

PN-ACP-488

The Democracy Partnership

Innovations in Local Government Reform

Published

April, 2002

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The Asia Foundation, Bangladesh

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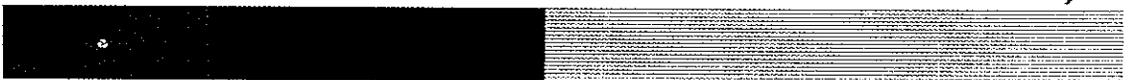
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This publication was made possible with support provided by the U.S. Agency for International Development under the Democracy Partnership, Cooperative Agreement # 388-A-00-95-00040-00. The opinions expressed herein are those of the authors and do not necessarily reflect the views of USAID.

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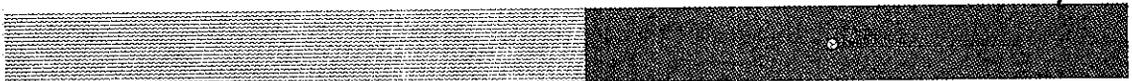


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INTRODUCTION

The Democracy Partnership was a seven-year program (1995-2002) of The Asia Foundation, with support from the U.S. Agency for International Development (USAID), that aimed to improve local governance and dispute resolution processes in rural Bangladesh. Specifically, the program was designed to increase interaction between non-government organizations (NGOs), community associations, and locally elected bodies, and improve the quality of informal judicial systems, by transforming village shalish (arbitration councils) and/or offering alternative dispute resolution mechanisms.

The Democracy Partnership was the first major effort in Bangladesh to improve local governance in rural communities, and implementing NGOs worked hard to design a number of highly innovative programs to achieve that objective. For years, grassroots and national NGOs with strong roots in villages and local communities concentrated on providing basic services – services felt to be inadequately offered by the government. Except during natural disasters, NGOs and other community based organizations rarely worked with government to improve the quality of public services or, more broadly, the quality of local governance.

A major emphasis of the program was to broaden participation of socially and economically disadvantaged Bangladeshis in local democratic institutions and processes. By working directly with existing local and indigenous organizations, the Democracy Partnership was able to reach some of the poorest and most marginalized citizens.

Another feature of the Democracy Partnership was its use of a supply-demand model, whereby NGOs worked, either simultaneously or in a complementary fashion, to strengthen local governance institutions and processes, and to build citizen awareness and voice, mobilizing their participation and enhancing their ability to make effective demands. Though the Partnership focused its resources primarily at the local level, it also supported efforts to improve national policy, legislation, jurisprudence, and wide-scale electoral processes that would directly impact local empowerment.

THE PARTNERSHIP

Through a competitive tendering process, The Asia Foundation was selected to serve in a unique relationship with USAID, following their re-engineering experiment, involving USAID as both a managing and an implementing partner. This arrangement offered USAID field staff more direct hands-on experience working with local implementing organizations and the challenge of “managing for results.”¹ The Foundation’s extensive network of local partners and its solid reputation in managing diverse portfolios of grants offered USAID a strong platform for its experiment in direct program management. Certain operating principles were necessary to set parameters on roles and responsibilities and to guide the partnership between the Foundation and USAID in this unique experiment. The Foundation also engaged BRAC in the early years to balance USAID’s role in decision-making. These principles guided relations among all the actors in the Democracy Partnership.

The Democracy Partnership emphasized collaboration, empowerment, and managing for results, characterized by cooperation, consensus, and complementary program activities. The Partnership was originally envisaged by USAID for the purpose of sharing ideas, risks, and accountability while working toward a common goal.

Program Design

This program represented a significant expansion of earlier pilot efforts of the Foundation in Community Legal Services, as well as a strategic shift from Foundation support of national institutions under the Institutional Strengthening of Civic Participation Program,² to NGOs and grassroots institutions.

The Democracy Partnership was designed to encourage various types of NGOs to work directly with local elected bodies and community associations to improve governance, making it more responsive and accountable, and to improve access to justice. Program design was shaped by a USAID “customer

¹ USAID RFA # 388-95-A-001.

² This program (1990-1995) included support to Parliament, the Election Commission, the Supreme Court, the Judicial Training Institute, the Press Institute, the National Institute of Local Government, universities, think tanks, and NGOs in order to strengthen national level governance institutions.

appraisal”³ which indicated that poor people throughout Bangladesh view local institutions, both formal and informal, as the sources of public services most relevant to their lives.

Based on this original customer appraisal, and in accordance with agency-wide efforts to “manage for results,” USAID established its initial Results Framework with two overarching strategic objectives:

- To enhance participation in local decision making; and
- To make justice more accessible and equitable, especially for women.

To establish targets and monitor progress towards achieving these objectives, USAID identified five program outputs, or intermediate results, that would guide program activity from NGO proposal development, selection, program implementation and impact monitoring.⁴ The areas of activity included:

- 1 Promoting Citizen Advocacy
2. Ensuring Free and Fair Elections
3. Improving the Performance and Accountability of Local Elected Bodies
4. Increasing Awareness of Legal Rights
5. Promoting Alternative Dispute Resolution through Village Mediation Boards

Of these five program areas, advocacy and awareness programs were originally intended to stimulate the demand side of the equation, while LEB competence and dispute resolution programs would address deficiencies of supply. Improvement in local elections would require progress in both dimensions. Some initiatives worked to address both the supply and demand challenges in each of these areas.

The program was launched with an orientation meeting with over 150 potential NGO and other civil society organizations, followed by two additional solicitation rounds at six month intervals, involving an additional 150 NGOs. The best proposals from the two rounds of first year solicitations were selected, and grants issued. As none of these organizations had ever been involved in local governance programming before, selection criteria focused on

³ See Appendix A for more detailed results of the survey.

⁴ The Initial Results Framework and associated indicators were designed with support and facilitation by Management Systems International (MSI).

organizational capacity, rapport of the organizations with local governing bodies, and potential for transferring previously tested capacities to this new programming field. The selection process also ensured a full complement of approaches to address the five intermediate results and to maximize the lessons in these areas. During the program period of the DP a total of 127 separate grants were issued to 29 local organizations.⁵ As this was the first major local governance program ever in Bangladesh, much emphasis was given to discovery, experimentation, and learning.

Results Framework

In 1998, the results framework was streamlined and a more rigorous performance monitoring system adopted to ensure that as the program expanded, the impact of the best practices and successes of the program being applied beyond selected communities through a nation-wide expansion could be more effectively measured. Again, MSI was employed to facilitate the process. Consequently, the two strategic objectives were reduced to one: "improved representation of interests of disadvantaged people in selected locations." Disadvantaged people were defined as the poor and women, particularly in specific rural locations. To guide and monitor progress toward the achievement of this strategic objective the five intermediate results were streamlined into three:

- greater responsiveness of local elected bodies and government institutions, through community-led advocacy and improved performance and accountability of elected officials;
- enhanced quality of elections, through greater public awareness of candidate campaign platforms and the assurance of a free and fair electoral process;
- improved access to justice, by enhancing community knowledge of legal rights and strengthening the mechanisms for seeking effective recourse to injustices, such as alternative dispute resolution councils, public interest litigation, and representation in formal court proceedings.

⁵ See Appendices B and C for lists of local implementing partners.

Local implementing partners continued to program along the same five activity packages, but reported results against indicators defined in the new Results Framework:

Strategic Objective: ⁶	3.0	Improved representation of interests of disadvantaged people in selected locations
SO Indicators:	3.1	Customer confidence in local elected bodies' (LEB) responsiveness
	3.2	Customer confidence in local electoral processes
	3.3	Customer confidence in local justice processes
	3.4	Percent of marriages registered
	3.5	Number of members of DP-supported associations elected to LEBs
Intermediate Result	3.1	Responsiveness of local elected bodies and government institutions increased
	3.1.1	Percent of local elected bodies using "best practices"
	3.1.2	Number of collective action initiatives by DP-supported NGOs aimed at local elected bodies or government institutions
Intermediate Result	3.2	Quality of elections enhanced
	3.2.1	Percent of eligible voters having knowledge of LEB candidates' characteristics
	3.2.2	Percent of customers aware of roles and responsibilities of LEB members
Intermediate Result	3.3	Access to justice improved
	3.3.1	Number of clients served in dispute resolution cases
	3.3.2	Percent of customers aware of legal rights
	3.3.3	Percent of dispute resolutions involving women that result in decisions satisfactory to the woman

⁶ Three strategic objectives guided USAID's overall democracy program. The Democracy Partnership addressed Strategic Objective 3.

Budget Cuts

Despite these efforts to take the program to scale in 1998, USAID democracy program funds were reduced and redirected to other countries with more urgent needs. USAID staffing and commitment to direct implementation and a working partnership was reduced, and the Foundation began to work to ensure that maximum results and lessons could be achieved with vastly reduced resources. Due to the overwhelming determination and commitment of its local implementing partners, the Foundation was able to ensure that USAID's demand for results continued to be satisfied. Furthermore, the Foundation made every effort to ensure that the more qualitative lessons, best practices, and achievements of its implementing partners were captured in and through published documents as a record and baseline of the first civil society efforts to improve local governance and access to justice in Bangladesh.

The Role of Local Implementing Organizations

Because of the efforts of the 29 local implementing partners under the Democracy Partnership, a precedent has been set for successful civil society and government cooperation for the sake of improved local governance. These organizations have established the momentum for widespread donor commitment and coordination in the area of local governance and decentralization. They also represent new civil society voice to continue supporting citizen demand for greater accountability of and representation by locally elected bodies.

Under the Democracy Partnership, these organizations had major success in several areas:

- Filling the local governance training gap by providing training in management, leadership, and advocacy to members of LEBs and encouraging LEBs to tap the technical resources and capacities of local NGOs in planning and implementing their community development activities;⁷
- Gathering newly elected women representatives in new regional networks that helped them identify and resolve problems they face in representing their constituents effectively;
- Establishing mechanisms for direct citizen access to local government officials and expanding stakeholder dialogue on community

⁷ See Appendix D for the list of best practices of LEBs in intervention areas.

development issues by convening open forums and meetings between NGOs, association members, members of local elected bodies, and local government administrators;

- Promoting coalitions and networks among NGOs and their community-based organizations for “collective issue-based action.” For example, two arenas of emphasis have been environmental management and access to government-owned land and water bodies.⁸
- Promoting issue-specific community awareness and social mobilization;
- Establishing mechanisms for direct citizen access to justice;
- Modifying local government village courts and local shalish so that they are now delivering results that were judged satisfactory by 68% of poor women — i.e., the rulings represent the best interests of the women clients who bring cases for local resolution;
- Extending public interest litigation and social action litigation to protect and expand citizens’ fundamental rights and to secure redress when they are violated; and
- Advancing a number of landmark cases which were decided in favor of the poor and poor women.

⁸ See Appendix E for the type and number of collective action advocacy initiatives engaged in by local implementing partner NGOs.

LOCAL ELECTED BODIES AND COMMUNITY ADVOCACY

The Program Context

Structure

For government administrative purposes, Bangladesh is divided into six divisions, 64 districts, 448 upazilas (also known as thanas), and 4,276 unions. A union ordinarily consists of ten to twelve villages and incorporates around 20,000 to 25,000 citizens. In each union, a council, called a union parishad (UP), is elected to serve local public needs. In the current structure, which has been in effect since 1997, the UP consists of a Chairman and 12 members.

The UP constituency is divided into nine wards. There are nine general members, one for each ward, directly elected by the voters within the ward. These candidates could be men or women, although presently they are almost exclusively male. In addition, three UP seats are reserved for women, each reserved seat representing three wards. These women members are directly elected among competing women candidates, not appointed by the UP Chairman, as was the case prior to 1997. The current arrangement means that each reserved woman member represents three times as many constituents as each general member, a situation which often affects the power dynamics of the UP.

The Chairman is the chief executive of the UP and is directly elected by all voters of the union. The Chairman could be either male or female, although, again, currently almost all are men. By virtue of his position, the Chairman is a highly visible and influential person in the community. He exerts a great deal of official authority, as he moderates all meetings, makes committee and development project assignments to members, authorizes expenditures, and relates to officials at higher levels of government.

The entire UP is elected for a term of five years. Some of the UP's formal responsibilities are maintaining law and order; developing and maintaining roads, bridges, culverts, and other infrastructure; providing services in health, education, agricultural extension, reforestation, relief distribution, and arbitration; excavating derelict public ponds; leasing out space in markets; and registering births, marriages, and deaths.

In the formal legal system in Bangladesh, the UP is endowed with limited authority to hear cases in village courts for minor criminal offenses and civil

violations under the Muslim Family Laws Ordinance 1961 and the Village Court Ordinance 1976. Decisions of the UP-run village court evolve through arbitration based on the opinion of the majority of members. Generally court proceedings are run by the Chairman and involve the UP members and two representatives from each party to the suit. Of these two representatives, one from each side must be a member of the UP. The other court members may be individuals who command a certain degree of respect in the community. Women, even women UP members, rarely participate in village courts because of gender biased traditions and social norms limiting women's physical movement beyond her community and/or hindering them from assuming leadership functions.

