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Gender equitable policy reforms in Bangladesh: The role of informal networks and practices

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Abstract

This paper explores the way power operates in a gendered manner, and how informal processes shape possibilities for gender equity. It investigates how and why gender equality policies are formulated, when these may not be popular with formal institutions, what role informal networks and practices play in their promotion or opposition, and whether the influence of informal networks varies across different types of policies. In clientelist contexts such as Bangladesh, informal networks and networking are particularly important, as they allow patrons to maintain their privilege, even after formal institutional reforms are carried out. (The paper analyses three types of policy or legal change cases: Compulsory Primary Education Act 1990 (ameliorative); Domestic Violence (DV) law 2010 (transformative status change policy); and the National Women's Development Policy (NWDP) 2014 (transformative doctrinal change). These were placed on a continuum based on the degree of resistance they generate from actors resisting gender equality reforms using categories developed by Htun and Weldon (2018). Our analysis found that the degree of resistance in the case of compulsory primary education act was minimal, while transformative policy changes generated resistance with different outcomes. Though the three cases showed the importance of informal networks and practices, particularly the use of personal relations to gain access to key actors; their significance in diffusing resistance varied across cases. The ability of critical actors within the state depended on their ability to counter resistance from oppositional groups. Mobilisation strategies that worked for law enactment did not necessarily work for policy implementation. The strength of informal networks used by the oppositional forces to gender equality and the political cost to the ruling party determined the effectiveness of informal networks across the cases. Currently, as Bangladesh politics shifts towards a more 'dominant party' system, the space for mobilisation becomes limited for dissenting actors, particularly on issues where women's rights group disagree with the state.

Keywords: Informal networks, informal practices, gender equity policies, transformative policy change, resistance

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List of abbreviations

AL– Awami League

ASK– Ain o Salish Kendra

BLAST– Bangladesh Legal Aid Services Trust

BMP–Bangladesh Mahila Parishad

BNP– Bangladesh Nationalist Party

BNWLA – Bangladesh National Woman Lawyers' Association

CAMPE – Campaign for Mass and Primary Education

CEDAW– Convention on the Elimination of all Forms of Discrimination Against Women

CiDV – Citizens' Initiative against Domestic Violence

CTG – Caretaker Government

DFID – Department for International Development

DV– Domestic Violence

ED- Executive Director

EFA – Education for All

FYP – Five Year Plan

IOJ – Islami Oikya Jote

MDG – Millennium Development Goals

MOWCA – Ministry of Women and Children's Affairs

MP – Member of Parliament

NWDP – National Women's Development Policy

PLAGE – Policy and Legal Advocacy for Gender Equality

PM – Prime Minister

UN – United Nations

VAW – Violence against Women

WfW – Women for Women

1. Introduction

Bangladesh has made impressive gains in social development and the state has made significant policy changes in the last few decades. Women's movement actors have played a key role in pushing for change. Studies on the feminist movement in Bangladesh (Nazneen and Sultan, 2009; 2014, Nazneen, 2017; 2018) have shown that informal networks, particularly personal relations, and also networking by women's movement actors have played a significant role in how women gain access inside the state, and also how they were able to promote gender equity agendas. But this has not been systematically researched. In spite of a strong women's movement, presence of female leadership in politics, and significant presence of women in the state bureaucracy, women's rights agendas face significant resistance from different political and social actors.

Previous research conducted in Bangladesh by Effective States and Inclusive Development (ESID) research centre, revealed the important role that critical actors and their informal networks play in shaping the outcomes of gender equality struggles (Nazneen and Masud, 2017; Nazneen, 2017; Nazneen et al. 2019). The research conducted in Bangladesh (2013-2016) on the politics of adoption of anti-domestic violence law and policies that address the primary education of girls revealed that power in formal institutions operates in gendered ways, and in these processes, gendered informal norms and practices shape the possibilities for gender equality through informal negotiations and deal-making processes. These findings confirm what feminist institutionalists have long drawn attention to – that there is a need to understand how informal institutions influence gender equality outcomes. Yet, in scholarship on Bangladesh and the politics of gender equality policies, we know little about the different kinds of informal networks that exist among the actors; the informal strategies and practices that are used by actors along with formal/rule-bound practices/strategies; and the factors that shape when informal practices/networking lead to success or failure. In this paper, we ask the following question: *how do informal networks¹² and practices³ facilitate, or hinder, the adoption of gender equity policies?* In this regard, we specifically explore: *a) What role do informal networks play in the adoption of gender equity policies? b) Under what conditions are informal practices able to bring about policy change aimed at promoting gender equity?*

Our study will help us to add empirically to the burgeoning body of feminist institutionalist literature which has shown that informal practices, particularly informal

¹ By **informal network**, we mean a collective body whose membership is limited and not based on formal rules. The network members engage in sustained interactions over a regular period of time to promote their agenda. They use personal relations and informal practices to engage with the powerholders (Piscopo 2017; Nazneen 2017).

² **Networking** refers to action. Networks carry out regular and repeated exchange for a common goal.

³ **Informal practices** are not based on written codes or formal rules, but refer to *how things get done* in specific contexts. These may include 'deals' and illicit behaviour. Informal norms may or may not be linked to culture, they may be expectations about behaviour and more about *'what should be done'* (Nazneen 2017).

networks and networking, are key mechanisms through which information is shared and access to political and policy elites is negotiated in a wide range of contexts, and has also shown how these processes are gendered (Waylen 2017; Chappel and Waylen 2013; Bjarnegrad 2013; Verloo and Paternotte 2018). This body of literature has also shown that informal networks and networks may not always lead to gender-biased outcomes and that pro gender equity actors use their informal networks to promote agenda policy reform processes and help gain traction on these issues, that otherwise would not have been adopted. In clientelist contexts like Bangladesh, informal networks and networking are particularly important, as they allow patrons to maintain their privilege, even after formal institutional reforms are carried out (Nazneen 2017). By investigating how and why gender equality policies emerge, what role informal networks and practices play in this process, and whether the influence of informal networks varies across different types of policy cases, this paper will explore the way power operates in a gendered manner, and how informal processes shape possibilities for gender equity.

We focus on three types of policy or legal change cases, using categories developed by Htun and Weldon (2018). These cases can be placed on a continuum based on the degree of resistance they generate from actors resisting gender equality reforms – with ameliorative policy reform generating minimum resistance, and transformative status change policy in the middle, generating some resistance, and transformative doctrinal change leading to most resistance. The policy/legal change cases researched are:

- a) Compulsory Primary Education Act 1990 (ameliorative);
- b) Domestic Violence (DV) law 2010 (transformative status change policy); and
- c) the National Women's Development Policy (NWDP) 2014 (transformative doctrinal change).

Girl's education policy is selected as an ameliorative policy, as it apparently does not challenge gender power relations, but aims to improve girl's (women's) situation. The anti-domestic violence law is a gender transformative legal change, as it challenges women's subordinate status (as women) and the traditional understanding of domestic violence as private and 'normal' and male power and privilege to perpetrate violence. However, it does not seem to challenge any doctrinal positions (i.e. religious norms). The NWDP challenges religious family law and doctrine on the roles and responsibilities of women. While the cases range over an extended time period, the political settlement throughout when these policy or legal reforms took place was competitive clientelist (Khan, 2000; 2010). Choosing contentious cases in keeping with the framework of Htun and Weldon (2018), allows us to explore how negotiations around gender equity take place among different actors and the kinds of contextual factors that influence this process.

We test the following propositions. **First** the nature of the reforms proposed (type of policy change) will generate different types of resistance to the change, because of differences in the nature of the policies and the stakeholders involved. By resistance, we mean efforts that were made to question, hamper and block the policy and legal

initiatives, such as raising objections publicly or privately, criticisms in the media and street protests. **Second**, how effective informal networks and networking are in influencing gender equality policy outcomes in each of the policy reform or legal change cases will depend on the nature and strength of women's informal networks and networking inside the state (executive, parliamentarians and femocrats). **Third**, the effectiveness of informal networks and networking will differ for each of these policy/legal change cases, given the nature of the change asked for, the political costs incurred by the ruling elite, and the strength of the networks and networking practices of the actors who are resisting.

