

8-2016

# The impact of political oversight in democratization: the cases of Japan and Bangladesh

Andrea K. Griner

University of Tennessee at Chattanooga, ltv395@mocs.utc.edu

Follow this and additional works at: <http://scholar.utc.edu/honors-theses>



Part of the [Political Science Commons](#)

---

## Recommended Citation

Griner, Andrea K., "The impact of political oversight in democratization: the cases of Japan and Bangladesh" (2016). *Honors Theses*.

This Theses is brought to you for free and open access by the Student Research, Creative Works, and Publications at UTC Scholar. It has been accepted for inclusion in Honors Theses by an authorized administrator of UTC Scholar. For more information, please contact [scholar@utc.edu](mailto:scholar@utc.edu).

The Impact of Political Oversight in Democratization:

The Cases of Japan and Bangladesh

Andi Griner

Departmental Honors Thesis  
The University of Tennessee at Chattanooga  
Political Science

Project Director: Dr. Irina Khmelko

Examination Date: March 31, 2016

Dr. Michelle D. Deardorff, Dr. Chris Horne, Carolyn Runyon

---

Project Director

---

Department Examiner

---

Department Examiner

---

Liaison, Departmental Honors Committee

---

Chair, Departmental Honors Committee

**Table of Contents**

Introduction ..... 2

Literature Review ..... 2

Methodology ..... 11

Case: Bangladesh ..... 13

Case: Japan ..... 29

Findings ..... 37

Conclusion ..... 41

References ..... 43

**Abstract**

This study seeks to illustrate the importance of oversight in parliamentary democracies. A case study of Japan and Bangladesh is analyzed with a focus on legislative oversight. Results stress the importance of stable institutions and executives, and incentives for parties to consolidate.

## **Introduction**

One of the most basic ways to think about democratic government is that it is a system to address the individual and collective concerns or interests of a larger group of people. A truly democratic government cannot ignore minorities or majorities, and must attempt to tailor policy to the government's and citizens' needs. Effective government serves the needs of both groups and benefits them both. A key way that government can tell if they are being effective is by performing oversight. This practice, opposite from its colloquial meaning, is the ways by which a government ensures its laws and policies are being implemented as intended.

This study seeks to analyze the importance of oversight in parliamentary democracies via a case study analysis of two Asian parliamentary democracies, Bangladesh and Japan. First the theory and prior research of oversight will be reviewed. Then the case study of each country, including institutional histories, structures, and procedures will be examined through the lens of oversight. The discussion will focus on comparing and contrasting the evidence gathered in the case studies with each other and with the theories on oversight. An analysis of this study in relation to the previous work on oversight will be provided in the conclusion.

## **Literature Review<sup>1</sup>**

Oversight, in general terms, is the way that parliament, “holds the government accountable for its use of public funds by detecting fraud [or inefficiency and] ensuring laws get implemented as intended” (Khmelko 2015). Another way of saying it could be that oversight is “the review, monitoring, and supervision of government and public agencies, including the

---

<sup>1</sup> This section relies on the work already accomplished while writing the paper : Khmelko, Irina and Andi Griner. 2015. "Oversight of Policy Implementation Process: The Case of Bangladesh." Southern Political Science Association Conference. I helped with writing the initial draft and researching much of the data used in this paper, and it is to that previous body of work that I am referring to here.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

implementation of policy and legislation” (Yamamoto 2007, 9, as cited in Khmelko and Griner 2015, 2). Oversight is critical because it is an opportunity for the legislative branch to check the “enormous powers wielded by executive leaders” (National Democratic Institute [NDI] 2000, 19, as cited in Khmelko and Griner 2015, 2).

Oversight has a few common forms which can be found in almost any parliament, even if it is not often practiced by that parliament. How much a legislature practices oversight is a reflection of how much and to what extent parliament “attempts to detect and remedy [the behaviour] of the executive branch. “McCubbins and Schwartz (1984) famously observe, legislators may attempt to maximize the political benefits of legislative oversight by adopting either a police-patrol or fire-alarm approach to the oversight process” (Khmelko and Griner 2015, 2). In other words, legislators are looking for problems and policing them as they happen or damage control after they happen. “Oversight can be either legislative or investigative” (Khmelko and Griner 2015, 2). Legislative oversight is the process of examining already existing programs and agencies, to decide whether or not modifications or entirely new legislation is needed (Khmelko and Griner 2015, 2). Investigative oversight is more exploratory in nature, focused on uncovering incompetence, malfeasance, or inefficiency within the administration of a particular agency (Khmelko and Griner 2015, 2).

Oversight is critical to democracy. Not only because citizen trust is increased when governments provide what their policies have committed to, but also by nature of how oversight impacts legislators. “Engaging in oversight activities allows legislators to increase their level of expertise on policy issues ... Specialization is a well-known way to deal with the uncertainty of policy outcomes. Oversight activities would allow deputies to specialize at low cost” (Khmelko and Griner 2015, 7). This specialization allows those who are most informed or abreast of policy

issues to work closely with legislation in that field; in other words, that the most qualified legislator is working on the issue. This is critical to democracy since these officials are held accountable by voters, who re-elect or don't re-elect legislators based on that legislator's decisions and performance while in office. Encouraging them to specialize allows for legislation to be vetted by qualified persons, reinforced in their decision-making by the votes they receive.

### **Tools of Oversight**

The tools of oversight, or how a legislature actually performs oversight, can be external or internal. External oversight tools would include the audit of institutions or auditing through an Ombudsmen. Internal oversight tools would include the use of committees, inquiries, or question periods during sittings of the parliament itself (Khmelko and Griner 2015). Specific mechanisms used to oversee government agencies' policy implementation would include using both internal and external tools, such as "investigations, funding, and constituency service, reviewing secondary legislation, audits, and ministerial responsibility" (Khmelko and Griner 2015, 2).

The most common oversight tool used in legislatures are "Questioning Periods," "Government Days," and "Question Hours," where parliament poses direct questions to the executive to collect information (Khmelko and Griner 2015, 2). These questions are written or asked verbally to government entities. "[Oral questions] are discussed and debated as needed during the question times" (Khmelko 2015). Written questions receive a written response. Some individual questions can be "deemed 'urgent' requiring a speedy government response" (Khmelko and Griner 2015, 3).

Interpellations occur when a group of Members interrupts the order of the day to question an official present, and are also a popular tool of oversight. Similar to "Questioning Periods," interpellations also are used to obtain information from the executive. However, they differ from

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

“Questioning Periods” in that interpellations must be “introduced by a party’s parliamentary group or by a prescribed minimum number of MPs,” whereas questions can be put forth by an individual (Khmelko and Griner 2015, 3). Also, “Questioning Periods [are times] to question the executive on factual data, such as the correctness of information received by the government which informs the deliberative process, whether the government plans to share this information with the legislature, and whether the government has undertaken or is willing to undertake a specific course of action” in response to this information (Khmelko and Griner 2015, 3). In an interpellation the goal of questioning is not to learn facts, but to learn the motivations of the government, and its reasoning behind a particular government decision (Khmelko and Griner 2015, 3). Motions of censure, where the legislature formally conveys disapproval of the head of government or the government as a whole, can be brought about by an interpellation. Thus Questioning Periods facilitate oversight by allowing the legislators to directly question the executive about implementation of policies.

Motions of censure in and of itself can be a tool of oversight, as well as a motion for debate. “A motion of debate is used to scrutinize the implementation of government policies and activities,” literally opening the floor for MPs to debate. (Khmelko and Griner 2015, 3) These motions allow legislatures to look as a group at the policies of the government amongst themselves and see if the policies are being implemented as intended or if any changes need to occur to that policy. Sometimes these motions can be effective, but other times institutional factors can render this potential oversight ineffective. For example in some presidential countries, such as Burundi, motions of censure are used only to record the displeasure of the legislature, without any substantive consequences. In other countries, such as Liberia, motions of censure can lead to the dismissal of the head of government (Pelizzo 2013, as cited in Khmelko

2015). In Burundi's case, a motion of censure would not be effective oversight because the legislature is not able to correct an ineffective policy, whereas in countries like Liberia motions of censure keep the government accountable to the effectiveness of the implementation of its policies (Khmelko 2015).

### **Committees**

“Committees are one of the most distinctive organizational features of legislatures,” and much of the literature on the legislatures of developing countries concentrate on the oversight functions of committees as well as financial oversight (Khmelko and Griner 2015, 3).

