

Interlinking Rule of Law and Sustainable Development in Developing Countries: Bangladesh in Context

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Abstract: This paper fundamentally aims to understand the interlinkages between the rule of law and sustainable development in a developing country like Bangladesh. It attempts to reinforce the existing literature on the mutual interlinks between sustainable development and the rule of law by making a comparison among the indices and indicators that measure development and rule of law of countries. It also critically analyses the rule of law situation in Bangladesh and focuses on an ends-based rule-of-law reform framework to address inherent deficiencies. The paper argues that Bangladesh needs a holistic rule of law reform to promote an enabling environment for achieving high-income status; otherwise, the country may fall into a middle-income trap.

I. Introduction

‘We live in a world of unprecedented opulence ...and yet we also live in a world with remarkable deprivation, destitution and oppression’.¹

The grim picture of today’s world, poverty, inequality, non-school-going children, absence of basic health care for millions of people, and increasing environmental degradation all offer evidence of failures of the mainstream economic growth-based development agenda.² At the end of the twentieth century, development paradigm started to shift towards sustainable development, encompassing broad social justice and the well-being of people. The approaches to measure the development of countries have

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¹ Amartya Sen, *Development as Freedom* (New York, Anchor Books 1999) Preface, xi-x.

² At the end of 2022, about 685 million people is living in extreme poverty (income less than \$2.15 per day at 2017 purchasing power parity): See ‘Poverty’ (*World Bank Group*) <<https://www.worldbank.org/en/topic/poverty/overview#1>> accessed on 20 May 2025; According to World Inequality Report 2022, the global 50% captures 8% of ‘total income’ measured at Purchasing Power Parity (PPP) and the global bottom 50% owns 2% of ‘household wealth’ (at Purchasing Power Parity), whereas the global top 10% owns 76% of total ‘household wealth’ and captures 52% of ‘total income’ in 2021: See Lucas Chancel and others, ‘World Inequality Report 2022’ (*World Inequality Lab*, 2022) <https://wir2022.wid.world/www-site/uploads/2022/01/Summary_WorldInequalityReport2022_English.pdf> accessed on 20 May 2024; Still about 260 million children were out of school in 2018: UNICEF, ‘Goal 4: Quality Education’ (*UNICEF*) <<https://data.unicef.org/sdgs/goal-4-quality-education/>> accessed on 20 May 2024.

shifted from a single-unit idea of GDP/GNP per capita to more comprehensive standards that combine several basic aspects of life, emphasising quality of life, such as the “Human Development Index” (HDI) and “Gross National Happiness” (GNH). A comprehensive model of sustainable development integrating political, economic, and environmental aspects of development is being pursued through the 17 Sustainable Development Goals (SDGs) to be achieved by 2030. The 2030 Global Agenda aims to achieve a more equitable and fairer world with no poverty, zero hunger, and reduced income inequality.³ However, there is no expected substantial success that the world hoped for.⁴ It is argued that the rule of law may mitigate this development gap and promote the effective implementation of sustainable development.⁵

The literature is growing on the positive correlation between the rule of law and development.⁶ The United Nations opines that the rule of law and

³ United Nations Department of Economic and Social Affairs, Sustainable Development, ‘The 17 Goals’ (*UN Department of Economic and Social Affairs, Sustainable Development*) <<https://sdgs.un.org/goals>> accessed on 20 May 2024.

⁴ World Justice Project, ‘A Bold New Agenda is Falling Short: The Perils and Promises of SDG 16’ (SDG16 Data Initiative Report 2023) 9 <<https://worldjusticeproject.org/news/new-report-suggests-sustainable-development-goal-16-won%E2%80%99t-meet-2030-agenda-targets>> accessed 20 May 2024.

⁵ United Nations, ‘What is the Rule of Law’ (*United Nations and the Rule of Law*) <<https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>> accessed 20 May 2024; United Nations (n 3); Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (30 November 2012) UN Doc A/RES/67/1.

⁶ World Bank, *World Development Report 2017: Governance and the Law* (World Bank 2017) 96; Declaration (n 5); Brian Tamanaha, ‘The Lessons of Law-and-Development Studies’ (1995) 89 AJIL 470; Mariana Prado and Michael Trebilcock, ‘The Rule of Law and Development’ in Mariana Prado and Michael Trebilcock (eds), *Advanced Introduction to Law and Development* (2nd edn, Edward Elgar 2021) 50–51; Yonk-Shik Lee, ‘General Theory of Law and Development’ (2017) 50 Cornell International Law Journal 415; Nandini Ramanujam and Francesca Farrington, ‘The Rule of Law, Governance and Development’ in *Handbook on Governance and Development* (Edward Elgar 2022) 160–178; Hazwan Haini, ‘Examining the Relationship Between Finance, Institutions, and Economic Growth: Evidence from the ASEAN Economies’ (2020) 53 Economic Change and Restructuring 519; A Seyingbo and O Adeniyi, ‘Institutional Quality and Economic Growth: Evidence from Sub-Saharan Africa’ (2019) 8 Tanzanian Economic Review; Angelo Leogrande, ‘The Rule of Law in the ESG Framework in the World Economy’ (2023) SSRN 4355016 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4355016> accessed 8 April 2026; Amanda J Perry, ‘The Relationships Between Legal Systems and Economic Development: Integrating Economic and Cultural Approaches’ (2002) 29(2) Journal of Law & Society 282; Stephan Haggard and others, ‘Rule of Law and Economic Development’ (2008) 11 Annual Review of Political Science 205; Michael Faure and Jan Smits, ‘Does Law Matter? An Introduction’ (Maastricht European Private Law Institute Working Paper No 2011/35 2011) 15; Michael Touchton and Michael Tyburski, ‘Judging the Market: Judicial Independence, the Rule of Law, and Economic

development are “strongly interlinked and mutually reinforcing”,⁷ and accordingly, the rule of law has been considered as “a key to achieve Sustainable Development Goals (SDGs)” with Goal 16 that calls for “access to justice for all and inclusive, effective and accountable institutions at all levels.”⁸ To adduce evidence of the positive correlation, this paper compares the country’s ranking published by the World Justice Project Rule of Law Index against their respective income level.⁹ When the rule of law ranking of countries and their income group are compared, it is found that the lowest ranking countries in the rule of law index largely correspond to countries mostly in low-income or lower-income countries, and several upper middle-income countries (7 out of 42 countries). Almost all the high-income countries receive a greater rule of law score in the index (they are ranked 01 to 40 in the WJP rule of law Index, except five countries that ranked above 40 but not as bad as low or middle income countries), as well as in the other indices measuring development indicators like the Human Development Index or Gross National Happiness Index.¹⁰ Bangladesh has achieved unprecedented success in attaining economic growth and achieved the lower middle-income status in 2015. The country is in a transition period to graduate from Least Developed Countries (LDCs) on November 24, 2026 which is recently deterred to November 24, 2029 (still under constant debate if the Country really should proceed with LDC graduation), and aims to be a high-income country eventually. However, its rule of law ranking is 127 out of 142 countries, standing just a few steps ahead of countries like Afghanistan, Haiti, Cambodia, and the Democratic Republic of Congo, which are war-torn and devastated by long civil conflicts.¹¹ In this context, the paper argues that Bangladesh needs to prioritise and integrate the promotion of an ends-based rule of law in its

Development’ (2022) 8 International Journal of Innovation and Economic Development 12; Rafael La Porta and others, ‘Investor Protection and Corporate Governance’ (2000) 58 Journal of Finance and Economics 3; Helena Alviar, ‘The Evolving Relationship Between the Law and Development: Proposing New Tools’ in P Boratti and others (eds), *Law and Policy in Latin America* (Palgrave Macmillan 2016); However, the literature lacks concrete and consistent empirical evidence to support that rule of law reinforces development. The causation of their mutual impact is also empirically unestablished.

