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Studies in Development and Public Policy

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INTRODUCTION

The Editorial Team of the ISDA Journal is thrilled to announce a momentous occasion: the journal is marking its thirty-fifth year of publication. This significant milestone underscores the journal's enduring impact in the fields of social sciences and humanities, serving as a source of inspiration and motivation for scholars, researchers, and practitioners. Our consistent record of regular releases, despite the challenges of producing four issues annually, is a testament to our unwavering dedication and the importance of our work. We are grateful for the support of our growing community of supporters and journal beneficiaries, which has been instrumental in our success.

The inaugural issue of the 35th volume is a testament to our steadfast commitment to diversity. It features six articles from a wide range of fields, transcending traditional boundaries within the social sciences and humanities. This diverse selection promises our readers a rich and varied reading experience, with each article offering a unique perspective. We invite our readers to immerse themselves in a world of intellectual diversity, ensuring that every reader feels included and represented in our publication.

In his article addressing hate speech, Prof. Bijukumar, a renowned political scientist with extensive research in political behaviour, argues that this unethical behaviour threatens the peaceful coexistence of citizens and erodes liberal democracy. His expertise in the field significantly influences his perspective. Hate speech contributes not only to violence and crime but also to the degradation of democratic values. Nevertheless, attempts to regulate or legally ban hate speech face challenges, such as definitional uncertainties, ambiguous distinctions between hate speech and free speech, and support from governing powers. Prof. Bijukumar aims to explore the factors leading to the rising acceptance of hate speech and its effect on the ethical foundations of modern liberal democracy.

Using a historical and thematic understanding of the US-Bangladesh bilateral relationship, along with US foreign policy towards Bangladesh and the broader South Asian region, Syed Shahnawaz Mohsin, Afia Ibnat, and Salwa Jahan outlined potential future collaborations with Dr Yunus during the Second Trump Administration. This insightful article examines Bangladesh's crucial position in the power dynamics between the US and China, while also analyzing the impact of tensions arising from US sanctions on Bangladesh through neoclassical realist, constructivist, and transactional perspectives. The authors argue that despite Dr Yunus' previous critiques of Trump and the shifts in the Modi-Hasina partnership within the US-Bangladesh context, as well as Bangladesh's general status

in the global order, the nature of US-Bangladesh relations under Trump will primarily be driven by transactional factors, owing to Trump's emphasis on an 'America First' quid-pro-quo approach.

Arun Kumar critically evaluates the "Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023," emphasising its possible implications for India's democratic structure. Historically, the Election Commission of India (ECI) has been integral in upholding the integrity of the democratic process by ensuring elections are conducted freely, fairly, and transparently. The author provides a comprehensive overview of the ECI's historical evolution, highlighting the meticulous actions taken over time to safeguard its independence. These well-considered measures have been essential to the ECI's autonomy. The article argues that the 2023 amendment, which alters the appointment process for Election Commissioners, poses a risk to the ECI's independence and fairness, thus compromising the Constituent Assembly's foundational intent for a neutral electoral body. Such changes threaten to weaken democratic principles and jeopardise the essence of electoral integrity within India's political arena.

Veena Renjini K K examines the non-tariff measures affecting fishery trade and exporters' difficulties adjusting to market conditions. Although India holds a comparative advantage in exporting fishery products, non-tariff measures (NTMs) undermine this edge. NTMs are qualitative and comprise technical barriers such as Sanitary and Phytosanitary (SPS) measures, Technical Barriers to Trade (TBT), pre-shipment inspections, and other formalities. The research utilises SWOT analysis to explore the internal and external factors influencing trading behaviour. Subsequently, internal and external evaluation matrices were developed to assess firms' capabilities for ongoing business operations. Survey results indicate that non-tariff measures significantly disrupt trade; however, harnessing internal strengths can open up beneficial trade possibilities. The positive score from the internal evaluation matrix suggests that the sector possesses strong trade potential and remains competitive. In contrast, the external evaluation matrix reveals that firm strategies are well-equipped to seize opportunities and counter threats. As a result, this promotes cohesive product development and more significant market diversification as a sound business strategy.

Md. Basirulla and Muhammad Mahmudur Rahman investigated the factors influencing export-led industrialisation in Bangladesh. The garment sector accounts for approximately 83% of the country's foreign exchange earnings. Bangladesh is the second-largest exporter of ready-made garments (RMG) globally and has the highest number of green RMG factories globally. These eco-friendly manufacturing facilities play a crucial role in fostering sustainable industrial development on a global

scale. The authors seek to identify the challenges green garment producers encounter that hinder the growth of the RMG sector in Bangladesh while also examining potential opportunities. While Bangladesh has the most LEED-certified green garments globally, this accomplishment is accompanied by numerous challenges.

Venunadhan Pillai and Gaytri Devi Pillai conducted an intertextual analysis of Nisha Narayanan's poem "The West End Mere". The poem strongly advocates for female agency and resistance within a distinct Kerala context. It depicts the Mere Maid, whose deep connection to nature is disrupted by the arrival of 'Darkness,' symbolising predatory masculinity. Her vigorous defence and subsequent purification/reclamation demonstrate her refusal to be perceived as a victim, mirroring feminist reinterpretations of mythology and folklore. The poem's striking imagery, particularly the onomatopoeic term 'Kdum'—representing the jarring sound of teeth breaking bone—evokes the primal power of the Hindu goddess Kali, linking the Mere Maid to a lineage of powerful female figures. Her final peaceful rest signifies not a return to innocence but a hard-fought tranquillity achieved through determined actions. This analysis parallels the works of Angela Carter, Carol Ann Duffy, Margaret Atwood, and Mahasweta Devi, examining shared themes such as female empowerment, resistance against patriarchal violence, and the reclamation of women's narratives. While recognising these intertextual connections, the study underscores Narayanan's distinct contribution to feminist discourse, highlighting the cultural significance of the poem and its intricate depiction of female subjectivity.

These six meticulously curated compositions, comprising articles, commentaries, and research papers, are recognised for their quality and pertinence. They have been carefully selected to engage the diverse readership of the ISDA Journal, ensuring that our audience can trust the excellence and relevance of our content. Our commitment to providing high-quality, relevant content remains unwavering, and we look forward to continuing to serve our community of scholars, researchers, and practitioners in the social sciences and humanities.

Hate Speech in Liberal Democracy: Frontage of 'Unethical' Political Action

V. Bijukumar *

Abstract: Hate speech, an unethical political action, emerges as a potential challenge to citizens' peaceful coexistence and poses a threat to liberal democracy. It often assumes political legitimacy when its perpetrators are backed by the regimes of the time, a factor that significantly influences its spread and impact. In many instances, hate speeches are not just contributing to violence and crime; they can shake the values of democracy. However, regulating or legally banning hate speeches is often met with certain bottlenecks, such as the definitional infirmities of the concept, the blurring boundaries between it and free speech, and the regimes' political legitimation. The paper tries to analyse why hate speech gets wider acceptability and how it affects contemporary liberal democracy's ethical values.

Keywords: Harm Principle; Free Speech; Hate Crimes; Irrational Behaviour; Public Ethics; Political Emotions.

Liberal democracies worldwide are affected by the advent of two distinct trends such as unbridling populism and contagious hate speech (HS). These two trends, often related to each other, emerged as the 'unethical' mobilisation strategy in contemporary liberal democracies to muster popular support in a skewed way when the definite political mobilisation based on democratic values was failing. The perpetrators of these two trends generated emotions against public reason to achieve their political goals in democracy. In his book 'Open Society and its Enemies', Karl Popper identifies two important enemies of liberal democracy – totalitarian regimes of Communism and Fascism – as they restrict the individual's freedom (Popper, 1962). In his clash of civilisation thesis, Huntington also discusses the external ideological enemies of liberal democracies like Communism and Islamic Fundamentalism (Huntington, 1996).

While highlighting the external enemies of liberal democracy, both Popper and Huntington seldom discussed its internal counterparts. However, the

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above two trends emerged as the potential internal enemies of the liberal democracies, diluting their fundamental value of reason and thereby destroying their survival.

Describing it as a 'clash within', Nussbaum says that liberal democracies face the problem within rather than from outside and that it has the potential to destroy the values of democracy itself. The real threat to democracy, according to her, does not come from outside, the authoritarian, extremists or the jihadi forces but within the liberal democracy itself. Liberal democracies are recognised as reasonably rooted regimes, and to promote deliberations based on reason is fast moving towards creating hate. The increasing occurrences of religious violence can be regarded as a 'clash within' liberal democracy due to HS, as Nussbaum argues: "if the real clash of civilisations is, as I believe, a clash within the individual soul, as greed and narcissism contend against respect and love, all modern societies are rapidly losing the battle, as they feed the forces that lead to violence and dehumanisation and fail to feed the forces that lead to cultures of equality and respect" (Nussbaum, 2010, p.143). HS speech is often emerging as an internal clash to democracy where one's culture is seen as superior and others as inferior and targets certain communities and groups against others based on their race, sex, religion and ethnicity. When HS works, people cannot see other human beings as full people and seldom respect others' thoughts and feelings. According to her, "(if) people who are able to see other human beings as full people, with thoughts and feelings of their own that deserve respect and empathy, and nations that are able to overcome fear and suspicion in favour of sympathetic and reasoned debate" (Nussbaum, 2010, p.143).

What Constitutes Hate Speech?

Different individuals and international organisations have variously defined hate speech. It is commonly understood as any speech that incites violence, public disorder, indecency, or immorality based on irrational behaviour and unethical action to achieve a political goal. Hate speech is treated as a crime against humanity, a designation that brings it into direct conflict with the cherished ideals of liberty, equality, and justice. Article 20 (2) of the International Covenant on Civil and Political Rights defines hate speech as 'any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence' (United Nations Organisation, 1966, p. 8). Parekh identified three essential features of hate speech. Firstly, it singles out an individual or a group of individuals based on certain characteristics. Secondly, hate speech stigmatises its target by ascribing a set of constitutive qualities that are widely viewed as highly undesirable. Since the ascribed qualities are strongly disapproved of, their bearers are despised, degraded, regarded as not quite normal, treated with contempt, and even demonised. Thirdly, the target group is

placed outside the pale of normal social relationships (Parekh, 2006, p. 214). As Jeremy Waldron argues, 'hate speech undermines this public good, or it makes the task of sustaining it much more difficult than it would otherwise' (Waldron, 2012, p.4). It implies 'hostility, rejection, a wish to harm or destroy, a desire to get the target group out of one's way, a silent or vocal and a passive or active declaration of war against it' (Parekh, 2006, p.214). Though it is often described as an irrational behaviour of some individuals or groups, it has emerged as an electoral strategy to gain more political dividends in a liberal democracy, highlighting the need for ethical political strategies. Political actions in a democracy have a certain ethical dimension as it involves moral principles and values. An ethical dimension of political action demands that people desist from harming others. Such liberal ethics is required not only for the social existence of human beings but also for the effective functioning of democracy itself. For instance, Parekh argues that since public action in a liberal democracy can be tested with morality and ethical principles, it should not exclude, intimidate, alienate, hatred and damage the dignity and life chances of sections of society (Parekh, 2006). Liberal democracies are based on certain ethics while guaranteeing free speech as a political value to citizens. They should not harm fellow citizens' dignity and ensure social harmony to enrich democracy. HS goes against liberal ethics as it constitutes face-to-face vilification, creates a hostile or intimidating environment or is a kind of group label (Brison, 1998, p.313). HS is an attack on the very idea of democratic citizenship as it erodes citizens' civic engagement in society, reducing citizens to denizens. As Waldron argues, they associate ethnicity, race, or religion with conduct or attributes that disqualify them from being treated as members of society in good standby (Waldron, 2012).

HS, lacking the reputable values of liberal democracy, becomes susceptible to destruction. In his conception of the universal values of democracy, Sen identifies three 'enriching' values: intrinsic, instrumental, and constructive. The intrinsic value regards political and social participation as inherently valuable to human life and well-being. The instrumental value enhances the opportunities for people to articulate and advocate for their claims to political attention—including those pertaining to economic needs—thereby providing political incentives for governmental accountability. Constructive value assists society in prioritising certain values and needs (rights, duties and related ones). The practice of democracy enables citizens to learn from one another and shape their values and priorities (Sen, 1999, pp. 3-17). HS undermines intrinsic, instrumental, and constructive values. Furthermore, while free speech and expression foster the deliberative values crucial for liberal democracy, HS hampers these deliberative values, whereas the regulation of HS reinforces them (Bink, 2001). It's important to note that HS not only undermines these values but actively obstructs deliberative exercises in democracy, failing to

encourage open discussion among citizens.

The erosion of ethical values in politics is due to uncanny power politics and brawls for capturing power, whatever means, which makes it difficult to sustain the ethical dimensions of political action. Political actions in a democracy have an ethical dimension that comes from the rational faculty of human beings, as it should not be narrow, harming any citizen or individual. An unethical political action is not in the general interest of liberal democracy, and the emerging instances of HS manifest that democracy is fast moving away from ethics. The growing malaise of HS instances shows that politics is divorcing from morality. HS's mounting instances emerged as a political tool usually found in authoritarian and fascist regimes, now penetrating democracies as a mobilisation strategy. Further, "hate speech is a distinct kind of unacceptable speech, and much conceptual confusion is created, and the net of prohibited speech unduly widened, by subsuming all forms of uncivil and hurtful speech under it" (Parekh, 2006, p.214). It expresses, advocates, encourages, promotes or incites hatred of a group of individuals distinguished by a particular feature or set of features (Parekh, 2006, p.214).

Hate as an Emotional Hazard

Like reason, political emotions are recognised as vital values in a liberal democracy (Nussbaum, 2013). Emotion can be more saleable in democracy, even though democracy is widely recognised as a regime based on public reason. However, hate is a discrete emotion like fear, joy, sadness, disgust, and surprise that is poorly constructed and often goes against reason, inflicting injury to others mentally and physically. Unlike positive emotions like self-love and cooperation, hate is inherently destructive, often leading to what Guru calls 'humiliation' (Guru, 2009). According to Andrew Altman, "Even when it involves no direct threat of violence, hate speech can cause abiding feelings of fear, anxiety, and insecurity in those at whom it is targeted" (Altman, 1993, p.306). Since hate is a destructive emotion and negative emotional attachment, HS is an expression of such an intense emotion through words. Samuel Cameron, in his book "The Economics of Hate', argues that "expression of hatred is more likely to provoke extreme social disapproval than expression of other emotions" (Cameron, 2009, p.1). Hate is the phenomenon of constructing otherness as one views others as a threat to their existence. It demarcates self and others and creates politics of otherness and politics of self-identity as good. Hate is always hatred of something or somebody; as Ahmed argues, "hate is involved in the very negotiation of boundaries between selves and others, and between communities, where 'others' are brought into the sphere of my or our existence as a threat" (Ahmed, 2014, p.49). It is argued that hate involves a turning away from others that are lived as a turning towards the self" (Ahmed, 2014, p.49). In fact, Aristotle differentiated anger from hatred

in that anger is customarily felt towards individuals only, whereas hatred may be felt towards whole classes of people. Hate as an emotion is used for political mobilisation; otherwise, politics is considered a rational activity. HS, as an unethical political action, constructs a political narrative against the dominant discourse of the political agenda of the day's regime. It is argued that 'hate is an intense emotion; it involves a feeling of 'againstness' that is always, in the phenomenological sense, intentional" (Ahmed, 2014, p.49). According to Butler, HS does not minimise the pain that is suffered due to hate speech (Butler, 1997, p.19). The sustained pain caused by HS in an individual or community cannot be healed easily.

Hate is an emotional hazard expressed and disseminated through speeches, writings, publications, print, electronic, and social media, with certain purposive political goals. HS is not only a linguistic expression but also an emotional outburst. It targets some groups based on their physical appearance, cultural distinctiveness, religious practices, food and dress habits, and everyday etiquette. When the perpetrators of HS are complicit with the regimes, it leads to punishment for the targeted groups and impunity for the perpetrators. Judith Butler describes it as "linguistic vulnerability" as injured by language. Borrowing Althusser's term, 'interpellation, Butler argues that "linguistic injury appears to be the effect not only of the words by which one is addressed but the mode of address itself, mode –a disposition or conventional bearing – that interpellates and constitutes a subject" (Butler, 1997, p.2). Hate destroys a man's sense of values and his objectivity. It has the potential to provoke individuals or society to commit acts of terrorism, genocides, and ethnic cleansing. In the era of emotional politics, hate as a distinctive emotion can be used for political mobilisation geared towards negative politics.

Steven Heyman and Jeremy Waldron analyse the anatomy of HS in liberal democracy. In his book Free Speech and Human Dignity, Heyman argues that HS infringes on human dignity. HS creates harm and denial of equality to others. Hate speech undermines this public good, or it makes sustaining it much more difficult than it would otherwise be. It not only "intimating discrimination and violence, but by reawakening living nightmares of what this society was like – or what other societies have been like – in the past" (Waldron, 2012, p.4). Acting against inclusiveness generates hostility, discrimination and violence, which infringe on democratic coexistence. HS questions one's current material existence and invokes the past as stigma or stereotyping a community or individual. Even the present is improved, and the past is invoked to stigmatise them through HS, forcing the victims to live in a 'stigmatised past'. As Waldron argues, "not only intimating discrimination and violence, but reawakening living nightmares of what this society was like – or what other societies have been like – in the past" (Waldron, 2012, p.4). In this context, Waldron argues that the aim of HS is "to compromise the dignity of those at whom it is targeted,

both in their own eyes and in the eyes of other members of society" (Waldron, 2012, p.5).

HS is an unethical action as it involves absurd communicative rationality and is based on the irrational behaviour of an individual. However, it is neither a deviant behaviour of an individual motivated by individual prejudices nor an aberration or a spontaneous expression but deeply rooted in culture and power relations. It involves social context and political subtext, as its common sources include cultural hegemony, a concept that refers to the dominance of a particular culture over others, usually through institutions and popular culture, religious and racial superiority and social domination. HSs are not spontaneous reactions but systematic efforts and politics in action involving perverted political actions and premeditated political motives. It is argued that "a vicious and widespread hatred of a group does not spring up overnight. It builds up slowly through isolated utterances and actions, each individually perhaps trivial but all cumulatively capable of coarsening the community's sensibility, poisoning the minds of the young, weakening the norms of civility and decency, and creating a situation in which it becomes a common practice to ridicule, mock, malign, and show hostility to the target group and overtime to others" (Parekh, 2006, p.218). It expresses profound disrespect, hatred, and vilification for the members of minority groups based on stereotyping, humiliation, and stigmatisation of individuals or communities and thereby poses a threat to social peace, inclusion and social justice. The perpetrators of HS claim that it is a superior social identity and access to resources and privilege. Analysing the racist content of the HS in the West, Butler emphasises that "racist epithets not only relay a message of racial inferiority but that "relaying" it verbal institutionalisation of that very subordination" (Butler, 1997, p.72). HS is often recognised as irrational behaviour confined to the self-interest of individuals or groups. Parekh says it "creates barriers of mistrust and hostility between individuals and groups, plants fears, obstructs normal relations between them, and in general exercises a corrosive influence on collective life" (Parekh, 2006, p.217). He also says, "Hate speech also violates the dignity of the members of the target group by stigmatising them, denying their capacity to live as responsible members of society, and reducing them to uniform specimens of the relevant racial, ethnic or religious group" (Parekh, 2006, p.217). HS is not seen as deviant human behaviour but as a politically calculated move. HS violates an individual's moral obligation. However, the government often gets involved in it and assumes new legitimacy.

Regimes and Hate Speeches

Among all regimes, liberal democracies are always more prone to HS due to the role of competitive parties in electoral mobilisation. In other words, HS assumes wider political salience during the election for mobilisation for a

political party on certain issues. The instances of HS earlier found in authoritarian fascist regimes are now more common than before in liberal democracies. The totalitarian regimes like Fascism and Nazism construct hate against certain social groups and communities to perpetuate their rule. Democracies are confronted with growing instances of intolerance, which contradicts the basic value of tolerance. Michael Walzer's 'dirty hands' theory emphasises that in order to do what is right, politicians must get their 'hands dirty'. He says, "The notion of dirty hands derives from an effort to refuse 'absolutism' without denying the reality of the moral phenomena" (Walzer, 1973, p.162). Walzer proposes three understandings of rules and moral action. However, he rejects the first two as inadequate and supports the third. The morality of every action is determined by its circumstances and consequences. Walzer rejects this conception of morality. He says human beings are situated in a social context in their decision-making, which provides them with rules. According to him, "moral life is a social phenomenon, and it is constituted at least in part by rules, the knowing of which (and perhaps the making of which) we share with our fellows" (Walzer, 1973, p. 169).

The emergence of HS as a political expression in contemporary liberal democracies is based on two dominant theories. First is Justice Holme's vision of the 'marketplace of ideas', and second is Robert C. Posts' theory of public discourse. Holme argued that "the best test of truth is the power of the thought to get itself accepted in the competition of the market" (Blasi, 2005, p.3). The 'marketplace of ideas' holds that the truth will emerge from the competition of ideas in free, transparent public discourse. Freedom of expression is based on an analogy to the economic concept of a free marketplace. Minimal governmental intervention facilitates truth emergence, and strong state intervention distorts the emergence of truth, resembling the justification for free market rationality and reducing the state intervention in economic development highlighted in the Smithian conception of the market as the natural order, the Hayekian conception of a spontaneous order of the market. Delegitimising the state's intervention in the competition of ideas, it is argued that even if some bad ideas emerge, they will phase out due to the competition of ideas. Finally, the best in the form of truth would emerge. Post's theory of public discourse is the medium through which independent citizens come together to shape their common identity and to "choose reforms of their communal life" (Post, 2009, p.127).

Heyman was critical of both these theories, which consider HS a conception of political discourse. Heyman asks how the truth will emerge when HS denies competition of ideas. HS denies free competition for ideas. As a result, the truth is distorted for political convenience. Heyman argues that "public discourses as speech that takes place within a community that is based on mutual recognition . . public hate speech is not entitled to constitutional protection because it violates the principles that should

govern democratic debate" (Heyman, 2008, p.173). Heyman disagrees with the argument of the marketplace theory as a model of the search for political truth. According to him, "individuals regarded as market participants pursue their own private good. Thus, the consumers in a marketplace of ideas would tend to "buy" those ideas that accorded with their own interests, and the ideas that prevailed in the marketplace would be those that reflected the interest of the greatest number of the people" (Heyman, 2008, p.173). The problem with Post's argument is that it fails to come to terms with the distinctive nature of HS. Heyman denounces both theories, saying that HS disrespects the autonomy of others and refuses to deliberate with them. He states, "It is not enough that the state should view individuals as free and equal; citizens must also view one another in this light" (Heyman, 2008, p.173).

HS is not always abetting violence due to the self-restraint involved by the targeted groups and the deep-rooted public ethics in the society and the community (Parekh, 2006, p.214). In other words, public morality weeded with constructive political emotion prevents such untoward crimes. HSs are not merely the expression of a depraved emotion but also have certain political and cultural contexts. According to Parekh, "Every form of speech occurs within a particular historical and cultural context, and its content, import, insinuations, and moral and emotional significance are inseparable from and can only be determined in the light of that context" (Parekh, 2006, p.215). Parekh claims that HS "views members of the target group as an enemy within, declares a war on them, refuses to accept them as legitimate and equal members of society" (Parekh, 2006, p.217) and thereby subverts the very basis of their social life. The HS perpetrators often argue that the target groups were affecting resource redistribution, thereby deteriorating their material progress. They create misconceptions among the dominant groups and communities that their material life's impoverishment is due to the extraction of resources and cultural penetration of the targeted groups.

Modes and Manifestations of Hate Speech

The contemporary manifestations of HS assume different forms, such as oral expression or performative action, and involve other means like publishing and distributing documents. In oral expression and publishing documents and social media, HS contains racial, ethnic, and patriarchal content to humiliate people who belong to it, thereby creating animosity between communities. Some HS arise out of the government's legislative actions as it is discriminatory to certain communities and thereby generate hate among communities. In addition to a performative action, HS is spread through diverse modes such as the educational curriculum, especially the school curriculum, cinema, culture, art, and literature. For instance, in India, school children's moral science textbooks often depict

that non-vegetarianism is unethical, leading to the generation's hate towards particular communities. The role of media in propagating hate speech is crucial, with print, electronic and social media being the main channels. Beyond face-to-face communication involving social media and networks, the HS campaign disseminates faster through social media than verbal communication. Not only does it contain racial, ethnic, and patriarchal content to humiliate people who belong to it, but it also uses nationalist overturns to legitimise HS.

Free speech and freedom of expression are considered essential foundations of democracy. The idioms of HS involve the absence of tolerance and public order, inflicting social injury and creating xenophobia. It has the "power to affect lasting wounds; it can also channel and symbolise the much more pervasive and sometimes less easily isolatable structural forms of discrimination" (Nelson, 1997, p.116). As Gelber argues, HS is "regarded as speech which is particularly harmful because it contributes to a climate of hatred and violence towards marginalised and disempowered sections of the community" (Gelber, 2002, p.1). Young identifies four different free speech interests: targeted vilification, diffuse vilification, organised political advocacy for exclusionary or eliminationist policies, and other assertions of fact or value which constitute an adverse judgment on an identifiable racial or religious group. Among these four categories, it is more commonly used in hate speeches that invite legal action. Practices racism as it establishes hierarchal superiority by stereotyping others. It is argued that "the third can include types of so-called sophisticated racism, which typically employ reasonable language and argument to justify racist policies or agendas", and the fourth kind "includes forms of hate speech that appear in the guise of reasoned academic debate, and which are often justified with reference to free speech interests associated with the discovery of truth" (Yong, 2011, p.386).

Hitches in Regulating HS

Though HS is condemnable, a consensus has yet to be reached on regulating or banning it due to certain roadblocks. This lack of consensus has significant implications, as it allows hate speech to continue unchecked, potentially leading to social division and conflict. Firstly, the definitional infirmities related to the concept of HS and this ambiguity in the definition often impact its regulation. The definitional problem is often related to the failure to distinguish between free speech and HS. In common parlance, anything that does not agree with the liberal viewpoint is sometimes labelled HS. Free speech is a rational action that leads to public discussion and consensus over certain issues, thereby assuming wider political legitimacy. It is argued that "in fact, there is no means whereby anyone can reasonably sort out hateful speech from legitimate

discussion. Thoughtful, reasoned criticism can also be devastating to its subjects, but that does not make it hate speech. The distinction between the two is in the speaker's purpose, something not always easily ascertained" (Slagle, 2009, p.248). HS can take a variety of manifestations, violence and non-violence, overtly discriminatory and anti-discriminatory, and sometimes assuming democratic form. Even though HS is an unethical political action, consensus is elusive in regulating it as it is often more subjective, and there is no clear-cut demarcation of what constitutes free speech and HS. The growing tension in contemporary liberal democracy is drawing a line between free speech vs. hate speech. The problem in identifying a speech as HS or free speech is difficult as it also involves ethical questions—the moral subjectivity of the individual and often political emotions of the speaker.

The regulation of HS met with ideas of political autonomy and the ethical autonomy of the individual because the restriction is considered the restriction on the autonomy of the individuals. Waldron sees public education as an effective answer to hate speech in the free marketplace of ideas (Waldron, 2012, p.79). The regulation of HS is often stranded with the question of a legal or ethical solution. The argument against HS laws is that it violates the liberty and autonomy of individuals. It is antithetical to free participation in forming public opinion and blocking the search for truth (in the argument of the marketplace of ideas). Those who critique HS argue that it creates ethnic animosity, racial discrimination, personal insecurity, stigmatisation, enmity, and the like. Brown argues, "The idea that a just society is one in which even speech may be regulated in order to protect the rights of other citizens can be motivated via the example of the right to reputation" (Brown, 2015, p.142) underscoring the complexity and significance of balancing rights and reputation.

