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Identity, Place, and the Refugee Experience

DARCY C. MUELLER

Abstract

The refugee experience is informed by a modern nationalistic mindset. As refugees forced to flee their nation and shelter in a nation whose identity they do not share, refugees are in a uniquely vulnerable position in society. Such vulnerability manifests in the international push for voluntary repatriation of refugees despite the increasing difficulty of quick repatriation that results in refugees being viewed as invaders. These sentiments have led to many refugees existing under the invisibility bargain in which they contribute to a country's economy without benefits of cultural acceptance as can be seen with Columbian refugees in Ecuador.

Introduction

Territorial and national belonging plays a significant role in shaping identities and identity groups. The current world order ties identity with the geographical locations of home and nationality. Such classification allows for an othering of people who do not live within the assigned borders of a nation and share the resulting cultural values of a specific nation. This othering through unique identity and social contract structures that exclude those outside of a specific national identity inherently disadvantages refugees who have no clear place in a world order that values national belonging when

determining identity. Without a clear place in a nationalistic world, refugees are commonly seen as threats or burdens to the nation in which they seek refuge. Refugees are shut out of the formal and informal support systems in their host nations and are disadvantaged in efforts to participate in the political and social structures in the nation in which they seek refuge. While experiencing these disadvantages, refugees are expected to contribute to the economy of their host nation. They are further kept out of fully participating in their host nations as the global system surrounding refugees assumes refugees will and encourages refugees to return to their nation of origin as quickly as possible. This essay will examine the options presented to refugees upon arriving in a host nation. These options being repatriation, the most popular and desirable method, 3rd country resettlement, and remaining in the host country. While repatriation is the most popular method it is also the least secure method as it demands the end of the conflict or issue that forced refugees to flee their home country. As the timeline of the ending of this conflict is entirely outside of the control of the host nation, repatriation runs the risk of becoming refolement. Unlike repatriation, which demands that refugees may safely return to their home country, refolement forces refugees to return to their host country before it is safe to do so. While against international law, this custom is still practiced and is a constant threat to refugees.¹ The second option of 3rd country resettlement is desirable for many refugees who are fleeing from long term insecurities, this is a rare option which less than 10% of refugees will receive.² The third option,

¹ Susanna Dechent, "Operation Sovereign Borders: The Very Real Risk of Refoulement of Refugees," *Alternative Law Journal* 39, no. 2 (June 1, 2014): 110–14, <https://doi.org/10.1177/1037969X1403900209>.

² "Facts about Refugees and Asylum Seekers," *Refugee Action* (blog), accessed March 27, 2023, <https://www.refugee-action.org.uk/about/facts-about-refugees/>.

which directly leads to the invisibility bargain is to remain in the host country as a refugee. This paper will also examine how the intersection of identity and territory informs these options in addition to the invisibility bargain of Colombian refugees in Ecuador to conclude the intersection between identity and territory negatively impacts the refugee experience.

International Expectations for Refugees

The global refugee system favors voluntary repatriation. Under this idea, refugees would voluntarily return to their home nations shortly after leaving and would not need to be resettled in another country. While repatriation within a short time span is rarely realized, the notion of voluntary repatriation continues to inform refugee policy on an international scale. In 2023 251 million dollars is expected to go to voluntary repatriation as it continues to be the UNHCRs preferred method of handling refugees.³ Such a goal was upheld in the 2018 Global Compact on Refugees which sees one of the main four objectives being supporting the improvement of conditions to allow refugees to safely return to their host country.⁴ The entire refugee system is built to return refugees to their nation of origin instead of helping them resettle in a different country. Such a system creates a culture of xenophobia against refugees that is directly tied into the identity of place as refugees are blocked from joining an identity group they were not born into.

When refugees fail to quickly return to their home nations they are seen as alien

invaders. They face hostility from the government and citizens of their host nations that limit their opportunities and well-being.⁵ Without adequate tools to help refugees with third country settlement, refugees will continue to be viewed as aliens and threats in their host nations. They will be unable to form a new identity that reflects the identity of the nation they are living in as they are constantly blocked from full political and social integration. Refugees are not accepted into their host nations due to coming from a different nation with a different identity. They are expected to be unseen by the citizens of their host nations and are limited in their interactions with locals. The diverse cultures and identities of refugees are seen as a threat to the identity of a host nation and this allows for refugees to be seen and discriminated against as a threat.

The notion of othering can be seen as soon as refugees enter a host country as they are encouraged to go to refugee camps. While these camps are presented as beneficial through creating a centralized location to provide aid for refugees, they also isolate refugees from the political and economic environments of their host nations and instead place them in highly stressful artificial environments of the camps. “Camp-based refugees and their offspring are often denied basic rights, such as freedom of movement, access to land and the labor market, and the ability to establish a livelihood. Refugee camps are often located in remote, isolated and inhospitable areas, making it impossible for refugees to grow their own food and contribute to the

³ “UNHCR and Involuntary Repatriation: Environmental Developments, the Repatriation Culture, and the Rohingya Refugees,” accessed December 23, 2022, <https://ciaotest.cc.columbia.edu/isa/bam01/>.

⁴ United Nations High Commissioner for Refugees, “The Global Compact on Refugees,” UNHCR,

accessed March 27, 2023, <https://www.unhcr.org/the-global-compact-on-refugees.html>.

⁵ Michele G. Shedlin et al., “Sending-Country Violence and Receiving-Country Discrimination: Effects on the Health of Colombian Refugees in Ecuador,” *Journal of Immigrant and Minority Health* 16, no. 1 (February 2014): 119–24, <https://doi.org/10.1007/s10903-013-9777-9>.

local economy.”⁶ Despite the geographic and social isolation of camps they are the most encouraged option for refugees. Such a system is a result of the xenophobia surrounding refugees and the desire to keep refugees from entering the geographical location associated with an identity that is not theirs.

The territorializing of identity makes it so refugees are not wanted in cities and towns and find it difficult to be accepted when they settle in these towns. Refugees who opt not to settle in camps are not given the same rights and protections as refugees in camps. They commonly lose their refugee status and instead become ‘illegal aliens’. “As ‘aliens’ rather than refugees, they occupy a precarious and ambiguous status, enjoying neither the rights of... citizens... nor the protection and limited material support of refugees in settlements.”⁷ These refugees are blocked from full participation in the political and social structures of the locations they are self-settled in due to the fear that they will assimilate into their new location instead of being voluntarily repatriated. This concern is a direct result of the identity of place as refugees are seen as foreigners who will threaten a national identity because they come from a different location. Such paranoia forces refugees to participate in the economic systems of their host countries without openly practicing their cultures. This phenomenon, known as the invisibility bargain, is seen with Colombian refugees in Ecuador.

⁶ Crisp, Jeff, “The Case Against Refugee Camps,” *Refugees International*, June 6, 2017, <https://www.refugeesinternational.org/reports/refugee-camps>.

⁷ Tania Kaiser, “Between a Camp and a Hard Place: Rights, Livelihood and Experiences of the Local Settlement System for Long-Term Refugees in Uganda,” *The Journal of Modern African Studies* 44, no. 4 (December 2006): 597–621, <https://doi.org/10.1017/S0022278X06002102>.

The Invisibility Bargain in Ecuador

Refugees being expected to contribute to the economies of their host nations while being denied equal access to the political and social spaces has been coined the invisibility bargain. “Invisibility bargain constrains migrants’ identities and political participation, demanding their economic contributions plus political and social invisibility in exchange for tolerance of their presence in the host country.”⁸ Refugees are seen as outsiders and invaders who threaten the culture of the nation in which they seek refuge. As such, their presence is only tolerated when they are undetectable by the citizens of the host nations. Such a dynamic is seen with Colombian refugees in Ecuador. The invisibility bargain is directly formed by the identity of place as it is a way for Ecuadorian citizens to protect their national and political identity from a perceived threat.

Ecuador has been seen as a migration haven for the past twenty years. However, this policy has economic motivations as Ecuador experienced a mass exodus following an economic crisis in 1999.⁹ Following this economic crisis, Ecuador transitioned from being a large producer of emigrants to also becoming one of the largest recipients of immigrants in Latin America. Colombians fled to Ecuador to escape violence resulting from state abandonment, guerilla and paramilitary standoffs, and international drug trafficking. (Ackerman) The Colombian refugees who

⁸ Jeffrey D. Pugh, “Negotiating Identity and Belonging through the Invisibility Bargain: Colombian Forced Migrants in Ecuador,” *International Migration Review*, August 14, 2018, <https://doi.org/10.1111/imre.12344>.

⁹ Simone Bertoli, Jesús Fernández-Huertas Moraga, and Francesc Ortega, “Immigration Policies and the Ecuadorian Exodus,” *The World Bank Economic Review* 25, no. 1 (2011): 57–76.

settled in Ecuador were able to help revitalize the Ecuadorian economy through increasing the number of people in the Ecuadorian workforce but they were only welcomed to Ecuador to become a part of the workforce and have faced increased hostility as the political narrative surrounding forced migrants shifts.

Ecuadorian citizens have increasingly stereotyped and discriminated against Colombian refugees. This has decreased the level of security enjoyed by Colombian migrants, especially those who are undocumented, and has limited their ability to participate in Ecuador's formal and informal economic and social circles. "Colombian migrants report high levels of discrimination, and nearly two out of five had been victims of a crime within the past year... They also reported little trust in Ecuadorian institutions, were reluctant to participate in civil society, and tried to keep a low profile to avoid being targets of scorn."¹⁰ Such experiences and the consequential relationship between Colombian migrants and the state shows the negative impacts of the invisibility bargain. Migrants are afraid of participating in the political and social aspects of Ecuadorian society and of publicly expressing their Colombian identities as a result of the discrimination they have experienced due to their refugee status.

Such a relationship between migrants and the state they are claiming refuge in is due to the link between place and identity that drives the invisibility bargain. Governments feel a responsibility for the citizens of their nations and the citizens of a nation feel a greater camaraderie with those who they perceive as being similar to them. Such a similarity is typically defined by a

shared culture and history. As such, nations develop their own identities and feel a greater loyalty and responsibility to those who share their national identity. Within this framework, refugees and other irregular migrants occupy a uniquely vulnerable position. They no longer have the protection of being surrounded by people and government who share their national identity and are commonly not fully accepted as members of their host nations. As a result, refugees are forced to depend on support from connections they have with people who left their home country before them or on international aid.

The lack of trust between Colombian refugees and the state of Ecuador forces them to either live in camps with limited social mobility and unique risks associated with camps or live in Ecuadorian towns and cities without protection from international aid agencies or the Ecuadorian government. Those who do choose to live in towns or cities in Ecuador typically live in poorer neighborhoods with organized crime and poor living conditions (Brown). Such conditions increase the risks for refugees and makes it more difficult for them to access work and resources. Resultingly, many Colombian refugees are reduced to begging or prostitution for survival.¹¹ This is further compacted by the invisibility compromise as refugees are commonly also denied employment and housing opportunities when they are clearly not Ecuadorian. Such discrimination makes it even more difficult for them to relocate to safer locations with more employment opportunities.

The notion of a shared identity of place creates a culture of xenophobia against Colombian refugees that allows for them to

¹⁰ Pugh, "Negotiating Identity and Belonging through the Invisibility Bargain."

¹¹ Brown, Kimberly, "Colombian Refugees in Ecuador Trapped in Loops of Poverty and

Insecurity," *The New Humanitarian*, January 13, 2021, <https://www.thenewhumanitarian.org/news-feature/2021/01/13/colombian-migrants-marginalised-ecuador-refugees>.

be negatively stereotyped without efforts to truly understand or get to know refugees having to be made by the local population. Resultantly, Ecuadorians typically have a negative stereotypical view of Colombian refugees and believe they are criminals or members of guerilla groups.¹² As refugees are considered foreign and are not offering any commonly recognized returns, such as income through tourism, they can be seen as lesser than and marginalized within Ecuador. Such marginalization and discrimination takes place despite legal provisions for Colombian refugees that should give them the benefits of fitting into the Ecuadorian social contract. The Ecuadorian constitution was amended in 2008 to allow refugees the same access to social provisions as Ecuadorian nationals.¹³ However, this amendment does not reflect reality for many refugees. Discrimination negatively impacts the well-being of Colombian refugees as they try to access services in Ecuador.

Due to living in remote locations and discrimination, refugees find it difficult to access healthcare. Colombian refugees are commonly asked to go to doctors' offices at absurdly early hours or aren't treated till after every Ecuadorian. They are also only partially treated such as being given a diagnosis but not medication.¹⁴ Poor living spaces and inadequate access to healthcare increase the risk of poor health outcomes for Colombian refugees. The connection between identity and territory makes it so Colombian refugees are secondary citizens as they are not from the same territory and do not have the benefits of a shared identity. Without the loyalties of shared identities Ecuadorian citizens do not feel the need to

support Colombian refugees and this bleeds into the healthcare industry despite these refugees' right to equal access to healthcare and to the best treatment available.

In addition to the impacts of limited access to healthcare and facing discrimination when seeking healthcare, Colombian refugees struggle with the negative health impacts of food insecurity. Refugees in Ecuador suffer from food insecurity because of a multitude of unique factors including disrupted social networks, economic insecurity during resettlement, discrimination, and inadequate government and charitable support.¹⁵ Refugees face health consequences from being forced to eat expired food that has been donated and from chronic malnutrition from being forced to ration limited supplies of an inadequate variety. Such practices keep refugees from being able to get sufficient nutrition to sustain their basic health needs. In addition to the risk of starvation, chronic malnutrition also increases risks for other health concerns and Colombian refugees are especially vulnerable to food insecurity in Ecuador. This concern is not properly addressed in Ecuador as Colombian refugees do not have equal access to a political voice to demand their basic needs be met as a result of the invisibility bargain.

While refugees face discrimination in the healthcare industry and the health risks associated with food insecurity they also find it more difficult to plan for the future than their citizen counterparts. As they are expected to return to their home nation, they are commonly denied opportunities to lay down economic and cultural roots in their host nation. For Colombian refugees in Ecuador one way this

¹² Shedlin et al., "Sending-Country Violence and Receiving-Country Discrimination."

¹³ Shedlin et al.

¹⁴ Michele G. Shedlin et al., "The Impact of Food Insecurity on the Health of Colombian Refugees in

Ecuador," *Journal of Food Security* 4, no. 2 (May 12, 2016): 42–51, <https://doi.org/10.12691/jfs-4-2-3>.

¹⁵ Shedlin et al., "Sending-Country Violence and Receiving-Country Discrimination."

barrier manifests is through limitations in access to quality education for those who choose to self-settle in Ecuadorian towns and cities. Many Colombian refugees in Ecuador do not have documentation to denote their refugee status. A lack of documentation can be a result of limited access or due to a decision to not self-identify as refugees to authorities. However, regardless of the motives, limited documentation makes it more difficult for refugees who ought to be enrolled in school to get access to primary and secondary education. A UNHCR report found that, “among all youth ages 15-19, those with legal status... are significantly more likely than those either in the application process or without documentation to attend school: 75.9 vs 47.1 percent in Quito, respectively, and 89.7 vs 74.2 percent in Lago Agrio.”¹⁶ Education systems are commonly built with the undertones of the intersection between territory and identity. Access to education often requires identity documentation. While this is typically not an issue for citizens, who commonly have easy access to forms of identity documentation such as a birth certificate, these requirements can pose a serious challenge for forced migrants. When forced to flee their homes, many forced migrants are unable to bring their identification documents with them. For refugees who do not register their presence with local authorities, this commonly means they are forced to self-settle without identification documents and cannot get access to institutions, such as schools and standardized tests, that require identification documents.

Additionally, those that do have identification documents still face unique

challenges in attending school whilst holding refugee status. Refugees are often expected to travel unrealistic distances to go to school and are commonly forced to take placement exams to enter schools due to the inability to provide proof of their past educational attainment. However, these entrance exams are often built around the Ecuadorian school system and Ecuadorian history that Colombian refugees have not studied. As a result, many fail the placement exam and are ineligible to continue their education at the same level they were studying when they fled Colombia (Donger et al 28). Furthermore, refugees face stigma and discrimination from their peers and teachers. These students do not usually know what resources to turn to when they do face discrimination in school and will often drop out of school due to security concerns. The same report also found, “In Quito, 52.8 percent of youth reported that they did not feel safe in school, as well as 24.7 percent in Lago Agrio. Many also reported being the victim of physical violence in school – 27.1 percent in Quito and 9.3 percent in Lago Agrio.”¹⁷ As children face physical intimidation, discrimination, and assault at school they are less likely to feel safe attending school and are more likely to eventually drop out.

Such barriers and discrimination on both an official and unofficial level make it more difficult for refugee children to enroll in schools and make them less likely to stay in schools even when they are able to successfully enroll. These increased difficulties and consequential limited opportunities are informed by the importance of territory in determining identity and loyalty. Ecuadorians, including

¹⁶ Authored Elizabeth Donger et al., “We Would like to Extend Our Deep Gratitude to Jen Leigh, Miriam Chernoff, Abby Rudolph, Matthew Mimiaga, Lina Zhou, Janine Hightower and Harry Han for Their Analytic Support. We Would Also like to Thank Ben

Leaman and Susan Lloyd McGarry for Their Expertise and Dedication in Copyediting and Layout.” n.d., 71.

¹⁷ Donger et al.

those in charge of the school system, want to help and benefit other Ecuadorians who they believe fit their identity and are a part of their tribe. As Colombian refugees are not raised in Ecuador with Ecuadorian identity, they are seen as unwelcome intruders to the cohesive identity of place and suffer from policies and discrimination that limit their educational opportunities.

Conclusion

The state-centric structure of the modern world order creates a phenomenon in which location and identity are intertwined. People commonly feel an attachment to their location and allow their location to play a role in shaping their identity and worldview. As a result, refugees who are not a part of the social structure and identity structure of the nation they enter find themselves facing significant difficulty when attempting to build their lives and create new social connections in their host nations. They are commonly forced into the invisibility bargain and must contribute economically to the country in which they are seeking refuge without being able to access the political and social sectors in these nations. This system makes it significantly more difficult for refugees to fully settle and integrate into their host nations and build strong social and economic lives within these host nations. The intersection between territory and identity creates the most disadvantages for refugees as they are forced to be stateless in a state-centric world order.

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Modeling the Choice of the Century: The United States and The Policy Models Applicable to the Kashmir Question

JOHN FLANAGAN

Abstract

The region of South Asia has been and remains an equation whose incredible complexity has repeatedly been underestimated and misunderstood by Western powers. For the United States, a proper policy approach to the Kashmir issue remains crucial to ensuring regional and global stability. If enacted well, the right policy could allow for advancements in nonproliferation and conflict mediation, successful competition against an increasingly aggressive China, and the insurance of the good graces of all sides for trade and counterterrorism purposes. The term “Kashmir policy” refers to the maintenance of diplomacy with both India and Pakistan bearing in mind both the propensity for conflict between the two states and broader US grand strategy. Henceforth, the question of what constitutes a proper approach will be considered in light of two models for predicting policy, the politics of domestic actors and the politics of the executive bureaucracy. Bearing in mind the ambiguity of these terms, a pithy overview of each model in the abstract will

be provided. The various actors and forces within both models will be explored, both in relationship to each other and their effect on the model. Followingly, the impact of the various actors of each model on the official American policy towards the Kashmir issue will be examined considering the strengths and weaknesses of each. On the tail end of it all, an appraisal of the likely policy outcomes to arise from these two models will attempt to predict what the next decade of American relationships on the subcontinent will look like. Within this next decade, the primary strategic interests of the United States will shift eastward and come to bear on South Asia. Subsequently, predicting potential policies towards the Kashmir issue and the maintenance of relations with Islamabad and New Delhi alike is of increasing importance to American foreign affairs.