⁷ United Nations (n 5); Declaration (n 5).

⁸ United Nations (n 3).

⁹ The World Bank has classified countries in four categories based on the per capita Gross National Product (GNI). They are- (a) low income (countries with \$1,135 or less); (b) lower middle income (countries with \$1,136 to \$4,465); (c) upper-middle income (countries with \$4,466 to \$13,845); and (d) high income (countries with 13,846 or more per capita GNI): See World Bank, ‘World Bank Country and Lending Groups’ (*World Bank*) <<https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>> accessed 20 May 2024.

¹⁰ See Table 1.

¹¹ *ibid.*

development policies and programmes, as the country is at risk of falling into the middle-income trap (MIT). Without establishing a rule of law-based political and economic order, there is always credible doubt that Bangladesh will ever reach high-income status. This paper argues that the country must achieve the level of rule of law that ensures human rights and political freedoms to propel sustained, inclusive, and equitable high economic growth.

In Section II, this paper critically analyses the varieties and complexities of definitions of the rule of law and how these definitions interact with the evolving concept of sustainable development. It also provides a summary of different indicators of measuring the rule of law and sustainable development with a critical perspective on their reciprocal impact. In section III, the paper critically analyses the linkages between the rule of law and economic growth based on existing literature and a comparison of indicators measuring the rule of law and development. In section IV, the paper discusses the significance of the rule of law with development programs in Bangladesh as the country reaches middle-income status.

The present research is purely doctrinal in nature. The paper develops the arguments and reasoning based on the prevalent theories on development and the rule of law invoked by influential economists, development and legal experts. It establishes a correlation between economic growth and the rule of law by analysing the available indices commonly used to measure different economic factors (WB group of countries, Human Development Index, Gross National Happiness index) and rule of law situations (WJP Rule of Law Index). The principal limitation of such index-based comparisons is that they do not offer scientific certainty regarding a positive causal relationship between the rule of law and development; rather, they establish a discernible trend of positive correlation with sufficient clarity. Nevertheless, this research remains necessary, as it provides policy-relevant guidance and seeks to identify and explain the gap between economic growth and sustainable development. The paper relies on datasets corresponding to the year in which the research was conducted and, therefore, may not fully capture developments occurring by the time of publication. In the case of Bangladesh, the analysis is based on conditions and indices before the July Mass Uprising of 2024, which may not accurately reflect the current situation. Despite this limitation, the findings reveal a broader policy trend that remains applicable to the Bangladeshi context. The paper further suggests that the reforms introduced following the July Mass Uprising warrant closer examination, particularly with regard to how, and to what extent, they may influence progress in the rule of law and address existing development gaps.

II. DEFINITIONS AND INDICATORS OF RULE OF LAW AND SUSTAINABLE DEVELOPMENT

Even being a central notion in legal thought and in the practice of democratic states, the rule of law has no unique universally agreed meaning; yet the concept relates to a wide range of ideals such as legal certainty, prospectivity, access to justice, accountability, etc.¹² The rule of law, as defined by many in the west also closely associated with human rights and democracy, which are claimed to be mutually reinforcing.¹³ Rule of law, thus, being an ‘essentially contested concept’¹⁴ should be understood as different positioning along a spectrum where at one end, certain minimum elements are present, and at the other end, a broad comprehensive conception including every good ideal such as human rights and democracy.¹⁵ The thin or minimum conception of the rule of law, at its core, requires that government officials and citizens are bound by and act consistently with the law. This basic requirement entails the following set of minimal characteristics: (i) Law must be outlined in advance (be prospective); (ii) Law must be made public; (iii) Law must be general, clear, stable, and certain; and (iv) Law must be applied to everyone according to its terms.¹⁶ The thin version of the rule of law represents a common baseline to be applicable across cultures and does not focus on the content of the law.¹⁷ The thick version addresses substantive aspects of the rule of law, requiring that the content of law must be just and in conformity

¹² Antoine Buyse and others, ‘The Rule of Law from Below – A Concept Under Development’ (2021) 17 (2) Utrecht Law Review 1 <<https://doi.org/10.36633/ulr.771>> accessed on 20 May 2024.

¹³ United Nations, ‘The Rule of Law in UN Intergovernmental Work’ (*United Nations and the Rule of Law*) <<https://www.un.org/ruleoflaw/the-rule-of-law-in-un-intergovernmental-work/>> accessed on 20 May 2024.

¹⁴ Brian Tamanaha, ‘A Concise Guide to the Rule of Law’ (Legal Studies Research Paper Series, Paper No 07-0082, St. John’s University 2007) 3 <<https://ssrn.com/abstract=1012051>> accessed on 20 May 2024.

¹⁵ *ibid*; UN conceptualizes rule of law encompassing numerous norms of governance including adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency: see United Nations (n 5); The Venice Commission of the Council of Europe also developed a rule of law checklist adopted in 2011 containing more or less similar ingredients as UN attaches with the rule of law which are legality, legal certainty, prevention of abuse/misuse of powers, equality before law and non-discrimination; access to justice, even corruption etc.: see Venice Commission, Council of Europe, ‘Rule of Law’ (Council of Europe, 2016) <https://www.venice.coe.int/WebForms/pages/?p=02_Rule_of_law&lang=EN> accessed on 20 May 2024.

¹⁶ *ibid*.

¹⁷ Buyse (n 12).

with fundamental human rights and freedoms and democratic values.¹⁸ This underscores that the content of law must ensure justice, fairness, and the well-being of the people. The rule of law may mean different things to people of different ideologies- conservatives focus on the protection of property rights; liberalists refer to fair and equal treatment and empowerment of the disadvantaged; whereas centrists would argue the concepts as good governance, anti-corruption, and transparency.¹⁹ More interestingly, different professionals may approach the rule of law differently; for example, judges will focus on judicial independence, whereas police will argue for more resources and capacities toward law and order.²⁰ The rule of law is, thus, “a historically and culturally determined concept”.²¹ The concept has been used as an “elixir”, invoked as a solution to all kinds of problems, which risks being used as a mere political rhetoric to support institutional reform agendas.²² One author thus correctly states that “the rule of law is not a checklist, but a space for contestation”.²³ Opinions from diverse scholars highlight that the fundamental essence of the rule of law is to enact laws that secure the well-being of the state and its people, given the context of each country.