Secondly, the difficulty in drawing boundaries between free speech and hate speech (HS) necessitates further restrictions. Moreover, there is a lack of objective criteria for differentiating HS from individual rights to free speech, and there is a blurring of boundaries between these two. It is argued that "being committed to free speech does not mean that one is free to say whatever one wants" (McGowan, 2010, p.778). Those who oppose the preventive legislation argue that HS can be countered through the maintenance of free speech. However, the pertinent question is how to identify free speech from HS. This raises the question of where and how the line is to be drawn between free speech and HS. J.S. Mill, in his celebrated work, On Liberty, makes loose boundaries between liberty and free speech. He does not favour unrestrained freedom for individuals and argues for reasonable restrictions based on public order and human dignity when it harms other individuals. Jeremy Waldron also discusses the scope and limits of freedom of expression. Erecting a boundary between HS and Free Speech is often tricky, as the state is involved in it arbitrarily. Often, the

judgment on the content of the HS is controversial as it was legitimised by the regimes of the day. The government has certain subjective biases in determining HS's content as it depends on the moral positionality of the state where it stands in the ethical sphere. The regimes distort the ethical principles according to their political interests. The ethical subjectivity of the state imposes conditions on the regulation of HS. By imposing moral authoritarianism, which is the imposition of certain moral standards by the state or regime, the state and the regime set certain moral standards and all other actions are treated as unethical. Often, moral authoritarianism gives political legitimacy to the perpetrators of HS. Describing HS as an "offensive conduct", Butler argues that the regulation of HS has its own problem- who will demarcate the line between hate speech and the other ones (Butler, 1997, p.2). The state has an eluding capacity to regulate HS in democracy.

Thirdly, many anti HS laws are often enforced when there is incitement to violence. However, HSs do not always incite violence, but they might perpetuate the discriminatory attitudes prevalent in society. This perpetuation often leads to incitement to discrimination, especially in culturally diverse societies. Though it does not directly lead to violence, it has the potential to humiliate individuals and communities. Guru argues that the basis of humiliation in the West is race, and in the East, the notion of untouchability (Guru, 2009, p.1). It may be argued that even a speech that does not incite violence has the potential of marginalising a section of society, thus contradicting popular legal and judicial concepts about the ambit of HS.   The Law Commission of India, in its report titled Hate Speech, claims that "indisputably offensive speech has real and devastating effects on people's lives and risks their health and safety. It is harmful and divisive for communities and hampers social progress. If left unchecked, hate speech severely affects right to life of every individual" (Law Commission of India, 2017, p.39).   According to the Report, "incitement to violence cannot be the sole test for determining whether a speech amounts to hate speech or not. Even speech that does not incite violence has the potential of marginalising certain sections of the society or individuals" (Law Commission of India, 2017, p.20).   Waldron contends that HS should not be restricted only to statements that pose a clear and present danger or an imminent threat to lawless action. Sometimes, it may not incite violence but hurt the dignity of the individuals. Regulating HS should not be considered a restraint upon freedom of expression as it lacks ethical values.

Fourthly, the political legitimacy acquired through HS prevents its regulation or legal banning. The government's role in transforming uncivil behaviour into civil behaviour, especially in the populist persuasion of politics, prevents punitive actions against HS. HS is legitimised as an ethical-political action that transforms unreasoned political action into a

reasoned one. There is a wider agreement that it cannot be considered an ethical action that has wider ramifications for individual self-esteem and manifests in intolerance, human indignity, and unreason. HS is a speech that attacks, threatens or insults a person or group based on national origin, ethnicity, colour, religion, language, caste, gender identity, sexual orientation or disability. In other words, the receiving end of the HS are minorities, vulnerable section because it threatens their dignity and self-respect. It stigmatises one's identity and material existence. HS is an expression likely to cause distress or offend other individuals based on their association with a particular group or incite hostility towards them. Waldron argues that HS is an offensive act causing injury to someone, either physical or mental. It injures the dignity of individual morality. The effects of HS are more in culturally diverse societies.

Fifthly, Ray Jureidini talks about the 'subjectivity' of HS laws as a problem for its regulation. He says, "Some people are offended by ethnic jokes and name-calling as a problem, some are not" (Jureidini, 2000, p.13). Subjectivity comes when some feel easily humiliated by HS, and some are not. In this situation, the law has certain limitations in regulating HS. Often, measuring the intensity of the harm is a problem, as it depends on the subjectivity of the affected individual. John Gardner talks about the relationship between ethics and law. It is argued that 'law makes moral claims, and when it makes those claims sincerely, it has moral aims, and when it succeeds in those aims, it is morally justified law. It is the law that actually lives up to the moral standards that it holds itself out as living up to by its nature as law. It is law's paradigm case' (Gardner, 2010, p.421).

The sixth problem is related to the authority to identify the HS. Hate Speech is often treated as a private activity or action of a private individual. However, it often assumes the character of 'public' due to its political patronage by the regimes of the day. The attempt by the regimes to depict this as public is due to its political weight, even though it lacks political sensibility in liberal democracy. In most cases, the state makes a distinction. Due to its nature as a political regime, the state sometimes uses its ethics for political motives. In such a situation, HS gets political legitimacy and social and political remorse about the action. HS gets public legitimacy as it was interpreted in the ambit of free speech as prescribed by the liberal humanistic approach. HS is an instrument of political mobilisation electoral strategy and a legitimised form of political expression.

Finally, the consequences of HS and hate crimes dilute the spirit of the regulatory laws. On some occasions, HS leads to hate crimes. In his 'Excitable Speech', Judith Butler considers the impossibility of deciding in advance the meaning of HS for hate crime (Butlder, 1997). The target group "cannot be trusted to observe the rules governing society, to enter into

meaningful relationships with other members of the community, to show loyalty to shared social institutions and practices, and is in general regarded as a hostile and unacceptable presence" (Parekh, 2006, p.214). Donald Trump, the former and now the president-elect of the USA, contended that Arab Americans cheered on the 9/11 attacks, many Mexicans in the US are criminals and rapists, and Muslims should be banned from entering the US solely on the grounds of their religion.

Conclusion

The two emerging trends in liberal democracies worldwide - populism and hate speech - involve a certain element of emotion. HS assumes wider legitimacy in contemporary liberal democracies, though it is often described as the irrational behaviour emanating from some individuals or groups. Unethical behaviour assumes ethical and political legitimacy through political actions. The right to free speech, as guaranteed by democracies, does not permit individuals to harm others; often, limitations are grounded in social responsibility. It is crucial to understand that the right to free speech is not absolute and must be balanced with social responsibility. The traditional conception is that it is an unethical political action in liberal democracies. However, this unethical political action gets wider acceptability today as it influences political legitimacy. Though hate speech is not a new development, in contemporary liberal democracies, it assumes a legitimised political action. Moreover, an unethical political action turned into an ethical political action. Political actions have moral or ethical connotations, not only in legal or constitutional contexts. Often, political ethics guide political action, and it cannot be evaluated only on legality but also on moral and ethical action. Political actions are legitimised as ethical actions and rejected as unethical actions on certain principles that are rooted in incivility. Ethics are standards or moral conduct that individuals and groups set for themselves. The parties, agencies and groups use HS to create animosity between and among communities. All HS does not always lead to inciting violence or genocide. On some occasions, people retrain from violence where thick social capital prevails.

References

Ahmed, Sara (2014), *The Cultural Politics of Emotion*, Edinburgh: Edinburgh University Press.

Altman, Andrew (1993), "Liberalism and Campus Hate Speech: A Philosophical Examination", *Ethics*, Vol. 103, No. 2, January, pp. 302-317.

Blasi, Vincent A. (2005), *Holmes and the Marketplace of Ideas*, Chicago: The University of Chicago.

Brink, David O. (2001), "Millian Principles, Freedom of Expression, and Hate Speech", *Legal Theory*, Vol 7, pp. 119-157.

Brison, Susan J. (1998), "The Autonomy Defense of Free Speech", *Ethics*, Vol. 108, No. 2, January, pp. 312-339.

Brown, Alexander (2015), *Hate Speech Law: A Philosophical Examination*, New York and London: Routledge.

Butler, Judith (1997), *Excitable Speech: A Politics of the Performative*, New York: Routledge.

Cameron, Samuel (2009), *The Economics of Hate*, Cheltenham: Edward Elgar.

Gardner, John (2010), "Ethics and Law", in John Skorupski (ed.), *The Routledge Companion to Ethics*, London and New York: Routledge, pp. 420-429.

Gelber, Katharine (2002), *Speaking Back: The free speech versus hate speech debate*, Amsterdam, Philadelphia: John Benjamins Publishing Company.

Guru, Gopal (2009), "Introduction: Theorising Humiliation", Gopal Guru (ed.). *Humiliation: Claims and Context*, New Delhi: Oxford University Press, pp. 1-19.

Habermas, J. (1974), "Reflections on Communicative Pathology" in Barbara Filter (trans.), *On the Pragmatics of Social Interaction: Preliminary Studies in the Theory of Communicative Action*", Cambridge: Mass;

Heyman, Steven J. (2008), *Free Speech and Human Dignity*, New Haven & London: Yale University Press.

Huntington, Samuel P. (1996), *The Clash of Civilisations and the Remaking of World Order*, New York: Simon & Schuster.

Jureidini, R. (2000), "Origins and Initial Outcomes of the Racial Hatred Act 1995", People and Place, http://elecpress.monagh.edu.au/pnp/pnpv5nl/jureidini.htm

Law Commission of India (2017), *Hate Speech*, Report No. 267, March. see https://www.latestlaws.com/wp-content/uploads/2017/10/Law-Commission-Report-No.-267-Hate-Speech.pdf.

Mc Gowan, Mary Kate (2010), "The Ethics of Free Speech", in John Skorupski (ed.), *The Routledge Companion to Ethics*, London and New York: Routledge, pp. 769-780.

Nelson, Cary (1997), *Manifesto of a Tenured Radical*, New York: New York University Press.

Nussbaum, Martha C. (2010), *Not for Profit: Why Democracy Needs the Humanities*, Princeton: Princeton University Press.

Nussbaum, Martha C. (2013), *Political Emotions: Why Love Matters for Justice*, Cambridge: The Belknap Press of Harvard University Press.

Parekh, Bhikhu (2006), "Hate Speech: Is there a case for banning?", *Public Policy Research*, December 2005-February 2006, pp. 213-223.

Popper, Karl (1962), *The Open Society and Its Enemies*, 2 vols., Princeton: Princeton University Press.

Post, Robert (2009), "Hate Speech", in Ivan Hare and James Weinstein (eds.), *Extreme Speech and Democracy*, Oxford: Oxford University Press, pp.123-138.

Sen, Amartya (1999), "Democracy as a Universal Value", *Journal of Democracy*, Vol.10, No.3, pp. 3-17.

United Nations Organisation (1966), *The International Covenant on Civil and Political Rights*, Excerpt from https://www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/CRP7Callamard.pdf

Waldron, Jeremy (2012), *The Harm in Hate Speech*, Cambridge, Massachusetts: Harvard University Press.

Walzer, Michael (1973), "Political Action: The Problem of Dirty Hands", *Philosophy and Public Affairs*, Vol. 2, No.2, Winter, pp. 160-180.

Yong, C (2011), "Does Freedom of Speech Include Hate Speech?', *Rs Public*, Vol. 17, No. 4, pp. 385-403.

The Trajectory of US-Bangladesh Relations Under the Second Trump Administration

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Abstract: Drawing on a historical and thematic understanding of the US-Bangladesh bilateral relationship and US foreign policy regarding Bangladesh and the broader South Asia region, this article seeks to identify the future trajectory of bilateral engagement under the leadership of Dr Yunus and the Second Trump Administration. The article examines Bangladesh's critical role in the power struggle between the US and China while investigating the impacts of tensions surrounding US sanctions on Bangladesh. By conducting an extensive literature review and analysing primary data from experts and analysts, this article evaluates the US-Bangladesh relationship through neoclassical realist, constructivist, and transactional frameworks, arguing that despite Dr Yunus' previous criticisms of Trump, the exit of the Modi-Hasina duo from the US-Bangladesh framework, and Bangladesh's overall position in the global structure, US-Bangladesh relations under Trump will primarily be influenced by a transactional framework due to Trump's prioritisation of a quid-pro-quo 'America First' policy.

Keywords: US, Bangladesh, Security, Indo-Pacific, Neoclassical realism, Transactionalism, Bangladesh Parliamentary Elections 2024, Human Rights, Democracy, Development, Geostrategy, Sanctions.

The people's revolution in Bangladesh led to Sheikh Hasina's resignation as Prime Minister, bringing her 15-year rule to an end. Professor Dr. Yunus subsequently took over as head of the Interim Government, supported by student protest leaders and the military. The international community calls for a peaceful transition of power, governance reforms, and the protection of citizens.

The US condemned Hasina's government for human rights violations and crackdowns on the opposition while praising the Bangladesh Army for its restraint in allowing civilian participants to form the Interim Government (House, 2024). The US has acknowledged the Interim Government through

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statements and meetings, underscoring that its decisions should uphold democratic principles and the rule of law, reflecting the will of the people (US State Department, 2024).

With Donald Trump's victory in the November 2024 US elections, questions arise regarding the future of US-Bangladesh relations under the Interim Government. Political analysts and experts express concerns that US support for this government may be temporary. Limited research has been conducted on US-Bangladesh relations under the Trump Administration, particularly in light of these recent elections.

This paper aims to be among the first on the topic, given that Bangladesh's new government has not previously engaged with the US. It is led by a Chief Advisor who has been critical of Trump and aligned with many Democrats; policymakers and scholars must adopt an evidence-based perspective on US-Bangladesh ties moving forward.

The paper aims to address this research gap by first reviewing and analysing US-Bangladesh relations from various theoretical perspectives. It scrutinises their evolution over the decades, examines them through the lens of US priorities, evaluates the US response to the recent political situation in Bangladesh, and seeks to assess how the relationship may change under a second Trump Administration.

Background: An Overview of US-Bangladesh Relations

Since its independence, Bangladesh has often been associated with the term "basket case," reflecting its perceived hopelessness and limited potential as viewed by a US diplomat and policymaker. Bangladesh has occupied limited space in international forums since emerging as an independent state following a genocide in 1971 (Sobhan, 1979). For decades, it has garnered headlines due to natural disasters, poverty, military coups, political violence, and corruption. Initially regarded as a test case for development after independence, its geopolitical significance has increased amid the rivalry between China and India in South Asia (Haque & Islam, 2014). Bangladesh has witnessed substantial economic growth and social progress, often outpacing its neighbours. However, relations with the West, particularly the US, are strained due to the government's human rights issues, declining democratic freedoms, and dire conditions in the garment sector (Riaz & Parvez, 2021).

Bangladesh is a key littoral country on the Bay of Bengal. It provides access to the Indian Ocean and connects South and Southeast Asia. The country's significance to US policy objectives has made it an area of interest for the superpower (Daily Business Eye, 2023).Regional issues significantly shape US-Bangladesh relations, especially amid China's rising influence and shifting global power dynamics. Positioned geographically between India and Myanmar, Bangladesh maintains a practical and independent foreign

policy. Relations between Bangladesh and its neighbours, particularly India and Myanmar, also impact its ties with the US, highlighting the interconnectedness of regional dynamics.

Bangladesh-US relations have evolved in response to global politics and changes in US policy, particularly as Washington underscores the geopolitical significance of South Asia. Initially, these relations were strained due to the US's involvement in Bangladesh's independence (Haque & Islam, 2014). The Cold War altered South Asia's balance of power, leading the US to adopt a humanitarian approach towards Bangladesh first. This gradually developed into a relationship centred on economic, political, and strategic priorities that align with US aims for development and human rights in the country (Islam, 2019).

High-level meetings and visits between the US and Bangladesh highlight both countries' desire to strengthen relations. However, leading up to the January 2024 elections in Bangladesh, US decisions such as visa restrictions, concerns over labour sanctions, and actions against RAB and security officials have created confusion regarding their alignment with diplomatic messages (Riaz, 2021). The US and experts are monitoring Bangladesh's political climate, emphasising the need for free and fair elections, as they had in 2014 and 2018. The US Government has also labelled the upcoming 2024 elections as flawed, akin to previous comments on past elections (Rob, 2024). Some view it as the US pressuring Bangladesh to follow its policy lines, which align with a broader foreign agenda focused on containing China.

Major powers have historically impacted Bangladesh's strategic choices, as evidenced during the War of Independence when the US and USSR were involved (Chu et al., 2014). The ongoing US-China strategic competition has further shaped Bangladesh's options, particularly since China became its largest trading partner in 2006. China's diplomatic efforts and military expansion have heightened scrutiny of Bangladesh-China relations (Yasmin, 2024; Curran, 2019), leading the US to take a greater interest in Bangladesh's foreign relations and regional policy trajectory.

The question of whether Bangladesh should join the US's Indo-Pacific Strategy (IPS) has sparked strategic discussions. As a participant in the Belt and Road Initiative (BRI), Bangladesh was among the few Indo-Pacific countries without established policies until it released its Indo-Pacific Outlook (IPO) in 2023. While some interpreted this as a move towards the West, the Ministry of Foreign Affairs (MoFA) clarified that Bangladesh remains committed to a policy of neutrality (Yasmin, 2024).

US-Bangladesh economic ties are robust and expanding. Bangladesh's largest single-country export market is the US, primarily for textiles and apparel. Additionally, the US ranks among the leading sources of foreign direct investment, with Bangladesh receiving USD 3.44 billion in FDI in FY

2021-2022 (US State Department, 2023). Relations were strained during the Awami League (AL) led government due to Bangladesh's human rights issues, which worsened in the lead-up to the January 2024 elections.

Despite political tensions, the people-to-people connection began during the War of Independence when Americans raised funds to support Bangladesh's liberation (Morsalin & Hannan, 2022). Over 220,000 Bangladeshis reside in the United States, making it a popular destination for education and migration. The US provides various scholarships and skilled migration opportunities. Following the pandemic, over 10,500 Bangladeshi students enrolled in higher education, the highest among preferred countries (Elahi, 2023; US Embassy in Dhaka, 2022).

Since the ousting of the Awami League Government in August 2024, the US has supported the Interim Government led by Dr Yunus. At the UN General Assembly in September 2024, the US Secretary of State emphasised support for economic stability, reforms to attract foreign direct investment, and free and fair elections in Bangladesh (US State Department, 2024a).

Bangladesh and the United States share common interests, including a free and open Indo-Pacific, combating terrorism, and promoting economic growth. As the US transitions under President Trump and Bangladesh considers reforms, it is important to evaluate the future of US-Bangladesh relations.

Methodology

This paper aims to review the evolution and future of the US-Bangladesh relationship by analysing secondary data such as books, academic journals, newspapers, policy papers, speeches, expert opinions, and other relevant sources. In this context, this paper builds upon Morsalin and Hannan's (2022) work on the US-Bangladesh relationship and analyses and discusses the critical historical development of that relationship. Furthermore, the paper assesses the relationship in four phases, including an additional analytical forecast based on twelve Key Informant Interviews (KIIs) to determine how the relationship may be affected under Donald Trump's presidency.

The twelve KIIs centred on the four priority prisms and Bangladesh's historical evolution. Two informants were Bangladeshi foreign secretaries, two were career diplomats who had served as Bangladesh's Ambassadors to the US, two were senior journalists reporting on foreign affairs, two were senior energy economists, two were security experts, and two were regional specialists on South Asian affairs. The interviews were semi-structured to understand how the Trump presidency might impact Bangladesh-US relations while the country is transitioning towards an Interim Government.

In summary, the paper uses secondary sources to frame the relationship

within the relevant international relations theory, analyse its economic and geostrategic priorities, and then discuss the current situation. It also uses primary data analysis, based on expert insights garnered through KIIs, to understand how this relationship will evolve over the months and years.

Theoretical Framework

This study analyses the US-Bangladesh relationship mainly from three perspectives: neorealism, constructivism, and transactionalism. To identify its direction, the following section elaborates on the three international relations theories mentioned above in the context of the bilateral relationship.

Realism is the foremost and most influential theory in international relations. Scholars who advocate this theory evaluate international relations "as it is, not as it ought to be." They describe international politics as an ongoing struggle for power (Przeworski & Limongi, 1997). In contrast, neorealists concentrate on the international system and how this system shapes state behaviour. For neorealism, human behaviour is not the focus. Instead, it is anarchy—defined as the absence of a supranational authority—that compels states to act as they do (Jørgensen, 2018). In the 1970s, neorealism arose as a more rigorous variant of realism, underscoring anarchy as the fundamental principle of the international system. It posits that the scope and ambition of a nation's foreign policy primarily arise from its position within the international system, largely influenced by its relative material power capabilities. It indicates that the impact of these power capabilities is complex and indirect, as systemic pressures necessitate translation through intervening variables at the unit level (Steans et al., 2013).

Neoclassical realists argue that states react to the constraints and opportunities presented by the international system when formulating foreign and security policies. They contend that the degree of systemic influence on states depends on relative power and internal state factors (Lobell et al., 2009). Nevertheless, these responses are influenced by domestic factors at the unit level, including the relationship between the state and its society, the nature of its political regime, strategic culture, perceptions, quality of leadership, and so forth (Schweller, 2004).

Morsalin and Hannan's (2022) work adopts a comprehensive analytical approach to describe US-Bangladesh relations from a neo-realist perspective, providing a precise alignment with the postulations of neorealism. The partnership between the US and Bangladesh has evolved from a dependency on aid to pursuing more significant collaboration. Global pressures stemming from the Cold War and the challenges to US dominance in the New Cold War have influenced this shift (Morsalin & Hannan, 2022).

On the other hand, since the AL Government came to power in 2008, India-Bangladesh relations have been grounded in a constructivist framework. Constructivism is a relatively recent theory proposed in the 1990s. It suggests that individuals, also called actors, can influence the world and the nature of international relations through their actions and acknowledging the significance of non-material values in their interactions (Wendt, 1992). Constructivists argue that if states and their constituents recognise their alliances, extensive history, and individual interests, they would be more likely to establish a strong cooperative framework to transform and enhance international relations.

Actors, like leaders and influential citizens, continuously shape and occasionally reshape the nature of international relations through their actions and interactions (Dietrich et al., 2021). Heimann and Kampf (2020) argue that personal relationships are vital in implementing and understanding international relations. They identified factors such as personal relationships and strong communication skills as essential to state craftsmanship. Personal relationships can significantly impact interactions between countries, indicating that the current understanding of international relations should incorporate the personal dimension.

Giacomello et al. (2009) say that people with sympathies and moods run governments. Although not widespread, studying leaders' personalities is essential for foreign policy analysis. Italian PM Berlusconi's friendship, which is pivotal in his foreign policy, is an example. Similarly, PM Hasina has fostered close ties with foremost Indian political leaders, including Congress leader Sonia Gandhi and BJP leader PM Modi. These relationships have significantly influenced the India-Bangladesh partnership over the past five years (Balakrishnan, 2024; Anam, 2021).

The essence of the transactional foreign policy approach is its preference for bilateral relations at the expense of multilateralism. Transactionalism avoids investing in an open, rules-based international system, focusing instead on separate, bilateral, issue-specific transactions. Its aversion to multilateralism and value-based policymaking aligns with its worldview, where all gains are relative and reciprocity is absent (Zenko & Lissner, 2017).

President Trump's first term has focused on a new approach to foreign relations. He reversed many longstanding policies from Barack Obama and earlier leaders, which may have lasting impacts. He substituted a strategy that engaged multiple countries for a transactional security, trade, and governance approach. This strategy seeks to maximise benefits while shifting risks to others, potentially undermining America's leadership position built over decades (Patel & Hansmeyer, 2020). Furthermore, his election campaign commitments and narratives suggest continuing this approach during his second term (Desk, 2024; Parker et al., 2024).

In another study, Ataur (2019) employs two key concepts—asymmetry and complexity of relations—to explain Bangladesh-US relations (Rahman, 2019). As Harvard Professor Joseph Nye states in his book The Paradox of American Power, "No other nation has wielded as much power as the US wields in the globe." However, it is also highly interdependent on other nations like never before (Nye, 2003). The US dominates the globe in almost every sector and possesses overwhelming military might that is second to none. Nevertheless, the US has to use various slogans such as "America First" and

Although the US opposed Bangladesh's independence in 1971, it remains a very close 'friend' of Bangladesh to this day. Bangladesh-US relations exemplify a cooperative model in the same context, characterised by significant asymmetry in power and capability. Nevertheless, the relationship has evolved in response to changing regional and global contexts and geopolitical realities over the decades. Bangladesh's interests and perceptions have impacted relations with the US and have been influenced and shaped by historical events, political aspirations, critical security threats, and ambitions for economic growth (Rahman, 2019).

Despite considerable global constraints, such as the animosity between the US and China and the US's disapproval of the electoral conduct in Bangladesh, the US-Bangladesh relationship continues to withstand the test of time. This resilience mainly stems from the compartmentalised approach that the US has adopted in its foreign policy towards Bangladesh, promoting economic growth and increased trade while directly addressing human rights violations – as though the reaction to one aspect of Bangladesh's domestic policy has no impact on any other. In summary, this represents a strong manifestation of a neoclassical realist relationship.

The US has eroded its long-held values of democracy and mutual respect, undermining the core of its development assistance program with a "transactional" worldview. The motivations and perceptions of the state actors and people have significantly impacted the relationship.

Thus, a neoclassical realist framework best elucidates the bittersweet relationship between the US and Bangladesh. From Bangladesh's perspective, the inception of the US-Bangladesh relationship was unforeseen. However, a neorealist analysis illustrates how the US did not support Bangladesh's independence and instead opted to side with Pakistan, providing valuable insight. Neoclassical realism acknowledges that domestic and systemic factors can and do influence the actions of states and their foreign policy. In a post-collapse globalised world, it is indeed true that the international system and major global actors impose significant constraints within which states are expected to operate; however, a neoclassical lens also scrutinises domestic variables, such as leadership, separation, distribution of power within domestic spheres, and

bureaucracy, among others, and contends that these factors shape how states respond to global constraints and pressures.

Literature Review

Evolution of US-Bangladesh Relations

The relationship between the US and Bangladesh has been extensive and intricate. Bangladesh has been a traditional ally of the US, but the relationship has been strained because the US prioritises human rights, democracy, and geopolitical interests under increasingly authoritarian regimes. Over the last few decades, US-Bangladesh relations have evolved in different phases and pivoted on different priorities.

For this paper, the following sections delve into the post-9/11 and the post-2014 era to highlight key developments relevant to the upcoming Trump Presidency and its effect on US-BD relations.

Post 9/11 Era – The US War on Terror and Security Cooperation Prism

The post-9/11 era marked a significant shift in US foreign policy, particularly in South Asia, as counterterrorism became a central focus. Against this backdrop, Bangladesh gained prominence due to its strategic location, moderate Islamic identity, and willingness to align with global counterterrorism efforts. The 9/11 attacks reshaped security priorities, prompting the US to deepen partnerships with Muslim-majority nations like Bangladesh despite the stark power asymmetry between the two countries (Ahmed, 2005). Bangladesh's active support for the "War on Terror" was underscored by its domestic struggles with terrorism, including the rise of Jamaatul Mujahideen Bangladesh (JMB), which posed a significant threat in the early 2000s (Ayres, 2016). As a moderate Muslim nation, Bangladesh's firm stance against terrorism enhanced its strategic importance to the US (Chepesiuk, 2006).

However, the relationship was not without its tensions. While Bangladesh's moderate Islamic identity served as an asset in the fight against extremism, the US war on terror was often perceived domestically as a broader assault on the Islamic world, fostering mistrust among more conservative segments of the Bangladeshi population (Bridge Initiative Team, 2021). This sense of grievance was compounded by longstanding perceptions of US bias against Muslim-majority nations, creating a scepticism that lingered beneath the surface (Khan, 2012). Political tensions further complicated relations. Allegations of US involvement in Bangladesh's "1/11" political crisis, which resulted in a military-backed caretaker government takeover, left an indelible mark on the country's collective psyche, with many fearing a recurrence of external interference (Sarker, 2023).

