implemented BCCTF projects, the study has come up with following recommendations:

- **Reformulate BCCT Trustee Board:** BCCT Trustee Board should be constituted with members who are climate change experts, representatives of civil society, and have no partisan political interest Ministry of Environment and Forests (MoEF)

- ***Increase BCCT Funds:*** BCCT funds should be increased to further the initiatives in different sectors for ensuring long term solutions to climate change vulnerabilities Ministry of Finance (MoF)
- ***Approve projects after verification of local climate vulnerabilities:*** Verification of local climate vulnerability should be mandatory before approving any project MoEF
- ***Strengthen capacity of the LGIs:*** LGIs' capacity building should get high priority so that they can address climate change impacts as well as mainstream the climate vulnerabilities in their regular activities in an effective manner. In addition to that, Union and Upazila Parishads should be included in climate financing LGD, BCCT
- ***Revise the role and strengthen capacity of the BCCT:*** BCCT's role should not be confined to managing funds—capacity development of the implementing agencies and quality monitoring of the projects should also be their priority. This should be clearly spelt out in the guidelines. BCCT capacity should also be strengthened by increasing human resources according to their needs MoEF
- ***Amend laws, policies and guidelines:*** Participatory needs assessment, feasibility study, effective involvement of community people, capacity building of implementing agencies, transparency, equity, effective accountability mechanism should all be incorporated in the laws, policies and guidelines to make them mandatory at all steps of the BCCTF projects MoEF and Ministry of Law
- ***Enhance information disclosure mechanism:*** All information on the projects including plans, activities, budget, M&E report, and audit report should be disclosed and made available on the project webpage. To keep the community people well informed about the project information, citizen charter, bill board, etc., should be used in the project areas BCCT, LGD, LGIs

- ***Enhance coordination for strengthening accountability mechanism and monitoring system:*** Accountability mechanism and monitoring system as well the role of relevant departments and institutions, i.e., the IMED, CAG, MoEF, LGD, etc., should be clearly defined in the documents so that accountability mechanism can function in a coordinated manner. It is also crucial to define the role of the citizens in the monitoring process

Cyclone Roanu

Challenges of Good Governance in Disaster Management and the Way Forward*

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1. Background and Rationale

Cyclones, storm surges, and floods have been increasing consistently due to the adverse impact of global climate change. The Climate Vulnerability Monitor 2013 has predicted that approximately an additional 0.6 million people in Bangladesh might face additional economic losses of US\$ 1.25 billion each year by 2030 due to climate-change induced cyclones and storm surges and other natural calamities. It has been observed that the incidence of extreme weather events like cyclones is increasing: six cyclones hit over a sixteen year period (1991-2006), five cyclones hit within the next decade (2007-2016). According to the disaster-related household survey of the Bangladesh Bureau of Statistics in 2015, 25.51 percent households were affected by cyclones and tornados during the period 2009 to 2014. However, the extent of damages and loss of lives caused by natural disasters reduced significantly over the period; for instance, in 1991 around 15 million people lost their lives due to cyclones, but fortunately, the number of deaths reduced to 27 when Cyclone Roanu hit in 2016. That remarkable achievement was made possible by the adoption of different

* Summary of the study released on 1 February 2017 at a press conference at TIB Dhaka office.

initiatives by the government particularly improved early warning system before the cyclone, community-based cyclone preparedness programme, and construction of cyclone shelters in cyclone prone areas, especially in coastal regions. For this reason, the disaster management model of Bangladesh has been recognized and appreciated at both national and international levels. Several countries like North Sudan and Ethiopia are following this model to reduce losses and damages from disasters.

The UN Sustainable Development Agenda 11(c) has specified that "By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion, resource efficiency, mitigation and adaptation to climate change, resilience to disasters, and develop and implement, in line with the Sendai Framework for Disaster Risk Reduction 2015-2030, holistic disaster risk management at all levels." To address the upcoming global challenges of the increased events of disasters, the Sendai Framework for Disaster Risk Reduction 2015–2030 (SFDRR) was adopted by the United Nations in 2015 and SFDRR also has emphasized ensuring good governance in managing disaster risks and responses.

The Government of Bangladesh formulated the National Disaster Management Policy 2015, the Disaster Management Act 2012, Cyclone Shelter Construction Maintenance and Management Policy 2011, and Standing Order on Disaster 2010 all of which have provided direction on cyclone preparedness and emergency responses. However, several newspapers have published stories regarding the gaps in good governance in response to Cyclone Roanu. On 21 May 2016, Cyclone Roanu hit fifteen coastal districts of Bangladesh with heavy winds and rainfall. Consequently, twenty-seven people died and around twenty-nine thousand households were affected adversely; in particular, paddy and cash crops, domestic animals, and livelihoods of coastal

communities were ravaged. The amount of losses and damages was comparatively higher in Chittagong, Cox's Bazar, Noakhali, Laxmipur, and Bhola than in other affected districts.

TIB has so far conducted a number of studies after some devastating disasters to identify the governance challenges in the relief operation and advocates action accordingly. TIB administered studies have identified the governance deficits in facing the cyclones Sidr (2007) and Aila (2009). On that note, TIB carried out this study titled "Cyclone Roanu: Challenges of Good Governance in Disaster Management and the Way Forward."

To sustain the achievement of Bangladesh in disaster management, it is immensely important to internalize all basic elements of good governance within the current legal and operational regimes of disaster management in Bangladesh. It is expected that this study will contribute in formulating national and international policy frameworks.

2. Objective and Scope of the Research

The major objectives of the research are:

- to identify the challenges in good governance in the responses to Cyclone Roanu and its causes, results, and impact; and
- to provide recommendations to overcome these challenges.

This research included the pre-cyclone (Roanu) preparedness and post-cyclone emergency response of the government, along with the process for identifying beneficiaries for the rehabilitation programme. The duration of the data collection, analysis, and report writing is May 2016 to January 2017. The timeframe considered in this research is May to June 2016.

3. Research Methodology

This is a qualitative research but participatory statistics have been used in analysis. An overall assessment was carried out and analyzed on the basis of four governance related indicators: transparency, accountability, participation, and integrity. For data collection, firstly, among fifteen Roanu affected districts, five districts (Chittagong, Cox's Bazar, Laxmipur, Bhola, Barguna) have been selected considering the highest number of deaths and the highest number of the most affected households as well as damaged houses and climate change vulnerable zones or hotspots. At the second stage, from each selected district, two upazilas have been selected considering the highest and the lowest affected. Finally, from each selected upazila, a union has been selected for data collection; thus, ten unions have been selected from ten upazilas for carrying out this study.