In the next section, we provide the background to the research and its objectives, and describe the methodology. Section 3 describes the country context, focusing on the political settlement, political parties including political Islam, and strengths of the women's movement in negotiating with the state. This is followed in Section 4 by short descriptions of the three policy/legal changes studied. Section 5 provides a comparative analysis of these, based on the role of informal network and practices, and discusses the factors that affect success or limit the influence of informal networks/networking. Section 6 provides reflections going forward.

2. Methodology

For each policy case, we explored a) the agential aspect, such as type of network(s) and the actors involved, and b) factors such as contextual shift and nature of policy. The three cases were compared using a common analytical grid (see Section 4). It was challenging to reconstruct these informal networks through interviews and comparative analysis, as it involved identifying who the key actors were, who had knowledge of both the formal and informal processes, and having them recall events and processes which happened in the past. Interviews were most suitable for our research, as by their very nature informal practices and networks are not reflected in formal documents. It is only through rapport building with the informants that we were able to uncover stories and experiences.⁴

In total, we conducted 38 interviews and for each case we carried out between eight and 16 interviews with the following categories of actors: a) government officials involved in the preparations, vetting or approval process; b) public representatives who were involved in the discussions; c) women's movement actors and organisations who had advocated for the policy/law and been involved in the drafting and negotiations; d) gender specialists in donor agencies actively involved in the processes; e) technical experts involved in drafting reforms; f) civil society actors, Islamist political party members, or senior bureaucrats who resisted the reforms. We also collected documentation such as the policies and their revisions; copies of the draft law as well as final version; and the rules for the implementation of the law. We supplemented our research with earlier interviews collected for the first phase of the DV research and compulsory primary education and used materials collected under the Pathways of

⁴ One of the researchers herself is part of the women's movement and has been involved in two of the cases studied.

Women's Empowerment Programme on Islamic Groups' views on women's empowerment, the NWDP and their election manifestos and scanned media reports.

3. Country context

This section is organised under three subthemes. It provides a brief analysis of the context and comments on the nature of the state and the political competition that exists. We also discuss the role of political Islam, to highlight the kind of veto power on women's rights these groups have, and provide a brief history of the women's movement, particularly its strength and the nature of its negotiations with the state.

Nature of politics

Since Bangladesh's independence, governments have been chosen through democratic elections. The type of rule, however, has varied over time (Hassan, 2013; Hassan and Nazneen, 2017). After being under authoritarian rule since 1975, democracy was restored in 1990, with a brief interim period when there was a military-backed caretaker government during 2007-2008. The current ruling government Awami League (AL), under the leadership of the Prime Minister Sheikh Hasina, first came to power through the 1996 national elections. There have been shifts of power between two major parties, the AL and the Bangladesh Nationalist Party (BNP) through elections since 1991. An unelected 'caretaker government' (CTG) was formed in 2006, to stop violence and fraud hampering transparent elections. The country's political settlement has reflected the characteristics of competitive clientelism; where the two major political parties, AL and BNP, are expected to change power regularly, and ruling elites have to struggle to maintain their legitimacy and power, in the face of similar organised elites (Hassan and Nazneen 2017; Nazneen and Masud 2017; Khan 2010; Levy and Walton 2013); Governance and Social Development Resource Centre (GSDRC) (2009)). However, as the current ruling party came to power for the third consecutive time through a controversial election in 2018, there has been scepticism over the authenticity of elections and Bangladesh is now perceived to have a dominant party rule (Hassan and Raihan 2017).

In the period being studied, the competitive clientelist nature of the political settlement in Bangladesh shaped the promotion of gender equity (Nazneen and Masud, 2017). Amidst the struggle for power between the two parties, public spaces and institutions became heavily partisan, including civil society, which has had a negative influence on cross-sectional alliance building for gender equality. In clientelist politics, for political parties, promotion of gender equality agenda bears little political benefit. Women are not an organised interest group and enacting gender transformative laws or policy change does not result in electoral benefits and pay-offs. The question arises, when and why do political elites promote gender equality? Moreover, initiatives seeking gender transformation therefore require high levels of effort from cohesive coalitions and the use of informal networks and networking.

Emergence of political Islam in Bangladesh

Political and cultural actors in Bangladesh have used Islam for political purposes and benefits (Hashmi, 2004). Leaving aside personal religiosity, in the public domain Islam and politics have been closely interrelated and intertwined, which has been termed 'Islamism' or 'political Islam'. The emergence of religious right groups has been associated with changes of political regimes. The Constitution of 1972 included secularism as one of the four founding pillars of the nation (Riaz 2003; Huq 2013; Islam and Islam 2018). Sheikh Mujib's⁵ version of secularism focused on the neutrality of religions, rather than the elimination of religion from the public sphere (Islam and Islam 2018). The government grants for madrasas were increased, and the study of Islam was made compulsory in secondary schools (Huq 2013). During the following regimes of Generals Zia and Ershad, the ban on religious politics was lifted (Huq 2013; Nazneen 2018), in order to establish Bangladesh's identity as a Muslim majority country (Riaz 2003). This resulted in the acceptance of Islam-based parties in the political sphere of Bangladesh (Islam and Islam 2018). Lines were further blurred between the state and religion when Islam was declared as the state religion through the Eighth Amendment to the Constitution introduced in 1988 under Ershad's rule (Hashmi 2004; Huq 2013; Islam and Islam 2018). However, after a Supreme Court verdict that led to another amendment of the constitution, secularism was reinstated as a principle in 2011.

The influence of Islamist political parties deepened further as Jamaat I Islami became ruling coalition partners and held cabinet posts. In 2001, a new cabinet was installed under the BNP government, with two members from Jamaat-e-Islami. Besides Jamaat, various small factions of political forces using Islam emerged. One such organisation is the Islami Oikya Jote (IOJ), which has been vocal on women's issues. These groups built up enough strength to organise street agitations. At the same time, while political Islam has been gaining visibility, Sheikh Hasina's regime (2009-2014) adopted strategies to 'de-Islamise' the nation in order to obtain international support from certain countries. Political measures were adopted to weaken political Islam, which included characterising Islamic parties as war criminals and restricting them from politics (Islam 2011; Islam and Islam 2018).

The constant shifts between religious nationalism and secularism has shown that political parties have contradictory positions with respect to religion. Religious parties and *ulema*⁶ have significant veto power, which comes from their legitimacy of being able to decide what is religiously permissible (Nazneen and Masud 2017; Nazneen et al. 2019). Political parties have to balance between being 'modernisers' who promote the inclusion of women and at the same time be conscious of not seeming 'anti-Islamic' or upsetting traditions, in order to secure their votes (Nazneen 2018).

⁵ Considered to be the Father of the Nation and the first prime minister.

⁶ Religious scholars.

Women's movement in Bangladesh

The women's movement in Bangladesh traces its roots back to the anti-colonial movements against the British and, later, against Pakistan (Jahan 1995). After Independence, the first women's organisation to be formed was the Bangladesh Mahila Parishad, which had strong links with leftwing political parties. Gradually government attention for women as a separate category increased with realisation of the need to address female poverty and vulnerabilities, first with a rehabilitation programme targeting women who had been raped during the liberation war and then, later, public work schemes and programmes targeting poor women, such as Food for Work, road maintenance programmes and, later, the vulnerable group development programmes (Hossain and More 1999; Hossain 2017). The UN Decade for Women (1975-85) and the availability of donor funds for women in development initiatives led the government to set up various institutional mechanisms, such as the Department of Women's Affairs (previously Directorate) and the Ministry of Women and Children's Affairs. Dependence on external aid in the 1970s and 1980s made possible an emphasis on gender and development projects implemented by the government. Interpreting women's rights issues as development issues has also been fuelled by the fact that availability of donor funding has led to the growth of a large NGO sector since the mid-1980s and to civil society space being dominated by NGOs (Rahman 2006; Nazneen and Sultan 2009). Feminists and women's organisations were able to create pressure on the state through forming partnerships and coalitions with such NGOs.