Amidst these complexities, the US sought to strengthen security

cooperation with Bangladesh. From 2005 to 2008, Washington provided £2.2 million in grant aid to bolster Bangladesh's Coast Guard and allocated funds for military education programmes (Xinhua, 2007). Joint military exercises and high-level visits by American officials underscored the importance the US placed on its partnership with Dhaka (Kibria, 2023). Initiatives like the proposed anti-terrorism task force for South Asia further highlighted Washington's commitment to fostering regional stability (Islam, 2019). These efforts were complemented by broader economic engagement, including attempts to deepen trade ties through the Trade and Investment Framework Agreement (TIFA), later known as TICFA (Haque & Islam, 2014; Morsalin & Hannan, 2022).

Economic relations, however, faced challenges. Due to labour rights violations, suspending Bangladesh's Generalised System of Preferences (GSP) trade benefits in 2013 exposed tensions within the relationship. While the US urged reforms to enhance workplace safety and labour standards following incidents like the Rana Plaza disaster, the suspension's actual impact was minimal, as less than 1% of Bangladeshi exports benefited from GSP privileges (Holland, 2023). Nevertheless, this episode highlighted the interplay between economic cooperation and ethical concerns in the bilateral relationship.

Geopolitical factors also played a crucial role in shaping US-Bangladesh relations during this period. Bangladesh's location at the South and Southeast Asia crossroads, with access to the Bay of Bengal, rendered it strategically important to US policy objectives. The increasing influence of China and Japan in the region, alongside broader global challenges such as the resurgence of Russia and provocations from North Korea, further underscored Bangladesh's significance (Islam, 2019; Haque & Islam, 2014). Against this backdrop, Bangladesh began to assert its geostrategic potential as a link between South and Southeast Asia, attracting greater attention from Washington.

Domestic developments in Bangladesh have impacted its relations with the US. The AL's push for war crimes trials related to the 1971 Liberation War garnered public support but created tension with Washington. Although the US backed the trials in principle, its attempts to influence the process were perceived as unwelcome interference, straining Dhaka-Washington relations (International Crimes Strategy Forum, 2011). This detachment enabled Bangladesh to diversify its foreign policy, strengthening ties with China and Russia, which emerged as challengers to US global dominance (Pennington, 2015).

These shifts in foreign policy highlighted Bangladesh's growing assertiveness globally. While maintaining relations with the US, Dhaka balanced ties with major powers in a multipolar world. The US adopted a pragmatic approach, supporting Bangladesh's engagement with India and

China while prioritising democracy, development, and counterterrorism (Zaman, 2013; US State Department, 2019).

The post-9/11 period significantly transformed US-Bangladesh relations, marked by cooperation in counterterrorism and regional stability, alongside economic and strategic engagement. However, challenges such as mistrust and political tensions also influenced the relationship. As Bangladesh navigates a changing global landscape, its connections with the US remain a complex yet vital element of its foreign policy.

2014 – 2024: Bangladesh's Shrinking Democracy

Assessing AL's one-party dominance and increasing Chinese involvement is crucial for understanding the current trajectory of US-Bangladesh relations. The aftermath of the 2014 elections has been notable, characterised by positive and negative developments.

In 2014, 76% of Bangladeshis expressed a favourable view of the US, one of the highest ratings among the countries surveyed in South Asia (Haque & Islam, 2014). The visit of US Secretary of State John Kerry underscored the significance of cooperation in combating terrorism and enhancing security, particularly in light of the Holey Artisan terrorist attack in 2016 and the murders of secular bloggers and an LGBTQ activist (Morsalin, 2021).

The international community has strongly criticised the two most recent elections held under the AL government in 2014 and 2018. According to human rights organisations, human rights violations were widespread during this period. Various legislative measures and other means have been used to suppress dissent. Despite repeated US concerns regarding the fragile state of democracy, justice, labour rights, safety, and overall governance in Bangladesh, the US remains the leading investor in the country, making their interdependence complex (Rahman, 2022).

US-Bangladesh relations have been strained since the 2014 elections, which the Awami League (AL) conducted under the pretext of a constitutional obligation while promising fair future elections for a smooth transition. The Bangladesh Nationalist Party (BNP) boycotted these elections, allowing AL candidates to win uncontested and secure a parliamentary majority. Since 2008, the AL has gradually undermined the opposition, suppressing press freedom and fostering a culture of fear. By abolishing the caretaker government provision from the constitution, the AL gained excessive control over political processes, employing legal and extrajudicial measures to silence critics and politicise judicial and bureaucratic institutions. The 2018 election faced widespread criticism, with the New York Times branding it farcical and the Economist labelling it fraudulent (Riaz & Parvez, 2021). The government also blurred the distinctions between the state, the government, and the ruling party, creating a scenario where all state apparatuses became stakeholders in the

AL-led regime. The AL's war crimes efforts targeted Jamaat, the largest and most influential Islamist party in Bangladesh and a significant opponent (Riaz & Parvez, 2021). Although the AL initially championed secular values as its party ideology and maintained a hard stance against religious entities, it later modified its position.

The AL's authoritarian approach, particularly since the 2014 election, compelled the party to rely on Islamic rhetoric and cultivate relationships with conservative Islamists for legitimacy. The country has also seen a rise in violent extremist Islamist groups and the presence of transnational terrorist organisations like al-Qaeda in the Indian subcontinent (AQIS) and the Islamic State. In response, the government began appeasing Islamists by revising school textbooks in 2017 and removing works by non-Muslim authors (Islam, 2017). Despite notable success in curbing these terrorist groups, their resurgence remains a possibility, especially in light of the deterioration of social ethos and the lack of democracy (US Embassy in Dhaka, 2016; Chowdhury, 2013; Islam, 2017). In ongoing efforts to appease Islamists, the government announced in 2018 its plan to construct 560 mosques throughout the country, further solidifying its ties with these religious elements.

The absence of Bangladesh from US President Joe Biden's Democracy Summit in December 2021 marked the initial acknowledgement by the US of the country's ongoing democratic backsliding. Subsequently, the US Treasury imposed sanctions on the Bangladeshi elite paramilitary force, the Rapid Action Battalion, and on seven of its current and former officers. This was followed by the US State Department implementing a travel ban on two former Bangladeshi officials due to their involvement in human rights violations (Islam, 2023). Tensions continued to escalate ahead of the polls in January 2024 as the US insisted that voting should be free and fair. The US also cautioned Dhaka against repeating the alleged manipulation, intimidation, and boycotts by significant parties that undermined electoral credibility (The Business Standard, 2023b). This established the foundation of US-Bangladesh relations for 2024 and beyond.

2024 and Beyond

The US message regarding the polls remained unchanged until the January 7, 2024 elections. Additionally, US experts suggested that if Bangladesh failed to conduct a free and fair election, Dhaka would likely face increased pressure in the coming days (Palma, 2023b; Anwar et al., 2022). However, the US had not implemented any drastic measures against Bangladesh following the elections, despite labelling them flawed and questioning their credibility, particularly with the opposition party BNP boycotting the polls (Singh, 2024).

The relationship between the US and Bangladesh was under strain. Bangladesh endeavoured to manage its relations with the US in the lead-up

to the last election held on January 7 2024. Navigating this dynamic geopolitical situation required astute diplomatic strategies and judicious decision-making on the part of Bangladesh. While striving to maintain relationships with China, Russia, and the US, Bangladesh prioritised human rights and democratic principles, particularly in potentially embracing the IPS to mend relations with the US (The Business Standard, 2023a).

Following the January 7 elections in Bangladesh, the US statement highlighted various concerns regarding human rights and the country's diminishing political and civic space. The statement acknowledged the elections and the concerns noted were anticipated, given the US's ongoing expressions of worry regarding the fairness and credibility of the electoral process leading up to the event (Mahmud, 2023; Devnath, 2024). This acknowledgement confirmed that the US-Bangladesh working relationship would persist, concentrating on shared interests and priorities. However, it did not guarantee a clean slate for Bangladesh (Kugelman, 2024).

The AL government made no genuine efforts to mitigate the human rights violations and shrinking space of democracy allegations. Subsequently, the autocratic nature of ex-PM Hasina and her party resulted in the people's uprising in August, which led to her downfall. The Dr Yunus-led Government is now leading the country, and there is optimism that the relationship will only improve in the coming years (Mohsin, 2024). However, optimism has fluctuated since President Trump won the US elections.

Key Findings and Analysis: Trump Presidency and Bangladesh

All 12 key informants interviewed concurred that Bangladesh has adeptly maintained a geopolitical balance, notwithstanding its escalating human rights violations, diminishing democratic space, and rising authoritarian behaviour of the AL government.

Geostrategic Priorities

Given the geopolitical shift towards the Asia-Pacific region, particularly South Asia, the geostrategic dimension is a key focus of US policy in Bangladesh. This shift in US foreign policy has transformed the geopolitical landscape in South Asia, offering new opportunities for these nations to redefine their geostrategic vision. The US initiative to develop a strategic partnership with India, aimed at countering China's increasing influence in the region, represents another significant development in South Asian geopolitics. Furthermore, it maintains a commanding presence in the Indian Ocean, facilitating easy access to the Persian Gulf and Caspian Basin's massive oil and gas reserves (Iqbal, 2022). A progressive and democratic Bangladesh, serving as a moderate voice in

both regional and international forums, along with its notable contributions to UN peacekeeping missions and the global war on terror, its achievements in poverty alleviation through extensive micro-credit programmes, and its burgeoning economy, have all positively drawn the attention of US policymakers (US State Department, 2005; Sarwar, 2023).

Due to impending interests, the US is keen to influence the region by developing strategic and economic partnerships with key South Asian nations (Palma, 2023). Given Bangladesh's geostrategic position, the US aims to enhance its capacity as an Indo-Pacific partner and mitigate China's growing influence (Noyon, 2023; Radio Free Asia, 2021).

The US hopes that Bangladesh will join its Indo-Pacific Strategy, a crucial strategic outlook of the US for its Asia pivot and to counter the rise of China. Both China and the US are vying for Bangladesh's favour to gain easy access through the Bay to the Indian Ocean, which channels significant global trade. By dominating this maritime route, the US has the potential to greatly impede China's economic activities, while China can seek alternative maritime access (Khasru, 2022).

The US State Department is focused on the Rohingya crisis, believing that restoring Myanmar's democracy is crucial. Following the Senate's passage of the BURMA Act, part of the NDAA-2023, the US has increased its engagement with Dhaka. This act enhances humanitarian aid, supports the democracy movement, and allows for sanctions against those financing the military junta that seized control in early 2021 (Riaz, 2022). The US BURMA Act can be effectively implemented by supporting Bangladesh, India, and Thailand, the neighbouring countries of Myanmar. Rakhine State is strategically significant for connectivity and has hydrocarbon reserves linking India to its northeast. It also underpins China's Belt and Road Initiative, making Indian support for the act challenging. Consequently, Bangladesh and Thailand remain the primary options for support (Mohsin, 2023).

Economy

Economic interests have been a dominant factor in US relations with Bangladesh, as listed in the 1976 State Department report (US Department of State, 1974), and they remained so even in the 2010 Congressional Report. Notably, on that list, four out of five foreign policy objectives in Bangladesh were directly or indirectly related to US economic interests. President Obama also stressed how crucial the Bangladeshi market is to the prosperity of the American people (Islam, 2023).

The US is the biggest investor in Bangladesh's energy sector and the leading source of foreign direct investment across various sectors. As of June 2019, the US accounted for almost 20% of the total FDI stock in Bangladesh, which is approximately $3.68 billion (Mostofa & Subedi, 2020). Bilateral

trade between Bangladesh and the United States is experiencing rapid growth, reaching $13 billion in 2022, up from $10.5 billion in 2021 and $7.8 billion in 2020. Additionally, Bangladesh enjoys a trade surplus of $7.78 billion, making the US become Bangladesh's third-largest trading partner, following China and India. Notably, the US is the largest market for Bangladesh's ready-made garments exports, the primary export product amounting to $46.6 billion in 2022 (US Foreign Assistance by Country | Bangladesh, 2023).

Since 1986, with the exception of 1988-89, when an aircraft purchase made the trade balance even, the US trade balance with Bangladesh has remained negative, primarily due to increasing imports of ready-made garments. US companies play a vital role in transportation and infrastructure by supplying high-quality aeroplanes, locomotives, power generation turbines, dredging equipment, and various other products. The deepening commercial ties between the US and Bangladesh were highlighted by the establishment of the U.S.-Bangladesh Business Council in 2021 (Global Security, 2021).

Bangladesh's trade and investment interests in the US encompass the development of natural gas reserves in the Bay of Bengal. Oil, coal, and natural gas—such natural resources have been focal points of US policy globally, and this has remained consistent in Bangladesh as well. This was made evident during the conversation between the then Prime Minister of Bangladesh, Sheikh Mujibur Rahman, and the then US Secretary of State, Henry Kissinger, on September 30 1974, when the latter pointedly inquired: "Is there coal in Bangladesh? Have you found oil? When you have the oil, perhaps we shall borrow from you!" ("Foreign Relations of the United States," 2005, paras. 29-31).

US firms recognise the country's potential and are keen to do business here (Akhtar, 2024; Rivkin, 2014). In this context, acknowledging the economic significance of the western Pacific and Indian Oceans, President Obama announced the pivot towards Asia in January 2012. US companies were drawn to invest in Bangladesh because of its strategic position between the emerging South and Southeast Asian markets and its substantial workforce (Haque & Islam, 2014).

Chevron is the country's largest producer of natural gas and the biggest investor, with investments exceeding $3.6 billion in Foreign Direct Investment (FDI) (US State Department, 2023). Chevron Bangladesh operates three fields: Bibiyana, Jalalabad, and Moulavi Bazar, generating over 60% of the nation's natural gas and more than 80% of its condensate production. Recent new reserves in Bangladesh are consistently considered for Chevron's initial engagement. Bangladesh has designated ICT as its "priority" sector and seeks US investment to aid its development (Walker, 2023; The Business Standard, 2022a).

US-based ExxonMobil Corporation has expressed interest in exploring gas in certain onshore and deep-water offshore blocks. This proposal arose after Bangladesh finalised its model PSC, under which international oil companies will be offered larger output shares and increased gas prices. The government intends to reach an agreement with the American company Excelerate Energy Bangladesh Limited to supply liquefied natural gas (LNG) to the private sector. Under this arrangement, the company will provide LNG for 15 years starting from 2026 (Harshan, 2022; Sajid, 2023).

Security and Defense

The United States has outlined its priorities in Bangladesh, focusing on a free, open, peaceful, and secure Indo-Pacific region. The US military collaborates with the Bangladesh military to enhance defence readiness and strengthen their partnership. Additionally, the US aims to provide advanced capabilities through foreign military sales, supported by a General Security of Military Information Agreement (GSOMIA) (US Embassy, Dhaka, 2022).

Reports published in 2010 and onwards confirm that US interests in Bangladesh have expanded to include promoting development, trade, energy, support for democracy, countering militant Islamists, and collaborating on peace operations (Vaughn, 2010). The two countries aim to enhance cooperation, as evidenced by several dialogues and joint training programmes that have taken place. Bangladesh and the US held the Partnership Dialogue and Security Dialogue in 2022 following a hiatus due to the pandemic. The US Navy also attended Bangladesh's International Fleet Review in December 2022 (The Daily Star, 2022). By late 2019, Bangladesh was engaged in discussions with the US to purchase arms for its armed forces. The objective is to modernise the country's defence system and elevate military cooperation between the two nations through advanced and timely military equipment (Bhuiyan, 2019). Bangladesh proposed to the US the acquisition of advanced military equipment, including multi-role warplanes, Apache attack helicopters, and surface-to-air missile systems. The US authorities have responded positively and assured Bangladesh of all possible military assistance (Issa, 2022). Bangladesh has accepted the draft of a General Security of Military Information Agreement (GSOMIA), which signifies potential new sources for defence procurement from the US, benefiting Bangladesh's Forces Goal-2030 (Forces Goal 2030, 2015).

The US's readiness to increase military sales is motivated by trade priorities and a desire to counter Chinese influence in Bangladesh. Since the 1970s, China has provided approximately 75% of Bangladesh's weapons between 2010 and 2019 (Observer Research Foundation, 2021).

In 2018, the US and Bangladesh conducted joint training events focused on

counterterrorism (Islam, 2019). Additionally, the US has partnered with NGOs and CSOs in Bangladesh on initiatives to counter violent extremism (CVE). The US aims to support Bangladesh in promoting democracy, transparency, good governance, and human rights. Addressing climate change is also a priority, as Bangladesh is severely affected by its impacts (US Embassy, Dhaka, 2022).

Human Rights

The US strongly emphasises human rights and democracy as a central aspect of its foreign policy. This has been pursued through various means, including diplomatic efforts, economic incentives and sanctions, and military intervention in certain cases (Congressional Research Services, 2023). According to US reports, human rights and religious freedom are under threat in Bangladesh. The State Department's Country Report indicates that Bangladesh highlights several concerns, including "unlawful or arbitrary killings, including extrajudicial killings; forced disappearance[s]; torture or instances of inhuman, cruel, or degrading treatment by the government" ("Bangladesh - United States Department of State," 2023, p. 1). The State Department notes that despite the government's public espousal of tolerance, religious minorities experience discrimination and violence (Congressional Research Services, 2023).

According to State Department reports, observers deemed the 2018 election neither free nor fair (Bdnews24, 2023). Freedom House points out that the Awami League (AL) has strengthened its hold on power by targeting opposition figures and dissenting voices in the media and civil society. Human Rights Watch has documented the imprisonment of opposition leaders and breaches of free speech. Transparency International placed Bangladesh 147th out of 180 countries in its 2022 corruption index and 163rd in the 2023 World Press Freedom Index. Freedom House classifies Bangladesh as partly free (Mostofa, 2023). In 2018, the US prohibited the Rapid Action Battalion from receiving training due to the Leahy Amendment, which bans US assistance to Bangladesh's SWAT (New Age, 2023). Recently, there were worries about possible US sanctions on Bangladesh related to labour issues, but none have been implemented (The Business Standard, 2022b).

In 2021, international human rights organisations noted that although Bangladesh's security forces have a history of human rights violations, enforced disappearances have increased significantly during Prime Minister Sheikh Hasina's lengthy tenure (Human Rights Watch, 2021) Bangladeshi human rights groups report that nearly 600 individuals have been forcibly disappeared by security forces since Prime Minister Hasina took office. Most were either released or brought to court, while several were found dead ("Where No Sun Can Enter," 2023).

The US emphasises that Bangladesh should uphold international

standards for Rohingya refugees and continue hosting them until their safe, voluntary, and dignified return to Burma (US Embassy Dhaka, 2020). The US is committed to promoting sustainable prosperity and improving labour standards in Bangladesh. In response to the Rohingya crisis, it is focused on ensuring compliance with international refugee protection standards for Rohingya refugees while they await a safe and dignified return to Burma (Congressional Research Services, 2023).

Challenges: US Credibility Brought into Question

For Bangladeshi society, the pangs of memory concerning the US role in 1971 are acute and appear duplicitous when the US pressures Bangladesh to adhere to international norms and laws while simultaneously permitting atrocities in Gaza and elsewhere to persist. The double standards in the US enforcement of international humanitarian law have severely undermined its credibility on the global stage, particularly when it attempts to preach about human rights violations and democratic backsliding in Bangladesh.

Washington highlights human rights in Bangladesh, yet its actions reveal that these concerns often take a backseat to matters such as counterterrorism. For example, the US collaborated with RAB in 2004 during the BNP regime despite the paramilitary's notorious record of extrajudicial killings. Although the US has imposed sanctions on RAB due to human rights violations, this has not significantly undermined bilateral relations with Bangladesh (Patro & Abbas, 2023). US Press Spokesperson Matthew Miller remarked that the January 7 elections in Bangladesh were unfair. Nevertheless, the US remains dedicated to fostering partnerships for a free and open Indo-Pacific while supporting the nation's human rights and civil society (US Embassy Dhaka, 2024, para 3). This situation weakened Washington's credibility, suggesting to the Bangladeshi AL Government that business could continue with minimal trade and visa sanctions repercussions.

Since the people's protest led to the ousting of the AL Government, the US has supported calls for reforms. However, sanctions such as visa restrictions and GSP remain in effect, impacting the AL regime and its members but not the new Interim Government.

Despite US support for the Interim Government in Bangladesh, there is some resentment towards the US within society. Concerns have arisen that Washington may have damaged its reputation as a proponent of human rights and democracy, particularly in light of its actions in the Middle East and its approach to Palestine. The US's top-down rhetoric on human rights is often poorly received in Bangladesh and elsewhere (Wind, 2024). With its Muslim majority and a history of opposing colonisation, Bangladesh strongly advocates for Palestinian freedom and dignity. The plight of Palestinians resonates deeply with the people, resulting in widespread derision of the US role in the violence against civilians in Gaza (Akbar, 2023).

The duplicity of the US, in light of its unwavering support for Israel and the ensuing chaos it has wrought in the Middle East, has largely eroded its moral high ground. This was met in most circles in Dhaka with a sense of irony. Furthermore, the US-led coalition's attacks on the Houthis in Yemen, the US's veto of the ceasefire in the UN Security Council, its rejection of the South African case at the ICJ charging Israel with genocide, and the ongoing strategic, financial, military, and diplomatic support provided to Israel all contribute to the continued undermining of calls for upholding human rights, international law, or democratic norms in Bangladesh (Horton et al., 2024; AfricaNews, 2024).

In an era of waning US credibility and opportunistic Chinese reassurances to Bangladesh regarding the latter's sovereignty, territorial integrity, and domestic affairs, Washington was not inclined to strong-arm Dhaka into rigorously adhering to its democracy promotion plans, which was evident in light of Biden's failure to ensure a "free and fair" election in Bangladesh under the AL regime. Given Bangladesh's geostrategic significance for the US, human rights and democracy promotion have historically taken a backseat in favour of strategic and economic interests when US national interests are at stake. However, with the Interim Government in power, Washington can renew its push for democracy and human rights in Bangladesh.

The US had been assessing South Asia through the lens of Bangladesh from an Indian perspective as part of the US-India camaraderie to counter China. This camaraderie intensified during the first Trump administration, with Modi and Trump forming a strong personal friendship. Their relationship could have developed further, but the pandemic significantly altered the trajectory of geopolitics. China's vaccine diplomacy, the West's introspective attitude during the pandemic, and the US hindering India's ability to fulfil its vaccine commitments to Bangladesh hampered the India-US relations that the Modi-Trump duo had envisioned. Nonetheless, India's unwavering support for the AL Government persisted with minimal intervention from the US, even as the superpower maintained its compartmentalised engagement across various sectors in Bangladesh. During the AL administration, New Delhi urged the US to adopt a gentler approach towards Dhaka to avoid upsetting the geopolitical landscape. Consequently, Dhaka leaned heavily towards Beijing and Moscow during turbulent times. This strategy enabled Bangladesh to safeguard itself from the intensifying geopolitical rivalry among the South Asian major powers. Although Bangladesh has sought to restore ties with the US, the US has remained somewhat uneasy with the AL Government, particularly during the Biden Administration. The various sanctions and restrictions were largely symbolic and cosmetic, eliciting a response from the AL Government, but not the intended substantive change.

If the AL Government had been in power, Trump's arrival in the White House would have been a positive development, as it would have regionalised the Modi Government. The US would have adopted a more hands-off approach in Bangladesh, allowing India to continue as the so-called big brother in South Asia. Donald Trump's close relationship with PM Modi of India, who offered unfettered support to former PM Hasina and the AL, would create a political cocoon to protect the regime from international reprimand for numerous human rights violation complaints and allegations over the regime's more than 15 years of rule. India has been critical of removing former PM Hasina, indicating that no other political force will serve the best interests of India in the region. With Donald Trump back in power and Modi's India fully operational with its political and media apparatus continuing to criticise the current situation in Bangladesh, its Interim Government, and several decisions deemed "not-so-friendly" by India, there are reasons to be wary that US-Bangladesh relations may face a new wave of challenges.

All other Presidents have influenced US foreign policy and implemented policy priorities in their designs. However, Trump prefers to create his own system and policies. He enjoys dictating how the system and policies should work rather than bringing about change and impact from within the existing framework. As India remains uneasy with the current interim government in Bangladesh, it may advocate for measures against it in favour of the AL, which is likely to be sidelined in Bangladesh's political landscape. The student coordinators who led the protest against Hasina and the AL are calling for a ban on the AL party. They have already prohibited its student wing, the Bangladesh Chhatro League. The AL has been India's most trusted regional partner in South Asia, and its banning may not sit well with India. India could seek US support to encourage the Interim Government to adopt more India-friendly measures. The Interim Government has already faced criticism for allowing atrocities against Hindu minorities in Bangladesh. Donald Trump has also demonstrated similar tendencies. The foreign policy and intelligence officials that Trump has assembled for appointments in his administration have also displayed a strong pro-India stance. Likely, the US under Trump will again perceive Bangladesh from a more Indian perspective.

Conclusion

The US and Bangladesh are focused on mutual interests that manifest through geostrategic and economic alignment. Dhaka has established itself as an essential and effective partner for Washington in international trade and investment, climate change, humanitarian efforts, refugee issues, United Nations peacekeeping, counterterrorism, maritime affairs, and various security challenges, as emphasised by many within the US Administration. Bangladesh also holds strategic significance in the South

Asian sub-region and the wider Asian geopolitical landscape. The country will continue to play a pivotal role in the shifting regional balance of power between India and China in Asia. However, a leader like Trump could significantly impact Bangladesh. His policies will likely undermine Bangladesh's US exports, leading to increased tariffs. Additionally, his policies may elevate the dollar's value, resulting in higher inflation in Bangladesh. Given his numerous domestic and international priorities, Trump is unlikely to devote considerable attention to Bangladesh during his second term. The US will likely continue collaborating with the Interim Government to improve its human rights record, even as its credibility hangs in the balance. It will persist in taking targeted measures and advocating to influence key elements, structures, and individuals within the ruling regime to encourage improvements in the democratic values and practices that have deteriorated over the past decade. In an increasingly multipolar global order and amidst the declining influence of the rules-based system, Bangladesh must adapt and negotiate its relations with the Trump-led US based on unequal reciprocity, likely favouring the US. The current Interim Government will be challenged to navigate these difficulties, as it is less likely to enact the legislative changes necessary to strengthen its position within the regional and geopolitical framework. Under the new leadership in Bangladesh and the US, relations will likely shift into a transactional framework, reflecting President Trump's transactional nature. Consequently, he will likely adopt a similar transactional approach towards Bangladesh, particularly considering that the Hasina-Modi camaraderie under the constructivist framework is no longer in place. Thus, Modi-Trump relations will be absent from the US-Bangladesh dialogue, which may prompt PM Modi to provide Bangladesh with a buffer against any pressures from the US that are likely to arise due to Trump's transactional strategy.

US pressure on Bangladesh has seen various historical phases and evolved based on contextual priorities. The relationship has fundamentally always been asymmetric and influenced by global contexts. Under the Trump Administration, there is no significant reason to suggest that US-Bangladesh relations will not continue progressing as the US' broader foreign policy usually remains unchanged even with changing administrations. The pace of the relationship will be dictated not only by Bangladesh's internal policies but also by regional and global nuances, as it has before. The US will pursue its interests in Bangladesh through its key priorities and goals. However, the US will take a stronger position and stricter measures to ensure that the ruling government of Bangladesh adheres to its democratic, human rights, and civil rights priorities when necessary for US interests. On top of that, the overarching influence of US-India relations and US-China competition will have a more significant impact on US-Bangladesh relations. In the same vein, the US may once

again view Bangladesh through its Indian lens under Trump.