Both primary and secondary sources have been used for collecting information. As primary sources of information, Key Informant Interview (KII), Focus Group Discussion (FGD), Community Scorecard, and Observation methods have been used. Furthermore, officer of disaster management department, deputy commissioner, additional deputy commissioner, district relief and rehabilitation officers, upazila nirbahi (executive) officers, upazila chairman, project implementation officer, representative of CPP, member and chairman of UP, NGO officials, journalists, and representatives of civil society have been interviewed as primary sources of data. In the application of the Community Scorecard, by consensus, all participants of FGDs gave a single score on each issue following the Likert scale (1=Fully disagree, 2=Disagree, 3=Agree, 4=Fully agree). Laws, policies, orders, research reports, and news reports have been used as secondary sources of data for this research. Reliability of the collected data was ensured following validation with concerned stakeholders and triangulation.

4. Legal Regimes in Disaster Management in Bangladesh

The Standing Order on Disaster 2010 has defined the specific responsibilities of the concerned stakeholders in cyclone preparedness which include risk reduction and dissemination of warning, during pre-and post-disaster periods. The major roles and responsibilities of national, district, upazila and union level stakeholders are described below:

4.1 Cyclone Preparedness

Risk Reduction

- Ensure that local people are kept informed and capable of taking practical measures for the reduction of risk at household and community levels;
- Arrange training and workshops on regular basis on disaster issues;
- Identify the most vulnerable people or people at high risk by sex, age, physical ability, social status, occupation, and economic status;
- Prepare a short, medium, and long term vulnerability reduction and capacity building action plan for the identified high-risk people with active participation of the people at risk;
- Build the capacity of local institutions, volunteers, and local people in a way that they can help and motivate people to adapt to disaster.

Warning Period

- Disseminate warnings and security messages, evacuate the vulnerable as per evacuation plan;
- Engage trained institutions, volunteers, and people in the field for effective and rapid dissemination of early warning messages to the vulnerable community and monitor all the security and warning message dissemination activities;

- Visit the predetermined emergency shelter centre and ensure the availability of essential services;
- Review the practicality of water supply sources nearby the shelter/centre if necessary, fill the gaps that people can get safe water supply during disaster from these water sources;
- Ensure essential logistics and manpower.

4.2 Post-cyclone Responses

During Disaster

- Organize emergency rescue work by using locally available facilities in times of need;
- Coordinate all relief activities (GO-NGO) at the local level in a manner that social justice is ensured in relief distribution;
- Protect people from upsetting rumours during the hazard period by providing them with correct and timely information;
- Ensure the security of women, children, and persons with disability during hazard.

Post-Disaster Period

- Collect and submit statistics regarding loss due to disaster according to directives from Disaster Management Department.
- Allocate and distribute on the basis of actual need, the materials received from local sources or other sources for relief and rehabilitation work.
- Ensure social justice in relief distribution and rehabilitation through coordination of different organizations/institutions (GO-NGO) at the union level.

5. Research Findings

5.1 Positive Efforts for Improving Preparedness for Roanu

This research has identified some positive efforts in the preparedness for the Cyclone Roanu. Major steps were taken to keep posting updated information about the situation of Cyclone Roanu on the website of the Disaster Management Department (DMD); the DMD authority had given instructions through email to the deputy commissioner and upazila nirbahi officer for taking the necessary measures and for announcement of the signal accordingly.

Local level volunteers had adopted several measures to rescue the vulnerable community though they were not adequately supplied with necessary equipments. The disaster management committee arranged a meeting at both zila and upazila levels. Furthermore, BDT 5 crore was allocated as emergency relief for supply of dry foods and also BDT 80,52,000 taka had been allocated from the DMD to local administration. Also, local authorities had reserved dry foods locally to tackle the emergency situation.

5.2 Positive Responses during and Post-Roanu

This study has also identified that the DMD allocated 5682 metric tons of rice and BDT 1 crore, 80 lakhs as emergency relief. Affected areas were visited by the concerned local government employees and local government representatives and they ensured the safety of women, children, and disabled people who took shelter during the cyclone.

In addition, the DMD had allocated 12 pickup vans, twelve rescue boats, six mobile ambulances, and four rescue boats capable of emergency rescue operations. The local authority had provided information about losses and damages of the affected households. In addition, non-government organisations prepared the list of affected people on the basis of authentic information from households.

5.3 Governance Challenges in Response to Pre-Cyclone Roanu

5.3.1 Not Taking Proper Steps to Assess the Disaster Risk

It has been specified through this research that the concerned local authority didn't assess the disaster risks in some areas of ten UPs and the condition of the embankments. There were gaps in eight out of ten unions by the concerned authorities in taking initiatives to repair the breached embankments, polders and the cyclone shelters that were in poor condition. Also, they did not attempt to assess risks before the cyclone hit. Thus, reliable information about associated risks did not reach the community.

In addition, no upazila was found in this research in which a cyclone preparedness rehearsal programme was arranged regularly. During Roanu, the people of six unions could not use cyclone shelters because of poor or bad conditions. According to a key informant, these cyclone shelters lost utility due to corruption and irregularities during construction and a key informant alleged that only 70 percent of the allocated budget for construction of cyclone shelters was actually spent on shelters. The rest was embezzled by concerned officials and power elites.

5.3.2 Gaps in Announcement of Cyclone Signal

Lack of coordination among DMD, Meteorological Department and mass media was a major challenge. Consequently, there was an inconsistency in announcing the cyclone signal between government agencies. Moreover, some electronic media failed to broadcast the updated signals. In some areas, affected people became confused and did not get enough time to protect themselves and their assets. In this regard, lack of coordination has also been identified intra-institution at the ten upazilas, and as a result, cyclone signals did not reach the ten unions at the proper time. In addition, necessary equipment like wireless, electric horn, and transporter were not adequate at the ten unions and ultimately hampered cyclone preparedness.

5.3.3 Absence of Awareness of Vulnerable Community

It was found that local community people of some areas of the ten UP did not pay attention to the signal or intensity of the cyclone risks and relied on their own judgement. For this reason, the amount of loss and damage to property at ten unions and loss of lives at two upazilas increased.

5.3.4 Inadequacy of Necessary and High Capacity Cyclone Shelter

In the coastal areas, around 5,500 cyclone shelters are required for 18 million people. However, only around 3,751 cyclone shelters are available. Moreover, even though those can accommodate one thousand people on average during disasters, there are no shelters for the remaining population.