A shift in women's political and civil engagement took place after the democratic transition of 1990. As women's organisations and women in student unions were active in the pro-democracy movement of the 1980s, they were recognised as a constituency during the first caretaker government (CTG) regime formed after the fall of General Ershad in 1991 (Nazneen and Sultan 2014). The preparations for the Fourth World Women's Conference in Beijing in 1995 also created scope to access policy spaces. In the 1990s, there was greater recognition of the women's movement and room for action, allowing contribution to laws, policies and programmes (Shehabuddin 2008). The government has given women's organisations greater formal recognition, involving them in consultations and also including them in various bodies.

Starting in 2001, when government hostility to NGOs started to emerge, the political and democratic space started to be reduced. There was less of an imperative for government agencies and policy makers to take on board the criticisms and recommendations of women's groups, especially if they were not in line with the policy directions already decided by the government.

4. Stories of the three policy/legal changes

In this section, we will briefly discuss each of the three cases in terms of how they originated, their process, and where and how these unfolded, in order to locate the formal and informal processes used by the key actors and agencies at different stages of the policy formulation.

Compulsory primary education for girls: An ameliorative policy change

Compulsory primary education for girls was well accepted by all tiers of society and the dominant political parties consistently supported the initiative. Three factors contributed to the expansion of education in the country. First, the state's commitment to expanding education, particularly at the primary level. Second, the presence of NGOs that have brought girls to schools. And, third, donors, who have provided substantial support to NGOs and the state with their finance and resources (Hossain and Kabear 2004).

As the women's movement gained momentum after independence of the country in 1971, girls' education was one of the major demands, following the historical tradition of 19th century social reformists, including Begum Rokeya Shakawat.⁷ The demand for education was a crucial point in the declaration of 21 demands of Bangladesh Mohila Parishad,⁸ formulated after independence. These were raised through movements, processions and human chains. To supplement the street protests, women's organisations, such as 'Women for Women' (WFW), provided evidence and data to policy makers on the status of girl's education. Women's rights activists who were also educationalists were in regular interaction with male educationalist colleagues and helped develop common proposals and plans. There was also close collaboration with the NGOs working on education, such as BRAC, Ahsania Mission and Caritas, to influence them as well.⁹

In the late 1980s, the international education movement led to the Jomtien Conference in 1990. Governments were also becoming more conscious that the provision of education was a basic right and a state responsibility. The military government in Bangladesh felt that investments in children's education would boost its credibility, both nationally and internationally (Hossain 2017). While there were various engagements and consultations between civil society, government and agencies such as UNICEF on the expansions of education (Aikman and Unterhalter 2005), UNICEF also engaged directly with the head of state. Discussions took place between the president and the head of UNICEF. Their interests came together and the Compulsory Primary Education Act was declared at the Jomtien conference.¹⁰ The international development community not only endorsed and championed the agenda of Education for All, but also provided resources to implement it (World Bank 1999).

After the declaration of the Compulsory Primary Education Act (Act No. 27 of 1990), the government sought cooperation from NGOs, civil societies and the public sector to collaboratively implement the programme. Political, international development agency, NGO and women's movement actors converged around this Act and worked towards implementing it. Civil society leaders formed a network named CAMPE (Campaign for

⁷A social reformist of the 19th century and one of the early founders of the women's movement in undivided Bengal during the British Empire period.

⁸The oldest and biggest women's organisation in Bangladesh, as mentioned in Section 3 above.

⁹ Interview with member WFW (25 October 2014, Dhaka).

¹⁰ Interview with senior NGO leader and former UNICEF education specialist (27 December 2018, Dhaka).

Mass and Primary Education) and Education Watch was formed to carry out regular research.

While there was no active resistance to the inclusion of girls in primary education, there were struggles around the curriculum and its contents and over the division of responsibilities between state, NGOs and private schools, including religious schools, for providing education. Another area which had to be actively lobbied for was the recruitment of female teachers, with a relaxation of their educational qualifications, to ensure retention of girls (Hossain and Kabeer 2004; Hossain 2017; Hossain et al. 2017).

The DV Act of 2010: A gender transformative (status change) law

The DV Act was chosen as a more contentious legal change dealing with transforming gender relations of power and violence, but not directly challenging doctrines on gender relations. The DV Act of 2010 is seen as an outstanding example of collaboration between government and the women's movement, leading to a very progressive law with the potential to transform gender relations towards greater gender equity. Women's rights and human rights organisations had been raising issues of violence against women since independence, but domestic violence (DV) was a taboo until Naripokkho raised it as a women's rights violation in the late 1980s. It was after the Beijing conference in 1995 that greater international and national attention was given to DV and both national and international statistics brought out the extent of the problem. After the passing of the Prevention of Women and Children Repression Act 2000, it was found that there were gaps remaining in the law and abuse taking place in the home was not being addressed. Rights groups with networks with legal activists in countries in the region began researching the legal provisions of other countries on DV and proposing drafts of national legislation.

The organisations advocating for legislation on DV took advantage of various political developments to move forward their case. When the CTG was formed in 2006, different organisations agreed to bring their drafts together and a policy coalition with 25 members, named Citizens' Initiative against DV (CiDV), was formed. The Ministry of Women's Affairs also began to engage with the process, which was inclusive, involving consultations at various levels, and discussions with law makers, lawyers and the judiciary. The process was helped by having the full support of the prime minister, who ensured that no opposition would be presented to the draft, and by the technical support of several skilled bureaucrats (Nazneen 2017; Nazneen et al. 2019; interviews with Ministry officials, democrats in development partners and CIDV members).

The Act has been very progressive in its provisions of protection orders for women; the right to reside in the marital home; the temporary custody of children; and recovery of personal assets and assets acquired during marriage. However, compromises were made in terms of definitions of the family (acknowledging only heterogeneous couples) and excluding marital rape in the final drafting (Nazneen et al. 2019).

While there was remarkably little opposition to the draft legislation, its implementation has been very difficult, with various kinds of resistance arising when translating it into action. The administration, law enforcers and the judiciary are having difficulties coming to terms with a law that seeks civil remedies for offences and seeks to prevent DV instead of punishing offenders (Nazneen 2017; Nazneen et al. 2019; interviews with CiDV members and MOWCA officials).

National Women's Development Policy (NWDP): A gender transformative (doctrinal) policy

The NWDP was initiated by the government after the Beijing conference, as part of the commitments made there. It has gone through various modifications, due to resistances and counter-resistances.

The first draft of the policy was formulated by the Ministry of Women's Affairs, in consultation with civil society and the women's movement. It was prepared at the same time that a National Action Plan for Implementation of the Beijing Platform for Action was being prepared, also with close collaboration between government and civil society, led by the Ministry of Women's Affairs. It was approved by cabinet in 1997, when the then Prime Minister (Sheikh Hasina of AL) announced it on International Women's Day. The policy included equal rights to property for women (Shahid 2017; Nazneen 2018).

The second version was revised and approved in 2004 under the BNP period. The policy of 1997 was modified through consultations with Islamic groups in a covert manner.¹¹ Section 25.2 that mentioned women's equal right to property was excluded. When this came to light, the civil society actors and the donors raised objections. Women's rights activists, organisations and coalitions such as the Shamajik Protirodh Committee¹² (SPC) came together, demanding a revision of the policy. Donors put pressure on MOWCA to discuss the points raised by civil society and also carried out advocacy with the local consultative group and in the Bangladesh Development Forum.¹³

The policy was revised for the third time in 2008 under the CTG and was similar to the first draft of 1997. It tried to incorporate the clauses of the CEDAW Convention about which the government had reservations. The CTG was criticised for doing these revisions, as policy changes do not fall under their jurisdiction. Heated resistance was faced from the religious right coalition, 'Islami Oikyo Jote'. The advisor of the CTG responsible for women's affairs was declared 'murtad' (heretic) and street protests took place, which were ultimately controlled by the military government (Shahid 2017; Nazneen 2018; interview with CTG advisor, 28 October, 2018, Dhaka).

¹¹ Interviews with former UN consultant 27 December 2018, Dhaka), advisor to CTG (12 December 2018, Dhaka) and human rights lawyer (25 October, 2018, Dhaka).

¹² Network of women's organisations and NGOs set up by Bangladesh Mahila Parishad.

¹³ Interviews with femocrats in development agencies. (December 2018, Dhaka; 14 January 2019, Dhaka).