Historical Context of Kashmir and Current India-Pakistan Relations

Emerging from the devastation of the Second World War, Britain found itself unable to hang onto its crown jewel, the Indian subcontinent. A confluence of religion and culture between both East and West, the subcontinent can be most easily understood in terms of the majority-minority relationship between Hindus and Muslims. As the state-building process progressed, the unified, secular vision of India put forth by Jawaharlal Nehru, a Hindu, was successfully defeated by Mohammed Ali Jinnah, leader of the Muslim coalition. Despite a last-ditch effort by Lord Mountbatten, the last Viceroy of India, and the British government, the unification effort failed, and the complicated partitioning process began.¹⁸

Although the religion aspect became extremely fraught as time wore on, it was

¹⁸ Meese, Nielsen, Sondheimer, *American National Security*, 464-473.

initially seen as a vehicle of bifurcation through which inter-religion civil acrimony could be reduced. Creating a separate state for Muslims was accepted as a viable avenue to secure their civil rights and avert war. However, posing exceptional difficulty to the partitioning process was the presence of the princely states, of which Kashmir was one. Kashmir's Hindu ruler, the Maharaja Hari Singh, governed a Muslim-majority population, making the region an attractive potential territorial gain for Muslim Pakistan. However, Singh refused to accept unification with Pakistan. When Muslim rebels rose up against Singh in the town of Poonch and the surrounding area in September 1947, the Pakistanis moved quickly to provide support in form of militant tribesmen from the Northwest Frontier Province. The Azad Forces, designating the motley assemblage of the Pakistani tribal irregulars and Kashmiri rebels, quickly swept through major cities in western Kashmir and were advancing on the capital by late October. Facing a collapse of government and possible annexation, the maharaja pleaded for and successfully secured Indian military assistance, in exchange for signing a controversial "declaration of total accession" with India.¹⁹ Thus began the first Indo-Pakistani War, an unofficial conflict defined by weak states with weak military apparatuses and stay-behind British generals on both sides hesitant to authorize large-scale offensive. Established in mid-1949 with the end of the war, the LoC remains one of the most volatile borders in the world, casting a long shadow of instability over the whole of South Asia.²⁰ Such volatility finds its roots in the growth of religious nationalism within both countries in response to the initial rivalry over Kashmir, feeding the cycle of

confrontation. These bonds between religion, culture, ideology, and legitimacy grew the rivalry to incredible proportions, and will make it all the more difficult to hold meaningful negotiations and avert conflict, potentially nuclear, going forward. Finding a path towards a stable peace that accounts for these interwoven complexities has yet to be found.

Additionally, it should be noted that similar to other geopolitical issues, the United States policy towards Kashmir has not evolved in a vacuum. From the start of the partitioning process, American diplomats understood the necessity of the two-state solution to address religious enmity but drew a line there. Born from the desire to resist Communist expansionism, they envisioned two states powerful enough to act as pro-West anchors in the volatile region.²¹ From the same vein arose changes in policy towards Pakistan during the fight against al-Qaeda, and towards India in light of the "wolf warrior diplomacy" of the CCP under Xi Jinping. US grand strategy has always been the underpinning of its Kashmir policy, a fact to bear in mind as the policy particulars are dissected.

The Policy Models in the Abstract: The Domestic Politics Model

The Domestic Politics model, henceforth referred to as the DP model, posits that the creation of foreign policy stems direct from the consent of the governed, with public opinion as the determinant for success or failure. The president and Congressional leaders' chief concern will be retaining their office, so while their every action may not remain beholden to their constituents, public opinion will be the most salient factor in the

¹⁹ Clary, "Partition, the First Kashmir War, and the Origins of the Rivalry," 51 – 54.

²⁰ Malik, "Pakistan-India Relations," 60-66.

²¹ Clary, "Partition, the First Kashmir War, and the Origins of the Rivalry," 45.

decision-making process.²² However, public opinion comes in all shapes and sizes. The general public, who form the most fundamental version of public opinion, participate in elections that directly check the actions of their leaders. On the other hand, interest groups work to advance their respective agenda, whether it be centered around business, ethnic, or public (i.e., the environment) concerns. This work includes agenda setting, crafting specific, often slated narratives around particular issues campaign finance, and directly lobbying lawmakers.

Additionally, the DP model is heavily impacted by broader, often ideological narratives on issues put out by the media and think tanks. Such narratives create standards by which the public, in the case of the former, and government officials, in the case of the latter, will formulate their opinions. The essence of the DP model involves how these societal actors compete to impact and utilize public opinion, with the root assumption that public opinion plays the central role in the creation of foreign policy.

The Policy Models in the Abstract: The Bureaucratic Politics Model

A diverging view is offered by the Bureaucratic Politics model, henceforth referred to as the BP model. Bearing in mind the vast depth of the foreign policy establishment, it argues that inter-governmental competition between departments and agencies, rather than public opinion, is the primary determinate of foreign policy decisions. The BP model is comprised of all executive actors with a national security bearing. These include the Departments of State, Defense, Energy, and Treasury, and the intelligence community. With such a wide cast of actors, it argues

that there cannot be a singularly rational policy, but rather a plethora of competing options. Naturally, different options will favor the skills and interests of different actors, making competition between the actors of utmost importance to securing organizational power, pride, and budgetary needs.²³ Essential to the function of this competition is the central premise of the BP model, which is that foreign policy is not, in any way, predetermined along a general course or chosen with a particular approach in mind. The entirety of foreign policy, from the methodology to the desired outcome, is determined by competition between various bureaucratic actors.

As such, the end results are both due to and befitting of their particular organizational structure, specialization, and worldview. Meanwhile, the president and other policymakers remain passive, choosing to adopt the winner's policy approach. The BP model is predicated on the shortcomings of the DP model, replacing the shallow, volatile, and often uninformed attitudes of the public with a cadre of highly knowledgeable and worldly experts as the determining agents of policy. It is debatable whether a competition of organizationally interested experts creates the best possible outcome. Regardless, the benefits and drawbacks of each model play into the types of outcomes they produce.

The Models and Their Forces

Applicable to U.S. Kashmir Policy: The Domestic Politics Model

Given the large number who reside in the United States, the political organization of the South Asian American community has become an outsized force within the DP model's approach to Kashmir policy. The unique class composition of the community, which includes a "large number

²² Souva, "Foreign Policy Determinants," 153.

²³ Freedman, "Logic, Politics, and Foreign Policy Processes," 438.

of highly educated middle-class and affluent professionals,” has allowed “selective elite mobilization” to dominate the community’s approach to political organizing.²⁴ Although smaller in number compared to other ethnic diasporas, their above-average financial and social standing has allowed Indian and Pakistani Americans to form civilian interest groups and lobbying organizations on par with groups of much broader interests.

Indian American ethnic interest groups, both grassroots civilian political associations and professional lobbying groups, constitute a major force within the DP model’s approach to the Kashmir issue. With a population numbering in the millions, 70 percent of whom hold a college degree, and per capita incomes of \$20,000 over the American average, the Indian American community and its grassroots political organizing fit the criterium for elite mobilization.²⁵ Again, their comparatively smaller numbers make bloc voting actions nearly irrelevant, save for a few House districts; on the other hand, the combined wealth of the community has made its civilian political organizations, such as the Association of Indians in America (AIA) and the India League of America (ILA) into a force to be reckoned with. As more Indian immigrants arrived throughout the latter 1960s and 1970s, the AIA and ILA were the first two major Indian political associations to arise. In 2008, it was the ability of the Indian American community to make campaign contributions that attracted members of Congress “who engaged and supported the community on the nuclear deal.”²⁶ The 2008 US India Nuclear Deal was a watershed moment for relations between the two countries; due to their outsized opinion on the matter, their ability to effectuate that opinion, and their

coordination through their political associations, the Indian American community’s unavoidable pressure on lawmakers brought about a successful action on their behalf. With civilian ethnic interest groups directly affecting policymakers and their judge of public opinion on the matter, this was a prime exemplification of the DP model. Indian American civilian political associations and the wealth behind them will remain a sizable force upon U.S. policy towards Kashmir.

In the realm of professional politics, the US India Political Action Committee (USINPAC) has been the chief lobbying organization for Indian Americans for decades. Starting in 2005, it led the advocacy and lobbying efforts on Capitol Hill that ended up producing the 2008 nuclear deal. Additionally, it mounted a successful anti-Pakistan campaign that resulted, for the first time ever, in Congress recognizing Pakistan’s support for terrorist activities aimed at India. USINPAC has a strong record of influential, pro-India lobbying, making it another major force regarding the DP model and Kashmir policy. In fact, it has already affected Kashmir policy in the past. During the 1999 India-Pakistan conflict over Kargil, a district of Kashmir, USINPAC successfully pressured President Clinton into requesting of the Pakistani government a withdrawal of their troops from the city.²⁷ The organization “works closely with professional, business, and political elites from India,” which ensures that its actions are closely tied to, and perhaps directly representative of, the desires of the Indian government (however, it *cannot* be classified as a foreign lobbying

²⁴ Mishra, “Conclusion: Negotiating Identities and Crafting Political Solidarities,” 210.

²⁵ Badrul, “Embracing Policy and Politics,” 63-64.

²⁶ Mishra, “Conclusion: Negotiating Identities and Crafting Political Solidarities,” 211.

²⁷ Badrul, “Embracing Policy and Politics,” 69-70.

organization).²⁸ A newer lobbying group, yet one representative of the religious intensity of South Asia, is the Hindu American Political Action Committee (HAPAC). Working to support candidates sympathetic to the Hindu cause, HAPAC operates in tandem with the Hindu American Foundation (HAF), a civilian political/religious organization. HAF, in turn, has been accused of working closely with Hindu nationalist elements in India.²⁹ Within the DP model, smaller actors such as HAPAC and HAF can harness a more extreme narrative and force it to play an outsized role in policy discussions by seizing upon the extremely contentious religious aspect. It is equally likely that this hardline stance will lead to marginalization in the US policy arena, as religion will undoubtedly play a role in the inception and perpetuation of a potential conflict. On the whole, the ethnic interest groups of Indian Americans are hugely influential and constitute an essential aspect of the DP model as it pertains to Kashmir policy. Subsequently, their actions are reciprocated by the Pakistanis.

Although ethnically representing the other side of the Kashmir issue within the DP model, Pakistani American interest groups pale in comparison to their Indian counterparts; this is due to the community numbering only about 600,000, compared to the millions of Indian Americans. Followingly, the Pakistani community has only a singular major civilian political association, the American Pakistan Foundation (APF). Despite notable progress since its founding in 2009, the APF does not operate on the same level as the AIA or ILA. Moreover, despite sharing a similarly affluent economic status to the Indian diaspora, Pakistani Americans generally

lack a sufficiently high geographical concentration to form influential blocs, even more so than Indian Americans. On the lobbying front, the Pakistan-American Political Action Committee (PAKPAC) has developed their presence throughout the US government, including with some members of Congress. In this sense, it continues to successfully fulfill its objective of advocating for stronger ties between the US and Pakistan. However, PAKPAC has failed to take decisive actions on par with the achievements of USINPAC, highlighting potential limitations to advocating for a closer US-Pakistan relationship in a post-War on Terror world. Additionally, the Council on U.S.-Pakistan Relations lobbies for increased bilateral trade and commercial opportunities between the two countries; similar to PAKPAC, there has been little to show except meetings with members of Congress.³⁰ It can be expected that, in the event of a major development or crisis over Kashmir, organizations and lobbying groups on both sides would go into overdrive. Regardless of potential overseas developments, Pakistani American interest groups still lag far behind their Indian American counterparts in terms of power and influence. That said, the involvement of the Pakistani diaspora in American politics has been increasing, largely through campaign donations and a select few state and city offices in New York.³¹

Regardless of size or influence, the ethnic status alone of both Indian and Pakistani Americans affords them a vastly outsized voice in public opinion on US policy towards an issue concerning their respective country. This is what spurs formation of ethnic interest groups and general political organizing in the first place. However, the DP model operates off the

²⁸ Mishra, "Conclusion: Negotiating Identities and Crafting Political Solidarities," 217.

²⁹ Mishra, 215.

³⁰ Pavri, "Pakistani Americans," 436.

³¹ Pavri, 434.

assumption that politicians, the policymakers, act in a manner that emphasizes “public opinion and domestic welfare.”³² Unlike with most Americans, US policy towards Kashmir will directly affect the lives of many Indian and Pakistani Americans. From this, both diasporas derive an emotional currency that, even when utilized by an extremely small minority, can cast a large shadow on a particular policy. The Russia-Ukraine War offers a tragically fitting example, as many Ukrainian Americans, who had never engaged in ethnic political organization previously, can now effectively sway the positions of policymakers. This is due to their ethnic identity and the emotional currency they have been granted stemming from their direct connection to the war. Should another conflict break out over Kashmir, or even if policymakers are considering a sizable shift in policy, Indian and Pakistani Americans would find themselves in a similar position. The core tenet of the DP model, the desire of policymakers to remain in office, would react accordingly by closely integrating the pathos of the situation with the policy response. Ethnic identity alone can be utilized to tremendous effect as a force in the DP model when conditions are right.

Finally, the views of the general American public constitute the broadest applicable force within the DP model. Whereas ethnic interest groups and ethnic identity leverage will likely only impact a select group of policymakers (such as those with previously established ties to the cause and party leadership), the opinion of the general public will affect every policymaker. The DP model posits that policy will be designed to appease the public as much as it aims to advance US strategic interests.³³

Yet, public opinion often lags behind developments in foreign policy. This can lead to a situation in which policymakers are led astray by their desire to remain in office, creating ineffectual policy that responds to the previous status quo. On the question of Kashmir, the American public will be a status quo force. Currently, 60 percent of Americans believe the country should take a more active role in global affairs, yet this interest revolves around leading on issues climate change, COVID-19, and human rights.³⁴ It is highly unlikely that the American public will take interest in, much less rekindle action on, an issue that the US has been largely stagnant on since its inception.³⁵ Additionally, the vast pro-business lobby in the US will constitute a status quo force, as stability in South Asia will mean unfettered economic developments in India particularly. From the end of the Cold War to the present day, the predominate worldview of American business is that India represents a large and growing opportunity for commercial interests.³⁶

The Models and Their Forces

Applicable to U.S. Kashmir Policy: The Bureaucratic Politics Model

Whereas the DP model views the issue through the lens of various societal actors, ethnic and otherwise, the BP model contends that the path forward on Kashmir will revolve around a stark dichotomy between the forces of the Department of State and the Department of Defense. It is a divide that represents the most basic question of international relations, that being when to use force and when to use diplomacy.

³² Souva, “Foreign Policy Determinants,” 153.

³³ Souva, “Foreign Policy Determinants,” 153-154.

³⁴ “2022 Survey of Public Opinion on US Foreign Policy,” 19.

³⁵ Fai, “A Resolution of the Kashmir dispute,” 6.

³⁶ Mustafa, “US and Strategic Stability in South Asia,” 43.

The Department of State has been the operational arm of the United States in foreign affairs for over two hundred years, making the prestige of the department immense. The department deals in soft power, wielding vast persuasive capabilities and diplomatic techniques to affect foreign affairs. It acts as a knowledge bank on the world, with embassies worldwide staffed with country and regional experts.³⁷ As such, any action it takes will fall into this highly institutionalized and structured worldview, making the State Department another status quo force on the Kashmir question. Looking to the past, this categorization holds true. During the tension at the Kashmir demarcation line between December 2001 and October 2002, both India and Pakistan looked the US, expecting support. According to the BP model, the State Department “won,” as the US persuaded India to restrain itself and while requiring that Pakistan to end its support for Kashmir independence. Secretary of State Colin Powell himself visited both countries in January 2002.³⁸ Continuing on, the State Department won policy decisions on four separate occasions of potential war between 1980 and 2000 that returned the situation to the status quo each time. Given that the department has influenced the policy process to a great degree in the past, there is no question that it would be able to do the same going forward. Additionally, the State Department wields the power to impose sanctions, which can have a devastating multilateral effect when utilized in tandem with allies. Third party mediation efforts have proved to be the most effective tool for crisis management in South Asia. With its preferred policy taking precedent each time,

the State Department has proved itself to be a, if not *the*, major force on Kashmir policy in accordance with the BP model.³⁹

The Department of Defense (DoD), on the other hand, comprises the national defense structure, including the three military departments (Army, Navy, and Air Force), the Joint Chiefs of Staff, and various combat commands and intelligence capabilities. Unlike the State Department, the Pentagon does not lack funding and has dominated the course of American foreign policy generally for the better part of two decades.⁴⁰ As previously stated, the Kashmir issue is one where State has historically led in terms of policy creation. However, the DoD has refocused the US-India military relationship into one built on technological exchanges and maritime security policy. Simultaneously, it has drawn back from enlisting of Pakistan’s continued help in the fight against terrorism as it shifts focus towards great power conflicts. In 2012, the US and India jointly launched a Defense Technology and Trade Initiative (DTTI), which facilitated the transfer, co-development, and co-production of military technologies. Moreover, US-Indian naval exercises that began in 1992 have resulted in India’s participation in RIMPAC and US participation in *Yudh Abhyas* exercises with Indian ground forces.⁴¹ While Islamabad has received billions of dollars in US military aid, these allocations have decreased over the past decade. At the same time, one defense secretary after another continues to reaffirm India as the lynchpin in the eastward shift of US grand strategy. This, however, is not to downplay the historical influence American intelligence has had upon South Asia. Throughout the latter half

³⁷ Meese, Nielsen, Sondheimer, *American National Security*, 106-110.

³⁸ Mahmud, “Post-Cold War US Kashmir Policy,” 100.

³⁹ Malik, “Pakistan-India Relations,” 74.

⁴⁰ Meese, Nielsen, Sondheimer, *American National Security*, 110-113.

⁴¹ Weitz, “Promoting U.S.-Indian Defense Cooperation,” 9-18.

of the 20th Century, a stalwart alliance developed between the Central Intelligence Agency (CIA) and the Pakistani Inter-Services Intelligence (ISI). This relationship was furthered through coordinated efforts against Soviet activities in Afghanistan and the funding of more radical Islamic parties in the country.⁴² Unfortunately, ISI sits in a tricky position within the Kashmir debate, as New Delhi claims the agency provides support to the anti-India terrorist group Lashkar-e-Taiba. The veracity of these claims notwithstanding, the CIA and US intelligence on the whole must tread quietly on Kashmir, allowing the more visible actors to take the lead in developing a nuanced approach free from historical baggage. The Defense Department does not have the same weight as the State Department does in charting Kashmir policy, with the latter department repeatedly “winning” the competitive aspect central to the BP model historically. DoD capabilities, as a home for the armed forces, do not mesh well when trying to effectuate policy on an issue that pits two nuclear powers against each other. The gentle persuasiveness of the State Department has triumphed historically, and that is reflected in the prediction the BP model makes going forward.

The Prospective Policy Outcomes of the Models: The Domestic Politics Model

Bearing in mind the greater influence of Indian American ethnic interest organizations and the desire on behalf of the general public and US business interests to increase international cooperation, the DP model will predict that US policy towards Kashmir will remain unchanged. The Kashmir question is a perilous balance in which both India and Pakistan have great stakes. Whether due to a US policy shift or otherwise, upsetting this balance would be detrimental to both diasporas. Hence, the

reason why none of the ethnic interest organizations are pushing for any particular policy on Kashmir. If they were to do so, policymakers might discredit them for it, harming their future lobbying efforts. Tangentially, conflict and threats thereof in South Asia are not beneficial, given the close family ties many in the American diasporas retain in their home country. The general American public’s ambivalence toward Kashmir, their desire not to become directly militarily involved abroad, and the weighty US business lobby that desires stability will all convince policymakers that shifting the status quo on Kashmir would be a mistake. Instead, the DP model posits that it will be beneficial for policymakers to build further bilateral trade ties with India, given the force of both Indian ethnic organizations and US businesses to whom India is a blooming market.

The Prospective Policy Outcomes of the Models: The Bureaucratic Politics Model

Likewise, the BP model will also predict that US policy towards Kashmir will remain unchanged, while the US will increase its defense and strategic ties with India as China looms on the horizon. Given its greater ability to affect Kashmir policy directly, the State Department and its recommendations will take precedent on US relations with Pakistan and India alike, especially on development and human rights concerns. However, despite lacking the delicate capabilities of the State Department, the BP model predicts that Defense Department’s influence over US-India military ties will continue to grow. The DoD will also play a greater role in coordinating American strategy between India and other US partners throughout Asia. This outcome suits each of the actors’ specializations within foreign policy, ensuring that both will receive ample funding and attention going

⁴² Rashid, “Challenging Islam,” 84 – 85.

forward. However, an unlikely outcome from the BP model is that more attention will be paid to Pakistan in light of the US pivot away from the Middle East, spelling potential trouble. Failure to meaningfully engage and maintain ample relations with the nuclear-armed Pakistanis could spell destabilization down the line, making the predicted outcomes of the BP model a matter of concern and perhaps the basis of future policy adjustments.