One approach to conceptualise the rule of law that may be particularly relevant to the Bangladesh context is the ends-based formulation of the rule of law by Rachel Kleinfeld, because it is a holistic approach to look at the conditionalities and institutions in an integrated manner that cause rule of law deficiency. The ends-based concept of rule of law comprises five interdependent and interconnected ends or goals: “a) making the state abide by law, b) equality before the law, c) supplying law and order, d) providing efficient and impartial justice, and e) upholding human rights”.²⁴ This approach is distinguishable from the institutional approach, the preferred and prevalent in the development aid industry, that advocates for the reformation of institutions like laws, courts, and law enforcement agencies. The ends-based rule of law is argued to be more effective because it requires reforms across multiple interconnected institutions, accompanied

¹⁸ *ibid*; United Nations (n 5).

¹⁹ Thomas Carothers, ‘Rule-of-law Temptations’ in James J Heckman and others (eds), *Global Perspectives on the Rule of Law* (Routledge-Cavendish 2013) 52.

²⁰ *ibid* 53.

²¹ Rachel Kleinfeld, ‘Competing Definitions of the Rule of Law’ (Carnegie Paper No 55, Carnegie Endowment, Washington DC 2005) 8.

²² Carothers (n 19) 49.

²³ Rene Uruena, ‘Indicators and the Law: A Case Study of the Rule of Law Index’ in Kevin E Davis, and others (eds), *The Quiet Power of Indicators: Measuring Governance, Corruption, And Rule of Law* (CUP 2015) 90.

²⁴ Kleinfeld (n 21) 7.

by necessary political, social, and cultural changes.²⁵ The ends-based rule of law is particularly relevant for Bangladesh, because its constitutional goals and aspirations are not matched by the socio-political realities.²⁶ In addition, given the social, political, and cultural context, it is not enough to enact laws to ensure justice; rather, a holistic approach is required to address these social, cultural, and political challenges and achieve the expected outcomes of the rule of law in Bangladesh. Therefore, end-based rule of law may work well in the context of Bangladesh. The country's rule of law deficiency attracts an inclusive and holistic approach encompassing a lack of executive and legislative accountability, less judicial independence, prevalent socio-economic conditions, and political practices that result in democratic and human rights deficiencies.²⁷ This paper emphasises the achievement of ends-based rule of law in Bangladesh, arguing that such an approach is more conducive to its ambitious goal of becoming a high-income country. To understand the country's state of rule of law, the paper uses "the Rule of Law Index" published by the World Justice Project.²⁸ The World Justice Project conceptualises the rule of law in substantially similar notions as an ends-based rule of law by defining the rule of law as "a durable system of laws, institutions, norms and community that delivers accountability, just law, open government and accessible and impartial justice".²⁹ The five conceptions of the ends-based approach closely align with these four universal principles, which are further divided into eight factors, each measured by forty-four indicators.³⁰ Eight factors expand a whole range of institutions and values that are necessary for an ends-based rule of law, i.e., constraints on government powers; the absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice and criminal justice.³¹ The WJP collects its own data through household surveys using 1000 respondents from each country and several experts' responses based on specialised questionnaires across several areas of law, complementing ordinary

²⁵ *ibid* 18–19, 21, 22.

²⁶ Ridwanul Hoque, 'Rule of law in Bangladesh: The good, the bad and the ugly?' in *The Rule of Law in Developing Countries* (Routledge 2018) 25.

²⁷ *ibid*.

²⁸ The World Justice Project, 'The World Justice Project Rule of Law Index 2023 Report' (World Justice Project 2023) 13 <<https://worldjusticeproject.org/rule-of-law-index/downloads/WJPInsights2023.pdf>> accessed on 20 May 2024 (The World Justice Project measures rule of law situation in 142 countries in 2023 providing the country a ranking and publishes the Rule of Law Index every year.).

²⁹ *ibid*.

³⁰ *ibid* (Eight factors are constraint on government powers; absence of corruption; open government; fundamental rights; order and security; regulatory enforcement; civil justice and criminal justice.).

³¹ *ibid* 12.

people's perceptions and experiences with the rule of law through extensive surveys.³² Though initially data were collected from three major cities of each country, over the years, the WJP survey has been fairly representative of a country's demographic distribution in terms of urban-rural, gender, and income, etc., within a country. Most importantly, the ranking and score of the WJP Rule of Law Index are comparable across countries and regions since the questionnaire used for scoring is universal, with localised language through culturally sensitive translations. However, the methodology is not completely perfect as it is difficult to objectively quantify the diverse cultural and political contexts prevalent across countries with the same set of questionnaires for all countries. Nevertheless, the WJP index has been the most comprehensive indicator to assess the rule of law so far and is being widely accepted by NGOs, donors, aid agencies, international organisations, academics, media platforms, etc. across the world.³³

Development may generally mean an increase in the economic growth of a country. Though economic growth still remains a primary measurement of the development of a country, an increasing number of countries are subscribing to sustainable development.³⁴ Sustainable development has been a widely accepted buzzword, but its meaning and scope remain extensively varied, like the rule of law.³⁵ For this paper, the Human Development Index (HDI) and Gross National Happiness (GNH) are used as measurements for sustainable development, since they measure some aspects of non-economic aspects of life beyond economic growth. Sustainable development was first articulated in the 1987 Brundtland Commission, which was later widely accepted, as 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'³⁶ It is primarily concerned with environmental protection, but sustainable development encompasses many more social issues, and emphasises social justice- a fair and equitable

³² *ibid.*

³³ Mariana Prado and Michael Trebilcock, 'The Rule of Law and Development', in Mariana Prado and Michael Trebilcock (eds), *Advanced Introduction to Law and Development* (2nd edn, Edward Elgar Publishing 2021) 60–61.

³⁴ Robert B Potter, 'Measuring Development: From GDP to the HDI and Wider Approaches', in Vandana Desai and Robert B Potter (eds), *The Companion to Development Studies* (2nd edn, Routledge 2008) 1 <<https://doi.org/10.4324/9780203773420>> accessed on 20 May 2024.

³⁵ Stéphanie de Moerloose, 'Sustainability', in Koen De Feyter and others (eds), *Encyclopedia of Law and Development* (United Kingdom: Edward Elgar Publishing 2021) 279–282.

³⁶ World Commission on Environment and Development, *Our Common Future* (OUP 1987).

society for all. Since GDP and/or GNP do not demonstrate economic equality or equal distribution of wealth among people or even the process in which such GDP is produced, there has been growing acceptance of other indicators significant to development, such as poverty, income inequality, life expectancy, education, health, and even the psychological well-being of people, etc.³⁷ Therefore, at present, development encompasses the broader well-being of people, the quality of human life, and environmental concerns.³⁸ The Human Development Index (HDI), published every year since 1990, measures life expectancy, health, education, and standard of living, reflecting the shift in development thoughts.³⁹ The Human Poverty Index and the Gender Inequality Index, which are variations on the basic Human Development Index, have added additional variables for measuring development, such as poverty and gender parity.⁴⁰ The United Nations “World Happiness Report”, published every year since 2011, measures “the Gross National Happiness” of countries based on four pillars classified in nine domains that encompass all aspects of the well-being of life in addition to income.⁴¹ Sustainable development now guides the whole world on its path of development.⁴² As an implementation strategy of sustainable development, countries are striving to achieve the 17 global goals by 2030, known as Sustainable Development Goals (SDGs), adopted in the United Nations Conference on Sustainable Development in 2015 as the follow-up of Millennium Development Goals (MDGs) of 2000.⁴³ The 2030 global agenda broadly integrates three dimensions of development: economic, social, and environmental. Briefly, the 2030 Global Agenda aims to achieve a more equitable and fairer world with no poverty, zero hunger, and reduced income inequality.⁴⁴

³⁷ AP Thirlwall, ‘Development and Economic Growth’, in Vandana Desai and Robert B Potter (eds), *The Companion to Development Studies* (n 34) 1.5.