In 2011, under the second AL term, the policy was finally revised for the fourth time. The debates around equal inheritance continued, both within and outside the ministry. The Minister of Women’s and Children’s Affairs, who was in favour of the policy, took the issue directly to the PM. The PM consulted the Islamic Foundation and had the contentious clauses redrafted. The PM herself vouched for the revisions and the policy was passed. However, it came with a footnote, which claimed that the policy would not pursue anything that contradicted religious sentiments. Instead of MOWCA, the Islamic Foundation was given the responsibility of printing and circulating the final version.¹⁴

5. Comparative analysis of three policies/legal changes

In this section, we analyse the three case studies comparatively. In order to do this, first we compare the key aspects: context within which these changes were being demanded; the nature and strength of the gender equality coalition; the strategies used by these actors to frame demands and establish legitimacy and negotiate with the state; and the role donor agencies played. After comparing these aspects, we explore what role informal networks and practices played in negotiation processes. We do this by asking : a) how these were used in conjunction with the formal processes of negotiations with different actors by the pro gender equality coalitions and also the groups resisting the change; b) how actors inside the state or donors used informal practices to bypass formal rules in order to minimise or diffuse resistance. We also explore how politics and context influenced the decisions of the political elites to promote or resist specific changes, and then reflect on whether the influence of the informal network and practices differs across cases. In the last section, we comment on the outcomes of the policy changes.

Table 1: Policy / legal change comparison at a glance

Type of policy	Compulsory Primary Education (ameliorative)	Anti Domestic Violence Law (transformative/non doctrinal)	National Women’s Development Policy (transformative doctrinal)
Genesis	<ul style="list-style-type: none"> Women’s rights activists advocating for education for women and girls Education for All Conference at Jomtien in 1990 	<ul style="list-style-type: none"> Demands raised by women’s rights and human rights activists (nationally and internationally) 	<ul style="list-style-type: none"> Beijing conference in 1995 Women’s demands for a national policy Secretary of MOWCA takes the initiative
Strategies/ mechanisms used by pro gender equality coalition	<ul style="list-style-type: none"> Evidence of discrimination provided by women’s organisations and Education Watch Providing technical inputs Government and non-government actors interacting Formation of coalitions (CAMPE) and women’s organisations to provide stronger base for advocacy 	<ul style="list-style-type: none"> Evidence gathering on extent and effects of DV Use of international examples by women’s organisations Use of political openings/ruptures to raise demands and take work forward or cause disruption Review of laws and drafting proposal 	<ul style="list-style-type: none"> Use of international examples by government Informal networking to contribute to draft and formal and informal consultations on drafts Use of political openings/ruptures to cause disruption Formation of a coalition to resist changes being made to NWDP

¹⁴ Interviews with Islamic Foundation (28 May 2019) and MOWCA official (25 November 2018).

	<ul style="list-style-type: none"> • Use of international conferences and events, such as the World Conference on Education for All (EFA) in 1990 	<ul style="list-style-type: none"> • Formation of non-government Coalition on Domestic Violence • Government and non-government actors interacting • Using bureaucratic/official procedures to push back on agreements reached • Use of international laws/commitments 	<ul style="list-style-type: none"> • Government and non-government actors interacting • Public protest and lobbying • Using bureaucratic/official procedures to push back on agreements reached
Key actors (gender equality coalition)	<ul style="list-style-type: none"> • CAMPE • Social reform activists • Women's movement • Education NGOs and individual educationists • Donors (UNICEF) • President • Education Sector, Ministry of Finance and Ministry of Planning • Political parties and Islamic groups consensus on girls' education 	<ul style="list-style-type: none"> • CIDV • Some male MPs • Women's affairs minister • Prime minister • MOWCA officials 	<ul style="list-style-type: none"> • Awami League leadership, including prime minister • MOWCA • SPC • CTG advisors • Donors
Resistors	None	<ul style="list-style-type: none"> • Ministry of Law • MOWCA officials • Implementers such as government departments, law enforcement agencies, judiciary • Lawyers 	<ul style="list-style-type: none"> • MOWCA • Islamist groups and Islamic political parties • MPs (some of them) • PM (on some issues) • Bureaucracy
What was being resisted		<ul style="list-style-type: none"> • Definition of family • Right to residence • Marital rape 	Equal inheritance/ asset ownership
Outcomes	Compulsory Education Act 1990 passed, resulting in gender parity in enrolment and completion at primary and enrolment at secondary levels. However, education remains of poor quality (poor learning outcome)	DV Act passed in 2010 but delays and resistance and problems in implementation Compromises made in scope, terminology	Policy reinstated but with compromises made: women's rights accepted and promoted, as long as they are consistent with the teachings of Islam.

A. Context, coalitions and strategies in comparison

Political ruptures and opportunities

Shifts in balance of power among the political actors and presence of a technocratic government provided different kinds of opportunities for pro gender equality coalitions to push for specific agendas. The tenure of CTG period¹⁵ – when advisors appointed

¹⁵ This provision was introduced in 1990 after the removal of President Ershad, whereby a CTG composed of neutral professionals would form an interim government headed by the last Chief Justice and they would run the government and carry out elections, providing 'a level playing

to the interim government were chosen for their competence and impartiality and were closer to civil society activists – allowed for informal networks to be used by the women’s movement to push for gender equality policy changes. However, this did not yield the same result in the case of transformative policy changes (NWDP and DV Act, 2010). An attempt was made by women’s rights activists under the CTG in 2007-08 to reform the NWDP to its original form. The second women’s and education affairs advisor, who was both an educationalist and a women’s rights activist,¹⁶ felt that as a military-backed government, the CTG would be able to push through the restitution of the NWDP and counter resistance from Islamist groups. The CTG set up a committee with Muslim clerics to review the NWDP, which cleared the draft as having nothing contradictory to the Quran. However, the consultation upset both women’s rights activists and the IOJ, who questioned the legitimacy of the *ulema* committee for their liberal decisions and continued their violent protests, arguing the policy was against the Quran and the Shariah (Shahid 2017). In fear of continued violence, the proposed policy was ultimately withdrawn. Various attempts were made to pacify the Islamic political opposition, both formally and informally.

In light of the above experience, the CTG advisors and the women’s groups were more strategic in placing the demand for the DV Act. One of the women’s activists stated: ‘I understood that was the moment to strike, as we had an advisor who was interested in the issue. I wanted to make use of it’.¹⁷ The CiDV coalition members wanted the government to become engaged with their process and accept their drafts, which the advisor was able to initiate officially and get MOWCA involved in the process. They did not want to have an act passed during the CTG, but to have a law passed in parliament after the new government was formed. In this they were successful and they were able to continue to protect the process once a new government was elected.

Origins and strength of pro gender equality coalitions

All of the gender equality policy coalitions were formal (CAMPE, CIDV, SPC), established either at the beginning of the policy advocacy efforts like CIDV, or later to act as a watchdog (CAMPE) or resist attempts at reversal (SPC). Whether these coalitions were able to push through and sustain the reforms, varied. With respect to primary education and DV, gender equality advocates were able to make changes, whereas with respect to NWDP, the attempts made by the SPC had limited impact. The strength of these three pro gender equality coalitions – in terms of access to financial and other kinds of resources and access to political elites, and the kinds of formal and informal networks they were able to establish and deploy – varied. These factors affected how the three pro gender equality coalitions were able to counter pushback from bureaucratic agencies, legislature and civil society actors or use informal networks and networking to gain access to key decision makers.

field’ for all parties. This provision was later removed after the Awami League was elected in 2009.

¹⁶Rasheda K. Choudhury was in charge of education but later took on women’s affairs as well.

¹⁷Interview with individual activist and GIZ consultant (22 June 2014, Dhaka).