Roles and Responsibilities

Various challenges hinder the efficient and productive functioning of union parishad. One of the most basic obstacles is that UP members and Chairmen are often unaware of their roles and responsibilities. There is a brief government-sponsored training course conducted by the National Institute of Local Government (NILG), but it tends to focus on rote functions like maintaining the various registers, not on the complex duties of representation and management. Because this training is inadequate, and because only very broad job descriptions are supplied by the government, officials are largely uninformed about their obligations. When newly elected, they are dependent for information on more experienced UP members – but these individuals, for various reasons relating to power dynamics and desire to control resources, are sometimes reluctant to share the benefits of their experiences. Women are at an even greater disadvantage, because many of them have extremely limited knowledge of the regulations, laws, budgeting processes, and other administrative procedures of the UP, having been relegated to domestic chores for most of their lives.

The reverse side of this equation is that frequently the citizens whom the UP members and Chairmen represent are also poorly informed about the roles and responsibilities of the UP and the functions of local government. Therefore, constituents do not understand how to hold officials responsible for their actions or decisions on behalf of the community, how to participate fully in the decision making process about the expenditure of funds or the adjudication of legal cases, or how to respond to unfair, corrupt, or negligent practices by officials which adversely affect the welfare of their communities. Without this knowledge, citizens claim a very limited role for themselves, and democratic processes are weak.

Transparency

Another fundamental challenge hindering good governance at the local level is the pervasive lack of transparency. LEBs usually do not comply with requirements to hold open meetings or to publicly display minutes of meetings. They do not generally sponsor open planning sessions for the determination of budgets or workplans, nor do they report these documents openly. This lack of transparency leads to a corresponding lack of accountability in the processes of budgeting and planning development projects. Consequently, UP members and Chairmen sometimes accept bribes to choose some projects over others, or embezzle for personal gain a portion of funds meant to finance such projects.

Power Structures

Along with corruption and lack of ability is the obstacle of entrenched power structures. Influential people in the community, sometimes employing thugs or gangsters, frequently coerce UP members and Chairmen into making decisions or taking actions that will benefit their personal interests instead of the community at large, especially the poor. In the most severe cases, UP members themselves have hired gangsters, virtually holding constituents hostage in order to maintain their own power and financial gain. Some UP members engage in internal power struggles with other UP members for status and influence, or for the opportunity to engage in corruption. These machinations and maneuvers primarily serve the self-interest of the players, not the constituents whom they represent.

Given the entrenched power structure, most NGOs and community members do not feel they have access to or input into the allocation of resources or the implementation of governance at the local level. UP members are known to make promises during election campaigns, but citizens feel they have no way to make their representatives live up to their pledges. Moreover, most local people are used to the traditional system of patron-client dependency, as opposed to enfranchised citizens demanding and expecting public service, so they have even less motivation to hold their UP member to campaign promises. On the other hand, community members also sometimes experience intimidation, as some candidates use threats and fear tactics to retain constituency allegiance. Either way, these ploys lead to a feeling of perpetual powerlessness by citizens at the local level.

Centralization

An additional hindrance to good governance at the local level is the extremely centralized form of government now in place. UPs derive their authority and a substantial portion of their funds from national ministries that are constrained by the levels in between, and they must submit their budgets and their work plans to a multitude of appointed bureaucrats at these upazila and district levels. As a result, the Upazila Nirbahi Officer (Chief Administrative Officer) and Chairmen of Upazila Development Committees have more de facto power over development projects in unions than the UPs themselves. Furthermore, because many unions must compete with each other for the modest financial resources available for local development, there is constant risk of promising favors or kickbacks from funds in order to get a project selected.

Another challenge is that the security and clerical staff who work at the UP level are hired by upazila level officials, and so are not motivated to follow the supervision of the UP Chairman. UPs are also subject to the restrictive guidelines and regulations of the upazila, district, and national ministry levels of government, and have little flexibility or autonomy to enable them to be responsive to the concerns and needs of their communities.

Relationship between UPs and NGOs

Over the last thirty years, literally hundreds of non-governmental organizations have been formed in Bangladesh to provide many different services for the poor in the areas of health, sanitation, nutrition, agriculture, education, credit and income-generating activities, infrastructure building, rights awareness and protection, legal aid, and others. These NGOs have attempted to fill the void left by the government, which has historically provided such services inadequately or not at all. Because of these efforts, the NGO environment in Bangladesh is highly active and well-respected in society, but viewed with suspicion by many public officials, who see NGOs as somewhat competitive with the government itself. As a result, few NGOs had projects with a targeted and sustained focus on working with local elected bodies to improve performance.

Responsive Governance Program

One of the goals of the Democracy Partnership therefore was to improve the representation of the interests of disadvantaged people in selected locations by improving the performance of government institutions. To this end, The Asia Foundation under the DP sought to increase the responsiveness and accountability of the level of government most directly related and best able to affect people's lives.⁹ Based on a strong historical partnership with various government agencies and democratic institutions, as well as its large network of local partner organizations, TAF under the DP worked to strengthen the collaborative relationship between local government bodies and community-based NGOs as a means to achieve improved governance.

Program activities included training courses and workshops to inform LEB members about their roles and responsibilities, focused workshops specifically for women UP members, formation of associations for women UP members to meet together at the upazila and district levels for support and advice, technical assistance to LEBs in devising budgets and workplans for development projects, awareness raising media campaigns to inform constituents about the UP's roles and responsibilities, and arranging meetings among community leaders, NGO staff, NGO group members, and UP Chairmen and members in order to exchange opinions about issues affecting their communities.

The principles of partnership were fundamental to the success of such a program. The risk of either side – NGOs or LEBs – disregarding the other, as in the past, or of over-stepping one's rightful role and ending the collaboration, were high. By following a process of forging respectful and meaningful partnerships for both the NGOs and the LEBs, real change and progress were achieved, to the ultimate benefit of local citizens.

⁹ The Asia Foundation, *Responsive and Accountable Governance: Best Practices under the Democracy Partnership*, Dhaka, 2002.

Best Practices: LEB-Related Activities

As a result of their cooperation and motivation, NGOs developed new strategies for improving local governance and witnessed excellent results. NGOs now view LEBs as an integral element of their community development programs. The success of NGO programming with TAF support under the DP significantly changed the attitude of participating NGOs regarding their ability to positively influence local governance through their work with local elected bodies and citizens groups. Moreover, LEBs have begun to see NGOs as valuable partners in local governance, and as resources for capacity building and technical support. Citizens, too, perceive the value of closer interaction with LEBs through NGO programs.

Improving resource mobilization and utilization

UP members are learning, through TAF partner NGO workshops, how to better design budgets and work plans, and how to manage the use of human and financial resources to undertake many of their most important functions. Consequently, LEB members have been able to efficiently and competently arrange for trees to be planted as income sources for local people, for participation in necessary infrastructure development such as road maintenance and canal digging, and for more equitable handling of tax assessment and collection. Community members in intervention areas are more confident that the funds and human resources available to their UPs are being used wisely and for the benefit of the entire community.

Promoting equitable distribution of relief, rehabilitation, and other special allowances

Constituents are empowered to hold their LEB members accountable, having benefited from the training and awareness raising campaigns of TAF's partner NGOs under the DP. UP members have also learned from their training and interactions with their constituents that it is important to wield their authority judiciously, especially with regard to relief, elderly, and other allowances that the government makes available to the poorest of the poor. As a result, UP members are being much more equitable in handing out the relief they are authorized to distribute.

Standardizing financial, office, and record management

TAF-supported NGOs have provided specific technical assistance directly to UPs to teach them standard accounting procedures, and to help them to

institute consistent, accurate office and other data record management. These workshops and training sessions have enabled UP Chairmen and members to be more thorough, diligent, and accountable in their handling of budgets, licenses, taxes, and registration records, among others.

Ensuring Chairmen do not dominate all LEB activities and women participate as equals

NGOs under the DP have focused much attention on empowering all UP members to speak up at meetings, to understand budget and development processes, to assert their leadership in implementing activities, and to offer their views on local concerns. With this assistance and encouragement, LEB members participate much more than they did previously, no longer allowing UP Chairmen to dominate the discussions and decision making, as has traditionally been the case. Furthermore, in addressing gender sensitivity issues at DP project workshops, NGOs have not only empowered women to speak up and claim their right to participate, but they have also encouraged Chairmen to seek the advice and participation of all members, especially women.

Creating women's networks

The formation of associations at the upazila level for all women UP members has been beneficial to many women leaders. They have found the strength, confidence, and practical suggestions they need to become more effective in handling gender bias and addressing the challenges of their duties as elected officials. These women at the local level form the foundation for increased women's leadership in other roles throughout Bangladesh. With time, experience, and the continued support of women's networks, many of these female officials will run for higher offices as opportunities arise. In this way, even greater improvements in the representation of women by women will evolve.¹⁰

Promoting regular interaction with female constituents, to understand their problems and ensure their right to resources

The workshops, seminars, and uthan baithak (courtyard meetings) that partner NGOs sponsored ensured that women have access to their UP

¹⁰ See also The Asia Foundation, *Voices of Women: A New Era of Political Leadership in Bangladesh*, Dhaka, 2002.

members, both male and female. Women have had positive interaction with their representatives and experienced greater confidence in identifying their problems, particularly in health, education, village shalish (mediation councils), marriage maintenance, divorce, respect for their inheritance rights, and other concerns. Women in intervention groups have been most comfortable speaking with their female LEB members, which has given them greater confidence and the assurance that some elected representatives are truly working on their behalf.

In addition, these activities have given community people, including women, forums in which to voice their desires, needs, and expectations with regard to the allocation of resources for development projects to address their problems. In some places, for the first time all members of a community have the opportunity to engage their elected representatives and to participate in their own development.

Ensuring rights of the poor, not just elites, to government resources

Local government before the DP had long been considered to be under the influence of local elites with greater wealth and power than their poorer, disadvantaged neighbors. With TAF support to partner NGOs under the DP, LEBs have taken significant steps towards listening to the needs and opinions of a much broader cross section of society, and towards taking concrete action to mobilize and allocate resources that will benefit the poor as well as the wealthy and middle class. On the reverse side of the equation, with partner NGO workshops and advocacy opportunities, the community members themselves, even the most disadvantaged, have been speaking more boldly and advocating more effectively on their own behalf to claim their rights to government resources.

Ensuring constituent access to information about budgets, resources, registration records, and LEB decisions

With TAF partner NGOs conducting training in open policies and procedures, and holding UPs accountable to such transparency, LEBs in intervention areas have begun posting budgets, fund allocations from central government, and minutes of meetings on public bulletin boards, and they have made record books on birth, marriage, and death registrations open and accessible to community members. These changes have greatly improved the level of trust and credibility that UPs have among their constituents.

Coordinating meetings among all stakeholders

The coordination meetings which DP partners have sponsored have been instrumental in bringing together all the players who can positively affect development in their communities: government agencies, NGOs, community-based organizations, and community leaders. The ongoing dialogue in which these parties now engage has benefited all members of the community, making development efforts more focused, streamlined, efficient, and need-based.

Promoting primary education, health, and family planning

With community members participating as never before in expressing their opinions about what kinds of development projects must have priority, the UPs have come to understand that people are very concerned about primary education for their children, about health information and health care for all members of their families, and about improving their circumstances by controlling the number and spacing of births. As a result, LEBs in intervention areas have seen a marked increase in the promotion of projects in these areas.

Lobbying local branches of national agencies to deliver basic services

For many years the district and upazila offices of ministries such as health, education, agriculture, livestock, fisheries, and afforestation have been remiss in delivering the basic services that are supposed to be their agencies' core business. As a result of NGO awareness raising, training sessions, and coordination meetings, both UP members and the people themselves are lobbying to demand that these basic services be provided, in keeping with the government's purposes and plans.

Community Advocacy Program

TAF partner NGOs had historically formed and mobilized groups of local beneficiaries, especially the poor and women, to effect efficient delivery of services such as credit, adult literacy, immunizations, and sanitation and nutrition information, among others. Before the DP, however, these groups had not been used as vehicles of advocacy. The first such effort came under a pilot program in 1992, when TAF provided financial support and assistance to four of its long-term NGO partners to conduct community legal services (CLS) along with their primary activities in family planning, under the premise that these services would be highly complementary in terms of delivery systems, and in program effectiveness. Findings revealed this mutual complementarity does indeed exist.¹¹ CLS used small group formation, the appropriation and transformation of local dispute resolution systems, and the training and monitoring of key persons involved in traditional arbitration as means to mobilize for social change through a participatory, community-based process.

