State Formation in Bangladesh: An Ongoing Project?

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**Abstract:** There are two dominant approaches to explain state formation, interchangeable with “state-building” and “state-making.” The first two models which underscore, “war” and “social contract” as agents of state making are drawn from European Experiences. However, the emergence of most of modern states in South Asia and Africa do not fit any one of these models, instead offer the third: result of decolonization. States in South Asia have been facing external and internal challenges in recent years. This paper re-examine the process of state-formation in Bangladesh in order to understand the current political instability and divergence from democracy. It analyses three main characteristics of the state: a) state institutions; b) monopoly of violence; c) a well-defined border and argues that Bangladesh’s political crisis is a result of the incomplete state formation process. The one of the main barriers to Democratic consolidation of democracy in Bangladesh has been its weak and now failed institutions. The absence of independently functioning state institutions resulted in the shift toward an autocratic government which is creating a culture of fear to appear as a strong state. Yet, its monopoly of violence is being constantly challenged by religious extremism as well as the Chittagong Hill Tracks conflicts on its Southeastern border. Finally, Bangladesh faces unresolved issues with India and Myanmar. Discussion of characteristics of the state in Bangladesh indicates the deficiency of the process of state formation that contributes to undemocratic quality of the country in recent years.

**Introduction**

Scholars and practitioners in international politics have taken great interest in the state of contemporary statehood. The role of states has been subject to controversial debates due to globalization and its broader implication. Particularly the statehood of the postcolonial states under the level of “fragile”, “weak”, “quasi”, or “failed” states in the context of globalization has been of growing interest in recent years. Yet, the question remains, how could one judge whether a state is weak or whether a state-building process has failed given that European experience of state formation drastically varies from the postcolonial states’ experiences? Along with most of the states that became independent after WWII, South Asian states, with the exception of Nepal, are results of decolonization. Even though these new states were celebrated with eagerness by their citizen, most of South Asian states have been facing external and internal challenges in recent decades. This paper re-examine the process of state-formation in Bangladesh in order to understand the current political instability and divergence from democracy. It analyzes three main characteristics of the state: a) state institutions; b) monopoly of violence; c) a well-defined border and argues that Bangladesh’s existing political crisis is a result of the incomplete state formation process. The one of the main barriers to Democratic consolidation of Democracy in Bangladesh has been its weak and now failed institutions. The absence of independently functioning state institutions resulted in the shift towards an autocratic government which is creating a culture of fear to appear as a strong state. Yet, its monopoly of violence is being constantly challenged by religious extremism as well as the Chittagong Hill Tracks conflicts on its Southeastern border. Finally, Bangladesh faces unresolved issues with India and Myanmar. Discussion of characteristics of the state in Bangladesh indicates the deficiency of the process of state formation contributes to undemocratic characteristics of the country in recent years.

**The State and State Formation**

In discussing state formation, a natural question to ask is, “What is a state?” and “How does a state come to be?” The State is central to political organization and development in domestic and international politics. A state is generally understood as a legitimate political authority’s monopoly of violence over a defined territory. The widely used definition of modern states in Political Science is rooted in Max Weber’s classical definition of modern statehood. He defined the central feature of modern statehood as ‘the monopoly of legitimate use of physical force within a given territory’ (Weber 1991, 78). With reference to the violent history of European state-building, Weber described that the war-prone formation of state monopolies of physical force was a long-lasting process of ‘political expropriation’ in which all political communities other than the state had gradually been deprived of the means of coercion (Weber, 1991: 83). However, state is not only defined by its territory but also by its spatial quality of the state. Kingsbury describes the state as “the area of the state defines the functional sovereign reach of its agencies; it defines the geographic material quality and quantity of the state, and is that which is marked on amps as defined borders” (2007, 59).

The common dimensions of the state building literature are: democratization (Barnes 2001; Bermeo 2003; Johnson 2006; Dupree 1968; Fukuyama 2005) or transition to democracy (Collins 2002; Linz and Stepan 1996; Huntington 1991; O’Donnell et al., 1986; Waldner 1999); peace building (Brahimi 2007; Suhrke et al. 2002; Rubin 2006; Ponzio 2007; Paris 1997; Chopra 2001; Brinkerhoff 2005; Goodhand and Sedra 2007; Monshipouri 2003) and international intervention (Chandler 2004; Chandler 2010); Nation building (Bendix 1996; Centlivres and Centlivres 2000; Dobbins et al. 2003; Dobbins et al. 2007; Ottaway 2002; Chandler 2004); State building is often understood as institution building or bureaucratic development (Fukuyama 2004b; Thier and Chopra 2002; Taylor and Botea 2008; Koehler and Zuercher 2007; Lister 2007); economic development and reconstruction (Byrd and Ward 2004; Ottaway 2003; del Castillo 2003; Flournoy 2002; Needler 1968) as well as stabilization (Cole et al 2009; Department of Defense 2010; Department of Defense 2012; Nixon and Ponzio 2007) and modernization (Cullather 2002; Hafizulla 1991; Huntington 1968). However, state building as an overarching ‘umbrella’ of state-making usually incorporates two or more of the above fields of study and includes variables such as the rule of law; modernization; economic development; security; or stabilization in evaluating the success of state building (Weller and Wolff, 2008; Rubin and Hamidzada 2007; Schwarz 2012).