“Regardless of the type of oversight, legislative committees often play a vital role in the process of oversight” (Khmelko and Griner 2015, 3). This is especially true, “in semi-presidential and presidential systems, where active committees with strong oversight roles play a critical role in exercising interbranch checks and balances, ensuring the genuine separation of powers” (Strøm 1998, as cited in Khmelko 2015). “[Committees] vary in size and number, but they invariably assist legislatures in performing their legislative and oversight functions” (Khmelko and Griner 2015, 3). The exact oversight function of a particular committee is dependent on the committee type. Some committees are permanent, which means they, “exist for the duration of the legislature and are established either in a constitution, in parliamentary rules and procedures, or in the standing orders of a legislature” (Khmelko and Griner 2015, 3). Ad hoc inquiry committees are committees that are only created to examine a specific issue or purpose, and dissolve once the issue has been taken care of (Khmelko 2015). Committees are crucial to oversight because their general purpose is for a smaller group of legislators to look over potential legislation or current legislation in order to more accurately judge how effective the legislation

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

is, or will be, if passed into law. Setting aside resources to delve into the implementation of laws and questions their effectiveness is one of the most fundamental functions of oversight.

“The most frequently used specialized committee used for oversight purposes is the Public Account Committee (PAC). This committee reviews government expenditures and ensures accountability” and efficiency (Khmelko and Griner 2015, 3). PACs were once found exclusively in countries with a British institutional legacy, meaning the British Commonwealth plus Ireland (Khmelko and Griner 2015, 3). But in the contemporary political world, many countries outside of that institutional heritage have begun adopting PACs, even those with presidential forms of government such as Nigeria, Liberia, Seychelles, Bhutan, and the Federated States of Micronesia (Pelizzo 2013, as cited in Khmelko and Griner 2015, 3).

Committees also have set of tools to use for oversight, the most common one being hearings (Khmelko and Griner 2015, 4). “Committees can have the power to subpoena government ministers and senior officials as well as witnesses if deemed necessary, in order to gather information on government activity and policy implementation and keep the government accountable” to honoring promises on policy initiatives or activities. (Khmelko and Griner 2015, 4) It also allows for an insight into exactly how things are being done and how effectively resources are being used by governmental agencies or programs. “Many legislatures use ad hoc or temporary committees (or subcommittees of inquiry) to perform specific investigations on particularly salient issues” (Khmelko and Griner 2015, 4).

Missions and reports are other forms of legislative oversight that are used in some parliaments. Pelizzo (2013) has found several countries (e.g., Benin, Burundi, Congo, Djibouti, and Indonesia) where legislatures can carry out fact-finding missions to gather information on the efficiency and the effectiveness of government policy implementation.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

In many other countries (e.g., Cyprus, Djibouti, and South Korea), specific provisions compel the executive to submit regular reports to the legislature about the implementation of policies and programs. These reports can be subject to debate in the plenary session of the legislature [where all members are in attendance] (Khmelko and Griner 2015, 4).

A key function of parliamentary oversight which promotes greater government accountability within the executive is its financial oversight function (Khmelko and Griner 2015, 4). “This is particularly relevant where a parliament has a role in ex-ante [before the event] and ex-post[after the fact] budget reviews. Parliaments approve the annual budget and oversee government spending, and through this process assist in holding the government accountable for the use of public funds” (Khmelko and Griner 2015, 4). Parliamentary structure and systems tends to emphasize the parliament’s role in the budget cycle ex-post (Khmelko and Griner 2015, 4). Parliaments tend to specifically focus on financial scrutiny, and a growing number of parliamentary countries are also focusing on value-for-money and performance audits (Khmelko and Griner 2015, 4). In presidential systems, legislatures tend to play a greater role in actual budget formation, whereas in parliamentary systems the focus is on carefully monitoring the government’s budget (Khmelko and Griner 2015, 4).

As can be seen, legislatures have many options on how to conduct oversight, and they differ in their usages of legislative oversight tools (Khmelko 2015). “For example, Pelizzo’s research (2013) shows that Committee hearings are used in 22 of the 24 countries under consideration [of his study], oral or written questions in 21 of the 24, committees of inquiry in 20 countries and urgent questions in 19. By contrast, missions are only used in 9 of the 24 countries, motions for debate in 12, reports in 15, and motions of censure in 14” (Khmelko and Griner 2015, pp 4-5). Pelizzo’s research suggests that the most widely used forms of oversight are

committee hearings and questions. However, the tools of oversight, even committee hearings and questions, are only part of the full oversight process -- legislatures do not operate in a vacuum, and the factors which surround and impact the legislature bears on oversight as well.

### **Contributing Factors to Oversight**

The effectiveness of oversight can be measured by whether or not the oversight process, “results in more effective implementation of policies by governmental agencies, [which] benefit broad constituencies” (Khmelko 2015). This last part is key, because it shows that a policy doesn’t just benefit a select group of political or economic elites; effective oversight benefits everyone (Khmelko 2015).

There are a few hypothetical relationships that can be drawn about what makes oversight effective. The first is the, “availability of oversight tools to legislators increases the opportunity for the creation and implementation of an effective oversight process” (Khmelko 2015).

“Specifically, the presence of the following mechanisms allows for effective oversight:

- 1 Investigations
- 2 Funding
- 3 Constituency service
- 4 Reviewing secondary legislation
- 5 Post Audit
- 6 Ministerial responsibility” (Khmelko and Griner 2015, 8).

However, even if a legislature has all of these oversight tools, the effectiveness of the oversight process, “is still dependent on the type of government system in a society and the coupling of that system with the election system (Pelizzo 2013). Pelizzo’s research concludes that a presidential system together with a single-member election system and a parliamentary

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

governmental system united with a proportional representation election system offer the strongest possibilities for effective oversight” (Khmelko and Griner 2015, 8). Also, the choice and implementation of these tools depend on the purpose of the oversight. Different tools are better suited to different tasks, which can be broadly grouped into legislative and investigative (Khmelko 2015). “The availability to legislators of such purpose-dependent mechanisms allows for effective oversight” (Khmelko and Griner 2015, 8).

And finally, outside of the type of governmental system, there are larger systemic factors which influence the effectiveness of oversight. “The degree of conflict in legislative-executive relations, the level of corruption in the country, and the degree of fraud present in the electoral process all influence the effectiveness of legislative oversight” (Khmelko and Griner 2015, 8). More specifically, levels of corruption, conflict, and/or “fraud will have an inverse relationship to the efficacy of the oversight process; i.e., higher levels of corruption will result in less effective oversight” (Khmelko 2015).

Thus the importance of oversight can be seen in many ways, its effectiveness felt in many areas of government, and the research suggests overall oversight is an indicator of how well the democratic process is working, because it demonstrates how the government can respond to failures or gaps in policy-making and implementation. Existing research focused on what the tools of oversight were, and whether or not certain governments possessed them. However, there is much less research on how certain governments used those tools, and whether they used them effectively or not. On the surface there seemed to be an assumption that if a government had tools of oversight, then it would conduct oversight. However, tools of oversight seem to come standard to many parliaments, without accompanying high levels of oversight. Was there a difference between possessing these tools of oversight and implementing them? How exactly

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

could ineffective oversight be distinguished from effective oversight, and what would the effect of either be on the functionality of a democratic government?

### **Methodology**

My initial research interest for this paper was to investigate how countries transition to parliamentary democracy. Due to my research with Dr. Khmelko into the importance and nature of oversight in parliamentary democracies, I hypothesized that a parliamentary democracy with more procedural and practiced oversight was likely to be a more efficient, effectual government than one without. After researching more into the theory of oversight, my research question for the paper became: what is the impact of oversight in a parliamentary democracy and what does effective versus ineffective oversight look like?

To test my hypothesis that a legislature that practices more oversight will be more functional, I decided to engage in a case study of two different parliamentary democracies. If they had different levels of oversight but similar institutions, I could tentatively correlate more oversight with more functional government, or one that is politically and economically stable. However, if the two similar countries had different levels of oversight but no significant differences in government functionality, or if they had similar levels of oversight and yet differences in governance, then my hypothesis would not be supported. In other words, I hypothesized that oversight impacts the functionality of government, and that by looking at a successful and a less successful case of functional government, I could isolate the importance of differences in oversight procedures and practices. I chose to study Japan and Bangladesh for my case-study analysis. These countries are very different historically, culturally, and developmentally, however, they share the same form of government institutions. Both of these countries are parliamentary democracies, but how they came to be parliamentary democracies

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

are two very different stories. These two cases are interesting to compare because Japan became a parliamentary democracy after being conquered by an enemy nation, and Bangladesh became a parliamentary democracy after a grassroots movement for democratic rule was successful. This is interesting, because Bangladesh is now largely considered a failed or failing state by most international organizations, whereas Japan is a thriving country politically and economically. If these two countries, so different in their ability to efficiently govern, had significantly different procedural and/or practiced oversight, then the hypothesis that more oversight has a positive effect on government functionality can be tested.