Building on this foundation, TAF under the DP sought to catalyze changes in local government bodies by using a similar approach in demand-side activities, whereby partner NGOs would organize citizen groups to engage LEBs. In this setting, citizens would be able to voice their concerns, work to jointly influence priorities, and advocate for improved services and greater accountability. To this end, TAF partner NGOs have provided training and awareness-raising activities for citizens in many communities, to inform them of the roles and responsibilities of their elected representatives, and to encourage and empower them to participate more fully in their own government processes.

Under the DP groups were mobilized to advocate on behalf of specific issues, including protection of land rights for poor people to ensure their access to khas (public) lands and water bodies, protection of rights for women and children, enforcement of laws regarding criminal violence and the degradation of the environment, and management of wetlands resources. Mobilization activities included awareness raising campaigns, workshops on particular issues, seminars, public debate forums, strategy sessions, and formation of group federations.

¹¹ Casper, Karen L. and Sultana Kamal, "Community Legal Services Conducted by Family Planning NGOs: An Evaluation Report Prepared for The Asia Foundation," Dhaka, 1995, p. 37.

Best Practices: Community-Based Advocacy

Advocacy has a purposeful result – to move towards a just and equitable society by enabling marginalized and disadvantaged people to gain access to and voice in the decision making of government institutions, and to change the power relationships within and among those institutions. To this end, TAF has supported additional partner NGOs to utilize their grassroots associations in catalyzing common citizens to undertake advocacy activities with the goal of transforming traditional rural power structures and further increasing the responsiveness and accountability of local governments. Due to the collaborative, respectful approach used, elected officials welcomed this training and involvement. The objectives of the advocacy initiatives at the grassroots level were similar for each NGO partner, but the impact varied from place to place depending on specific community conditions. Nonetheless, certain common best practices and lessons learned can be concluded from their work.

Birth of grassroots-level, good governance advocacy

Activities by TAF-supported NGOs under the DP in advocacy have been unique and groundbreaking in Bangladesh. These programs were designed by the partners to mobilize the general public into pressure groups for the enforcement of their rights, the adherence to policies already adopted by different government entities, and the protection of constitutionally mandated participatory planning processes to address community problems. The overall aim was to broaden the UP development agenda beyond a focus on the construction and maintenance of village infrastructure, to include education on human rights, primary health care, clean water, sanitation and women's empowerment. In addition, the program helped citizens to advocate with local government to acquire government services to which they are entitled but which are often neglected, such as agriculture extension information and subsidized fertilizer and insecticides.

These interventions brought about tangible, positive results with regard to tax collection, improvement of drinking water and sanitation conditions, distribution of khas land, construction of roads, distribution of VGD (Vulnerable Group Development) cards, and provision of flood relief. The achievements of the various initiatives under the DP were accomplished by educating union parishad members on their roles and responsibilities and by developing cooperative working relationships between them and their constituents.

These advocacy initiatives were highly effective in influencing development at the grassroots in ways that could not be achieved through national-level, policy-oriented advocacy. Furthermore, now that common citizens understand what they can expect from their local leaders in terms of implementation of development and protection of rights, they are better able to launch their own campaigns on other issues as they emerge in their communities, creating a strong, sustainable grassroots movement.

Transforming social classes by ensuring poor people's access to land

In Bangladesh, land is a key element of wealth, social status, and political influence. A few people at the top of a steep social pyramid control most of the land resources in this agriculturally based country, with huge numbers of marginal landholders and landless people forming the vast base of the population. Furthermore, landless people are increasing in society, and with few employment alternatives to agricultural labor, they are definitely disadvantaged in terms of authority, autonomy, and economic survival.

The introduction of initiatives to advocate for legally guaranteed access to khas lands and natural resources like water bodies and wetlands has transformed society in these rural areas. Samity (beneficiary group) members of partner NGOs have become more unified in their approach and stronger in their insistence in demanding their rightful share of resources with local elected bodies and community leaders. The awareness raising activities, training workshops, management committees, and group formation and leadership development interventions contribute to building the confidence of the extremely poor and landless, enhancing their financial and physical security, and changing the attitudes of the elite toward greater concern and respect for disadvantaged individuals.

Ensuring women's equal rights and decision making power

Women in Bangladesh traditionally lack status, financial and other resources, and decision making authority. The initiatives undertaken by TAF's implementing partners have empowered women as well as poor men to be more forceful in claiming their legal rights and entitlements. As a result, women have participated much more in local government activities and have attained a higher status and more influence in their families and communities. They feel that they have now greater security against being abandoned by their husbands or being treated with disrespect and even

violence in their communities. Many women also feel better equipped to claim legal protection in domestic and land issues.

Establishing vehicles for expressing citizen demands

Groups formed or utilized by advocacy programs under the DP have demonstrated to citizens the value of community collaboration to express their demands and hold their LEBs accountable. Insistence on the active participation of all members, and focus on such activities as training members on the electoral process, developing leadership skills and confidence, promoting good institutional governance within and among the groups, creating an atmosphere in which participation is encouraged, and urging more women to seek leadership positions, have modeled for beneficiaries the significance of democratic principles.

Establishing new value of public service

Common citizens for the first time have begun to understand that the concept of public service is far different from the traditional idea of patronage that has been handed down through many generations in Bangladesh. Historically, poor people and women have depended on the largesse and compassion of wealthy and influential patrons to assist them with resources and opportunities. Many people relied on this system of individuals helping individuals, without being aware of the democratic idea of elected representatives who act in the best interest, not just of the individuals who supported them in the polls, but also of the entire general public. With TAF supported interventions under the DP, communities are much more aware of this idea of public service, and they respect its value and efficacy. Furthermore, they are developing a sense it is their right to demand this kind of treatment from their elected leaders.

Promoting better representation at shalish and other decision making bodies

The advocacy programs of TAF's NGO partners emphasized ensuring that the rural poor, especially women, were active in local decision making processes. One important formal decision making body is the shalish, a village or UP mediation body that settles petty civil and criminal disputes. Since the DP interventions, the disadvantaged have indeed been asserting their rights at shalish, participating in the rulings, and helping to make them less arbitrary and more in keeping with stated law. When there are people of the aggrieved's own socio-economic class present to represent their point of view and their

interests, the shalish runs much more smoothly and people are more satisfied with the results. In this way, the disadvantaged have a voice and a chance for fairness which they had previously been denied.

Women, too, have become more active in shalish. They have come out from the seclusion and confinement of their traditional roles to access the informal justice system on their own behalf. Many women in intervention areas feel that their better representation in shalish by women UP members or by NGO staff, particularly women staff, who are committed to protecting their rights, has also led to changes in how they are viewed in the community and the family. Domestic violence, harassment, and gender violence have decreased as a result of their new role as decision makers and their insistence on legal protection. Many women group members stated that they feel better able to handle themselves in incidents of potential threat or disruption now.

Better enforcing of laws and carrying out of duties by the local government

TAF partner NGOs' advocacy interventions included awareness raising and training activities to inform community members and leaders about existing laws and about various factors relating to development. These initiatives not only had impact on the general public, but also on LEB members. Government elected officials became more highly motivated to play their proper roles and carry out their appropriate responsibilities, including assessing and collecting taxes, disposing of cases at village courts expeditiously and impartially, and maintaining accurate records in the register books at the UP offices.

The impact of this new emphasis on proper responsibility was clearly documented in intervention areas and can be seen in higher numbers of death and birth registrations; fewer incidences of child marriage, hilla (interim) marriage, and polygamy; increased challenges to talak (pronounced) divorces; and the termination of illegal toll collection by UP members. Access to local resources like khas land and canals for fishing was also dramatically changed due to the increased responsiveness of LEBs in intervention areas. Because they are more motivated and knowledgeable, project beneficiaries now insist on the enforcement of laws and regulations and voluntarily follow them on their own as well.

ELECTIONS

The Program Context

Since the 1991 people's democratic movement and the reestablishment of free national elections, Bangladesh's political leadership has remained in the hands of a deeply divided political class which has its origins in Bangladesh's independence struggle against Pakistan and later periods of military rule. The role of political parties is still evolving, but current political practice is neither very democratic nor representative. Political parties are rigidly hierarchical with all major decisions made by powerful figures at the top. Relationships between the parties, particularly the two major parties (the Awami League and the Bangladesh Nationalist Party, or BNP) remain hostile and they have yet to develop means for positive engagement and cooperation in the national interest. Dismissing the possibility of "constructive opposition," parties both in and out of power have relied instead on parliamentary boycotts, street politics, and sustained campaigns of agitation and disruption. All too often political ends are achieved through use of muscle rather than through fair competition, negotiation, and compromise.

At present, there is only one tier of local government in rural areas, the union parishad (UP), or union council, which is recognized as the oldest and most enduring local government institution in Bangladesh. Political process at the grassroots level, as at the national level, is shaped and driven by partisan conflicts – some of which reflect national divisions, while others are based on community relations.

One critical ingredient to building more accountable and responsive governance is a strong electoral process. Since the 1991 parliamentary election, there has been notable progress, including some improvements in technical and human resource capacity of the Election Commission, the development of the capacity of monitoring organizations, and the role of civil society organizations in raising voter literacy and providing opportunities for citizens to play an active role in the electoral process.

In 1997 the laws concerning the method of selecting women UP members were altered in an effort to carry out Constitutional requirements for the adequate participation of women in the electoral process. As a result, for the first time women were directly elected to reserved seats, chosen by voters among only women candidates. These women currently fill over 13,000 such seats.

Successful national elections in 1991, 1996, and 2001 testify to fundamental strengths of the electoral process. But several continuing conditions undermine elections as a means for delivering effective, reform-oriented

political leadership. First, the Election Commission is not truly independent, tending to serve incumbents. Second, conditions are so polarized and transition points so bitterly contested, that there is continuing reliance on constitutional provisions for caretaker governments during national elections, citizens groups remain subject to political pressures that undermine the vigilance of monitoring activities, and political competition continues to be based on feudal control tactics to keep potential voters in line rather than on well-articulated public policy positions. These are all potent signs that Bangladesh is still short of a functioning model of free and fair elections.

Elections Program

Election-related programs were a significant component of the Democracy Partnership.¹² The objectives of election activities were to provide effective voter education programs, with particular focus on women, both as voters and as candidates; to improve the quality of election monitoring and reporting; and to advocate for needed reform of structural and institutional barriers to the free and full participation of the electorate. With these goals in mind, the DP identified NGOs to conduct election-related programming in largely rural areas. While some projects began just prior to the country's sixth parliamentary election in February 1996, the majority of projects were geared toward the 1997 local level union parishad elections. The UP level was chosen because it is the level of governance most closely affecting ordinary citizens, and it is the only level of local government in Bangladesh that is elected rather than appointed by the central government.

Women, widely disadvantaged in every area of life throughout rural Bangladesh, were a natural focus for the DP seeking to increase political representation in local governance. Since the 1997 UP elections required the election of women for the first time, these polls were a strategic entry for DP programming. The new provision meant women had to campaign and learn to be accountable to voters. TAF and partner NGOs saw this as an opportunity to work with traditionally disempowered women, to develop their political and campaign skills, and to strengthen their voice on issues of import to all women in their communities. Over the past five years, under the DP, The Asia Foundation and local NGOs have trained and nurtured a new generation of local women UP members who are eager to serve the interests of their constituents.¹³

The role of the media in the election process was another important focus of the DP. One partner NGO conducted a training program on election reporting for journalists which helped expand the discussion of issues, involved the press in the voter education process, and resulted in broader and more nuanced media coverage of the elections.

Democracy Partnership NGOs initiated programs in three areas related to the objectives named above: voter education, election monitoring and reporting, and advocacy.

¹² See also The Asia Foundation, *Elections: Best Practices under the Democracy Partnership*, Dhaka, 2002.

¹³ See also The Asia Foundation, *Voices of Women: A New Era of Political Leadership in Bangladesh*, Dhaka, 2002.

Voter Education

TAF-supported NGOs under the DP provided voter education and civic awareness training through seminars, workshops, and community meetings. Voter education programs focused on participation of women, the role and responsibilities of UP members, and voters' rights. Some partner NGOs used community theater and folk songs to communicate election related messages, and this innovation proved highly effective and appropriate, given the low literacy rates in Bangladesh and the popularity of these forms of mass communication. The messages were further reinforced by the development and distribution of posters, leaflets, and fliers, short television and radio spots, and longer electronic media programs. Through these means, partner NGOs were able to reach a large percentage of the population in their targeted areas of operation. Partner NGOs also developed and delivered training programs for women candidates, many of whom were successfully elected as UP members.