References

Abdi, S. (2023, July 21). Bangladesh: Why is "ally" US undermining India in its backyard? Retrieved January 27, 2024, from Moneycontrol: https://www.moneycontrol.com/news/opinion/bangladesh-why-is-ally-us-undermining-india-in-its-backyard-10999291.html.

Abdullah, E. (2014, May 31). "TIES WITH CHINA CONSTRUCTIVE," SAYS MOZENA. BANGLADESH–Audacity of Hope. https://mygoldenbengal.wordpress.com/2014/05/31/ties-with-china-constructive-says-mozena/

AfricaNews. (2024). The US says South Africa's court case accusing Israel of genocide is "meritless." Retrieved January 27, 2024, from Africanews: https://www.africanews.com/2024/01/04/us-says-south-africas-court-case-accusing-israel-of-genocide-is-meritless/

Ahmed, I. (2005). The Impact of the War on Terrorism on 'Small States': The South Asian Context with Special Reference to Bangladesh. In M. H. Kabir (Ed.), *Small States and Regional Stability in South Asia* (pp. 119–146). Dhaka: University Press Limited. https://archive.biiss.org/web/uploads/documents/202111/2313/20/7f789a3c011db9d06e72dd148f7b52ce.pdf

Akbar, F. (2023, November 27). *Bangladesh and Palestine: A History of Solidarity | The Juggernaut*. The Juggernaut; The Juggernaut. https://www.thejuggernaut.com/bangladesh-palestine-history-of-solidarity

Akhtar, Z. (2024, January 15). *Bangladesh at 75: Reimagining the country with FICCI*. The Financial Express. https://thefinancialexpress.com.bd/views/bangladesh-at-75-reimagining-the-country-with-ficci

Alam, A. (1998). *US policy towards South Asia: particular reference to Indo-Pak relations*. Delhi, India: Raj Publications.

Anam, F. (2021, April 1). *Modi, Hasina bonhomie steers India-Bangladesh ties towards peace, prosperity and growth* (Z. Sobhan, Ed.). Www.dhakatribune.com; Kazi Anis Ahmed. https://www.dhakatribune.com/world/south-asia/242779/modi-hasina-bonhomie-steers-india-bangladesh-ties

Anwar, A., MacDonald PhD, G., Markey PhD, D., & Siddiqui, J. (2022, April 1). *Bangladesh's Balancing Act Amid the US Indo-Pacific Strategy*. United States Institute of Peace. https://www.usip.org/publications/2022/04/bangladeshs-balancing-act-amid-us-indo-pacific-strategy

Ashrafi, S. (2021, March 20). How the Cold War Shaped Bangladesh's Liberation War. The Diplomat. https://thediplomat.com/2021/03/how-the-cold-war-shaped-bangladeshs-liberation-war/

Ayres, A. (2016, August 16). Bangladesh and Global Terror. *Council on Foreign Relations*. https://www.cfr.org/blog/bangladesh-and-global-terror.

Balakrishnan, P. (2024). As India and Pakistan struggle to breathe, could smog-ridden skies push them toward climate diplomacy? *Telegraphindia.com*. https://doi.org/1088475/TT_1x1

Banerjee, S. (1987). Explaining the American "Tilt" in the 1971 Bangladesh Crisis: A Late Dependency Approach. *International Studies Quarterly*, 31(2), 201. https://doi.org/10.2307/2600453

Bangladesh-U.S. Relations: Against Terrorism Together | CSIS Events. (2002). CSIS. http://csis.org/event/bangladesh-us-relations-against-terrorism-together

Bangladesh - United States Department of State. (2023, December 7). https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/bangladesh

Bashirov, G., & Yilmaz, I. (2019). The rise of transactionalism in international relations: evidence from Turkey's relations with the European Union. *Australian Journal of International Affairs*, 74(2), 165–184. https://doi.org/10.1080/10357718.2019.1693495

Bdnews24. (2023, November 18). The US threatens sanctions and visa restrictions for labor rights violations. https://bdnews24.com/world/il9hs6uv5b

Bhardwaj, S. K. (2001). *Bangladesh-United States relations*, (1971).-98. https://shodhganga.inflibnet.ac.in/bitstream/10603/19261/11/11_chapter%204.pdf.

Bhuiyan, H. K. (2019, October 17). *Bangladesh wants to buy combat fighters, Apache helicopters, and missile systems from the US*. Dhaka Tribune. https://www.dhakatribune.com/bangladesh/foreign-affairs/190589/bangladesh-wants-to-buy-combat-fighters-apache.

Bridge Initiative Team. (2021, October 7). *The Terror Trap: The Impact of the War on Terror on Muslim Communities Since 9/11*. https://bridge.georgetown.edu/research/the-terror-trap-the-impact-of-the-war-on-terror-on-muslim-communities-since-9-11/

Chepesiuk, R. (2006, February 19). ::Bangladesh & The World::15th Anniversary Special. Retrieved January 27, 2024, from archive.thedailystar.net: https://archive.thedailystar.net/suppliments/2006/15thanniv/bangladesh&theworld/bd_world06.htm

Chowdhury, D., Hasanuzzaman, A. M., & Rahman, T. S. (1998). Foreign Policy of Bangladesh: 1972-1996. Bangladesh at, pp. 25, 221.

Chowdhury, I. (2013). *ISAS Working Paper US Role in the 1971 Indo-Pak War: Implications for Bangladesh-US Relations*. https://www.files.ethz.ch/

isn/161752/ISAS_Working_Paper_165_-_US_Role_in_the_1971_Indo-Pak_War_25022013165818.pdf

Chowdhury, S. T. (2013, December 29). Bangladesh polls. Al Jazeera: https://www.aljazeera.com/features/2013/12/29/election-monitors-to-boycott-bangladesh-polls/

Chu, Y., Kang, L., & Huang, M. (2014). How East Asians View the Rise of China. *Journal of Contemporary China*, 24(93), 398–420. https://doi.org/10.1080/10670564.2014.953810

Congressional Research Services. (2023, June). Congressional Research Service (CRS). https://crsreports.congress.gov/product/pdf/IF/IF10214/23

CRI. (2014, May 29). Bangladesh: successes in counterterrorism. Centre for Research and Information: https://cri.org.bd/2014/05/29/bangladesh-successes-in-counter-terrorism/

Curran, J. (2019, December 10). *Our Chinapanic is stepping into the world of paranoia*. Australian Financial Review. https://www.afr.com/policy/foreign-affairs/our-china-panic-is-stepping-into-the-world-of-paranoia-20191210-p53ijz

Daily Business Eye. (2023, September 17). *Indo-Pacific - Next Steps for Bangladesh*. https://www.dailybusinesseye.com/opinion/news/1321

Desk, T. N. (2024, November 6). *Shashi Tharoor on Trump's return: "He's a very transactional leader… No surprises expected."* The Times of India. https://timesofindia.indiatimes.com/india/shashi-tharoor-on-trumps-projected-return-no-surprises-expected-hes-a-very-transactional-leader/articleshow/115013272.cms

Deuskar, N. (2023, February 23). The great game in India's backyard: How Pakistan and Bangladesh balance Washington and Moscow. Scroll in: https://scroll.in/article/1044162/the-great-game-in-indias-backyard-how-pakistan-bangladesh-are-balancing-washington-and-moscow.

Devnath, A. (2024, January 9). Bloomberg - Are you a robot? www.bloomberg.com : https://www.bloomberg.com/news/articles/2024-01-09/washington-says-bangladesh-elections-were-neither-free-nor-fair

Dietrich, S., Hardt, H., & Swedlund, H. J. (2021). How to make elite experiments work in International Relations. *European Journal of International Relations*, 27(2), 596–621. https://doi.org/10.1177/1354066120987891

Elahi, S. (2023, February 2). Current Trends and Future Prospects in Bangladesh-US Relations. Australian Institute of International Affairs: https://www.internationalaffairs.org.au/australianoutlook/current-trends-and-future-prospects-in-bangladesh-us-relations/

Forces Goal 2030. (2015). *Military Wiki*. https://military-history.fandom.

com/wiki/Forces_Goal_2030

Foreign Relations of the United States, 1969–1976, Volume XI, South Asia Crisis, 1971. (2005). Office of the Historian: https://history.state.gov/historicaldocuments/frus1969-76v11

Giacomello, G., Ferrari, F., & Amadori, A. (2009). With friends like these: foreign policy as personal relationship. *Contemporary Politics*, 15, 247–264. https://doi.org/10.1080/13569770902858202

Global Security. (2021). Bangladesh - US Relations. https://www.globalsecurity.org/military/world/bangladesh/forrel-us.htm

Haque, M., & Islam, A. (2014). Bangladesh-United States relations in the post-September 11 eras: foundation for a new framework. https://www.researchgate.net/publication/293336482_Bangladesh-United_States_relations_in_the_post-september_11_era_foundation_for_a_new_framework

Harshan, A. (2022, November 9). How strong is the US-Bangladesh economic diplomacy? Global Business Outlook: https://www.globalbusinessoutlook.com/economy/how-strong-us-bangladesh-economic-diplomacy/

Heimann, G., & Kampf, Z. (2020). What makes them tick: Challenging the impersonal ethos in International Relations. Cooperation and Conflict, 001083672097901. https://doi.org/10.1177/0010836720979012

Hewitt, V. (1997). New international politics of South Asia. New York: Manchester University Press.

Holland, O. (2023, April 23). Ten years after Rana Plaza, is Bangladesh's garment industry any safer? CNN: https://www.cnn.com/style/article/rana-plaza-garment-worker-rights-accord/index.html

Horton, A., Lamothe, D., Ryan, M., & Hauslohner, A. (2024, January 12). U.S.-led coalition strikes Iran-aligned Houthi militants in Yemen. Washington Post. https://www.washingtonpost.com/national-security/2024/01/11/us-strike-yemen-houthis-red-sea/

House, T. W. (2024, August 6). Press Briefing by Press Secretary Karine Jean-Pierre | The White House. The White House. https://www.whitehouse.gov/briefing-room/press-briefings/2024/08/06/press-briefing-by-press-secretary-karine-jean-pierre-65/

Human Rights Watch. (2021, August 16). "Where No Sun Can Enter." https://www.hrw.org/report/2021/08/16/where-no-sun-can-enter/decade-enforced-disappearances-bangladesh

Huque, M. (2019). American Policy towards the Bangladesh Liberation War: A Brief Review. https://www.ciu.edu.bd/attachment-files/ciu-journal/V-2_I-2/1.M_HUQUE-American%20Policy.pdf

Hussain, A. (2003, July 4). Star Magazine. Retrieved January 27, 2024, from archive.thedailystar.net: https://archive.thedailystar.net/magazine/2003/07/01/perspective.htm

Hussain, M. (2023, June 22). As D.C. Fêtes Narendra Modi, His Political Prisoners in India Are Forgotten. Retrieved January 27, 2024, from The Intercept: https://theintercept.com/2023/06/22/modi-visit-us-biden-india-prisoners/

International Crimes Strategy Forum (ICSF). (2011). ICSF COMMENT ON OBSERVATIONS OF US AMBASSADOR-AT-LARGE FOR WAR CRIMES ISSUES MR. STEPHEN RAPP REGARDING THE INTERNATIONAL CRIMES TRIBUNAL OF BANGLADESH. https://www.legal-tools.org/doc/8adeb6/pdf/

Iqbal, A. (2022, November). US to advance defence partnership with India to contain China. DAWN.COM. https://www.dawn.com/news/1718101

Islam, A. (2017, June 2). An erosion of secularism? – DW – 02/06/2017. dw.com: https://www.dw.com/en/bangladeshs-secular-activists-concerned-about-textbook-changes/a-37398705

Islam, M. S. (2019). Bangladesh-US Relations. https://www.researchgate.net/publication/330512794_Bangladesh-US_Relations

Islam, MD. S. (2023, June 7). Why does Bangladesh matter to the United States? https://thefinancialexpress.com.bd/views/why-does-bangladesh-matter-to-the-united-states

Islam, S. (2023, October 3). Bangladesh-U.S. election rift widens over visas, envoy safety. Nikkei Asia : https://asia.nikkei.com/Politics/International-relations/Bangladesh-U.S.-election-rift-widens-over-visas-envoy-safety

Issa, Lt. j.g. M. (2022, December 14). USS Oakland participates in Bangladesh IFR 2022. U.S. Pacific Fleet: https://www.cpf.navy.mil/Newsroom/News/Article/3246192/uss-oakland-participates-in-bangladesh-ifr-2022/

Jeffrey W. Taliaferro, Steven E. Lobell and Norrin M. Ripsman, "Introduction: Neoclassical Realism, the State, and Foreign Policy", in Steven E. Lobell, Norrin M. Ripsman and Jeffrey W. Taliaferro, eds., Neoclassical Realism, the State, and Foreign Policy, New York: Cambridge University Press, 2009, p. 21

Jørgensen, K.E. (2018). *International relations theory : a new introduction*. London Palgrave.

Khan, M. H. (2015, April 12). The debate over war crimes trials: Is there any merit? *The Daily Star:* https://www.thedailystar.net/op-ed/politics/the-debate-over-war-crimes-trials-there-any-merit-76837

Khan, S. E. (2012). *US Foreign Policy toward Bangladesh*. Palgrave

Macmillan US EBooks, pp. 121–141. https://doi.org/10.1057/9781137010476_8

Khasru, B. Z. (2022, February 16). Op-ed: The US turns up the heat on vulnerable Bangladesh to contain China. Washington Diplomat. https://washdiplomat.com/in-bid-to-contain-china-us-turns-up-the-heat-on-vulnerable-bangladesh/

Kibria, A. (2023, October 28). 10 years after GSP suspension, TICFA signing. The Financial Express. https://thefinancialexpress.com.bd/views/columns/10-years-after-gsp-suspension-ticfa-signing

Kugelman, M. (2024, October 2). *The Daily Star*. The Daily Star. https://www.thedailystar.net/opinion/geopolitical-insights/news/demystifying-the-bangladesh-india-us-triangle-3717226

Lobell, S. E., Ripsman, N. M., & Taliaferro, J. W. (2009). *Neoclassical Realism, the State, and Foreign Policy*. Cambridge University Press.

Mahmud, F. (2023, December 22). Sanctions threat looms over Bangladesh's garment sector ahead of elections. https://www.aljazeera.com/economy/2023/12/22/sanctions-threat-looms-over-bangladeshs-garment-sector-ahead-of

Matthews, D. (2023, November 30). What Henry Kissinger wrought. https://www.vox.com/politics/2023/11/30/16454260/henry-kissinger-obituary-cold-war-100

McDonald, G. (2024, January 2). What Does Bangladesh's Upcoming Election Mean for its Foreign Policy? United States Institute of Peace. https://www.usip.org/publications/2024/01/what-does-bangladeshs-upcoming-election-mean-its-foreign-policy

Mohsin, S. (2023, May 22). Implications for Bangladesh and region. *New Age | The Most Popular Outspoken English Daily in Bangladesh*. https://www.newagebd.net/article/202238/implications-for-bangladesh-and-region

Mohsin, S. (2024, August 27). Bangladesh is on the verge of incredible reform, but concerns remain. Middle East Monitor. https://www.middleeastmonitor.com/20240827-bangladesh-is-on-the-verge-of-incredible-reform-but-concerns-remain/

Morsalin, S. S., & Hannan, A. (2022). Five Decades of Bangladesh-U.S. Relations: A Neoclassical Realist Explanation. *Journal of International Relations*, 15(1-2). https://doi.org/10.56312/dujir15e1n2e8

Morsalin, S. S., & Hannan, M. A. (2022). Five Decades of Bangladesh-U.S. Relations: A Neoclassical Realist Explanation. *Journal of International Relations*, 15(1-2). https://doi.org/10.56312/dujir15e1n2e8

Morsalin, S. S. (2021). From Cold War to "New Cold War": Bangladesh

Foreign Policy vis-à-vis the United States and Russia. *The Journal of Bangladesh and Global Affairs*, 1(1). https://doi.org/10.55875/jbga.bd.may22.008

Mostofa, S. M. (2023, May 7). Challenges in Bangladesh-US relations. *The Daily Star:* https://www.thedailystar.net/opinion/views/news/challenges-bangladesh-us-relations-3313466

Mostofa SMD, & Subedi DB. (2020, July 13). Rise of Competitive Authoritarianism in Bangladesh. Politics and Religion. 2020 July 13;1–29.

New Age. (2023, December 3). SWAT is ineligible for US assistance. *New Age* | The Most Popular Outspoken English Daily in Bangladesh: https://www.newagebd.net/article/219285/swat-ineligible-for-us-assistance

Noyon, A. U. (2023, October 1). How China's Belt and Road changing Bangladesh's infrastructures. *The Business Standard*. https://www.tbsnews.net/economy/how-chinas-belt-and-road-changing-bangladeshs-infrastructures-709826

Nye, J. S. (2003). *The Paradox of American Power*. Oxford University Press.

Nye, J. S. (2019). The rise and fall of American hegemony from Wilson to Trump. International Affairs, 95(1), 63–80. https://academic.oup.com/ia/article/95/1/63/5273551

Nye, J. S. (2020, February 4). Trump's Transactional Myopia | by Joseph S. Nye, Jr. - Project Syndicate. Project Syndicate. https://www.project-syndicate.org/commentary/trump-renounces-key-ingredients-of-american-global-leadership-by-joseph-s-nye-2020-02

Observer Research Foundation. (2021, May 11). China–Bangladesh strategic linkages. https://www.orfonline.org/expert-speak/china-bangladesh-strategic-linkages

Palma, P. (2023a, February 17). Democracy in Myanmar: Washington wants Dhaka on its side. The Daily Star. https://www.thedailystar.net/news/bangladesh/diplomacy/news/democracy-myanmar-washington-wants-dhaka-its-side-3249921

Palma, P. (2023b, November 17). Bangladesh to face growing pressure in days to come. The Daily Star. https://www.thedailystar.net/news/bangladesh/diplomacy/news/bangladesh-face-growing-pressure-days-come-3471751

Parker, A., Yasmeen Abutaleb, & Dawsey, J. (2024, October 27). From Israel to crypto, Trump takes a transactional approach to issues. Washington Post; The Washington Post. https://www.washingtonpost.com/politics/2024/10/27/trump-transactional-crypto-israel-oil/

Patel, K., & Hansmeyer, C. (2020). Multilateralism to transactionalism:

America and Trump in the Asia Pacific. In *The United States in the Indo-Pacific* (pp. 210–225). Manchester University Press.

Patro, B., & Abbas, B. A. (2023, December 1). On Bangladesh and Democracy, America's Approach Is Undermined By History. *The Diplomat*. https://thediplomat.com/2023/12/on-bangladesh-and-democracy-americas-approach-is-undermined-by-history/

Pennington, M. (2015, November 21). US criticism grows over Bangladesh war crimes tribunal. AP News: https://apnews.com/general-news-united-states-government-04991a85b5a54fa9a736d784af34e1d8

Prothom Alo English. (2023, October 26). Bangladesh to sign agreement with US company to procure LNG. Prothomalo. https://en.prothomalo.com/business/local/s9qp5ppmft

Przeworski, A., & Limongi, F. (1997). *Modernisation: Theories and Facts. World Politics*, 49(2), 155–183. https://www.jstor.org/stable/25053996

Radio Free Asia. (2021, May 10). China Warns of "Damage" to Relations if Bangladesh Joins Quad Initiatives. https://www.rfa.org/english/news/china/bangladesh-quad-05102021174758.html

Rahman, A. (2019). Bangladesh - U. S. Relations AID TO PARTNERSHIP DIALOGUE. The Centre for Governance Studies (CGS). https://www.cgs-bd.com/cms/media/documents/7c3d99da-d2ca-4c65-9d17-6acc5230d828.pdf

Rahman, J. (2022, December 22). Bangladesh: An election like no other | Lowy Institute. Www.lowyinstitute.org. https://www.lowyinstitute.org/the-interpreter/bangladesh-election-no-other

Rahman, L. C. S. (2007). UNITED STATES INTERESTS IN SOUTH ASIA AND GEOSTRATEGIC OPTIONS FOR BANGLADESH. NDCJOURNAL, 6(1), 159–180. https://ndcjournal.ndc.gov.bd/ndcj/index.php/ndcj/article/view/47

Rashid, B. H. U. (2012, May 5). Clinton's visit to Bangladesh: A long-waited one. The Daily Star. https://www.thedailystar.net/news-detail-232748

Riaz, A., & Parvez, S. (2021). Bangladesh at 50: The Transformation of a Nation As the country reaches its golden jubilee, it stands at a crossroads. https://sai.columbia.edu/sites/default/files/content/docs/Bangladesh%20at%2050_%20The%20Transformation%20of%20a%20Nation%20main.pdf

Riaz, A. (2021, December 16). US sanctions on Bangladesh's RAB: What happened? What's next? Atlantic Council. https://www.atlanticcouncil.org/blogs/southasiasource/us-sanctions-on-bangladeshs-rab-what-happened-whats-next/

Riaz, A. (2022, January 25). Bangladesh's democracy erodes amid tilt to

China. East Asia Forum. https://www.eastasiaforum.org/2022/01/25/bangladeshs-democracy-erodes-amid-tilt-to-china/

Rivkin, C. H. (2014, November 23). U.S.-Bangladesh trade and investment ties: A partnership for sustained success. The Daily Star. https://www.thedailystar.net/u-s-bangladesh-trade-and-investment-ties-a-partnership-for-sustained-success-51574

Rob, R. (2024, January 16). "A setback for US-Bangladesh relations" (M. Anam, Ed.). The Daily Star. https://www.thedailystar.net/opinion/geopolitical-insights/news/setback-us-bangladesh-relations-3520601

Sajid, E. (2023, March 1). ExxonMobil wants gas exploration in Bangladesh's seas, lands. *The Business Standard*. https://www.tbsnews.net/bangladesh/energy/exxonmobil-wants-gas-exploration-bangladeshs-seas-lands-592370

Sarker, P. K. (2023, January 11). 1/11 changeover: How it happened and why. https://www.dhakatribune.com/bangladesh/302518/1-11-changeover-how-it-happened-and-why

Sarwar. (2023, November 5). Geostrategic factors underpinning contemporary trends in South Asian cooperation | CPD. https://cpd.org.bd/geo-strategic-factors-underpinning-contemporary-trends-in-south-asian-cooperation/

Schweller, R. L. (2004). Unanswered Threats: A Neoclassical Realist Theory of Underbalancing. *International Security*, 29(2), 159–201. https://www.jstor.org/stable/4137589

Sharma, S. (2001). *United States Bangladesh Relations*. UBS Publishers' Distributors.

Shovon, H. A. (2022, March 15). Decoding Bangladesh's Response to the Ukraine Crisis. https://thediplomat.com/2022/03/decoding-bangladeshs-response-to-the-ukraine-crisis

Singh, K. (2024, January 9). The US says Bangladesh elections were not free and fair. Reuters. https://www.reuters.com/world/asia-pacific/us-says-bangladesh-elections-were-not-free-fair-2024-01-08/

Sobhan, R. (1979). Politics of Food and Famine in Bangladesh. Economic and Political Weekly, 14(48), 1973–1980. http://www.jstor.org/stable/4368187

Steans, J., Pettiford, L., Diez, T., & Imad El-Anis. (2013). *An Introduction to International Relations Theory*. Routledge.

Tharoor, I. (2023, December 1). Analysis | The Bengali blood on Henry Kissinger's hands. Washington Post. https://www.washingtonpost.com/world/2023/12/01/bangladesh-kissinger-henry-genocide-pakistan-east-legacy/

The Business Standard. (2022a, September 23). Dedicated SEZ for US Companies: FBCCI seeks investment in the ICT sector. https://www.tbsnews.net/bangladesh/dedicated-sez-us-companies-fbcci-seeks-investment-ict-sector-501934

The Business Standard. (2022b, October 29). US to give $1b in 5 years to support private investment in Bangladesh. https://www.tbsnews.net/economy/us-give-1b-5-years-support-private-investment-bangladesh-522290

The Business Standard. (2023a, May 8). Bangladesh number one place to engage 3 big powers and play a bridging role: Prof Kanti Bajpai. https://www.tbsnews.net/bangladesh/bangladesh-number-one-place-engage-3-big-powers-and-play-bridging-role-prof-kanti-bajpai

The Business Standard. (2023b, November 17). US stance on free, fair elections remains unchanged: State Dept after Bangladesh announces polling date. https://www.tbsnews.net/bangladesh/us-stance-free-fair-elections-remains-unchanged-state-dept-after-bangladesh-announces

The Business Standard. (2023c, December 1). Kissinger should have apologised to people of Bangladesh for his role in 1971: Momen. https://www.tbsnews.net/bangladesh/kissinger-should-have-apologised-people-bangladesh-his-role-1971-momen-749506

The Business Standard. (2023d, December 17). US might provoke Arab Spring-like unrest in Bangladesh after elections: Russia. https://www.tbsnews.net/bangladesh/us-might-provoke-arab-spring-unrest-bangladesh-after-elections-russia-759186

The Daily Star. (2012, April 25). No US-Indo-Bangla axis against China: Mozena. https://www.thedailystar.net/news-detail-231578

The Daily Star. (2022, April 6). 8th US-Bangladesh Security Dialogue begins in Washington. https://www.thedailystar.net/news/bangladesh/diplomacy/news/8th-us-bangladesh-security-dialogue-begins-washington-2999616

US Foreign Assistance By Country | Bangladesh. (2023). US Foreign Assistance. https://www.foreignassistance.gov/cd/bangladesh/

UNB. (2023a, September 10). Mira Resnick: Much to do together, help modernise Bangladesh military. Dhaka Tribune. https://www.dhakatribune.com

UNB. (2023b, October 21). Bangladesh observes Day of Mourning for Palestinians. Retrieved January 27, 2024, from The Daily Star. https://www.thedailystar.net/news/bangladesh/news/bangladesh-observes-day-mourning-palestinians-3448911

UNB. (2023c, December 1). Kissinger should have apologised to people of

Bangladesh: Momen. The Daily Star.   https://www.thedailystar.net/top-news/news/kissinger-should-have-apologised-people-bangladesh-momen-3483061

United States Department of State. (2014). Country Reports on Terrorism 2013 - Bangladesh.   https://www.refworld.org/docid/53622a0213.html

USAID. (2022, July 29). Country Development Cooperation Strategy | Bangladesh. US Agency for International Development. https://www.usaid.gov/bangladesh/cdcs

US Department of State. (1974). Memorandum of Conversation. http://2001-2009.state.gov/documents/organization/97233.pdf

US Department of State. (2012, May 5). Joint Statement on U.S.-Bangladesh Partnership Dialogue. https://2009-2017.state.gov/r/pa/prs/ps/2012/05/189363.htm

US Embassy, Dhaka. (2020, December 10). US Position on Relocations of Rohingya Refugees to Bhasan Char.   https://bd.usembassy.gov/u-s-position-on-relocations-of-rohingya-refugees-to-bhasan-char/

US Embassy, Dhaka. (2022, April 24). Ambassador Haas's Remarks at BIISS Seminar on U.S.-Bangladesh Relations. https://bd.usembassy.gov/bangladesh-and-the-united-states-relations-moving-towards-enhanced-cooperation-and-partnership/

US Embassy in Dhaka. (2016, August 30). Secretary of State John Kerry delivers a speech about U.S.-Bangladesh relations. https://bd.usembassy.gov/u-s-secretary-state-john-kerry-delivers-speech-u-s-bangladesh-relations/

US Embassy in Dhaka. (2022, November 15). Number of Bangladeshi Students in the United States Reaches All-Time High. https://bd.usembassy.gov/28812/

US Embassy in Dhaka. (2024, January 9). Parliamentary Elections in Bangladesh. https://bd.usembassy.gov/parliamentary-elections-in-bangladesh/