5.3.5 Challenges of Access in Cyclone Shelter

There were gaps in initiatives taken by both local administration and LGI representatives in six unions to relocate the people to cyclone shelters. Out of ten unions, woman, children and disabled people in six unions had to travel two to three kilometres to reach the cyclone shelters. In one union, a cyclone shelter was built in an infeasible location close to the residence of the powerful local elite and remained unused.

5.3.6 Improper Maintenance of Cyclone Shelters and Suffering of the Vulnerable Community

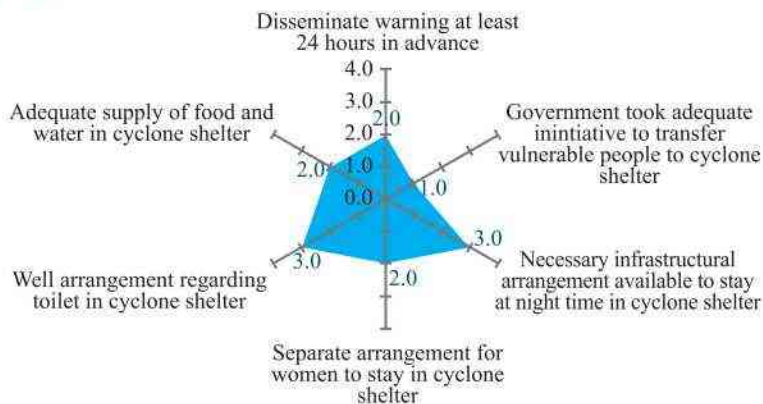
Improper maintenance or mismanagement of cyclone shelters was also observed in this research. There were no available fund and manpower for the concerned schools used as cyclone shelters of the ten unions. However, there was no such problem in case of cyclone shelters being maintained by the NGOs. In all surveyed unions, cyclone shelters were not user-friendly due to absence of proper maintenance. In one union, three cyclone shelters were locked and consequently, people were unable to take shelter. Furthermore, there was no separate place for

women in cyclone shelters in seven unions and lack of availability of dry food and safe drinking water in six unions.

5.3.7 Community's Score Regarding – Pre-Cyclone Preparedness Programme

Community people did not agree with the statement that the government took adequate steps to relocate vulnerable people to cyclone shelters. However, community members were satisfied with the arrangement of toilets in cyclone shelters. They did not agree with the statement that they received the cyclone warning at least 24 hours in advance; they felt that the availability of food and water in cyclone shelters was inadequate (figure 1). Thus, the scores of four indicators out of six (figure 1) reflected weak governance in the preparedness programme.

Figure 1: Score provided by community regarding pre-cyclone preparedness



5.4 Governance Challenges in Pre-Cyclone Period on the Basis of Good Governance Indicators

The findings of the research have been analyzed on the basis of good governance indicators in the table below.

Table 1: Governance challenges in pre-cyclone responses

Initiatives	Transparency	Accountability	Participation	Integrity
Risk identification	• Inadequate information regarding cyclone risk	• Not to identify the disaster risk properly by concerned authority and local government	• Absence of arrangement of regular rehearsal programme for building awareness	• Not to take action regarding using the cyclone shelter by influential person for personal purpose
Dissemination of warning signals	• Lack of initiative to Disseminate warning in remote areas	• Inadequate initiatives to evacuate the vulnerable people	• Absence of community participation in maintaining the cyclone shelter	• Cyclone shelter were not built in proper place due to the influence of powerful person
Maintenance of cyclone shelter	• Lack of information for maintenance of the cyclone shelter	• A part of cyclone shelter was not useable due to lack of maintenance		
Coordination between government and non-government organizations				

5.5 Governance Challenges in the Post-Cyclone Period

5.5.1 Inability to Ensure Fairness/Equity in Allocation of Relief

This research revealed unfairness in the allocation of relief—for instance, on average BDT 401 was allocated per affected poor or distressed family in Chittagong, whereas almost a six times higher amount was allocated for each poor or distressed affected household of Bhola. No rational explanation for such allocation was provided by the concerned authority; rather, there were credible allegations conveyed by the key informant that political influence influenced the amount of allocation. Furthermore, allocation of construction items for the damaged houses owned by affected poor households was also proportionately higher for particular areas, such as in Chittagong 1,200 bundles (average 0.06 bundles) of tin were allocated for construction of the 20,000 fully damaged households. In contrast 1,000 bundles (average 0.7 bundle) of tin were allocated for 1,500 fully damaged households of Bhola district, and there is strong allegation of undue political influence in such allocation.

5.5.2 Faulty List of Affected People

The research findings revealed the gaps in coordination between government and non- government organizations in preparing the lists of affected people in prescribed D forms in all unions. No government official or LGI representative visited three affected unions at all. Moreover, it was also identified that the lists of affected people of six unions were prepared on the basis of information provided by supporters in the last UP election or followers of UP Chairman or members even though close relatives of UP Chairman and members were directly involved in preparing the list. In all cases, losses and damages were being put down arbitrarily on the basis of perception and not by collecting data from cyclone affected households. Furthermore, in seven unions, really affected people were not included in the list; instead people who were not actually affected were selected for allocation of the relief and rehabilitation program. Furthermore, the local administration was not aware of the amount of relief allocation of non-government organizations.

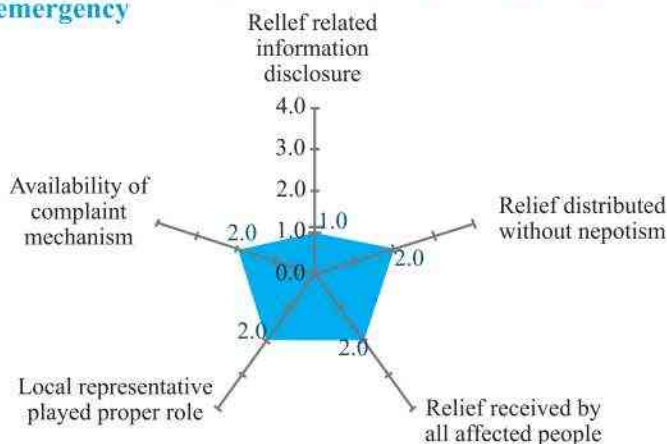
5.5.3 Non-Disclosure and Integrity Failure in the Distribution of Relief

This research revealed the mismanagement or erosion of integrity in the distribution of relief. Overall 164 kg rice and BDT 523 had been allocated to the affected poor family but the DMD or local authority did not disclose information either about the recipients or the amount of relief received by affected households. All unions and community people were not informed about the amount of relief allocated from the government, the selection and distribution process of stakeholders.