Concluding Thoughts

On the whole, US Kashmir policy will continue to be overshadowed by a number of key developments on the international stage: increasing US-India bilateral ties, the US drawdown of attention and aid to Pakistan with the sunset of the War on Terror footing, the US-China rivalry for influence throughout Southeast Asia and the world, and the era of great power competition as nations seek to capitalize upon global uncertainty. Despite being the longest lasting border dispute still actively in contention, the Kashmir issue is too politically muddled for any one country to resolve while achieving any beneficial returns on its efforts. The United Nations originally tackled the issue in 1949 and was able to establish the Line of Control (LoC) that remains in effect. However, the wars of the 20th Century saw both countries reluctant to adopt a total war footing, due in large part to their status as nascent, developing states with militaries unequipped to fight a large-scale war of annexation.⁴³ With both countries having greatly advanced in military, intelligence, and nuclear capabilities since then, there is no guarantee that this trifecta of destabilization will remain bottled up in perpetuity. Likewise, the rise of religious nationalism on both

sides as a newfound component of foreign policy determinations and government legitimacy overall does not bode well for future de-escalation. The Western response to Russian aggression and atrocities in Ukraine continues to paint a rosy picture of international unity that may or may not still exist when the axe falls on Kashmir. American policy actors must be ready to take the initiative regardless of contingency. Perhaps a proper Kashmir policy, one that accounts for the suffering of millions of Kashmiris and the legitimacy of two nuclear-armed countries on the line, can only come from the United Nations. Unfortunately, whether incepted by the United States or the United Nations, history shows that an effective policy response of the required magnitude does not come until well after hostilities have commenced.

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Quasi-Compliance: An Examination of Russia and the European Court of Human Rights

KATHLEEN CASEY

Abstract

The European Court of Human Rights (ECtHR) has been described as the ‘crown jewel’ of international institutions due to its unique influence within Europe.¹ Though its jurisprudence is progressive, it retained the world’s largest territorial jurisdiction for 26 years.² This included authoritarian states such as the Russian Federation, which was a willing participant in the ECtHR from 1998 until 2022. During that time Russia demonstrated ‘quasi-compliance’ to the Court, meaning it typically paid dues and instituted individual ECtHR judgements but refrained from extensive reform *de facto*. Though the ECtHR by no means transformed Russia’s human rights practices, the state’s quasi-compliance to the Court had a limited yet meaningful impact in areas under Russian law. The Court’s ability to influence authoritarian states such as Russia suggests that the ECtHR model

could be effective at the universal as well as regional levels.

The Question

Europe’s regional system for human rights protection is unique. Following the horrors of the Holocaust, European leaders reevaluated status-quo mechanisms for human rights protection and sought to instill greater international accountability.³ Established in 1950, The European Convention on Human Rights (ECHR) is the world’s “most advanced” mechanism for human rights protection and enforcement.⁴ The ECHR names and protects 16 rights, including political rights such as freedom of assembly, social rights, and respect for family and private life.⁵ Unlike other human rights treaties which emphasizes on reporting, the ECHR favors enforcement.⁶ The ECHR’s enumerated rights are enforced by the European Court of Human Rights (ECtHR) located in Strasbourg, France. The Council of Europe (CoE) oversees this enforcement. The ECtHR’s effectiveness in enforcement has transformed the ECHR from a mere “treaty of international law” into “an instrument of European public order, or *order public*.”⁷

The ECHR framework utilizes unparalleled intervention in state sovereignty. Article 1 of the ECHR states that all contracting parties will “secure to everyone within their jurisdiction” the convention’s enumerated rights.⁸ All

¹ Lawrence Helfer, “Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime” *European Journal of International Law*, Volume 19, Issue 1 (February 2008): 125–159, 125.

² Jacobs, Ovey, and White, *The European Convention on Human Rights*, 7th edition, (Oxford University Press 2017): 18.

³ Wadham et al, *Blackstone’s Guide to the Human Rights Act 1998*, 7th edition, (Oxford University Press 2015): 3.

⁴David Armstrong, Theo Farrell and Helene Lambert, *International Law and International Relations, Second Edition*. (Cambridge University Press, 2012): 174.

⁵ European Convention on Human Rights, 1950. (www.echr.coe)

⁶Armstrong, *International Law*, 174.

⁷Armstrong, *International Law*, 167.

member states are expected to develop domestic mechanisms for human rights protection.⁹ However, if an injured party exhausts all domestic remedies, they may appeal to the ECtHR for justice. In appeal proceedings, the ECtHR may find in favor of the injured party and announce the nature of the violation. Further, it can award monetary compensation to the victim, ask states to reopen proceedings, remove statutes of limitations, reform legislation or administrative policies, and even initiate constitutional changes. In 1998, the CoE enacted Protocol 11 which strengthened the ECtHR's influence by making the acceptance of the right of individual petition mandatory.¹⁰ In practice, the ECtHR serves as a supra-supreme court that may intervene in national jurisdiction when it deems human rights have been violated.

The ECtHR's interventionist model has been relatively effective in Europe. Despite the ECtHR's tendency to intervene, member states have complied with the ECtHR's rulings in "the vast bulk of cases."¹¹ The ECtHR has successfully influenced a variety of European policies pertaining to prisoners' rights, abortion, and the death penalty.¹² Europe has been described as a "figure of exception" to the skepticism, which typically characterizes international human rights law.¹³ Some scholars have explained this 'European

exceptionalism' as rooted in the conceptions of community stemming from the European Union. According to this theory, the EU's facilitation of European integration socialized European states into accepting the primacy of the European collective over individual nations.¹⁴ Though this theory is plausible, it fails to explain the willingness of non-EU states to join and comply with the⁴⁵ECHR. The ECtHR has 46 contracting parties, while the EU only has 27 member states.¹⁵ This raises the question: Why would a state like Russia apply for membership and comply with the Strasbourg Court?

The History of Russia and the ECHR

Russia's 1996 ascendency to CoE membership was met with surprise and skepticism. Similarly, when Russia ratified the ECHR in May 1998, scholars viewed it as a moment of "world historical potential."¹⁶ It seemed counterintuitive that Russia, a Cold War superpower, would grant the "final word" on human rights to a court located in Western Europe. Due to the nature of the ECtHR, this ratification was poised to be a "legal revolution." In ratifying the ECHR, Russia agreed to be regularly supervised by the CoE through internal investigations and reports. Further, Russia ratified Protocol 11 establishing the "mandatory jurisdiction" of the ECtHR.¹⁷

⁸ European Convention on Human Rights, 1950. (www.echr.coe)

⁹ Jacobs, *The European Convention*, 40.

¹⁰ Stephen C. McCaffrey, *Understanding International Law, Third Edition* (Carolina Academic Press, 2021): 280

¹¹ Armstrong, *International Law*, 174.

¹² Wadham, *Blackstone's Guide*, 7.

¹³ Rene Provost "Teetering on the Edge of Legal Nihilism: Russia and the Evolving European Human Rights Regime" *Human Rights Quarterly*, Vol. 37, No. 2 (The Johns Hopkins University Press 2015): 289-340, 319.

¹⁴ Armstrong, *International Law*, 178.

¹⁵ "Russia ceases to be party to the European Convention on Human Rights" Newsroom, Council of Europe September 16, 2022 (<https://www.coe.int/en/web>)

¹⁶ Lauri Malksoo "Russia, Strasbourg, and the paradox of a human rights backlash" in Lauri Malksoo and Wolfgang Benedek, eds., *Russia and the European Court of Human Rights: the Strasbourg Effect* European Inter-University Centre for Human Rights and Democratisation. (Cambridge: Cambridge University Press, 2017): 3-25, 3.

This was consistent with the 1993 Russian Constitution which “acknowledges the right of citizens to bring complaints to international bodies.” Many were skeptical of Russia’s sudden willingness to embrace Western values. Some argued that Russia was not a “suitable” applicant to the ECHR. One report found that “the legal order of the Russian Federation does not . . . meet the CoE standards.”¹⁸ Russia was accepted in hopes that membership would uplift the status of human rights within the state. In June of 2013, Russia strengthened its commitment to the ECtHR through a resolution which directed domestic courts to “take into account” ECtHR jurisprudence when interpreting Russian law and other international treaties.¹⁹

However, Russia’s actions in Ukraine have weakened its relationship to the ECHR and casted doubt on whether the state ever demonstrated meaningful compliance. Russia’s February 2014 annexation of Crimea had significant implications for Russia’s membership status. In April 2014, the CoE voted to suspend Russia, stating that the annexation was “a grave violation of international law” and contrary to the ECHR.²⁰ The main implication of this suspension was that Russia could no longer vote in the CoE. In July of 2015, while Russia continued to be suspended, the Russian Constitutional Court (CC) issued a resolution that ECtHR

judgements could be subject to constitutional review prior to implementation.²¹ This resolution gave the Russian CC veto power over ECtHR rulings. Though the United Kingdom has since announced similar plans, Russia was the first member-state to engineer a sovereign veto power over the ECtHR.²² Despite Russia’s unwillingness to reverse hostilities in Ukraine, it has remained interested in its CoE membership. In 2018, Russia petitioned⁴⁶ to be reinstated as a full member of the CoE.²³ Aware of the Council’s financial troubles, Russia threatened to cease further payment to the Council until its membership was reinstated. This “financial blackmail” worked. In 2019, Russia’s membership was restored. However, due to Russia’s 2022 invasion of Ukraine, the reinstatement was short-lived. On March 15, 2022, Russia voted to independently leave the CoE and end ECtHR jurisdiction within the country.²⁴ Interestingly, Russia only initiated this exit after becoming aware that the Council planned to permanently expel it from the ECHR. Russia’s relationship with the ECtHR officially terminated in September 2022. At which point, Russian citizens lost the right of appeal to the ECtHR.²⁵ Though Russia’s invasion of Ukraine was the downfall of its relationship with the ECHR, its willingness to participate and comply with ECtHR rulings until the final moments prior to the Ukraine invasion is peculiar and

¹⁷ Provost, “Teetering on the Edge,” 293.

¹⁸ Rudolf Bernhardt et al., “Report of the Conformity of the Legal Order of the Russian Federation with Council of Europe Standards” 15 Hum. Rts. L. J. 249, (1994): 287.

¹⁹ Provost, “Teetering on the Edge,” 310.

²⁰ “Citing Crimea, PACE suspends voting rights of Russian delegation and excludes it from leading bodies” Parliamentary Assembly News, Council of Europe, October 4, 2014 (www.pace.coe.int/en/news/4982)

²¹ Malksoo, “Russia, Strasbourg,” 9.

²² Wadham, *Blackstone’s Guide*, 3.

²³ Milena Ingelevič-Citak “Russia Against Ukraine Before the European Court of Human Rights. The Empire Strikes Back?” *Polish Political Science Yearbook*, vol. 51 (2022): 7–29, 18.

²⁴ “Russia Quits Europe’s Rule of Law Body, Sparking Questions Over Death Penalty” *The Moscow Times: Independent News from Russia*, March 10, 2022.

²⁵ “Russia ceases to be party to the European Convention on Human Rights” Newsroom, Council of Europe September 16, 2022 (<https://www.coe.int/en/web>)

worthy of further analysis.

Contending Positions: Evidence

Supporting Russian Compliance

Scholars debate whether Russia ever demonstrated meaningful compliance to the ECHR. In my view, the ECtHR influenced Russia, albeit in limited instances. Russian policy pertaining to capital punishment was the most immediate impact of Russia's ECHR ratification. Although Russia never ratified ECHR Protocol 6, which explicitly outlaws the death penalty, it committed itself to a reduction of capital punishment as a condition of its CoE membership.²⁶ In 1996, President Yeltsin issued a decree "for gradual reduction of the application of the death penalty..." In 1999, the Russian CC followed suit and imposed a moratorium on capital punishment. In 2009, the CC again affirmed that the death penalty could not be imposed in Russia because of the country's international commitments. This *de jure* pause on capital punishment was one of the ECHR's most controversial impacts. When Russia announced its plans to withdraw from the ECHR in March 2022, former President Medvedev celebrated the exit as an opportunity to restore the death penalty.²⁷ This reveals that Russia consciously sacrificed the death penalty to remain a member of the ECHR.

Russia again demonstrated its loyalty to the ECtHR in the controversial case *Markin v. Russia* (2011). *Markin* was the first time the ECtHR overruled a decision by the Russian CC.²⁸ Though Russia had lost ECtHR judgements before, *Markin* provoked the greatest pushback from the

Russian elite. The case's legal proceedings began when Markin, a serviceman in the Russian army, was denied parental leave because of his gender. The Russian CC ruled against Markin, citing Article 38(1) of the⁴⁷Russian Constitution which designates special protection for "motherhood," but not fatherhood. Markin appealed the CC's decision to the ECtHR, claiming that it violated the ECHR's prohibition on sex discrimination. The ECtHR agreed with Markin, overruled the CC's decision, and ordered Russia to pay damages.²⁹

Though the *Markin* decision sparked widespread condemnation, Russia ultimately upheld its commitment to the ECHR. The CC's longtime chairman, Valerii Zorkin, was especially outspoken, arguing that the ECtHR should not apply to cases implicating Russia's Constitution.³⁰ This backlash inspired the introduction of legislation aimed at removing ECtHR jurisdiction from cases pertaining to the Russian Constitution. Though this proposal garnered support from Russian elites, it never passed. After pushback from human rights groups and the CoE, the CC refrained from supporting the legislation due to "procedural irregularities." Further, Zorkin "backpedaled" from his statements condemning ECtHR's interference in Russian affairs, stating that it was legally "necessary" for Russia to adhere to ECtHR decisions.³¹ In July 2011, the draft legislation was quietly withdrawn, and Russia's Constitution remained squarely within ECtHR jurisdiction. The *Markin* case controversy made Russia comply with the ECtHR, despite its overruling of a high court decision.

²⁶ Provost, "Teetering on the Edge," 292.

²⁷ "Russia Quits Europe's Rule of Law Body, Sparking Questions Over Death Penalty" *The Moscow Times: Independent News from Russia*, March 10, 2022.

²⁸ William Pomeranz "Uneasy Partners: Russia and the European Court of Human Rights."

Human Rights Brief 19, no. 3, 2012 (Washington College of Law Journal)

²⁹ Pomeranz "Uneasy Partners," 18.

³⁰ Pomeranz "Uneasy Partners," 19.

³¹ Pomeranz "Uneasy Partners," 20.

In addition to complying with high profile judgements and terms of membership, Russian judges have integrated the ECHR into Russian law through domestic court decisions. Since ratifying the ECHR, the Russian CC has repeatedly cited ECtHR jurisprudence in decisions pertaining to civil and social rights.³² Though Zorkin has been outspoken against the ECtHR's "improper" influence, he himself has claimed that over 50 of his CC decisions have been based on ECtHR decisions.³³ Other Russian judges have acknowledged that the ECtHR jurisprudence is an "inspiring model" for emulation.³⁴ This judicial respect for ECtHR jurisprudence may be influenced by the "mere possibility of ECtHR litigation," which has been "sufficient to alter the behavior of Russian authorities" in some limited instances.³⁵ The implementation of ECtHR jurisprudence by Russian judges created a "trend of convergence" during the 21st century between Russian and European human rights norms.³⁶

Further, Russia has consistently demonstrated compliance through its record of court payments. Since Russia became a member-state, the ECtHR has imposed "significant" fines on the state for individual human rights violations.³⁷ These fines, referred to as payments of "just satisfaction," occur when the ECtHR finds an individual's rights violated by the

Russian state.³⁸ Between 2012 and 2022, the ECtHR awarded 2,054,152,582 Euros in "just satisfaction" payments against the Russian Federation.³⁹ Despite the large number of judgements against Russia, its record of payment has been consistently "prompt."⁴⁰ While some scholars have described this monetary compliance as "somewhat satisfactory," others have gone so far as to characterize it as a "generally good record."⁴¹ Russia's commitment to paying financial reparations to the ECtHR and individuals in response to judgements "signals respect" for the European Court and its values.⁴²

Furthermore, the ECtHR has inspired several legislative reforms in Russia. While Russia has ignored several systemic human rights issues, it has nonetheless made a concerted effort to address at least some of the ECtHR's concerns.⁴³ Though Russia has a far from perfect human rights record, the state made "significant progress" in the 21st century following ratification of the ECHR.⁴⁴ Legislative reforms have transformed Russia's "judicial, procedural, civil, and criminal legal landscape," facilitating greater conformity with European human rights standards. In total, Russia has implemented 1,368 ECtHR judgements to an extent that the CoE has deemed "all necessary follow-up measures" have been appropriately taken.⁴⁵ The CoE cites Russian reform in firearm, detention,

³² Pomeranz "Uneasy Partners," 17.

³³ Pomeranz "Uneasy Partners," 20.

³⁴ Provost, "Teetering on the Edge," 322.

³⁵ Provost, "Teetering on the Edge," 324.

³⁶ Provost, "Teetering on the Edge," 325.

³⁷ Pomeranz "Uneasy Partners," 17.

³⁸ Provost, "Teetering on the Edge," 310.

³⁹ "Russian Federation: Country Fact Sheet" Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights,

Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)

⁴⁰ Provost, "Teetering on the Edge," 311.

⁴¹ Pomeranz "Uneasy Partners," 17.

⁴² Provost, "Teetering on the Edge," 311.

⁴³ Provost, "Teetering on the Edge," 311.

⁴⁴ Provost, "Teetering on the Edge," 302.

⁴⁵ "Russian Federation: Country Fact Sheet" Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation).

and due process legislation as “main achievements” of the Strasbourg Court.⁴⁶

Examples of ECtHR judgements that impacted Russian legislation are numerous. The most significant legislative strides have pertained to detentions and due process. For example, in response to *Putintseva v. Russia* (2012), the laws that allowed discretionary use of force were repealed and replaced by a new provision in the Military Police Statute. This required alternative measures prior to resorting to firearms.⁴⁷ Following the judgment in *Bednov v. Russia* (2015), Russia enacted legislation reforming state detention practices and established a time-limit for detention proceedings. *Arshinchikova v. Russia* (2011) inspired legislative reforms that greatly reduced ‘nadzor,’ a practice in which closed cases are subject to multiple challenges. In addition to circumstantial reform resulting from individual challenges, Russian prison conditions have improved “in many areas” due to increased funding for the judiciary and justice system.⁴⁸ Though Russia has fallen short of addressing all the concerns cited by the court, it has demonstrated responsiveness to ECtHR judgements in at least some instances.

Contending Positions: Evidence Against Russian Compliance

⁴⁶“Russian Federation: Main Achievements in Member States” Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)

⁴⁷“Russian Federation: Main Achievements in Member States.”

⁴⁵“Russian Federation: Country Fact Sheet” Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation).

⁴⁶“Russian Federation: Main Achievements in Member States” Department for the Execution of Judgments of the European Court of Human Rights,

Despite these moments of optimism, it would be wrong to characterize Russia’s relationship to the ECtHR as one of total compliance. Though Russia may have demonstrated progress during its tenure, it was by no means a model member-state. The CoE has listed Russia, Turkey, and Ukraine as the “least cooperative” member states with “the most substantial implementation problems.”⁴⁹ The ‘ambiguity’ inherent to Russian law has meant that at times, *de jure* reforms have not always resulted in *de facto* change.⁵⁰ The CoE cites Russian detention, due process,⁴⁹ free assembly, and inter-state conflict as problems necessitating “ongoing supervision” of the Russian Federation.⁵¹ Russia’s actions in conflict with neighboring countries such as Chechen, Georgia, Moldova, and Ukraine have generated concern from the ECtHR as well as the international community. The CoE is still actively monitoring instances of disappearances, killings, torture, unlawful detention, and discrimination by the Russian government. Russia’s failure to address these issues on a systemic level has led some to describe the state’s relationship with the ECtHR as wholly dismissive and “turbulent.”⁵²

Russia has limited the Court’s influence by erecting boundaries against

Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)

⁴⁷“Russian Federation: Main Achievements in Member States.”