³⁸ *ibid.*

³⁹ *ibid.*

⁴⁰ Robert B Potter (n 34) 1.12.

⁴¹ United Nations Department of Economic and Social Affairs, ‘Gross National Happiness Index’ (*United Nations*) <<https://sdgs.un.org/partnerships/gross-national-happiness-index>> accessed 24 March 2024.

⁴² *ibid.*

⁴³ United Nations (n 5).

⁴⁴ United Nations (n 3).

III. INTERLINKING RULE OF LAW AND SUSTAINABLE DEVELOPMENT

Though the claim that fair and impartial application of laws and justice systems has impacts on development was made as long back as the time of Adam Smith,⁴⁵ the academic discussion on the law and development interface is a very recent one.⁴⁶ The ‘first law and development movement’ emerged in the 1950s and 1960s to promote legal reforms, particularly by strengthening the legal profession, as a development strategy primarily aimed at protecting property rights and enforcing contracts. In the 1980s-1990s, during the second wave of the law and development movement, the rule of law agenda was revived to promote good governance and strong institutions to foster economic growth in developing countries and countries in transition.⁴⁷ At present, rule of law reforms are viewed as key to broader social justice beyond economic growth and sustainable development and an end in themselves, which David Trubek and Alvaro Santos call “the new law and development”.⁴⁸ However, a concrete and coherent theory linking law and development has yet to be developed.⁴⁹ Moreover, the relationships between the rule of law and development are not “straightforward”⁵⁰, but rather “elusive and controversial”.⁵¹ Furthermore, the legal and economic system functions within a complex web of culture and society,⁵² and much depends on other contingencies such as institutional frameworks, their efficiency, relevant capacities, and cultural orientations,⁵³ and attracts “strategic sequencing”⁵⁴. Thus, the existing literature does not adequately establish with concrete empirical evidence that the rule of law reinforces development- it has also happened the other way around.⁵⁵ However, studies increasingly find a positive

⁴⁵ Deval Desai and Michael Woolcock, ‘Experimental Justice Reform: Lessons from the World Bank and Beyond’ (2015) 11 *Annual Review of Law and Social Science* 155.

⁴⁶ Yonk-Shik Lee, ‘General Theory of Law and Development’, (2017) 50(3) *Cornell International Law Journal* 415.

⁴⁷ Prado and Trebilcock (n 33) 50–51.

⁴⁸ *ibid.*

⁴⁹ Lee (n 46).

⁵⁰ Carothers (n 19) 50.

⁵¹ Alviar (n 6).

⁵² Perry (n 6) 282–307.

⁵³ Lee (n 46) 471; Kleinfeld (n 21).

⁵⁴ Prado and Trebilcock (n 33) 66; Thomas Carothers, ‘The “sequencing” fallacy’ (2007) *Journal of Democracy* 18–12.

⁵⁵ Stephan Haggard and Lydia Tiede, ‘The Rule of Law and Economic Growth: Where are We?’ (2011) 39 *World Development* 673–685 (It is difficult to establish the connection between rule of law and development as their varied conceptions and countries diverse experiences.); Lee (n 46).

correlation between adherence to the rule of law and economic growth.⁵⁶ At the very primary level, the rule of law ensures sustained and stable economic growth by providing security of property rights and integrity of contracts that attract investment and trade, which in turn fuel economic growth and development.⁵⁷ The rule of law enhances certainty, predictability, and security, which are preconditions for the security of property rights and contracts.⁵⁸ Adam Smith,⁵⁹ Max Weber,⁶⁰ and Friedrich Hayek argued in favor of the rule of law and liberty in their own conception as the cornerstone of wealth and growth.⁶¹ There is a body of literature that empirically establishes that institutional quality matters for economic growth, that strong legal institutions enhance economic growth, whereas countries with weaker legal institutions cannot reap the benefits “effectively from financial liberalisation policies and thus, achieve less economic growth”.⁶² A study finds that by using a dataset of 174 countries from 1996-2019, the actual judicial independence, where the judicial decisions are effectively enforced (de facto judicial independence), can improve countries’ prospects for economic development,” because investors do require evidence that public officials will enforce contracts and support property rights impartially.⁶³ It states that *de facto* judicial independence is more effective than *de jure* judicial independence (ensuring judges’ independence in law) to attract investors.⁶⁴ A 2023 empirical study analyses dataset of the rule of law of 193 countries by artificial intelligence and finds a positive correlation of rule of law with “regulatory quality, corruption control, voice and accountability, political stability and absence of violence,” which are crucial for economic development.⁶⁵ The research also suggests that the rule of law positively correlates with social issues like increasing life expectancy, technological

⁵⁶ See (n 6).

⁵⁷ Haggard and others (n 6) 205.

⁵⁸ Brian Tamanaha (n 14) 3.

⁵⁹ Adam Smith, *Lectures on Jurisprudence* (OUP 1978) 528.

⁶⁰ Max Weber, *Law in Economy and Society* (Max Rheinstein ed, Edward Shils and Max Rheinstein trs, Simon and Schuster 1967).

⁶¹ Friedrich Hayek, *The Constitution of Liberty* (The University of Chicago Press 1960); Friedrich Hayek, *Law, Legislation, And Liberty* (vols. 1– 3, Routledge 1979), as cited in Yonk-Shik Lee (n 46) 420.

⁶² La Porta (n 6); Haini (n 6); Seyingbo and Adeniyi (n 6).

⁶³ Touchton and Tyburski (n 6) 12–26.

⁶⁴ *ibid.*

⁶⁵ Leogrande (n 6) (It uses the definition of rule of law as “rule of Law captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.”).

and scientific innovation, etc.⁶⁶ Recently, to ensure development that is fairer, equitable, and inclusive, a broader rule of law, consistent with international human rights are asserted by the United Nations.⁶⁷ It is constantly emphasised that achieving economic growth without the rule of law improvement may not be durable and may lead to a backslide in the long run. As highlighted by “the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence”, recent experience demonstrates that narrow developmental efforts that exclude justice and rights considerations fail to achieve sustainable human development.⁶⁸ The Report exemplified that some countries that made initial economic progress were subsequently confronted by massive political upheavals demanding personal security, good governance, and access to justice, alongside economic opportunities.⁶⁹ The global community also agrees on the significance of the rule of law and strong institutions with access to justice for achieving sustainable development by adopting the 2030 Global Agenda for Sustainable Development.⁷⁰ One of the targets of SDG Goal 16 is to promote the rule of law and ensure equal access to justice for all. SDG 16.3 clearly requires states to enact appropriate, non-discriminatory laws and to build strong, inclusive, and accountable institutions at all levels.⁷¹ Implicit in the SDGs 16 is the recognition that no form of development- whether social, economic, or environmental- can be achieved without the guiding principle of the rule of law.⁷²

The 2017 World Bank Report on Governance and Law categorically states such reinforcing relationships between the rule of law and development as shown below in the chart.