US Senate Foreign Relations Committee. (2011). STATEMENT OF AMBASSADOR DAN MOZENA, UNITED STATES AMBASSADOR-DESIGNATE TO BANGLADESH SENATE FOREIGN RELATIONS COMMITTEE. https://www.foreign.senate.gov/imo/media/doc/Mozena%20final.pdf

US State Department. (2005, June 14). US Policy Toward South Asia. https://2001-2009.state.gov/p/sca/rls/rm/2005/47892.htm

US State Department. (2019). US Relations With Bangladesh - United States Department of State. https://www.state.gov/u-s-relations-with-bangladesh/

US State Department. (2023). 2023 Investment Climate Statements: Bangladesh. https://www.state.gov/reports/2023-investment-climate-statements/bangladesh/

US State Department. (2023). Bangladesh. https://www.state.gov/reports/2023-investment-climate-statements/bangladesh/

US State Department. (2024a). Secretary Blinken's Meeting with Chief Advisor Muhammad Yunus - United States Department of State. United States Department of State. https://www.state.gov/secretary-blinkens-meeting-with-chief-advisor-muhammad-yunus/

US State Department. (2024b, August 7). Secretary Antony J. Blinken, Secretary of Defense Lloyd J. Austin III, Australian Deputy Prime Minister and Minister for Defense Richard Marles, and Australian Foreign Minister Penny Wong at a Joint Press Availability - United States Department of State. United States Department of State. https://www.state.gov/secretary-antony-j-blinken-secretary-of-defense-lloyd-j-austin-iii-australian-deputy-prime-minister-and-minister-for-defense-richard-marles-and-australian-foreign-minister-penny-wong-at-a-joint-p/

Vaughn, B. (2010). CRS Report for Congress Bangladesh: Political and Strategic Developments and US Interests. https://www.files.ethz.ch/isn/116162/2010-04-01_Bangladesh.pdf

Walker, E. M. (2023, January 30). Chevron: A 25-year journey towards energy sustainability in Bangladesh. https://www.tbsnews.net/supplement/chevron-25-year-journey-towards-energy-sustainability-bangladesh-576478

Wendt, A. (1992). Anarchy Is What States Make of it: the Social Construction of Power Politics. *International Organization*, 46(2), 391–425. https://www.jstor.org/stable/2706858

Wind, A. J. (2024, October). US Double Standards on Israel Harm Palestinians, Foster Impunity. Foreign Policy. https://foreignpolicy.com/2024/10/01/israel-hamas-gaza-ngo-usaid-biden-double-standards-are-failing-palestine/

Xinhua. (2007, November 22). US Navy ship enters Bangladesh to aid cyclone victims - Bangladesh. ReliefWeb. https://reliefweb.int/report/bangladesh/us-navy-ship-enters-bangladesh-aid-cyclone-victims

Xinhua. (2021, April 27). Bangladesh and China agree to increase military cooperation. Xinhua | English.news.cn. http://www.xinhuanet.com/english/2021-04-27/c_139910533.htm

Yasmin, L. (2024). Understanding Bangladesh-China relations: Bangladesh's rising geopolitical agency and China's regional and global ambitions. Journal of Contemporary East Asia Studies, 12(1), 1–23. https://doi.org/10.1080/24761028.2023.2300109

Zaman, S. S. (2013, December 24). Mozena for meaningful dialogue. https://www.dhakatribune.com/bangladesh/politics/47845/mozena-for-meaningful-dialogue

Zenko, M., and R. Lissner. 2017. "Trump is Going to Regret not Having a Grand Strategy." *Foreign Policy* 13: 2–7

From Independence to Influence: An Analysis of the Chief Election Commissioner and Other Election Commissioners (Appointment, Service Conditions, and Term of Office) Act, 2023

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Abstract: This scholarly article critically analyses the "Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023," emphasising its potential implications for the democratic fabric of India. The Election Commission of India (ECI) has traditionally been pivotal in upholding the integrity of India's democratic process by facilitating free, fair, and transparent elections. The study provides an in-depth examination of the historical evolution of the composition and functioning of the ECI, emphasising the meticulous measures taken to safeguard its independence over the years. These measures, meticulously implemented, have been the bedrock of the ECI's independence. The article argues that the 2023 amendment altering the appointment process for Election Commissioners threatens this independence and fairness of the Election Commission of India (ECI), contradicting the original intentions of the Constituent Assembly of India for a neutral electoral body. These changes could potentially undermine democratic principles and the essence of electoral integrity in the Indian polity. Through a detailed analysis, this article intends to contribute to the ongoing scholarly discourse on preserving democratic institutions in India.

Keywords: Election Commission of India, Democratic Integrity, Electoral Autonomy, Institutional Independence, Electoral Management, Judicial System.

Elections and managing electoral processes are perpetually significant in any democratic state. The autonomy of electoral management bodies is a critical factor in sustaining democracy within a given country. "Elections are the life breath of a democratic polity" (Dube, 2000 p…). It is widely acknowledged that elections are celebrated as a grand festival in India, attracting significant attention from people worldwide due to the extensive and diverse participation of the electorate. Since gaining

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independence, India has conducted 18 General Elections and more than 300 state-level assembly elections. This has firmly established democracy in the country's political landscape. It is evident that both the electorates and the political parties have reposed faith in the electoral process.

This confidence firmly stems from the foundation laid by the Constituent Assembly in establishing constitutional institutions, most notably in this context, the Election Commission. The Election Commission of India plays a vital role in fortifying democracy by facilitating transparent and equitable elections. Its impact on the Indian electoral process cannot be overstated. The governing framework established in the People's Representation Act of 1950 and 1951 fundamentally relies on the operational autonomy of the Election Commission of India, a permanent body dedicated to upholding electoral democracy. Notably, unlike numerous constitutional provisions inspired by other nations, the distinct nature of the Election Commission stems from its inception within the Constituent Assembly of India. A retrospective analysis of Indian electoral history indicates a substantial surge in voter participation, reflective of the populace's unwavering confidence in the electoral process. Dr Nasim Zaidi, the former Chief Election Commissioner of India, once expressed that "*conducting elections in India is a mammoth exercise, as the numbers involved, of the election functionaries and the electors put together, during any general election are mind blogging. Difficult terrains, different sociopolitical situations, law and order problems, voter apathy or lack of awareness, and many other such issues, are tackled by election officials at the grassroots level, with the help and assistance of the local community. The whole process of the conduct of an election is rolled out with collective willpower, and humongous effort*" (Ministry of Information and Broadcasting, Govt. of India, 2016).

The political instability of the mid-1990s did not diminish public trust in India's electoral process. Instead, disillusionment was directed towards political parties, key players in parliamentary democracy. "While democracy is in the DNA of our voters, not the politician, who is at the core of our democracy" (Roy & Sopariwala, 2019). Amidst a crisis of confidence in several constitutional institutions, the Election Commission has distinguished itself by garnering credibility at both domestic and international levels. Established on 25th January 1950, the Commission has undergone structural and operational transformations shaped by its internal assessments as well as external observations and requisites. The Election Commission functions effectively as an independent body responsible for conducting free and fair elections to both the Parliament and State Legislative Assemblies. It plays a crucial role in safeguarding the democratic legitimacy of the political system, providing a sense of security and stability. "It has overseen the political development of India from a nascent post-colonial state into an established multi-party democracy" (McMillan, 2011). While observing the new dimensions of Indian

Democracy since the 1990s, Rudolph and Rudolph observed, "The cabinet and parliament, the traditional initiators of intervention, have ceded pride of place to regulatory institutions such as the presidency, the Supreme Court, and the Election Commission—enforcers of rules that safeguard the democratic legitimacy of the political system' and in words they conclude that "It is not too much to say that the Commission, the Court, and the presidency are the three vital pillars of the new regulatory state in India" (Rudolph & Rudolph, 2002). The expansion of the ECI's regulatory powers has been largely supported by the courts. Yet, jurisprudence has not developed precise terms to define these powers or examined their full implications (Bhat, 2021). "The Election Commission of India emerged as a credible referee institution, not only for India but as a model for the developing world, where contested election results and biased referee institutions have often weakened the foundations of democracy" (Ahuja & Ostermann, 2021). Throughout the years, various electoral reforms have been implemented to improve both the structure and operation of the Election Commission, as well as the electoral process itself. Judicial interventions in numerous cases have also significantly influenced the Commission to adopt several reforms. Key initiatives, such as lowering the voting age from 21 to 18, enforcing the Model Code of Conduct, and the introduction of Electronic Voting Machines (EVMs) and Voter Verified Paper Audit Trails (VVPAT), have been essential in strengthening democratic practices. However, it is important to recognise the ongoing efforts by the ruling government to sway this constitutional body through electoral reforms, although these attempts have not met with complete success so far. This discussion underscores concerns raised by the new legislation introduced by the Union government in December 2023 concerning the future trustworthiness of this autonomous constitutional body—the Election Commission of India. 'The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act 2023' represents a significant involvement by the central government, which could have extensive implications for the functioning of the Election Commission of India and the larger democratic landscape of the nation. This paper provides a comprehensive examination of the key provisions of this Act and their potential effects on the Indian electoral framework. Additionally, it investigates how these modifications diverge from the foundational vision of the Constituent Assembly that established the Election Commission as an independent entity, as well as the degree to which these alterations stray from the original intent of the drafters of the Constitution who envisioned the Election Commission as an autonomous body. The research further analyses the historical evolution of the Election Commission and evaluates how the new legislation may undermine the democratic principles enshrined in the Constitution.

A. Major Changes brought by the Act 2023

According to PRS Legislative Research, the recently enacted Act introduces critical reforms for the Election Commission of India:

1. The establishment of a selection committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha, and a Cabinet Minister designated by the Prime Minister improves the appointment process for the Election Commission. This committee recommends candidates to the President for the positions of Chief Election Commissioner and other Election Commissioners, thereby fostering transparency and accountability.

2. The Cabinet Secretary chairs a search committee that includes two members with significant electoral expertise. The committee compiles a five-member panel for the selection committee's consideration, ensuring that only the most qualified candidates are thoroughly evaluated. The Selection Committee may also consider candidates outside the Search Committee's panel.

3. The Act aligns the salaries and service conditions of the Chief Election Commissioner and the other two Election Commissioners with those of the Cabinet Secretary, moving away from the previous link to Supreme Court judges. Additionally, it repeals the 1991 Act governing Election Commissioners' conditions of service. (https://prsindia.org/billtrack/the-chief-election-commissioner-and-other-election-commissioners-appointment-conditions-of-service-and-term-of-office-bill-2023, 2023).

Notably, the Act includes a provision permitting the union government to unilaterally interfere in the appointment of Election Commission members, which raises concerns. Before embarking on a detailed analysis, it is important to understand the historical evolution of the Election Commission.

B. A Little History

Upon opening its doors to democracy, India's Constituent Assembly engaged in meticulous discussions regarding the oversight of elections. Dr B. R. Ambedkar, the Chairman of the Drafting Committee, proposed the implementation of a centralised electoral system during a time when deliberations were being held on whether the executive committee should supervise the elections. The Fundamental Rights Committee advocated for the establishment of an Election Commission to ensure impartiality. It was understood that entrusting the executive authority with the power to conduct elections could influence the electoral process, leading to biased outcomes. This could potentially transform the election process into a

means for favouritism and hinder the realisation of truly free and fair elections. Examining the deliberations of the Constituent Assembly brings to light the necessity for an independent body to oversee the electoral process. The Constituent Assembly Debate on 29th July 1947 concludes the issue with the following words,

> "*Many people felt that if the elections were conducted under the auspices of the Executive Authority and if the Executive Authority did have power, as it must have, of transferring officers in one area to another with the object of gaining support for a particular candidate who was favourite with the party in office or with the government of the day that will certainly vitiate the free election which we all wanted. It was therefore unanimously resolved by the members of the Fundamental Rights Committee that the greatest safeguard for purity of election, and fairness in the election, was to take away the matter from the hands of the Executive Authority and hand it over to some independent authority*" (Alistar McMillan, 2011)

While discussing the appointment of the Chief Election Commissioner, Dr B.R. Ambedkar made a candid statement in the Constituent Assembly on 16th June 1949,

> "*Now, concerning the question of appointment, I must confess that three is a great deal of force in what my friend Professor Saxena said that there is a no use in making the tenure of the election commissioner a fixed and secure tenure if there is no provision in the Constitution to prevent either a fool or a knave or a person who is likely to be under the thumb of the Executive. My provision, I must admit -does not contain anything to provide against the nomination of an unfit person to the post of the chief election commissioner or the election commissioners. I do not want to confess that this is a very important question and it has given me a great deal of headache*" (Noorani, 2006).

The Constituent Assembly has made an effort to make Indian elections completely free and fair. Gilmartin and Moog (2012) observed that,

> "*in historical context, the establishment of the Election Commission can best be seen as an effort to "nationalise" elections in India, not only in structural terms to centralise their oversight but also to associate them strongly with the idea of the Indian nation, unifying a highly disparate and divided population'. Free and fair elections require (1) an independent electoral management body to conduct elections; (2) a set of rules governing electoral conduct; and (3) an effective electoral dispute resolution mechanism*" (Gilmartin & Moor, 2012).

Under Article 324, the Independent Election Commission was established, and the power to appoint its members was given to the President. Initially, there was only a Chief Election Commissioner, but in 1993, the Commission expanded to include two additional members, making it a three-member body. The President's role is limited to appointing the officers recommended by the Union Government. The activities of the Election Commission have garnered significant public attention. Notable leaders such as Jay Prakash Narayan have emphasised the need for extensive electoral reforms to ensure the complete freedom and fairness of elections in practice. Consequently, to fortify democracy through the conduct of free and fair elections in the 1970s, there was a consensus that commission members with no personal affiliations to the government should be appointed. The Tharkunde Committee on Electoral Reforms (1975), led by Citizens for Democracy, in the first paragraph of the report succinctly points out that,

> "*the position and authority of the Election Commission are integral to a system of fair and free elections. as in the case of the judiciary, the election must not only be independent in theory but also manifestly appear to be so in the exercise of its powers of organising and conducting elections. In recent years, an impression has gained ground that the Election Commission is becoming less and less independent of the Executive than in the earlier years of independence because the choice of the Chief Election Commissioner has not always been based on criteria that would command the confidence of all sections of public opinion. The practice of making it a berth for retiring government officials has, perhaps, been responsible for the feeling that the incumbent so benefited will beholden to the government for his office*" (Upadhyaya, 2000).

The Tharkunde Committee suggested that the process of appointing the Election Commissioner should involve a selection committee comprising the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India instead of leaving the decision solely to the President. Previously, a similar idea was proposed by the All-Party Goswami Committee on Electoral Reforms in 1990, but it was never implemented. Likewise, in 2015, the Law Commission recommended the formation of a selection panel, including the Prime Minister, the Leader of the Opposition in the Lok Sabha (or the Leader of the largest opposition party in its absence), and the Chief Justice of India, to oversee the appointment of Election Commissioners[i]. In 2015, Anup Baranwal filed a public interest litigation challenging the constitutional legality of the procedure adopted by the Union Government in making nominations for the members of the Election Commission. The basic case was made on the grounds that the existing process of appointment of ECI members was unconstitutional

because it violated the 'right to free and fair elections'. The petition averred that under Article 324 of the Constitution, Parliament had a statutory duty to enact legislation to make appointments to the ECI. In the absence of such legislation, the President was filling positions within the ECI on the recommendation of the Prime Minister. According to petitioners, such a move was a breach of the independence of the ECI and threatened fair elections. In support of his argument, Anoop Barnawal's petition presented a detailed comparative analysis of the appointment procedures for electoral management bodies in several countries, including South Africa, the United Kingdom, and Canada[ii]. (as detailed in Table 2). On 2nd March 2023, a Constitution Bench of five judges, headed by Justice K.M. Joseph, issued its ruling in the case and instructed accordingly

> "*the creation of a committee comprising the Prime Minister, the Leader of the Opposition, and the Chief Justice of India that would advise the President on Election Commission of India appointments. This committee was to exist till Parliament came up with a law for appointments. The Bench noted that the impartiality of the Election Commission of India was key in ensuring free and fair elections in a democracy*" (scobserver.in, 2024).

In December 2023, while drafting the law, the Union government introduced a bill proposing a selection committee that includes a cabinet minister nominated by the Prime Minister, replacing the Chief Justice of the Supreme Court—a move that diverges from the original spirit of the Supreme Court's verdict.

C. Will the Commission be a caged parrot?

Institutions of the Union government, such as Institutions of the central government, the Enforcement Directorate (ED) and the Central Bureau of Investigation (CBI), are frequently criticised for their perceived lack of independence and alleged influence by the Union government. However, the new law aims to increase transparency within the Election Commission. Nevertheless, the selection process may not fully align with the Supreme Court's recommendation for an independent and neutral selection committee. The recently enacted legislation allows for the inclusion of a preferred cabinet minister from the Prime Minister's office in the committee, raising concerns about the selection process's objectivity. Enforcement Directorate (ED) and Central Bureau of Investigation (CBI) are regularly criticised for being under the union government's influence and not working independently. The new law, however, will make the Election Commission even more transparent. It appears that the selection process may fail to adhere to the Supreme Court's recommendation for an unbiased and independent selection body. The recently enacted legislation allows the inclusion of the preferred cabinet minister of the Prime Minister in the committee, which raises fears about the objectivity of the selection process.

Moreover, the provision allowing the Selection Committee to appoint individuals as Election Commissioners who are not recommended by the Search Committee, comprising the Cabinet Secretary, is detrimental to the revered principle of free elections in democratic India. It should be interpreted as a clause to twist this part and reach the people interested in the government. Seventy years ago, the Constituent Assembly had attempted to free the electoral process from governmental control. In contrast, the present electoral system is being reshaped in line with the interests of the government with the help of the 'Chief Election Commissioner and other Election Commissioners Appointment, Conditions of Service and Term of Office Act 2023'. The new developments after the legislative enactment are the following:

> "*On 9th March 2024, Election Commissioner Arun Goel unexpectedly resigned ahead of the forthcoming 2024 General Elections. Previously, the other Election Commission member, Satish Chandra Pandey, retired in February 2024. As a result, Goel's resignation left the Election Commission of India (ECI) with only one member, the Chief Election Commissioner, Rajiv Kumar. On 16th March, 2024, the President of India announced the appointments of former IAS officers Gyanesh Kumar and Sukhbir Singh Sandhu as members of the Election Commission of India. Their nominations were made by a committee consisting of Prime Minister Narendra Modi, Home Minister Amit Shah, and Leader of the Opposition Adhir Ranjan Chowdhury. However, Chowdhury filed a dissenting note, stating that the shortlisted names were shared with him just ten minutes before the meeting*" (scobserver.in, 2024).

In January 2024, a group of petitioners, including Dr Jaya Thakur of the Madhya Pradesh Mahila Congress and the Association for Democratic Reforms, filed challenges against a newly enacted law in the apex court of India. "The petitioners argued that the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023 violated the principles established in a previous Supreme Court case, Anoop Baranwal (2023)" (scobserver.in, 2024 p….). They argued that the selection process for the relevant body should be free from political influence. After a thorough examination on 21st March 2024, the Supreme Court announced its intention to consider the challenges to the Act based on its merits. However, the Supreme Court Bench refused to grant a temporary stay. As a result, the Act remained in effect during the April 2024 general elections, but the Supreme Court expressed significant concerns regarding its compatibility with constitutional principles (scobserver.in, 2024). The fundamental measure for any proposed electoral reform is its capacity to advance the process of democratisation. This particular move clearly contradicts the core principles of democracy and

undermines the independence of the Election Commission. In this context, the Supreme Court holds the authority to determine the constitutionality of the newly passed law. It is likely that the court will declare the executive action unconstitutional to uphold the integrity of the democratic process, which it has previously protected by overturning the amendment related to the National Judicial Appointments Commission. This situation highlights the increasing dependence on the Supreme Court to oversee administrative matters, marking a significant evolution in India's democratic structure.

Endnotes

[1] Several other committees have also expressed reservations and made recommendations regarding the selection of Election Commissioners (refer to https://prsindia.org/billtrack/prs-products/prs-legislative-brief-4256 for more details).

[2] For details regarding the selection process of the Election Commission in specific countries referenced in the petition, please visit https://prsindia.org/billtrack/prs-products/prs-legislative-brief-4256.

References

https://prsindia.org/billtrack/the-chief-election-commissioner-and-other-election-commissioners-appointment-conditions-of-service-and-term-of-office-bill-2023. (2023, 10th August). Retrieved 2023 11, 2023, from prsindia.org.

Yadav, Y. (2000). *Election Reforms: Beyond Middle Class Fantasies. In A. S. Upadhyaya, Electoral Reforms in India* (pp. 29-63). New Delhi: Concept.

Dube, M. (2000). *Perspectives on Electoral Reforms in India. In A. S. Upadhyaya, Electoral Reforms in India* (pp. 74-5). New Delhi: Concept.

Roy, P., & Sopariwala, D. R. (2019). *The Verdict: Decoding India's Elections*. Gurgaon: Vintage.

McMillan, A. (2011). *The Election Commission. In N. G. Jayal, & P. B. Mehta, The Oxford Companion to Politics in India* (pp. 98-116). New Delhi: Oxford.

Rudolph, S. H., & Rudolph, L. I. (2002, January). New Dimensions of Indian Democracy. *Journal of Democracy*. Retrieved 25th August 2024, from https://www.researchgate.net/publication/236717072_New_Dimensions_in_Indian_Democracy

Noorani, A. (2006). *Constitutional Questions and Citizens' Rights*. New Delhi: Oxford.

Ministry of Information and Broadcasting, Govt. of India. (2016). *101 Human Stories from Indian Election: Belief in the Ballot*. New Delhi.

Bhat, M. M. (2021, September 16). Governing Democracy Outside the Law: India's Election and the Challenge of Accountability. *Asian Journal of*

Comparative Law. doi:doi:10.1017/asjcl.2021.30

Ahuja, A., & Ostermann, S. (2021). The Election Commission of India: Guardian of Democracy. In A. Boin, L. A. Fahy, & P. '. Hart, *Guardians of Public Value: How Public Organisations Become and Remain Institutions* (pp. 37-62). Switzerland: Palgrave.

Gilmartin, D., & Moor, R. (2012). Introduction to "*Election Law in India*". Election Law Journal, 11(2), 136–148.

scobserver.in. (2024). Retrieved 25th August 2024, from https://www.scobserver.in/cases/challenges-to-the-appointment-of-election-commissioners-act-2023-eci/.

Alistar McMillan, (2011). Election Commission. In N. Gapal, & P. B. Mehta, *Oxford Companion to Politics in India* (pp. 98-116). New Delhi: Oxford.

Upadhyaya, A. S. (2000). *Electoral Reforms in India*. New Delhi: Concept.

https://www.scobserver.in/cases/challenges-to-the-appointment-of-election-commissioners-act-2023-eci/. (2024). Retrieved 25th August, 2024, from scobserver.in.

Non-Tariff Measures (NTMs) and Fishery Sector Exports: A Firm-level Evidence from Kerala

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Abstract: The paper examines the non-tariff measures that percolate in fishery trade and the difficulty of exporters adapting to business. India has a comparative advantage in exporting this particular item, but the presence of NTM's is masking this advantage. NTMs are more qualitative and fall under technical barriers such as SPS, TBT, Pre-Shipment Inspections, and other formalities. Therefore, using the SWOT analysis methodology, efforts have been made to disaggregate the internal and external factors influencing trade behaviour. After that, an external and internal evaluation matrix was computed to examine the firms' competency in continuing the business. The survey results infer that the non-tariff measures are more trade distorting, but given the internal strength, it may well be channelised for trade prospects. The reasonably good score of the internal evaluation matrix implies that there are trade prospects for the sector and that it is not weak against its competitors, whereas that of the external evaluation matrix indicates that the firm's strategies are well designed to meet the opportunities and defend against threats. Hence, it enables one to execute harmonised product development with more market diversification as the best strategy for the business.

Keywords: NTMs, SWOT analysis, External Evaluation Matrix, Internal Evaluation Matrix.

Cross-border trade in food items raises the question of food safety and is a real challenge for the stakeholders. It stems from non-compliance with food safety standards, significant differences in hygiene, and related requirements, especially in the food processing industries. Trade competitors facing uniform international standards lessen the probability of country-wise discrimination with non-tariff measures. These Non-Tariff Measures (NTMs) concern any developing country with harmonisation of standards, and India is not an exemption. Technical barriers such as Sanitary and Pytosanitary Measures (SPS), Technical Barriers to Trade (TBT), Pre-shipment Inspections, and other formalities percolate in fishery sector trade. India's trade, especially with the developed world – the European Union has a long-lasting history stretching from the 15th century

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onwards (Singh, 2018) and with Japan from the 1930s with the remarkable Indo-Japanese Trade Agreement of 1934, opening India's avenue to trade with Japan (Iqbal, 1990) and the USA.

The export restrictions differ from one country to another depending on the difference in food safety standards and other related decrees.

In this WTO regime, the architect behind global trade, trade in any good, including food items, is expected to bring much more transparency, placing all trade competitors on equal footing; in reality, trade becomes more complex, as witnessed in the rejection of consignments at the border. In this scenario, it is important to recognise the significant complexities involved, including the opportunities and challenges faced by the exporters and other stakeholders and the complex practical realities on the ground.

There has been much market diversification in the seafood trade in India; the trade market has become more diverse, with more partners and a variety of products. The figures in figure1 show the increased number of trade partners, constituting countries belonging to high- to middle-income groups. India's competency in the seafood trade is widely recognised in the global seafood trade (Salagrama, 2004). Trade promotion offices in New Delhi, Tokyo, and New York, as well as different quality control offices under the auspices of the Marine Products Exports and Development Agency (MPEDA), look to the holistic development of the seafood industry to realise its export potential. India is the top shrimp supplier in the United States, the second largest in the European Union, and the third largest in Japan (MPEDA, 2014).

The quinquennial data showing the share of different countries in India's

Figure 1. India's market share (in quantity tons) across various markets
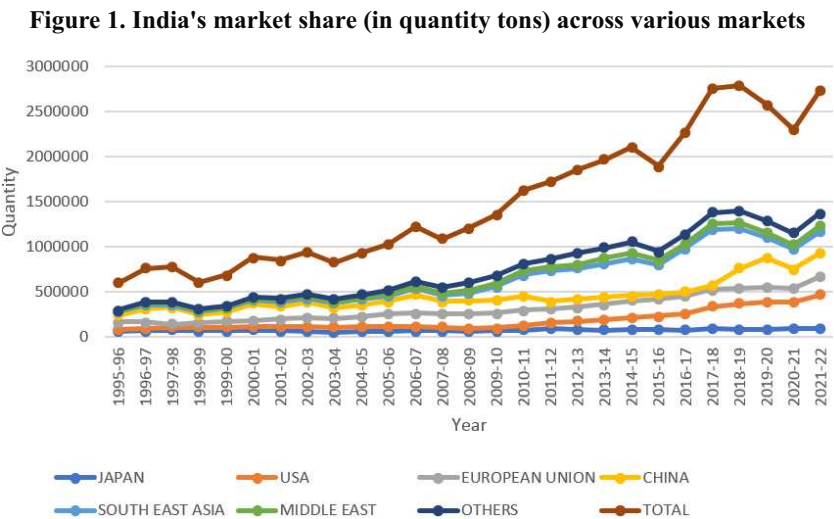
export basket concerning fishery sector exports is furnished in Table 1 below. India's export share towards Japan and the EU has decreased from 17.48 per cent recorded in 1995-96 to 7.55 per cent in the year 2020-21 and 29.03 per cent registered in 1995-96 to 13.29 per cent in the year 2020-21, respectively, whereas the share of USA has drastically increased from 8.78 per cent in the year 1995-96 to 25.4 per cent 2020-21. India's trade with China remained stable except with negligible variations. However, the downturn registered with respect to these markets has been compensated with a reasonable increase in trade with Southeast Asian countries and the Middle East. As reflected in Table 1, this diversified market structure explains the trend towards market diversification.