An overwhelming amount of state-building literature defines state building as institution building. Francis Fukuyama (2004) defines state building as the “creation of new government institutions and the strengthening of existing ones” (Fukuyama 2004, 17). The author argues that the international community should identify ways through which to transfer strong institutions into developing states. David Lake (2010) analyzes state building in terms of legitimacy and three different models of state building. According to Lake (2010), ‘state building 1.0’ focused on creating ‘loyal and politically stable subordinate states’ and was used from 1890 through the end of the Cold War; ‘state building 2.0’ focused on building ‘legitimate’ states and was employed after the fall of the Soviet Union; ‘state building 3.0’ is believed to have grown out of the issues associated with state building in Iraq (Lake 2010). ‘State building 3.0’ focuses on building legitimacy for the state by providing security and social services to the population. Seth Kaplan (2009) discusses state building in terms of national identity formation. The author’s argument is based in the idea that “states that lack a common identity and a cohesive society will never progress” (Kaplan 2009, 466). However, There is much confusion over the terms ‘state-building’ and ‘nation-building’ (Hippler 2004, Goldsmith 2007). Some authors use the terms inter-changeably, some with completely different meanings. In general, most people use ‘state-building’ to refer to interventionist strategies to restore and rebuild the institutions and apparatus of the state, for example the bureaucracy. In contrast, ‘nation-building’ also refers to the creation of a cultural identity that relates to the particular territory of the state (Scott, 2007). Most theorists agree that a well-functioning state is a requirement of the development of a nation, and therefore most would also agree that state-building is a necessary component of nation-building (Scott, 2007).

The origin of a state, Charles Tilly emphasizes the importance of warfare as the agent in state formation explains the European experiences for state formation. In *The formation of National States in Western Europe*, Tilly’s analysis of state-building focuses on the common properties of and variations within the European experience during the 15th to 16th century. The contributing authors identify the processes bringing European states into being as: consolidation of territorial control, differentiation of governments from other organizations, acquisition of autonomy (and mutual recognition of) by some governments, centralization and coordination (Tilly 1975: 70). The authors discuss several common preconditions for state building. The first was cultural homogeneity, which facilitated the diffusion of organizational models, the expansion of states into new territories, and the movement of administrative personnel from one government to another.  The second condition was the prevalence of the peasantry ruled by a small class of landed elites, which meant that the bulk of wealth and resources available were tied to land. The third condition was a decentralized but relatively uniform political structure. This gave rise to competition for power among multiple groups: state-makers had to subdue and/or incorporate numerous political units which already exercised significant claims to sovereignty—free cities, principalities, etc.—to fashion something larger and stronger than had existed before. Taxation became the principal means by which state-builders supported their armies, which in turn allowed them to establish control of their frontiers, push them out, defend them, and monopolize over the use of force within those frontiers. In turn, overcoming resistance to taxation required the maintenance of military force. (Tilly 1975: 22-23)

The second model of the origins of state is the “social contract” theory in which diverse groups of people came together to form states due to their common rational interests. Social contract theory begins, most notably in the work of Hobbes and Locke, as an account of the origins and legitimacy of the state, later thinkers like Rousseau, Immanuel Kant, and John Rawls have applied social contract theory to the international arena as well. In these applications, states replace citizens as the parties to the social contract as an account of two things:  “the historical origins of sovereign power and the moral origins of the principles that make sovereign power just and/or legitimate” (Neidleman, 2012). Building on consent, social contract theory therefore applied first to the principles of justice that govern in society and then to the establishment of a sovereign or state endowed with legitimate powers of coercion (Neidleman, 2012). Often associated with the liberal tradition in political theory, social contract theory presupposes the fundamental freedom and equality of all those entering into a political arrangement and the associated rights that follow from the principles of basic freedom and equality. It develops an account of political legitimacy, grounded in the idea that naturally free and equal human beings have no right to exercise power over one another, except in accordance with the principle of mutual consent (Neidleman, 2012).