⁶⁶ *ibid.*

⁶⁷ United Nations (n 3).

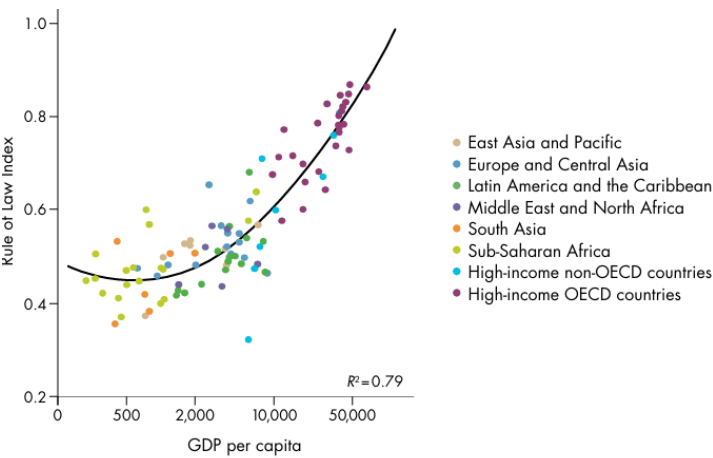
⁶⁸ UNGA, ‘Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence’ (2013) UN Doc A/68/345, para 64.

⁶⁹ *ibid.*

⁷⁰ United Nations (n 3).

⁷¹ *ibid.*

⁷² Noora Ajarvi, ‘Rule of Law in the 2030 Global Agenda’ (KFG Working Paper Series No 9, Berlin Potsdam Research Group 2017) <<https://d-nb.info/1217812687/34>> accessed on 15 May 2024.



Sources: WDR 2017 team, based on data from the World Justice Project, Rule of Law Index, 2015, and World Bank, World Development Indicators (database), 2015.

Figure 1: The rule of law is strongly correlated with high income ⁷³

The present study also finds a similar positive correlation between the rule of law and income level of a country when the rule of law ranking in the WJP Rule of Law Index is compared to their respective status in the income group under the World Bank data, as shown in Table 1. The comparison also shows a positive correlation to sustainable development when compared with their ranking in the HDI and GNH. Table 1⁷⁴ in column 2, given below, shows that the high-income countries rank at the top, ranging from 01 to 40, except for five countries (Greece 47, Croatia 45, Bahamas 50, Trinidad and Tobago: rank 67; Hungary: rank 73). Interestingly, these five countries with poor scores also stand at the lowest in income level among high-income countries. On the other hand, the low-income countries stand the lowest in the rule of law ranking, ranging from 102 to 140, except for four countries (Rwanda 41, Malawi 69, Burkina Faso 95, Gambia 85). These four countries in the low-income group achieve higher growth than their counterparts, as they have comparatively better rule of law conditions. It reveals that there is no single high-income country whose rule of law index is as low as that of low-income countries, not even one of them ranks below 50 (except Trinidad and Tobago and Hungary), and only three

⁷³ World Bank (n 6) 96.

⁷⁴ This table is prepared by using the latest global index report published in the year of 2023 in the respective field. For the rankings regarding rule of law index, human development index, and gross national happiness index, see The World Justice Project (n 28); UNDP, 'Human Development Insights' (*UNDP Human Development Reports*) <<https://hdr.undp.org/data-center/country-insights#/ranks>> accessed on 20 May 2024; The World Happiness Report, 'World Happiness Report 2022' (*The World Happiness Report*) <<https://happiness-report.s3.amazonaws.com/2022/WHR+22.pdf>> accessed on 20 May 2024.

countries (Greece, Croatia, and the Bahamas) stand between 40 and 50. Again, the ranking of the upper middle-income and lower middle-income countries touches a range spanning from 40 to 142 (except Costa Rica, 29) and 60 to 141, respectively. Lower and Upper Middle-income countries ranking shows a flexible trend from poor to good rule of law score, but they do not do as well as high-income countries. Moreover, within the same income group, it is also worth noticing that the countries with better rule of law have higher income than their fellow countries with less rule of law.⁷⁵

I draw a concrete inference that a country may reach up to upper-middle-income countries with a minimum or thin version of the rule of law but could not reach high-income countries. To achieve a sustainable high income like developed countries, the country must allow a situation conducive to attaining an ends-based rule of law in its broader sense, as developed countries possess. Almost all high-income countries have a culture of greater freedom and well-functioning democratic governance.

The Human Development Index ranking of 193 countries also reflects a similar pattern of relationship between the rule of law and GDP per capita-based development. The higher income countries rank in HDI in the range of 1 to 60 (just 6 countries rank beyond 50), in a similar pattern to their rule of law ranking (1 to 40). The ranks of upper middle-income countries range from 48 to 142 in comparison to the rule of law rank, which ranges from 40 to 142. Only 11 in upper-middle countries rank above 100. On the other hand, lower middle-income countries range in HDI rank from 93 to 170 (except Iran, which ranks 73), and their rule of law ranking ranges from 60 to 141. All except 4 countries in the lower middle-income group exceed 100 positions, indicating their vulnerable position in HDI, similar to the rule of law situation. All countries except 4 in the lower-income countries rank over 100 in a range of 102-142.

It is also found that higher-income group countries ranked in Gross National Happiness from 1 to 48. Only six countries (Greece, Portugal, Hong Kong, Japan, Korea, and Hungary) rank above 50. The upper-middle-income and lower-middle-income countries rankings have a similar pattern to other rankings, where the majority of upper-middle-income countries stand below 100, and the majority of lower middle-income group stands above 100 in the corruption index. Lower-income countries are positioned at the bottom of the index, alongside other countries.

⁷⁵ Exception is the rarest, for example, four countries in the low-income group has improved rule of law situation as like middle income countries but lags behind in income and only Costa Rica ranks 29 in the rule of law index but could not reach high income: See table 1.

However, it should be noted with caution that the causation that the rule of law reinforces development is not concretely established.⁷⁶ The East Asian countries (China, Japan, South Korea, Hong Kong, Taiwan, etc.) have achieved economic growth under an authoritarian regime.⁷⁷ South Korea, Singapore, and China have had faster economic growth than many less authoritarian ones, including India, Jamaica, Costa Rica, etc.⁷⁸ Korea and Taiwan prioritised economic development in the 1960s and 1970s, and once they achieved a substantial level of economic development by the 1980s, they embarked on democratic reforms in response to strong public demand.⁷⁹ This process of democratisation or reforming towards a rule of law-based society after successful economic development is reflective of the less straightforward relationship between the rule of law and economic growth.⁸⁰ Yet, the inconclusiveness of causal relationships does not deny the contributing factor of the rule of law to achieve high income, but rather reflects that the rule of law functions less as a standalone driver of development and more as an enabling or reinforcing factor whose impact depends heavily on broader institutional, political, and socio-economic contexts. The findings from the research and comparison of indices establish this fact. The rule of law impacts development to varied extent depending on how the rule of law is complemented by other factors of countries, including but not limited to the presence of appropriate and well-designed laws, the effectiveness and independence of legal institutions, supportive political culture, conducive social norms, and a high quality of human development.⁸¹ Therefore, it may be claimed that despite having a few exceptions, it is well established that there is significant interplay between the rule of law and sustainable economic development and the well-being of people.