This study also affirmed that political interest and nepotism influenced who got priority in the distribution of relief in some of areas of five unions. A key informant commented that “there is always undue influence of local political leader in selection of beneficiaries and distribution of relief that was also practiced after Roanu.”

Participant in affected community in an FGD commented that “From where relief comes, who enjoys that, they don’t know anything, only UP Chairman and members and government officials know.” In five unions, affected communities didn’t get priority in distribution of allocated relief; and instead of affected people, in four unions, relatives of LGI representatives got priority in relief distribution. Furthermore, while local authority distributed rice, affected households received less amount of rice than the actual allocation. Even though the local authority has shown the distribution of tin in eight unions on paper, in reality, affected households didn’t receive the tin. It should be noted that the local administration was not informed about the amount of relief distribution by non-government organisation.

Figure 2: Scores by community regarding post-cyclone emergency



Fully disagree=1, Disagree=2, Agree=3 and Fully agree=4

5.5.4 Community’s Score Regarding Post-Cyclone Emergency Responses of Government

Upon analysing the community score card, it has been found that communities are not satisfied by the cyclone emergency responses, especially disclosure of information about relief operation,

nepotism-free relief distribution, receiving of relief by all affected households, roles played by LGI representatives and availability of complaint redress mechanism (figure 2). The scores of all indicators reflected weak governance in emergency response programmes.

5.5.5 Overall Governance Challenges in Post-Cyclone Emergency Responses

The findings of this research have been analysed on the basis of good governance indicators in the table below.

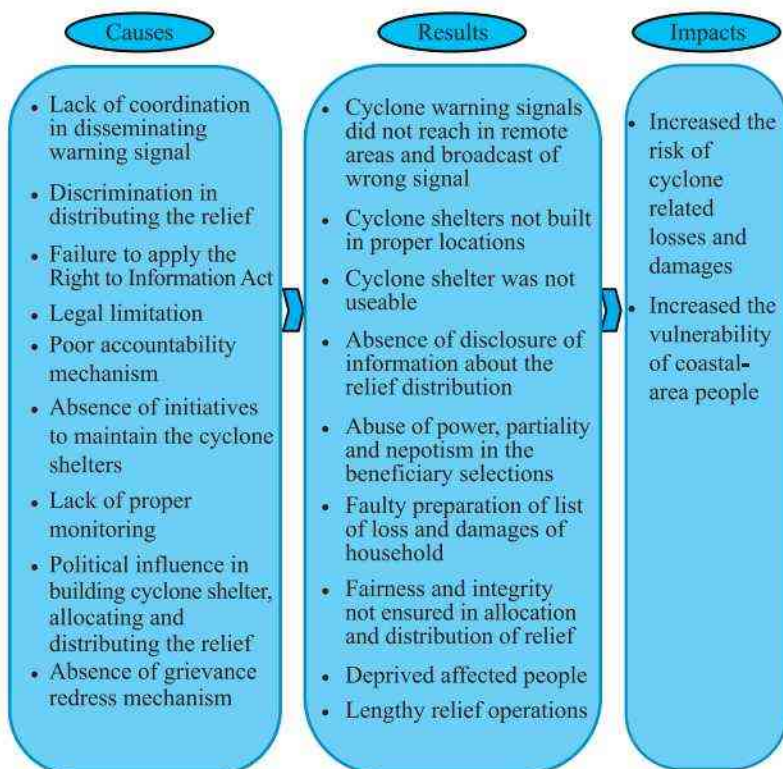
Table 2: Governance challenges in post-cyclone emergency responses by government

Initiatives	Initiatives	Accountability	Participation	Integrity
<ul style="list-style-type: none"> • Need assessment of relief • Beneficiary selection • Relief allocation and distribution 	<ul style="list-style-type: none"> • Not disclosed the information regarding beneficiary selection process and requirement of relief • Not disclosed the information about the relief allocation and distribution 	<ul style="list-style-type: none"> • Lack of coordination between government and non-government organizations in selecting the beneficiaries and distributing the relief • Absence of public grievance redress mechanism to complain about relief allocation and distribution 	<ul style="list-style-type: none"> • No participation of cyclone affected people in beneficiary selection process • Absence of public participation in assessing the loss and damage 	<ul style="list-style-type: none"> • Losses and damages determined by the local government representatives arbitrarily • Irregularities and corruption in preparing the list of affected people • Corruption in the relief distribution process • Giving more importance to political supporter rather affected people in distributing the relief

6. Causes, Results and Impacts of Weak Governance

After analyzing the findings, this research identified causes, results, and impacts of weak governance. These are given in figure 3 below.

Figure 3: Cause, results, and impacts of weak governance



7. Conclusion and Recommendations

Weak governance was observed during both pre- and post-Cyclone Roanu periods despite some positive initiatives by the government. Losses and damages due to cyclones could be reduced if the government takes proper initiatives such as timely warning signals and disclosure of the relief allocation, active participation of

community in preparing the list of affected people, fair allocation and distribution of the relief, and proper construction and maintenance of cyclone shelters. In order to mitigate the effects of disasters like cyclones, this study has the following recommendations:

Cyclone preparedness or pre-cyclone responses

- 1 Ahead of any cyclone, risks of losses and damages should be assessed properly and steps should be taken for proper dissemination of risks to the community.
- 2 The best use of community radio and mobile phones along with the existing cyclone warning system should be ensured for proper dissemination of warning signals especially in remote and vulnerable areas.
- 3 Coordination between Disaster Management Department and Meteorological Department should be increased for proper dissemination of warning signals. Besides, effectiveness of electronic media should be ensured for broadcasting the proper warning signal.
- 5 Effective measures should be adopted to evacuate and rescue vulnerable people to safe places through coordination among local government representative, government and NGO and volunteer organisations.
- 6 For regular maintenance of existing cyclone shelters, the Ministry of Disaster Management and Relief should approve adequate budget and human resources for the concerned schools.
- 7 Cyclone shelters should be constructed at appropriate cyclone-prone locations and cyclone shelter maintenance and management committee should be formed with the participation of vulnerable local community.
- 8 Necessary dry foods and clean water supply should be ensured for the people who stay at the cyclone shelter.