However, most of the modern nation-states in Asia and Africa do not fit into any one these models, instead they are the results of colonial diffusion. In such cases, state intuitions were exogenous rather than endogenous and a result of colonial diffusion. This can be considered as the third model of state formation. The decolonization process established statehood only as a form of external representation, as a formal territorial and legal framework of international politics guaranteed by the world state system and by international law (Jackson, 1987). These ‘quasi-states’ are juridical artefacts of a highly accommodating regime of international law and politics that expresses the 20th century norms of anti-colonialism and self-determination. The source of the vastly different manifestation of “statehood” in the European case and the quasi-states case lies in their fundamentally different state formation processes. European sovereign statehood was hammered out by a long historical process of material, strategic and social epistemic adaptation. Sovereignty was the indigenous product that grew out of centuries of warfare and repulsion, tried-and-failed political and social arrangements, and, argued from a constructivist perspective, a revolutionary self-consciousness that shaped everything from the arts to politics. The quasi-states in, for example, Asia and Africa, however, were born through unilateral decolonization. Sovereignty was exogenously “granted”, partitioned by artificial boundaries drawn by former imperialists(Ng, 2008). Hence, contrary to European state formation, post-colonial state-builders achieved a form of ‘negative sovereignty’, a formal legal entitlement which actually hides the lack of empirical statehood, that is, the social content related to the definition of the modern state (Jackson, 1990).

Similarly, South Asian states particularly India, Pakistan, and Bangladesh came to be as a result of British colonial diffusion. With the end its British colonial rule in Indian sub-continent, it was partitioned into two independent nation states. Even though the moment of independence was supposed to be a moment of joy, the partition also produced one of the bloodiest and cruelest migrations and ethnic conflict in history. The religious fury and violence resulted in the deaths of some 2 million Hindus, Muslims and Sikhs. An estimated 12 to 15 million people were forcibly transferred between the two countries. Hence, the partition is central to modern identity in the Indian subcontinent, as the Holocaust is to identity among Jews, branded painfully onto the regional consciousness by memories of almost unimaginable violence (Dalrymple, 2015). Ayesha Jalal has called Partition “the central historical event in twentieth century South Asia.” She writes, “A defining moment that is neither beginning nor end, partition continues to influence how the peoples and states of postcolonial South Asia envisage their past, present and future” (Dalrymple, 2015).

**Elements of States**

Theories related to the state offer a combination of its capacity, functions, legitimacy, sovereignty, monopoly of violence and territorial control. However, in understanding the state, three elements are incorporated: a) state apparatus, b) power, and c) authority. Firstly, state apparatus is understood as the complex set of state institutions that ensure the formulation and implementation of policies indicating the capacity of the state (Riaz, 2010; Kingsbury 2007). Such institutions include the bureaucracy, armed forces, educational institutions, the judiciary, police and penal system. Secondly, the state embodies a concentration of economic, political, and military power; and thirdly, the state, in the ideological sense, represents concentration of authority that legitimize the actions of those who act in its name (Riaz, 2010). In order for the state’s sovereignty to be distinctly identifiable, it must obtain a well-defined territory. Within the territory, the state is sovereign and have the full authority to legitimately “dissuade external parties from entering the state without authorization or otherwise threatening the state” (Kingsbury 2007, 64). The state must also attain a monopoly of the use of force. As Weber characterizes the term writing: “a state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory” (Weber 1991, 78). This paper examines a) state institutions; b) monopoly of violence; c) a well-defined border in order to understand whether Bangladesh’s existing political crisis is a result of the incomplete state formation process

**Elements of incomplete state formation in Bangladesh**

In re-examining the process of state-formation in Bangladesh to understand the current political instability and divergence from democracy, the discussion must begin with the ineffectiveness of the state institutions. Bangladesh politics in recent years has been marked by a flawed election in 2014, a volatile political environment, heightened political violence. In addition, the heavy-handed actions by the government has raised serious concerns about the prospect of democracy and revealed the fragility of the institutional basis of Bangladesh’s democratic transition (BTI, 2016). Although the democratic institutions in Bangladesh have always been weak, the recent politicization and factional politics resulted in ineffectiveness of these institutions altogether. The absence of an opposition party in parliament, non-existence of institutional checks and balances, and judicial unfairness due to its political affiliation have contributed to the failure of democracy transition or consolidation of state insinuations. Another key impediment to the institutionalization of democracy in Bangladesh is the concentration of power in a variety of places: in the hands of one or two leaders within parties, and in one or two offices (e.g., the prime minister’s office) within the governing structure (BTI, 2016). Since 2015, the relentless violence, repressive measures by the state and highly partisan behavior by the civil administration have had an adverse effect on the commitment to democratic institutions (BTI, 2016). Institutions that are crucial in any democracy, like an election commission, anti-corruption commission and judiciary, are perceived as partisan; their actions are questioned by members of the civil society and opposition political parties. There is a polarization of opinion regarding the legitimacy of the government and institutions, depending on which side of the political divide one is on.