Election Monitoring and Reporting

In young, emerging democracies, highly politically-polarized environments, or where democratic institutions are not independent or are subject to undue influence by political parties, election monitoring by civil society is critical to guarding the sanctity of the election process and every individual vote. To ensure maximum confidence in the monitoring and, in turn, the electoral process itself, broad ownership is essential. Furthermore, the monitoring process must be as open and transparent as possible. Effective election monitoring depends on 1) a network of nonpartisan observers, 2) standard training materials for observers; 3) clear and objective observation forms; 4) a flexible logistical structure to facilitate communication with a national coordinating body and to ensure an efficient deployment strategy for nationwide coverage; and 5) the capacity to analyze and evaluate election-day results and to make timely, quality reports.

To this end, at the inception of the DP in 1995, the Foundation sought to identify nascent organizations working on election monitoring, made efforts to encourage communication and coordination among them, and provided financial and technical inputs to assist them in building their monitoring capacity. With the backing of a consortium of donors, two monitoring organizations were identified and supported by The Asia Foundation to carry out spot observations throughout the country.

Electoral Reform Advocacy

Voter and civic education are important to ensuring increased electoral participation of individuals from underrepresented groups. However, significant barriers to participation and accountability are often lodged at structural and institutional levels, and require systemic as well as social reform. For example, laws in Bangladesh related to election expenses, campaign procedures, and election disputes are currently inadequate. Some issues are simply not addressed. Still others are ambiguous and require clarification. This all requires a longer-term process of advocacy for electoral reform. Since the inception of the DP, The Asia Foundation has sought to support organizations committed to researching and advocating reform agendas critical to establishing a well-functioning electoral process.

Best Practices: Elections

Election activities in voter education, monitoring, and long-term advocacy for electoral reform have had substantial impact, not only on the 1997 UP elections, but also on the entire seven-year project period and beyond. These efforts provided the Bangladesh electorate with a better understanding of its roles, rights, and responsibilities in the electoral process and set a firm foundation for the involvement of a more educated, aware, and informed population in future elections. Furthermore, the achievements of the DP partners have contributed considerably to broadening the representation of elected officials and democratizing the process itself, which in turn have led to improvements in governance for common citizens.

Enhancing the participation of women as voters and candidates

In each of the targeted unions, the election-related programs of the DP, which raised women's awareness about voting and taught women about the roles and responsibilities of elected office, as well as about appropriate methods of campaigning, increased the participation of women as voters, elected officials, and community leaders. Post-intervention surveys conducted by partner NGOs after the UP elections revealed that fewer women were voting according to the wish of the men in their families, and that women had achieved a much better understanding of democracy-related issues.

NGOs had to overcome entrenched social norms and prejudices in order to make progress on this issue. Male candidates who did not receive training and support from partner NGOs resented DP programs that targeted women, and male family members and other community leaders often discouraged women candidates from running for office. TAF's implementing NGOs dealt with these problems through negotiation, education, and dialogue with community leaders and male UP members and made significant progress toward understanding and acceptance.

Increasing citizens' awareness of voter rights and UP functions

The DP program's innovative use of theater, folk songs, TV and radio spots, video productions, fliers, leaflets, and posters heightened the population's awareness of their rights as voters and of the duties and responsibilities of the union parishad. After generations of colonialism and patronage, many people began to understand for the first time that at the heart of democracy was their right to choose their own representative to serve the greater good of the public at large, not self-interest or the interests of the rich and powerful.

This effect on voter awareness is especially significant in light of the obstacles faced by partner NGOs, many of which faced resistance from local elected

officials and other community leaders who misunderstood the intended activities and feared the NGOs were forming new political parties, or distributing propaganda on behalf of one of the existing parties. DP NGOs overcame these barriers over time and through continued dialogue with elected officials and community leaders, who slowly developed a better understanding of the program and its objectives, and saw firsthand that NGO activities were non-partisan.

Improving the monitoring process

The DP was instrumental in strengthening a network of organizations with countrywide election monitoring capacity. In the 1996 elections, two partner NGOs fielded about 30,000 observers. For the 1997 UP elections, the number increased to almost 34,000 and a strategy was coordinated to field one election observer in every polling station. Many of TAF partner NGOs under the DP also fielded small teams of election monitors.

Achieving electoral reform

Another example of the longer-term impact of the DP is its engagement in advocacy to advance electoral reform. The issues raised by TAF partner NGOs have been debated at democracy-related seminars and workshops and in the newspapers. More importantly, the Chief Election Commissioner began a dialogue with all political parties on a number of DP recommendations and submitted a proposal to the government for several changes in the electoral laws and regulations. The actual reforms that were accomplished were requesting political parties to voluntarily register with the Election Commission, limiting candidates to contest in no more than two constituencies, increasing the limit on campaign expenditures, and strengthening the electoral tribunals.

Expanding NGO understanding of democratic principles and processes

By working with indigenous NGOs, TAF under the DP contributed to developing a network of organizations that now have a greater understanding of the broader context of democracy. Many implementing NGOs were active in community development prior to the DP, in such areas as community health, education, and family planning. They now have a more sophisticated understanding of how local governance structures contribute to their other development objectives, and they will continue to incorporate civic awareness programs into their more general community development activities.

ACCESS TO JUSTICE

The Program Context

Having an estimated population of 129 million, Bangladesh ranks as one of the poorest countries in the world, with a reported 35.6 percent living in poverty.¹⁴ Stark deficiencies in food, housing, health care, education, and job opportunities have led to chronic poverty for millions of Bangladeshis. For those lacking resources and knowledge of legal rights and processes, these conditions have also led to inability to access judicial institutions established for the protection and enforcement of rights guaranteed to persons under the Constitution of Bangladesh. The formal legal system is inundated with corruption, delays in disposal of cases, complicated procedures, exorbitant costs, class bias which favors the rich and socially elite, and gender bias which favors men over women. These factors make access to justice exceptionally difficult for poor people, especially women. As a result, issues of land rights, wrongful termination of employment, dowry demands, failure to provide maintenance, domestic abuse, denial of rightful inheritance, and similar cases frequently exacerbate already adverse conditions for the poor, and in particular poor women.

Constraints to Accessing Justice

The rule of law is fundamental in a democratic society. True rule of law requires efficient and accountable mechanisms for creating laws, the means to execute and enforce them fairly, and the right to challenge the laws or their manner of enforcement. For the poor and marginalized populations of Bangladesh, all of these elements have historically remained beyond their reach. Because the poor have traditionally been powerless at the decision making level, the substance of some laws is inherently discriminatory against the poor, women, and other disadvantaged groups. Due to the lack of integrity of and political pressure on those who execute and enforce the laws, the agencies responsible for these duties are frequently corrupt and inefficient. And because the poor lack financial resources to pay court fees and obtain legal assistance, the judiciary is often inaccessible to millions. As a result, the formal legal structure does not always ensure citizens' rights and privileges.

¹⁴ Haq, Khajida, *Human Development Indicators for South Asia 2001*, Dhaka: The University Press Limited, pp. 163, 171. Source: UNDP.

Discriminatory Laws

Law plays a critical role in defining and identifying power relations based on age, gender, class, and other factors, often reinforcing the subordination of disadvantaged groups within society. In Bangladesh, the legal system perpetuates the inferior status of women by limiting their participation and access to economic and political resources through various legal sanctions. There are laws which institutionalize the social norms of male dominance over women, particularly with regard to family laws concerning marriage, dowry, and divorce, among others.

In addition, there are laws on the books which favor existing power structures of the wealthy and socially elite with regard to property and other assets. In a patriarchal, feudalistic society such as Bangladesh, many women and poor people are brought up to think that they have no rights nor legal protections and are not entitled to any. The first step, therefore, to making justice more accessible to these disadvantaged persons is to inform them about what rights they are guaranteed under the laws and the Constitution.

Deficiencies in Good Governance

A major problem throughout Bangladesh's public sector is the nearly complete absence of accountability. In general, government agencies face only weak accounting controls, escape serious scrutiny by the legislature, and are above the financial discipline of the market place.¹⁵ Public servants are not held individually accountable for their performance and decisions, which are often the result of personal interventions, and their actions are rarely examined for efficiency, appropriateness, or cost effectiveness. This lack of accountability is present at every level of the government, ranging from low-ranking bureaucrats who deal with the general public, to those who engage in policy and decision making. The practice of maintaining secrecy in official undertakings engenders a culture of corruption, which further undermines the already weak structures of checks and balances. In order for citizens to develop the capacity to challenge injustices and effect change, they must first understand what the roles and responsibilities of government officials really are according to the law, and how they can take action within the existing infrastructure to ensure that good governance is taking place.

Non-compliance with rules and regulations are the order of the day due to the breakdown of accountability of public officials. Many officials are guilty of acts

¹⁵ The World Bank, *Bangladesh. Government That Works: Reforming the Public Sector*, Dhaka, 1996, p. 50.

of omission or commission, such as suspending or refusing to deliver services, demanding bribes to perform services, and violating the rights of others with impunity. These offenses have led to a serious stagnation of service delivery and accomplishment of government projects. Economically disadvantaged people are particularly affected by this breakdown, as they do not have the resources to provide the additional payments necessary to motivate bureaucrats to do their jobs.

Governance is also impaired when law enforcing agencies misuse the power vested in them by law. Steeped in inefficiency and corruption, the police force is no longer regarded as the protectors of citizens' rights and the vanguard of peace and security in society. Rather, their careless indifference to people's needs and the non-performance of their duties are indicative of the degeneration of the very institution that is entrusted to maintain law and order. In fact, police officers themselves are frequently found to be the perpetrators of human rights violations, to such an extent that the common man now prefers to either suffer in silence or take the law into his own hands rather than approach the police for assistance. This culture of police misconduct is perpetuated by the politicization of the entire system, in which they cater to the rich and powerful along party lines.

Inadequacies of the Existing Judicial Systems

In theory, access to the courts is available to all. The Judiciary consists of the superior courts and the subordinate courts. The superior court is called the Supreme Court, and it is comprised of the Appellate Division and the High Court Division. The High Court is made up of subordinate courts, both civil and criminal. The civil court includes five classes with its lowest tier, the Court of the Assistant Judge, exercising specific territorial jurisdiction, trying suits and cases of limited pecuniary valuation. The Criminal Court includes five classes and tries criminal cases. In addition, the legal system includes special courts and tribunals such as the Family Court, Court of Settlement, and Administrative Tribunal, constituted under special laws.¹⁶ In this judicial structure the lowest formal court is at the district level. Of a population of over 125 million, 80% live in village communities. The first tier of formal court is three administrative levels away from the ordinary citizen – i.e., village, union, upazila (or thana), and finally, district.

¹⁶ Majumdar, Md. G.M., *Adalatshomuhur abong Bicharokder Khomota O Karjaboli*, (in Bangla), Chittagong, no date. Lists 40 different types of courts in operation.

Access to the courts, therefore, is very difficult. Legal procedures are also cumbersome, time consuming, and costly. Average citizens in Bangladesh have virtually no awareness of their rights and their concomitant obligations, let alone the economic support to access the formal judicial process. Furthermore, travelling long distances, foregoing daily wages, spending money to collect evidence, engaging a lawyer, and paying court fees can seem overwhelming and completely prohibitive to many common people.

Even those who have the means to access the courts find the process more expensive than it should be, because the payment of bribes to their own lawyer, the judge, and even the opposing lawyer, often becomes a deciding factor in the settlement of cases. Furthermore, lawyers, in collusion with court officials, often charge clients exorbitant sums of money as fees and persuade court officials to change the dates of cases to gain an advantage. Such inordinate delays and procedural wrangles leave individuals embittered and frustrated, and physically, mentally, and monetarily exhausted.

A poor woman in Bangladesh is at a decided disadvantage in this patriarchal society. Having very little access to material resources, women lack autonomy and decision making power, and are therefore disempowered within the family, community, and society at large. Because of the way they are socialized, many women do not perceive themselves as having any rights. Even if they know the parameters of the law, however, religious and cultural norms frequently prevent them from claiming their legal rights. Furthermore, women often face discrimination within the complex legal process itself. From a legal point of view, it is said that three factors are instrumental in sustaining women's subordination and powerlessness: discriminatory laws, gender-biased court judgments, and ignorance of the law and the law-making process itself.¹⁷ Based on these factors and the current judicial system in Bangladesh, women are particularly vulnerable to being deprived of their due protections under the law.

Traditional Systems

Given the limitations of the formal judicial system and the difficulties the average citizen experiences in accessing that system, most people rely on local informal systems and processes to resolve conflicts. The shalish to date has been the most enduring means of resolving conflicts at the community or village level.

¹⁶ Hasan, Fatema Rashid, "Limits and Possibilities of Law and Legal Literacy: Experience of Bangladesh Women," *Economic and Political Weekly*, October 29, 1994, p. 69.