Post-cyclone responses

- 9 Ahead of the cyclone, the damaged embankments, open polders, and other vulnerable structures should be identified by the concerned authorities, and proper initiatives should be adopted for their maintenance involving the local community.
- 10 Public hearing on beneficiary selection and relief distribution process at upazila and union level should be arranged.
- 11 Post-cyclone losses and damages should be determined through arranging a special wardshava (meeting) with the effective participation of affected people in this process.
- 12 DMD should take initiative to ensure the proper coordination between all government and non-government stakeholders to allocate and distribute the relief.
- 13 DMD should take initiative to ensure effective and citizen-friendly grievance redress mechanism for lodging complaints of affected people in beneficiary selection and relief distribution process at district, upazila, and union levels.
- 14 Appropriate legal action should be taken against corrupt individuals and organizations who are involved in corrupt practices during construction of cyclone shelter, relief allocation, and distribution; and at the same time, positive incentives for remarkable contribution of employees should be provided.
- 15 Monitoring of concerned ministry and departments should be increased for proper implementation of directions according to the Standing Orders on Disaster 2010 for reducing cyclone related risks.

Problems Related to Refuge Provided in Bangladesh to Forcibly Displaced Myanmar Nationals (Rohingya) An Assessment of Governance Challenges*

Gulam Mohiuddin, Zafar Shadeq Chowdhury, Md Razu Ahmed Masum, Md. Jashim Uddin

1. Background and Rationale

The Rohingya issue is a historical one that can be traced back to the colonial period (The Wall Street Journal, 2016). Since the recent influx starting on 25 August 2017, more than 5,09,000 new arrivals were reported as of 3 October 2017 (Inter-Sector Coordination Group, October 2017). They are residing in two registered camps, three makeshift camps and in seven spontaneous locations in Ukhia, Teknaf and Bandarban, along with the existing Rohingyas in Bangladesh who came since 1991 (ISCG, October 2017).

The United Nations has called the Rohingyas the world's most persecuted minority group and described the atrocities by Myanmar's authorities as "ethnic cleansing" (The Conversation, September 2017). Amnesty International has described it as a "crime against humanity."

The Rohingya influx in a noticeable volume started in 1978 when 200,000 of them came to Bangladesh. Of them, 180,000 returned

* Summary of the study released on 1 November 2017 at a press conference at TIB Dhaka office.

through bilateral diplomatic negotiation and repatriation, 10,000 died, and 10,000 were reported missing (Human Rights Watch, 2000).

The second stream of arrivals started in 1991 when a total of 2,50,000 Rohingyas came into Bangladesh. The influx continued over the years with more Rohingyas entering in 2012, 2014 and 2016. However, the latest influx since August 2017 is unprecedented in volume and suddenness.

About 80 percent of those fleeing Myanmar are women and children, and with babies being born along the way (The Guardian, September 2017). Management of this sudden, huge influx has become a logistical nightmare for the local administration and organisations. The collective efforts and initiatives by the government, international organizations, non-governmental organizations, as well as many individual and community-based organisations are helping the process of initial response to emergency need.

Despite the collective efforts to manage the overall situation, there might be governance challenges considering the suddenness and volume of this recent influx. Also, the chances of abuse, exploitation, violence, irregularities, and corruption normally increase in such an emergency situation. Besides, when so many stakeholders are working together from different kind of entities, coordination can be a struggle.

In this backdrop, Transparency International Bangladesh (TIB) has undertaken this study to explore the governance challenges in the situation and its overall management. Recommendations for different stakeholders are drawn to address the identified challenges.

2. Aim and Objective

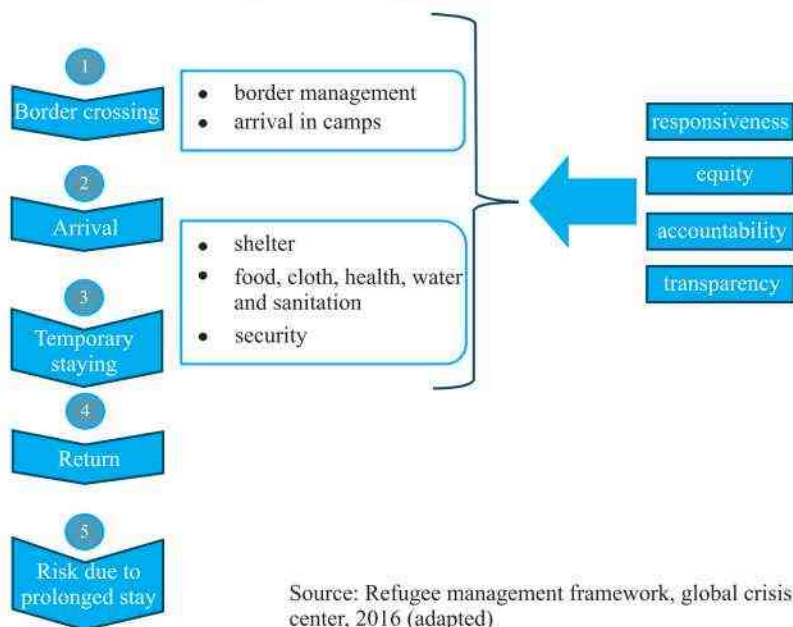
The aim of this study was to make a rapid assessment of the relief response and shelter management for the Forcedly Displaced Myanmar Nationals (Rohingyas). The specific objectives were:

- a brief review of related stakeholders and the coordination mechanism among them;
- a brief review of the provisions and arrangement including the relief management for the Rohingyas;
- identifying governance challenges and generating recommendations.

3. Research Method and Sources of Data

This is a qualitative study, and data were collected on the selected issue till data saturation was reached. Data were collected and

Figure-1: Analytical framework



Source: Refugee management framework, global crisis center, 2016 (adapted)

analyzed in the light of the selected governance indicators of transparency, accountability, equity, and responsiveness. The field collection was done by a four-member core team from TIB staff that stayed at the field level for fourteen days. Two local youths were recruited to provide support for the language barrier in interviewing Rohingyas. A detailed checklist was developed, and thorough training was provided on the objective of the research, data collection methods, and tools.

Key Informant's Interview (KII) and observation were the primary method of data collection along with related literature review. KIIs were conducted with all major stakeholders working there including government agencies, international aid agencies, non-government organisations, private sector organisations, and Rohingyas.

4. Scope of the Study

The issues covered by this assessment are placement of the refugees, arrangement of basic needs, documentation and registration, exposure to risk of crime and abuse, and relief management. The assessment focused on adequacy, method of distribution, coordination, and accountability measures instead of numbers.