⁴⁸ Provost, “Teetering on the Edge,” 323.

⁴⁹ Provost, “Teetering on the Edge,” 324.

⁵⁰ Provost, “Teetering on the Edge,” 340.

⁵¹ “Russian Federation: Main Issues Before the Committee of Ministers - Ongoing Supervision”

Department for the Execution of Judgements of the European Court of Council of Europe. Accessed October 25, (www.coe.int/en/web/execution)

⁵² Pomeranz “Uneasy Partners,” 17.

ECtHR jurisdiction. The July 2015 resolution, which subjected ECtHR rulings to review by the Russian CC, reduced the European Court's reach within Russia.⁵³ Further, there have been “documented instances of political intimidation and coercion” aimed at discouraging Russians from filing applications with the ECtHR.⁵⁴ Russian elites have called applicants “anti-Russian” and “public enemies.” These instances of hostility support the position that Russia has fallen short of any meaningful level of compliance.

Most significantly, Russia's actions against Ukraine have caused some to question whether the state ever legitimately espoused its ECHR commitments. In addition to the numerous ways in which Russia has violated human rights during the Ukraine conflict, Russia has attempted to weaponize the ECtHR against Ukraine. Just six months prior to its 2022 invasion on July 22, 2021, Russia filed an interstate complaint against Ukraine to the ECtHR alleging numerous human rights violations.⁵⁵ Interstate complaints are exceedingly rare, and this was Russia's first. In the complaint, Russia emphasized that it “would not back down from the fight to protect human rights” and attempted to characterize itself as defending Ukrainians from a corrupted domestic government. The nature of the complaint made scholars believe that Russia did not realistically expect a judgment in its favor.⁵⁶ Rather, it may have been an attempt to transform the Court into a “political weapon” to discredit both ECtHR and Ukraine. This perhaps is evidence that Russia never treated the ECtHR with respect.

⁵³ Malksoo, “Russia, Strasbourg,” 9.

⁵⁴ Provost, “Teetering on the Edge,” 323.

⁵⁵ Milena Ingelevič-Citak “Russia Against Ukraine Before the European Court of Human Rights. The Empire Strikes Back?” *Polish Political Science Yearbook*, vol. 51 (2022): 7–29, 7.

Analysis

Russia's relationship to the ECtHR is best described as one of ‘quasi-compliance.’ Though there is compelling evidence against the ECtHR's effectiveness in Russia, one cannot ignore the ways in which Russia has consciously chosen to comply and remain a member-state. While Russia refrained from addressing systemic human rights problems, it did make payments of ‘just satisfaction’ and institute individual ECtHR judgements. Until the Ukraine invasions, many scholars believed the ECHR was facilitating progress in Russian law.⁵⁷ Though the state has at times criticized the Court and failed to address major problems, it made a concerted effort to remain a member of the CoE, only withdrawing upon learning of plans for its expulsion. Russia's quasi-compliance with ECtHR may not be so different from the United Kingdom.⁵⁸ Russia and the United Kingdom have both demonstrated occasional non-compliance, spoken out against ECtHR decisions, and initiated plans to uphold domestic law above Strasbourg jurisprudence. Though Russia and the UK undoubtedly have very different human rights records, they share this lukewarm relationship to the ECHR. The limited instances in which Russia has been a willing and compliant member-state necessitate this middle-ground description of quasi-compliance.

Russia's interest in membership and quasi-compliance to the ECHR is perplexing. Russia has never been a member of the EU and has long been “ambivalent” as to whether it defines itself as European.⁵⁹ In

⁵⁶ Ingelevič-Citak, “Russia Against Ukraine,” 9.

⁵⁷ Provost, “Teetering on the Edge,” 291.

⁵⁸ Malksoo, “Russia, Strasbourg,” 13.

⁵⁹ Provost, “Teetering on the Edge,” 291.

spite of this acquiescence, Russia has chosen to join the ECHR, which boasts the most advanced compliance mechanisms in the world and demonstrate a 26-year record of quasi-compliance. This choice is likely due to Russia's desire to maintain a reputation as protective of human rights. Russia has consistently used human rights rhetoric as a mask for its actions. Even during Russia's attack on Ukraine, it attempted to characterize its purpose as morally just, going so far as to file an interstate complaint against Ukraine for alleged human rights violations. Russia's persistence to maintain a positive image has been compared to the way indulgences were used in medieval Europe: "by paying money for one's sins one can actually keep committing them or... commit more of them."⁶⁰ Russia has complied with certain ECtHR rulings in order to maintain a positive reputation as an alibi for more detrimental actions. In this way, Russia's quasi-compliance simultaneously served its own self-interest as well as the interests of those who benefited from its compliance.

Conclusion

Russia's record of quasi-compliance to the ECtHR is perhaps evidence that the

Strasbourg model should be implemented at the universal level. Though the ECtHR defines itself as distinctly European, its model could be beneficial to the international community. If the ECtHR could influence Russia in a marginal way, this suggests it has the potential to influence other superpowers such as the United States. Though Russia has demonstrated that powerful states may not always comply with the ECtHR, there is nonetheless potential for quasi-compliance. In my view, quasi-compliance makes implementation at the universal level worthwhile. Russia's commitment to the ECHR did not prevent the Ukraine invasions, but it did influence Russian state practices in other ways. Though the ECtHR's effectiveness has been limited, it has allowed Europeans a legitimate avenue to remedy grievances, therefore making a meaningful impact on at least some individuals' lives. No international institution or court will be 100% effective at preventing conflict. However, institutional models that generate responsiveness from its members and help at least some individuals are worthy of respect. The ECtHR's impact has been modest, but it remains a worthwhile model for the international community to consider implementing at the universal level.

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⁶⁰ Malksoo, "Russia, Strasbourg," 6.

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Transnational Pharmaceuticals and COVID-19 Vaccines: Global Access

GWENDOLYN MINOGUE

Abstract

In the wake of the Covid-19 pandemic, unequal vaccine access has exposed the inequities perpetuated by the transnational industry that is corporate pharmaceuticals. Intellectual property rights catalyze the lack of production in low-income countries, leading to disproportionate vaccination rates in the global north. Yet lobbyists argue that intellectual property rights foster innovation of new drugs by billion-dollar pharma companies. A deep dive into access, pharmaceutical activity, profit margins, and IP law reveal some possible solutions to the access problem.

Introduction

Of the nearly thirteen billion vaccines administered since the start of the pandemic, southern African countries acquired less than 20 doses per 100 people. In contrast, industrial nations obtained greater than or equal to 100 doses per 100 people.⁵² WHO Director General Tedros

Ghebreyesus addressed the organization, saying, “I think I would go one step further and say not just that the world is at risk of vaccine apartheid. The world is in vaccine apartheid.”⁵³ The connotation of “apartheid” conjures a sobering image of the realities of vaccine inequity. Compounded with the profit mindset of transnational pharmaceutical corporations (TNCs), this creates a tricky situation in a globalized world. “Though *half* of all Americans are now fully immunized against COVID-19, only 1 percent of people living in low-income countries have received at least one dose of the vaccine”.⁵⁴ Is this vaccine distribution inequality at odds with increased pressure to waive intellectual property, or IP, in the midst of an access crisis? Will increased access to poorer nations hinder the innovation of new drugs?

I argue that expanding access does not necessarily diminish profit-driven innovation; waiving IP rights temporarily to promote vaccine distribution to vaccine-deficient countries will not reduce the revenues gained from northern industrial nations. Pfizer, a prominent pharmaceutical TNC, has faced scrutiny in the wake of the Covid-19 pandemic, with allegations that “big pharma” is increasing Covid-19 vaccine prices as the pandemic is waning to increase corporate profits. While denying access by raising costs is undoubtedly an ethical issue, the corporation maintains that these raised costs can actually funnel more money into the creation of other life-saving drugs, according to the corporation.⁵⁵ In

⁵² World Health Organization Covid-19 Dashboard. <https://covid19.who.int>.

⁵³ Lerner, Sharon. “World Faces COVID-19 ‘Vaccine Apartheid.’” *The Intercept*, December 31, 2020. <https://theintercept.com/2020/12/31/covid-vaccine-countries-scarcity-access/>

⁵⁴ MSF. “Take action to help end this pandemic for all.” MSF website, 2022.

<https://www.doctorswithoutborders.org/latest/campaigns/end-pandemic-for-all>. Mullin, E.

⁵⁵ Pollack, A. “For profit, industry seeks cancer drugs.” *New York Times*, September 2, 2009. <https://www.nytimes.com/2009/09/02/health/research/02cancerdrug.html>. Sidley, P. “Drug companies sue South African government over generics.” *NIH*, February 24, 2001.

this way, any profit generated can contribute to innovation of new drugs. Through re-evaluating their target profit margins and understanding the necessity for the development of healthcare infrastructure in third-world states, pharmaceutical TNCs must strike the balance between profit and responsibility.

Inequalities in Access

A focus on the global northern countries augments the plight of lower-economic states when it comes to vaccine access. “An open letter to G20 [Group of 20 forum] leaders in October, 2021 highlighted how 133 doses per 100 people have been given in HICs [high-income countries] compared with four doses per 100 people in LICs.”⁵⁶ This statistic highlights the crisis faced by developing states. Healthcare infrastructures within these states leave much to be desired, and this is exacerbated by the lack of resources received from other states to curb issues like the pandemic. Even before Covid, “the poorest countries in developing regions carry the highest burden of disease: communicable diseases (CDs), non-communicable diseases (NCDs), and the risk of new diseases related to changes in the social and physical environment, the socio-behavioral illness”.

⁵⁷ This leaves states in the global south

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1119675/>.

⁵⁶ Bajaj, S. S.; Maki, L.; Stanford, F. C. “Vaccine apartheid: global cooperation and equity.” *The Lancet*, 399, no. 10334 (April 2022): 1452-1453. [https://doi.org/10.1016/S0140-6736\(22\)00328-2](https://doi.org/10.1016/S0140-6736(22)00328-2).

⁵⁷ Stevens, H.; Huys, I. “Innovative Approaches to Increase Access to Medicines in Developing Countries.” *Frontiers in Medicine*, 4, no. 218 (December 2017).

<https://doi.org/10.3389/fmed.2017.00218>.

⁵⁸ Bajaj, S. S.; Maki, L.; Stanford, F. C. “Vaccine apartheid: global cooperation and equity.” *The*

particularly vulnerable when events like pandemics do enter the horizon.

The issue is not a lack of innovation, but rather a lack of access. Pharmaceutical companies make a profit from producing new and better vaccines, which in the context of Covid-19, enables booster shots to keep up with new variants. But this drive to innovate often takes precedence over the basic administration of first doses. “Given limited supply, every booster shot HICs purchase is a lost first or second dose for LICs”.⁵⁸ Last year, Pfizer had only delivered less than one percent of its vaccines to LICs, because they aren’t able to pay as much as more developed states.⁵⁹

Intellectual Property Debate

Why is access so limited? Why is there a monopoly on a life-saving good? The intellectual property debate is one that permeates discussions surrounding mitigation of the pandemic. Intellectual property refers to “creations of the human imagination, typically protected under the law using systems of patents, copyrights, and trademarks,” with IP rights defined as “rules that protect the owners of content through copyright, patents, trade marks, and trade secrets”.⁶⁰ It is argued that IP helps to protect innovation, because a

Lancet, 399, no. 10334 (April 2022): 1452-1453.

[https://doi.org/10.1016/S0140-6736\(22\)00328-2](https://doi.org/10.1016/S0140-6736(22)00328-2).

⁵⁹ Oxfam. “Pfizer, BioNTech and Moderna making \$1,000 profit every second while world’s poorest countries remain largely unvaccinated.” *OCHA Services*, 16 November 2021.

<https://reliefweb.int/report/world/pfizer-biontech-and-moderna-making-1000-profit-every-second-while-world-s-poorest>.

⁶⁰ Baylis, J.; Owens, P.; and Smith, S., eds. 2020. *The Globalization of World Politics: An Introduction to International Relations*, 8th Edition (New York: Oxford University Press), pages 353, 354, 541.

company with IP rights has a better competitive advantage.

But innovation is often at odds with access. A company may protect its IP rights to vaccine development in order to utilize the resulting profit for innovation. But this precludes global manufacturing capacity, because it prohibits these entities from making the much-needed vaccines on their own.⁶¹ This industry monopoly by a few big pharmaceutical companies exacerbates and perpetuates the vaccine shortage. Arguments for temporarily waiving IP rights in the wake of the Covid-19 pandemic focus on the necessity of humanity banding together, especially in a globalized world. We must learn from our past mistakes. “Shamefully, it took nearly a decade for the first antiretroviral drugs to reach the African continent, even though Africa was the hardest hit region and antiretroviral drugs provided 90% mortality reduction”.⁶² The virus behind Covid affects people globally, so the capacity to vaccinate must be global too. Opponents of waiving these rights argue that existing World Trade Organization (WTO) protections of IP like TRIPS (Trade-Related Aspects of Intellectual Property Rights) offer enough leeway. “Article 31 grants governments rights to issue licenses for using a patent during the patent term without a patent holder’s consent”.⁶³ But these exceptions require an

application, wasting what is precious time during a pandemic. Waiving IP rights would allow for greater investment into global manufacturing processes without fear of lawsuits for involvement in patented production. Otherwise, LICs are blocked from getting access to the life-saving shots gatekept by Pfizer in favor of selling to the global North, where the profits are greater.

Pfizer

Pfizer quickly became a household name, if it hadn’t been one already, after its work on the Covid-19 vaccine fairly early in the pandemic. The pharmaceutical company is research-based and has over 100 drugs on the market in fields of neurology, cardiology, oncology, pain management, and more. TNCs exercise considerable influence in trade, with Pfizer, a pharmaceutical TNC, dominating world market share of pharmaceuticals in 2019.⁶⁴ “We’re in relentless pursuit of breakthroughs that change patients’ lives. We innovate every day to make the world a healthier place. It was Charles Pfizer’s vision at the beginning and it holds true today,” according to its website.⁶⁵

Indeed, Pfizer has pledged 2 billion doses of its Covid-19 vaccine to low- and middle-income countries. Currently, 181 countries have access to the vaccine, as per Pfizer’s

⁶¹ Jecker, N. S.; Atuire, C. A. “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines.” *Journal of Medical Ethics*, 47, no. 9 (July 2021): 595.

<http://dx.doi.org/10.1136/medethics-2021-107555>.

⁶² Jecker, N. S.; Atuire, C. A. “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines.” *Journal of Medical Ethics*, 47, no. 9 (July 2021): 597.

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⁶³ Jecker, N. S.; Atuire, C. A. “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines.” *Journal of Medical Ethics*, 47, no. 9

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⁶⁴ Statista. “Top 20 pharmaceutical companies worldwide based on prescription drug market share in 2019 and 2026*.” <https://www.statista.com/statistics/309425/prescription-drugs-market-shares-by-top-companies-globally/>.

⁶⁵ Pfizer.

<https://www.pfizer.com/science/coronavirus/vaccine/working-to-reach-everyone-everywhere>.

website. But at what cost are these doses distributed? “Pfizer was a good citizen in keeping prices down during the worst of the pandemic,” CEO Albert Bourla told investors. Now payers [health insurance companies] will pick up the added cost, while consumers “wouldn’t see the difference” because there’s generally no copay for vaccines.⁶⁶ It is true that individuals in first-world states will see little to no difference as Pfizer begins to hike prices of the mRNA vaccine. Health insurance costs may rise; however, any increase is not attributed solely to the Covid-19 vaccine. Costs were low then, but now that they are higher, how will less well-off countries afford them without the insurance infrastructure backing high-income countries? The answer is that they can’t, not as well as countries in the global North can. Pfizer’s profits come almost exclusively from the global north; in fact, Pfizer makes “\$1,000 profit every second while world’s poorest countries remain largely unvaccinated”.⁶⁷ This is because thanks to IP rights, Pfizer can command an industrial monopoly and charge at the highest margins.

As the Covid-19 vaccine marks an innovative switch to mRNA-based technology, various technological aspects remain a “closely guarded secret.”⁶⁸ If a poorer state decides it cannot afford to purchase the vaccine, it is unlikely that they

have the technological ability or the resources for vaccine production. This inaccessibility allows Pfizer to profit and funnel that profit into advancing technologies like mRNA vaccines. But if Pfizer is neglecting the global south when it comes to the vaccine, a more ethical route would be to focus the resulting profits on developing vaccines for other emerging diseases that plague these areas. Even more amenable to corporate social justice principles would be to temporarily waive IP rights - Pfizer could follow Moderna’s lead in pledging not to enforce Covid-19 vaccine patents.⁶⁹ But this is only one step.

However, Nigerian virologist Oyewale Tomori points out that most African states lack the public health infrastructure to make the shift from western dependency.⁷⁰ A solution is to create what Bajaj calls a “value chain” in which domestic production emerges. Temporarily waiving patent enforcement could accomplish this increased production capacity. This also provides an opportunity for foreign direct investment, or FDI, in healthcare equipment in these states if no legal repercussions ensue from vaccine production. Greater global manufacturing capacity can bridge the inequity gaps, and a forgiveness on patent enforcement helps with this.

⁶⁶ Allen, A. “Pfizer is on the hunt for new blockbuster drugs, backed by its COVID fortune.” *Fortune*, November 8, 2022.

<https://fortune.com/2022/11/08/pfizer-weigh-loss-pill-migraines-sickle-cell-disease-vaccine-paxlovid/>.

⁶⁷ Oxfam. “Pfizer, BioNTech and Moderna making \$1,000 profit every second while world’s poorest countries remain largely unvaccinated.” *OCHA Services*, 16 November 2021.

<https://reliefweb.int/report/world/pfizer-biontech-and-moderna-making-1000-profit-every-second-while-world-s-poorest>.

⁶⁸ Bajaj, S. S. “African scientists say Western aid to fight pandemic is backfiring. Here's their plan.” *NPR*,

November 4, 2022.

<https://www.npr.org/sections/goatsandsoda/2022/11/04/1133319628/african-scientists-say-western-aid-to-fight-pandemic-is-backfiring-heres-their-plan>.

⁶⁹ Jecker, N. S.; Atuire, C. A. “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines.” *Journal of Medical Ethics*, 47, no. 9 (July 2021): 597.

⁷⁰ Bajaj, S. S. “African scientists say Western aid to fight pandemic is backfiring. Here's their plan.” *NPR*, November 4, 2022.

<https://www.npr.org/sections/goatsandsoda/2022/11/04/1133319628/african-scientists-say-western-aid-to-fight-pandemic-is-backfiring-heres-their-plan>.

Political Involvement

TNCs' political involvements are inevitable in the realm of IP. Take the TRIPS waiver, a proposal emerging from the pandemic from a coalition of states led by India and South Africa that aimed to waive the IP rights of Covid-related technology.⁷¹ The proposal would have allowed lower-income countries to access the vaccine without the additional costs associated with IP implications. But companies like Pfizer and J&J threatened to pull distribution and manufacturing operations out of any country that supported the waiver. A few politicians in Belgium, for example, expressed support for the waiver; they in turn received a warning call from J&J that this sponsorship would be risky for them to support.⁷²

Countries must consider the balance of humanitarian aid, a responsibility to assist other countries, with the interests of their own people. The EU quickly established a pro-IP position, likely because of the political and economic dependence these countries have with pharmaceutical TNCs in that region. It is easy to see here the perceived western alliances with transnational pharmaceuticals that frustrate lower-income countries, especially in the global south. "Collaboration, not donation, is what pushes the needle forward".⁷³ This

collaboration can be as tacit as more innovation towards needed vaccines affecting LICs, and these large pharmaceutical companies can continue to profit and innovate while the global south meets basic accessibility needs.