This study was limited in several ways. The question of culture and its impact on oversight or democratization is not addressed and is beyond the scope of this paper. While culture is a highly studied field with its own debates and arguments, it is a very complex concept and one explored by many different disciplines. Political scientists, on the other hand, primarily focus on the institutions of the countries, as these institutions (executive, judiciary, legislature, bureaucracy) are the foundations of government and can be indicative of numerous factors within it, such as the effectiveness of the political process, the accuracy of representation in a democracy, etc. Most research on the variation between countries focuses on the different institutions or histories, however in my study the lens of oversight, procedural and practiced, is what I have chosen to focus upon. In order to more concretely understand the effects of oversight, I turned to this case study to see examples and facts outside of theoretical research.

This study is also limited by a bias towards Bangladesh; I spent more time researching and finding historical evidence for the Bangladesh case, and while I attempted to balance the information on Japan, I do not think I succeeded. Also, this study selectively looked at historical cases and events which bear directly on the development of institutions and the function of

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

oversight of both parliaments. This disregards large portions of both country's history which would be relevant to other questions.

### **Case: Bangladesh**

Bangladesh is a small country in South Asia, bordered by India and Myanmar. With a population of about 168,000,000 Bangladesh is the world's eighth most populous country, and as it is only about 57,000 square miles, that population is dense. It has been a country since 1971, when after a civil war it gained independence from Pakistan. Their parliament is named the Jatiya Sangsad, and even though their transition to democracy has occurred over 20 years ago from an authoritarian government to a parliamentary democracy, the country still struggles with political instability, corruption, poverty, and many problems stemming from Bangladesh's overpopulation. Transparency International ranks Bangladesh as having a corruption perception score of 25 (0 being a perception by the public sector of the government as completely corrupt, 100 being non-corrupt), making its rank 139th in the world as of 2015 ("Transparency International - Corruption by Country - Bangladesh," 2016). The Human Development Index ranks Bangladesh as 142 in the world for overall development ("Human development reports - Bangladesh," 2015). The main two political parties are the Awami League (AL) led by Sheikh Hasina and the Bangladesh Nationalist Party (BNP) led by Khaleda Zia. The institutions of Bangladesh are complex, as are their history and procedures. Each reflects on Bangladesh's ability to conduct oversight of the laws and policies of the Jatiya Sangsad.

## **Institutional Factors<sup>2</sup>**

Bangladesh has a traditional Westminster-style government. The Parliament of Bangladesh (Jatiya Sangsad) is a unicameral parliament, with 350 total seats, 300 of which are directly elected. The remaining 50 seats are reserved for women as per the Fifteenth Amendment Act, which brought the number of female representatives up from 45 to 50 in 2011. The female Members of Parliament are distributed to political parties in proportion to the party's overall share of the votes received in the election. Candidates are then approved by a vote of parliament. Members of Parliament serve a term of five years, after which Parliament is dissolved until new elections are held. The voting system is based on direct simple majority vote ("first past the post"). Any vacancies which occur between elections are filled through by-elections held within 90 days of the vacancy. Voting is not compulsory, and if you do wish to vote in Bangladesh you must be 18 years old and a citizen of Bangladesh, your residence must be in the constituency that you are voting, and you cannot be declared insane. To run for election in Bangladesh you must be 25 years old and a citizen of Bangladesh. If you are declared insane, have undischarged bankruptcy, have been imprisoned for more than two years for a criminal offense involving moral turpitude, or owe allegiance to a foreign State, you cannot run for election. To declare your candidacy, you must be supported by two qualified electors of the constituency and deposit 5,000 takas (~ \$64 USD) which will be reimbursed to you if you obtain at least 1/8 of the total votes cast. Candidates may run simultaneously in several constituencies, if you want to ensure electoral victory in at least one constituency.

---

<sup>2</sup>This section on Bangladesh's parliamentary structure is according to data provided by The Inter-Parliamentary Union's PARLINE database, which is the best source of data on this topic because it contains authoritative data on "the structure and working methods of every national parliament," according to their website. This data is collected by an international body for the primary purpose of studying parliaments, and is annually updated. <http://www.ipu.org/parline-e/aboutparline.htm>

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

The Speaker of Parliament ranks third in the hierarchy of the State (preceded by the Prime Minister and the President). The Speaker is elected by the members of Parliament in their first session, after the members are sworn in. Any member can be a candidate for Speaker, though the deadline for notification of candidature must be one hour before the vote, which is presided over by the outgoing Speaker. Each division gives a unanimous vote until a simple majority is revealed. The results of the vote cannot be challenged. The Speaker of Parliament may be called upon to replace the Head of State in the event of the latter's absence. The Speaker represents the Assembly in international bodies, and is Chairman of the Standing Committee on Rules of Procedures of Parliament and the Business Advisory Committee. The Speaker has many other functions such as examining the admissibility of bills and amendments, nominating committees, giving and withdrawing permission to speak, calling for votes, and is responsible for relations with foreign Parliaments, etc.

Members of Parliament (MPs) receive their mandate when they are sworn in until that parliament's term reaches its limit or is dissolved. They can resign by their own free will. MPs can lose their mandate by failing to make the oath, are absent from a certain number of plenary sittings, if they are disqualified from office, or if they resign from their party. Discipline against members is enforced by the Speaker, and can take the form of warnings to orders to withdraw to suspension. While there are no specific rules of conduct in the judicial system, there are provisions in the Constitution that serve this purpose. There are no legal provisions for the relationship between MPs and special interest groups. Floor crossing, which occurs when Members change political party affiliation, is illegal.

The office of President of the People's Republic of Bangladesh is held by Abdul Hamid since March 2013. Presidents are elected by an open ballot of the members of Parliament. The

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

president holds office for a term of five years, and continues to hold the seat until a successor is voted in. The president appoints the Prime Minister and his/her cabinet. The president has immunity, the prerogative of mercy, and assents to bills or sends them back to Parliament for review. Amendments made to the constitution in 1991 reduced the office of president to more of a ceremonial post. However this has been slightly reversed by amendments in 1996 which gave the president many executive powers to exercise between parliaments. In this way, the role of the president has changed many times, going from weak to strong to weak again. Currently, it is a weak, largely ceremonial president when parliament is in session, but when parliament is dissolved or ends session and the caretaker government takes over, the president has control of the Ministry of Defense, the authority to declare a state of emergency, and can dismiss members of the caretaker government.

The Prime Minister is the Head of the Government of Bangladesh. This office has been held by Sheikh Hasina since January 2009, leading the Awami League political party. The prime minister is appointed by the president, based on votes for parliamentary general elections. They must have the confidence of their party to lead. The 1991 amendments to the constitution gave much of the executive power back to prime minister. The prime minister selects members of parliament to serve on his/her Cabinet. The prime minister usually selects from their own party, but the ministers can also come from the opposition party, and 10% of the Cabinet is allowed to be technocrats. The Cabinet is the collective decision-making body of the entire government. It is under the prime minister, and composed of 31 Cabinet Ministers, 18 State Ministers, and 2 Deputy Ministers. These ministers all hold the same office, which means the same level of powers, and there are 40 Ministries in total.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

These institutional facts about the governmental structure of Bangladesh are indicative of how oversight functions. The unstable position of the legislature in relation to the executive prevents effective oversight of the executive by the legislative, since parliament's ability to exercise authority would wax and wane with the terms of presidents and prime ministers. The literature suggests that, "the degree of conflict in legislative-executive relations... influence the effectiveness of oversight" (Khmelko and Griner 2015, 8). These early indications of an unstable power dynamic already reflect on Bangladesh's barriers to conducting effective oversight.

### **Democratic Openings**

The democratic opening of Bangladesh marks both the beginnings of representative practices in Bangladesh and the origin of its parliamentary institutions, which are important to this study of oversight. To fully understand the democratic opening of Bangladesh and its institutions, one needs to first go back to the beginnings of Pakistan. Pakistan was formed when it was partitioned from India by the India Independence Act, passed by the British House of Commons in 1947 (Shrestha 2002). Prompted by the earlier Lahore Resolution, which proposed a state separate from India so that Muslims would not be controlled by the Hindu-dominated Indian Congress Party, Britain agreed in the Act to create two separate states, allowing the princely states to accede to whichever they chose (Shrestha 2002). Thus, Pakistan was formed in two geographically separate areas: West Pakistan (present day Pakistan) and East Pakistan (present day Bangladesh). This is why understanding Pakistan's origins is key, as this was when Bangladesh's identity began to form as well.