5. Research Findings

5.1 Stakeholders: Role and Coordination

Valiant efforts are being made by all the relevant stakeholders after the recent Rohingya influx. A wide range of stakeholders from Government, UN Bodies, Aid agencies, INGOs, and NGOs along with the local inhabitants and volunteers are working and supporting the management of the overall situation.

Table-1: Sector-wise Stakeholders Engaged in Relief Response and Management

Sector	Lead agency	Non-UN Operational Partners
Education	UNICEF SCI	
Food Security	WFP	
Health	IOM, WHO	
Nutrition	UNICEF	<ul style="list-style-type: none"> • 39 International Agencies • 16 National Nongovernment Organisations
Safety, Dignity and Respect for Individual Rights	UNHCR	
Child Centred Care	UNICEF	
Gender Based Violation	UNFPA	
Refugee Response	UNHCR	
Shelter/NFI	IOM	
Site Management	IOM	
WASH	UNICEF ACF	

5.2 Strong Points of Overall Management

Sincere efforts have been made by all related stakeholders; the District Commissioner (Cox's Bazar) and his team especially have played a significant role in overall coordination. Government organizations are deploying additional human resources as required. Field visits have been conducted from the Prime Minister's Office, related ministries, and departments to oversee the ongoing activities. The Inter-Sector Coordination Group (ISCG) and partner organizations are putting in valiant efforts and taking different initiatives as required.

Given the emergency situation and evolving nature of the scenario almost on a daily basis, coordination among the stakeholders (government organisations, international agencies, NGOs, and others) is satisfactory. Rohingyas staying scattered all over are being brought together in camp areas—this is important for bringing discipline in relief distribution and providing security to the Rohingyas. All stakeholders are responsive towards the Rohingyas.

Information regarding foreign aid (government to government) and relief provided by the NGOs are disclosed by the District Administration. ISCG is providing situation reports periodically about the overall activities and progress in different sectors. Local inhabitants and people from all over Bangladesh have come forward with aid and other support to address this sudden and massive challenge. UNICEF and partner organizations are building some child centres. Though the number is inadequate in terms of need, the quality of the infrastructure built so far is good.

5.3 Crossing the Border and Reaching the Camps

Rohingyas are crossing the border at several points that include both land and waterways. Major border points for incoming Rohingya in Teknaf are Shah Porir Dwip, Shamlapur, Hnila, Whykhong Kanjar Para, Leda, and Unchiprang. In case of Ukhia, the major points are Anjumanpara and Jamtoli. Rohingyas are also using the land border of Tombru at Ghumdhum Union and Naikkhongchari.

The people crossing the land border have been using local transport to reach the nearby camps. The transportation system and duration of journey depends on the border point they have crossed and which camp they want to go. Those coming through the waterway by crossing the Naf River follow a different process to enter Bangladesh and reach the camps. At first they cross the river by boat and then they come to the land border of Bangladesh. They are then directed by the Border Guard Bangladesh (BGB) and local inhabitants towards the camps using local transports. However, there is no formal process of receiving them at border or any initial listing or security check.

5.4 Finding the Place for Shelter and Building the Shelter

Most of the Rohingya settlements are built in the hilly land where bamboos are used for framing the shelter structures which are then covered by polythene papers. Hills were dug to make the place suitable for building a shelter. The shelters are typically built on a land size of twelve feet by eighteen feet. There is no formal process of allotting the place for staying or taking shelter. Newcomer Rohingyas find a place besides the existing shelters or they build their shelters by digging and levelling a new spot on a hill. The Palli Bidyut (the Rural Electrification Board) has started working to provide electricity supply and they are going to complete the distribution line to ten distribution spots where the Refugee Relief and Repatriation Commissioner (RRRC) is coordinating the process. Interestingly, many Rohingya families have come with a solar panel and arranged lights at their shelters themselves.

Figure-2: Relief Distribution Structure

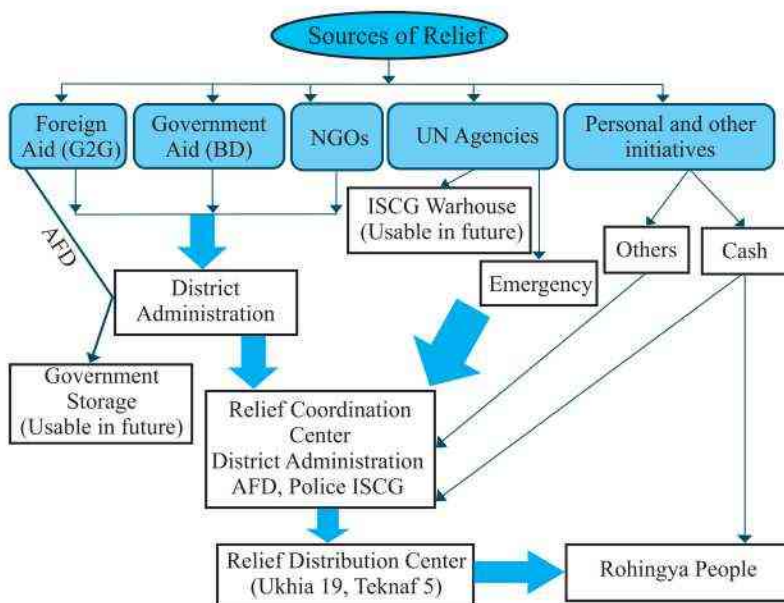


Table-2: Services Provided and Current Demand

Sector	Type of Service	Service Period	Current total demand
Food Security	Emergency food (till 15 October 2017)	5,36,000	5,36,000
Nutrition	Pregnant women (till 15 October 2017)	12,662	55,000
	Under Five children (till 15 October 2017)	49,306	1,50,000
Water and Sanitation	Tube well (till 29 October 2017)	4,370	25,000
	Temporary sanitary latrine (till 29 October 2017)	24,773	38,000
	Total population covered by water and sanitation service (till 29 October 2017)	5,30,000	11,66,000
Health	Rubella vaccine for children aged between 9 months to 15 years (till 15 October 2017)	1,35,519	—*
	Polio vaccine and vitamin A capsule for children aged between 0 to 5 years (till 15 October 2017)	72,334	1,50,000
	Sexual and reproductive health service (till 15 October 2017)	76,931	—*
	Mental and psychological support (till 15 October 2017)	84,643	—*

* Not yet determined.