But a government-to-pharmaceutical company alliance is utilized thoughtfully, this partnership offers some hope for Africa. Countries may harness the power of education to work with Big Pharma. For example, in a memorandum of understanding between Pfizer and North-West University in South Africa, Pfizer agreed to assist with advancing research initiatives.⁷⁴ The Pfizer agreement with this publicly funded university indicated that North-West University receives the rights to use some of Pfizer's technology, namely, the company's GMO animal models for use in drug testing. NWU's Pre-Clinical Drug Development Platform will allow for innovation to be spread through South Africa in areas that may not otherwise have access to lifesaving technology without this partnership.⁷⁵ This case offers some hope for Africa, especially in an area where HIV/AIDS wreaked havoc. Having access to IP in this area is significant, especially considering the ordeals that South Africa and surrounding states went through to get even generic drugs to the region to combat HIV/AIDS.⁷⁶

⁷¹ Jecker, N. S.; Atuire, C. A. "What's yours is ours: waiving intellectual property protections for COVID-19 vaccines." *Journal of Medical Ethics*, 47, no. 9 (July 2021): 595.

<http://dx.doi.org/10.1136/medethics-2021-107555>.

⁷² Horti, S. "Who killed the vaccine waiver?" *The Bureau of Investigative Journalism*, October 11, 2022.

<https://www.thebureauinvestigates.com/stories/2022-11-10/who-killed-the-vaccine-waiver>.

⁷³ Bajaj, S. S. "African scientists say Western aid to fight pandemic is backfiring. Here's their plan." *NPR*, November 4, 2022.

<https://www.npr.org/sections/goatsandsoda/2022/11/>

[04/1133319628/african-scientists-say-western-aid-to-fight-pandemic-is-backfiring-heres-their-p](https://www.doctorswithoutborders.org/latest/campaigns/end-pandemic-for-all).

⁷⁴ MSF. "Take action to help end this pandemic for all." MSF website, 2022.

<https://www.doctorswithoutborders.org/latest/campaigns/end-pandemic-for-all>. Mullin, E.

⁷⁵ MSF. "Take action to help end this pandemic for all." MSF website, 2022.

<https://www.doctorswithoutborders.org/latest/campaigns/end-pandemic-for-all>. Mullin, E.

⁷⁶ Sidley, P. "Drug companies sue South African government over generics." *NIH*, February 24, 2001. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1119675/>.

Efforts like this collaboration strike the perfect balance between a TNC's political and business roles. "The engagement with business also increasingly takes the form of cooperation".⁷⁷ As organizations that cooperate with many countries as a part of doing business, TNCs do have the responsibility to cooperate in the realm of ethical issues surrounding IP. If pharmaceutical TNCs follow Pfizer's lead in South Africa, they may be able to bring more technology to underserved regions, still profiting but also placing some of the production onus on these states. Still, for every NWU, there is a Brazil. Fluconazole, a drug used to treat fungal infections due to AIDS complications, was produced by Pfizer and sold at inflated rates above Brazilians' affordability. In the meantime, Pfizer refused to sell the IP rights to the production of the drug to Brazil.

Transnational pharmaceutical defenders argue that the profits off these highly inflated drugs enable such advanced companies like Pfizer to put other innovative drugs to market rapidly. After all, the Covid-19 pandemic, considered the most recent epidemic since HIV/AIDS, netted about \$100 million for Pfizer, and the company will put this money towards therapies like promising diabetes medications.⁷⁸ But what is the point of producing more and more lifesaving products if they are made inaccessible to those who need them the most? Pfizer must strike an appropriate balance between financially demanding ventures and high profits until LICs can produce and obtain

the needed vaccines and drugs. But much of these are vanity drugs, with a focus on diabetes/weight-loss instead of HIV/AIDS or malaria drugs that would prove more beneficial in the global south.⁷⁹

Conclusion

Healthcare-related TNCs play a special role in the globalized world. They occupy a gray area between profit and IP controversy, especially when it comes to human rights and ethical accessibility. By cooperating with international initiatives regarding intellectual property, "Big Pharma" can contribute to vaccine equity in the global south, waiving a global monopoly and still retaining the extreme profits that have exclusively driven its innovation for so long. Access does not hinder innovation, but an unnecessary IP monopoly hinders global health.

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<https://fortune.com/2022/11/08/pfizer-weigh-loss-pill-migraines-sickle-cell-disease-vaccine-paxlovid/>.

⁷⁹ Pollack, A. "For profit, industry seeks cancer drugs." *New York Times*, September 2, 2009. <https://www.nytimes.com/2009/09/02/health/research/02cancerdrug.html>.

⁷⁷ Baylis, J.; Owens, P.; and Smith, S., eds. 2020. *The Globalization of World Politics: An Introduction to International Relations*, 8th Edition (New York: Oxford University Press), pages 353.

⁷⁸ Allen, A. "Pfizer is on the hunt for new blockbuster drugs, backed by its COVID fortune." *Fortune*, November 8, 2022.

dsoda/2022/11/04/1133319628/african-scientists-say-western-aid-to-fight-pandemic-is-backfiring-heres-their-p

Bajaj, S. S.; Maki, L.; Stanford, F. C. "Vaccine apartheid: global cooperation and equity." *The Lancet*, 399, no. 10334 (April 2022): 1452-1453. [https://doi.org/10.1016/S0140-6736\(22\)00328-2](https://doi.org/10.1016/S0140-6736(22)00328-2).

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Frage, E.; Shields, M. "World has entered stage of "vaccine apartheid" - WHO head." *Reuters, Healthcare and Pharmaceuticals*, May 17, 2021. <https://www.reuters.com/business/healthcare-pharmaceuticals/world-has-entered-stage-vaccine-apartheid-who-head-2021-05-17/>.

Horti, S. "Who killed the vaccine waiver?" *The Bureau of Investigative Journalism*, October 11, 2022. <https://www.thebureauinvestigates.com/stories/2022-11-10/who-killed-the-vaccine-waiver>.

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Bangladesh and the Fast Fashion Industry: Injustices in the East & Profits in the West

ALESSANDRA GUIDO

Abstract

Every day, all around the world, people wake up and get dressed. However, people fail to realize the adverse effects clothing has on the world. This paper will explain the rapidly expanding fast fashion industry's detrimental effects on people and the environment. Two unsustainable cycles exist within the fast fashion industry; profits in the West that drive injustices in the East. The country of Bangladesh illustrates injustices in the East through corruption, labor violations, and a negative environmental impact. Increased trade liberalization and increased production from retailers drive profits in the West. This paper will analyze the fast-fashion industry through peer-reviewed journals, articles, and books. This paper seeks to draw a conclusion about fast fashion's effects on the world and how to proceed. Who is to blame for injustices in the East and profits in the West?

⁸⁰ Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

⁸¹ Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

Introduction

Walking into a favorite clothing store, the options feel limitless. Racks of merchandise line the walls, any article of clothing in every color and style imaginable. What has given way to what seems like an endless supply of clothing at such affordable prices? In the past, there have been two to four seasons of clothing, aligning with the four seasons of our calendars. Now, there are fifty-two, one for each week of the year. Retailers have shifted to a model of keeping clothes on the rack for four to six weeks, then marking them down to make way for new items.⁸⁰ This phenomenon is known as "fast fashion."

The fast fashion industry draws inspiration from upscale fashion designers, turning runway styles into inexpensive, trendy clothing, produced quickly and in mass quantities.⁸¹ Most products produced by the fast fashion industry are of extremely low quality and sold at cheap prices. Generally speaking, a fast fashion retailer combines two techniques: quick response and enhanced design. Quick response capitalizes on short production and distribution lead times, while enhanced design techniques enable retailers to sell highly fashionable "trendy" product designs.⁸²

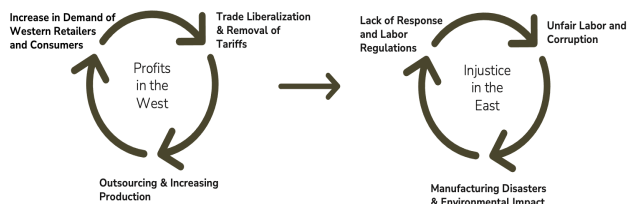
The fast fashion industry is both a labor and resource-intensive industry, with a long supply chain. This influences the economic, social, and environmental impact of the industry in both the east and the west.

⁸² Cachon, Gérard P., and Robert Swinney. 2011. "The Value of Fast Fashion: Quick Response, Enhanced Design, and Strategic Consumer Behavior." *Management Science* 57 (4): 778–95. <http://www.jstor.org/stable/25835736>.

The fashion supply chain is characterized by labor-intensive manufacturing, a long supply chain, and a relatively high degree of environmental pollution.⁸³ In recent years, the clothing and textile industry has seen an increase and outsourcing of production. Retailers have outsourced to places like India, Ethiopia, and Bangladesh, where fewer protections for workers are mandated. Garment workers in these countries are paid significantly below the U.S. minimum wage and often work in poor and even dangerous conditions.⁸⁴

This increase in production and outsourcing has been attributed to increased trade liberalization of the World Trade Organization (WTO). The WTO has incentivized Western retailers to outsource production by deregulating textile and apparel (TA) manufacturing and eliminating TA quotas on exports. This has allowed retailers to increase production without accounting for its effects. This deregulation has enabled corruption, labor abuses, and environmental decay. This paper will expand on Bangladesh as an illustration of these effects.

Bangladesh properly illustrates the relationship between injustices in the west and consumption in the east for two reasons. First, it is a leader in clothing and textile exports and relies on an export-based economy. The majority of Bangladesh's exports come from its clothing and textile industry. Second, Bangladesh has received increased attention following the April 2013 Rana Plaza Factory accident. This disaster is a culmination of the deregulation of trade liberalization, Western retailers' corporate greed, human rights violations, and the



environmental impact of the fast-fashion industry. All of these will be discussed in this paper.

It is imperative to discuss the effects of fast fashion because it is something that a person encounters every day. Consumers wear and shop at retailers contributing to the negative effects of increased production, which is driven by factors of trade liberalization and shifts in consumer demand. Fast fashion affects not only Bangladesh but also consumers in the West. There is a link between fast fashion and consumers' habits, emotions, and behaviors. Fashion is important because it is deeply personal. Retailers capitalize on consumers' relationships to their clothing; how it makes them feel and how it relates to their identity. The effects of fast fashion exist within a complex cycle of profits driving injustices. Figure 1 reflects this relationship and will be referenced throughout this paper.

Literature Review

Key themes in research surround the increased production in the fast fashion industry as it relates to emerging economies, specifically Southeast Asia. Many scholars like Taplin, Peake, and Kenner, Paton, Manik and Yardley, and Al Mahmoud have focused on Bangladesh. Bangladesh

⁸³ Cai, Ya-Jun, and Tsan-Ming Choi. 2020. "A United Nations' Sustainable Development Goals Perspective for Sustainable Textile and Apparel Supply Chain Management." *Transportation Research. Part E, Logistics and Transportation Review* 141: 102010–102010. <https://doi.org/10.1016/j.tre.2020.102010>.

⁸⁴ Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

illustrates the pros and cons of an emerging, export-led economy. There has been literature discussing whether or not the working conditions in Bangladesh are poor. However, following the 2013 Rana Plaza collapse, the consensus is that the regulations, or lack thereof, within the TA industry are something to be aware of. There has been literature assessing the effectiveness of institutions and regulations put into place following the Rana Plaza event, some of which will be addressed in this paper.

Within the topic of increased production in the fast fashion industry, there is a focus on the liberalization of trade. Specifically, how liberalization has allowed Western retailers to offshore labor production to developing countries. The fashion industry offshoring labor production to developing countries has introduced new ways of growth, as labor is the largest cost in clothing manufacturing.⁸⁵ This new business model of fast fashion prioritizes the western consumer over the eastern worker. This business model exists within an institutional framework that perpetuates eastern exploitation.⁸⁶ Taplin's research specifically explains how the increased liberalization of trade has allowed this acceleration to take place, with no accountability for the effect on people, labor, and the environment. This liberalization of trade has allowed emerging

economies to benefit from an export-led growth strategy. This paper will elaborate on the institutional framework that has allowed injustices to occur in eastern countries.

Fast-fashion retailers have shifted production to emerging economies. Studies within this area of research have attributed the acceleration of production to a shift in consumer demands. Some claim that consumers now have become accustomed to inexpensive goods and high consumption habits. This area of research also attributes the increase in consumption to a growing middle class worldwide. There is a growing middle class in both developed and developing countries that has sustained the low-price trend-led model of fast fashion.⁸⁷ This paper will discuss the link between consumers and their clothes: how and why they consume the way that they do.

Another school of thought is the relationship between the consumer and the retailer. Western retailers have responded to an increase in demand from consumers and rely on manufacturers to be more responsive to cost, quality, and speed of delivery.⁸⁸ Retailers are now more accustomed to fast deliveries and quick turnaround times, which also allows them to sell more, at lower prices. Industry research also focuses on consumerism. Specifically, addressing the cause and effect between the increase in production and an increase in consumer trends. This paper will expand on this

⁸⁵ Hoang, Tien Nguyen, Duc Le Doan Minh, Minh Ho Thien Thong, and Mai Nguyen Phuong. 2021. "Enhancing Sustainability in the Contemporary Model of CSR: A Case of Fast Fashion Industry in Developing Countries." *Social Responsibility Journal* 17 (4): 578-591. doi:<https://doi.org/10.1108/SRJ-03-2019-0108>.

<https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/enhancing-sustainability-contemporary-model-csr/docview/2531474323/se-2>.

⁸⁶ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition &*

Change 18 (3): 246-64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

⁸⁷ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

⁸⁸ ⁸⁸ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246-64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

relationship between consumers and retailers. This paper will answer the question of who is the most to blame, using fast fashion retailer Zara as an example.

A large area of study within the field is the effects of this mode of production on the environment, and the growing concerns that accompany it. Retailers and consumers alike have grown aware of the negative effects that fast fashion and the clothing industry have on the environment. The statistical analysis of this fact is disputed within the field, with general research supporting that the effect of fast fashion on the environment is negative. Fast fashion is a resource-intensive industry. Fast fashion uses an immense amount of water and pollutants through the process of producing, manufacturing, and delivering throughout the supply chain.

There is growing concern about how the industry affects labor and quality of life. Due to the acceleration of production, more workers have been hired, and the quality of working conditions has diminished. An increase in production has resulted in workers being underpaid and exposed to unsafe working conditions.⁸⁹ Working facilities in developing countries, like Bangladesh, are not regulated as closely. This allows for corruption and unjust labor practices to occur. This paper will explore these violations and explain their detriment.

This paper will specifically discuss the cause and effect of fast fashion on people and their environment. It will use Bangladesh as an example and provide insight into why. Bangladesh illustrates the issues with the fast fashion industry because it is a leading emerging economy whose economy heavily relies on its exports of clothing and textiles.

The Current State of the Garment Industry in Bangladesh

The garment industry has been associated with scales of labor exploitation, abuse, and industrial disasters for centuries.⁹⁰ Throughout history, the pressures of remaining competitive and expecting fast production have resulted in crises. In 1911, Americans watched in horror as the Triangle Shirtwaist Factory burned to flames. The employees of the factory, many of whom perished in the fire, worked long hours at low wages. 146 workers were lost, most of them young immigrant women.⁹¹ The fire symbolized the helplessness of these workers. In the face of danger, they had little control and the law abandoned them.⁹² This disaster prompted American legislation to improve factory safety standards.⁹³ What might seem like a thing of the past, unsafe working conditions, low wages, and corporate greed at the cost of laborers, are very much still prevalent in

⁸⁹ Hoang, Tien Nguyen, Duc Le Doan Minh, Minh Ho Thien Thong, and Mai Nguyen Phuong. 2021. "Enhancing Sustainability in the Contemporary Model of CSR: A Case of Fast Fashion Industry in Developing Countries." *Social Responsibility Journal* 17 (4): 578-591. doi:<https://doi.org/10.1108/SRJ-03-2019-0108>.

⁹⁰ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175-98. <https://doi.org/10.1177/2031952520911064>.

⁹¹ McEvoy, Arthur F. 1995. "The Triangle Shirtwaist Factory Fire of 1911: Social Change, Industrial

Accidents, and the Evolution of Common-Sense Causality." *Law & Social Inquiry* 20, no. 2 (1995): 621-51. <http://www.jstor.org/stable/828955>.

⁹² McEvoy, Arthur F. 1995. "The Triangle Shirtwaist Factory Fire of 1911: Social Change, Industrial Accidents, and the Evolution of Common-Sense Causality." *Law & Social Inquiry* 20, no. 2 (1995): 621-51. <http://www.jstor.org/stable/828955>.

⁹³ Hobson, John. 2013. "To die for? The health and safety of fast fashion." *Occupational Medicine*, Volume 63, Issue 5, July 2013, Pages 317-319, <https://doi.org/10.1093/occmed/kqt079>

emerging economies in Asia, such as Bangladesh.

Bangladesh is a country located in South Asia with a population of 166.3 million people.⁹⁴ Bangladesh is currently an UN-classified LDC, Least Developed Country.⁹⁵ LDCs are low-income countries confronted with severe structural impediments to sustainable development. These countries are highly vulnerable to economic and environmental shocks and have low levels of human assets. However, Bangladesh is one of the more successful LDCs and is scheduled to graduate from the status in 2026.⁹⁶ A contributor to Bangladesh's success and its graduation from LDC status is its growing export-led economy. Most of the South Asian LDCs have benefited significantly from a strong export performance that has been fueled by the high preferential margins from tariffs and favorable rules of origin available for the LDCs under various unilateral

initiatives.⁹⁷ Bangladesh depends on an export-led economy, specifically clothing and textile manufacturing. Bangladesh is the world's second-largest producer and exporter of fast fashion, after only China.⁹⁸ Bangladesh boasts a \$20 billion garment industry and employs an estimated 4 million workers in 4500 factories.⁹⁹ The majority of the industry exists in urban areas, in the cities of Dhaka and Chittagong, in purpose-built factories and residential buildings.¹⁰⁰ A number of the factories are located in Bangladesh's eight Export Processing Zones (EPZs), special zones which provide financial incentives for foreign investors.¹⁰¹ Garment exports account for 80% of Bangladesh's total exports, up a quarter in 2010.¹⁰² As of 2021, this figure is up to 90%.¹⁰³ In roughly the last decade, Bangladesh has embraced the garment assembly as a form of export-led growth, relying on a large population of low-wage workers (Siddiqi 2004). Bangladesh's

⁹⁴ World Bank. 2021. "Population, Total - Bangladesh." *Data*, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BD>.

⁹⁵ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98. <https://doi.org/10.1177/2031952520911064>.

⁹⁶ UN. 2022. "Least Developed Countries (Ldcs) | Department of Economic and Social Affairs." United Nations, *United Nations*, <https://www.un.org/development/desa/dpad/least-developed-country-category.html>.

⁹⁷ UN, World Trade Organization. 2021. "Impact of LDC Graduation on the Textile and Clothing Sector." *Enhanced Integrated Framework: Trade for LDC Development*, <https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/Garment-Study-Trade-WTO.pdf>

⁹⁸ Bradsher, K. 2013. "After Bangladesh, seeking new sources", *New York Times*, May 16, 2013. p. B1 and 6.

⁹⁹ Al-Mahmoud, S.Z., Passariello, C. and Rana, P. 2013. "The global garment trail: from Bangladesh to a mall near you", *Wall Street Journal*, 4-5 May, p.

A1, 11. <https://www.wsj.com/articles/SB10001424127887324766604578460833869722240>

¹⁰⁰ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98. <https://doi.org/10.1177/2031952520911064>.

¹⁰¹ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98. <https://doi.org/10.1177/2031952520911064>.

¹⁰² Al-Mahmoud, S.Z., Passariello, C. and Rana, P. 2013. "The global garment trail: from Bangladesh to a mall near you", *Wall Street Journal*, 4-5 May, p. A1, 11.

<https://www.wsj.com/articles/SB10001424127887324766604578460833869722240>

¹⁰³ UN, World Trade Organization. 2021. "Impact of LDC Graduation on the Textile and Clothing Sector." *Enhanced Integrated Framework: Trade for LDC Development*, <https://www.un.org/development/desa/dpad/wp-content/uploads/sites/45/Garment-Study-Trade-WTO.pdf>

growing export-based clothing and textile industry has put immense pressure on domestic manufacturing facilities. The pressure on Bangladesh factories to meet the demands of Western retailers has caused notable disasters.