The concept of Pakistan was innovative at the time in three key ways. Firstly, Pakistan was established on the idea of religious nationalism, promising to be the new homeland for all Muslims. Secondly, it was located in two separate areas. The India Independence Act allowed

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

for some self-determination after partition; Bangladesh had voted as a Muslim-majority, and was therefore included with Pakistan. Thirdly, and importantly for development, neither wing of Pakistan inherited any of the central institutions of the former colonial authorities (Lewis 2011). This was an added frustration for Bangladesh, as the institutions which did develop did so in West Pakistan, and mostly under the control of the military.

The experience of Bangladesh as East Pakistan has led to a lot of resentment and frustration, both politically and economically. West Pakistan held the industry and the actual institutions of government, whereas East Pakistan had the bigger population. The only Bengalis in the military were clerks (Shrestha 2002). Economically, the system between the two wings was exploitative and highly disadvantageous for Bangladesh. Jute grown in the East was sold in the West at a bad price, and after buying it cheap, the West processed and sold it on international markets with very little of the profit going back to the East. Also, West Pakistan commanded most of the foreign aid; very little of that aid made it to the East (Lewis 2011).

Deciding the official language of Pakistan became the main focus of struggle of East against West (Lewis 2011). West Pakistan declared Urdu the only national language of all of Pakistan. Bangladesh's main language was Bengali, a Sanskrit script language. West Pakistan had many languages, but Urdu, an Arabic script language, was the overarching common tongue, a sort of *lingua franca*, and it was assumed that Urdu would become Pakistan's official language. The changing of the official language which occurred in 1952 was a cultural slight but also a very real political and economic slight-- the use of Urdu would put Bengalis at a disadvantage when applying for government employment which would translate into unequal livelihood opportunities (Lewis 2011). This grievance was addressed by the constituent assembly in 1954 which placed Bengali on equal footing with Urdu, an equality that was translated into the 1956

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Constitution. Much of this came too little, too late, however, and the language movement proved to last as a uniting call for Bengalis to independence (Shrestha 2002).

The 1956 Constitution was finally written but not satisfactory to East Pakistan. The national parliament of Pakistan was set up to be a one house legislature consisting of 300 seats equally split between East and West Pakistan. In effect this structure ignored the numerical majority of Bangladesh. Before this could be addressed within the system, the institutions were changed by rapid takeover of the executive. The 1956 Constitution was abrogated, followed by a succession of increasingly militant and dictatorial executives. These presidents were unwilling to legitimize the elections in 1970 which would have given Bangladesh a large majority in the legislature and the prime ministership. Protests built against West Pakistan. By this point the economic disparity of the two regions had gone from 20 percent income disparity in the 1950s to 50 percent by the 1960s. Wealth was continually being transferred from the East to West via unequal trade and aid disbursement; there was even a balance-of-payments system which used the East's trade surplus to pay West Pakistan's foreign deficit (Lewis 2011). The disparities between the two wings had reached its breaking point. On March 25, 1971, Bangladeshi rebels declared independence and the nine month civil war began (Shrestha 2002). The period of nation building directly after the war was conducted under the leadership of Mujib, whose increasingly repressive regime led to disillusionment and eventually a coup in 1975 by General Zia. As the head of an unelected government, Zia struggled to establish legitimacy of a military rule with limited political support. Zia was assassinated in 1991, and General Ershad assumed military control until the mass democratic movements removed him peacefully from power that same year.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

After all of this turbulence, Bangladesh grew into its parliament-- most importantly, it remained a parliamentary democracy. This inconsistency of prior executives and governments has led to many amendments to Bangladesh's constitution, several of which cancel each other out, and overall has led to unstable institutions. Strong executives earned suspicion and disillusionment from many, and political parties focused on gaining as much control of power as they could, without worrying about how they were using that power yet. Oversight of policy was neglected when maintaining some form of stability of the government was the goal. Since having settled into a period of relatively more stable parliamentary democratic rule, Bangladesh's oversight function has been brought somewhat into more use, but in many ways is still not as present in the Jatiya Sangsad as it could be.

### **Bangladesh Parliament and Oversight**

As a country that struggles with corruption and has a history of strong executives forcing parliaments into "rubber stamping" executive policies without the opportunity for input, oversight is an incredibly important function for Bangladesh's legislature. The tools of oversight mentioned previously can be seen, or their absence felt, in the Jatiya Sangsad today.

This history of flip-flopping powers of the executive and legislative branch have led to sustained problems in governance. The governmental institutions themselves have been most detrimentally affected by the lack in constitutional rule (Ahmed 2014). Elections didn't provide means for succession of government, the elected parliament did not assert themselves, parliamentary sessions did not complete their 5 year terms, and the opposition forces refused to extend the support necessary to make parliament operational and legitimate. The fifth parliament (1991 - 1995) was the first to deviate from this trend. The elections for the fifth parliament were the first declared free and fair and were held following mass democratic movement against

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

General Ershad. The fifth parliament was given more powers; when parliamentary democracy was reinstated, Bangladesh's constitution was amended to ensure power would remain in parliament. Also, the mass movement for parliamentary democracy was supported by the ruling party, the Bangladesh Nationalist Party, and the opposition, mainly the Awami League. Once parliament was voted in this meant that there was the most partisan composition of MPs than there ever had been. These new powers did much to curb the authoritarian power of the executive, however Bangladesh is still a single party majority system and floor crossing, when MPs change political party affiliation, is legally restricted. Originally adopted to preserve fragile political stability, now this rule keeps the legislature ineffective at checking the executive, almost assuring that backbenchers will be subservient to whatever the government passes.

In this system, the opposition party becomes vitally important as it is the only check on executive power and could encourage the backbenchers to become more assertive against their leadership. The opposition in Bangladesh is unwilling to step up to this role; it refuses to give credence to any government measure, so anything passed is done so with only partisan support. The opposition was more active in the fifth parliament than any other, but in recent years the government refuses to listen to the opposition when they do try to participate. For example, of the 174 laws passed in the fifth parliament, 173 were initiated by the government, and none of their proposed bills were ever rejected by the House. Of those, 35.55% of those bills originated as presidential ordinances, and it became common, especially towards the end of the term, for the bill to go through all stages of becoming a law in one day (Ahmed 1997). The government wanted to avoid discussion or deliberation and so simply denied opposition MPs opportunity to speak, and didn't agree to send bills to the appropriate committees. These actions did have the positive effect of motivating the backbenchers and opposition to actively force changes or

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

amendments to major bills when they could, using boycotting of sessions or extra-legislative measures, such as protests called hartals. The compromises the opposition secured held the tacit support of the backbenchers. Despite these positive effects, they also prompted a lot of legislation to be passed without proper questioning or scrutiny by committees, and the protests staged by the opposition were often marked by violence in the streets. The temporary unity of the backbenchers and opposition is what allowed the fifth parliament to truly start setting checks against the executive, even if only incrementally. But as long as the restriction on “independent voting” remains, parliament will remain disadvantaged (Ahmed 2014).

**World Bank analysis.** The World Bank prepared a document on the Oversight Committees in the Bangladesh Parliament. “Parliamentary control over financial management in the Westminster model of governance involves several components: the preparation of government plan for future expenditure; internal control exercised by the Executive over its financial transactions; subsequent external audit conducted by the country’s Supreme Audit Institutions, the CAG [Comptroller and Auditor General]; and the scrutiny performed by the parliamentary oversight committees such as PAC [Public Accounts Committee], PEC [Public Estimates Committee] and PUC [Public Undertakings Committee]” (World Bank 2011, 1). These committees are set up in the Constitution of Bangladesh, with the Rules of Procedure specifying their roles and responsibilities. The committees are bipartisan, and members are chosen based for their knowledge base. There are currently 48 committees in Bangladesh’s parliament, the Jatiya Sangsad.

The World Bank notes the Secretarial Support for the committees as a major weakness of the system. The Secretarial Support has to rely on one junior Committee officer who is “overwhelmed” by this duty, which involves processing all audit reports and manual business

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

and record management (World Bank 2011, 3). Effectually, the junior officer is unable to “professionally deliver anything of merit” (World Bank 2011, 3). The committees are insecure, and there is a lack of collaboration between them, rendering their oversight and investigation capabilities ineffective. The Public Accounts Committee (PAC) became isolated from other areas of government due to incompetence and inefficiency, which continued to the point of reinforcement and institutionalization of this ineffective committee. The World Bank report concludes that this reinforcement has continued to the point that the PAC can no longer adequately conduct oversight of the government. The PAC secretariat summarizes discussion points but offers no recommendations and no decisions of the PAC are made available. Meetings of the PAC are unfocused as new members are not briefed beforehand, and there is no mechanism to prepare a formal periodic meeting plan. There is little to no information technology support for the PAC, resulting in all record keeping and documentation being done manually. Lack of clear rules and procedures and clearly allocated resources, which contribute to a lack of quality in committee meetings, are the general constraints of the committees. The World Bank offers many suggestions to improving the oversight committees, but notes that current committees try to improve by tacking on new committees ad hoc, instead of revising the entire committee system.