With respect to primary education, CAMPE, the formal NGO coalition, was formed in 1990 after the declaration by the president in Jomtien to pass a Compulsory Primary Education Act. The coalition was formed by the NGOs when the president invited NGO representatives to interact with him, which gave the coalition immediate access.¹⁸ The relationship among the coalition members was collaborative and close, as the education experts and NGOs who worked together to make education inclusive had close personal ties with each other. The women's rights activists who were promoting girls were known faces and had family and professional connections in government, which made access to ministries and policy makers easier. CAMPE's expertise in the sector and the closer personal ties with the state agents makes it a successful sectoral coalition. In a similar vein, CIDV was also formed by women's rights organisations working to address domestic violence when the government (CTG) asked for a consolidated version of the DV Act law. While there were tensions about leadership and coordination, the coalition had worked extremely well together. Their long track record in providing legal aid and expertise as lawyers and case workers helped them gain legitimacy on representing the issue, including with the government. The access the coalition members had through professional networks (lawyers) and also through other personal networks (see later section) allowed them to diffuse various forms of opposition within the state bureaucracy and advocate for their efforts inside the parliament.¹⁹

In contrast, the Shamajik Protirodh Committee (SPC or Social Resistance Committee) is a coalition composed of women's organisations and NGOs. It was set up by Bangladesh Mahila Parishad (BMP) in 2001 and not at the behest of governments. This was used to protest the changes made to the NWDP in 2004, 2008 and 2011. BMP felt that by using this 'umbrella' organization, the visibility of the issue would increase and their vulnerability in case of a backlash would be less. While the strength of the coalition is recognised by the government: 'We consider them a pressure group. If weren't here, much of this wouldn't have happened. ... There should be someone to knock on my door and wake me up if I am sleeping',²⁰ given the nature of the policy change contested and the political costs associated with it, the efforts of the coalition were limited. The coalition strategies to counter the resisters through demonstration of numerical strength had failed to mobilise enough actors in a visible manner. In fact, several respondents mentioned that the AL leadership (PM and MOWCA minister) were disappointed that the women's movement did not come out strongly enough on the streets in favour of the NWDP to counter the religious groups, which would have given them the strength to turn down their demands.²¹

¹⁸ Interview with executive director, CAMPE (12 December 2018, Dhaka).

¹⁹ Interview former staff lawyer BNWLA (23 October 2018, Dhaka).

²⁰ MOWCA Policy Legal Advocacy Unit official (2019 Dhaka).

²¹ Individual activist and former GTZ consultant (22 June 2014, Dhaka); and interview with human rights organisation. (2018, Dhaka).

Gaining legitimacy: Role of evidence and framing of demands using international norms and conventions

The three coalitions tried to establish the legitimacy of their demands by providing evidence and framing their demands in ways that highlighted obligations of the state in their advocacy efforts, but how these featured in each case varied.

Expertise and evidence for gaining legitimacy

Whether expertise or evidence mattered to establish legitimacy of the coalition varied across the policy cases. With respect to primary education and anti-domestic violence law, the role of experts and evidence was critical. Sectoral specialists were members of these coalitions and played a critical role in advocacy and drafting of the law or the policy. For example, with respect to girls' education, it was the Planning Commission officials who suggested to women academics that to make the case for girls' education stronger, women should provide data on the present status in girls' education and gender gaps.²² Women activists responded by creating an organization, Women for Women (WfW), which would conduct research and collect data on girls' education and other areas critical for women's development. The member volunteers were mainly academics and researchers from elite or middle class backgrounds.²³ This role of providing and using evidence for advocacy was later supplemented by the establishment of specialist groups, such as Education Watch Group, which included individual education specialists, women's activists, academics and NGOs specialised in education. By focusing their reports on a particular aspect of education and drawing their findings and recommendations from research carried out independently by this group, CAMPE and those involved were able to use evidence to argue their case with the government. While some of the interaction between the Education Watch group and CAMPE with government was done formally, an equally important part was done informally, by discussing the terms of reference (TOR) and methodology of each study and also the emerging findings with the relevant government departments before public disclosure (Joint Evaluation of Support to Civil Society Engagement in Policy Dialogue 2013).

The role of evidence was also critical to build up a case for enacting a law on domestic violence. The women's movement had to build up the case for the extent and severity of DV, so that it could become a national issue. Academic, NGO and even government statistics from the Bangladesh Bureau of Statistics were gradually produced and documented the extent of the problem. This was supported by media campaigns on VAW carried out by MOWCA projects with donor support as well as women's organisations' awareness-raising campaigns. The women's rights and human rights activists framed DV (and all forms of violence) as a rights violation and the state as having an obligation to eliminate it. However, in the policy change case which challenged doctrinal issues – the NWDP – evidence either for or against the policy was not used and did not feature in advocacy for, or resistance to, the policy.

²² Interview, member 1, WfW (25 October 2014, Dhaka).

²³ Interview member WfW (25 October .2014, Dhaka).

Framing of demands: Reference international norms and conventions to establish state obligation

The importance of transnational movements and developments for the national-level advocacy for women's rights issues has been highlighted by various authors (Goetz and Jenkins, 2018; Nazneen and Sultan, 2014). In all of the three cases, international conferences and conventions played important roles in preparing the ground for the gender equality demands, inspiring civil society and women's organisations with international examples and also making the national government aware of international standards and consensus on the areas of girls' education, domestic violence and policies to promote gender equality. However, the effectiveness of using the references to the international processes varied according to the sensitivity of the issue and the amount of resistance to what was proposed. In the case of primary education for girls, the Education for All (EFA) goals of Jomtien and the MDGs were also very important. Education came to be seen as a right, for girls and boys and parents' aspirations for children, especially for girls, had changed by the 1990s, with both intrinsic and instrumental value being given to education (Hossain and Kabeer 2004; as well as interviews with educationalists (25 October 2014 Dhaka; 12 December 2018). With respect to framing the need for addressing domestic violence, Bangladesh Law Commission and other NGOs were able to refer to examples of DV legislation in other countries and bring in these examples and experiences, both formally and informally, to feed into the process of law drafting. Various organisations had personal connections with the Indian and New Zealand women's movement activists.²⁴ In addition, the periodic reporting to the CEDAW committee played an important role in the finalisation of the DV Act, as Bangladesh is a signatory to the Convention. The 2004 Concluding Observations of the CEDAW committee on the 5th Periodic Report recommended that legislation be formulated on DV. The government knew that it would have to answer to the CEDAW committee on the implementation of this recommendation when the 6th and 7th combined report, submitted by the state in 2009 would be considered by the committee in 2011. Therefore, the timing of the approval of the Act was such that the government would be able to announce the Act at the CEDAW committee proceedings in early 2011.

However, in the case of the NWDP, CEDAW became a point of disagreement and a cause of resistance. Many in government and the women's rights groups saw NWDP as part of the follow-up to the Beijing Fourth Women's World Conference and tried to explicitly bring in a commitment to national and international human rights and women's rights, citing the constitution, on one hand, and CEDAW, on the other.²⁵ However, the political Islamic groups explicitly objected to the commitment to CEDAW and equal rights in the NWDP. When the government was forced to respond to the criticisms by the Islamic groups, it sought the assistance of the Islamic Foundation,²⁶ which argued that references to international human rights were mentioned only to

²⁴ Interviews with BNWLA (25 October 2018, Dhaka) and BLAST (19 June 2014, Dhaka).

²⁵ Interviews with women's activists (October 2018, Dhaka).

²⁶ A body set up by the government in 1975 for research, training and also public awareness.

provide the international context and would be followed as long as they did not contradict the Quran.²⁷

Unpacking resistance

Resistance to the policy or legal reform came from various quarters; however, the nature of these varied across cases. The actors who composed the resisting coalition and their strength and legitimacy varied across the three gender equality cases we examined. With respect to primary education and inclusion of girls, there was a broad political consensus in favour of compulsory primary education. In the case of the other two legal/policy change cases that affected women's status, opposition to passing a law addressing domestic violence within civil society was minimal, the resistance mainly came from some male MPs, cabinet members and the Ministry of Law over certain provisions. The NWDP policy was the most contentious and faced opposition within both the ruling party and the religious political parties, as well as from the bureaucracy and organised Islamist groups operating in the civil society sphere.