The most notable disaster was the 2013 collapse of the Rana Plaza factory. Located in the Savar district of Greater Dhaka, Bangladesh, the Rana Plaza factory was an eight-story commercial building that manufactured clothing. This factory manufactured clothing for major fast fashion brands including Spanish brand Mango, British chain Primark, Dutch retailer C&A, Italian brand Benetton, and US-based Walmart. Cracks in the structure of the building Rana Plaza were discovered just days before the collapse, and the lower levels of the building were closed immediately.¹⁰⁴ However, the top levels of the building remained open and employees were instructed to work the next day.¹⁰⁵ Some employees were absent, but others showed up to work, ignoring the life-threatening conditions due to heavy reliance on their wages.¹⁰⁶ In the collapse, 1136 people died and 2,525 were seriously

injured.¹⁰⁷ The high death toll made Rana Plaza the world's most fatal industrial accident since the Bhopal disaster of India in 1984.¹⁰⁸

Prior to Rana Plaza, Western companies like Primark and Mango depended on their own monitoring practices or the word of owners to monitor manufacturing facilities in Bangladesh.¹⁰⁹ The lack of effective regulation resulted in accidental deaths and ill-treatment being commonplace. There have been repeated building collapses in Bangladesh, but fire is a greater hazard in clothing factories. Since 2005, at least 1800 garment workers have been killed in factory fires and building collapses in Bangladesh alone. In September 2012, two fires on the same day in separate garment factories killed more than 300 workers in Pakistan.¹¹⁰ In November 2012, a fire at a fast fashion factory, Tazreen Fashions, killed 112 workers.¹¹¹ Less than a month after the Rana Plaza incident, three people died and six were injured when a floor piled with material collapsed in a sneaker factory in Cambodia (Taplin 2014). Several compliance issues are routinely ignored by factory owners including a lack

¹⁰⁴ Land, Anna, and Rimi Zakaria. 2019. "Rana Plaza Collapse, Its Aftermath, and Future Implications for Sustainability". *London: SAGE Publications: SAGE Business Cases Originals*.

<https://doi.org/10.4135/9781526479679>.

¹⁰⁵ Manik, J. A. , & Yardley, J. (2013, April 24). Scores dead in Bangladesh building collapse. *The New York Times*. Retrieved from https://www.nytimes.com/2013/04/25/world/asia/bangladesh-building-collapse.html?smid=fb-nytimes&WT.z_sma=WO_BBC_20130424&_r=0

¹⁰⁶ Land, Anna, and Rimi Zakaria. 2019. "Rana Plaza Collapse, Its Aftermath, and Future Implications for Sustainability". *London: SAGE Publications: SAGE Business Cases Originals*.

<https://doi.org/10.4135/9781526479679>.

¹⁰⁷ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98.

<https://doi.org/10.1177/2031952520911064>.

¹⁰⁸ Hobson, John. 2013. "To die for? The health and safety of fast fashion." *Occupational Medicine*, Volume 63, Issue 5, July 2013, Pages 317–319, <https://doi.org/10.1093/occmed/kqt079>

¹⁰⁹ Paton, Elizabeth. 2020. "Bangladesh, a Fashion Hub, Grapples With Factory Safety." *New York Times*, March 2, 2020, A9(L). *Gale In Context: Environmental Studies* (accessed October 25, 2022). <https://link.gale.com/apps/doc/A615885177/GRNR?u=a04fu&sid=bookmark-GRNR&xid=337c2bb5>.

¹¹⁰ Hobson, John. 2013. "To die for? The health and safety of fast fashion." *Occupational Medicine*, Volume 63, Issue 5, July 2013, Pages 317–319, <https://doi.org/10.1093/occmed/kqt079>

¹¹¹ Shiina, Yo. "Two Years since Rana Plaza: Why the Accord and the Alliance Are All the More Relevant." *Rights Wire Leitner Center*, 15 July 2015, <https://rightswireblog.org/2015/07/15/two-years-since-rana-plaza-why-the-accord-and-alliance-are-all-the-more-relevant/>.

of fire exits, adequate toilet facilities, and adequate ventilation.¹¹² It was not until the backlash and the uproar of the Rana Plaza disaster that Western companies and institutions came together to attempt to find a solution. The Rana Plaza collapse, and other disasters like it, were entirely preventable and a direct result of nonexistent regulations.

Efforts to Address Injustices: **The Accord and The Alliance**

After the Rana Plaza collapse, Western brands came together to reach two agreements to increase safety within factories and prevent any future disasters. These agreements were signed in 2013 and called *The Accord on Fire and Building Safety in Bangladesh* and *The Alliance for Bangladesh Worker Safety*, nicknamed the Accord and the Alliance, respectively. The Accord and the Alliance are examples of voluntary regulatory initiatives: brands voluntarily took an initiative to affect change.

The Accord is known as the “European” initiative that legally bound roughly 190 European brands and

institutions. The Accord is a tripartite initiative involving labor unions, NGOs, and Western retailers.¹¹³ Six Bangladeshi labor unions and four global labor unions joined the accord.¹¹⁴ European brands that joined the Accord included H&M, Mango, and Benetton. The legally binding nature of the Accord allowed signatory firms to be held legally accountable in their home countries for breaches of its terms. Signatories were expected to set prices at a level that allowed suppliers to make fire and safety-related repairs when necessary to operate safely. Signatories were required to disclose subcontractor facilities in Bangladesh, fund building safety and fire inspections of those facilities, and develop action plans to remediate health and safety issues.¹¹⁵ The Accord pursued a “labor-negotiation” approach, insisting that compensation should be negotiated between employers and workers, that workers should be enabled to pursue their own interests, and that employers, rather than brands, should be made to take responsibility.¹¹⁶

The Alliance was signed in 2013 by 26 North American companies such as J.C. Penny, Walmart, Gap, and Target.¹¹⁷ A smaller group of companies based in America joined the Alliance, which was a

¹¹² Taplin, Ian M. 2014. "Who is to Blame?: A Re-Examination of Fast Fashion After the 2013 Factory Disaster in Bangladesh." *Critical Perspectives on International Business* 10 (1): 72-83. doi:<https://doi.org/10.1108/cpoib-09-2013-0035>. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/who-is-blame/docview/1510643364/se-2>.

¹¹³ Ahlquist, John S., and Layna Mosley. "Firm participation in voluntary regulatory initiatives: The Accord, Alliance, and US garment importers from Bangladesh." *The Review of International Organizations* 16, no. 2 (2021): 317-343.

¹¹⁴ Shiina, Yo. "Two Years since Rana Plaza: Why the Accord and the Alliance Are All the More Relevant." *Rights Wire Leitner Center*, 15 July 2015, <https://rightswireblog.org/2015/07/15/two-years-since-rana-plaza-why-the-accord-and-alliance-are-all-the-more-relevant/>.

¹¹⁵ Ahlquist, John S., and Layna Mosley. "Firm participation in voluntary regulatory initiatives: The Accord, Alliance, and US garment importers from Bangladesh." *The Review of International Organizations* 16, no. 2 (2021): 317-343.

¹¹⁶ Donaghey, Jimmy, and Juliane Reinecke. 2018. "When Industrial Democracy Meets Corporate Social Responsibility — A Comparison of the Bangladesh Accord and Alliance as Responses to the Rana Plaza Disaster." *British Journal of Industrial Relations* 56 (1): 14–42. <https://doi.org/10.1111/bjir.12242>.

¹¹⁷ Paton, Elizabeth. 2020. "Bangladesh, a Fashion Hub, Grapples With Factory Safety." *New York Times*, March 2, 2020, A9(L). *Gale In Context: Environmental Studies* (accessed October 25, 2022). <https://link.gale.com/apps/doc/A615885177/GRNR?u=a04fu&sid=bookmark-GRNR&xid=337c2bb5>.

less constraining version of the Accord. The Alliance did not create legal obligations for its signatories, did not make its inspection reports public, and did not prevent participating firms from setting lower prices for suppliers.¹¹⁸ The Alliance pursued a “brand-benevolence” approach, relying not on workers to pursue their interests but on brands to act benevolently on the behalf of workers.¹¹⁹

Though the legality and enforcement of the agreements differed, there were similarities between the two. Both agreements were signed for five-year terms. Both agreements bound foreign brands to disclose supplier factories publicly in hopes that public transparency would incentivize improving working conditions.¹²⁰ Both agreements sought to provide workers with some kind of voice and improve the regulation of fast fashion factories. The Accord and Alliance both aimed to establish Organizational Safety and Health (OSH) committees with elected worker representatives, in line with Bangladesh Labour Law and in recognition of the need

to create an internal, workplace-based mechanism to address safety concerns.¹²¹

Despite its efforts, the effectiveness of the Alliance and Accord is still widely debated. An oversight board for the Accord reported that 85% of safety issues have been remediated in the 1,631 active factories it was overseeing, and a similar group ensuring compliance with the Alliance reported that 88% of problems have been resolved in 666 active factories. However, the percentage of complete remediation is very low in comparison: only 8% of Accord factories and 50% of Alliance factories have resolved all issues.¹²² Complete remediation encompasses regularly conducting inspections and implementing effective safety measures.¹²³ This data indicates that there is more to be done. The biggest challenge, in terms of the longer-term situation in Bangladesh, concerns the expiration date of both initiatives.¹²⁴ Upon the ending of the Alliance and Accord, in 2018 and 2022 respectively, the Bangladeshi government will assume oversight of regulation.¹²⁵ This oversight by the Bangladeshi government is what allowed

¹¹⁸ Ahlquist, John S., and Layna Mosley. "Firm participation in voluntary regulatory initiatives: The Accord, Alliance, and US garment importers from Bangladesh." *The Review of International Organizations* 16, no. 2 (2021): 317-343.

¹¹⁹ Donaghey, Jimmy, and Juliane Reinecke. 2018. "When Industrial Democracy Meets Corporate Social Responsibility — A Comparison of the Bangladesh Accord and Alliance as Responses to the Rana Plaza Disaster." *British Journal of Industrial Relations* 56 (1): 14–42. <https://doi.org/10.1111/bjir.12242>.

¹²⁰ Paton, Elizabeth. 2020. "Bangladesh, a Fashion Hub, Grapples With Factory Safety." *New York Times*, March 2, 2020, A9(L). *Gale In Context: Environmental Studies* (accessed October 25, 2022). <https://link.gale.com/apps/doc/A615885177/GRNR?u=a04fu&sid=bookmark-GRNR&xid=337c2bb5>.

¹²¹ Donaghey, Jimmy, and Juliane Reinecke. 2018. "When Industrial Democracy Meets Corporate Social Responsibility — A Comparison of the Bangladesh Accord and Alliance as Responses to the Rana Plaza

Disaster." *British Journal of Industrial Relations* 56 (1): 14–42. <https://doi.org/10.1111/bjir.12242>.

¹²² Land, Anna, and Rimi Zakaria. 2019. "Rana Plaza Collapse, Its Aftermath, and Future Implications for Sustainability". *London: SAGE Publications: SAGE Business Cases Originals*. <https://doi.org/10.4135/9781526479679>.

¹²³ Barrett, P. , Baumann- Pauly, D., & Gu, A. 2018. "Five years after Rana Plaza: The way forward" Retrieved from <https://www.stern.nyu.edu/experience-stern/faculty-research/five-years-after-rana-plaza-way-forward#>

¹²⁴ Ahlquist, John S., and Layna Mosley. "Firm participation in voluntary regulatory initiatives: The Accord, Alliance, and US garment importers from Bangladesh." *The Review of International Organizations* 16, no. 2 (2021): 317-343.

¹²⁵ Barrett, P. , Baumann- Pauly, D., & Gu, A. 2018. "Five years after Rana Plaza: The way forward" Retrieved from <https://www.stern.nyu.edu/experience-stern/faculty-research/five-years-after-rana-plaza-way-forward#>

various crises to occur originally. The Bangladeshi government's ineffective regulation of factories has a likelihood to persist and once again grow to extremes. Factory owners might be hesitant to address worker safety issues, given fewer pressures from global brands and the Bangladeshi government.¹²⁶ Complete remediation in factories is inhibited by the Bangladeshi government's lack of transparency, price pressures, and limited production capacity.

The effectiveness of the Accord and the Alliance is evident in the fact that to date, there has been no other major industrial accident in Bangladesh factories since Rana Plaza. This is despite the fact that serious safety issues have been identified in almost all factories. While there have been some improvements as a result of the Accord and the Alliance, governance efforts need to go beyond the five-year time horizon to continue to address institutional constraints and effectively strengthen worker voices.¹²⁷ The Accord and the Alliance were two efforts that lacked longevity and institutional change. Despite the widespread attention that the deadliest garment industry accident in recent history has received and numerous attempts to improve regulations, employees continue to work in life-threatening conditions.

Challenges of Factory Workers: Corruptive and Unjust Labor Practices

In addition to employees working in factories that lack proper regulations, they are also subject to corrupt and unjust labor practices. Bangladesh is home to widespread corruption, which is present in its clothing and textile manufacturing industry. Bangladesh ranks 149 out of 180 in Transparency International's Corruption Perceptions Index of 2018. Corruption manifests in different forms; this includes the bribery of union registrations and the intermingling of factory owners and government representatives.¹²⁸ Trade unions are available in only 3% of factories and most of them are found to be controlled by concerned factory owners, crippled with poor leadership and political yes-men. There have been allegations that factories have started cutting wages, imposing unattainable targets, and setting up four hours of overtime or more instead of two hours through issuing circulars by the government.¹²⁹ This corruption extends to the unregulated informal economy of Bangladesh, which accounts for 87% of the workforce. In the clothing and textile industry, the informal economy consists of subcontracted tasks, such as the embroidery of garments.¹³⁰

¹²⁶ Ahlquist, John S., and Layna Mosley. "Firm participation in voluntary regulatory initiatives: The Accord, Alliance, and US garment importers from Bangladesh." *The Review of International Organizations* 16, no. 2 (2021): 317-343.

¹²⁷ Donaghey, Jimmy, and Juliane Reinecke. 2018. "When Industrial Democracy Meets Corporate Social Responsibility — A Comparison of the Bangladesh Accord and Alliance as Responses to the Rana Plaza Disaster." *British Journal of Industrial Relations* 56 (1): 14–42. <https://doi.org/10.1111/bjir.12242>.

¹²⁸ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11

(2): 175–98.

<https://doi.org/10.1177/2031952520911064>.

¹²⁹ Transparency International Bangladesh. 2018. 'Good Governance in RMG Sector: Progress and Challenges' *Transparency International*, (8) <www.ti-bangladesh.org/beta3/images/2018/report/rmg/RMG_Follow_up_Ex_Sum_English_Final_2018.pdf>

¹³⁰ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98.

<https://doi.org/10.1177/2031952520911064>.

Unjust labor practices exist within Bangladesh's clothing and textile factories. Manufacturing goods in the clothing and textile industry is labor-intensive. Hence, competitive success for manufacturers has been achieved through cost-minimization strategies that generally revolve around the search for low-wage labor.¹³¹ Labor is often outsourced to places like Bangladesh, Ethiopia, and India, where fewer protections for laborers are mandated.¹³² A 2001 report by the National Labor Committee indicated that 85% of apparel workers were young women between 16 to 25, who work 12 to 14-hour days, seven days a week with occasional mandatory 20-hour shifts.¹³³ Bangladesh offers the lowest labor costs in the world, with a minimum wage for garment factory workers set at roughly USD 64 a month.¹³⁴ Thus, Bangladesh is a favorable location for manufacturing for companies wanting to pay less to produce more. With cheaper labor, companies have the costs to increase production. However, these wages are barely sufficient for workers to earn a living wage. A managing director of the Mohammadi Group, one of the largest manufacturers in Bangladesh urged Western

companies: "the plea is just to give us 15–20 cents more per piece so that we can make ends meet. We don't need prescriptions, guidelines, or counseling. We just need a few extra cents".¹³⁵ However, when workers try to have a voice in standing up for injustice, it is not well received. Protests, that have increased in reaction to these labor violations, are not well received. For example, in January 2019, a strike that was an effort to increase the minimum wage was met by water cannons and tear gas. In December 2016, in Ashulia, Dhaka, thousands of workers went on strike, which resulted in the arrests of workers' rights activists and the dismissal of workers.¹³⁶

Countries with forced, unregulated labor are more likely to have insufficient labor law frameworks.¹³⁷ Corruptive and unjust labor practices are thus ingrained in the garment supply chain, which connects garment workers in countries like Bangladesh to brands, retailers, and consumers in Europe and the US. Western retailers are not only outsourcing production, but also perpetuating pollution and labor exploitation that is "necessary" to keep costs low.¹³⁸

¹³¹ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹³² Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

¹³³ National Labor Committee (NLC) (2001), "Bangladesh: ending the race to the bottom", December, *National Labor Committee*, available at: www.nlcnet.org

¹³⁴ Barrett, P. , Baumann- Pauly, D., & Gu, A. 2018. "Five years after Rana Plaza: The way forward" Retrieved from

<https://www.stern.nyu.edu/experience-stern/faculty-research/five-years-after-rana-plaza-way-forward#>

¹³⁵ Land, Anna, and Rimi Zakaria. 2019. "Rana Plaza Collapse, Its Aftermath, and Future Implications for

Sustainability". *London: SAGE Publications: SAGE Business Cases Originals*.

<https://doi.org/10.4135/9781526479679>.

¹³⁶ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98.

<https://doi.org/10.1177/2031952520911064>.

¹³⁷ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98.

<https://doi.org/10.1177/2031952520911064>.

¹³⁸ Sinkovics, Noemi, Samia Ferdous Hoque, and Rudolf R Sinkovics. 2016. "Rana Plaza Collapse Aftermath: Are CSR Compliance and Auditing Pressures Effective?" *Accounting Auditing & Accountability Journal* 29 (4): 617–49.

<https://doi.org/10.1108/AAAJ-07-2015-2141>.

Environmental Impact

In addition to corrupt and unjust labor practices, fast fashion negatively impacts the environment. Fast fashion leaves a pollution footprint, with each step of the clothing life cycle generating potential environmental and occupational hazards.¹³⁹ The fast fashion industry is negatively impacting the environment through pollution, the use of resources, and unsustainable consumption. The estimate of the greenhouse gas emissions of the fashion industry is roughly 1.3 Gt/year, which is at the high end of the range in published EEIOA studies (Peters, Li, and Lenzen 2021).

The current economic growth in Bangladesh's garment industry is a result of a highly polluting manufacturing process that would not otherwise be legal in any other developed country.¹⁴⁰ The textile industry brings serious pollution to the environment. 17% to 20% of water pollution from industrial consumption is created by the dyeing and treatment process in the textile and apparel industry. The textile

dyeing process produces 72 toxic chemicals.¹⁴¹ If not properly disposed of, these chemicals can infiltrate bodies of water. The rivers of Bangladesh, and other countries in South Asia, are riddled with pollutants, caused by human intervention.¹⁴² Colorful rivers and streams often show up in towns of these countries, where apparel factories fail to invest in clean technology for wastewater treatment.¹⁴³ Two of the crucial issues for the textile and clothing industry are the need to reduce both the amount of wastewater discharged after many processes such as dyeing and finishing, as well as the chemical load this wastewater carries.¹⁴⁴

The textile industry uses many natural resources. This includes fabrics (cotton, linen, wool), energy (electricity), and water.¹⁴⁵ There are major challenges that need to be addressed in the supply chain, namely the massive input resource demands.¹⁴⁶ For example, cotton, the primary material input source, grows using a significant amount of water, pesticides, and fertilizer (Hoang et al. 2021). Similarly, the creation of man-made resources can negatively affect the environment. For

¹³⁹ Claudio, Luz. 2007. "Waste Couture: Environmental Impact of the Clothing Industry." *Environmental Health Perspectives* 115 (9): A448–A454.

<https://doi.org/10.1289/ehp.115-a449>.

¹⁴⁰ Sinkovics, Noemi, Samia Ferdous Hoque, and Rudolf R Sinkovics. 2016. "Rana Plaza Collapse Aftermath: Are CSR Compliance and Auditing Pressures Effective?" *Accounting Auditing & Accountability Journal* 29 (4): 617–49. <https://doi.org/10.1108/AAAJ-07-2015-2141>.