5.5 Relief Management: Food, Clothing, Health, Water, and Sanitation

In the earlier days of the influx, there was hardly any management of the relief, understandably. Then, the ISCG started working along with the government counterpart and the situation improved. Since the Armed Forces Division (AFD) was deployed, discipline was established, and the overall process is now structured. Several stakeholders are

involved in the overall relief management process on the basis of different sources of relief materials.

The sources of relief are foreign aid (government to government), national aid (Bangladesh government), NGOs, ISCG (mostly UN agencies), personal initiatives, and others (different informal/formal organizations apart from NGOs). Foreign aid is mostly stored in the government storage except for the perishable and emergency items. District administration receives the aid, and the Armed Forces Division (AFD) helps in transporting and arranging the security of the process. Aid from the Bangladesh Government and NGOs are also locally received by the District administration, which in turn forwards them to the relief coordination centre established in Ukhia. The relief coordination centre is maintained by the AFD and consists of representatives from the District and Upazila Administration, ISCG and Police Force. This coordination centre determines where the relief will go for distribution. There are twenty-four distribution points in the overall area of Rohingya settlements, and among them, nineteen are located in Ukhia and five in Teknaf.

The relief provided by UN agencies is also being stored in different warehouses located in field areas for future use, other than those that are perishable and emergency items. The substantial relief being provided through personal initiatives and different informal and formal organizations (not NGOs) is all being coordinated and distributed by the Relief Coordination Centre, apart from scattered cash donations that are personally distributed.

The World Food Program (WFP) is leading the provision of food activities together with other partner organizations like ACF, SHED, the Red Cross, PULSE Bangladesh, etc. In the beginning, cooked food was given whereas nowadays the food items are normally provided in the form of relief. According to the latest ISCG report, everyone is now being provided with food. Food

security, livelihood, and risk assessment is planned on a quarterly basis in the upcoming months.

The Rohingya people prefer to wear their cultural dress; thus, a lot of clothing provided was wasted (particularly used clothing) in the early days. A total of twenty-one organizations are working in the water and sanitation sector in coordination with the Department of Public Health Engineering (DPHE). UNICEF and ACF are leading the overall operation on water and sanitation and have begun to assess the need for water and sanitation. The World Health Organization (WHO) and International Organization for Migration (IOM) are leading the health sector in coordination with the Civil Surgeon of Cox's Bazar.

Arrangement for people with special needs

No significant arrangement has been initiated yet for Rohingyas with disabilities. However, though there is no structured initiative, the Bangladesh government has planned to shift disabled Rohingya children to a separate camp location. Besides, the Ministry of Social Welfare has identified 18,449 orphans as of 20 October 2017 and listed specific categorized children who have lost both their parents or father only, orphans (having no guardian), lost children, and physically challenged children. Also, the UNICEF and its partner organizations have established some child centres, where each centre can accommodate twenty-five children on an average.

5.6 Safety and Security

Cox's Bazaar police have taken an initiative to raise local awareness to control any chance of human trafficking in the community with the community leaders, including elected public representatives, imam (religious leaders) and local elites. In addition, the police have made arrangements for security measures within the camp areas, especially in the makeshift camps. There are eleven checkpoints all over the Cox's Bazaar District to control the Rohingya movement around the national boundaries. Four, three,

and three, checkpoints are established at Ramu, Ukhiya, Teknaf respectively, and one at Cox's Bazaar. Cox's Bazaar district police arrested about 24,880 Rohingyas as of 03 October 2017 who tried to travel to other parts of Bangladesh from Cox's Bazaar. About 690 Rohingyas were found in different districts of the country. Along with 1,600 regular Police Force at Chittagong, 667 additional policemen are deployed in Cox's Bazaar from the Chittagong range to help in this overwhelming crisis.

5.7 Registration and Documentation Process

Several Key Informants mentioned that ideally the registration was supposed to be done as soon as they arrived in Bangladesh. But there is no arrangement for the registration of the Rohingya asylum seekers at the border points. However, biometric registration has started recently coordinated by the Passport Office. There are seven registration camps for the biometric registration of Rohingyas in Ukhiya and Teknaf. UNHCR, IOM and other partners are working on mobilizing the Rohingyas for this purpose. In total, 3,13,000 Rohingyas were registered by 28 October 2017.

6. Challenges

6.1 Border Crossing, Currency Exchange, Finding a Place to Build Shelter

No formal and definite arrangement exists at the border points. No provision of emergency support is available there for those injured by the Myanmar Army. No security check was done during the influx to avoid trafficking of illegal drugs and firearms.

The Rohingyas were exploited and subject to extortion at different steps of their journey, starting at the border crossing up to one of the camps and finding a place to build a shelter. For example, some who crossed the border by boat had to pay an equivalent amount of BDT 5,000 to 15,000 in Burmese Kiyat or gold jewellery or both, whereas the actual boat fare is supposed to be equivalent to BDT

200 to 250 according to local people. Taking advantage of the absence of any formal money exchange system, dalals (brokers) are exploiting the Rohingyas unscrupulously during the money exchange. Where the standard rate is BDT 6000 for 100,000 Burmese Kiyat, the Rohingyas are getting BDT 2000 to 4500 only. Since they do not understand the value of Bangladeshi currency, they often had to provide a higher fare for local transport. Though the place where they are staying and building their temporary houses belongs to the Forest Department, a local syndicate is taking BDT 2,000 to 5,000 from each family. This syndicate consists of local UP members, local political leaders, and some of the Rohingya Majhi (leader) as several stakeholders mentioned.

The tents received from foreign aid are mostly suitable for cold weather; hence, given the current weather conditions, they are not immediately usable. The Rohingyas preferred to stay in their self-made shelter houses made of bamboo and plastic. These shelters are not disaster resistant. Moreover, they are located very close to each other which is a potential fire hazard; many of the shelters are built by levelling hills, which has exposed them to the potential risk of landslide.

6.2 Relief Management and Basic Support (Food, Clothing, Health, Water, and Sanitation)

Since there is no complete list of Rohingyas yet, it was not possible to ensure equity in relief distribution and other support. In some cases, complaints were made about irregularities and corruption conducted by the Rohingya Majhis such as selling the relief tokens, embezzlement of relief material, taking bribes from Rohingyas to provide the relief tokens, etc.

The absence of inadequate clothing for the winter and rainy season is a potential health risk, especially for pregnant women and children. There is a huge deficiency in the arrangement of water and sanitation. Moreover, the infrastructures that were built in this

regard (tube-well and latrine) lack proper maintenance and monitoring. Thirty percent of the tube-wells built need immediate replacement or maintenance and 36 percent of temporarily built toilets will be filled and soon be unusable.