As stated earlier, the Compulsory Primary Education Act 1990 met no significant resistance, as there was a strong consensus among civil society and political actors in favour of poverty alleviation and of education as a means to remove it (Hossain 2009:112). The two dominant political parties, AL and BNP, had a shared understanding of the importance of primary education and the inclusion of girls. (Hossain and Kabeer 2004: 4097; interview with former senior education advisor, UNICEF (27 December 2018 Dhaka). The state bureaucracy was on board to act as NGO programmes had successfully focused on getting girls to school,²⁸ and the state was wary of 'competitive and expansionary' pressure on the state from NGOs and wanted to contain this (Hossain, 2017). The expansionary activities were facilitated by donor support to both government and NGOs for expanding education from the 1990s (Hossain and Kabeer, 2004). There was no opposition from the Islamic institutions, as madrasah education support also expanded at this time, which also included girls. The contention between political religious forces and NGOs representing secular positions was not around enrolment of girls, but around women working in NGO programmes, including NGO-run schools in the early 1990s. While there was public organising by religious forces against these, and some NGO schools were attacked, this never gained popular support and the government had contained the opposition by the last decade, especially as NGOs became partners in delivering education and implementing other government projects.

In the case of the DV act of 2010, there were differences among the male MPs, but not among the two main political parties – AL and BNP. The women MPs of both political parties also felt personally implicated by the issue of domestic violence, which some of them had experienced.²⁹ There was no organised coalition resisting the law. The policy coalition strategically prepared for opposition and briefed all the female MPs

²⁷ Interview with Islamic Foundation experts (28 May 2020, Dhaka).

²⁸ Interview ex-vice chair, BRAC. (21 January 2019, Dhaka).

²⁹ Interview with female AL MP. (23 October 2018, Dhaka).

of the ruling party, AL, regarding the bill, partly to avoid hostile questions from opposition female MPs. They also enlisted key male politicians who could be influential in countering resistance from other male MPs. Opposition to the DV Act of 2010 mainly came from some members of the cabinet and the Ministry of Law over the definition of the family (whether it should include cohabiting couples), right to residence (women can stay in marital home), and marital rape, and over sentencing under the law. However, the PM as well as the Minister of MOWCA, Shireen Sharmin, intervened actively to diffuse resistance in the cabinet. The law was passed within two weeks being tabled in Parliament without any major discussion or opposition.

Interestingly, there was no opposition from religious groups, in spite of some of the radical provisions included in the law. However, the 'toning down of the radical aspects' of the DV Act, particularly concerning the definition of the family and the non- inclusion of marital rape, was a direct result of the group's veto powers and the perceived threat this group posed with regards to questioning AL's credentials to rule a Muslim majority country (Nazneen and Masud 2017: 15). The emphasis on the heteronormative family and on protection of family members from violence was possibly seen as non-threatening for religious traditions and did not directly attack norms about male privilege or religious edicts about family roles.

The NWDP is the only one of the three cases which faced wide-ranging opposition from different sets of actors. It was affected by the rivalry between AL and BNP over ownership of the policy, being portrayed by AL as an AL achievement and BNP not feeling any commitment to the original 1997 document. As the BNP was politically dependent on Jamaat-e-Islami and the Islamist political forces (Riaz 2003; Islam and Islam, 2018), it had to follow their lead on opposing the original contents of the policy. Islamist political parties such as Jamaat, IOJ and other civil society groups had serious reservations about giving women equal rights in general, and equal inheritance rights in particular, and about the commitment made to fully implement CEDAW (which would mean reforming all discriminatory laws, including religious person laws (Nazneen, 2018: 2015-2016). When they had the chance to revise the policy to remove the issues they objected to, they did so in 2004 (see above). This opposition surfaced each time there were attempts to revise the policy to its original form and mass scale public protests were organised by Islamist platforms, such as Hefazat E Islam, and religious political parties. As articulated by one of the respondents of the Islamist groups:

'The National Women's Development Policy wanted to give equal inheritance rights to men and women. However, we only accept those laws which are not in conflict with the Quran. If a law contradicts the Quran, we think about the practical consequences. If the scenario is the same as it used to be when the Quran was revealed, then we follow the Quran and [our duty is to resist]'.³⁰

In 2011, the AL government reinstated the policy in almost the original version. The PM and her government was able to counter the opposition from political Islam to

³⁰ Interview with Islamic cleric (30 May 2019, Dhaka).

reinstating the original NWDP using the government's own religious institutions. The Islamic Foundation, at the behest of the Ministry of Religious Affairs, reviewed the policy and gave their opinion on whether and how the policy could be approved. The Foundation found that 'Jamaat-e-Islam were giving wrong interpretations of the NWDP and BNP were trying to use religion for political reasons'. While interpreting women's rights in the light of the Quran, they felt that Islam could promote women's wellbeing, empowerment and even gender justice, but this would not mean formal equality in all spheres if not permitted by the Quran. The Islamic Foundation was able to find the wording and strategy that would satisfy the political Islam groups and activists, so that the government could claim that it had re-established the NWDP. Two versions of the policy were published: a larger version which was given to the donors and others; and a smaller version with a footnote saying that no steps would be taken contrary to the Quran and the Sunnah. The writer of the footnote viewed it as the 'tool' that calmed the heated backlash from the Islamists and made the policy acceptable to the masses.³¹

Role of donors

Development partners have traditionally played an important role in Bangladesh's development and had an important role in setting the gender equality agenda (White 1992). However, economic growth and lesser dependence on external donor funding has reduced their influence, formally and informally, and their influence over the state/ ruling elites have decreased. This evolution is seen clearly in our three cases. With respect to primary education, in the 1980s and 1990s, when UNICEF played a key role in promoting and strengthening primary education, starting from the post-liberation period when it provided relief and rehabilitation services. With respect to drafting of an anti-domestic violence law, donors and their projects played a key role in funding technical support, promoting coordination and providing resources to the NGO and government processes. Manusher Jonno Foundation, a challenge fund set up by DFID to promote human rights and governance, worked directly and through partners such as BNWLA to promote the formulation and approval of a DV Act.

In the case of NWDP, development partners engaged directly in promoting the NWDP and demanded that the original version be reinstated. The Bangladeshi gender advisors in these agencies played an active role as femocrats in mobilising their agencies, the donor community and putting pressure on the government. As explained by the interviewees, they engaged with the issue beyond their professional duty, but as part of their personal commitment as Bangladeshi women and rights activists networking together, i.e. as femocrats (Eyben and Mukhopadhyay 2010). Kunz and Prugl discuss the rise of gender expertise and gender experts as a new profession as a significant phenomenon, in which gender expertise is seen as performance and practice which, operating through 'networks of power', produced various effects (Brady 2018 in Kunz and Prugl 2019). However, interviews with development partner gender advisors showed that they have an understanding of how their influence and role has been changing and that their views are less important to government:

³¹ Interview with Islamic Foundation retired official (28 May 2019, Dhaka).

'This government's stand will change more now. This is because economic growth is rising, and we are no longer dependent on the donors as we used to be before. Back in 2010 they used to listen to the donors. Donors had a role to play. They used to understand the dynamics of the country. They had better linkages with the ministries. But things changed after the Holey Artisan incident.'^{32,33}

B. How did informal networks and networking matter?

Personal relations, social capital and long-term professional relationships: Gaining access and promoting agenda

In all the three cases, personal relations and networks of individual members of the pro gender equality coalitions were critical to gain access to the political elites and promote their agenda with powerholders (Piscopo 2017; Nazneen 2017). These relationships were established among the different actors, as they had studied or worked together or were linked through kinship or marriage. These were used in conjunction with formal processes of lobbying and advocacy that coalitions were involved in. But the weight of this and the influence of these personal relations and informal networks and networking on gender equality outcome varied.

Informal networking at various levels took place for girls' inclusion in primary education, which reinforced the formal processes. Firstly, UNICEF staff and NGO education specialist interviews recounted that they had high levels of social capital that came about from longstanding professional relations, and trust that was built by working with key government persons in the education sector on joint projects and by working to address various problems in the post-independence era in the 1980s. This enabled the coalition and state actors to work informally as co-creators of education programmes and policies, without much resistance from the state. Secondly, informal networks were also used by women's organisations and activists in the education sector to influence both education experts and government officials, as they had studied together or had worked on same projects for a long time. Finally, personal networks were established strategically at the highest levels between the Head of UNICEF in the 1980s, James P Grant, and President Hossain Mohammed Ershad when the former persuaded the president to make a declaration making primary education compulsory, at the 1990 Jomtien conference on Education for All.³⁴ It is likely that without the informal networks that were used to influence the process, the outcome (the passing of the Act) would have been delayed. However, it is difficult to assess how critical the networks used by women's rights organisation were in influencing policy provisions on girls' education; and informal networks may in this case have had a complementary role, as none of the key actors was resisting this change.