The decline in the market share may be explained by the fact that firms' compliance with national and international standards raised the unit cost of production, resulting in higher prices. Kulkarni (2005) emphasised that implementing HACCP standards in the Indian seafood industry has contributed to an increased process-focused method of safeguarding food safety. On the other hand, Modigliani (1958) contended that international competitors preserve low prices, depressing probable entrants from joining the market. Despite this, India continues to draw in new customers while retaining existing ones. India's trade in fish and fish products is steadily growing with more market diversification. This happens because of the gradual, admirable, productive efficiency that the country gained over time. Thus, it can be assumed that fishery sector trade can go further by targeting overseas markets.

Infiltration of NTMs in Fisheries Sector Trade: Effects on Exporting Units

As per UNCTAD (2013) classification, NTMs fall under the broad category of Technical Measures, Non-Technical Measures and Export Measures. The cross-border rejections of exports are mainly due to technical measures.

Table 1. Market share of India's trade partners

Countries	1995-96	2000-01	2005-06	2010-11	2015-16	2020-21
Japan	17.48	15.66	11.67	8.70	7.97	7.55
USA	8.78	9.48	10.90	6.16	16.25	25.40
Europe	29.03	15.63	26.72	21.03	19.70	13.29
China	23.42	41.49	26.76	19.57	5.29	18.99
South East Asia	14.16	9.25	11.74	28.77	34.77	18.94
Middle East	2.97	3.91	4.35	5.41	5.70	4.23
Others	4.16	4.58	7.86	10.36	10.32	11.60
Total	100.00	100.00	100.00	100.00	100.00	100.00

Source: computed from MPEDA data

The flow chart below (figure 2) shows the constituents of technical barriers. Rejections of seafood exports from India occur because of labelling errors, poor hygienic conditions, adulteration, missing documentation, use of unapproved additives, bacterial contamination, pesticide residues, veterinary drug residues, presence of mycotoxins, heavy metals, and inadequate packaging (UNIDO, 2022). These factors pose substantial challenges to meeting rigorous international food safety standards, leading to recurrent export repudiations and coming under the technical measures category.

As revealed by the UNIDO report, the reasons behind rejections constitute export measures, which impose higher compliance costs for the firms, such as product modifications, certifications, documentation, and upgrades of production processes. This may motivate a firm to focus on markets having less restrictive trade regulations, hence affecting global trade flows. Moreover, there is a risk and uncertainty involved with recurrent changes in NTMs as they complicate the entire production and exporting process.

Objective of the study

The present paper attempted to examine the dynamics in explaining India's trade in fishery sector items by identifying the key factors influencing the sector's performance in food safety standards masked as NTMs.

Method: Procedures and Techniques

The present paper uses primary and secondary data to account for the research objective. Glancing over the previous literature explains the effectiveness of the survey method in unmasking the intricacies involved by encompassing all the stakeholders involved, such as executives of firms, executives in the testing lab, and executives involved in pre-shipment shipping procedures. The survey method has been widely used to comprehend the trade effect of NTMs. The present paper uses purposive sampling, as it involves selecting exporting units that have significant contributions to destination markets and are in compliance with

Figure 2. Flow Showing the Constituents of Technical Measures
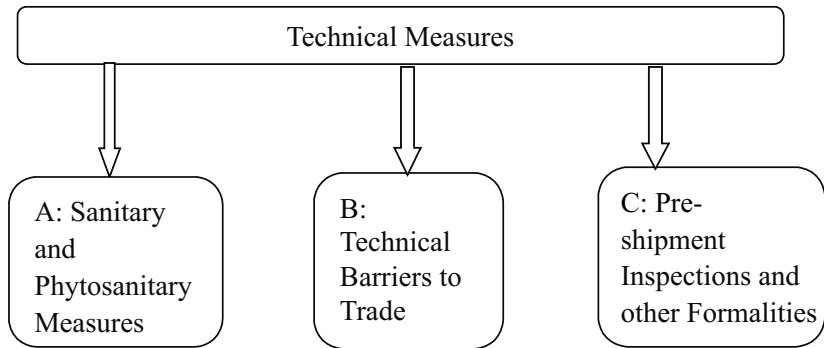
international standards.

The qualitative statements are effective in explaining the presence of NTMs, and therefore, the study relied on interviews and focus group discussions, with the intention to collect detailed data, thereby exploring their individual experiences and outlooks. Focus group discussions with MPEDA staff, office bearers of the Export Inspection Agency, and executives of the processing units enabled to draw in-depth insights regarding the percolation of NTMs in the sector. The study also makes use of a well-structured questionnaire. From the universe of 116 units that work at different levels of processing, a sample of 60 firms was approached to collect firm-level data along with other stakeholders involved. The percolation of non-tariff measures affects an organisation's decision-making process, and therefore, SWOT analysis has been undertaken. The internal and external factors that influence trade behaviour are examined to understand the efficiency and competency of exporting fisheries sector items. The strengths, weaknesses, opportunities, and threats involved in exporting this particular item have been examined, and the External and Internal evaluation matrix has been calculated to arrive at meaningful inferences.

The key variables identified for the purpose include the export volume of marine products provided by MPEDA to overseas markets, data related to percentage share of exporting units across India, the destination markets importing marine products-highlighting key trading partners, changes in export volume, mode of transport, quality standards compliance and variables explaining SWOT analysis.

Field and Sampling Procedure: A lucid explanation

It is understood that the ground realities related to the intricacies involved can be better understood from a very micro perspective by conducting a field survey. Thus, the survey has been conducted in the maritime state of Kerala, which has a substantial number of fish processing and exporting units, MPEDA, the institution that gives frequent training for all the stakeholders involved, and the Export Inspection Agency office, where the office bearers take care of all the pre-shipment export requirements. With the purposive sampling technique, the survey includes small, medium, and large units engaged in processing and exporting. Focus group discussions were carried out with the Seafood Trade Association office bearers and the staff engaged in cleaning and other related work in processing units. The survey was executed in Cochin, often known as "the sea food capital of India" or "the queen of the Arabian Sea." The data collection centres are in Cochin, as 85 per cent of processing units are located there, and it is also the landing hub. Primary evidence started from Fort Kochi to Munambam, Cochin, and Vizhijam, Trivandrum, Kerala. The items were headed to the processing units, and the auctioning method

fixed the price. The next step of data collection is centred on processing units at both the sites, Vizhijam and Cochin.

Previous Literature: A Brief Survey

The OECD (1999) relied on the survey method and surveyed 55 companies in the developed world, such as the US, UK, Germany and Japan and assessed that trade is more restrictive with conformity assessment procedures and changing technical standards. USITC (1998) attempted to understand whether trade standards are barriers in the information technology sector by collecting first-hand information using the informal interview method and by taking samples from government officials, executives at the corporate level, and office bearers of trade associations. The US, EU, and many Asian and Latin American countries constitute the components of the survey. The respondents offered information through testimonies, though the data was not statistically tested. The inferences drawn from the study support the hypothesis that they act as a major trade barrier as the standard-related costs incurred for upgrades are too high and hence act as a trade barrier in that dimension also. Furthermore, the overheads incurred accompanying approval and testing processes in importing countries are comparatively high, which is a crucial and dangerous issue, especially for those industries that have products with a shorter life span.

Depending on the survey method, Henson et al. (2000) examined the difficulties and tests encountered by developing nations as they step into meeting the SPS requirements of advanced economies. A survey was conducted by taking developing-country members of Codex Alimentarius and the WTO, and interviews were conducted with the senators of the multilateral organisations. The survey results revealed that the SPS requirement is the biggest barrier encountered in exporting food and agricultural products, especially to the EU; it also outweighs other margins such as quotas, tariffs, and transportation costs. The questions in the interview schedule were qualitative and explained solemnly how trade-restrictive the SPS requirement was.

Mahajan, Garg, and Sharma (2014) explored different viewpoints to explain the production of food items that are on par with global food safety standards by applying stringent Codex, Sanitary and Phytosanitary (SPS), and other food safety regulations. The study also recommended developing standardised food safety measures for India that align with international standards. A structured questionnaire was used to collect the sample from all stakeholders in the food processing industry. The analysis and findings indicate that the World Trade Organization's (WTO) global food safety standards, including those related to good hygiene practices, hazard analysis critical control points (HACCP), and good manufacturing practices (GMP), were established to represent the essential principles of a safe food processing industry on an international level. Indian food safety

standards, hence, are to be changed in accordance with food safety regulations as instructed by WTO guidelines.

Jongwanich (2009) studied the export behaviour of processed food items from developing economies subjected to food safety regulations. The study has been conducted using panel data from different industries engaged in processed food exports in developing economies. Incorporating the SPS regulations with proxied variables accounts for food safety regulations. The empirical model validated how food safety standards put forward by developed economies hamper the export of processed food items from developing economies. The underlying reason behind this effect is that SPS requirements are less transparent than quotas or tariffs. Developed nations have substantial litheness to fine-tune standards beyond the minimum requirements, letting them achieve the highest levels of safety shield with high-tech certification and testing procedures to nurture the attractiveness of competing imports. On the other hand, developing nations face encounters in meeting food safety standards due to their limited supply-side capacity, especially in terms of infrastructure, institutions, and resources.

Athukorala and Jayasuriya (2003) argued that developing nations should see SPS as a chance to improve quality standards and market sophistication since the possible advantages that may result from enforcing food safety standards are decreased operational costs and trade friction. It was necessary to increase supply potential in developing nations, particularly agriculture. In order to address the obstacles that developing nations face in satisfying the mandatory standards in food safety levied by developed nations, efforts are also required at the multilateral level to channel supplementary monetary and technical support. (Henson and Jaffee, 2008) discuss how developing countries adapt to increasingly stringent global food safety standards. It highlights these standards' challenges and explores strategies, such as capacity building, investments in compliance infrastructure, and institutional reforms, to ensure access to high-value export markets.

State Wise Distribution of Processing & Exporting Units

Exporting fishery sector items from India has a long history; it started during the 1950s when processing units came up. The facilities for canning and freezing, too, were developed in the year 1960. The exports were inaugurated through the Cochin port. Table 2 shows the distribution of processing plants by state. Kerala has 26.36 per cent of all processing plants in India; most are located in Cochin, with a smaller number in Thiruvananthapuram and Calicut.

Field Survey: Exporter's Background Information

The experience of the exporters in this field has been aggregated as a

Table 2. State Wise Distribution of Processing & Exporting Units

State	Percentage Share of Exporting Units
Kerala	26.36
Gujarat	12.23
Maharashtra	10.59
Andhra Pradesh	13.18
Tamil Nadu	10.58
Odhisa	10.11
West Bengal	7.53
Karnataka	5.65
Goa	3.77

Source: Author's Computation from Indian Seafood Exporters Directory & MPEDA

measure to understand and disclose their perception of the percolation of NTMs over a period of time. Hence, data has been collected regarding their years of business experience, trade relations with overseas markets, and the products traded. Table 3 exhibits the percentage distribution of being in the field as indicated by years of experience.

Forty per cent of the sample respondents had been in business well before the World Trade Organization, allowing them to recount the gradual evolution of policy changes. Firms operating for over 20 years had implemented the HACCP system before the establishment of the WTO, aligning with the global shift toward healthier and safer food standards. In this context, it may well be argued that the processing units are competent enough to withstand the competition by maintaining global food safety standards.

Trade and Exchange of Fishery Sector Items

The exporting firms focused on developing and developed economies have

Table 3. Respondents' (Percentages) by Years in Business

Professional Involvement in Business (Years)	Sample respondents (in percentage)
Less than 20	60
Between 20 and 40	40
Greater than 40	Nil

Source: Field Investigation

had a patron-client relationship for more than a decade, thus catering to the demands of the foreign market. Hence, they prefer to sell in the foreign market rather than the home market. The processed items for export primarily constitute fresh, frozen, blanched, and cooked diversity of shrimp, cuttlefish, squid, octopus, mussels, tuna, snappers, ribbonfish, and soon. All these items must be in line with food safety and other hygienic procedures, as dictated at the receiver's end or on CODEX or HACCP standards at every stage of production and delivery. Most items exported are in processed form, and the sources of raw materials are (i) aquaculture production and (ii) marine capture. For trading with EU countries, the landing centres themselves are to be approved by the Export Inspection Council. The exporters are to be in touch with the farmers, boat owners, trawlers, and, in fact, the catching technique. The entire supply chain must be well documented and attached, and the consignment must be exported.

They trade at essentially three different levels: (i) processors/exporters, who serve as a bridge between institutional arrangements, exporting, and export inspection agencies/MPEDA (ii) Processors: they do not participate in the value chain process; instead, they provide merchant exporters with processing facilities. For several years, the amenities in their unit have been made available for rent or leased (iii) Merchant exporters: their sole business is exporting; they purchase completed goods from processors and then export them. Table 4 demonstrates that 48 of the 60 units process and export. There are only 6 units engaged in processing, and similarly, only six units engaged in exporting. The unit's exporting schedule depends on the orders they receive from time to time, and the merchants have a long-standing relationship as they have been in business for more than fifteen years.

The Export Inspection Agency (EIA) is expected to approve each plant every two years. The raw items are subjected to organoleptic checks per HACCP regulations, microbiological tests, and soon. In case the rejection of a product as it crosses borders leads to heavy financial loss to be suffered by the company. The average shelf life is two years, so there is a chance to

Table 4. Characters of Dealers

Dealers	Frequency
Processors	6 (10)
Exporters	6 (10)
Both Processors and Exporters	48 (80)
Total	60 (100)

Source: Primary Investigation (figures in parenthesis are percentages)

reroute the exports to other countries. Navigating the overseas markets, the European Union's requirements incur high costs to meet the expense of its trade yardstick, followed by Australia, the USA, Japan, and Canada.

Though products produced in labs with amenities with ISO 22000, BRC, and EU provisions can avail of the extra lead by keeping their prices high by 4-6%, the above reasoning implies that standards-related costs, testing, and other certification requirements imposed the largest trade restriction. It is rather odd to observe that the reason cited for the same product's rejection differs from one country to another.

Trade-Related Concerns: SWOT Analysis

The present section presents the primary survey results, explaining the gaps regarding the benefits and drawbacks of fisheries sector exports. The primary survey aims to determine the trade-related difficulties that exporters come across when the consignments are shipped. The theory of demand requires that the supplier satisfy the expectations of its customers or clients. Thus, it becomes a mandatory requirement that fishery sector exports be obliged to meet environmental, food safety, and product quality standards as dictated by the overseas markets. The exporters' reaction to the stringent seafood safety rules is displayed in Table 5.

Proactive and reactive are different approaches that exporting units adopt to be in international trade. Proactive exporters look forward to expanding their market share by seeking and pursuing opportunities; therefore, their approach is forward-thinking. These firms are more innovative and adaptive to meet the demands of foreign markets. Reactive exporters are more introverted and seek out only when they have some pressure to explore international markets. Seventy per cent of those surveyed are proactive in pushing for implementing seafood safety standards. This implies that exporters are motivated to go ahead with trading by optimising their trading strategies and seeking opportunities. Market diversification is sprouting based on demand, with exporters actively setting safety standards catering to their demand. It is tough to trade with EU, USA, and Japanese markets as these markets present considerable challenges, explained as NTMs and, exporters find it easier to access markets in the Middle East and Southeast Asia, especially in this era under the ASEAN agreement. The consignments are to be well documented with mandatory

Table 5. Exporters' Response to Seafood Safety Standards

Reaction to the standards	Exporters' Reaction
Proactive	42 (70)
Reactive	18 (30)

Source: Primary Investigation (figures in parenthesis are percentages)

certificates such as health, eco-labelling, catch certificate, and HACCP standards compliance certificate, and the authorised authority to certify the shipment is EIA. Hence, in the survey analysis, respondents are requested to order the standards to understand the intensity of challenges they encounter.

Table 6 presents the different trade requirements ranked by the respondents; the food quality and safety standards are the toughest to encounter, and environmental standards for food safety ranked second. The importing nation makes Minimum product standards obligatory to protect the environment, failing which leads to consumption externalities (Lai, 2005). With the entry of polluted goods, environmentalists suggest a reasonably high tariff barrier and severe environmental regulations (Lai, 2005; Hillman & Ursprung, 1992; Rauscher, 1997). It is a real challenge for processors and exporters to meet environmental standards, as it applies from farm to fork. Environmental protection has become a legal requirement, too. In the above circumstances, regular trainings are to be provided to all the stakeholders. Ghani et al. (2009) argued that supply constraints are also operative in this sector as the environment and product and process standards percolate. The exporters argued that considering all these issues associated with fishery sector trade, it is crystal clear that NTMs are more trade-restrictive than creative.

Internal and External Factors Influencing Trade Behaviour: A SWOT Analysis

SWOT analysis has been ascribed as the most effective tool to examine the relative strengths, weaknesses, opportunities, and threats as it offers very important insights for addressing potential opportunities and threats (USDA, 2008). Therefore, the present study also uses the SWOT analysis in this context. The method navigates the relative strengths and weaknesses of the sector. The external factor evaluation matrix identifies the opportunities and threats that affect the trading system exogenously. In contrast, the internal evaluation matrix identifies the key internal factors that act as strengths and weaknesses endogenous to the trading system.

Though a wide range of factors operate to obstruct trade, there are multiple interrelated factors that explain why the exporters are in the business. The

Table 6. Ranking of Trade Standards

Procedures/Trade Standards	Assigned Ranks
Food Quality and Safety Criteria	I (55)
Products and Processing Standards	III (10)
Environmental Procedure/Standards	II (35)

Source: Field Investigation (figures in brackets are percentages)

focus group discussions and interviews conducted during the survey delineated a set of factors as trade creative and distortive. These factors influence the system of trade either internally or externally. A SWOT matrix has been used to segregate the external and internal factors. As they have been in the business for more than 20 years, their experience enables them to segregate the internal and external factors separately. The external evaluation factor matrix identifies the data that act as real threats and opportunities exogenously in the trading system. The internal evaluation matrix identifies the internal or endogenous factors, which are real strengths and weaknesses to retain in overseas markets.

Creating an Evaluation Matrix with Internal and External Factors

The factors that influence the trading behaviour of India's exports from the fishery sector are assessed from both an internal (strengths and weaknesses) and external (opportunities and threats) perspective. The important factors that explain the trade performance of the fishery sector were asked to be expressed by the exporters in their preferred order, a dichotomous variable, stating yes or no. The frequencies were cumulated and thereafter weighted following the relative frequency method. The external factor evaluation matrix (EFE) aims to examine external factors over which we have less control but can still manage their effects. A strategic decision-making tool for assessing the pros and cons of the internal to the system functional business areas is the internal factor evaluation (IFE) matrix.

It would be helpful to provide a brief overview of the factors found and the respondents' preferences before going into detail about the EFE and IFE matrix. Therefore, the elements determined for the SWOT analysis are explained in the following section

SWOT Analysis: A Discussion

(i)   *Potentials/Opportunities:* The respondents are asked to express their preference regarding each variable that may open an avenue or opportunity for the fisheries sector trade. The graph (Figure 3) below provides the ratings that the respondents assigned to each factor designated as an opportunity.

(i)   *Threats/Challenges/Risk to India's Fishery Trade:* Figure 4 exhibits the different threats or challenges identified to explain the trade behaviour of fishery sector items.

Products from aquaculture have benefited the Indian fishery sector, and the country is the world's second-largest producer of these goods (FAO, 2013). Under Good Aquaculture Practices (GAqPs) guidelines and Standard Operating Procedures, these products must adhere to international food safety standards. The Government of India offers training programs and financial support and helps them establish cold

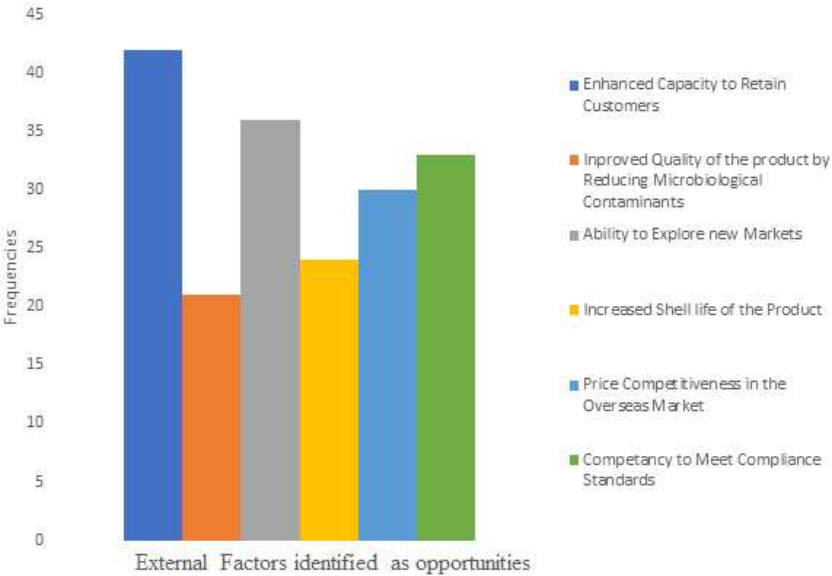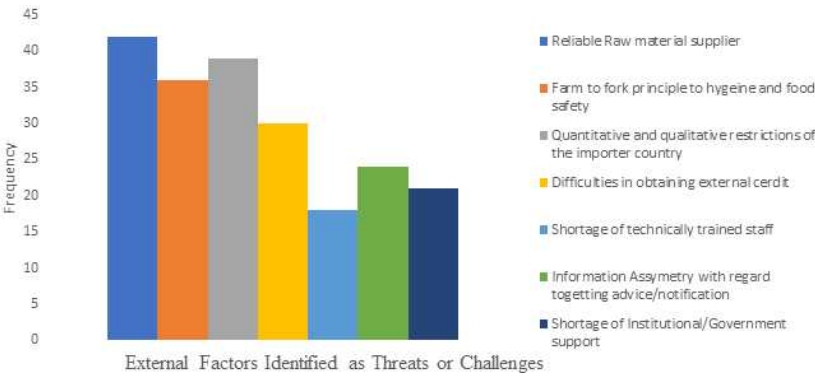**Figure 3. Potential opportunities highlighted by Respondents**

Figure 4. Threats/ Negative Traits Related to Fishery Trade

storage facilities, buy worker insurance, and buy antibiotic testing kits (MPEDA, 2013). Farmers and other product handlers, particularly those involved in the pre-processing phase, ought to be becoming more conscious of the importance of food safety. Therefore, a significant challenge of the bottom-up approach is the vertical integration of the food chain. Another challenge is that the importer country's policies regarding changes to seafood safety regulations, current tariffs and quotas must be instantly communicated to exporters. Exporters, processors, and farmers must receive the information that the institution obtains from the inquiry points as soon as possible.

Now that the Indian fishery sector trade industry has seen both opportunities and threats from external factors, attention turns to internal factors – its strengths and weaknesses

Strengths/Advantages of Indian Fishery Trade:

The respondent's reactions highlighting the strengths associated with fisheries trade are shown in Figure 5.

Survey participants identified the industry's main strengths: competency in technology and price competitiveness in the overseas market. Quality of the product, competency in food safety requirements, support from the government, and factor endowment. The natural factor endowment of the Fishery is directly responsible for the availability of trade resources. Eight thousand forty-one kilometres of coastline, distributed across nine maritime states such as West Bengal, Andhra Pradesh, Gujarat, Odhisa, Maharashtra, Goa, Karnataka, Kerala, Tamil Nadu, and 4 union territories such as Pondicherry, Lakshadweep, Daman and Diu, Andaman and Nicobar Islands, make up India's blessed natural resource endowment.

According to Shyam and Narayanakumar (2012), India developed infrastructure facilities with an eye on exporting, such as improving transportation infrastructure and raising the capacity of storage facilities with good shipment connectivity. Through MPEDA, the Indian government keeps an institutional eye on the whole supply chain. Every aqua farm that raises shrimp for export is registered with MPEDA, and each farm is assigned a unique identification number for tracking and surveillance. The NaCSA program guides farmers on Good Management Practices (GMP), while the MPEDA's NETFISH program trains fishermen and the processing workforce. These extra benefits or strengths help India's fishing industry perform well in international trade.

Figure 5. Strengths/Advantages of Indian Fishery Trade
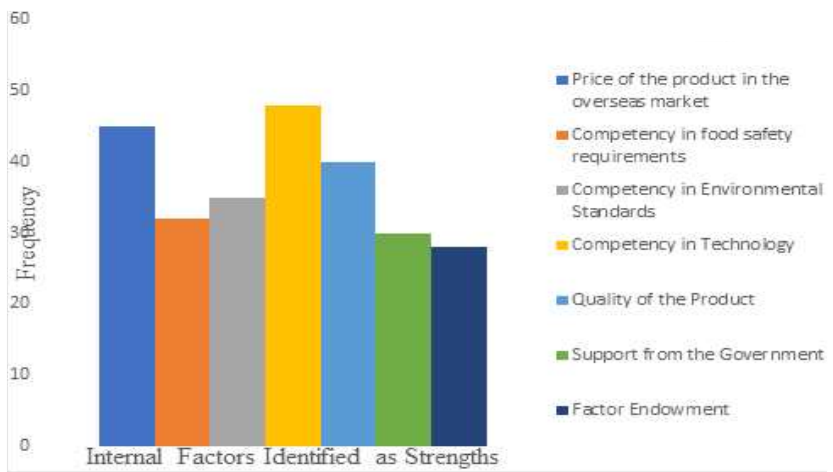
(iv) Infirmity/Weakness of the Indian Fishery Trade Industry:

Figure 6 indicates the weaknesses that the respondents considered to hamper trade; it includes the processing cost incurred, logistics costs, entry and exit hurdles, internal fiscal constraints, and Quality of the seafood received as inputs to be the most significant weaknesses for the Indian seafood exports to be competitive in the overseas market. It highlights how challenging it is to abide by the regulations pertaining to seafood safety and other matters that show up as NTMs in the fisheries trade. The processing plant's establishment costs are excessive because the trading partners have stringent food safety and Quality standards.

External and Internal Evaluation Matrix

After discussing the pros and cons, opportunities (prospects), and threats, the study went on to create the EFE and IFE matrix. The weights assigned to each factor are determined by the relative frequency method and the preferences provided by the respondents. Weighing and rating the identified internal and external factors is done. Each factor's weight has been multiplied by its ranking to get the weighted score. The weighted scores are added together to get the overall weighted score. Hence, the IFE and EFE matrix have been calculated and provided in Tables 7 and 8, respectively.

The internal evaluation matrix is a weighing balance that analyses the operative endogenous factors, and therefore, an evaluation of the matrix explains the efficiency and competitiveness of trade. The score obtained in the internal evaluation matrix being 2.79 shows that the sector is strong enough internally to overcome the weakness that distorts trade. Both the matrices registered above the average score of 2.5, implying that the probability of this sector taking advantage of trade is reasonably high by overcoming its weakness and grabbing the opportunities, hence competing well against its competitors with more product innovation and market diversification.