1. Shalish

Shalish, the practice of gathering village elders and concerned parties for the resolution of local disputes, has been a principal mode of preserving peace and justice at local levels in Bangladesh. A shalish, which is generally exclusively male, does not have fixed membership – its size and structure depend entirely on the nature and gravity of the problem at hand. Sometimes, Chairmen and other elite members of the union parishad are invited to sit in on the proceedings.

Local people have a tremendous faith in shalish as the most practical mechanism for seeking justice and as a way of settling disputes. It generally saves time and money, and it serves as a platform for airing grievances. It also allows community members to learn from the experience of others and to devise strategies to deal with crises in their own lives.

Although shalish members have the option of engaging in either mediation or arbitration to reach a solution, most commonly choose arbitration. This method involves unilateral decisions made by officiating members, whereas mediation engages opposing parties in reaching solutions of mutual satisfaction. In shalish the process is often marked by tension and heated arguments. Although the decisions are not always fair and equitable, they tend to carry a great deal of weight within the community because they are issued by well-known and powerful villagers. However, among those who lack respect for these decision makers, it is extremely difficult to enforce rulings if the parties refuse to comply.

The traditional shalish system does have weaknesses which hinder the dispensation of justice in many instances. Sometimes solutions are arbitrary and imposed on reluctant disputants by powerful village or community members. Such “solutions” are based less on civil or other law than on subjective judgments designed to ensure the continuity of their leadership, to strengthen their relational alliances, or to uphold the perceived cultural norms and biases. The shalish is also susceptible to manipulation by corrupt touts and local musclemen who may be hired to guide the pace and direction of the process by intimidation. Furthermore, because the traditional shalish is composed exclusively of male members, women are particularly vulnerable to extreme judgments and harsh penalties.

2. Union Parishad

The union parishad (UP) conducts arbitrations in rural areas in family disputes under the Muslim Family Laws Ordinance 1961 and settles petty

civil and criminal disputes under the Village Court Ordinance 1976. In urban areas such disputes are settled under the Conciliation of Disputes Ordinance 1979.

Decisions at the UP-run Village Court evolve through arbitration based on the opinion of the majority of members. The Court constituted under this Ordinance has limited civil and criminal jurisdiction. It is composed of a Chairman, who is generally the UP Chairman, and two representatives from each party to the suit. Of the representatives, one from each side must be a member of the UP. The other members may be individuals who command a certain degree of respect in that community. The participation of women as members of the Village Court is rare.

UP Chairmen, who are often overwhelmed with many disparate responsibilities and little governmental support, tend to view family disputes and other violations of law as having low priority. Many UP Chairmen and members are also ill informed in the law, and some are reportedly corrupt and politically motivated, causing them often to act with prejudice.

Common Legal Problems

The agro-based economy of Bangladesh makes land a critical issue for the majority of the rural population. Legal disputes often arise about ownership of land, or the rights to use water, trees, or other land resources. Particular cases often involve the issues of transferring title, falsifying documents, and encroaching upon neighboring land, among others. Calculating people take advantage of their unaware neighbors by circumventing laws through various loopholes and deceptive practices. Similarly, rights of fishermen and poor villagers over common bodies of water often come into dispute as well.

Rights of inheritance of property and other assets by heirs are also often sources of dispute. There is a noticeable reluctance among rural families to part with shares rightfully belonging to women, orphans, or children and single mothers whose situation has resulted from desertion or divorce. The equitable distribution of resources among legitimate heirs is sometimes hindered by an ignorance of legal requirements pertaining to inheritance, and a confusion over the complex formulas generally utilized to calculate various family members' shares.

Women, especially poor women, must often cope with discriminatory laws, particularly with respect to personal matters like marriage, divorce, and inheritance. Domestic violence is also a predominant problem. Demand for dowry is the leading reason men physically abuse their wives. Although outlawed by the Dowry Prohibition Act 1980, the practice of demanding dowry

is widespread and has actually taken root in the socio-economic and cultural psyche of the people. Furthermore, since Muslim Law permits men to have up to four wives at a time, men sometimes use dowry demands as a money-making scheme, practicing polygamy (serial or simultaneous) in order to acquire more money with each successive marriage.

When men do divorce their wives, sometimes arbitrarily, divorce brings problems regarding payment of dower, maintenance, and child custody. Women are often unaware that they are entitled to such payments, and they frequently do not understand their avenues of recourse if their husband refuses to make provision for themselves and their children.

Other common legal issues that adversely affect women include child marriages and the lack of marriage registration. Marrying at a young age puts women in a vulnerable position, especially if their husbands marry additional women. The practice of not registering marriages makes it even easier for men to avoid marital and other legal responsibilities, divorce their wives arbitrarily, and deny them rights of maintenance and inheritance.

Access to Justice Program

Given the legal and social context in Bangladesh, TAF under the DP was able to expand three critical program activities to address the problems of access to justice. Through local implementing partners, TAF increased legal awareness as a fundamental beginning to empowerment. TAF also worked with partners to transform existing shalish options or offer alternative dispute resolution mechanisms to ensure a means for the poor of accessing fairer settlements. And finally, TAF supported the efforts of local NGO partners to eliminate the obstacles to the formal legal system by offering critical legal aid where other interventions were insufficient.¹⁸

Legal Awareness

1. Media

National media campaigns are a highly effective method of reaching large numbers of people, including the poor and women. TV and radio spots for public service announcements have been utilized effectively by TAF partner NGOs under the DP, and these messages are highly beneficial in educating people about their rights.

Video-taped dramas using music and dance have also been extremely effective tools used by partner NGOs to educate citizens about their rights, as well as entertaining forums which enabled people to retain the information they received. Such dramas are sometimes screened for public gatherings at large open-air gatherings. Thousands of people in a community come out to enjoy themselves and to learn about laws that impact their lives. The messages are especially meaningful because people can see how the laws fit into their own daily routines, through the situations of the characters in the dramas.

Print media have also been a vital part of the national campaign of partner NGOs. The publication of fliers, posters, leaflets, stickers, and newsletters has been widespread. These are targeted both toward providing general information about rights in order to catalyze a change in attitudes, and toward disseminating knowledge about specific legal issues, such as domestic violence, police brutality, dowry, divorce, voting rights, and reproductive rights.

In addition, NGOs use the mass media as an instrument for advocacy, to catalyze a change in attitudes which in turn puts pressure on public officials to better

¹⁷ See also The Asia Foundation, *Access to Justice: Best Practices under the Democracy Partnership*, Dhaka, 2002.

enforce existing laws. The media campaigns are usually accompanied by lobbying and sponsoring public dialogues with government officials, community leaders, and other civil society staff as well. For example, a TV spot informed the general public that the construction of brick fields on agricultural land causes the land to lose fertility and minimizes the amount of land available for farming. This message is important, as few people are aware of government sanctions against the establishment of brick fields. The TV spot helped to mobilize citizens for community advocacy against plans for brick fields in certain areas, and informed people about their legal options if a brick field were set up near their homes.

2. Training

Training is an integral part of awareness raising initiatives by TAF's implementing partners. Training components concentrate on human development and aim at educating both NGO staff as well as the target beneficiaries and leaders within the community. Training modules cover issues of organization and management, domestic violence, women's empowerment, democratic processes, human rights and poverty alleviation. Training components aim at raising awareness and creating critical consciousness among local people, particularly women, about their rights in respect of marriage, divorce, maintenance, inheritance, and reproductive health. Training sessions also include information about dispensing local justice through mediation, and participating in the electoral process by voting or running for office.

The success of the program flows from the incorporation of a cross section of the community. To this end, all relevant actors, including local government officials, teachers, community religious leaders, and NGO staff participate in the training sessions. Classes on legal and human rights are also conducted among the student community to enhance the sensitivity of the younger generation.

Training sessions adopt a need-oriented, participatory approach and include brain-storming, group discussions, simulations, role-playing, case studies, and lectures. Experiences are shared through these exercises in an effort to gain first hand knowledge of the dynamics of social, economic, and legal forces that shape the lives of poor people. Problems are addressed in context and strategies are devised to combat inequalities that circumscribe disadvantaged groups' access to justice.

3. Workshops, Seminars, and Meetings

With TAF support, the implementing partners conducted workshops and seminars on key legal issues with citizens, policymakers, public

administrators, community leaders, law enforcement officials, academics, lawyers, activists, NGOs, and politicians. These forums facilitated the discussion of problems and expression of opinions, and they increased citizens' interactions with key people in governance. Recommendations that flow from these discussions are taken up by organizations for advocacy and future interventions.

In addition, *uthan baithak*, or open-air meetings, offered excellent opportunities to members of local communities to share their problems and seek assistance from friends and neighbors. The relaxed environment enabled villagers to discuss their problems without shame or inhibition, and engendered a sense of ownership among individuals who benefited from the dissemination of general legal information.

4. Group Formation

Group formation is a successful strategy for disseminating information and providing support to people in rural communities, and it has been particularly effective in achieving sustainable results in legal literacy efforts. Several of the partner NGOs organize people into small groups to provide training on legal issues. This group participation facilitates rapport among individuals, which in turn fosters good communication, retention of knowledge, and the amicable resolution of disputes.

Women are particular targets of group formation and benefit in substantial ways from group mobilization activities. Women feel greater empowerment to realize their goals when they receive the support of large numbers of other women in their community. Working in these groups has instilled self-confidence among women, who are often socialized to be shy, reclusive, and non-assertive. In these groups, they gain knowledge and the boldness to act on their knowledge.

Mediation or Alternative Dispute Resolution (ADR)

In addition to raising awareness about legal rights, TAF partner NGOs under the DP have engaged in the important vehicle of Alternative Dispute Resolution (ADR). To transform the conduct of the traditional *shalish*, NGOs have provided training and technical assistance to *shalish* members, including training in law, provision of local advisors during *shalish* meetings, and providing paralegal and legal aid where more formal legal support was required. Other approaches have included establishing parallel systems run and operated by partner NGO paralegal staff or an amalgamation of the two.

The NGO-initiated *shalish* generally acts as a mediation committee composed of village elders, community leaders, and others who have received training in

mediation services. Actual mediators may be trained individuals, NGO workers, or relatives and neighbors chosen by the respective disputants. NGO staff often play a monitoring role, to ensure neutrality, while at the same time representing the interests of a particular client.

The primary distinction between traditional shalish and the NGO-coordinated shalish is that the former utilizes arbitration while the latter employs mediation. In the win-lose situation of the traditional shalish, parties are bound by the decisions of the shalishkars (officiating individuals), who usually favor one side over the other. The NGO training in mediation enables the decision making group to actively engage both parties in settling the dispute, with the goal of reaching a mutual solution. Conflicts are resolved and consensus forged through participatory negotiating exercises under the supervision of the mediator. The process, in other words, aims for a win-win situation. Evidence shows that given the option, an increasing number of beneficiaries prefer the NGO-assisted shalish and its more democratic practices.¹⁹

TAF-supported NGOs encourage their personnel to abide by certain ground rules for the successful operation of mediation. Apart from having a voluntary spirit, an efficient mediator must demonstrate patience, impartiality, active listening, and familiarity with local surroundings.

Legal Aid

Legal aid is an essential complement to legal awareness initiatives and ADR as it provides opportunities to disadvantaged citizens to overcome some obstacles to the formal legal system to demand their rights. Lawyers and paralegals, who have specialized training in law, act as intermediaries representing citizens in formal and informal legal processes. These legal professionals act on behalf of clients to file cases, speak before the court, and negotiate settlements outside the courtroom in order to settle disputes and protect citizens' rights.

Because of the expense and effort involved in filing formal cases, most NGOs supported by TAF under the DP encourage their clients to try to reach settlements through other means. Yet sometimes even the NGO-assisted shalish reach decisions which prove to be unenforceable, and the NGO, in support of their client, must take the case to court to seek redress. The poor, especially poor women, would not be able to carry out such action without the legal aid provided by these partner NGOs, as they could not afford the services of a private legal firm or have the wherewithal to engage the legal process effectively on their own.

¹⁹ Khair, Sumaiya, *Legal Literacy for Supporting Governance*, Bangladesh Country Study prepared for The Asia Foundation, commissioned by the Asian Development Bank, May 2000, pp. 23-24.

Best Practices: Access to Justice

TAF-supported NGO activities in access to justice under the DP had far-reaching effects on society in general and the legal system in particular. The broad results of these interventions, which seek to improve representation of the interests of the poor, women, and others who are disadvantaged by helping them to understand their legal rights and to access procedures and mechanisms that assist them in protecting those rights, are cited below.