⁷⁶ World Bank (n 73) 95–96.

⁷⁷ Faure and Smits (n 6) 15; Lee (n 46) 470–471.

⁷⁸ Amartya Sen (n 1) 150.

⁷⁹ Carothers (n 19) 55–56 (Spain and Chile also adapted broader rule of law after economic success.).

⁸⁰ *ibid.*

⁸¹ Tamanaha (n 6) 470; Lee (n 46) 471.

	Ro L Ra nki ng	H DI Ra nki ng	G N H Ra nki ng		Ro L Ra nki ng	H DI Ra nki ng	G N H Ra nki ng		Ro L Ra nki ng	H DI Ra nki ng	G N H Ra nki ng		Ro L Ra nki ng	H DI Ra nki ng	G N H Ra nki ng
LI COUNT RIES				LMI OUNT RIES				UMI COU NTRI ES				HI COU NTRI ES			
Rwanda	41	16 1	14 3	Senegal	6 0	16 9	10 3	Costa Rica	29	64	23	Denm ark	1	5	2
Malawi	69	17 2	13 8	Ghana	6 1	14 5	11 1	Roma nia	40	53	28	Norwa y	2	2	8
Burkina Faso	95	18 5	11 3	Mongoli a	6 4	96	68	St. Vin. and Gren.	42	81	-	Finlan d	3	12	1
Gambia	85	17 4	93	Indonesi a	6 6	11 2	87	St. Lucia	43	10 8	-	Swede n	4	5	7
Togo	10 2	16 3	13 5	Nepal	7 1	14 6	84	Maurit ius	46	72	52	Nether lands	7	10	5
Sierra Leone	11 0	18 4	14 0	Tunisia	7 2	10 1	12 6	Namib ia	44	14 2	12 4	Germa ny	5	7	1 4
Niger	10 9	18 9	10 4	Sri Lanka	7 7	78	12 7	Georg ia	48	60	10 5	New Zealan d	8	16	1 0
Madagas car	11 4	17 7	12 8	Ukraine	8 9	10 0	98	Grena da	49	73	-	Luxe mbour g	6	20	6
Liberia	11 2	17 7	97	India	7 9	13 4	13 6	Botsw ana	51	11 4	14 2	Estoni a	9	31	3 6
Mali	12 1	18 8	12 3	Uzbekis tan	7 8	10 6	53	Jamai ca	54	11 5	63	Irelan d	10	7	1 3
Guinea	11 8	18 1	10 9	Vietnam	8 7	10 7	77	Domi nica	53	97	69	Austri a	11	22	1 1
Mozamb ique	12 8	18 3	10 1	Belize	8 0	11 8	-	South Africa	56	11 0	91	Canad a	12	18	1 5
Ethiopia	12 9	17 6	13 1	Benin	9 0	17 3	11 5	Malay sia	55	63	70	Austra lia	13	10	1 2
Sudan	13 2	17 0	-	Algeria	8 4	93	96	Kosov o	58	-	32	Belgiu m	16	12	1 9
Uganda	12 5	15 9	11 7	Morocc o	9 2	12 0	10 0	Argen tina	63	48	57	United Kingd om	15	15	1 7
DRC	13 8	18 0	-	Philippi nes	1 0 0	11 3	60	Bulgar ia	59	70	85	Japan	14	24	5 4
Afghani stan	14 0	18 2	14 6	Tanzani a	9 8	16 7	13 9	Jordan	61	99	13 4	Singa pore	17	9	2 7
				Kyrgyz Republi c	1 0 3	11 7	64	North Maced onia	67	83	89	Lithua nia	18	37	3 4
				El Salvado r	1 0 8	12 7	49	Kazak hstan	65	67	40	Korea, Rep.	19	19	5 9
				Zambia	1 0 5	15 3	13 7	Moldo va	68	86	62	Czech Repub lic	20	-	1 8
				Kenya	1 0 1	14 6	11 9	Bosni a and Herz.	75	80	67	France	21	28	2 0

				Côte d'Ivoire	106	166	-	Panama	74	57	37	Hong Kong	23	4	81
				Angola	115	150	-	Guyana	76	95	-	Spain	24	27	29
				Nigeria	120	161	118	Suriname	81	124	-	Latvia	22	37	42
				Iran	126	78	110	Thailand	82	66	61	Uruguay	25	52	30
				Congo, Rep.	122	149	-	Brazil	83	89	38	United States	26	20	16
				Honduras	119	138	55	Serbia	93	65	43	Portugal	28	42	56
				Zimbabwe	123	159	144	Albania	91	74	90	Cyprus	31	29	41
				Bangladesh	127	129	94	Peru	88	87	74	Malta	30	25	33
				Pakistan	130	164	121	Colombia	94	91	66	Slovenia	27	22	22
				Bolivia	131	120	71	Dominican Republic	86	82	69	Italy	32	30	31
				Mauritania	133	164	133	Ecuador	96	83	76	Chile	33	44	44
				Myanmar	135	144	126	China	97	75	72	Barbados	35	62	-
				Nicaragua	137	130	45	Paraguay	99	102	73	Slovak Republic	34	45	35
				Cameroon	134	151	102	Belarus	104	69	65	Poland	36	36	48
				Egypt, Arab Rep.	136	105	129	Lebanon	107	109	145	United Arab Emirates	37	17	24
				Haiti	139	158	-	Russia	113	56	80	St. Kitts and Nevis	39	51	-
				Cambodia	141	148	114	Guatemala	111	136	39	Antigua and Barbuda	38	54	-
								Mexico	116	77	46	Greece	47	33	58
								Turkey	117	45	112	Croatia	45	39	47
								Gabon	124	123	106	Bahamas	50	57	-
								Venezuela	142	119	108	Trinidad and Tobago	70	60	-
												Hungary	73	47	51

Table 1: Comparison of Rule of Law Rankings with those of Human Development Index (HDI) and Gross National Happiness Index (GNH)

IV. BANGLADESH NEEDS ENDS-BASED RULE OF LAW FOR HIGH GROWTH AND SUSTAINABLE DEVELOPMENT

Bangladesh, a country of the South Asia region, is a developing country in the lower-middle-income group. Bangladesh has achieved remarkable progress in economic growth since the 1990s. The GDP of Bangladesh in 2022 stands at 460.2 billion, with an annual growth of over 7%.⁸² As a result, the Gross Domestic Product (GDP) per capita has also risen from \$294.4 in 1990 to \$2,688.3 in 2022.⁸³ The Gross National Income (GNI), which includes the country's income from overseas, displays a comparable pattern of significant growth, increasing from a mere \$32.23 billion in 2019 to 478.43 billion in 2022, with 7.9% (2022) annual growth.⁸⁴ Consequently, the country has a progressive rise in GNI per capita, reaching a value of \$2820 in 2022, which was \$300 in 1990.⁸⁵ The country has also shown remarkable success in poverty reduction. According to the World Bank Development Data, the poverty rate in 2022 is 5% (at the poverty line of \$2.15 per person a day), which has decreased from 41.9% in 1991.⁸⁶ It also shows that the poverty gap in Bangladesh at \$2.15 a day (2017 PPP) is 0.8% in 2022, which was 10.5% in 1991.⁸⁷ However, Bangladesh is generally termed as a 'development paradox' given the rapid economic growth coupled with ever-widening income inequality, widespread corruption, and misappropriation of public resources, weakening institutions, environmental degradation, and overall degrading quality of life, particularly for the poor and marginal people.⁸⁸ According to the World Bank Data, the present Gini Index of Bangladesh as of 2022 is 33.4, which has been ever-increasing from 25.9 in 1983.⁸⁹ The current unemployment rate is 4.2% as of 2023.⁹⁰ With the rising income inequality

⁸² World Bank, 'Data Indicators' (*World Bank*) <<https://data.worldbank.org/indicator>> accessed 20 May 2024.