Health service is also inadequate in terms of demand, and the possible risk of waterborne-diseases and contagious diseases are high. Moreover, HIV affected Rohingyas have been identified which might turn into a national health hazard.

Though a situation report is periodically published by the ISCG, but detailed information by organisations of their ongoing activities in different sectors (except WASH) is not open yet. The District Authority uses substantial time in providing protocol to visiting guests and VIPs (both national and international) which is an obstacle for them to monitor the overall relief management.

6.3 Security, Registration, and Grievance Redress Mechanism

The security arrangement is not adequate at the moment because the link roads to the camps are not completed yet. The police struggle in patrolling the camp areas, particularly during the nights.

A grievance redress mechanism has not been established. Also, the legal procedure to mitigate the criminal offenses within the Rohingya community (except homicide) is not yet decided. There is a lack of human resources and registration centres for the biometric registration of Rohingyas which is slowing down the overall progress. The Rohingyas have a mixed perception about this registration. In some cases, it was found that they have a negative and wrong perception, and there are allegations that they are being discouraged by some of the NGOs working there. Some Rohingya people, especially Majhis, are using mobile phones and Robi sim-cards which is illegal.

6.4 Environmental Impact and Degradation

While building the shelters, hills and local forestry were cut down; this is affecting the local environment and biodiversity. For

instance, some shelters are located in the elephant trail and few times they were attacked by elephants. The fire wood for daily cooking of food is collected from natural sources which is a huge burden to the local forestry. There is no program of Department of Environment to address this environmental degradation yet.

7. Immediate and Long Term Impacts

7.1 Relief and Basic Support (Food, Clothing, Water, and Sanitation)

In the long term, it is uncertain how Bangladesh would provide adequate basic support to the Rohingyas without a continuous and adequate flow of relief and other support from the international community. There is a risk of mismanagement of the whole situation unless biometric registration is completed urgently and the list thus generated is used to ensure equity in providing relief and other support.

7.2 Security

If the security arrangement is insufficient, there is a potential risk of increasing crime and violence, especially against women and children. Different interest groups might utilize this messy condition to use the Rohingyas for crimes such as murder, robbery, drug peddling, etc.

The Rohingya crisis could be a potential hazard for the entire Chittagong Hill Tracts (CHT) area with religious and ethnic minorities becoming victims of terrorism. If law enforcement agencies cannot stop the Rohingyas from spreading all over the country, their failure will create a long-term multidimensional risk in terms of social, economic, and national security.

There is an organisational power structure emerging within the Rohingya community which might result in a complex long-term problem unless timely and properly dealt with. During the influx,

the border points were relaxed, and the risk of drug and human trafficking has increased noticeably.

7.3 Environment

The massive cutting down of hills, destruction of forests, and inadequate sanitation system have created a long-term risk for the environment and biodiversity of the area.

7.4 Impact on Local Inhabitants/Community

Since the influx, local communities of Ukhia and Teknaf are impacted due to the increased price of goods, reduced employment opportunity, increased transportation cost, stagnation of basic services (such as education, health), reduced quality of services and accessibility. Besides, local inhabitants in Ukhia and Teknaf now number less than half of the Rohingya people staying there (local inhabitants are 4,75,000 whereas the number of Rohingyas is about 10,00,000). In the long term, this situation might adversely affect the overall quality of life and development.

7.5 Impact on National Development

This Rohingya crisis is a sudden and additional pressure on both the government and development organisations which has created an additional risk for the development and rehabilitation programs of other people in the country, particularly the people in the haor area and the northern part affected by the recent flood. The national cost of the Rohingya crisis is going to impact the national economy and development, as well as the tourism of the Cox's Bazar area.

8. Recommendations

For the Government of Bangladesh

1. The Government should invest its best diplomatic efforts involving all related stakeholders to mount pressure on the Myanmar government so that this Rohingya crisis is not

prolonged, and the return of the Rohingyas is ensured within the shortest possible time.

2. The national cost of addressing this Rohingya crisis should be properly estimated, and initiatives should be taken to ensure reimbursement of this cost. The relevant experts should be involved in this estimation process, and the overall administrative, legal, and various service costs should be considered.

For International Agencies, States, and Donor Agencies

3. The Rohingya crisis is an international crisis. Though Bangladesh has provided them temporary shelter considering the humanitarian aspect, all related stakeholders and parties (especially, India, China, and all other countries who have diplomatic, business, investment, economic, and defence deals with Myanmar, and other international agencies and UN agencies) should come forward to mitigate this crisis. Besides providing the relief, collective diplomatic pressure should be put on Myanmar so that they take their citizens back immediately.

For related government and non-government organizations in Rohingya management

4. The biometric registration should be given priority and completed urgently by deploying adequate human resources. If needed, necessary incentives should be provided—registration must be required to receive relief.
5. A complete need and risk assessment by the related stakeholders and experts should be conducted, and equity and adequacy should be ensured in providing the relief and other support.
6. The syndicate that is exploiting the Rohingya people at different steps like the border crossing, currency exchange, and finding a place for building a makeshift shelter should be identified through proper investigation, and legal steps against them should be taken immediately.

7. The overall monitoring process of the assigned organizations should be increased, and periodical monitoring reports should be prepared and published.
8. An integrated website including all relevant information regarding management of the Rohingya should be established and updated periodically.
9. An effective grievance redress mechanism should be established including all stakeholders.
10. The listing of persons with disabilities and orphans should be completed urgently, and necessary special measures should be taken.
11. Strategic planning should be done to protect the environment, forests, and biodiversity of the area, including all related stakeholders, and necessary interventions should be taken.
12. A primary listing at the border points should be arranged, and necessary measures should be taken to resist the trafficking of illegal drugs and other goods.
13. Necessary measures should be taken to avoid irregularities in relief token distribution.
14. The security arrangement should be strengthened in the camp areas, especially at night.
15. Special care like maternal and child health care should be ensured for pregnant mothers, infants, and children along with encouraging the Rohingyas to adopt family planning methods.
16. The needs of affected local inhabitants should be addressed and integrated into the overall response program.

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The current volume titled Governance Challenges of Bangladesh: the Way Forward is the eighth in the series of compilation of summaries of reports on selected sectors and/or institutions that TIB publishes every year. The earlier such volumes were all in Bangla. The current volume, consisting of reports published in 2017 is being published for the first time in English simultaneously with the Bangla version. The English version is expected to meet the growing demand for TIB research by various non-native stakeholders.