³² A terrorist attack in a restaurant in 2016, which resulted in the death of 29 people, including 20 hostages (18 foreigners and two Bangladeshis), after which security was increased and Dhaka became a non-family post for many international development agencies.

³³ Interview with gender advisor, international development agency (14 January 2019, Dhaka).

³⁴ Interview with ex education advisor, UNICEF (27 December 2018, Dhaka); and interview with executive director, CAMPE (12 December 2018, Dhaka).

Throughout the formulation and approval of the anti-DV law, the importance of personal relationships and networks in order to engage people in the process, access persons in position of authority or influence them and deal with opposition or resistance, was even more striking. The first advisor in the CTG set up in 2006-07 was personally known to women in the human rights and women's rights movement and approaching her was easy.³⁵ The organisations and activists working on DV did not want her to finalise the legislation, as they did not want it passed as an ordinance,³⁶ but they wanted her to take the draft forward officially. This the advisor was able to initiate, which created an opening for the issue to move forward when an elected government came to power. An even more influential power broker with whom CiDV had connections was Women's Affairs Minister, Shirin Sharmeen, a barrister and former colleague of some of the women activists, with close connections to the AL leadership. Sharmeen was one of the formal decision makers to take the law forward. After AL came into power in 2008, CiDV was able to work with her formally as well as informally, even being able to consult with her and advise her on her personal cell phone.

Another important personal relationship was between the Women's Affairs Minister, Shirin Sharmeen, and the Prime Minister, Sheikh Hasina, which meant that she had direct access to the PM whenever she needed it and the PM was able to informally channel information about discussions in the cabinet through the Women's Affairs Minister to CiDV, so that they could help her prepare for queries that were likely to be raised (Nazneen 2017; Nazneen et al. 2019). Several of the senior legal activists had family and personal relations with senior members of the judiciary and politicians, which allowed them the opportunity to discuss issues over informal interactions.³⁷ It is likely that without these informal networks the necessary buy-in to the proposed law, and the manoeuvring necessary to get it passed, would not have been possible (ibid, 2017). Importantly, the women's movement and rights activists were able to shape the law mostly to their liking because of the informal networks they could use to influence the outcome. The women's minister directly intervened through the prime minister to keep the drafting of the law under her ministry and to reverse the changes made to the draft by the Law Ministry (Nazneen 2017; Nazneen forthcoming).

In the case of the NWDP, informal networks were more skillfully and effectively used by resisters to the policy to oppose and modify it, so that it lost much of its gender transformative potential. While the women's groups also used their personal relations and informal networks to gain access to the ruling elites, their influence was limited. The NWDP revisions were made in stages (2004, 2008, 2011). In 2004, the NWDP provisions were changed in a covert manner by the BNP government without any public consultation. As the women's activists discovered, changes had been made to remove and revise certain critical clauses of the policy and the revised policy had been

³⁵ Interview, BLAST (19 June 2014, Dhaka), individual woman activist (22 June 2014).

³⁶ The CTG would not have the authority to pass a law.

³⁷ Interview with former ED BNWLA. (25 October 2018, Dhaka).

approved in 2004.³⁸ It is alleged that the cabinet and the Jamaat- e-Islam ministers who had been included in the BNP coalition government after the 2001 elections had influenced MOWCA and the cabinet for carrying out the revisions. At that time, the Parliamentary Standing Committee for Women was also headed by a Jamaat MP. The revisions to the policy were made so discretely that women's groups only discovered it through their informal contacts with MOWCA.³⁹

The role of informal networks and networking in the case of two status policies (doctrinal and non-doctrinal) varied. While the personal networks of women activists gave access in the case of the NWDP, they were not able to give the influence or authority that was the case for the DV Act. Both the PM and the minister of women's and children's affairs stressed in public platforms that the new policy was formulated through mutual discussions with the Islamic groups and blamed the women's movement for not demonstrating their support on the streets to counter the religious forces.⁴⁰

Role of informal networks and practice in diffusing opposition to the reforms

The role of informal networks and practices in diffusing opposition to the gender equality policy change or in containing the extent of reversal of policies is clear with respect to the DV Act of 2010 and the NWDP. Both of these are transformative policies. In the case of the DV Act of 2010, while there was no organised public resistance, some provisions of the law faced opposition from male MPs, and also in the cabinet and during revision of the draft by the Ministry of Law. The PM and the women's minister used their personal/informal networks to contain opposition. The PM informally communicated to all cabinet members that she wanted the law passed within that parliamentary session and that resistance would not be looked upon favourably (Nazneen 2017). Before the law was debated in parliament, the PM had informally communicated to all AL female MPs to intervene in the floor to support the bill (Nazneen forthcoming). Some resistance also came from male MPs, including leading members of the executive and opposition party, who criticised it 'for singling out women for protection under the Act, since men also needed protection, and they feared that women would abuse the provisions of the law'.⁴¹ However, debate was contained through both formal lobbying of these MPs by the policy coalition, but also by the PM communicating via the Whip that those male MPs opposing the bill should be absent during the proceedings.

The bureaucracy in various ministries put up resistance in the case of the DV Act, which was countered through formal processes and informal practices by the PM and the state minister of MOWCA. The Ministry of Law disputed the draft bill's broad definition of the family, which included a couple cohabiting or persons living in the same household, in favour of focusing only on married couples. The recognition of

³⁸ Interview with USAID gender advisor (14 January 2019, Dhaka) and advisor to CTG (12 December 2019, Dhaka).

³⁹ Interview with former MOWCA consultant (27 December 2018, Dhaka).

⁴⁰ Interview with former MOWCA consultant (27 December 2018, Dhaka).

⁴¹ Interview, BLAST lawyer (19. June 2014, Dhaka).

cohabitation was seen as a threat to the existing sexual order and family stability. The law ministry officials were also worried that families would break down if marital rape was recognised, and women would abuse the various provisions in the law that gave them the right to reside in the marital home and property, to harass husbands and in-laws.⁴² Some MOWCA officials also resisted various provisions of the draft law proposed by CiDV. Although MOWCA is a much weaker ministry institutionally than the Ministry of Law, and the minister of MOWCA is only a deputy minister compared to the full and senior minister of law, Shirin Sharmeen did have a strong bargaining position, as she had access to, and the support of, the prime minister and was able to use various informal practices to assert her influence on the process of finalisation of the Act.⁴³ However, these informal practices did have their limits, given that formal process required the Ministry of Law to send the draft for independent scrutiny, based on which final changes were made, which led to a watering down of some of the expansive provisions at the last minute.⁴⁴

As discussed earlier, resistance was fierce in the case of NWDP, in contrast to the DV Act of 2010, and resisting groups had used informal practices to undermine the policy and remove expansive clauses. During 2011, when the last round of revisions took place around NWDP, informal practices by the PM or the women's minister had limited influence in containing resistance within the state. The PM directly intervened, contravening formal norms around collective responsibility of the cabinet, and bypassing some of the established practices. In 2011, when the last version of the NWDP document was placed for approval in the cabinet meeting, the PM herself took responsibility for the draft and is said to have told cabinet members that nobody else needed to bother looking at it, since she had done so.⁴⁵ This helped to contain resistance within the cabinet, given the control she exerted over the party. The PM also formally approached the Islamic Foundation to develop a framing that would satisfy the Islamist opposition, and ministers held formal meetings with Islamist civil society groups to appease these forces and informally communicated the changes and the government positions.

Outcomes of the policy changes: A brief analysis

Since the Compulsory Primary Education Act, gender parity has been reached in primary enrolment, completion and also secondary enrolment. The latest annual sector performance report of the Directorate of Primary Education states that the total of enrolled students was 18,602, 988 in all types of schools, of which girls were 50.4 percent, (66.9 percent in government primary schools in and 52.3 percent in newly nationalised primary schools (Bangladesh Primary Education Annual Sector Performance Report 2017: 189). School attendance rate reached 87.5 percent (boys 87.2 percent and girls 87.7 percent) in 2016. The primary education cycle completion

⁴² Interview MOWCA official (25 November 2018, Dhaka).