⁸³ *ibid.*

⁸⁴ *ibid.*

⁸⁵ *ibid.*

⁸⁶ *ibid.*

⁸⁷ *ibid.*

⁸⁸ 'Bangladesh BD: Poverty Headcount Ratio at \$2.15 a Day: 2017 PPP: % of Population' (CEIC) <<https://www.ceicdata.com/en/bangladesh/social-poverty-and-inequality/bd-poverty-headcount-ratio-at-215-a-day-2017-ppp--of-population>> accessed 8 April 2026; Mohammad Tanzimuddin Khan and Mohammad Sajjadur Rahman (eds), *Introduction to Neoliberal Development in Bangladesh* (UPL 2020) 1–2.

⁸⁹ World Bank, 'Gini Index: Bangladesh' (*World Bank*) <<https://data.worldbank.org/indicator/SI.POV.GINI?locations=BD>> accessed 20 May 2024.

⁹⁰ World Bank, 'Unemployment: Bangladesh' (*World Bank*) <<https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=BD>> accessed 20 May 2024.

and the current rate of unemployment that reflects the huge development gap between the powerful rich and marginal people, Bangladesh also does poorly in different sustainable indicators, for example, it ranks 129 in the Human Development Index, 94 in the Gross National Happiness Index, 147 in the Corruption Index, and 177 in the Environmental Performance Index.⁹¹ The paper argues that one of the factors that contributes to the sustainability deficiency is the poor and weak rule of law in the country. Bangladesh ranks 127th out of 147 countries in the WJP Rule of Law Index, closer to the scores of countries such as Afghanistan, the DRC, Somalia, and Haiti. Figure 2 below shows that Bangladesh's rule of law is mostly law and order-centric (highest score 0.63 among eight factors/global rank 108), which satisfies the basic function of the rule of law. Except that, it does poorly in all other factors, limiting the current state to the minimum threshold of the rule of law.

In the WJP Rule of Law Index shown in Figure 2 below, Bangladesh does poorly on the factor of “constraint on government powers” (score 0.37), even behind countries like DRC or Uganda, ranking 120 in this category.

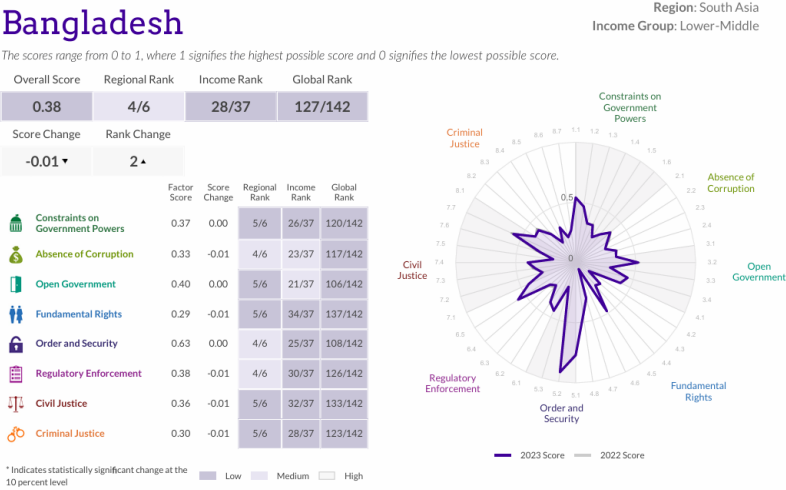


Figure 2: The World Justice Project Index 2023: Country Profile Bangladesh⁹²

⁹¹ UNDP, ‘Human Development Report 2021-22’ (UNDP) <https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf> accessed 8 April 2026; The World Happiness Report, ‘The World Happiness Report 2022’ (n 74); Transparency International, ‘Corruption Perceptions Index 2023’ (Transparency International) <<https://www.transparency.org/en/cpi/2023>> accessed 8 April 2026; ‘Environmental Performance Index’ <<https://epi.yale.edu/>> accessed on 20 May 2024.

⁹² World Justice Project (n 28) 50.

In the factor of protection of “fundamental rights”, Bangladesh scored extremely poorly (0.29), which gives it a global ranking of 137 among 142 countries, even below countries like Sudan (0.33). The WJP also reveals that among the eight fundamental rights measured, the right to privacy, the right to life, and security are the least protected, with the second poorest score in freedom of expression. This paper underscores the significant interplay between the protection of fundamental rights and development, as the promotion and protection of fundamental rights constitute the core of the rule of law, a view supported by scholars worldwide. Greater fundamental rights and freedom for higher growth have been advocated by Amartya Sen in his book titled *Development as Freedom* (1999). He basically theorises with empirical evidence that development is fundamentally “enhancing human capabilities” by which he principally means ‘to attain and enjoy in life the matters and freedoms that he or she has reason to value and power to choose’.⁹³ This freedom is, in part, to be indexed by a capability approach to human development, where capabilities are more than skill sets, but rather speak to ‘valuable beings and doings’ that individuals have reason to value and, most critically, are free to choose.⁹⁴ In his words, development ‘consists in the removal of various types of unfreedoms that leave people with little choice and little opportunity to exercise their reasoned agency’.⁹⁵ Therefore, he categorically points out that the expansion of the fundamental freedoms is not only the primary end but also the principal means of development.⁹⁶ The people of Bangladesh clearly lack the capabilities for a high level of development as Amartya Sen envisages. It is also corroborative of the empirical evidence mentioned earlier, suggesting a broader rule of law with greater freedom and rights, enhancing sustainable economic growth.⁹⁷

Lack of real accountability among government officials correlates with widespread corruption in Bangladesh.⁹⁸ Bangladesh scored relatively poorly on corruption control (0.33) compared with its scores on other factors. In the “absence of corruption” factors, the police/military is the most corrupt, followed by the judiciary, then the legislature, and then the executive.⁹⁹ The paper argues that the lack of constraint on government

⁹³ Amartya Sen (n 1) 10, 38–40.

⁹⁴ *ibid.*

⁹⁵ *ibid* xii, 10, 38–40 (He identifies five instrumental freedoms that are vital: (a) political freedoms, (b) economic facilities, (c) social opportunities, (d) transparency guarantees, and (e) protective security. These are conceived of as ‘distinct sets of rights and opportunities’ that help to ‘advance the general capability of a person’.).

⁹⁶ *ibid* 36.

⁹⁷ La Porta (n 6); Haini (n 6); Seyingbo and Adeniyi (n 6).