Increasing the legal knowledge and skills of the disadvantaged

Becoming more aware of their Constitutionally guaranteed rights and the principles of the law is an important fundamental step for the marginalized towards accessing justice. Along with learning what their legal rights are, the poor, women, and other disadvantaged citizens need also to better understand the means of exercising these rights. One of the fundamental aims of the implementing partners' access to justice interventions, therefore, was to assist the disadvantaged in making use of the various options of legal processes available to them. From these programs, individuals learn exactly what kinds of protection the law affords them, where they should go for assistance if they are being denied proper treatment, how to ask for the convening of a shalish, how to gather evidence, how to deal with the police and/or the opposing party, what the appropriate procedures are during a traditional or NGO shalish, and what legal recourse to pursue if all parties do not comply with the rulings of the shalish.

This information has very practical applications and is especially beneficial for women, who have been traditionally uninformed about such matters, or reluctant to explore all their options out of fear and lack of self-confidence. For instance, whereas a daughter may be vaguely aware that her family has some obligations to ensure her financial security, she may not understand that she is legally entitled to a particular share of her deceased father's property, or she may not want to disrupt existing arrangements for fear she is not worthy of claiming her rights. Without legal knowledge and understanding of village shalish or ADR mechanisms, such women are powerless in accessing the legal system. With legal awareness initiatives and ADR interventions, the disadvantaged acquire the necessary knowledge to demand their rights and take action to derive benefits for themselves. Furthermore, they learn that there are local paralegals and lawyers who will work to uphold the law to protect their interests, even to the point of litigating their cases in court.

Offering alternative methods of justice delivery

The formal courts in Bangladesh are few in number, physically distant from many citizens, and dependent on high fees and even extortion. The traditional shalish typically operates in the interests of the most powerful and the elite, to the detriment of women and the poor. TAF partners under the DP addressed these shortcomings by working to change the traditional mediation system, ensuring the participation of women and people other than the ruling elite on the mediation committees, and initiating training to sensitize community leaders to gender equity and issues involving the disadvantaged. These activities have transformed justice delivery to the poor by offering more accessible and beneficial alternatives.

The NGO-administered shalish is characterized by an emphasis on mediation over arbitration, a process which allows for both parties in a dispute to voice their concerns and discuss the matter with the goal of reaching a mutually agreeable solution. The advantage of this process over the arbitration procedures of the traditional shalish is that all those involved are enabled to speak freely and openly and participate in their own solution, rather than holding back their opinions and then having the views of more powerful people imposed on them. As a result, there are a greater number of rulings which are truly in the interests of the aggrieved party, and these more often create satisfaction with the outcome. This method is particularly valuable to women, who are often unheard in traditional, formal settings, but who are encouraged by partner NGO staff to describe the injustices perpetrated against them and express their viewpoints during mediations.

While mediation cannot be a substitute for the formal legal system, as it depends upon this system for establishing the parameters and the principles for resolving disputes, mediation has nonetheless acquired considerable credibility as a practicable and inexpensive means of accessing justice. The process of settling disputes through mediation is so well received that even individuals from non-intervention areas vie for this service. Furthermore, local government authorities, law enforcement agencies, court and other state officials and members of civil society often refer cases to these programs for assistance.

Enhancing enforcement of shalish rulings

Largely through the efforts of TAF under the DP, shalish mediations conducted under the guidance and supervision of partner NGOs have become popular and well respected in local communities. This positive assessment is largely due to the impartiality that is maintained throughout the process. In

contrast to the traditional shalish, which usually favors the rich and powerful and imposes somewhat arbitrary decisions from village elite, NGO-led mediations provide disputants the opportunity to articulate their needs and demands freely and arrive at mutually acceptable solutions. This process has generated a tremendous amount of confidence among program beneficiaries about the fairness of decisions, which in turn has led to a higher rate of compliance with the settlements reached at such mediations. Village and UP shalish rulings are often ignored, and there is little that UP members and community elites can do to enforce their decisions. Settlements that are mutually negotiated and arrived at with the assistance of individuals who are respected as fair, reasonable, and impartial are much more likely to be followed. Enforcement comes from the sense that justice has been carried out, and that the entire community and all concerned parties respect the process.

Furthermore, because NGO workers are able to assist plaintiffs with formal legal action, even greater pressure is placed on parties to fully comply with rulings reached through ADR. In those infrequent cases in which satisfaction is not reached or a negotiated settlement is ignored by one side, NGO lawyers and paralegals assist their clients in filing formal court cases for resolution. Sometimes merely the knowledge that a legal case is the next step is sufficient to make parties voluntarily comply with a shalish ruling.

Improving the efficiency and quality of the formal court system

Mediation reduces the numbers of cases in the formal legal system, thereby relieving the backlog of court cases. Each time police, lawyers, or court administrators refer cases to mediation instead of the courts, they are removing potentially time-consuming cases from judges' dockets. The entire mediation process also usually takes much less time to reach resolution than formal procedures, thus bringing greater efficiency to individual cases as well as to the system overall.

For those cases that do move from NGO-administered shalish to the formal courts, the preliminary groundwork that has already been laid by the NGO legal aid staff usually speeds up the process and enhances efficiency as well. Furthermore, the reputation and dedication of lawyers from TAF-supported NGO partners ensure that the courts will focus the requisite attention and diligence in administering a verdict, to the benefit of the client.

Enhancing the rule of law

Legal awareness, ADR, and legal aid have contributed to an improved sense of justice in local communities in intervention areas. Disadvantaged people who

never understood that they had rights under the Constitution and never had the expectation that the legal system would protect them and work to their benefit, are for the first time relying on the rule of law. This has led to a greater sense of security and well being for many poor people, women, and other disadvantaged groups in intervention areas.

Confidence in the rule of law has led many to look towards civil law, as opposed to local traditions and customs, to settle disagreements. For instance, Muslim Family Law and Bangladesh Civil Law are now used as the guidelines for determining justice, rather than unstandardized, disparate interpretations of Islamic law or other family law. In intervention areas, traditions such as agreement to marriage proposals with high dowry demands have become much less common. This has resulted in a reduction in marital violence, divorces, and polygamy. There is more harmony and less fear of oppression among the poor and women throughout entire communities now that they are informed about their rights and are able to use mediation and the courts to settle conflicts and reach fair solutions.

Similarly, more citizens have begun to demand that their rights with regard to property, service delivery by elected officials, and adherence to laws against theft, graft, and violence be upheld for all. Access to justice initiatives have created a greater willingness by individuals in many communities to assert their rights, which in turn has led to a pervasive attitude in society as a whole that the rule of law can no longer be easily violated or ignored.

Empowering women

The training of women in legal issues and their integration in ADR initiatives have transformed formal and informal justice systems in Bangladesh. After generations of being socialized to be submissive to men, many women for the first time understand that the law does guarantee them certain rights and entitlements with regard to marriage, divorce, inheritance, and other issues. The representation of women by women at village, UP, and NGO shalish, as well as women's greater willingness to take their cases to court, have led to more equitable verdicts and settlements and stricter adherence to the letter and spirit of the law. Women have also begun to understand the value of insisting on compliance with the law rather than giving in to compromise in order to preserve the status quo.

Furthermore, access to the unbiased and equitable dispensation of justice in their local communities has encouraged women to take a more active part in the political and economic life of the country as a whole. Access to justice programs have enabled women to play pivotal roles as paralegals, mediation

workers, committee members, and members of locally elected bodies. Their domestic role has also been transformed as a result of access to justice interventions. Women now have the potential to challenge prevalent normative inequalities and fight for their own place within the family and the society. Consequently, more women have begun making concrete contributions to the development process, thereby bringing qualitative changes to their families, their communities and the nation.²⁰

Mobilizing groups

Access to justice interventions have been particularly successful where people were mobilized in groups to claim their legal rights. While isolation often increases the vulnerability of disadvantaged groups, by collectively asserting themselves, citizens increase the possibility of having their needs met and their rights protected. Group cohesion enhances the bargaining strength of citizens, improves the capacity of people to help themselves during a crisis, and enhances their ability to resist inequities and insist on proper implementation of laws.

Group mobilization is particularly beneficial for women or the marginalized poor who are otherwise reluctant to assert themselves. Socialized to be silent about their opinions and to endure hardship without protest, women who are brought together into groups under access to justice initiatives are much more likely to talk about their problems and seek practical solutions. The opportunity of sharing their experiences often fosters strong bonds among women with similar domestic and legal problems and empowers them to cope better with the challenges of everyday life. Through these groups, community-based advocacy initiatives have also helped to generate additional community support for ADR and other NGO interventions.

Sensitizing government personnel

Access to justice activities by TAF partner NGOs have also educated government officials about various aspects of law and citizens' rights. It is commonly found that most government officials are largely unaware not only of the rights to which people are entitled, but also their limitations to act in protection of these rights. Since most of the crucial decisions regarding law and civil administration devolve on relevant officials occupying diverse positions in the government, especially at the UP level, it is vital that they

²⁰ See also The Asia Foundation, *In Search of Justice: Women's Encounters with Alternative Dispute Resolution*, Dhaka, 2002.

have sufficient knowledge and sensitivity to deal with critical issues that have a direct bearing on citizen's rights and entitlements.

To equip government officials with this knowledge and sensitivity, implementing partners have ensured the incorporation and participation of government officials in their training programs, workshops, mediation committees, and other activities. The result has been increased interaction between citizens and various agencies of the government, and the enhanced assurance that government officials are administering justice responsibly.

Improving material conditions

One of the significant benefits of improving access to justice is the enhancement of the protection of rights and the prevention of the exploitation of beneficiaries, which often result in bringing about changes in their material circumstances as well. Legal awareness, ADR, and legal aid have encouraged poor people, particularly women, to seek out various services provided by the government and civil society, to demand proper implementation of laws which will positively impact their economic situation, and to make knowledgeable choices about many factors which influence their well-being.

For example, a woman who knows about her rights in marriage is aware that she is entitled to dower, maintenance, and right of property inheritance from her parents, husband, and children. She is therefore better equipped to ensure her financial security if faced with divorce or the death of her father or husband. Similarly, farmers having knowledge of land laws, fishing rights, and agrarian reforms will enjoy an increased income and a better quality of life by ensuring that relevant laws are properly implemented.

Instituting predictable legal costs for the poor

TAF's ADR and legal aid programs under the DP have had the effect of introducing legal costs which are predictable and reliable, important characteristics for poor people as they seek to access judicial alternatives. Direct costs to poor people for assistance in setting up NGO-led shalish or offering legal aid or representation in court cases are usually non-existent, as NGO services are currently offered on a pro bono basis with the support of donor funding. But by virtue of relying on a mechanism of justice that is transparent and accountable and that works to serve justice, not special interests, the potential risk of being consumed by the escalating costs in time and the informal rents of bribes is reduced. If a client must go to the formal legal system, the NGO paralegal staff provide an important service of accountability that reduces the potential of graft in these cases. By

eliminating the unpredictable and potentially escalating costs of seeking justice, the real costs of providing such services can more accurately be estimated and eventually a reasonable fee-for-service structure established.

Advocating for law and policy reform

Access to justice activities have contributed greatly to the identification of need-based laws and policies which directly and beneficially affect citizens' lives. Program initiatives of implementing partners have been successful in creating a critical consciousness among citizens across the board about the appropriateness and utility of existing laws and policies. Access to justice activities have galvanized citizens to lobby public officials to analyze the root causes of socio-economic and political problems and to initiate law and policy reform accordingly. By engaging in dialogue with the common people, the government can identify areas at the local and national levels that require immediate attention.

Access to justice initiatives by partner NGOs have led indirectly to the enhancement of women's rights in the context of a better general understanding about the rights of citizens. These activities have also contributed more directly to the enactment of specific laws such as the Nari O Shishu Nirjaton Domon Ain 2000, an act regarding the repression of women and children, and to the drafting of an improved Gram Adalat (Village Court) Bill.

LOOKING TOWARDS THE FUTURE

Governance and Advocacy

Democracy Partnership programs have changed the perceptions of citizens and NGOs about the willingness and capacity of LEBs to support development and improve conditions in local communities. LEBs are seen as more democratic, competent, and responsive to their constituents. As a result of DP interventions, citizens are more aware of their rights, able to articulate their demands, more confident about interacting with local government officials, and equipped with better information about women's rights and discrimination. Community members who once felt powerless are now approaching government officials with their concerns, participating in local decision making, and holding their elected representatives accountable for their actions. Citizens perceive LEBs as more efficient and more likely to improve local communities.

TAF's partner organizations through the DP have learned from valuable experience that these kinds of programs to improve the effectiveness and responsiveness of local government can be further refined to provide even greater sustainability and increased impact in the future. These refinements can be accomplished by continuing to encourage and train the UPs to enhance the role of women, increase their funding base through more equitable tax assessment and collection, and institutionalize community meetings so that they have increased contact with their constituents. In order to accomplish these tasks, NGOs must focus on standardizing training and awareness raising materials, coordinating their community and national advocacy on certain issues such as government decentralization, ensuring strong complementarity between governance and access to justice programs, promoting cooperation between NGOs and the government bureaucracy at the upazila and district levels, encouraging the evolution of their groups into citizen-run special interest organizations for sustainability, promoting decentralized, participatory policymaking dialogue, examining regulations which hinder grassroots advocacy, and building the capacity of their advocacy groups.²¹

²¹ For a more detailed analysis of these recommendations, see The Asia Foundation, *Responsive and Accountable Governance: Best Practices under the Democracy Partnership*, Dhaka, 2002, pp 41-44.