¹⁴¹ Cai, Ya-Jun, and Tsan-Ming Choi. 2020. "A United Nations' Sustainable Development Goals Perspective for Sustainable Textile and Apparel Supply Chain Management." *Transportation Research. Part E, Logistics and Transportation Review* 141: 102010–102010. <https://doi.org/10.1016/j.tre.2020.102010>.

¹⁴² Hasan, Md. Khalid, Abrar Shahriar, and Kudrat Ullah Jim. 2019. "Water Pollution in Bangladesh and Its Impact on Public Health." *Heliyon* 5 (8): e02145–e02145. <https://doi.org/10.1016/j.heliyon.2019.e02145>.

¹⁴³ Cai, Ya-Jun, and Tsan-Ming Choi. 2020. "A United Nations' Sustainable Development Goals Perspective for Sustainable Textile and Apparel Supply Chain Management." *Transportation Research. Part E, Logistics*

and Transportation Review 141: 102010–102010. <https://doi.org/10.1016/j.tre.2020.102010>.

¹⁴⁴ Commission of the European Communities. 2003. *Evolution of trade in textile and clothing worldwide: Trade figures and structural data*. SEC (2003) 1349, Brussels. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0649:FIN:EN:PDF>

¹⁴⁵ Cai, Ya-Jun, and Tsan-Ming Choi. 2020. "A United Nations' Sustainable Development Goals Perspective for Sustainable Textile and Apparel Supply Chain Management." *Transportation Research. Part E, Logistics and Transportation Review* 141: 102010–102010. <https://doi.org/10.1016/j.tre.2020.102010>.

¹⁴⁶ Hoang, Tien Nguyen, Duc Le Doan Minh, Minh Ho Thien Thong, and Mai Nguyen Phuong. 2021. "Enhancing Sustainability in the Contemporary Model of CSR: A Case of Fast Fashion Industry in Developing Countries." *Social Responsibility Journal* 17 (4): 578–591. [doi:https://doi.org/10.1108/SRJ-03-2019-0108](https://doi.org/10.1108/SRJ-03-2019-0108). <https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/enhancing-sustainability-contemporary-model-csr/docview/2531474323/se-2>.

example, polyester, the most widely used manufactured fiber, is made from petroleum. A rise in production within the fashion industry has doubled the demand for man-made fibers in the last 15 years.¹⁴⁷

The overconsumption enabled by the fast fashion industry has a negative environmental impact. In 2015, consumers used 47% more clothing per capita compared to the year 2000.¹⁴⁸ The average American throws away 81 pounds of clothing annually, of which only 12 percent can be recycled, with the rest going to landfills and taking up to 200 years to decompose.¹⁴⁹ In the UK, there was consumption of 26.7 kilograms of new clothing per head, and 235 million items of clothing were sent to landfills in 2018 alone.¹⁵⁰ The clothing and textile industry has reached a level that is vast and uncontrollable. In a climate emergency, this excessive use of material must be quickly curtailed.¹⁵¹ There is no process to properly dispose of the fashion waste that quickly accumulates. Only one-fifth of clothing donated to charities is directly used or sold in their thrift stores. The rest is shipped back to developing countries in 100-pound bales to be sold. American exports of clothing have more than tripled, to nearly 7 billion pounds per year.¹⁵² Small entrepreneurs will

purchase these bales to resell at their local markets. What is not resold ends up in landfills.

Bangladesh's fast fashion manufacturing process is characterized by a lack of proper manufacturing regulations, corrupt business practices, labor violations, and a negative impact on the environment. The Rana Plaza disaster was only a symptom of the cycle of injustice in the East that continues to persist. The following paragraphs will describe the driving factors from the West that contribute to the injustices in Bangladesh that persist today. The liberalization of trade, a shift to outsourcing production, and a shift in consumer behavior are contributing factors.

Increased Trade Liberalization

Driving factors from the western world have perpetuated modern-day injustices in Bangladesh. The first driving factor is increased trade liberalization, as it relates to outsource-driven economies and the clothing and textile industry. The costs and benefits of trade liberalization are widely debated topics. These paragraphs will focus on the history of trade liberalization and reference global institutions as the institutional framework

¹⁴⁷ Claudio, Luz. 2007. "Waste Couture: Environmental Impact of the Clothing Industry." *Environmental Health Perspectives* 115 (9): A448–A454. <https://doi.org/10.1289/ehp.115-a449>.

¹⁴⁸ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

¹⁴⁹ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

¹⁵⁰ Peake, Katrina, and Jeff Kenner. 2020. "'Slaves to Fashion' in Bangladesh and the EU: Promoting Decent Work?" *European Labour Law Journal* 11 (2): 175–98. <https://doi.org/10.1177/2031952520911064>.

¹⁵¹ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

¹⁵² Claudio, Luz. 2007. "Waste Couture: Environmental Impact of the Clothing Industry." *Environmental Health Perspectives* 115 (9): A448–A454. <https://doi.org/10.1289/ehp.115-a449>.

that affects and supports the emerging economy of Bangladesh.

Trade liberalization is loosely defined as a move towards freer trade through the reduction of tariffs and other barriers; it is generally seen as the primary driving force behind globalization.¹⁵³ Increased globalization has given rise to liberalization in the areas of trade and finance.¹⁵⁴ Increased trade liberalization began long before injustices in Bangladesh. Increased economic interdependence began post-World War II in an effort to prevent future conflict. In 1947, The General Agreement on Tariffs and Trade (GATT) was created. The world trading system has benefited from eight rounds of multilateral trade liberalization, as well as unilateral and regional liberalization. The eighth round of liberalization, the Uruguay Round, was completed in 1994 and led to the establishment of the World Trade Organization to help administer the growing body of multilateral trade agreements.¹⁵⁵ Around the same time, the US and EU signed preferential regional trade agreements containing tariff exemptions. The US signed the North American Trade Agreement (NAFTA) in 1994 and the Caribbean Basin Trade Partnership Act (CBTPA) in 2000, which both provide duty-

free access, giving these regions a competitive advantage over others.¹⁵⁶ The EU accords preferential access to Eastern European countries and countries in the Mediterranean rim. Their agreements include the Euro-Mediterranean Association Agreements, Africa Caribbean Pacific (ACP) Trade Agreement, and the Everything But Arms (EBA) Initiative, with at least 49 developed countries (Prasad and Sonali 2005). In 1993, the European Union (EU) was established, allowing for economic, political, and social integration in Western Europe. These agreements and institutions gave way to the existence of preferential trade agreements, with a general trend towards freer trade in apparel, specifically.¹⁵⁷ The WTO is a key player in the development of liberal trade.

The institutional framework that is specific to the clothing and textile industry includes the Multi Fibre Agreement and the Agreement on Textile Clothing. The Multi Fibre Agreement (MFA) was established in 1974 and ended in 2005. The MFA closely regulated imports and exports of textile and clothing products. Many textile and clothing exports from developing countries to industrialized countries were subject to specific quotas. The phasing out of the MFA represented a starting point for an automatic liberalization process.¹⁵⁸ The phase-out of

¹⁵³ Lee, E. (2005). Trade liberalization and employment.

https://books.google.com/books?hl=en&lr=&id=m-578_8o08wC&oi=fnd&pg=PA106&dq=trade+liberalization&ots=LNbwB5Hyiq&sig=AvDA9jtBeNtr4tuE0E46nQjzxDa#v=onepage&q=trade%20liberalization&f=false

¹⁵⁴ Bhattacharyya, Rajib, ed. 2019. *The Gains and Pains of Financial Integration and Trade Liberalization: Lessons from Emerging Economies*. Bingley: Emerald Publishing Limited. Accessed November 26, 2022. ProQuest Ebook Central.

¹⁵⁵ IMF. 2001. "Global Trade Liberalization and the Developing Countries -- an IMF Issues Brief." *International Monetary Fund*,

<https://www.imf.org/external/np/exr/ib/2001/110801.htm>.

¹⁵⁶ Datta, Anusua, and Mikhail Kouliavtsev. 2020. "The End of the Multi-Fiber Arrangement and the Pattern of US Apparel Trade: A Gravity Model Analysis." *Journal of Economic Studies* (Bradford) 47 (3): 695–710. <https://doi.org/10.1108/JES-05-2018-0179>.

¹⁵⁷ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64. <https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁵⁸ Prasad, A., and Sonali. Jain-Chandra. 2005. "Impact on India of Trade Liberalization in the

the MFA occurred in four parts. It began in January of 1995 with the elimination of quotas on at least 16% of 1990's import volume of textiles and apparel. In 1998, there was an elimination of quotas on another 17% of imports. In 2002, the elimination of another 18%, and finally in 2005, the elimination of the remaining 49%. Thus, quotas associated with the Multi-Fibre Agreement ceased to exist on January 1, 2005. This resulted in fears from developed countries that their apparel industry would suffer further from the low-wage competition (they did) in Asia and especially China. With the phasing out of the MFA, despite the US and EU negotiating new import quotas, production had shifted from Mexico to Asia, specifically to China and Bangladesh. For example, China went from being responsible for 4% of clothing exports in 1980 to 25% in 2013.¹⁵⁹

The WTO's Agreement on Textile and Clothing came into effect, upon the ending of the MFA, on January 1, 2005. This provided for the removal of the quotas that previously existed under the MFA. This allowed the liberalization and elimination of quotas on textiles and apparel imported from WTO member countries. The Commission of the European Communities predicted two effects of the ATC. First, the ATC was expected to impact major exporting countries, which resulted in a large growth of clothing export-led economies.¹⁶⁰ Quota-imposing countries – the US, EU, and

Canada – were expected to experience gains in welfare, despite a decline in production of textile and clothing production, through reduced consumer prices and increased efficiency following enhanced specialization. For the US, the welfare impact of this regulation was expected to be \$7.3 billion. Second, the Commission predicted in 2005 that this would lead to increased competitive pressures for major producers like China, India, and Pakistan. As a result of increased competition and the disappearance of quotas, it was estimated that China's prices for apparel would decline on average by 53% between 2001 and June 2004, according to the American Textiles Manufacturers Institute.¹⁶¹

These two predictions came to fruition, turning into the largest challenge facing the worldwide textile and clothing industry. First, the ATC resulted in the growth of export-led economies and an increase in imports in quota-imposing countries. Trade data from the Office of Textile and Apparel (OTEXA), for example, shows that between 2004 and 2005 US apparel imports from China and India jumped by 41 percent and 26 percent, respectively. The removal of binding quotas at the beginning of the ATC led to a 1.72 percent growth in imports of previously quota-constrained products.¹⁶² Second, the ATC resulted in increased competition, lower prices of goods, and welfare losses for quota-imposed countries. In 2002, when

Textiles and Clothing Sector." *Washington: International Monetary Fund*.

¹⁵⁹ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.000000000059>.

¹⁶⁰ Commission of the European Communities. 2003. *Evolution of trade in textile and clothing worldwide: Trade figures and structural data*. SEC (2003) 1349, Brussels. <https://eur->

lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0649:FIN:EN:PDF

¹⁶¹ Prasad, A., and Sonali. Jain-Chandra. 2005. "Impact on India of Trade Liberalization in the Textiles and Clothing Sector." *Washington: International Monetary Fund*.

¹⁶² Datta, Anusua, and Mikhail Kouliavtsev. 2020. "The End of the Multi-Fiber Arrangement and the Pattern of US Apparel Trade: A Gravity Model Analysis." *Journal of Economic Studies* (Bradford) 47 (3): 695–710. <https://doi.org/10.1108/JES-05-2018-0179>.

quotas under the third phase of integration were lifted, prices of apparel fell by an average of 34%.¹⁶³ This data is a direct result of increased competition and the disappearance of the MFA quotas. Asian countries, like Bangladesh, have used this liberalization of the textile and clothing industry to stimulate an export-led economy. As of 2013, Vietnam exports \$13 billion worth of clothes and employs 1.5 million workers; Cambodia exports \$5 billion worth of clothes and employs 615,000 workers.¹⁶⁴ Bangladesh boasts a \$20 billion garment industry.

Bangladesh is both an emerging and export-led economy. Bangladesh, and other Asian countries like Vietnam, and Cambodia, focus primarily on garment exporting and enjoy preferential access to Western markets via the new absence of quotas.¹⁶⁵ For these economies – like Bangladesh – the effects of trade liberalization depend on the following. Overall, the deterioration of the terms of trade will result in an economic welfare loss.¹⁶⁶ These countries, which are highly dependent on textile and clothing exports, will therefore be particularly vulnerable to changes in international trade systems.¹⁶⁷ The textile and clothing industry has seen radical transformations over the last few years due to a combination of technological

changes, shifts in production costs, and the emergence of increased competition internationally; trade liberalization has perpetuated these changes.

Exporters will also experience an increase in efficiency as trade liberalization increases. The textile and clothing industry employs semiskilled and unskilled labor, providing developing countries with a comparative advantage. In addition to labor costs, fast and flexible production has become increasingly important to quota-imposing, developed countries. Mass retailers in developed countries, especially the United States, require flexibility and a fast turnaround, which has led to increased competitive pressures both from the West and between exporting countries.¹⁶⁸ Moreover, the institutional framework that has removed quotas has incentivized Western companies to increase production in Eastern countries.

Shift to Outsourcing and Increased Production

There has been a noticeable shift from apparel manufacturing being domestically produced in Western countries to outsourcing to Asia, particularly China and Bangladesh.¹⁶⁹ Outsourcing and

¹⁶³ Prasad, A., and Sonali. Jain-Chandra. 2005. “Impact on India of Trade Liberalization in the Textiles and Clothing Sector.” *Washington: International Monetary Fund*.

¹⁶⁴ Taplin, Ian Malcolm. 2014. “Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself.” *Competition & Change* 18 (3): 246–64.

¹⁶⁵ Commission of the European Communities. 2003. Evolution of trade in textile and clothing worldwide: *Trade figures and structural data*. SEC (2003) 1349, Brussels. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0649:FIN:EN:PDF>

¹⁶⁶ Prasad, A., and Sonali. Jain-Chandra. 2005. “Impact on India of Trade Liberalization in the Textiles and Clothing Sector.” *Washington: International Monetary Fund*.

¹⁶⁷ Commission of the European Communities. 2003. Evolution of trade in textile and clothing worldwide: *Trade figures and structural data*. SEC (2003) 1349, Brussels. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0649:FIN:EN:PDF>

¹⁶⁸ Prasad, A., and Sonali. Jain-Chandra. 2005. “Impact on India of Trade Liberalization in the Textiles and Clothing Sector.” *Washington: International Monetary Fund*.

¹⁶⁹ Taplin, Ian Malcolm. 2014. “Global Commodity Chains and Fast Fashion: How the Apparel Industry

increasing production of textile and apparel products are largely attributed to the increase in trade liberalization. The opportunity to outsource manufacturing has allowed Western retailers to produce more, without being subjected to quotas and high tariffs under the now-nonexistent MFA. Western retailers that sell inexpensive goods have profited from this increased liberalization of the retail sector; reduced tariffs and limited regulations on where and how manufacturing can be produced have kept production costs for most garments low.¹⁷⁰ Western retailers benefit from outsourced and increased production through low labor costs and low production costs. Low costs have allowed retailers to produce more and sell clothing at lower prices for consumers.

The textile and apparel industry is categorized by a long supply chain. The interaction of all the components of the supply chain takes place in countries with different priorities, cultural values, and methods of communication and making decisions.¹⁷¹ Thus, Western retailers look for ways to cut costs and shorten their supply chain. The highest cost element of the fast fashion supply chain is the cost of labor.

Continues to Re-Invent Itself.” *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁷⁰ Taplin, Ian Malcolm. 2014. “Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself.” *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁷¹ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

¹⁷² Datta, Anusua, and Mikhail Kouliavtsev. 2020. “The End of the Multi-Fiber Arrangement and the

Therefore, having access to cheap labor in third-world countries is more profitable for firms than domestic production. The cost of transporting goods from Asia to Europe or the US is low and not an area of concern. Countries like Bangladesh and Pakistan are significant apparel exporters because the distance estimate is largely insignificant.¹⁷² Low-wage labor accounts for a higher proportion of production costs and therefore trumps any amount of distance the products would have to travel.

The low costs that exist by shifting to outsourcing allow Western retailers to increase production. This enables a model of providing high volumes of clothing in short distribution times. Clothing manufacturing shifted from domestic to global as textile and apparel retailers sought merchandise that would satisfy customers and generate high profits to sustain their business.¹⁷³ By producing more, retailers provide more options to their consumers. These consumers have grown accustomed to an abundance of clothing and textile options. Increased production enables retailers to sell faster; retailers are able to more closely match the supply and demand of consumers.¹⁷⁴

Pattern of US Apparel Trade: A Gravity Model Analysis.” *Journal of Economic Studies* (Bradford) 47 (3): 695–710. <https://doi.org/10.1108/JES-05-2018-0179>.

¹⁷³ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

¹⁷⁴ Taplin, Ian Malcolm. 2014. “Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself.” *Competition & Change* 18 (3): 246–64. <https://doi.org/10.1179/1024529414Z.00000000059>.

Retailers can not only produce more goods to be sold, but technology allows them to closely monitor customers' purchases, predict what consumers will buy, and expedite merchandise quickly. Retailers can closely match the supply and demand of consumers through technology. The low-cost, high-production model that has been adopted by major retailers allows them to satisfy consumers' changing tastes and better regulate preferences through technology.¹⁷⁵ Increased technology has allowed retailers to facilitate frequent inventory monitoring and replenishment. Expedited distribution methods allowed these retailers to produce high volumes of clothing in short amounts of time.¹⁷⁶ More and more production has shifted overseas to newly industrialized countries, like Bangladesh, because of the pressure that has been placed on low prices and shortening supply chain cycles.¹⁷⁷ This model is perpetuated by the consumer's role in consumption within the fast fashion industry.

Increased Consumption and Identity

Increased production has allowed for more low-cost options within the clothing and textile industry. Western retailers'

increased production and consumer behavior are related. There is a direct relationship between the prevalence of low-cost production and consumer attitudes toward apparel consumption.¹⁷⁸ The availability of low-cost clothing through the fast fashion industry has promoted a culture of consumption. Fast fashion retailers have capitalized on consumers' desire to create an identity, keep up with trends, and meet social inclusion needs through consumption.

First, it is imperative to understand the significance of consumption. In many product categories, consumption is influenced by the human desire to express meanings about oneself and create an identity.¹⁷⁹ This is amplified regarding clothing, which is always on display. Consumers use products to construct and express desired identities and people infer aspects about others based on these products.¹⁸⁰ Consumers create and project their respective identities through clothing. Moreover, people may diverge from certain products to avoid others making an undesired identity inference about them. People will buy certain products to signal desired characteristics and inclusion in social groups.¹⁸¹ Wearing all black can

¹⁷⁵ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁷⁶ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA.

<https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DfilesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

¹⁷⁷ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁷⁸ McNeill, Lisa, and Rebecca Moore. 2015. "Sustainable Fashion Consumption and the Fast Fashion Conundrum: Fashionable Consumers and Attitudes to Sustainability in Clothing Choice." *International Journal of Consumer Studies* 39 (3): 212–22. <https://doi.org/10.1111/ijcs.12169>.

¹⁷⁹ Berger, Jonah, and Chip Heath. 2007. "Where Consumers Diverge from Others: Identity Signaling and Product Domains." *The Journal of Consumer Research* 34 (2): 121–34. <https://doi.org/10.1086/519142>.

¹⁸⁰ Belk, Russell W. 1988. "Possessions and the Extended Self." *The Journal of Consumer Research* 15 (2): 139–68. <https://doi.org/10.1086/209154>.

¹⁸¹ Berger, Jonah, and Chip Heath. 2007. "Where Consumers Diverge from Others: Identity Signaling and Product Domains." *The Journal of Consumer Research* 34 (2): 121–34. <https://doi.org/10.1086/519142>.

signal being goth or wearing a sports jersey can signal being an athlete. Fast fashion retailers have capitalized on consumers' desire for a greater individual expression to further stimulate demand.¹⁸² Similarly, fast fashion retailers have capitalized on consumers' desire to keep up with trends. A key element of the fast fashion industry is the quick response and enhanced design techniques fast fashion retailers possess. Quick response and enhanced design techniques enable retailers to sell "trendy" product designs.¹⁸³ The availability of merchandise in the fast fashion model gives consumers a greater desire to craft the identity of their choosing, resulting in increased consumption.