**Use of oversight tools.** The political science literature points to the fact that the parliament of Bangladesh has a full range of oversight tools (Jahan 2012). Parliamentary committees play an important role in this. As in any Westminster governmental system, the opposition in parliament plays a the key role because the majority will support the executive. Members of the opposition can use questions, discussions, and motions to facilitate oversight of the implementation of policies. For example, Members of Parliament can ask questions to the

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Prime Minister, other ministers and the parliament secretariat during sessions. The Prime Minister's Question Time (PMQT) was introduced in the seventh parliament (1996-2000). Rule 41 of the Rules and Procedures stipulates that the first hour of every sitting shall be available for the asking and answering of questions, and on every Wednesday of the session, an extra 30 minutes will be made available for PMQT.

Discussions in the Jatiya Sangsad can take place in different ways, and there are many rules from the Rules and Procedures to guide Members of Parliament through any and all types of discussion. There can be half- an- hour discussions (Rule 60), discussions on matters of public importance for short duration (Rule 68), and the calling of attention of ministers to matters of urgent public importance (Rule 71), similar to urgent questions. There are also discussion on principles of bills (Rule 78) and general discussion of the annual budget (Rule 115). The framework for moving motions for adjournment on a matter of public importance is provided under Rule 61 of Rules of Procedure in the Bangladesh Constitution. Here, the Speaker remains the key player in deciding whether such motions can be admitted in the Jatiya Sangsad.

Despite this full range of tools available to legislators, the parliament of Bangladesh is known for the absence of real discussion, debate and scrutiny of the proposals put forward by the executive branch of the government (Jahan 2012). The question, then, becomes what make the parliament fail with regard to one of the most essential function of oversight? This brings us to a discussion of a larger institutional factors. Legislatures do not operate in isolation; they are a part of a larger system of institutions. Larger institutional factors and specifically the system of a governmental system influence the process of oversight in Bangladesh. The system of government in Bangladesh is modeled after the Westminster system. This means the executive is the creation of the parliament, and the ministers- members of the executive branch of

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

government- are held responsible to parliament both collectively and individually. Parliament can oust the government via the “vote of no confidence” motion. The ruling party is very dominant in the legislature. Coupled with the boycotting of sessions by the opposition, the government of the 5th (1991-1995), 7th (1996-2000), and 8th parliaments (2001- 2006) worked under increasingly less scrutiny. When the opposition participated in parliamentary committees, they were able to function properly. These committees are designed to examine government activities and demand explanations and information (Barmen 2002). This direct participation of the legislature in the decisions and policies of the executive are inherent to oversight, and the failure of this to occur is detrimental to the oversight process as a whole.

The party system in Bangladesh is very much responsible for the shortcomings of the oversight process due to how it functions. Specifically, the main responsibility for oversight falls on the shoulders of the opposition in a Westminster- style parliamentary system because the ruling party is expected to support the government (Jahan 2012). The well-known tactic in the parliament of Bangladesh is for the opposition to boycott parliamentary meetings rather than to voice their concerns through discussion and debate in the parliament. Nearly half of the parliamentary working days have been boycotted by the opposition even when both major political parties have rotated in power (Jahan 2012).

In addition, the budget process in Bangladesh “does not allow for any parliamentary scrutiny of expenditure proposals before these are actually passed, thus limiting the parliament’s ability to exercise accountability in fiscal matters” (Rahaman 2010, 487). The World Bank argues likewise that there are weaknesses in budget execution related to accounting, reconciliation, and reporting delays, which hinder transparency and create opportunities for mismanagement of public funds (World Bank 2006). This is a hinderance to oversight because

this structure doesn't allow for closer inspection of likely places where money could be used improperly.

These larger systemic factors are presenting the most significant challenge to the quality of the oversight process in Bangladesh. The Jatiya Sangsad, Bangladesh's parliament, has been building its respective institutional capacities, specifically with regard to their oversight functions for over three decades by now. This parliament has all of the major tools of legislative oversight that can be found in any democratic legislature. And yet it is the larger systemic factors, such as corruption and electoral pressures, can be associated with the perceived shortcomings in this legislature actually using these tools, as they undermine the process altogether or capture this tool for the personal gain of office holders.

**Constitutional amendments and oversight.** An example of the oversight function of the Jatiya Sangsad in practice can be seen in the way the Fifteenth Amendment, which was to abolish the practice of establishing a Non-party Caretaker Government to oversee elections, was passed. The Special Committee on the Fifteenth Amendment was formed in order to scrutinize the proposed Fifteenth Amendment. This practice was unique to Bangladesh, and was used for about 15 years ("Bangladesh Ends" 2011). The Committee was comprised of 15 members and was chaired by the Deputy Leader of the House, Sajeda Chowdhury (Khan 2015). Of the 15, only three were not from the ruling Awami League party-- they were from smaller parties, such as the Workers Party and Jatiya Party, which are in a coalition with the Awami League (Khan 2015). Therefore there was no representation of the opposition in this Committee. The Committee did hear expert opinions as part of its scrutiny: "Almost one hundred important personalities submitted opinions in front of the Committee, including five former Chief Justices, eighteen renowned law and constitutional experts, twenty-six academics and intellectuals, and

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

twenty-six newspaper editors. Political parties also submitted their opinion, amongst them representatives of the Awami League, Jatiya Party, Jatiyo Samajtantrik Dal, Bangladesh Workers Party, Ganatantrik Party and Bangladesh National Awami Party (NAP)” (Khan 2015, 12). This engagement demonstrates that the Committee was receiving input not just from politicians but experts, academics, technocrats, and intellectuals as well. A caveat to this is that the BNP, the main opposition, did not appear, despite receiving an invitation to do so. The leader of the BNP, Khaleda Zia, insisted in a letter to the Chairperson of the Special Committee that the Committee “was simply a farce in order to ensure the government’s political gain” (“Bangladesh Ends” 2011). Since there were no BNP members on the Committee and no BNP participation in the hearings, the Committee’s actions and decisions were conducted completely without bipartisan support. The BNP chose to forgo institutional expressions in favor of informal expressions via protests and boycotting by its followers. Khan notes that “This is a common phenomenon in Bangladesh, where politics is taken out of Parliament and to the streets through parliamentary boycotts. The reasons behind this are manifold, including the extreme dominance of Parliament by the government, the ban on floor-crossing, the rejection of opposition motions and not giving opposition MPs a fair chance to speak” (2015, 13).

By the fourteenth meeting, the Special Committee had reached its decision, which was overwhelmingly in favor of leaving the Non-party Caretaker Government provision of the Fifteenth Amendment in place. However, in its final report to the Jatiya Sangsad, the Special Committee gave 51 recommendations on different provisions of the Fifteenth Amendment, but not on the Non-party Caretaker Government provision. In fact, no mention of the Non-party Caretaker Government was made at all (Khan 2015). The government went ahead and passed the Fifteenth Amendment, which abolished the Non-party Caretaker Government, as well as

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

changed some minor features of government as per the suggestions submitted by the Special Committee. But since their report omitted the Committee's conclusion that the Non-party Caretaker Government provision be upheld, the submissions by the private sector and discussion among the MPs of the provision were not circulated within, nor considered by, Parliament (Khan 2015).

After the Amendment passed, the BNP refused to participate in the upcoming elections, insisting that only a Non-party Caretaker Government could conduct free and fair elections. The government refused to reschedule, despite the civil society, business community, and international community via the UN cautioning the government to consider doing so. Election violence was high, voter turnout was low, and the results left Bangladesh without effective opposition of any kind (Khan 2015).

The Committee ultimately failed to report the debate, discussion, and even its findings while assessing the Non-party Caretaker Government provision, and therefore largely failed its oversight function (Khan 2015). Khan points to the lack of reporting as evidence of executive interference and "sycophantic conformity," but it was telling to read the articles and news coverage of the event, which largely circulated around the statements made by the leaders of political groups. There was little to no consideration of the public's opinion of the Non-party Caretaker Government provision ("Bangladesh Ends" 2011). This is an illustration of how the government, in some ways, institutionally works—the committee was set up, it conducted an investigation into the proposed legislation, and consulted with experts. And yet, the committee lacked representation of the opposition, it failed to report on its most important decision, and thus the potentially most important contribution from the Committee could not affect the legislative process. Oversight was institutionally possible, but in practice failed to occur.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Overall, the evidence from Bangladesh suggests a parliament which is handicapped by structural instability, delegitimization by the opposition party, and limited resources. The history as well as organization of the institutions themselves prevent the legislature today from engaging in effective oversight. Although Bangladesh has some of the tools of oversight, it is not demonstrably practiced, which is greatly impacting the ability of the government to function. This suggests my hypothesis of the impact of oversight on the functionality of government is supported by the case of Bangladesh. If the more functional government case study, Japan, has a demonstrably higher level of procedural and practiced oversight, then that would also suggest support for my hypothesis.