Elections

Much progress has been made in Bangladesh towards holding free and fair elections at the local and the national levels. Voters are much more aware of what they ought to be able to expect from the electoral process in a democracy, and monitors are ensuring that violations of the procedures, or even worse, violent incidents, do not disrupt voting at polls throughout the nation. Women candidates are emerging to run for reserved seats and are gaining confidence and strength, while women voters are coming out in ever greater numbers.

To sustain these positive steps and to continue to refine the electoral process so that other challenges are overcome as well, programmatic focus must be placed on ensuring the accountability of candidates during the campaign process, identifying and bringing other civil sector actors into electoral activities, supporting and enhancing the role of specialized elections monitoring organizations to coordinate the broader involvement of NGOs in monitoring and holding the state accountable for smooth transitions of power, promoting campaigns based on issues and the accomplishments of the candidates, continuing to educate citizens about their rights as voters and about issues and candidate qualifications for office, increasing the participation of women, particularly poor, marginalized, and previously disenfranchised women, continuing to promote communication and cooperation among all players in the electoral process, continuing to train election officials, and continuing to advocate for election law reform.²²

²² For a more detailed analysis of these recommendations, see The Asia Foundation, *Elections: Best Practices under the Democracy Partnership*, Dhaka, 2002, pp. 28-32.

Access to Justice

Poor people's and women's access to justice has been successfully improved through program interventions in the areas of legal awareness, alternative dispute resolution, and legal aid. As a result, disadvantaged persons have been empowered to transform aspects of their lives that are particularly susceptible to oppression and exploitation, and to participate more fully in their own governance. TAF's partner organizations through the DP have a greater understanding of the possible future actions which will lead to increased impact and sustainability for access to justice programs.

Recommendations for these future actions include collaborating among NGOs to develop potential trainers and resource persons, emphasizing monitoring impact and incorporating the findings into project design, focusing on tightening the gap between the formal courts and common citizens by streamlining the paralegal system, ensuring credibility for ADR by maintaining impartiality and integrity, improving the training methodology for mediation committee members, and ensuring sustainability through a cost recovery scheme.²³

²³ For a more detailed analysis of these recommendations, see The Asia Foundation, *Access to Justice: Best Practices under the Democracy Partnership*, Dhaka, 2002, pp. 42-44.

ADDITIONAL PROGRAMS

National Advocacy

The Program Context

Over a decade since the return of the parliamentary system in Bangladesh, the legislature still plays a limited role in national government, which is instead dominated by the executive branch. The leadership of the dominant political party, which is chosen in a non-democratic manner, holds unparalleled authority over Parliament through the Prime Minister and her appointed Ministers and advisers. When elected MPs have little power to affect legislation and policy, it is not surprising that civil society and citizens' groups have even less influence. Throughout the entire process, from proposing ideas, to drafting bills, to debating revisions, to enacting laws and establishing institutions, the views and activities of those other than the most elite and powerful are almost completely lacking.

Consequently, the law making and policy making processes in Bangladesh do not represent the will of society at large, let alone those of poor people, women, or other disadvantaged persons in society. Improving the representation of interests of these disadvantaged persons, which was the overall strategic objective of the Democracy Partnership, requires national advocacy and policy change to involve civil society and citizens' groups as a means to improving governance. This higher order involvement of NGOs and associations allows for greater representation of the people in the legislative and policy making process, and provides a mechanism for reform and for catalyzing political will.

Another aspect of national advocacy is to utilize the court system to try cases on behalf of the general public or large groups of the public. In Bangladesh, the courts have historically made restrictive interpretations of existing laws such that this kind of public interest litigation (PIL) has been difficult to accomplish. But as issues continue to emerge, in terms of inadequate conditions and lack of appropriate compensation for laborers, especially garments factory workers, and mismanagement by the state in protecting land rights, environmental conditions, and human rights for the public at large, the courts in Bangladesh have become more open to hearing such cases. Consequently, advocacy on behalf of the common citizen, especially the poor, disadvantaged, and women, has been effected by legal aid associations through PIL as well.

National Advocacy Program

The NGOs supported by TAF under the DP have utilized a variety of strategies and approaches in national legislative and policy advocacy, to bring issues to the forefront of discussion among lawmakers, bureaucrats, activists, lawyers, journalists, and other interested parties. These include seminars and workshops, round table discussions, publication preparation and dissemination, preparing draft bills and recommendations for policy reform, conducting surveys, analyzing the laws of neighboring countries, working to revise proposed legislation and policies, collecting signatures on petitions, holding press conferences, conducting direct mail campaigns, and lobbying Members of Parliament to hold public hearings to review bills, to enact certain legislation, and to establish structural changes in government institutions according to Constitutional provisions.

The NGO partners have focused on particular issues of national importance, namely the establishment of a national Human Rights Commission (HRC) and the office of Ombudsman, the broadening of state-sponsored legal aid to accused who are poor and disadvantaged, the strengthening of laws prohibiting the repression of women and children, the establishment of a uniform labor code, and the prudent and restrained application of the Public Safety Act. Issues of electoral law reform were also undertaken. Although the HRC, the Ombudsman, and a uniform labor code have not yet been established, the NGO partners had great success in lobbying Parliament to enact laws and form policies covering the other issues mentioned.²⁴

Public Interest Litigation Program

Public Interest Litigation (PIL) is legal action through the courts that is intended to promote the interests of the public or a large portion of the public, as distinct from individuals or small numbers of individuals. In Bangladesh, PIL is especially concerned with that portion of the population that would otherwise be unable to take its case to court, to defend its legal rights, or to seek redress when such rights are not respected — that is, economically and socially disadvantaged persons.

In ensuring access to justice and guaranteeing fundamental rights of a nation's citizenry, PIL effectively holds a nation's government accountable for the practice of good governance. In this respect, PIL is an important

²⁴ For more information on these issues and for best practices regarding national advocacy, see The Asia Foundation, *National Advocacy: A Path to Reform*, Dhaka, 2002.

complementary aspect of the work under the Democracy Partnership (DP), particularly in conjunction with efforts in national advocacy for legislative and policy reform.

Two primary objectives of TAF suggested PIL initiatives under the DP. The first objective was to open avenues through which groups of disadvantaged individuals could access the justice system in areas that were traditionally unresponsive to them, recognizing the importance of addressing individual and aggregate claims for justice related to basic human rights and constitutional freedoms. The second objective was to help strengthen the mechanisms for broad-based citizen participation in politics and governance. While PIL also assists in securing the rights of individuals and communities, it encompasses a broader dimension, because it seeks to identify issues with broad implications for public policy, hence enhancing the ability of NGOs to support and influence public policy formulation.

Under the DP, TAF NGO partners instigated PIL in issues including human rights, land use, environmental protection, and consumer protection. In addition to PIL cases, these NGOs conducted public consultations, workshops, and seminars, entered into dialogue with organizations engaged in similar efforts in the region, encouraged media coverage of milestone cases and social issues, and carried out other activities to promote the development of a supportive enabling environment for PIL in Bangladesh. Their accomplishments have been groundbreaking in establishing legal precedents or opening channels for NGO involvement in public policy formulation.²⁵

²⁵ See also The Asia Foundation, *Protecting the Common Good: Successes in Public Interest Litigation*, Dhaka, 2002.

Complementary Programs

In the spirit of the Trans-Atlantic Partnership, USAID and the European Union (EU) agreed to work cooperatively in Bangladesh by supporting a parallel and mutually reinforcing program to the Democracy Partnership. This EU program coordinated by TAF, called "Support for Destitute Women in Rural Areas," reinforced DP initiatives in access to justice. Special grants were made to ten NGOs over the duration of the project period. Eight of these grants supported various ADR initiatives, supplemented with a wide array of other legal aid services and legal awareness programs. Two other grants were made to support innovative efforts to address the broader environment and systems that expose women to legal and human rights abuses and to improve the conditions under which these rights can be upheld.

In addition, bilateral donor agencies of the United Kingdom, Denmark, Sweden, Norway, Switzerland, Canada, and Japan contributed to Partnership-led election monitoring activities for the 1997 UP elections. These activities are described in the TAF publication entitled *Elections: Best Practices under the Democracy Partnership*.

A Ford Foundation grant to the Partnership defrayed a portion of the Foundation's management costs and allowed the Democracy Partnership to engage Dr. Kamal Siddiqui, a senior civil servant and leading expert on local government in South Asia, as a local government fellow who has played an advisory role to the Partnership. During his tenure with the Foundation, he wrote feature articles and op-ed pieces about Democracy Partnership activities.

Technical assistance to NGO partners was also a vital part of TAF's work under the Democracy Partnership. In 1998, after the Results Monitoring Framework was revised, the Foundation, with the assistance of the external consultants who helped to redesign the monitoring system, prepared new formats for NGOs to write substantive, financial, and cost-sharing reports. In addition, in order to improve the technical capacity of key NGO staff to implement advocacy activities more formally and systematically, TAF supported a training program conducted by the Advocacy Institute, based in Washington, DC, and BRAC, a national NGO. The training focused on concepts and elements of advocacy, the role of advocacy in Bangladesh, methods and techniques of advocacy, media advocacy, advocacy strategies, legal and gender advocacy, and campaign design. Moreover, to maintain support to partner NGOs, TAF published Democracy Partnership Newsletters periodically, covering issues of concern regarding the implementation of DP activities.

Furthermore, TAF under the DP responded to the floods that Bangladesh experienced from July to October in 1998, which were the most severe the country had undergone throughout the entire century. A survey was completed to assess the extent to which the floods had affected TAF partner NGOs, and it showed that partner NGOs were forced in many areas to shift their activities to relief and rehabilitation, thereby suspending DP programs. Despite the disruption, partner NGOs conducted activities which complemented their DP work, including cooperating with local UPs to coordinate relief efforts, evacuation plans, and resettlement, and advocating on behalf of disadvantaged persons for provision of services by government agencies and hospitals.

Conclusion

The strategic objective of the Democracy Partnership was to improve representation of the interests of disadvantaged people. The DP began its work by focusing interventions in selected locations with the aim of developing and testing innovations in governance and access to justice. The intention was to expand the program nation-wide utilizing best practices and lessons learned to achieve the program's strategic objective throughout the country. Due to budget cuts, however, the DP was unable to move to national coverage, and instead focused on documenting best practices and maximizing results with limited resources.

Despite this drawback, TAF under the DP was able to accomplish a great deal in terms of removing the obstacles to reform of local elected bodies and government institutions, enabling greater maturity of democratic processes, and forging consensus to hold public servants accountable and to demand their responsiveness to constituent needs. These accomplishments were achieved primarily at the grassroots level, through interventions with union parishad, but positive impact was also made to improve responsiveness and accountability at the national level through initiatives in national advocacy and public interest litigation.

Furthermore, TAF partner NGO efforts under the DP have contributed substantially to improving the quality of elections. Interventions in the 1997 union parishad elections greatly increased the number of women candidates as well as women voters, and enhanced the knowledge of eligible voters about the candidates and the roles and responsibilities of the UP. The goal of posting one monitor at every polling station throughout the country also greatly helped to make the elections free and fair, which built confidence in the electorate in democratic processes and the rule of law.

In addition, TAF under the DP succeeded in linking informal judicial systems to the formal court system by filling the enormous gap between the lowest formal court and the common people who require access to justice in a sustainable, equitable manner. These ADR committees and other alternative mechanisms are in many places throughout Bangladesh the only reliable avenue available to the poor and disadvantaged to judicial proceedings that can protect the rights guaranteed to them under law.

In short, The Asia Foundation under the Democracy Partnership substantially contributed to meeting the strategic objective of improved representation of the interests of disadvantaged people in selected locations. Customer confidence in local elected bodies' responsiveness, local electoral processes, and local justice processes was enhanced, as demonstrated by the selected indicators assessed from 1997 to 2000²⁶ and described in further detail in annual reports. As a result, many valuable lessons have been learned and a strong basis for further interventions and reforms has been established.

²⁶ See Appendix F for a summary of results framework data during this period.