Second, it is necessary to address that the demographics of consumers have shifted. Over the past decades, a growing middle class has emerged. More people have the financial means to create a fashioned identity, with an increase in discretionary spending.¹⁸⁴ Not only is there more clothing available to be consumed, but there is also a growing demographic of people consuming. Growing disposable income across classes coupled with a greater range of identities and affinities has shifted consumer behavior. Luxury, expensive fashion used to be just that, a luxury. Because of fast fashion, more

consumers have the means to consume cheap and styled clothing. Third, not only do consumers have greater means and desire to consume, they want to do so immediately. Consumers today are accustomed to immediate gratification; they want things fast.¹⁸⁵ This results in lower-quality garments. By accelerating the rate at which new collections are designed and produced, and by constructing cheap and fragile garments, fast fashion makes clothing repair unnecessary. Barely used garments are soon thrown away or accumulated in wardrobes in wealthy countries.¹⁸⁶

Overall, an increase in production and an increase in consumer demand are codependent. Eliminating one would result in the decline of the other. Fast fashion retailers have profited from consumers' demand for trendy goods at low prices. However, fast fashion has liberated or disconnected consumers' buying habits from their physical needs.¹⁸⁷ An example of a Western retailer that illustrates this phenomenon is a leader in the fast fashion industry, Zara.

Zara: Waste Couture?

Fast fashion retailers, such as Zara, are the result of trade liberalization,

¹⁸² Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁸³ Cachon, Gérard P., and Robert Swinney. 2011. "The Value of Fast Fashion: Quick Response, Enhanced Design, and Strategic Consumer Behavior." *Management Science* 57 (4): 778–95. <http://www.jstor.org/stable/25835736>.

¹⁸⁴ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁸⁵ Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7.

<https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

¹⁸⁶ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

¹⁸⁷ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

increased production, and identity-based consumption. Fast fashion has quickened its pace and lowered its costs, leading to today's industry, which runs on about 52 micro-seasons a year.¹⁸⁸ Led by retailers like Zara in the late 1990s, European and American companies took the opportunity to outsource production to low-wage countries in Asia, like Bangladesh, enabling the fast-fashion model.¹⁸⁹ Inditex, Zara's parent company is the second largest fashion company in the world, operating over 2,700 stores in over sixty countries, and is valued at \$24 billion.¹⁹⁰ As Inditex has grown, more companies have replicated its profitable business model. In 2021, the fast fashion giant Zara reported net sales of 19.5 million euros, up from 14.1 million euros a year earlier.¹⁹¹ Zara has profited from deregulation, as it continues to see growth year to year.

Higher production means more options for style-hungry consumers. Zara has the capacity to bombard modern consumers with new collections and styles nearly every week.¹⁹² By delivering a large number of varied clothing, and reacting

quickly to new trends, companies better match their consumer's demands.¹⁹³ UBS Analyst spoke to this by stating, "fashion trends can be much more important than commodity costs".¹⁹⁴ Fast fashion firms have dramatically shortened design-to-shelf lead times, so such firms can observe and replicate trends, practically in real time. Adopting enhanced design techniques, and offering trendy clothing, results in consumers' willingness to purchase the merchandise.¹⁹⁵ By fast fashion retailers keeping up with trends, they will gain profits and retain customers.

In the fast-fashion model, retailers like Zara have the platform and audience needed to gain profits. Fashion magazines and online bloggers fuel the demand by creating a desire for new "must haves" for each season.¹⁹⁶ Technological advancements and the prevalence of social media gives retailers access to market to more consumers and keep up with their individual preferences. Social media allows retailers like Zara to watch trends evolve in real time; allowing them to release new lines within weeks.¹⁹⁷ A key to the fast fashion market is

¹⁸⁸ Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

¹⁸⁹ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>.<https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

¹⁹⁰ Crofton, S., & Dopico, L. (2007). Zara-Inditex and the growth of fast fashion. *Essays in Economic & Business History*, 25, 41-54.

¹⁹¹ Statista. 2021. "Inditex: Net Sales Worldwide by Brand 2021." Statista, 26 Oct. 2022, <https://www.statista.com/statistics/456505/sales-inditex-group-worldwide-by-format/>.

¹⁹² Sharma, Nidhi. 2020. "Slowing Down Fast Fashion." *Chemical Engineering Progress*, 05, 5-7. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/slowing-down-fast-fashion/docview/2440493266/se-2>.

¹⁹³ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246-64. <https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁹⁴ Taplin, Ian Malcolm. 2014. "Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself." *Competition & Change* 18 (3): 246-64. <https://doi.org/10.1179/1024529414Z.00000000059>.

¹⁹⁵ Cachon, Gérard P., and Robert Swinney. 2011. "The Value of Fast Fashion: Quick Response, Enhanced Design, and Strategic Consumer Behavior." *Management Science* 57 (4): 778-95. <http://www.jstor.org/stable/25835736>.

¹⁹⁶ Claudio, Luz. 2007. "Waste Couture: Environmental Impact of the Clothing Industry." *Environmental Health Perspectives* 115 (9): A448-A454. <https://doi.org/10.1289/ehp.115-a449>.

¹⁹⁷ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

selling knockoff designs at lower prices, which allows customers to dress stylishly and craft an identity, without the lofty price tag. These styles have become so disposable in the mind of consumers that this model has been nicknamed “waste couture”.¹⁹⁸

Consumers have grown accustomed to the model of buying, wearing, and discarding. The low price tags and poor quality of fast fashion clothing deter consumers from taking care of their clothing. The mere nature of fast fashion prohibits it from being environmentally sustainable. Or has it?

A new trend amongst fast fashion retailers has been releasing “eco-friendly” brand lines. Zara and H&M have been accused of “greenwashing” through their lines, which are called Join Life and Conscious, respectively. These eco-conscious tags are applied to products with at least 50% sustainably sourced material, but the lines only make up 3% of clothing products H&M sells.¹⁹⁹ This indicates there is much more these brands can be doing. People who have a genuine need for fast fashion products are less concerned about environmental impact or do not see a connection between fast fashion and sustainability. The “environmental needs” of the fast fashion industry are at risk of being ignored by consumers, which increases the possibility of false green marketing by fast

fashion companies.²⁰⁰ By brands providing their customers with eco-conscious lines, consumers become complacent. Brands are merely adopting the language of sustainability, without affecting long-lasting sustainability initiatives or institutional change. These eco-conscious lines, coupled with donation boxes reinforce customers’ mindset that clothing is designed to be discarded, keeping individuals focused on the next purchase.²⁰¹ These product lines are band-aid solutions to keep consumers just satisfied enough to keep coming back. While a rational brand is in pursuit of profits, there is a line that must be drawn. There are tangible steps that consumers and brands alike can take to improve both the cycle of injustice in the east and profits in the west.

Implications & Findings: Who is to Blame?

This paper has identified two existing cycles of production and consumption. In the East, there is a cycle of injustice that is unsustainable. The manufacturing of the clothing and textile industry has enabled unfair labor practices, corruption, and environmental disasters in Bangladesh. In the West, there is a cycle of profits and consumption that is

¹⁹⁸ Neumann, Hannah L., Luisa M. Martinez, and Luis F. Martinez. 2021. "Sustainability Efforts in the Fast Fashion Industry: Consumer Perception, Trust and Purchase Intention." *Sustainability Accounting, Management and Policy Journal* 12 (3) (05): 571-590. doi:<https://doi.org/10.1108/SAMPJ-11-2019-0405>.

<https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/sustainability-efforts-fast-fashion-industry/docview/2524925194/se-2>.

¹⁹⁹ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

²⁰⁰ Lu, Xiaoqian, Tong Sheng, Xiaolan Zhou, Chaohai Shen, and Bingquan Fang. 2022. "How Does Young Consumers' Greenwashing Perception Impact Their Green Purchase Intention in the Fast Fashion Industry? An Analysis from the Perspective of Perceived Risk Theory." *Sustainability. Basel, Switzerland*. 14 (13473): 13473–. <https://doi.org/10.3390/su142013473>.

²⁰¹ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

unsustainable. Trade liberalization has allowed Western retailers to increase and outsource production, through the removal of quotas. Western retailers have capitalized on consumers' desire to craft an identity, a growing middle class, and a desire for instant gratification. Leaders in the fast fashion industry, such as Zara and H&M, illustrate the fast fashion model and promote a culture of consumption. The existence of injustices in the east and profits in the west raises the question: who is responsible? Actors contributing to these cycles include the Bangladeshi government, Western retailers, the institutional framework that governs international trade, and Western consumers.

The Bangladeshi government facilitates a relaxed regulatory environment and incentivizes factory owners to participate in the fast fashion industry. Bangladeshi factory owners are not necessarily demonstrating hubris by engaging in this growing industry but are rather in pursuit of rational self-interest to maximize profits while minimizing costs. These factory owners are often recruited by local politicians, who are looking for ways to increase their tax base and promote employment.²⁰² Bangladeshi politicians are concerned that increasing regulation will raise prices and drive production to rival

Asian countries, such as China, Cambodia, or Vietnam. The issue of “blame” thus rests on the corruption ingrained in the Bangladeshi government.

Western retailers benefit the most from trade liberalization and increased production. According to the UN, the global population will reach 8.5 billion by 2030, and the consumption of the fashion industry will skyrocket from 62 million tons to 102 million tons.²⁰³ More than half of the top twenty fashion retailers are located in Europe, eight are in the United States, and one is in Asia. This demonstrates the magnitude and complexity of the role of countries, companies, and people worldwide, that are involved in the textile and apparel industry.²⁰⁴ Fast fashion brands such as H&M, Zara, GAP, SHEIN, etc. are aware of the limited functional life design of clothing, as it is the core of their business operations²⁰⁵. Through their commercial interests of improving supply chain efficiency and cutting costs, they are a detrimental actor in enabling the cycles of injustices.

It is the institutional framework that allows both the Bangladeshi government and Western retailers to profit from the injustices in Bangladesh. The WTO's deregulation of the textile and clothing industry has allowed for a level of

²⁰² Taplin, Ian Malcolm. 2014. “Global Commodity Chains and Fast Fashion: How the Apparel Industry Continues to Re-Invent Itself.” *Competition & Change* 18 (3): 246–64.

<https://doi.org/10.1179/1024529414Z.00000000059>.

²⁰³ Lu, Xiaoqian, Tong Sheng, Xiaolan Zhou, Chaohai Shen, and Bingquan Fang. 2022. “How Does Young Consumers' Greenwashing Perception Impact Their Green Purchase Intention in the Fast Fashion Industry? An Analysis from the Perspective of Perceived Risk Theory.” *Sustainability. Basel, Switzerland*. 14 (13473): 13473–. <https://doi.org/10.3390/su142013473>.

²⁰⁴ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA.

<https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

²⁰⁵ Lu, Xiaoqian, Tong Sheng, Xiaolan Zhou, Chaohai Shen, and Bingquan Fang. 2022. “How Does Young Consumers' Greenwashing Perception Impact Their Green Purchase Intention in the Fast Fashion Industry? An Analysis from the Perspective of Perceived Risk Theory.” *Sustainability. Basel, Switzerland*. 14 (13473): 13473–. <https://doi.org/10.3390/su142013473>.

production that harms Bangladeshi garment workers. By removing quotas that previously existed under the MFA, Asian countries have embraced the export-led growth of the fast fashion industry.²⁰⁶ However, countries like Bangladesh have allowed low-wage workers, corruptive practices, and a polluting manufacturing process that would otherwise be illegal in developed countries. Less pressure to remain competitive within the industry would allow for proper regulation. A more robust institutional framework, like the reimplementing of the MFA, would alleviate competitive pressures.

Lastly, it is necessary to assess the role of the consumer. The consumer plays a large role in the fast fashion supply chain. The supply chain begins and ends with the consumer; demand for textile and apparel products drives the industry.²⁰⁷ Specifically, the supply chain responds to the demand from female consumers in the West. The largest demographic of fast fashion consumers are young females, aged 20-25 in Western countries. Women in the west tend to buy much more clothing and discard it more often than men; the world supply of

used women's clothing is at least seven times that of men's.²⁰⁸ The consumption from Western countries is significant. It is estimated that if 80% of the population of emerging economies were to achieve the same clothing-consumption levels as the West by 2025, the environmental footprint of the apparel industry increases by 150%.²⁰⁹ The average American buys more than sixty new pieces of clothing annually.²¹⁰ Though consumers are not all fully aware of this impact, it is clear that they are an actor contributing to fast fashion and the perpetuation of injustices in the East. This behavior is not sustainable. The future of the fashion industry lies in the action that Western retailers, global institutions, and consumers will take.

Conclusion: What Can Be Done?

The "Fashion Paradox" is a term researchers have coined to explain that the economic importance of the fast fashion industry globally has protected it somewhat from criticism of its inherent obsolescence and waste.²¹¹ The garment industry in

²⁰⁶ Siddiqi, H. 2004. "The Ready Made Garment Industry of Bangladesh," *The University Press*, Limited, Dhaka.

²⁰⁷ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skjztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

²⁰⁸ Claudio, Luz. 2007. "Waste Couture: Environmental Impact of the Clothing Industry." *Environmental Health Perspectives* 115 (9): A448–A454. <https://doi.org/10.1289/ehp.115-a449>.

²⁰⁹ Hoang, Tien Nguyen, Duc Le Doan Minh, Minh Ho Thien Thong, and Mai Nguyen Phuong. 2021. "Enhancing Sustainability in the Contemporary Model of CSR: A Case of Fast Fashion Industry in

Developing Countries." *Social Responsibility Journal* 17 (4): 578-591. doi:<https://doi.org/10.1108/SRJ-03-2019-0108>.

<https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/enhancing-sustainability-contemporary-model-csr/docview/2531474323/se-2>.

²¹⁰ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21.

<https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

²¹¹ McNeill, Lisa, and Rebecca Moore. 2015.

"Sustainable Fashion Consumption and the Fast Fashion Conundrum: Fashionable Consumers and Attitudes to Sustainability in Clothing Choice." *International Journal of Consumer Studies* 39 (3): 212–22. <https://doi.org/10.1111/ijcs.12169>.

Bangladesh illustrates this paradox. The garment industry is both a heavy contributor to the country's economic development and is seen as a potential obstacle to its future development.²¹² The existence of this paradox slows industry-wide movement towards a more sustainable model of production. The fashion paradox is the single largest obstacle facing the clothing and textile industry in Bangladesh and the world. Remediating the fashion paradox largely depends on the future actions of Western retailers, global institutions, and consumers.

The foundation of a successful business relies on understanding how target consumers make choices, how much they want to buy, how much they will spend, and when. However, one of the outcomes in the pursuit of corporate profits is the immensity of textile waste by both manufacturers and consumers.²¹³ It has long been argued that the very nature of the fast fashion industry prohibits it from being sustainable, frequently being labeled as “waste couture”.²¹⁴ A primary challenge facing the

longevity of fast fashion is incorporating social, economic, and environmental dimensions of sustainability into the supply chains. By doing so, these priorities have the power to reduce the waste of resources, improve the health and comfort of populations, and improve the welfare of people around the world. Businesses can holistically evaluate their current practices and make more sustainable choices through the application of the Sustainability Matrix for Textile-Based Product Lifestyle.²¹⁵

Eliminating the unnecessary size of the fashion industry will require engagement from industry, governments, and the non-government sector to try and influence consumers to buy fewer but better clothes.²¹⁶ This engagement involves retailers emphasizing ethically producing good quality products. While many apparel companies were quick to jump on the train of fast fashion to increase sales, some refuse to follow the trend and instead promote the longevity of their products, such as Eileen Fisher, Patagonia, and Vaude.²¹⁷ However, a reduction in consumption does not have a

²¹² Sinkovics, Noemi, Samia Ferdous Hoque, and Rudolf R Sinkovics. 2016. “Rana Plaza Collapse Aftermath: Are CSR Compliance and Auditing Pressures Effective?” *Accounting Auditing & Accountability Journal* 29 (4): 617–49. <https://doi.org/10.1108/AAAJ-07-2015-2141>.

²¹³ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

²¹⁴ Neumann, Hannah L., Luisa M. Martinez, and Luis F. Martinez. 2021. “Sustainability Efforts in the Fast Fashion Industry: Consumer Perception, Trust and Purchase Intention.” *Sustainability Accounting, Management and Policy Journal* 12 (3) (05): 571–590. [doi:https://doi.org/10.1108/SAMPJ-11-2019-0405](https://doi.org/10.1108/SAMPJ-11-2019-0405). <https://libdb.fairfield.edu/login?url=https://www.proquest.com/scholarly-journals/sustainability-efforts-fast-fashion-industry/docview/2524925194/se-2>.

²¹⁵ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel*

Industry Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

²¹⁶ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. “The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry.” *Cleaner Production* 295: 126390. [doi:https://doi.org/10.1016/j.jclepro.2021.126390](https://doi.org/10.1016/j.jclepro.2021.126390). <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

²¹⁷ Karpova, Elena, Grace I. Kunz, and Myrna B. Garner. 2021. *Going Global: The Textile and Apparel Industry* Bloomsbury Publishing USA. <https://books.google.com/books?hl=en&lr=&id=3tYyEAAAQBAJ&oi=fnd&pg=PR11&dq=evolution+of+trade+in+textile+and+clothing+worldwide:&ots=eLJSAA-hv8&sig=DflesX4skijztMW3w-Gbl48CXek#v=onepage&q=evolution%20of%20trade%20in%20textile%20and%20clothing%20worldwide%3A&f=false>

linear relationship with profits. Industry must be able to justify higher prices for some garments by returning to the better quality and durability of garments made before the era of fast fashion. A redirection of the workforce to less damaging and better-paid employment should be a focus moving forward.²¹⁸

Efforts are being made on the side of the consumer for more sustainable consumption. There is a rise in the “slow fashion” movement. Created out of response to fast fashion, slow fashion asks consumers to question established practices and views; it draws awareness to the economic models that underpin fashion production and consumption. There is a growing consumer base becoming more aware of the detriments of the fast fashion industry. Thrift shopping and clothing resale sites have grown in popularity. The current state of the industry, coupled with contemporary concerns for environmental well-being, as well as recent economic trends leaving families and individuals at financial risk, presents a platform that supports the potential for consumer change.²¹⁹ Consumers have a role to play in change, but ultimately are not the primary actor inhibiting change.

Tackling the fashion paradox requires us to divert focus from the consumers’ practices and instead towards the behavior of fast fashion. Fast fashion companies need to be held accountable for their unethical and unsustainable practices, particularly regarding the consumption of resources and increasing quantities of

clothing produced. Fast fashion companies and the global institutions that have allowed their expansion are the most to blame. Fashion companies need to be curbed by institutions and governments at the national and international levels through concrete, enforceable policies.²²⁰

This paper has examined two existing cycles: profits in the west and injustices in the east. The cycle of prioritizing profits in the west has perpetuated a cycle of injustice in the East. The future of Bangladesh and other export-dependent countries relies on a shift towards a more regulated institutional framework and a redefinition of Western consumption habits.

²¹⁸ Peters, Greg, Mengyu Li, and Manfred Lenzen. 2021. "The Need to Decelerate Fast Fashion in a Hot Climate - A Global Sustainability Perspective on the Garment Industry." *Cleaner Production* 295: 126390. doi:<https://doi.org/10.1016/j.jclepro.2021.126390>. <https://www.sciencedirect.com/science/article/pii/S0959652621006107>.

²¹⁹ McNeill, Lisa, and Rebecca Moore. 2015. “Sustainable Fashion Consumption and the Fast Fashion Conundrum: Fashionable Consumers and

Attitudes to Sustainability in Clothing Choice.” *International Journal of Consumer Studies* 39 (3): 212–22. <https://doi.org/10.1111/ijcs.12169>.

²²⁰ Clement, Nathalie. 2021. "Tearing at the Seams: How Fast Fashion is Destroying our Planet." *McGill International Review*, Mar 21. <https://libdb.fairfield.edu/login?url=https://www.proquest.com/magazines/tearing-at-seams-how-fast-fashion-is-destroying/docview/2507568370/se-2>.

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