### **Case study: Japan**

Japan is an island country in East Asia, situated in the Pacific Ocean. Its closest neighbors are China, Russia, and both North and South Korea. Japan has a population of 126 million people, making it the tenth most populous country in the world. Japan is made up of 6,852 islands, the main four of them being Kyushu, Hokkaido, Honshu, and Shikoku. The capital city is Tokyo, which contains 13 million people within the city proper (Tokyo Metropolitan Government 2014), making it the sixth largest city of the Organization for Economic Co-operation and Development members (OECD) and fourth largest city on Earth. Japan has the third largest economy by nominal gross domestic product and fourth largest by purchasing power parity (The Mori Memorial Foundation 2016). Japan's military budget is eighth in the world (Perlo-Freeman et. al. 2016); that money is spent on self-defense and peacekeeping missions since Japan has officially renounced its right to declare war as per Article 9 of the Japanese Constitution. The Human Development Index rates Japan's population as having the highest life expectancy, and third lowest infant mortality in the world (United Nations 2016). The Economist

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Intelligence Unit placed Japan 20th in the world in 2014 for its democracy ranking. (The Economist 2016) Japan is a highly developed country, with a competitive edge in business and technology. It is ethnically homogenous, as less than 2% of its population is not ethnically Japanese (CIA World Factbook 2016).

### **Democratic Openings**

The following interpretation is provided by the U.S. State Department, heavily cited because the State Department itself was so involved with the democratic opening of Japan and its historical narrative is deemed authoritative (Office of the Historian 2016). This opening lies within the occupation and reconstruction of Japan, which occurred mainly from 1945 until 1952. This effort was led by the United States via General Douglas MacArthur, and supported by Great Britain. Planning of the reconstruction was actually taking place during the final stages of war with Japan; the leaders of the Allied powers (the United States, Great Britain, Soviet Union, and the Republic of China) met in wartime conferences to discuss plans of disarming Japan and how to deal with its colonies, Korea and Taiwan. They focused on how to keep Japan from rearming itself in the future, and also on how to stabilize its economy. When the Allied forces called for Japan's surrender in the Potsdam Declaration, their plans for Japan were ready to be implemented.

General MacArthur took command of the occupation and reconstruction as the Supreme Command of Allied Powers (SCAP). This meant that although the Allied council during the war had included Great Britain, the Soviet Union, and the Republic of China, MacArthur had ultimate control over decision-making for the Japanese. The occupation of Japan was initially focused on punishing and reforming Japan, before turning to reviving the economy, and finally would end with an official peace treaty and alliance. The punishment of Japan focused on

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

convening war crimes and dismantling the military. Former military officers were banned from taking roles of leadership in the new government. Land reforms and breaking up the *zaibatsu*, or huge business conglomerates, were key parts of the economic reform which was aimed at turning Japan into a capitalistic, free-market economy. The new constitution was drafted in 1947. Most notably, Article 9 revoked Japan's right to declare war, but this constitution also reduced the power of the Emperor to figurehead status, promoted women's equality, and placed more power in the parliamentary system.

After 1947 concerns rose about what political actors would come to power in the parliamentary system. The SCAP became concerned that a weak Japanese economy would leave the country more susceptible to the communists gaining popularity among the Japanese public. The outbreak of the Korean War in 1950 provided the raw materials needed to support new Japanese industries, and really boosted the Japanese economy as a whole. Also, with Japan supplying UN forces in Korea and still occupied by SCAP's forces, Japan's domestic communist movement was suppressed.

By 1950, the balance of power in Asia seemed less about keeping Japan pacifist and more about keeping the 'communist threat' at bay, and therefore the SCAP started seeking a formal peace treaty to end the war and occupation. The final treaty signed in San Francisco in September of 1951 allowed the United States to maintain its base on Okinawa, and solidified a bilateral security pact between the US and Japan.

The occupation of Japan is considered by some to be a period of pseudo-democracy; "the existence of formally democratic political institutions, such as multi-party electoral competition, which mask the reality of authoritarian domination" (Diamond, Hinnebusch, "Authoritarian Persistence, Democratization Theory," as cited in Saunavaara 2014, 1079). Significantly, the

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

occupation of Japan was conducted through the existing Japanese civil administration institutions, and political parties were allowed to form as early as 1945. The main two parties, the Progressive Party and the Liberal Party, were rooted in pre-war conservative parties; the wartime Diet members, those who served in the Japanese parliament during the war, mainly joined the Progressive Party, and the Liberal Party drew members from former independent politicians and representatives from the business community (Saunavaara 2014). The SCAP and his General Headquarters often relied on pre-war American Japan-specialists to decide which political forces could contribute to the newly democratic nation. A small group of officers from the General Headquarters Government Section, with little to no legal expertise, drafted the new Japanese constitution in less than two weeks in February 1946. This draft was translated into Japanese and debated by the occupiers before being submitted for ratification. The SCAP wanted early elections to solidify the new government's legitimacy, but faced a problem in that those elected were not the most favored by the United States Government. Starting in January of 1946, the SCAP initiated a series of purges to separate the pre from post war parties, and justified the purge with the Potsdam Declaration.

As they continued, the purges shifted from punishing wartime politicians to targeting those deemed anti-democratic. Japanese politicians used the purge as much as their occupiers to target their competition (Saunavaara 2014). The Communist Party was heavily targeted by the purges, as well as aggressively militant candidates; in order to become a legitimate actor in the Japanese government you not only had to be elected, but you also needed the approval of the General Headquarters of the SCAP. This resulted in the parties reshuffling themselves and putting up their more middle-of-the-road candidates for approval and election of leadership. In 1947 the Progressives were replaced by the Democratic Party. By 1948 the focus had shifted to

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

economic recovery instead of political reforms, and by 1952 the purged politicians were allowed back into the political sphere. The Socialist Party made a small recovery, and is still present in Japanese politics at the local level. The Communist Party had become more radicalized from the purging process and while General Headquarters considered banning the party, the Communists never amassed enough of a following to legitimize doing so.

For the sake of securing power in 1955, the Liberal Democratic Party was formed by the Socialist Party combining with the conservatives of the Democratic Party, and ever since this party has mostly followed a policy of symbiosis with the United States and is still in power (Saunavaara 2014).

The fact that Japan's institutions were simply modified, not completely redone, has had a positive impact on oversight. Also, the early trend of consolidation of parties into the Liberal Democratic Party indicates a system which is more rewarding for internal cooperation than Bangladesh's highly adversarial party politics. This internal cooperation and consolidation leads to self-policing strategies which easily become oversight strategies; party leaders ensuring policies get implemented as intended for pure reasons or not are still ensuring policies are being implemented.

### **Institutional Factors<sup>3</sup>**

The parliament of Japan is named the *Kokkai*, or the National Diet. The Diet is the sole law-making organ of the state. It is a bicameral parliament made up of the lower house, the House of Representative, and the upper house, the House of Councillors. The House of

---

<sup>3</sup> This section on Japan's parliamentary structure is according to data provided by The Inter-Parliamentary Union's PARLINE database, which is the best source of data on this topic because it contains authoritative data on "the structure and working methods of every national parliament." This data is collected by an international body for the primary purpose of studying parliaments, and is annually updated. <http://www.ipu.org/parline-e/aboutparline.htm>

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Representatives consists of 475 seats and the House of Councillors consists of 242 seats. In the House of Councillors, one half of its members are elected every third year for a six-year term. 100 of those members are elected by proportional representation from a single nationwide district, and the rest are elected from 27 prefectures. Members of Parliament (MPs) in the House of Representatives are elected to four-year terms from 130 mid-sized constituencies. The House of Councillors cannot be dissolved; the House of Representatives can be dissolved by the Prime Minister. The Diet took its current form as per the post-war Constitution of 1947.

The Constitution favors the House of Representatives over the Councillors. This can be seen by the restriction on budget bills, which must first be presented to the House of Representatives after being drafted by the cabinet. The Prime Minister and his cabinet must retain the confidence of the House of Representatives, and that House also has precedence designating the Prime Minister. Also, if the House of Representatives passes a bill but the House of Councillors does not, the bill will become law if the House passes its version again with at least a 2/3rds majority. The Cabinet drafts the national budget for each fiscal year before presenting it first to the lower then upper House for approval. This is also the procedure for treaties.