APPENDIX A: CUSTOMER APPRAISAL SURVEY

The results of the survey identified six key problem areas:

1. Membership in local village associations gave women self-confidence, a sense of unity, and a greater voice in community and family decisions. Women wanted to be part of associations, which could teach them skills and impart valuable information about the law, their rights, health issues, etc. Associations were not as common among men, but men did support them. Historically, these associations had little or no interaction with locally elected governing bodies and virtually no impact on their activities.
2. There was a general sense of frustration with local government. Many people felt that elected representatives did not address their needs, and that the system was corrupt and unresponsive. People wanted to eliminate such corruption and improve transparency and accountability. They were more concerned with local, as opposed to national, government roles and policies. Local elected officials, although generally sincere, lacked understanding of the roles and responsibilities associated with their positions and remained unresponsive to community interests and concerns; they operated in isolation, without horizontal and vertical linkages to provide necessary information and understanding. Local community groups and organizations that served the poor were not active advocates with elected bodies to advance the political interests of the poor.
3. Most people accessed justice at the local level through traditional dispute resolution systems, and only addressed formal courts if they were dissatisfied with an earlier judgment. While many lacked faith in the traditional system because they felt it was arbitrary and unfair, especially to women, most nevertheless preferred the local, informal process, if only because it was less expensive, more easily accessed, and resulted in speedier resolution of disputes.
4. Women expressed a desire for more education about their legal rights, especially relating to marriage, divorce, and dowries.
5. While there was a sense that progress had been made in conducting elections that were free and fair, there were still concerns about violence and fraud. The disadvantaged lacked faith in the electoral process, and many felt that more voter education would increase voter independence.
6. Many citizens lacked basic awareness of their legal rights and obligations, and thus were not able to advocate their own interests. Isolation, illiteracy, and tradition particularly restricted women's access to information. Many interviewees expressed a desire for increased information and education on all aspects of democracy and legal rights.

APPENDIX B: IMPLEMENTING PARTNERS BY PROGRAM

Responsive Governance

LEBs

CARE's UPWARD project
Welfare Association of Village Environment (WAVE)

Community-Based Advocacy

Samata (SSKS)
Rangpur Dinajur Rural Service (RDRS)
Bangladesh Centre for Advanced Studies (BCAS)
PRIP Trust – *discontinued grant*

LEBs and Community-Based Advocacy

Bangladesh Nari Progati Sangha (BNPS)
International Voluntary Services (IVS)
Uttaran
Shariatpur Development Society (SDS)

Access to Justice

Legal Awareness, ADR, and Legal Aid

Madaripur Legal Aid Association (MLAA)
Banchte Shekha
Palli Shishu Foundation (PSF)
Palashipara Samaj Kallayan Samity (PSKS)
Kabi Sukanta Seba Sangha (KSSS)
Bangladesh Legal Aid and Services Trust (BLAST)

Legal Awareness

Bangladesh Nari Progati Sangstha (BNPS)
Bangladesh Women Lawyers' Association (BNWLA)
Centre for Development Services (CDS)
Ain O Shalish Kendra (ASK)
Ain O Uannayan Sangasta (AOUS)/Institute of Law
and Development (ILD)
Legal Awareness Forum (LAF)
Bangladesh Centre for Communication Programs (BCCP)

Elections

Voter Education

Banchte Shekha
Centre for Development Services (CDS)
Manabik Shahajya Sangstha/Fair Election
Monitoring Alliance (MSS/FEMA)
Rupantar
Shariatpur Development Society (SDS)
Uttaran
Multi-Disciplinary Action Research Centre (MARC)
– *discontinued grant*

Election Monitoring and Reporting

Bangladesh Manabodhikar Somanay Parishad (BMSP)/ Coordinatin
Council for Human Rights in Bangladesh (CCHRB)
Manabik Shahajya Sangstha/Fair Election
Monitoring Alliance (MSS/FEMA)
Society for Environment and Human Development (SEHD)
Journalism Coverage of Elections
Press Institute of Bangladesh (PIB)

National Advocacy (including electoral reform advocacy)

Bangladesh Legal Aid and Services Trust (BLAST)
Ain O Salish Kendra (ASK)
Madaripur Legal Aid Association (MLAA)
Manabik Shahajya Sangstha (MSS)

Public Interest Litigation

Bangladesh Legal Aid and Services Trust (BLAST)
Bangladesh Environmental Lawyers Association (BELA)

APPENDIX C: IMPLEMENTING PARTNERS BY NGO

NGO	Responsive Governance			Access to Justice		Elections			National Advocacy		Public Interest Litigation
	LEB	Adv	Both	LA & ADR	Legal Aware	Voter Ed	Monitoring	Reporting	Election	Other	
Ain O Shalish Kendra (ASK)					X				X	X	
Ain O Uannayan Sangasta (AOUS)/ Institute of Law and Development (ILD)					X						
Banchte Shekha				X		X					
Bangladesh Center for Advanced Studies (BCAS)		X									
Bangladesh Centre for Communication Programs (BCCP)					X						
Bangladesh Environmental Lowyers Association (BELA)											X
Bangladesh Legal AID and Services Trust (BLAST)				X					X	X	X
Bangladesh Manabodhikar Somanay Parishad (BMSPP)/ COrrdinating Council for Human Rights in Bangladesh (CCHRB)							X				
Bangladesh Nari Progati Sangstha (BNPS)			X		X						

NGO	Responsive Governance			Access to Justice		Elections			National Advocacy		Public Interest Litigation
	LEB	Adv	Both	LA & ADR	Legal Aware	Voter Ed	Monitoring	Reporting	Election	Other	
Bangladesh Women Lawyers Association (BNWLA)					X						
CARE's UPWARD project	X										
Centre for Development Services (CDS)					X	X					
International Voluntary Services (CDS)			X								
Kabi Sukanta Seba Sangha (KSSS)				X							
Legal Awareness Forum (LAF)					X						
Madaripur Legal Aid Association (MLLAA)				X					X	X	
Manabik Shahajya Sangstha (MSS)/ Fair Election Monitoring Alliance (FEMA)						X	X		X		
Multi-Disciplinary Action Research Centre (MARC)– <i>discontinued grant</i>						X					
Palashipara Samaj Kallayan Samati (PSKS)				X							
Palli Shishu Foudation (PSF)				X							
Press Institute of Bangladesh (PIB)								X			

APPENDIX D: BEST PRACTICES

Indicator 3.1.1: Which Best Practices by LEBs Are Used Most Widely

No.	Best Practices	LEBs Utilizing BP*
1	Regular interaction with female constituents, to understand their problems	59% (n = 181)
2	Coordination meetings among all stakeholders (government agencies, NGOs, CBOs, and community leaders)	50% (n = 154)
3	Ensuring participation of constituents, female as well as male, in resource allocation	48% (n = 147)
4	Ensuring participation of constituents, female as well as male, in articulating development problems or priorities	47% (n = 143)
5	Promote primary education, health, and family planning	46% (n = 140)
6	Equitable distribution of VGD, rehabilitation, and other special activities	45% (n = 138)
7	Standardized financial, office, and record management	43% (n = 133)
8	Chairmen do not dominate all LEB activities and women participate as men do	43% (n = 133)
9	Resource mobilization and utilization, such as tree plantation, tax collection, etc.	43% (n = 132)
10	Mobilizing participation in activities like road maintenance and canal digging	42% (n = 130)
11	Constituent access to information about budgets, resources, registration records, and LEB decisions	37% (n = 113)
12	Lobby, pressure local branches of national agencies to deliver basic services	34% (n = 103)
13	Rural shalish and village court mediates disputes in a more professional manner and more women LEB members participate on mediation panels	32% (n = 97)
14	Ensuring rights of disadvantaged, not just elites, to government resources	27% (n = 83)

* Number of LEBs utilizing practice as a percentage of total number of LEBs (n = 307). Note: 78% (n = 161) LEBs utilized five or more best practices, while 22% (n = 46) LEBs utilized less than five best practices.

APPENDIX E: COLLECTIVE ACTION ADVOCACY INITIATIVES

No.	Category	Frequency*
1	Provision of household and economic services: Tubewell, sanitary latrines and ring slabs, relief materials-food, medicine, clothing, VGD/VGF card, allowance for elderly people, bank loan, electricity connections, deep tubewell/irrigation pump, employment opportunities created.	45% (n = 901)
2	Implementation of rural infrastructure services: Road repair and construction, re-excavation of canal, flood protection embankment, flood shelter, flood safety raised land, culvert/bamboo bridge, sluice gate, religious institutions building, education building, health building.	13% (n = 275)
3	Lease in government property: Lease of roadside land for tree plantation, lease of hat/bazaar, lease of land for cultivation, lease of water body/pond for fisheries development, lease of ghats.	13% (n = 259)
4	Access to social services and accountability of personnel: Education services, health services, veterinary services, fisheries services, drug addiction.	11% (n = 220)
5	Proper application of civil/family law through ADR or other means: Ensure compensation/dower, ensure maintenance, prevent child marriage, prevent hilla marriage, support dowry-free marriage.	5% (n = 95)
6	Advocacy for poor people's access to khas land: Recovered khas land for distribution among poor families, prevent eviction from property, access to use of water bodies, compensation for displacement of affected people from large-scale government projects.	4% (n = 85)
7	Equitable access to agricultural services/supplies: Fertilizer, seed, insecticide, ensure block supervisor's active participation.	4% (n = 71)
8	Quality of traditional rural mediation: Transformed shalish, prevented fatwa.	3% (n = 52)
9	Addressing environmental concerns: Pollution by industries, disposal of medical waste, unauthorized use of water body, bird hunting stopped	1% (n = 14)
10	Quality of LEB shalish	<1% (n = 5)
11	Advocacy for court action	<1% (n = 5)
12	Access to public documents: Land registration documents, obtaining plan documents.	<1% (n = 2)
	Total	1,984

* Reflects ratio of all collective action initiatives during the last two years of the DP program (1999-2000).

APPENDIX F: RESULTS FRAMEWORK DATA 1997-2000

<i>Strategic Objective</i>	<i>IMPROVE REPRESENTATION OF INTERESTS OF DISADVANTAGED PEOPLE IN SELECTED LOCATIONS</i>	1997 R-4 Baseline	1998 Control Sample	1998 DP Results	1999 Control Sample	1999 DP Results	2000 Control Sample	2000 DP Results	TOTAL
Indicators	3.1 Customer Confidence in Local Elected Bodies' Responsiveness	Very low	29.3	42.8	46.2	47.2	48.7	49.1	43.88
	3.2 Customer Confidence in Local Electoral Processes	Medium	31.8	34.8	57.7	66.6	-	-	47.73
	3.3 Customer Confidence in Local Justice Process	Low	45.0	54.6	62.3	61.4	54.7	54.7	55.45
	3.4 Percent of Marriages Registered	N/A	68.5%	56.1%	57.8%	51.4%	52.3%	64.7%	58.47%
	3.5 Number of Members of DP-Supported Associations Elected to LEBs	316	-	347*	-	-	-	-	347
<i>Intermediate Result</i>	<i>3.1 Responsiveness of Local Elected Bodies and Government Institutions Increased</i>	1997 R-4 Baseline	1998 Control Sample	1998 DP Results	1999 Control Sample	1999 DP Results	2000 Control Sample	2000 DP Results	TOTAL
Indicators	3.1.1 Percent of Local Elected Bodies Using Equal or More Than 5 "Best Practices"	N/A	-	34%	-	70%	-	89%	79.5%
	3.1.2 Number of Collective Action Initiatives by DP-Supported NGOs Aimed at Local Elected Bodies or Government Institutions	1,800	-	1,807 (new)	-	872	-	1,112	5,591
<i>Intermediate Result</i>	<i>3.2 Quality of Election Enhanced</i>	1997 R-4 Baseline	1998 Control Sample	1998 DP Results	1999 Control Sample	1999 DP Results	2000 Control Sample	2000 DP Results	TOTAL
Indicators	3.2.1 Percent of Eligible Voters Having Knowledge of LEB Candidates' Characteristics	N/A	13.4%	12.5%	38.0%	20.0%	-	-	20.98%
	3.2.2 Percent of Customers Aware of Roles and Responsibilities of LEB Membrs.	N/A	6.7%	12.5%	13.4%	10.9%	9.9%	9.1%	10.41%
<i>Intermediate Result</i>	<i>3.3 Access to Justice Improved</i>	1997 R-4 Baseline	1998 Control Sample	1998 DP Results	1999 Control Sample	1999 DP Results	2000 Control Sample	2000 DP Results	TOTAL
Indicators	3.3.1 Number of Clients Served in Dispute Resolution Cases	2,800	-	9,747 (new)	-	12,502	-	10,332	35,381
	3.3.2 Percent of Customers Aware of Legal Rights	N/A	43.7%	38.8%	38.9%	37.1%	53.5%	51.7%	43.95
	3.3.3 Percent of Dispute Resolutions Involving Women that Result in Decisions Satisfactory to the women	N/A	-	65%	-	60%	-	61%	62%

* 1997 election data was provisional because the election results were still being tabulated at the time of data reporting in early 1998.