Figure 6. Weaknesses Associated with Indian Fishery Trade

Table 7. Internal Factor Evaluation (IFE) Matrix

INTERNAL FACTORS		Weight	Rating	Weighted Score
Internal Strengths	Price of the product in the overseas market	0.10	4	0.40
	Competency in food safety requirements	0.07	3	0.21
	Competency in Environmental Standards	0.08	4	0.31
	Competency in Technology	0.11	4	0.42
	Quality of the Product	0.09	4	0.35
	Support from the Government	0.07	3	0.20
	Factor Endowment	0.06	3	0.19
	Total	0.57	….	2.07
Internal Weakness	Processing Expenses Incurred	0.11	2	0.21
	Logistics Cost	0.07	1	0.07
	Exit and Entry Hurdles	0.09	2	0.18
	Internal Fiscal Constraint	0.09	2	0.19
	Quality of Seafood Received as Inputs	0.07	1	0.07
	Total	0.43	…	0.72
TOTAL WEIGHTED SCORE		1.00		2.79

Source: Author's Computation

Table 8. External Factor Evaluation Matrix

EXTERNAL FACTORS		Weight	Rating	Weighted Score
Opportunities	Enhanced Capacity to Retain Customers	0.11	4.00	0.42
	Improved Quality of the product by Reducing Microbiological Contaminants	0.05	3.00	0.16
	Ability to Explore New Markets	0.09	4.00	0.36
	Increased Shell Life of the Product	0.06	3.00	0.18
	Price Competitiveness in the Overseas Market	0.08	4.00	0.30
	Competency to Meet Compliance Standards	0.08	4.00	0.33
Total		0.47		1.77
Threats	Reliable Raw material supplier	0.11	2.00	0.21
	Farm-fork principle to hygiene and food safety	0.09	2.00	0.18
	Quantitative and qualitative restrictions of the importer country	0.10	2.00	0.20
	Difficulties in obtaining external credit	0.08	2.00	0.15
	Shortage of technically trained staff	0.05	1.00	0.05
	Information Asymmetry with regard to getting advice/notification	0.06	1.00	0.06
	Shortage of Institutional/Government support	0.05	1.00	0.05
Total		0.53		0.90
TOTAL EXTERNAL EVALUATION MATRIX		1		2.67

The score recorded by the external evaluation matrix, 2.67, explains that the sector can take advantage of opportunities, thereby minimising threats and complying with food safety requirements of international standards. Internal strength may be used to take advantage of external opportunities, and weakness may be improved with defensive tactics to avoid external

threats.

From the SWOT analysis, it may be inferred that the identified strengths contributed positively to remaining competitive in the international market. Our internal strength overpowers our weakness. The natural factor entailment, price competitiveness, and competency to comply with food safety and environmental standards can leverage our position in the global market by reducing risk and unlocking new opportunities.

Conclusion

The survey respondents provide infallible testimonial proof that the NTMs, such as the seafood safety standards that percolate in the fishery sector exports, are more trade distortive. Every commodity that is exchanged is a buyer-preferred market. The principles that guide the fishery sector trade, such as the farm-to-fork hygienic approach, environmental standards, and HACCP standards in processing, act as technical barriers to trade, and, unless addressed, they remain as structural constraints. The significant burden that NTMs impose has been highlighted in previous studies like Kee, Nicita, and Olarreaga (2009), Cadot and Gourdon (2014), Ing, Cadot, and Walz (2016) and Cali, M., & Montfaucon, A. F. (2021). India possesses a natural comparative advantage in resource extraction, which forms the raw materials for fishery sector trade. Therefore, one could argue that the availability of resources is the fishery sector's greatest strength. In addition to this benefit, the government offers financial assistance in the form of subsidies to purchase processing-related machinery and provides incentives to exporters so they can continue in the business. An additional benefit for educating farmers, fishermen, and other stakeholders is the training programs offered by the government. These advantages for India's fishing industry should be used to seize opportunities and neutralise threats and other vulnerabilities. The internal and external evaluation matrix score, 2.79 and 2.67, respectively, implies a relatively positive evaluation from both internal and external perspectives, ensuring that the trade performance is better with more prospects. The overseas markets are buyer's markets, and to sustain trade, the host country has to yield to the demands of the trade partner. Therefore, any nation or company engaged in exporting needs to develop strategies based more on market-oriented factors. How trade barriers have been removed determines the effectiveness of trade creation. To retain trade competitiveness and availing trade opportunities, farmers and exporters make every effort to meet international food safety standards to increase acceptance in global markets.

References

Athukorala, P.C., & Jayasuriya, S. (2003). Food safety issues, trade, and WTO rules: A developing country perspective. *The World Economy,* 26(9).

Cadot, O., & Gourdon, J. (2014). *Assessing the price-raising effect of non-tariff measures in Africa*. Journal of African Economies, 23(4), 425-463.

Cali, M., & Montfaucon, A. F. (2021). *Non-tariff measures, import competition, and exports* (Policy Research Working Paper No. 9801). Macroeconomics, Trade and Investment Global Practice, World Bank. https://doi.org/10.1596/1813-9450-9801

Henson, S., & Jaffee, S. (2008). Understanding developing country strategic responses to the enhancement of food safety standards. *The World Economy*, 31(4), 548–568.

Henson, S., Brouder, A. M., & Mitullah, W. (2000). Food safety requirements and food exports from developing countries: the case of fish exports from Kenya to the European Union. *American Journal of Agricultural Economics*, 82(5), 1159–1169.

Hillman, A. L., & Ursprung, H. W. (1996). The political economy of trade liberalisation in the transition. *European Economic Review*, 40(3-5), 783-794.

Iqbal, B. A. (1990). *India's trade with Japan*. Academic Foundation.

Jongwanich, J. (2009). The impact of food safety standards on processed food exports from developing countries. *Food Policy*, 34(5), 447-457.

Kee, H. L., Nicita, A., & Olarreaga, M. (2009). *Estimating trade restrictiveness indices*. The Economic Journal, 119(534), 172-199.

Kulkarni, P. (2005). The Marine Seafood Export Supply Chain in India: Current State and Influence of Import Requirements-Full Report.

Lai, Y. B. (2005). The political economy of tariffs and environmental standards. *Journal of Institutional and Theoretical Economics (JITE)/Zeitschrift für die gesamte Staatswissenschaft*, 473-490.

Mahajan, R., Garg, S., & Sharma, P. B. (2014). Global food safety: Determinants are Codex standards and WTO's SPS food safety regulations. *Journal of Advances in Management Research*, 11(2), 176-191.

Modigliani, F. (1958). New developments on the oligopoly front. *Journal of Political Economy*, 66(3), 215-232.

MPEDA. (2013). MPEDA. India: Ministry of Commerce and Industry, Government of India.

MPEDA. (2014). MPEDA. India: Ministry of Commerce and Industry, Government of India.

OECD. (1999). An Assessment of the Cost for International Trade in Meeting Regulatory Requirements. *Organisation For Economic Development and Corporation*. Paris

Rauscher, M. (1997). *International trade, factor movements, and the*

environment. Oxford University Press.

Salagrama, V. (2004). Policy research: implications of liberalisation of fish trade for developing countries. A case study for India. *Unpublished report. Kakinada: ICM*.

Singh, V. (2018). *History of India-Europe trade relations. International Refereed Journal of Reviews and Research*, 6(1).

USDA. (2008). SWOT analysis as a tool for making Better Business decisions. *United States Department of Agriculture and Risk Management Agency*.

USITC. (1993). United States International Trade Commission. *The Economic Effects of Significant US Imports Restraints* (Vol. 2699). The Commission.

UNIDO. (2022). *Knowledge hub: Trade rejection analysis data sources.* United Nations Industrial Development Organization. Retrieved from https://hub.unido.org/data-sources

Constraints and Opportunities of Green Garment Factories in Bangladesh: An Overview

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Abstract: Bangladesh, a rapidly developing country, has made significant strides in export-driven industrialisation. The garment sector accounts for approximately 83% of the country's foreign exchange earnings. Bangladesh ranks as the second-largest global trader of ready-made garments (RMG) and has the highest number of green RMG industries worldwide. Green manufacturing enterprises are key drivers of ecological industrial progress globally. This research aims to identify the challenges facing green garments that hinder the advancement of the RMG sector in the country, as well as to explore potential opportunities. The researchers utilised secondary data and analysed relevant articles, books, newspapers, dissertations, and other available resources. The data has been documented and examined through qualitative content analysis. Bangladesh has already achieved the highest quantity of LEED-certified green garments in the world, but several drawbacks are associated with this success.

Keywords: Green Garments, LEED, USGBC, RMG, Bangladesh.

Bangladesh is a densely populated developing country with a relatively weak industrial base. While agriculture remains the primary occupation, employing half of the total labour force, the industrial sector is becoming increasingly important. Among the key productive sectors, the garment industry stands out for its significant contribution to foreign exchange earnings, with a notably high share in the nation's foreign exchange revenue. Bangladesh has actively pursued industrial reforms in today's globalised world, aspiring to reach a middle-income position.

The swift expansion of these industries has contributed to the country's socioeconomic transformation, generated numerous job opportunities, reduced poverty, and improved quality of life (Reza et al., 2017). The United States Green Building Council awards certification to the highest-

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standard factories by thoroughly analysing environmental protection measures at every stage, from building construction to product manufacturing. Of the top 100 highest-rated LEED-certified industries, 60 are located in Bangladesh (Dhaka Tribune, 2024). Following the Rana Plaza tragedy, Bangladesh's shift towards green factory buildings has helped restore its image. The building collapse in Savar in 2013 resulted in the deaths of 1,134 people and injuries to over 2,000, exposing the internal vulnerabilities of Bangladesh's garment industry (Basirulla & Rahman, 2024). It was then that the necessity for green factories became evident to both industry leaders and policymakers in this sector.

Since 2011, Bangladesh has been receiving certifications for the green garment industry. However, the push for environmentally friendly factories became crucial after the Rana Plaza collapse. Entrepreneurs began emphasising the importance of creating environmentally sustainable factories. While only two to three garment factories were green-certified until 2013, this number grew to between 11 and 30 certifications annually in the following years. By mid-April of this year, nine factories had already achieved green certification. Business leaders in this sector state that as Bangladesh's eco-friendly factories earn certification, the country's rank in the global apparel market is also becoming more sustainable. Every employee values a safe work environment, which offers several benefits, such as increased well-being, higher productivity, and greater job satisfaction. Workplace safety is a top priority in industries worldwide, as it enhances worker efficiency. Bangladesh's garment sector has faced significant challenges following major incidents like the Rana Plaza disaster and the Tazreen Fashions fire. However, 93% of safety improvements have now been completed in apparel plants linked with the Alliance, a collaborative initiative to ensure factory well-being in the country's apparel manufacturing (Ovi, 2019). According to a BGMEA director, green manufacturing provides a safe operational environment. Green factory owners must adhere to specific regulations and guidelines for building their facilities (Ahmed, 2019). There is no doubt about the importance of green factories in the RMG sector; without them, no factory can function effectively.

Methodology: The research aimed to examine the challenges and future potential of green garment factories in Bangladesh by analysing existing data and literature. This descriptive and analytical study focused on reviewing and synthesising secondary data. Data were gathered from a range of highly relevant and reputable published sources, including academic journals, reports from Bangladesh's Ministry of Industry, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), as well as international organisations such as the UN, the World Bank, and the ILO. These sources provided crucial insights into sustainability initiatives and regulatory frameworks. Additional sources included books

on garment industry dynamics, sustainable production methods, environmental impact assessments, along with reputable websites and media outlets for up-to-date information on the progress and challenges of green factories. Research articles and case studies offered further depth.

Priority was given to recent data from the last 10 to 15 years to reflect current conditions, alongside historical data spanning the past 20 to 30 years to identify growth patterns and key turning points. The study also adopted a global perspective, comparing data on Bangladesh's green factories with those in other garment-producing countries. This comparative approach aimed to provide a broader context for the challenges and opportunities faced by green factories. Additionally, the analysis examined the frequency and significance of key terms and concepts, such as "LEED-certified factories," "renewable energy," "waste management," and "worker safety."

LEED and Green Garments: The concept of a "green industry" derives from the idea of a "green economy," which advocates for sustainable pathways supported by organisations such as the World Bank and the United Nations Environment Programme (UNEP) (Barbier, 2012, PP). Guidelines, strategies, and initiatives are established to foster a green industry that prioritises sustainable production practices. According to the United Nations Industrial Development Organisation (UNIDO), eco-friendly production signifies a pathway of sustainable development by creating sustainable shared financing and implementing procedures that promote environmentally responsible private investment (UNIDO, 2011). Ecological manufacturing is defined by environmentally conscious practices across all sectors, presenting lower environmental risks than traditional industries. In contrast to conventional industries, a green industry does not prioritise production at the expense of environmental health and worker welfare (Hall & Dickson, 2011). An eco-friendly business seeks to create systems that integrate ecological, social, and economic considerations. Broadly, a green industry uses inputs sustainably, requiring less water, energy, and materials; it recycles solid waste, minimises harmful gas emissions, and operates without hazardous toxins. This sector aims for growth while limiting environmental impacts, adhering to eco-friendly standards that might not directly result in immediate advancements but are vital for the global environment. It is essential to note that eco-friendly manufacturing can lead to cost savings, address environmental changes, and encourage new business practices, thereby opening up numerous opportunities for increased profitability (Fineman & Clarke, 1996). UNIDO (2011) outlines two primary approaches for developing green industries: enhancing existing capabilities or starting anew. For example, greening an existing manufacturing operation pertains to an already functioning capability and emphasises long-term environmental performance, irrespective of the sector, size, or location of the industry. Additionally, developing green industries involves establishing new

facilities or sectors that prioritise zero environmental pollution. Companies should strive to incorporate advanced technologies, utilise renewable energy sources, and embed green principles from the earliest planning stages (UNIDO, 2011).

The U.S. Green Building Council (USGBC) has established a system to assess and estimate the sustainability of green building sites, which is widely recognised in the construction industry as the LEED (Leadership in Energy and Environmental Design) eco-friendly building ranking method. This evaluation process assigns a grade to the building, project, and operation of green structures. Overall, the rating system is based on standards, is market-driven, and participation is voluntary. Achieving LEED certification involves four primary stages: registration, verification, inspection, and final certification. Currently, Bangladesh has 89 LEED-certified garment factories rated at platinum and 123 at gold level, with 60 ranking among the top 100 worldwide (Dhaka Tribune, 2024).

Constraints of Green Garment Factories in Bangladesh:

Deficiency of Education and Training: Education and training are vital for

Table 1. USGBC Rating System for Green Certification Level

Certification Level Required Points	Certification Level Required Points
LEED Certified	40-49 points
LEED Silver	50-59 points
LEED Gold	60-79 points
LEED Platinum	80 points and above

Source: The U.S. Green Building Council (USGBC), 2017

Table 2. Top 10 LEED Certified Industries of Bangladesh

Serial No.	Name of Garments	Points	Certification Date
01.	S. M. Sourcing	106	12/12/2023
02.	Green Textile Limited Unit 4	104	02/21/2023
03.	Integra Dresses Limited	99	11/22/2023
04.	Remi Holdings Ltd	97	07/15/2016
05.	Lida Textile & Dyeing Limited	97	08/07/2023
06.	Fatullah Apparels	97	09/07/2022
07.	Liz Fashion Industry Limited	96	08/07/2023
08.	Plummy Fashion Ltd	92	09/22/2015
09.	Silken Sewing Ltd. - Building 1	92	10/11/2022
10.	Habitus Fashion Ltd.	91	07/05/2022

Source: U.S. Green Building Council

advancing the garment industry, increasing productivity, and promoting sustainable practices. Training programmes aimed at enhancing technical skills, management practices, and understanding of sustainable processes enable workers to contribute to higher production quality and improved working conditions. A well-trained workforce decreases employee turnover and bolsters economic sustainability, as skilled employees tend to be more productive and less inclined to frequently change jobs, which reduces recruitment and training costs for companies. Education and training are essential for achieving the objectives of a green garment factory. A key challenge in implementing such factories is the necessity for adequate education and effective training in sustainable manufacturing practices. The existing training capacity falls significantly short of the demands for the large workforce (Tao, 2016). Education equips individuals with the knowledge and skills needed to make informed decisions, pursue career opportunities, and attain personal goals. It encourages critical thinking, problem-solving, and adaptability, which are essential for success in contemporary, dynamic workplaces (ILO, 2024). Maintaining a green garment factory is intricate, requiring a strong commitment to modernisation, preservation, operations, and continual updates (Tao, 2016). There is also a lack of compliant and qualified professionals with ecological awareness who can offer the necessary support and guidance (Tao, 2016). Technology itself represents a form of understanding, and a company's innovative capacity increases when evidence and responsiveness are effectively exchanged within the organisation. Barriers to fundamental transformation within a company can complicate the process, particularly when it involves changes to core elements such as market approach, capability, objectives, operational policy, and core expertise (Srivastav & Gaur, 2015). Organisations with highly skilled workforces are better positioned to develop effective green garment supply chain management. Skilled employees introduce innovative designs, diverse strategies, rapid learning capabilities, and a comprehensive understanding of new knowledge to tackle challenges efficiently. Nonetheless, hiring and retaining highly qualified employees often necessitates offering competitive salaries, which poses a challenge for organisations (Srivastav & Gaur, 2015). Without appropriate education and training, no factory can fully optimise its production.

Inadequate Public Awareness of Green Garment Practices: Overall, the public has a limited understanding of green apparel factories and the origins of green goods. As individuals become more aware of environmental issues, they can better appreciate the long-term financial benefits. However, the lack of first-hand investigation into the costs and savings associated with green industries complicates the evaluation of the economic viability of such initiatives (Darko et al., 2013). Although numerous conferences and discussions about eco-friendly and green

products exist, community involvement often remains low due to inadequate awareness programmes. Furthermore, garment workers typically lack knowledge of green initiatives, and there are no additional incentives for those who contribute to sustainability efforts (Kulatunga et al., 2013). Design teams may sometimes lack motivation to incorporate green features, mainly due to insufficient ecological design (Darko et al., 2013). Administrative support is vital for the growth and approval of any modernisation within a business, particularly concerning environmental management systems. Funding from top management can enhance the implementation of new initiatives (Kaizer, 2020). Upper management can promote these innovations by creating bonus systems and rewards to inspire employees while supporting employee empowerment, facilitating social change, ensuring worker engagement, providing training, and encouraging teamwork and communication across all levels (Tao, 2016). Despite Bangladesh's position as the second-largest exporter of ready-made garments (RMG) after China, the efficiency of Bangladeshi garment workers falls short of international standards, operating at only one-fourth the efficiency of their Chinese counterparts (Clark & Kanter, 2011). The need for negotiation skills and talent poses significant challenges for garment entrepreneurs. Additionally, buyers are often hesitant to pay a premium for products manufactured in green factories compared to those made in traditional factories (Bhattacherja et al., 2019). There is also a shortage of qualified technical experts capable of establishing green factories, and finding employees skilled in green manufacturing practices remains a challenge (Darko et al., 2013).

Technological Limitations: Rapid technological changes can hinder the adoption of green practices. Limitations in information, communication, and technology, such as outdated equipment or tools at service providers, can prevent the operational implementation of green supply chain management (Tao, 2016). Several groups are reluctant to embrace new machinery due to their preference for traditional models (Tao, 2016). Dr Fahmida Khatun, Executive Director of the Centre for Policy Dialogue, noted that the introduction of new technologies might lead to a decrease in employment opportunities (Financial Express, 2018). Pioneering viable practices includes energy conservation, proper disposal of hazardous waste, recycling materials, and reclaiming resources. These sustainable business processes encourage innovative designs, create new market opportunities, and improve production quality. However, companies often face intense market competition and cost pressures, causing them to focus on minimising expenses (Srivastav & Gaur, 2015). Achieving exceptional performance is always challenging, and scoring points for standard innovative projects can be difficult (Barshilia, 2014). Additionally, the bazaar for alternative assets and technologies requires further development and modernisation. There is a lack of awareness and key

factors to influence consumers in making sustainable choices (Darko et al., 2013).

Limitations of Suppliers as a Driving Force for Change: Supplier concentration and requirements can significantly aid in the improvement of environment-friendly initiatives, but they typically do not serve as the main driving force. Collaboration in supply chain management can enhance effective handling of conservation issues. However, merchants often resist changes in green apparel production due to outdated mindsets and varying interests (Srivastav & Gaur, 2015). Conversely, many suppliers are offering eco-friendly technological solutions. Unfortunately, these new technologies often fail to reach consumers due to a lack of awareness and insufficient promotional efforts for their products (Kulatunga et al., 2013). A strong commitment from suppliers is essential for the success of green garment factories. Weak supplier commitment poses significant external barriers to establishing green initiatives. It becomes exceedingly difficult for a business to achieve a green supply chain if providers are unwilling to adopt environmentally friendly practices (Tao, 2016).

Financial Challenges and Misconceptions in Green Financing: Green funding is a relatively new approach within Bangladesh's apparel manufacturing sector. Bangladesh Bank currently offers a green fund, allocating $500 million at minimal interest rates for clothing factories. This fund aims to encourage businesspeople to implement eco-friendly equipment sustainably (World Bank, 2015). However, this funding is insufficient for the approximately 5,000 garment factories in the country. Government monetary incentives could bolster green factories, but if administrative regulations render ecological initiatives less profitable or fail to recognise their potential, they may present obstacles (Kulatunga et al., 2013). A common misconception is that the growth of green structures is excessively lavish, and green manufacturing is often viewed as a luxury market. Many businesses hesitate to invest in green buildings, perceiving them as non-essential. Companies tend to prioritise attracting new customers and are reluctant to invest in green manufacturing because they often do not meet their financial targets (Darko et al., 2013). The general public is more concerned about clothing prices than the ecological manufacturing process. Clients are generally unaware of the long-term investments associated with eco-friendly commercial practices. Traditionally, price has been regarded as the primary measure of performance. High prices pose a considerable challenge for green factories compared to conventional garment factories. The initial capital investment needed for expanding the green industry—including green marketing, development, eco-friendly packaging, and labelling—is substantially high (Barshilia, 2014). Eco-friendly operations entail two types of expenditures: direct costs and transaction fees. These expenses are perceived as significant barriers to establishing a green industry. Embracing modern

technology, integrating IT, hiring highly skilled workforces, and training workers to support sustainable clothing manufacturing requires considerable upfront investment (Srivastav & Gaur, 2015; Tao, 2016).

Lack of Strategic Alignment and Operational Challenges: There is a lack of clear understanding regarding green garment manufacturing due to the absence of a comprehensive business plan. This can lead to factories being labelled as green even if they do not meet high standards, ultimately failing to deliver the expected benefits (Kulatunga et al., 2013). Achieving success in this area requires a significant transformation, including a planned approach and well-structured efforts to address critical challenges (Bhattacharya et al., 2011). In the past seven months, 59 ready-made garment factories have shut down, resulting in the loss of 25,900 jobs. According to Dr. Rubana Huq, most of these businesses were small to medium-sized enterprises that struggled to comply with regulations and were unable to pay workers according to the latest pay arrangements (Mirdha, 2019). Green production is often not integrated with other key supply chain management concerns, such as cost reduction or economic objectives, and technical knowledge gaps are perceived as barriers (Tao, 2016). Many organisations that adopt green practices treat them as separate from their core business strategy, leading to incomplete execution and an inability to fully realise the benefits (Bhattacharya et al., 2011).

Nonexistence of Organisational Commitment and Managerial Knowledge: Green practices, such as recycling, reusing materials, conserving energy, and properly disposing of hazardous waste, are essential for sustainability. These pioneering green industry procedures create various market opportunities, drive innovative plans, and enhance quality. However, garment factories face intense market competition, compelling businesses to cut costs during implementation (Srivastav & Gaur, 2015). Price competition presents a significant barrier to the adoption of green manufacturing in the ready-made garment (RMG) industry (Tao, 2016). Insufficient interest from companies is also a key challenge, often due to a lack of managerial understanding, structural support, and commitment (Mazumder, 2013; Tao, 2016). According to M&S Bangladesh country director Ms Bhowmick, manufacturing must prioritise retraining employees and reducing lead times to enhance productivity (Financial Express, 2018). To achieve the goal of a green garment factory, organisations should promote green knowledge among workers. Education and training are vital for reaching this target. Companies can motivate employees by offering rewards or incentives for green practices and by providing guidance and support when environmental challenges arise (Srivastav & Gaur, 2015). Building a green business relies heavily on capable workforces and substantial financial investment. Small companies may lack the necessary funds to implement green practices (Darko et al., 2013). Furthermore, many factories suffer from inadequate technological

systems, weak corporate structures, and a lack of environmental expertise among managers, all of which are essential for sustainable growth (Tao, 2016).

Policy: Government laws and regulations play a crucial role in driving green management initiatives within organisations. State-imposed regulations create a climate of fear regarding charges and fines for non-compliance, which often promotes the adoption of green supply chain practices in the industrial sector. However, as outlined in administrative policies, the lack of skilled conservation services and long-term agreements for green supply chain management has hindered companies from advancing in green garment production (Srivastav & Gaur, 2015). Despite considerable pressure from investors, many organisations still resist adopting sustainable business practices (Tao, 2016). The ineffective enforcement of laws and regulations has worsened sustainability challenges. The Bangladeshi government has updated its environmental policies, laws, and regulations, and civil society organisations, alongside NGOs, have become vital partners in managing natural resources responsibly. In many instances, the courts have issued favourable eco-friendly rulings, but sometimes, these court orders have not been fully enforced (Khan, 2015).

Lack of Buyer Awareness: Many purchasers are not fully aware of Green Supply Chain Management (GSCM) products and services. One of the main challenges for small industries in implementing green supply chain practices is this lack of buyer awareness regarding the benefits of environmentally friendly products. Customer demand is a key external factor; if a customer desires green products and services, the business must undergo a transformation in both its organisation and technology to provide green offerings (Srivastav & Gaur, 2015). Traditional, less eco-friendly resources, manufacturing methods, and production in countries with low-cost labor are generally more profitable than environmentally friendly alternatives (Tao, 2016). Global factors, such as language barriers and social differences, can impede communication, leading to misunderstandings and incorrect assumptions about guidelines (Tao, 2016). There is a shortage of green designers, professionals, engineers, and contractors in remote areas. Most professionals, including green engineers and architects, prefer to work in major cities where there are more opportunities for career advancement and better living conditions for their families (Srivastav & Gaur, 2015). Currently, market volatility is very high due to global competition and shifting consumer demands. The external business environment significantly affects a company's ability to innovate and willingness to adopt new technologies. Market instability and intense competition pose considerable challenges for small industries attempting to implement green supply chain management (Srivastav & Gaur, 2015).

Opportunities of Green Garment Industries in Bangladesh: The prospects for green garment factories in Bangladesh are promising, as the country leads in sustainable textile production and aims to reduce its environmental impact. Bangladesh has established over 200 LEED-certified green factories, making it a global leader in eco-friendly garment production, second only to the United States. This shift is driven by growing global demand for sustainable products, as well as international pressure to reduce carbon emissions across the fashion industry. Bangladesh is prioritising green initiatives, particularly for their marketing benefits in the global market. The Government of Bangladesh (GOB) has prioritised green development to mitigate the adverse effects of climate change and promote pollution-free growth in the country. In May 2010, the GOB recognised the Bangladesh Climate Change Resilience Fund (BCCRF) through a Memorandum of Understanding (MoU) with the World Bank and other development partners. Moreover, the GOB established the Bangladesh Climate Change Trust Fund (BCCTF), funded by the state budget and legally sanctioned by Parliament in 2010 (Hossain, 2019). Adopting green building practices allows companies to lower resource consumption, particularly electricity and water, which are significant expenses in manufacturing. However, establishing green factories remains costly in Bangladesh, primarily due to the reliance on imported raw materials.

Despite the initial investment, green initiatives provide long-term savings through reduced utility costs. In manufacturing, energy and water expenses are major concerns. The green building approach addresses these issues by offering ongoing annual savings instead of short-term fixes that might not be sustainable. Energy-efficient lighting and adjusted lighting levels based on production schedules can significantly lower electricity costs. Regular equipment monitoring is also essential; for instance, a fuel supply pipe leak causes energy waste and increased costs. Utilising energy-efficient technology, as well as solar and wind power, can also help reduce monthly service expenses. Embracing green and sustainable policies enhances a company's reputation and demand, as environmentally conscious consumers are more likely to support eco-friendly businesses. If effectively promoted, these practices can attract new customers and increase sales. Companies adopting green manufacturing practices are often prioritised for government contracts, and in Bangladesh, such manufacturers may also benefit from tax credits and rebates that incentivise sustainable practices (Kaizer, 2020).