To vote in Japan one must be a citizen, 18 years or older, and registered in a constituency for at least 3 months, etc. Even if a Japanese citizen is living abroad they can vote as long as they have registered with their consulate. Those running for office in Japan must be 25 years old, and there are several criminal charges barring candidacy and concurrent elected positions that one cannot hold. To declare candidacy, one must deposit 3 million Yen (~\$28,427 USD) to run for single-seat constituencies. If one gets less than 10% of the total votes the deposit is lost. If the

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

candidate is running on the ticket of a political party then the deposit is 6 million Yen (~\$56,885 USD).

The current (2016) Speaker of the House of Representatives is Mr. Nobutaka Machimura of the Liberal Democratic Party (LDP) and the current President of the House of Councillors is Mr. Masaaki Yamazaki, also of the LDP. Both offices are elected by the members of their Houses during the first session. The Speaker is first in precedence over the President, and ranks on par with the Prime Minister and Chief Justice of the Supreme Court. Both the Speaker and the President convene sessions of their Houses, establish the agendas, organize debates and speaking times, determine the admissibility of bills and amendments, and refer texts to committees, etc. Also, both the Speaker and President separately conduct deliberations and resolution on the settling of government financial accounts.

The current Prime Minister is Shinzo Abe of the LDP. Article 65 of the Japanese Constitution vests executive power in the cabinet, and as the head of that cabinet the Prime Minister is the leader of the executive branch. Once selected by their own party, the Prime Minister is then ceremonially appointed by the Emperor. If the Prime Minister dissolves the Diet, elections must be held within 40 days, and convoked within 30 days of that election.

The structure of the Japan Diet is much more streamlined than in Bangladesh's parliament. The stable and clear chain of command lead to orderly legislation and oversight. Also, the institution of two legislative houses allows more opportunity for prospective legislation to be considered and scrutinized. The Prime Minister, as head of the Liberal Democratic Party, is incentivised to carefully conduct oversight to make sure the overall demands of the party were being met, with no smaller group exerting too much influence. The smaller parties, in turn, are

incentivised to conduct oversight of the larger Liberal Democratic Party to ensure their policies were being implemented as they intended them to be.

### **Japanese Diet and Oversight**

The Japanese Diet uses many forms of oversight mentioned in the literature review, such as oral and written questions to the government, and the requesting of reports. The Diet is composed of committees, which hold hearings and pursue inquiries as per their right to conduct investigation in relation to the government. There is no ombudsman in the central government, but instead a standing committee that functions as an ombudsman called the Committee on Oversight of Administration. This committee was set up in the House of Representatives in 1998. The Ministry of Internal Affairs and Communications also considers the administrative system operation by its evaluation bureau as performing ombudsman functions. A Board of Audit annually audits the final accounts of revenues and expenditures of the State; the Board is part of the administration but independent from the cabinet. The Board of Audit's report is submitted to the Diet in the next year's plenary session, although not as a resolution. The Diet can also ask the Board to audit specific government spending with reports (Masuyama 2000).

**Committees.** There are currently 21 standing committees in the House of Representatives and 18 standing committees in the House of Councillors. Every MP serves on at least one of the standing committees, and serves on the special committees as they are needed. The composition of committees reflects the numerical strength of each party in the Diet. If a bill is presented outside of the areas of these committees, special committees can be set up to scrutinize a bill. Also, if both Houses cannot agree on a bill, a joint committee can be set up with representatives from each to work on a compromise bill.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

When a bill is submitted by an MP to the presiding officer of their House, it is sent to a committee. The first thing the committee chairperson does is call a hearing to hear the reasoning for the bill directly from the MP who introduced it. The committee will also hold public hearings of public officials, experts, and technocrats if needed and if there is a public interest in the legislation. After hearings, the committee members express their views and deliberate before voting on the bill. The chairperson compiles a report, which includes the results of the vote as well as the deliberation, and submits it to the presiding officer of their House. The Speaker or President, for lower or upper House, then puts the bill on the order of the day for a plenary session. At that time, the MPs in the plenary session will be able to question the chairperson. Debate and a vote follows, and then the bill must go through the same process in the other House. Once a bill has gone through this process in both Houses, it becomes law (Masuyama 2000).

The overall evidence from Japan suggests a parliament which maintains a clear hierarchy, consolidation of party interests, and stability. These factors all contribute to more effective oversight. This evidence also suggests my hypothesis of the impact of oversight on the functionality of government is supported by the case of Japan. Japan had higher levels of procedural and practiced oversight, and a demonstrably more functional government.

### **Findings**

This research reveals some distinct institutional differences between the parliaments of Bangladesh and Japan. Each distinction has an impact on that particular parliament's overall ability to conduct legislative oversight.

The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

	<b>Japan</b>	<b>Bangladesh</b>
<b>Structure</b>	Bicameral parliament	Unicameral parliament
<b>Stability</b>	Stable, accountable executive	Unclear, unstable executive
<b>Incentive</b>	Incentives to consolidate	Incentives to boycott
<b>Oversight</b>	Procedural and practiced oversight	Procedure but no practice of oversight

The structure of the legislature differs in each parliament: Japan has a bicameral parliament and Bangladesh has a unicameral parliament. The unicameral structure places more pressure and increases competition on Bangladeshi politicians who want to be representatives, as there is only one place for them to be elected. This limitation would hopefully lead to more competitive elections resulting in better representation, but instead the experience is that those who do not win at the polls exercise power outside of the government through strikes and hartals, protests which are often violent. Japanese politicians, on the other hand, can be elected to different houses at different times for more seats, which reduces the pressure to get elected. Japan's bicameral parliament provides for better oversight; having two legislative bodies to scrutinize bills, more politicians to serve on committees, and a joint system of review all contribute to more effective oversight. Bangladesh's single house of parliament provides fewer opportunities to scrutinize bills, with less legislators to chair the committees, and fewer people elected overall. Perhaps in this instance, less does not equal more. Bangladesh was at an overall disadvantage since it had to build its democratic institutions from the ground up. Although they crafted some innovative solutions to the problems they faced, such as the Non-Party Caretaker Government, the institutions they made have not been stable enough to serve their primary

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

functions, specifically legislative oversight. Japan's institutions were built off of its pre-existing institutions, simply modified to serve a more democratic purpose. Having a more stable foundation has allowed the Japanese democracy to develop beyond what Bangladesh's institutions could handle. Even though Bangladesh experienced a grassroots movement for democracy, the checkered history of its institutions mars the very legitimacy of those institutions and their ability to govern effectively.

The executives which head each parliament of Japan and Bangladesh also are institutionally different. Japan has always had the same system for electing an executive, whereas Bangladesh's entire executive branch has been unstable since the beginning. In some years Bangladesh had a strong Prime Minister, other times it maintained a weakened Parliament and Prime Minister in favor of a stronger President. When the executive became too strong, the Jatiya Sangsad played a rubber stamp role. Strengthening the office of the Prime Minister in Bangladesh has helped the democratic process, more than when the government was controlled by the President. In Japan, the roles of the executive and legislative branches are clearly defined and have been carefully maintained by their adherence to their constitution. The clear hierarchy in the Japanese government creates a clear and structured flow of power. The evidence demonstrates that the channels through which oversight flows in Japan are constant and clear, whereas in Bangladesh it is all muddy waters.

In Japan, the main political incentive is to consolidate—time and again smaller parties have become absorbed into the Liberal Democratic Party to bolster their ranks in government and allow them a continued, stable majority. Also, since the districts put forth local candidates, those candidates must seek support from their constituents as well as the Liberal Democratic Party, resulting in a balance of local and national interests. This direct line of accountability

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

elevates the importance of oversight, as those you make promises to in your constituency will hold you accountable by not re-electing a politician who failed to make sure oversight was effective. This coalition-building practice is not uncommon in Bangladesh, but it is not broad enough nor does it offer enough incentive to encourage the opposition to fulfill its role. Minority parties are more rewarded by being absent or boycotting sessions of parliament if they do not receive a majority of votes. Instead of the minority party playing their critical role in government as the opposition, as meticulously explained by Ahmed (2014), they find more success gaining power in the government by refraining from participating. Not only does boycotting parliament delegitimize the electoral process and institutions, but takes power away from the legislators actually elected. These practices impact oversight greatly because instead of being used as a legitimate tool of governance, the vital function of oversight is reduced to a political tool used by the parties against each other for immediate gain. This happens when the Jatiya Sangsad pushes a bill through all stages of becoming a law in one day so that their political opponents have no time to combat or even consider the bill in committee review (Ahmed 2014).