⁹⁸ Hoque (n 26) 38.

⁹⁹ See figure 2.

powers, fundamental rights, and corruption are three factors that remain the highest contributing factor of poor rule of law situation. These factors are the biggest challenge to any reformation for rule of law improvement in Bangladesh as well, because these factors feed each other and adversely impact the rest of the factors in the rule of law. The lack of constraint on government powers produces less or no accountability, which also hinders the important tenet of the rule of law, i.e., equality before law and other human rights and fundamental freedoms for people.

Due to the existing rule of law deficiencies, Bangladesh is at risk of falling into the middle-income trap.¹⁰⁰ The term “middle-income trap” (MIT) usually refers to countries that have experienced rapid growth and thus quickly reached middle-income status but then failed to overcome that income range to further catch up with the developed countries. MIT thus is a narrative of growth stagnation. Malaysia, Argentina, Uruguay, and South Africa have become stuck in the upper-middle-income trap. And countries like Bangladesh, India, and Indonesia have entered into the lower-middle-income status and are exposed to the MIT.¹⁰¹ The rule of law is crucial for these countries because the rule of law is foundational to people’s access to public services, curbing corruption, and restraining the abuse of power, which are the common problems of the countries that trap them into MIT.¹⁰² Poverty, which is critical for them, often stems from disempowerment, exclusion, and discrimination. The rule of law strengthens the voices of individuals and communities by providing access to justice, ensuring due process, and establishing remedies for violations of rights.¹⁰³ Legal empowerment goes beyond the provision of legal remedies and supports better economic opportunities.¹⁰⁴ Therefore, the advancement of the rule of law is essential to achieve sustained economic growth, sustainable development, the eradication of poverty and hunger, and the protection of all human rights and fundamental freedoms.¹⁰⁵ The rule of law is also critical to the sustainable management of natural resources, which is

¹⁰⁰ Philippe Aghion and Cagatay Bircan, ‘The Middle-Income Trap from a Schumeterian Perspective’ (ADB Economics Working Paper Series, No 521, ADB September 2017) <<https://www.adb.org/sites/default/files/publication/364156/ewp-521.pdf>> accessed on 28 May 2022; The World Bank, ‘The World Bank in Bangladesh’ (*World Bank*, April 2022) <<https://www.worldbank.org/en/country/bangladesh/overview#1>> accessed on 22 May 2022.

¹⁰¹ *ibid.*

¹⁰² *ibid.*

¹⁰³ United Nations, ‘Rule of Law and Development’ (*United Nations and the Rule of Law*) <<https://www.un.org/ruleoflaw/rule-of-law-and-development/>> accessed on 10 May 2024.

¹⁰⁴ *ibid.*

¹⁰⁵ United Nations (n 13).

considered to be a crucial factor in economic well-being and a basis for stable and peaceful societies.¹⁰⁶

A recent report published by the Asian Development Bank suggests three ways out of the middle-income trap for Asian countries, the third one is strengthening the rule of law. To continue the rapid economic growth of Bangladesh and to achieve the upper-middle-income status by 2031, the World Bank suggests that Bangladesh needs to create jobs and employment opportunities through a competitive business environment, increased human capital and skilled labor force, efficient infrastructure, and a policy environment that attracts private investment.¹⁰⁷ This would not be possible without ensuring the rule of law in governance and the concerned sectors. For example, private institutions will not be attracted to an environment where equal compliance with the law does not exist, and corruption is rampant.¹⁰⁸ Respect for the rule of law and property rights and the pursuit of appropriate policy and regulatory frameworks encourage business formation, including entrepreneurship.¹⁰⁹ Therefore, to reach middle income and to cross the MIT for achieving high income, Bangladesh must start work on improving the rule of law situation. It should be holistic and comprehensive, requiring a huge transformation in political and economic governance led by strong political will and leadership. Ends-based rule of law frameworks may show the way forward. Creating new rules of institutions or improving existing ones are necessary for rule of law reforms, but they must be accompanied by appropriate political reforms and cultural change in society. Rule of law practitioners acknowledge that Western-centric institutional rule of law reforms have not met the expected result, even after spending billions of dollars in developing countries and countries in transition in the 1990s.¹¹⁰ As expressed in the following words-

Well-planned institutional reforms can certainly affect political culture and change societal expectations. And most practitioners realize the importance of culture, power, and politics. But the institutional attributes style of defining the rule of law minimises the importance of these levers of change and obstructs clear thinking about how to address them.¹¹¹

Any rule of law institution to function requires a political culture committed to the end of the rule of law that allows such institutions to

¹⁰⁶ *ibid.*

¹⁰⁷ World Bank (n 100).

¹⁰⁸ *ibid.*

¹⁰⁹ United Nations (n 13).

¹¹⁰ Kleinfeld (n 21) 1.

¹¹¹ *ibid* 22.

function in accordance with the law. The rule of law can only operate where there is a clear political commitment and willingness to operate within the law and parameters of just governance.¹¹² Bangladesh lacks the most in developing a political culture that would be committed to the ends of the rule of law, and Bangladesh must work to achieve this end to achieve high economic growth. Therefore, Bangladesh must take a robust, holistic approach to secure ends-based rule of law to promote and ensure sustainable economic development.

IV. CONCLUSION

Literature increasingly establishes a close positive correlation, if not actual causation, between the rule of law and development.¹¹³ The significance of the rule of law is also increasingly felt by many countries.¹¹⁴ As the general trend, as shown in Table 1, that the poorest countries have the lowest rule of law, and the richest countries have the highest rule of law, corroborates academic findings. Indeed, the rule of law alone may not bring economic growth, but experts argue that the rule of law matters in economic development when other conditions are also met, such as appropriate laws, efficacy of legal institutions, political culture, conducive social norms and culture, and the quality of human development, etc.¹¹⁵ These variants influence the close interlinking between the rule of law and development, and in fact, without improving those variants, neither the state of rule of law nor that of economic development can be improved.¹¹⁶ Table 1 shows that no country in the high-income group has a rule of law ranking less than 50 in the global rule of law index. Though only Trinidad and Tobago and Hungary, as high-income countries, rank 67 and 73 respectively in the rule of law index, they fall behind in the broader terms of development in their HDI (57 and 46 respectively) and GNH (not found and 51 respectively) index. These countries' corruption index rankings are also high, 77 for both. It demonstrates that the rule of law is crucial for countries that are at the middle-income level to reach high-income status. Therefore, Bangladesh should integrate into its development policies and programmes a broad, end-based rule of law reformation agenda. Political leaders should commit to the rule of law-based values and political culture. Moreover, rule of law with broad political freedom and human rights is itself a value- a constitutional aspiration for Bangladesh as well, and should be striven for

¹¹² M Ndulu, 'Rule of Law Programs; Judicial Reform, Development and Post Conflict Societies' (ANLEP Working Paper No 2, University of Oslo 2009) 27.

¹¹³ Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International levels (n 5).

¹¹⁴ Buyse (n 12) 1–7.

¹¹⁵ Tamanaha (n 6) 470; Lee (n 46) 471.

¹¹⁶ Yonk-Shik Lee (n 46) 471.

an end in itself, in addition to as a means for economic development of the country.