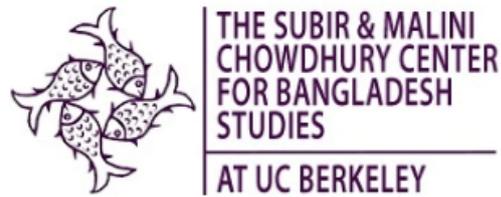




LSE-UC Berkeley Bangladesh Summit June 2018 Civil Society and the State



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LSE-UC Berkeley Bangladesh Summit

Working Paper 3: Civil Society and the State

June 2018

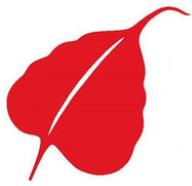
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Executive Summary

Bangladesh's engagement with civil society has evolved through recent years and is in decline more than ever. This claim is raised and critiqued as a concern among the speakers at this summit due to the structure of the Bangladeshi state. The party currently in power is criticised as silencing the voice of the public through regulation and legislation. The speakers see many challenges to human rights violations and why civil society is unable to function within the current legal and social framework. However, their speeches bring out the belief that this narrative of decline can be challenged and that civil society is able to make an impact in Bangladesh should that landscape change.



Recommendations

- Civil society in Bangladesh has two of the key factors it needs: People and sufficient funding available which civil society should be able to tap into. Due to the lack of serious organising and infrastructure this has been difficult which should be a main focus.
- Victim's voices might act as the catalyst that could reenergise those robust active structures of civil society that have existed before.
- The courts should entertain more petitions and the voice of the public.

Panellists

- Joe Devine, Professor of Social and Policy Sciences, University of Bath.
- Sara Hossain, Barrister practising in Supreme Court of Bangladesh, mainly in the areas of constitutional, public interest and family law.
- David Lewis, Professor of Social Policy and Development, LSE and a member of the Faculty Advisory Group, South Asia Centre, LSE.
- The panel was chaired by Dr. Mukulika Banerjee, Director of the South Asia Centre and Assistant Professor of Anthropology, LSE.



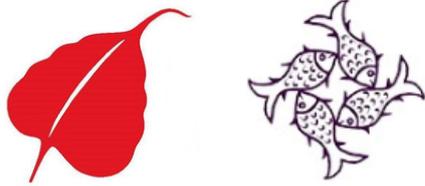
Introduction



Sara Hossain addressing the audience

Intellectual discussions on civil society actors is crucial for learning and recognising different social movements and human rights organisations, and other non-state actors in Bangladesh. The international arena has seen Bangladesh do rather well in the context of civil society involvement. It is important to understand why and how it has been successful.

It is important to acknowledge Bangladesh's historical evolution of these institutions, institutions that have changed immensely overtime. Joe Devine indicated that people are aware of Bangladesh's civil society before knowing the state. Although the work of civil society in Bangladesh has been praised internationally, the state itself does not give any credibility to its work and rather has had an opposing view towards it in recent years.



The speakers mention how civil society is doing a lot of good things and meeting citizen's needs, however it has had to severely compromise. For local politics, community-based organisations and other membership groups, such as *nagorik andolon* (citizens movements), the term 'NGO' is unfavourable. In fact they reject being a part of the civil society.

The Prime Minister has called upon the movement to act against drugs and terrorism, which appear as civil society actions, although she has actively resisted civil society itself in the past creating a hostile environment for civil society activities.

The speakers dive into specific examples on how civil society has transformed over the years to where it stands today, and the reasons for these kinds of changes.

Civil Society as the Enemy of the State

Joe Devine mentions two things that have happened in Bangladesh that have shaped its current engagement of the civil society: the 'NGOisation' of society; and the party politicisation of civil society. Certain civil society groups have had their offices raided by particular political parties.

The challenge of civil society in Bangladesh is to be politically neutral. This means that at some point if an organisation is trying to keep a neutral position, parties will create their own organisations to take over that space of civil society organisations. This usually is led by the party that is in power at the time. This correlates to the type of political order that is present and type of movement that is being undertaken.



Institutions shape society and set the rules of the behaviour in a society. Devine states that the institutional context in Bangladesh is characterised by partisanship, patronage, deference, hierarchy, and a winner takes all mentality.