The incentive to boycott is rewarded, in the short term, by an exchange of power—every time a party disputes the legitimacy of the Non-party Caretaker Government elections, or the results of an election they lost, that party is always put into power by calling the votes into question (Ahmed 2014). This is especially apparent when party leaders will completely change their tune, praising the Non-party Caretaker Government when it puts their party in power, damning it when it does not. Which makes the entire electoral and representative process look like nothing more than political football. Actual and effective oversight in Bangladesh is not rewarded in the immediate aim of gaining more power than the other party, and thus it is relegated to yet another political tool in the struggle for dominance.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

It is important to note that even though they differ in stability, structure, and incentives, both Japan and Bangladesh have the structural provisions to exercise oversight. On paper, both countries have bureaucracies for auditing and committee systems for the expressed purpose of legislative oversight. Even though these committee systems in both Japan and Bangladesh are similarly structured, in practice they function very differently. Bangladesh's committee's often do not report their debates and sometimes even their findings to the legislature as a whole. These committees often are not given legislation to assess before it is passed, nor the necessary support from legislators and aids to function efficiently. The Japanese committee system is more extensive, but it ensures that oversight occurs for legislation. Each bill must pass scrutiny by committees of both houses before being passed, and thus their committees exercise more authority over potential legislation. In effect, this demonstrates that Bangladesh and Japan both have "procedural oversight" since they both have the rules and committee systems to have oversight, according to rules and procedures. However Japan actually implements their procedures, whereas due to the incentive to boycott and dearth of stable institutions, Bangladesh's procedural oversight virtually is never practiced.

### **Conclusion**

These large institutional factors of incentives, institutional stability, and legislative structure largely impact the ability of each parliament to perform effective oversight. It is not possible to have a well-functioning democracy without a functional legislature, and oversight is the most neglected function of legislatures because it is the least politically rewarding behavior (Khemelko and Griner 2015). And yet, lack of oversight leads to ineffective legislatures passing ineffective legislation under a lack of accountability to the government and the governed.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

This study attempted to test the assumptions of the literature on oversight by comparing two cases. The comparisons revealed that the hypothesis, that more procedural and practiced oversight positively impacts the functionality of government, was supported. Bangladesh, the less functional government case, had some of the tools and procedures for oversight but was overall ineffective in its application of those tools, and largely failed to actually practice oversight. Japan, the more functional government case, not only had the tools and procedures for oversight but the practices, structure, and stability to foster oversight in practice.

This is, however, slightly different from the hypothesized relationship which stated that, “[the] availability of oversight tools to legislators increases the opportunity for the creation and implementation of an effective oversight process” (Khmelko 2015). While this relationship may still be supported by further research, the initial conclusions just from comparing Bangladesh and Japan is that having oversight tools does not necessarily translate into effective oversight.

### References

- Ahmed, Nizam. 2014. "Jatiya Sangsad: The Parliament of Bangladesh." *Jatiya Sangsad: The Parliament of Bangladesh*. Political Studies Association, 30 Apr. Web. 23 Feb. 2016.
- Ahmed, Nizam. 1997. "Parliament-Executive Relations in Bangladesh." *The Journal of Legislative Studies*. 3(4): 70-91, DOI: 10.1080/13572339708420529.
- Copeland, Gary W. and Samuel C. Patterson. 1998. "Parliaments and Legislatures," in Kurian, George T. (ed.), *World Encyclopedia of Parliaments and Legislatures* (Washington, DC: Congressional Quarterly Book).
- Barman, Dalem Ch., M. Golam Rahman, and Tasneem Siddiqui. 2002. "State of Democracy in Bangladesh." (Dhaka: International IDEA and University of Dhaka).
- The Economist Intelligence Unit Digital Solutions. 2016. *Eiucom*. Retrieved 7 March 2016, from <http://country.eiu.com/japan>
- Gilligan, Thomas and Keith Krehbiel. 1989. "Asymmetric Information and Legislative Rules with a Heterogeneous Committee," *American Journal of Political Science*, Vol. 33, No. 2.
- "Human development reports - Bangladesh." 2015. Retrieved March 6, 2016, from United Nations Development Programme Human Development Reports,

The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

<http://hdr.undp.org/en/countries/profiles/BGD>

Jahan, Rounaq and Inge Amundsen. 2012. *The Parliament of Bangladesh: Representation and Accountability*. Center for Policy Dialogue, Chr. Michelsen Institute. Working Paper 2.

Khan, Adeeba Aziz. 2015. "The politics of constitutional amendments in Bangladesh: The case of the non-political caretaker government," *International Review of Law*: Vol. 2015 3, 9.

Khmelko, Irina. 2015. "Legislative Strengthening Programs in Ukraine." United States Government Agency for International Development. Contract No. GS- 10F-0033M/AID  
- OAA- M- 13- 00013.

Khmelko, Irina and Andi Griner. 2015. "Oversight of Policy Implementation Process: The Case of Bangladesh." Southern Political Science Association Conference. San Juan, Puerto Rico, January 6-10.

Lewis, D. 2011. "Bangladesh: Politics, Economics, and Civil Society." Cambridge: Cambridge University Press, 58-59.

Lijphart, Arendt. 1991. "Foreword: 'Cameral Change' and Institutional Conservatism," in Lawrence D Longley and David M. Olson (eds.), *Two Into One: The Politics of National Legislative Cameral Change*. Boulder, CO and Oxford, England: Westview Press.

The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Longley, Lawrence D. and Roger H. Davidson (eds.). 1998. *The New Roles of Parliamentary Committees*. London, Portland, OR: Frank Cass Publisher.

Masuyama, Mikitaka. 2000. "Is the Japanese diet consensual?" *The Journal of Legislative Studies*. 6(4): 9-28, DOI: 10.1080/13572330008420637.

McCubbins, M. and T. Swartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science*, 28(1) (February 1984) : 165-179.

*The Mori Memorial Foundation*. 2016. Retrieved from <http://www.mori-m-foundation.or.jp/english/ius2/gpci2/>.

Perlo-Freeman, Sam, Aude Fleurant, Pieter Wezeman and Siemon Wezeman. 2016. "Trends in World Military Expenditure, 2015." *Stockholm International Peace Research Institute*. Retrieved from <http://books.sipri.org/files/FS/SIPRIFS1604.pdf>

Pelizzo, R. 2013." Government Accountability and Legislative Oversight." *Improving Democratic Accountability Globally*. World Bank Institute.

Tokyo Metropolitan Government, 2014 "Press Release." (February). Retrieved from <http://www.metro.tokyo.jp/INET/CHOUSA/2014/02/60o2r100.htm>

Rahman, M.N. 2000. *The Independence of the Speaker: The Westminster Model and the*

The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

*Australian Experience*. Dhaka: Bangladesh Institute of Parliamentary Studies.

Saunavaara, Juha. 2014. "Enforced democratization in Japan: lessons for Iraq and Afghanistan"

*Democratization*. 21(6): 1074-1090, DOI: 10.1080/13510347.2013.783572.

Shrestha, N. Oversight of Policy Implementation Process: The Case of Bangladesh 2002. "Nepal

and Bangladesh: A Global Studies Handbook." Santa Barbara,

Calif.: ABC-CLIO: 204.

Strom, Kaare. 1997. "Parliamentary Committees in European Democracies," in Lawrence D.

Longley and Agh Attila (eds.), *Working Papers on Comparative Legislative Studies II:*

*The Changing Roles of Parliamentary Committees*. USA: Lawrence University.

Transparency International. 2016. "Corruption by Country - Bangladesh." Retrieved March 6,

2016, <https://www.transparency.org/country/#BGD>.

United Nations "Human Development Reports: Japan." 2016. Retrieved 6 March, 2016, from

United Nations Development Programme, <http://hdr.undp.org/en/countries/profiles/JPN>.

U.S. Government. Central Intelligence Agency. World Factbook. 2016. *World Factbook:*

*Bangladesh*. Retrieved 2 March, 2016, from <https://www.cia.gov/library/publications>

[/the-world-factbook/geos/bg.html](https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html)

U.S. Government. Central Intelligence Agency. World Factbook. 2016. *World Factbook: Japan*.

## The Impact of Political Oversight in Democratization: The Case of Japan and Bangladesh

Retrieved 7 April, 2016, from <https://www.cia.gov/library/publications/the-world-factbook/geos/ja.html>

U.S. Government, State Department, Office of the Historian. 2016. *US Department of State Milestones*. Retrieved 12 March, 2016, from <https://history.state.gov/milestones/1945-1952/japan-reconstruction>

World Bank. 2011. *Strengthening Oversight (Finance) Committees; Key Findings and Recommendations*. (April).

World Bank. 2006. *Bangladesh Country Assistance Strategy 2006-2009*. Dhaka and Washington, D.C.: The World Bank.

Yamamoto, H. 2007. "Tools for Parliamentary Oversight." *A Comparative Study of 88 National Parliaments*. Geneva: Inter-Parliamentary Union.