The lack of consolidated state institutions in Bangladesh is characterized by incompetent political system and political parties. Bangladesh has been suffering from the lack of an institutionalized political system, where the ruling party can manipulate state institutions as per their interests. For example, along with the constitution, which has been modified fifteen times in 42 years, other institutions also went through extensive “distortion and degeneration” due to “considerations of personal, party and group interest combine with political exigencies” (Shelley 2013). These institutions include “the legislature, the executive, particularly the civil service and public administration, judiciary and local government” (Shelley 2013). The lack of institutionalized political system was aided by the historical manipulation of religion and the lack of understanding among the political parties. These have created instability in politics and have provided Islamist group with prospect to emerge as important alternatives. Due to the dreadful relationship and non-existence of trust between two major political parties, they have appeared as the elite allies of the Islamists. Furthermore, the ruling parties in Bangladesh have traditionally unleashed violence against the opposition. For instance, consecutive party governments have controlled the administration, the judicial system and law enforcement agencies with their party loyalists. When in office, both parties have “marginalized and harassed the opposition, whose ability to seek legal redress has usually been limited due to the lack of autonomy of the feeble judiciary” (Lorch 2014). The functionality of state institutions vital to any statehood and its capacity. The ineffective gradually disappearing democratic institutions in Bangladesh designates the deficiency of Bangladeshi statehood and its fundamental characteristics.

The second challenge to the statehood of Bangladesh is the state’s lack of monopoly over the usage of forces. The level of political polarization between the two major parties is high. Such polarization has encouraged intolerance and social conflict while creating deep schisms within the society at large. Use of violence as a political tool is widespread. The intensity of the conflict has grown and seems to be on an upward trajectory. The repeated incidences of violence and the obdurate attitude of the ruling party and the opposition are indicative of a deep-seated structural problem. Such volatile conflict prone environment is posing a challenge to the state’ monopoly of violence. One such challenge is posed by religious extremists. Religion, particularly the political use of religion, has emerged as a source of division and has contributed to the intensification of conflict that is becoming a crucial security challenge in Bangladesh. The country wide bomb attacks in 2005 brought the issue in limelight nationally and internationally. 450 bomb exploded within less than an hour followed by four incidents of suicide attacks killing and wounding civilians (Riaz, 2008). Some of these incidents were orchestrated by the Jamaat-ul-Mujahideen Bangladesh (JMB, the Assembly of Holy Warriors) and the Jagrata Muslim Janata Bangladesh (JMJB, the Awakened Muslim Masses of Bangladesh) (Riaz, 2008).

It is almost impossible to calculate the precise number of clandestine militant Islamist groups operating within Bangladesh. The estimated number varies between twenty-nine and fifty-three. However, intelligence reports have indicated that these organizations are likely to be part of one single network and work closely with each other (Riaz, 2008). Some of the high profile militant groups include the Jam’atul Mujahideen Bangladesh (JMB), the Jagrata Muslim Janata Bangladesh (JMJB), the Harkatul-Jihad-al-Islami Bangladesh (HuJIB), the Islami Chhatra Shibir, and the Hizb-ut-Tahrir. The rising incidents of violence by the growing militants groups around the country is not only due to domestic politics but also indicates the broader implication of the international polity. For example, the Harkatul-Jihad-al-Islami Bangladesh (HuJIB) was established by a small group of Bangladeshi Islamists who volunteer to join the Afgan war effort in the 1980s (Riaz, 2008).

Although the role of religion in public life has always been an issue of debate among Bangladeshi citizens, it took the center stage of public discourse in early 2013. As the demand for the banning of the JI gained ground in the wake of the verdicts of the International Crimes Tribunal (ICT) against the JI leaders for their involvement in the genocide perpetrated in 1971, and a grassroots movement called Shahbag Uprising emerged in February, religion has become a wedge issue. Islamists have alleged that the Shahbag movement intends to demean Islam; they also portrayed Shahbag leaders as “atheists.” The dramatic rise of Hefazat-e-Islam and the hardened opposition to this force reflects this schism and indicated the intensified challenge to the state’s monopoly of coercion. For example, between March 2013 and August 2015, four of them since February 2015, five self-proclaimed atheist bloggers have been brutally killed (Al-Mahmood, 2015). An India-based al Qaeda group named al-Qaeda in Indian Subcontinent (AQIS) and Bangladesh based militant group named Ansarullah Bangla Team (ABT) reportedly claimed responsibility for most of these killings (Al-Mahmood, 2015). The presence and proliferation of militant Islamist throughout the country disrupting the law and order of the country thus challenging the state’s monopoly of violence.