The key point is that this culture is embedded in the institutional landscape, regardless of where the work takes place. It remains difficult for civil society to challenge and confront problems of governance as they are a part of the same matrix.

Currently the political set up limits movements of liberation, and upholds a political sentiment that is creating an erosion of meaningful political opposition in a one-party ruling government.

Bangladesh is also a neoliberal state. Devine questions the tolerance levels of citizens in exchange for the gains the state offers.

Recently, new regulations have monitored NGO programs and their funding. Speaking out against this would result in being blacklisted, pressure also witnessed on social media, a platform which is restricted and monitored. Pressure on NGOs has also resulted from the killings of bloggers. Therefore adopting uncontroversial positions is popular amongst NGOs.

The function of civil society is to mediate between the citizen and the state, which is a rare sight in Bangladesh. This can impact on how citizens are able to hold the government to account in any country. The empowerment of citizens through building their capacity and developing citizen subjectivity has also declined in Bangladesh. Many NGOs have turned to advocacy organisations as they get more security but are easily disregarded.



Compared to other South Asian countries, the lack of citizen power becomes disregarded despite the Right to Information Act 2010.

Civil society concerns lie in the lack of infrastructure to support challenging politics. In Bangladesh, civil society used to be vibrant and innovative and was able to respond positively to public movements and social justice campaigns.

However, this power has been lost and is not as innovative as it used to be.

The speakers still believe that civil society can make contributions once it recovers from the eradication of these factors. It is up to the scholars and academics to think more creatively about the possibilities of civil society and how to push for the solutions.

Bangladeshi Civil Society through History

While Bangladeshi citizens have held a positive image of civil society, thinking of it as the vanguard of society, it also critically views NGOs as neoliberal actors who are taking forward the success story of Bangladesh, but as the social endpoint of movements in their current form. David Lewis mentions that Bangladesh has been known for its vibrant NGO sector, thanks to the Grameen Bank and BRAC, among others, organisations that have helped mobilise rural people. However, in the sector today a monoculture can be observed, which is engaged more in service delivery. Additionally, organisations involved with mobilisation are no longer there.



Reasons for this include the leadership and management system, and the policies of international donors and their intrusiveness.

Recent research confirms that there has been a shift from diverse mobilization groups working together with local governments to a much smaller obligation on rights-based organisations which no longer exist. There are worrying implications to this as the relationships with the government have declined as well as their role as a watchdog that holds the state accountable.

The democratic value of civil society is to create a space for creative competition and to nurture local political leadership, which studies have found important as they are intertwined, therefore contributing to democratic improvements.

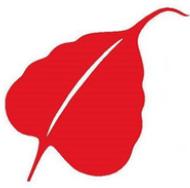
Instead, a range of NGO activities now underpin economic changes with an expansion of activities in the financial and market field but a shrinking in the rights and mobilization field.

The decline of a civil society presence has been replaced by more local interventions of the state which are shown to work effectively. The state is becoming more present locally, and it is noticeable that services are provided by the state. There is also a stronger presence of MPs, however it is unclear whether this is representative of the ruling political party or the state.

Bangladesh is a state that is retaining a large amount of public services and initiatives in public hands, such as with investments in public education and health. In addition, there is still no privatisation of the state.

Lewis asks if it matters that this diversity has disappeared. He states that being an NGO is seen as a degraded term, along with civil society itself. It is therefore interesting to think of civil society as both a system and an idea.

It is a system which is under enormous strain in Bangladesh, restricted under legislation and a reduction of political opposition and therefore a change to a narrower range of activities.



However, the idea of civil society has not gone away and will remain thanks to ideas about understanding its moral content, including providing rights and security. He thinks it is therefore time to think about the reconfiguration of civil society instead of its failure or leadership problems, which has undermined its role in the past.