⁴³ Various interviews with MOWCA (25 November 2018, Dhaka) and women activists (27 August 2014, Dhaka).

⁴⁴ Interview legal activist. (4 September 2014, Dhaka).

⁴⁵ Interview with MOWCA official. (25. November 2018, Dhaka).

rate rose from 60 percent in 2010 to 81.5 percent in 2016 (boys 77.7 percent and girls 83.9 percent).

The DV (Prevention and Protection) Act 2010 was vetted by the Ministry of Law Justice and Parliamentary Affairs and then approved by cabinet and parliament. Its preamble makes direct reference to CEDAW, CRC and the Bangladesh constitution. The Act includes provisions such as: protection order for women; right to reside in the marital home; temporary custody of children; and recovery of personal assets and assets acquired during marriage. However, some key compromises were made, as discussed above. The rules of procedure were finalised after three years, and training of judges, police officers and welfare officers has been organised by CiDV; however, this training is still ongoing and not complete. The number of one-stop crisis centres has gone up from five to nine, and there is a domestic violence hotline, but these remain inadequate to address the need.

The NWDP policy has been reinstated but with compromises made, with a footnote stating that nothing contradictory to the Quran and hadith would be done. Resistance to the NWDA continued, even after the approval of the revised policy in 2011. On 5 May 2013, Hefazat E Islam⁴⁶ organised a sit-in in downtown Dhaka, Bangladesh's capital. It was attended by more than 500,000 people from all over the country (Boussou 2013 in Nazneen 2018). Hefazat demanded the enactment of a blasphemy law and its 13-point demand to the government also included the abolishment of the NWDP and measures to prevent the 'infiltration of alien culture' and 'a ban on immodesty, lewdness, misconduct and free mixing of women and women in public in the name of freedom of expression' (Sabur 2013 in Nazneen 2018). These protests have led to the government to adopt a slower pace in its implementation, while the reinstated policy was not reversed, but placed on the backburner.

6. Conclusions

We examined three types of policy and legal change cases, and the role that informal networks and practices played in hindering or facilitating these changes. Here we reflect on whether our propositions held and the implication for further research.

Our first proposition was that the nature of policy change would generate various degrees of resistance. The degree of resistance will also be affected by who the resisting actors are. The analysis here shows that the degree of resistance in the case of compulsory primary education act was minimal, while transformative policy changes generated resistance with different outcomes. The stakeholders who were resisting in the case of the DV Act, were mainly state actors, whereas the NWDP faced a wide range of resistance, both from within the state and from society, for it to be derailed.

⁴⁶ When Jamaat as a party was being discredited by the War Crimes trials, the religious groups changed track and formed Hefazat E Islam, a loose Islamist platform or civil society alliance. It was not linked to any political party but had the support of the Ulema and sections of the public (*New York Times* 4 April 2011 in Nazneen 2018).

While our analysis of the three cases shows the importance of informal networks and practices, particularly the use of personal relations to gain access to key actors, how important these were in diffusing resistance varied in the case of the transformative policies.

Our second proposition was that the effectiveness of informal networks and networking to gain access and the outcome of these interactions will be influenced by the strength and legitimacy of the gender equality coalitions and the degree of resistance they had to overcome. In the case of compulsory primary education, CAMPE's position as an expert/technical body established its legitimacy, and its members have longstanding personal relations with the state, based on the experience of working together. It was able to ensure a continued relationship with the key state actors, which strengthened its position. In the case of CiDV, the longstanding track record in the provision of legal aid, the reputation of the members as key members of the legal community, and the personal relations these members had with the key actors within the state and across civil society, established CiDV's legitimacy. It was able to overcome resistance in the formulation stage. However, in the case of the NWDP, which was the most contested, the SPC, while a wide-ranging umbrella organisation, could not match the numbers fielded by the Islamist groups.

With respect to how important informal networks and practices were across these three cases, we can make the following claims. Without the use of informal practices and networks, the successes in formulation and approval of the Compulsory Education Act and implementation of UPE programme are likely to have been delayed. Our findings suggest that the policy was well accepted across all tiers of the society, and overall there was consensus that increased enrolment and completion of education for girls was important and to be promoted. Reaching this consensus and ensuring mobilisation of resources used both formal and informal networks, lobbying through coalitions and working across parties. Without the informal networking and relationship building, the Compulsory Education Act would not have been passed when it was, and the necessary resources would not have been allocated in sufficient quantities.

Without informal practices, networks and contacts, a DV Act, which is largely designed by women's rights and human rights groups, would not have been passed. As discussion above revealed, without informal support, the role of the PM and the minister of MOWCA, the CiDV would not have been as successful. In fact, without mutual support, neither civil society actors nor government could have achieved the outcome they were able to. The DV Act 2010, being a gender transformative policy change, generated resistance from different actors, as it proposed to change women's status. To counter this and build the case for the law, there was extensive engagement of women's rights groups and activists in forming coalitions that generated pressure on political elites. Not only women's organisations, but also alliances were built with women judges and political elites who were key actors within the coalitions, helping the drafting process. This has made the coalition effective, with strong bargaining capabilities, which resulted in the successful approval and formulation of the Act. However, the strength of the coalition could not prevent challenges during the

implementation processes. Therefore, the mobilisation strategies that work for law enactment do not necessarily work for implementation.

The ability of critical actors within the state depends on their ability to counter resistance from oppositional groups. In the case of the DV Act, despite resistance from the Law Commission, bureaucrats in the MOWCA, some male MPs and some parts of the Judiciary, the use of informal practices by the PM and women's minister helped in the adoption process of the law. NWDP, which faced the most resistance, revealed the limits of the ability of informal networks and networking to promote gender equality. It is a case which showed the way that informal practices used by actors within the state and ruling parties (BNP-Jamat coalition in 2004) could be used to remove/reverse policy gains. We also saw how informal practice was used by the PM to contain the potential resistance in the cabinet in 2011; although this did not lead to a reversal of the policy – it merely ensured it was not watered down further.

Perhaps the most important issue revealed by the comparison of DV Act of 2010 and NWDP 2011 is that a sense of obligation has worked throughout the adaptation of both the DV Act and NWDP. These obligations were the results of personal relationships and past common history between the women's movement actors and the PM and the women's minister. In case of CiDV, the coalition was able to work with these obligations and collaborate closely with the champions inside the government to bring about change. However, in the case of NWDP, this was not enough to ensure a positive outcome.

Our third proposition makes the point that the strength of informal networks used by the oppositional forces to gender equality and the political cost to the ruling party will determine the effectiveness of informal networks across the cases. This holds true for the policy cases. The Primary Education Act faced no opposition, and there was no organised coalition against the DV Act 2010. Neither were electoral issues, or politically costly. However, the NWDP has faced the greatest resistance by religious groups, as it proposed a transformative policy change that challenged family law and religious doctrines. Due to the controversies that arose because of the contents of the policy, it had to undergo a number of changes. The analysis of informal practices revealed that, in the case of NWDP, actors against the policy used informal practices more effectively than pro gender informal/formal practices. They were able to challenge the legitimacy of the political elites by referring to religious laws and norms, through a strong coalition which put up an effective resistance. Both the AL and BNP realised that right-wing votes were essential to win elections and did not want to pass a controversial law that would risk the government's incumbency. The AL government, which initially tried to revert back to the original provisions in 2010-11, expected civil society actors and coalitions to stand by them in opposing the resistance. This, however, did not happen in a visible manner, revealing the weakness of the pro gender equality coalition (SPC) in countering resistance from the religious opposition.

So what do our conclusions mean for researching the politics of negotiating gender-equitable change for Bangladesh? We make the following point. As Bangladesh's

politics shifts towards a more 'dominant party' system (Hassan and Raihan 2017), the space for mobilisation becomes limited for dissenting actors, including on issues where women's rights group disagree with the state. And as the importance of donors decreases with the state, development partners are no longer influential allies of the women's movement. If informal networks and practices, are key ways through which to influence gender equality reforms, will women's movement actors be able to use these, if the agenda they promote are politically costly to the ruling party?

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