The threat to Bangladeshi state’s sole authority over usage of violence comes not only from the religious extremists but also from the indigenous people living in the south-east region (known as the Chittagong Hill Tracts [CHT]). CHT is home to 11 indigenous groups, whose culture, language, religion, dress, differ from the Bengali majority. The 1972 Constitution of Bangladesh neither included any provisions for recognizing the distinct identity of the indigenous hill people nor accorded the CHT any special administrative status (Chakma, 2014). Indigenous peoples remain among the most persecuted of all minorities, facing discrimination not only on the basis of their religion and ethnicity but also because of their indigenous identity and their socio-economic status. In the CHT, the indigenous peoples took up arms in defense of their rights in 1976. In December 1997, the civil war ended with a “Peace” Accord between the Government of Bangladesh and the Parbattya Chattagram Jana Samhati Samiti (PCJSS, United People’s Party of CHT), which led the resistance movement (IWGIA, 2015). The Accord recognizes the CHT as a “tribal inhabited” region, its traditional governance system and the role of its chiefs, and provides building blocks for indigenous self-determination (IWGIA, 2015). The CHT Accord, however, remains largely unimplemented, which has resulted in continued widespread human rights violations, violent conflicts and military control. The militarization, state-sponsored Bengali settlement, and failure to recognize and integrate indigenous people in the mainstream economic, political, and social realm are indicatives of the deficiency of the statehood. Weber and other scholars of state and state formation recognize state’s sole authority to uses of violence as the central elements of a state and its capacity. The lack of Bangladesh’s state control over the usages of force indicates the incompletes of the state formation process.

The third challenge to the state of Bangladeshi statehood lies in its undefined border issues with its neighbor­­­­­-India and Myanmar. India surrounds Bangladesh on three sides. The country has an outlet to the Bay of Bengal, which is also shared with Myanmar and India. Bangladesh and India share approximately 4096 km of land boundary. About 85 per cent of this border is porous, having no natural feature to identify the border (Rashid, 2011). In the early days after partition, residents of these enclaves moved freely to their respective mainland, but tension between India and Pakistan led to increasing restriction on such movement. Bangladesh inherited the problem in 1971. As per as agreed list of enclaves signed in April 1997 Bangladesh has 51 enclaves/Villages inside India with an area of 7,110 acres and India has 111 enclaves inside Bangladesh with an area of 17,158 acres (Chowdhury 2002). Residents of these enclaves have been virtually stateless until 2015 when India and Bangladesh have reached an agreement to swap control of some 160 small pockets of land on each other's territory. However, violent border clash continues to cause crisis in India-Bangladesh border relationship, creating tension and enmity between border forces that endanger the diplomatic relationships.

In addition, Bangladesh and Myanmar have had a not-too-stable a relationship on the border – both land and maritime. In 1980 an agreement on border cooperation was signed between the two countries. A verdict was subsequently obtained from the International Tribunal on the Law of the Seas in March 2012 concerning delineation of their common maritime boundary in the Bay of Bengal and accepted by both the governments (Sen, 2014). However, tension continues to escalate along the 270-km long land boundary, leading to killings of border guarding personnel on both sides (Sen, 2014). The lack of a well-defined border with Bangladesh’s only neighbors demonstrates the ongoing process of state formation. The continuous internal and external challenges to Bangladeshi statehood indicate the deficiency of the state. As the state apparatus weakens further in Bangladesh, its monopoly of violence is being harshly tested. Externally, unresolved borders continues to undermine the state’s fundamental characteristics.

**Conclusion**

Most academic work on state-formation processes has stressed the overall importance of war-making on state-making – a process of state formation that only speaks to the processes of state formation in Western Europe. The post-colonial states, which are the results of colonial diffusion, have rarely appealed to the scholars of the state and state formation. However, the study of state formation in these countries can illustrate their current state of the statehood. Many of these states are leveled as “weak”, “failed”, or “failing.” It is, however, inadequate to do so without studying the process of their state building. For the young country like Bangladesh, it is crucial to understand the deficiency of the in order for academics and policy makers to recommend policies. Similar studies should be embarked on for comprehend neighboring countries in South Asia as well in order to examine whether other countries in the region are still struggling with an incomplete state formation process.

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