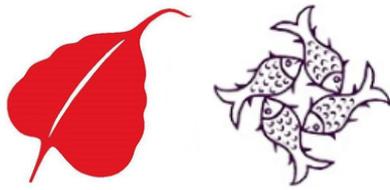
The Disappearance of Rights-Based Movements and the effect on Minorities

Sara Hossain focuses on rights-based organisations and to what extent they are successful in Bangladesh, as well as the reasons for why they cannot be. As has been mentioned, the reduction in the number of NGOs and right-based groups, and the voice of students and lawyers, is alarming. The context that we need for an active civil society with citizen's organisations working on issues of rights is not currently available. An institutional framework is needed to work securely in it.

Hossain points to Bangladesh's Constitution to think about the foundations of exclusions around which social movements have started, mainly around ethnicity or religious differences. Substantive shifts have been visible, for example with the idea of secularism being used as the Constitution's definition in the past to now a shift to a hybrid situation where both secularism and Islam are the state religions (where other religions are also able to freely practice their own).

In terms of equality, prohibition on discrimination and affirmative action provisions are in place, however, there has recently been a challenge to quotas, which was responded to by the removal of all quotas, ultimately no action was taken. The original Constitution has always been limited in terms of rights, for example in terms of speech.

Firstly, restrictions of speech about religion by law have been in place. Secondly, criticism of the constitution, hurting the image of the nation or of a person, particularly of the highest officials.



A new law on NGOs has been submitted stating that any kind of speech against the constitution or any constitutional body may result in the shutdown of the organisation.

The latest law being introduced is the “propaganda against the liberation and the father of the nation” which is punishable by law. However, no justification is provided as to who decides what is against the nation and what is not.

Changes around rights is possible. Around women’s rights, there is a lot of common space in terms of progressive legislation relating to labour rights, domestic violence, among others. However, LGBT rights are rejected by the government and are not accepted by the people in Bangladesh, with an exception of hijras. Progressive legislations that have passed are through grassroots activism, lobbied and campaigned for. For religious minorities and indigenous people the developments are still under work. Wins beyond legislation and court cases include the Narayanganj murder case and around the Digital Security Act.

An overwhelming part of the discussion revolves around the idea of Islam as the state religion which was challenged first in 1988 by academics. In 2011 before the case could be heard there were already men on the street demanding not only Islam to be in the constitution but Islam to be the constitution.

They were at the time an ally with the government so the petitions against it were declined by the government. There has been little effort to take up this case and to resolve the issues around it since.

Discussions are carried out around the incivility of the state. The state is behaving in uncivil ways but in a selective way. All the speakers touched upon the capacity of religion as a key reason of incivility and illiberal tendency.

Religious funding is more available than other funding in South Asia. The funds for the Rohingya crisis creates a new space for those types of funding. However, civil society is not organised and geared to tap into the funding that is available.



A lot of religious funding, anti-terror financing and funding from Saudi Arabia is coming into the country but it is unsure to what extent it is being monitored.

The Rohingya crisis is also the event that is shaping the understandings of Bangladesh at the moment, taking away from the needs of the national human rights issues as well as the political turmoil. For example, the removal of the chief justice recently, affecting the judicial system, did not receive any coverage. Therefore, the Rohingya crisis is being deployed in a strategic and intelligent way to steer away from what is happening internally.

Another such topic is around LGBT rights. In 2015 the Rainbow Rally took place to raise awareness about LGBT rights which led to killings and statements saying "homosexuality is against our culture". LGBT rights are left completely out of the rhetoric and are left excluded and unprotected, with the exception of Hijras who are recognised and given minority rights. Devine mentions that the number of special places and cases in Bangladesh are rising which is worrying because of the responses

Issues where there is total impunity are challenging to address, such as of killings, acts of communal violence, and disappearances, where no justice is offered. No change takes place despite what civil society says and does, because victims cannot come forward in this extremely hostile environment. The crisis for civil society seems to be that the capacity of mobilization is needed most now yet it is not possible to undertake it. Fragility of the state should be supported during this time and the efforts to preserve and maintain civil society should be at the forefront.

Hossain does not think that silence can be broken where the state is directly carrying out crime whether is it through security forces or the political student organisations. As citizens this cannot be achieved as the power lies in the hands of the state. There is no civil discourse within civil society, where there is difference there is constant smearing of reputations and playing of the blame-game, which rises big challenges for the future. However, she believes that in terms of victims voices this could make an impact and compel a change in the issues that are faced by the citizens' groups.

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