Sustainability is a collective effort. When company owners and employees collaborate to implement green practices, it fosters a culture of teamwork and continuous growth. Employees feel more motivated, take pride in their workplaces, and view the company's success as a reflection of their own well-being. A well-executed green initiative can create a meaningful

impact that extends beyond the company's immediate benefits, contributing to a healthier environment for future generations. The Bangladesh RMG (Readymade Garments) industry relies on three primary energy sources: diesel, grid electricity, and natural gas. Most industries operate continuously and depend on a stable energy supply, with natural gas being the primary energy source. Green factories in this sector have adopted practices such as reusing gas from generators to power heavy machinery, thus reducing annual energy consumption. Additionally, heating devices connected to the factory boiler capture and reuse chimney gases to preheat feed water, lowering energy demands and improving boiler efficiency (Kaizer, 2020). Green factories also incorporate LED lighting, natural daylight, servo motors, and eco-friendly machinery, contributing to optimised energy usage (Bhattacherja et al., 2019). The CEO of Infrastructure Development Company Limited notes that energy-saving measures in garment factories enhance output and provide a competitive advantage (Financial Express, 2019).

The financial incentives of green factories include long-term operational savings resulting from energy efficiency and reduced water usage, which help to offset the higher initial investment. Numerous factories, such as Snowtex and TEAM Group, have reported significant reductions in energy and water costs, thereby enhancing both profitability and environmental stewardship. Additionally, government and corporations are considering power purchase agreements (PPAs) to promote renewable energy adoption within the sector (Hassan, 2023 & Rodriguez, 2023). International collaborations, like those between the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) and brands such as H&M, aim to enhance Bangladesh's transition by offering fair pricing and capacity-building initiatives. The goal is to ensure the sustainability of the ready-made garment (RMG) industry, which is essential for millions of Bangladeshi workers and aligns with global goals to curb climate impact (Alam, 2023). Through these green initiatives, Bangladesh's garment industry not only enhances its global reputation but also strengthens its position in international markets, where environmental credentials are increasingly valued.

Conclusion

Bangladesh currently has 229 green factories (The Financial Express, 2024). The green fashion industry has significantly improved after the tragic manufacturing disasters, including the fire at Tazreen Fashions in November 2012 and the Rana Plaza disaster in April 2013. Bangladesh's commitment to green manufacturing has enhanced the nation's image on the international stage. It is now recognised not only for being a low-cost producer but also for its ecological practices. Bangladesh's emergence as a global champion in the green industry demonstrates the country's

modernisation and dedication to sustainable growth. BGMEA has joined the UN Fashion Industry Charter (UNFCCC) intending to reduce greenhouse gas emissions by 30% by 2030. To protect the environment, the green garment industry is not just an option but a necessity. Green production is now a prerequisite for sustainable development and ensuring the world is safe from greenhouse gas emissions. Key stakeholders, including government organisations, manufacturing families, producers, and consumers, must collaborate to promote and implement sustainable practices in the garment industry in Bangladesh.

References:

Ahmed, M. A. (2019). A story less told: Bangladesh's success in green RMG production. *The Daily Star*. Retrieved from https://www.thedailystar.net/opinion/news/story-less-told-bangladeshs-success-green-rmg-production-1804195

Alam, S. (2023). Moving towards a green garment sector in Bangladesh. *Institute for Energy Economics and Financial Analysis*. Retrieved from https://ieefa.org/resources/moving-towards-green-garment-sector-bangladesh

Bangladesh Garment Manufacturers and Exporters Association, https://www.bgmea.com.bd

Bank, W. (2020). The World Bank in Bangladesh.

Barbier, E. B. (2012). The green economy post Rio+ 20. Science, 338(6109), 887–888.

Barshilia, K. (2014). Innovation in design: A study of green buildings. *International Journal of Scientific and Research Publications*, 4(5), 2250–3153.

Basirulla, M., & Rahman, M. M. Origin and deadly incidents in ready-made garment sector of Bangladesh: An investigation. *SAARC Journal of Social Science*, 2(1).

Bhattacharya, A., Jain, R., & Choudhary, A. (2011). Green manufacturing: Energy, products, and processes. *The Green Manufacturing Report by The Boston Consultancy Group for Confederation of Indian Industry*.

Bhattacherja, P., Islam, M. S., & Xeenia, F. (2019). Green industry development in Bangladesh - challenges and prospects. *Tech Monitor*, pp. 20–24.

Clark, C., & Kanter, S. (2011). Violence in the readymade garments (RMG) industry in Bangladesh. *International Journal of Business and Management*, 7(3), 1833–8119.

Darko, E., Nagrath, K., & Niaizi, Z. (2013). Green building: Case study. *Shaping Policy for Development*. Retrieved from odi.org

Dhaka Tribune. (2024). Bangladesh hosts 60 out of top 100 LEED certified factories across the globe. *Dhaka Tribune*. Retrieved from https://www.dhakatribune.com/bangladesh/354988/bangladesh-hosts-60-out-of-top-100-leed-certified

Financial Express. (2018). Green financing key to green RMG. *The Financial Express*. Retrieved from https://thefinancialexpress.com.bd/public/index.php/trade/greenfinancing-key-to-green-rmg-1536569369.ece

Financial Express. (2019). IDCOL plans to mobilize $250m to make RMG sector energy efficient. *The Financial Express*. Retrieved from https://thefinancialexpress.com.bd/trade/idcol-plans-to-mobilise-250m-to-make-rmg-sector-energy-efficient-1571891946.ece

Fineman, S., & Clarke, K. (1996). Green stakeholders: Industry interpretations and response. *Journal of Management Studies,* 33(6), 715–730.

Hall, C. R., & Dickson, M. W. (2011). Economic, environmental, and health/well-being benefits associated with green industry products and services: A review. *Journal of Environmental Horticulture*, 29(2), 96–103.

Hassan, F. (2023). Greening garment industry in Bangladesh. *Financial Express*. Retrieved from https://thefinancialexpress.com.bd/views/views/greening-garment-industry-in-bangladesh

Hossain, M. (2019). Green finance in Bangladesh: Barriers and solutions. *Handbook of Green Finance, Sustainable Development*, pp. 1–26.

International Labor Organization. (2024). Education sector. Retrieved from https://www.ilo.org/industries-and-sectors/education-sector

Kaizer, T. H. M. (2020). Green garment factories in Bangladesh: Motivation and challenges (Master's thesis). University of Jyväskylä.

Khan, N. Q. (2015). Desh Garments – A pioneer's gift to his country. *The Daily Star*. Retrieved from https://www.thedailystar.net/supplements/24th-anniversary-the-daily-starpart-3/desh-garments-%E2%80%93-pioneer%E2%80%99s-gift-his-country71128

Kulatunga, A. K., Jayatilaka, P. R., & Jayawickrama, M. (2013). Drivers and barriers to implement sustainable manufacturing concepts in Sri Lankan manufacturing sector. https://doi.org/10.14279/depositonce-3753

Mazumder, S., Rahman, C. M. A., & Shah, M. G. H. (2013). A study on implementation of green supply chain management in RMG sector of Bangladesh. *International Journal of Scientific & Engineering Research*, 4(6), 2679–2685.

Mirdha, R. U. (2019). Tough times for the apparel industry: BGMEA president. *The Daily Star*. Retrieved from https://www.thedailystar.net/business/news/tough-times-the-apparel-industry-bgmea-president-

1819324

Ovi, I. (2019). Workplace safety in RMG factories: Is it sustainable. *Dhaka Tribune.*

Reza, A. K., Islam, M. S., & Shimu, A. A. (2017). Green industry in Bangladesh: An overview. *Environmental Management and Sustainable Development*, 6(2), 124.

Rodriguez, E. (2023). Bangladesh leads global shift to green apparel manufacturing. *GreenCitizen*. Retrieved from https://greencitizen.com/news/bangladesh-leads-global-shift-to-green-apparel-manufacturing/

Srivastav, P., & Gaur, M. K. (2015). Barriers to implement green supply chain management in small-scale industry using interpretive structural modeling technique - A north Indian perspective. *European Journal of Advances in Engineering and Technology*, 2(2), 6–13.

Tao, K. S. (2016). Green supply chain management enablers and barriers in textile supply chain. Borås: The Swedish School of Textiles.

The Financial Express. (2024). BD has now 229 green factories. Retrieved from https://today.thefinancialexpress.com.bd/trade-market/bd-now-has-229-green-factories-1727026642

U.S. Green Building Council. Retrieved from https://www.usgbc.org/

UNIDO. (2011). UNIDO green industry initiative for sustainable industrial development. Retrieved from https://www.unido.org/our-focus/cross-cutting-services/green-industry/green-industry-initiative

Review Article

An Intertextual Reading of Nisha Narayanan's "The West End Mere"

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Abstract: This intertextual reading examines Nisha Narayanan's poem "The West End Mere," originally written in Malayalam and translated into English [Appendix 1], as a compelling assertion of female agency and resistance within a distinctly Kerala context. The poem portrays the Mere Maid, whose idyllic communion with nature is disrupted by the intrusion of 'Darkness', a symbolic representation of predatory masculinity. The Mere Maid's fierce defence and subsequent act of purification/reclamation underscore her refusal to occupy the victim role, resonating with feminist re-imaginings of mythology and folklore. The poem's visceral imagery, particularly the onomatopoeic 'Kdum'[2] - the sharp, cracking sound of teeth penetrating the bone - evokes the raw power of the Hindu goddess Kali, connecting the Mere Maid to a legacy of formidable female figures. Her final tranquil slumber signifies not a return to innocence but a hard-won peace achieved through decisive action. This analysis draws parallels with the works of Angela Carter, Carol Ann Duffy, Margaret Atwood, and Mahasweta Devi, exploring shared themes of female empowerment, resistance to patriarchal violence, and the reclamation of female narratives. While acknowledging these intertextual connections, this study highlights Narayanan's unique contribution to feminist discourse, emphasising the poem's cultural specificity and nuanced exploration of female subjectivity in Malayalam literature and beyond, engaging the audience in a deeper understanding of the text.

Keywords: Intertextuality; Female Agency; Feminist Literature; Ecofeminism; Kerala; India; Postcolonial Feminist Philosophy.

Nisha Narayanan, a versatile Malayalam poet and translator, has four published books to her credit. Her poetry collections showcase her diverse literary talent. She has also translated Khalil Gibran's 'The Prophet' and, along with Ra Sh, translated Ritavarma's 'The Mirror, Our Graves'. Her work regularly appears in major Malayalam literary magazines, a testament to her wide-ranging appeal. Her literary contributions have been recognised with multiple awards, such as the Thirunallur Karunakaran

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Poetry Award, the Rajalakshmi Poetry Award, and the Keralashree Poetry Award. The poem "Padinjatte Kulam" was published in "Mathrubhumi Weekly", April 7-13, 2024, an illustrated weekly in Malayalam, and translated into English as "The West End Mere", by Venunadhan B. Pillai on April 11, 2024.

Nisha Narayanan compellingly portrays female empowerment in 'The West End Mere'. This poem intricately reimagines female power within a distinctly Kerala context, resonating with themes prevalent in feminist writings, including those of Angela Carter, a celebrated English author known for her feminist reimagining of fairy tales and folklore. Carter's iconic works, such as 'The Bloody Chamber' (1979) and 'The Company of Wolves' (1984), along with her recognition as one of the 50 Greatest British Writers since 1945 by 'The Times' in 2008, established her as a key figure in contemporary feminist literature. Furthermore, Narayanan's poem invites comparison with the works of Carol Ann Duffy, the first woman, the first Scot, and the first openly LGBT person to be appointed Britain's Poet Laureate, a position she held from 2009 to 2019. Duffy's 'The World's Wife' (1999) offers a subversive retelling of mythology and history from a female perspective, challenging traditional narratives. Similarly, Margaret Atwood, a prolific Canadian author known for her dystopian novel 'The Handmaid's Tale' (1985) and her engagement with feminist and social justice issues, provides another point of comparison, particularly with her rewriting of The Odyssey from Penelope's perspective in 'The Penelopiad' (2005). The poem also connects with the themes explored by Mahasweta Devi, an Indian writer and activist whose work powerfully depicts the struggles and resilience of marginalised communities, especially women, in India. Devi, a recipient of the Jnanpith Award and the Ramon Magsaysay Award, is celebrated for her unflinching portrayal of social injustice and commitment to amplifying subaltern voices. While Narayanan's work stands on its own merit, drawing these parallels illuminates its originality, mythical elements, and cultural context within Malayalam literature and broader feminist discourse worldwide. Narayanan's poem shares thematic and stylistic similarities with the works of those authors, particularly in its exploration of female agency and its engagement with social justice issues.

While it is important to note that Nisha Narayanan's poem is not an imitation of the works of the writers or the myths mentioned in this study, the connections with Carter's feminist reimagining of fairy tales, for example, provide a valuable comparative lens, particularly her subversion of traditional narratives as illustrated in the statement in 'Bloody Chamber', "She knew she was nobody's meat" (Carter, 1984, p. 144). However, a broader intertextual analysis, incorporating mythological and literary parallels, highlights the unique contributions of Narayanan's poem to feminist discourse. This distinct perspective enriches our understanding of female empowerment and cultural context, inviting us to appreciate the

diversity and depth of feminist literature.

The Mere Maid: Sensuality, Vulnerability, and Agency

The poem opens with cinematic vividness, evoking the visual artistry of renowned cinematographers. The Mere Maid's interaction with the water and her "hair like silk" creates imagery ripe for slow motion and evocative lighting, capturing both ethereal beauty and an underlying tension reminiscent of Storaro's[3] filmography. This initial serenity, however, conceals a darker undercurrent and resembles the deceptive calm found in Carter's gothic landscapes, particularly in "The Bloody Chamber." This juxtaposition of tranquillity and impending threat—a recurring motif in the works of Carter, Duffy, and Atwood—sets the stage for the poem's exploration of female power within nature. Similar to Atwood's poetic expression of immersion in nature: "I would like to be the air that inhabits you for a moment only. / I would like to be that unnoticed and that necessary." (Variation on the Word Sleep, Atwood, 1972, ll.27-30), Narayanan positions the Mere Maid within a dynamic interplay of vulnerability and agency. The mere, unlike the confining spaces found in Carter's gothic settings, becomes both a potential danger and a source of the Mere Maid's strength, ultimately reinforcing her control over her own narrative and echoing Duffy's and Atwood's focus on female agency.

Though the sensuality of the Mere Maid is conveyed through evocative descriptions of her physicality, it is not presented as objectification - Narayanan expertly avoids the pitfalls of objectification by foregrounding her agency. The Mere Maid's active engagement with her body—"moving her hair aside" and "buffing her feet"—asserts her autonomy. This agency, a key theme in feminist literature, resonates with Carter's exploration of female sexuality as a source of empowerment, particularly in "The Tiger's Bride," where the protagonist's deliberate embrace of her animalistic nature becomes an act of self-reclamation. Moreover, rather than symbolising vulnerability, the Mere Maid's adorned loincloth suggests comfort and confidence in her own skin, mirroring the self-possessed female figures in Indian art and sculpture. A prime example is the sculpture of yakshinis and apsaras on temple walls and other ancient sites. Yakshinis, often associated with fertility and nature, are frequently depicted wearing elaborate loincloths that accentuate their curves and physicality. These depictions are not intended to be voyeuristic or objectifying; instead, they celebrate the female form as a symbol of abundance and life-giving power. Similarly, apsaras, celestial nymphs, are depicted in various dance poses and attire, including adorned loincloths. Their sensual portrayal emphasises their grace, beauty, and artistic expression rather than reducing them to objects of male desire. While often misinterpreted through a modern Western lens, the apsaras sculptures at Khajuraho are a testament to the celebration of the female form and sensuality within a specific cultural and religious context.

The focus in these artistic representations, like in Narayanan's poem, is on the female figure's own embodiment and agency. They are not passive objects of the male gaze but active participants in their own narratives. Drawing on this rich artistic heritage, Narayanan imbues her portrayal of the Mere Maid with a deeper cultural significance and strengthens the poem's feminist message.

The act of "re-shielding her corsage near" introduces a layer of vulnerability while simultaneously underscoring the Mere Maid's awareness and agency. This can be compared to Carter's exploration of the precarious balance between desire and danger. This nuanced depiction complicates simplistic binaries of victimhood and aggression, thereby reflecting the complex realities of female experience within patriarchal structures. Such an approach aligns with postcolonial feminist thought, which challenges reductive representations of women in literature and advocates for recognition of the interplay among various social forces, including gender, class, and cultural background.

The intrusion of "Darkness," a figure of predatory masculinity, disrupts the tranquil scene. This figure evokes the menacing, often supernatural representations of masculinity, particularly the werewolf in 'The Company of Wolves'. This symbolic Darkness also aligns with the pervasive threat of male violence faced by women. However, Narayanan's "Darkness" carries connotations specific to the Indian and Kerala contexts, alluding to the widespread threats of male violence that women encounter in many societies alongside the mythical episode of Ravana and Rambha. Ravana assaulted Rambha despite her protests that he was a family relation, being her uncle-in-law. Her husband, Nalakubara, subsequently cursed Ravana, declaring that his head would shatter if he ever touched a woman against her will. Similarly, the encounter between Ravana and Vedavati can also be linked here. Captivated by Vedavati's beauty, Ravana proposed marriage, but the Vishnu-devoted woman refused. Enraged, Ravana assaulted her, prompting Vedavati to curse him with her rebirth as his downfall before immolating herself. This cultural specificity enriched in myths deepens the poem, situating it within a broader discourse on gender-based violence in the region.

The Confrontation: Echoes of Kali and Feminist Resistance

The Mere Maid's fierce response, culminating in the visceral onomatopoeic "Kdum" of her bite, signifies a potent moment of female resistance. While reminding us of the violent confrontations in Carter's narratives, this act also evokes imagery of Kali, the Hindu goddess of destruction. Often depicted with her fangs bared, Kali embodies raw, untamed feminine power, mirroring the Mere Maid's primal act of self-defence. The sonic quality of "Kdum" is significant in this context: a sharp, abrupt sound suggesting a sudden and decisive breaking of bones. It conjures the sound

of a bone snapping, emphasising the violence and finality of the Mere Maid's ferocious defensive attack. This abruptness marks a pivotal shift in power dynamics, signifying the moment when the Mere Maid seizes control and breaks free from the threat posed by Darkness. The sound not only indicates physical defeat but also symbolises the shattering of patriarchal oppression. Furthermore, the connection between "Kdum" and Kali's devastating power amplifies its significance. Just as Kali annihilates her foes with swift, decisive action, the Mere Maid employs her strength to vanquish the threat of Darkness. In this sense, "Kdum" becomes the sonic embodiment of this destructive force, a powerful proclamation marking the triumph of female strength and agency over male predation.

The Mere Maid's subsequent act of spitting out 'sapped virility' serves as a potent symbol of her rejection of male oppression. This act, akin to Penelope's weaving and unweaving in Homer's Odyssey, represents a subtle form of resistance against unwanted suitors. It forms a delicate thread in Atwood's reimagining of Penelope's narrative, echoing the Mere Maid's defiance: 'Now that I'm dead, I know everything' (The Penelopiad, Atwood, 2005, p. 3). The striking parallels with Penelope's resistance underscore the interconnectedness of the characters' struggles. This act not only aligns with the feminist project of reclaiming narratives, but also significantly challenges patriarchal interpretations of classical texts, as exemplified in Margaret Atwood's 'The Penelopiad.' Additionally, the action of tying her hair after 'ending the reign' of Darkness is reminiscent of Draupadi from the Mahabharata. Humiliated in court by the Kauravas, Draupadi swore a potent oath following Dushasana's brutal attempt to disrobe her. She vowed to leave her hair unbound until she could wash it with his blood. This unbound hair symbolised her unwavering quest for revenge and justice against those who wronged her, representing her defiance and determination. In the poem, the Mere Maid ties her hair after ending the "reign" of Darkness, drawing parallels with Draupadi from the Mahabharata.

Tranquillity and Resilience: Reclaiming the Narrative

The Mere Maid's tranquil slumber following the violent encounter is multivalent, suggesting not a return to innocence but a hard-won peace stemming from her decisive agency. This depiction reflects the representation of trauma and resilience in Indian feminist literature, particularly in Mahasweta Devi's work, where subaltern women, like Draupadi in "Breast Stories," endure and resist oppressive forces—similar to Draupadi, whose suffering becomes a symbol of defiance. "Her ravaged lips bleed as she begins laughing. Draupadi wipes her blood on her palm and speaks in a voice that is terrifying, sky-splitting, and as sharp as her ululation,…" (Devi, translated by Spivak, 1982, p. 402). Like Devi's characters, Narayanan's Mere Maid embodies a strength forged in

confrontation, discovering a quiet power in the aftermath of violent resistance. Furthermore, the Mere Maid's connection to the natural world aligns with ecofeminist principles, highlighting the interconnectedness of women and nature—both often subjected to exploitation by patriarchal systems. The Mere itself evolves into a symbol of vulnerability and resilience, reflecting the intricate relationship between women and the environment while reinforcing their shared struggles.

Conclusion

Positioning Nisha Narayanan's "The West End Mere" within this broader intertextual framework allows us to appreciate its nuanced exploration of female agency, resistance, and the reclamation of power. The poem transcends simplistic binaries of victimhood and aggression, presenting a complex and culturally rich portrayal of female strength within a specific Indian context, particularly in Kerala. Consequently, it enhances the ongoing dialogue in feminist literature and challenges traditional patriarchal narratives, asserting the vitality and originality of Narayanan's voice in contemporary poetry, which will be widely read and appreciated.

Endnotes

1.   "Kdum" is the sound of a bite, specifically the noise of teeth biting and breaking bone in the context of the poem: the sharp, cracking sound of teeth penetrating the bone.

2.   Vittorio Storaro is an Oscar-winning cinematographer ('Apocalypse Now', 'Reds', 'The Last Emperor') known for his evocative use of colour, light and shadow. His expressionistic visual storytelling is explored in his book 'Writing with Light' (2001,) notable for connecting his philosophical reflections on light with examples from his filmography.

References

Atwood, M. (1973). *Power Politics*. Harper & Row.

Atwood, M. (2006). *The Penelopiad*. Canongate Books.

Carter, A. (1979). *The Bloody Chamber*. Gollancz.

Devi, M. (1982). *Breast Stories*. (Draupadi) (G.C. Spivak, Trans.). Seagull Books.

Duffy, C. A. (1999). *The World's Wife*. Faber and Faber.

Appendix 1

The West End Mere

      by

Nisha Narayanan

The West End Mere's water, a delight,

In the stillness of the unusual night,

Bathes and frolics with mirth and might,

Her bathing, a rhythmic sound, so bright.

Hair like silk, a cascade so long,

She moves it aside with a graceful throng.

Loincloth clings wet, enhancing her charm,

Buffing her feet, an allure so warm.

With graceful care,

She re-shields her corsage near,

Guarding her bosom buds from bath's tremulous nuzzle.

Beneath the moon's azure bright,

On steps, did the Mere Maid sit

Rubbing her back, clean and bright,

"Someone is lurking at the back."

It's he, Darkness!

In shadows deep, Darkness seeped,

Her 'amour propre' he dared to peep,

The aroused mast found its lair

On her lush thighs rare.

In ravenous lust, his grabby hands sought release

Her bosoms bared, desire's unease,

One breast revealed a fiendish sight,

An eye of fierce fight.

No bosom's gentle touch, but jaws' wide gape,

Teeth sank deep, a savage, primal shape.

'Kdum'1 rang loud, Darkness' reign ended thus,

Blood from tongue flowed, a crimson rush.

The right leg kicked and flung the slain to the deep.

The Maid of the West End Mere

Kept bound her locks of hair,

While with left teeth, she did tear

And spit the sapped virility of the Darkness drear.

Loudly roared the Mere Maid,

Lips she swept with eager aid.

Fingers clawed to free her teeth

From the flesh held fast in teeth so tight.

The west end mere then,

In the lap of the moonlight pale,

Lazily drifted off to slumber,

tranquil and slow.

(Translated By Venunadhan B. Pillai)

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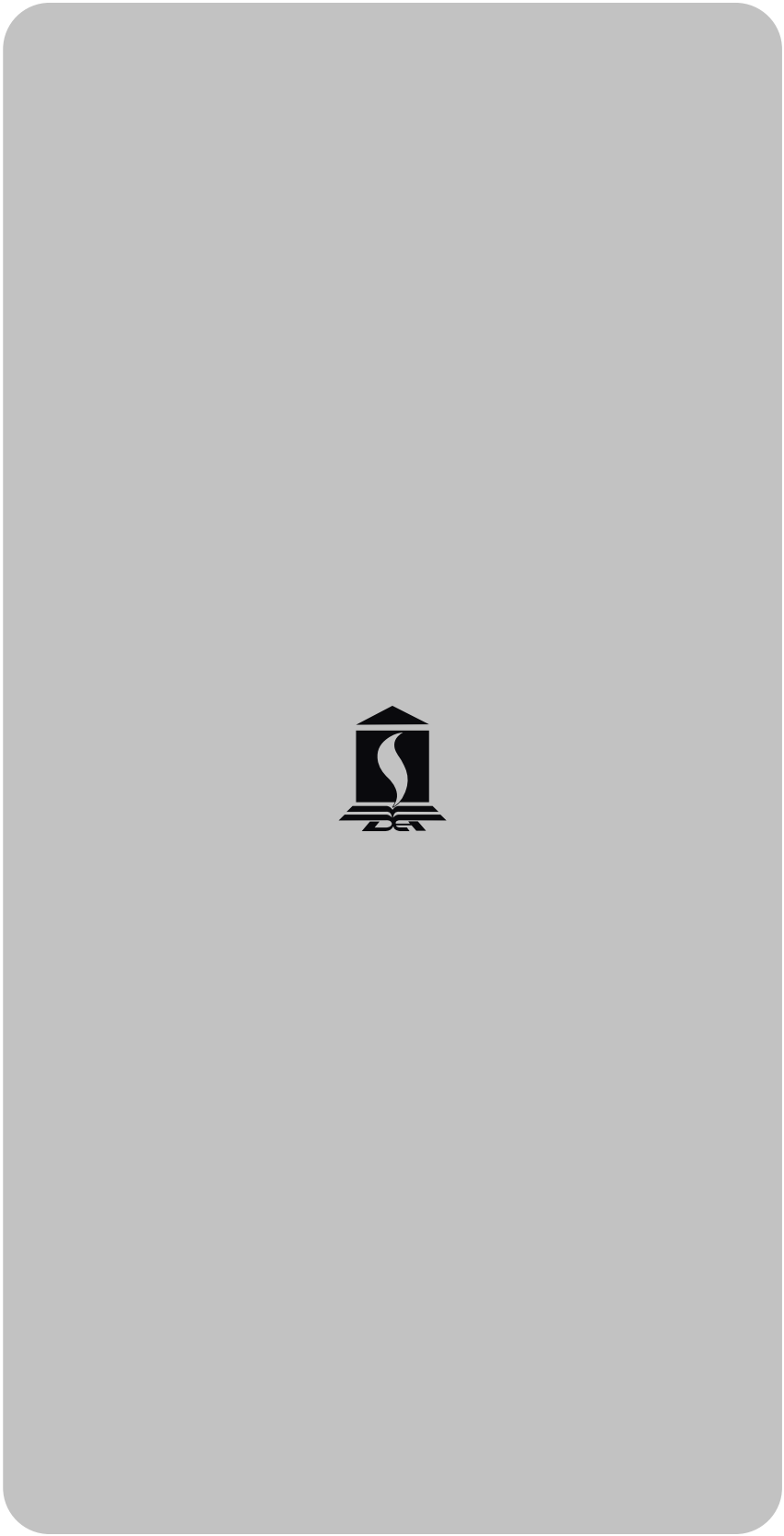
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