Why the interim government's 'Yes' vote advocacy is legitimate

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Bangladesh's upcoming July National Charter referendum has triggered a debate that goes beyond the substance of constitutional reform. At the heart of this debate lies this question: can the interim government openly advocate for a "Yes" vote? Detractors warn that government advocacy undermines neutrality, violates democratic norms, and also risks undermining the political process. However, when examined within the country's political context and comparative constitutional practices, the case for principled government advocacy is stronger than critics acknowledge.

Much of the criticism rests on the assumption that the interim government is akin to a conventional non-party caretaker government with a narrow mandate to conduct elections. That assumption is flawed. This government did not assume office under any constitutional provision; it arose from a popular uprising that rejected authoritarian rule and demanded a fundamental restructuring of the political order. Its legality originates from the constituent power of the people, and its legitimacy is derived not merely from political neutrality but from its mandate to pursue reforms that would enable a transition to a more accountable system of governance. The referendum on the July National Charter reforms lies at the heart of this mandate. It is the institutional means by which the reform agenda is placed directly before the people. To insist that the government remain silent on the referendum's outcome is to misunderstand its distinctive character and purpose.

Some argue that the government cannot campaign for a "Yes" vote without influencing the voting process. This argument, however, conflates advocacy with coercion. By supporting the reforms, the government is not denying citizens a choice. No voter is prevented from rejecting the reforms, political parties remain free to campaign for a "No" vote, and any rejection would be binding. If voters approve the reforms, they acquire democratic legitimacy that no uprising alone could supply. By urging a "Yes" vote, the government is not circumventing public consent but submitting itself to it.

FILE VISUAL: **SALMAN SAKIB SHAHRYAR**

The claim that citizens lose their capacity for independent judgement once a government expresses a preference reflects an authoritarian mindset inherited from the past decade, which sought to regulate every aspect of public life. Democratic theory rests on the opposite premise: that voters are capable of weighing arguments, assessing sources, and deciding for themselves.

Comparative constitutional law offers a useful perspective, particularly through the US Supreme Court's government speech doctrine. Although Bangladesh's legal system is distinct, the doctrine captures a core democratic principle: that governments are not constitutionally required to remain neutral when articulating their own policy positions.

In *Rust v. Sullivan* (1991), the US Supreme Court upheld regulations barring federally funded doctors from discussing abortion, affirming that when the government funds and administers a programme, it may promote its chosen policy objectives. Similarly, in *Johanns v. Livestock Marketing Association* (2005), the court upheld a mandatory levy on beef producers to fund generic advertising, holding that citizens have no constitutional right to object merely because public funds convey a government message they oppose. In *Pleasant Grove City v. Summum* (2009), the court ruled that monuments in public parks constitute government speech, permitting officials to select which messages to display without violating free speech guarantees.

The reasoning here is straightforward. Democratic governments exist to pursue policies. They may advocate their positions, so long as dissenting voices remain free. Government advocacy becomes objectionable only when it crosses into coercion or suppression, not when it advances a case and submits itself to public judgement.

This balanced approach is echoed in the Council of Europe's guidelines on constitutional referendums. While the Venice Commission emphasises that "the national, regional and local authorities must not influence the outcome of the vote by excessive, one-sided campaigning," it explicitly recognises that "contrary to the case of elections, it is not necessary to completely prohibit the intervention of the authorities supporting or opposing a proposal submitted to referendum." Moreover, the use of public funding for campaigning purposes, while subject to restrictions, has not been strictly prohibited. Thus, the guidelines do not demand governmental silence—they demand proportionality and fairness.

Some critics point to Ireland's decision in *McKenna v An Taoiseach*, which barred the use of public funds to promote one side of a referendum. But *McKenna* reflects a jurisdiction-specific interpretation grounded in Ireland's constitutional framework; it does not establish a universal democratic rule. Indeed, many democracies, including the United States, Australia, and the United Kingdom, permit varying degrees of government advocacy in referendums. Comparative practice shows not a single model but differing constitutional balances between neutrality and political leadership.

Bangladesh must therefore assess this question on its own constitutional and political terms, especially given the transitional, post-uprising context in which this referendum is taking place. There is no constitutional or legal bar preventing the interim government from supporting a "Yes" vote, nor is a reasonable use of public funds for campaigning questionable. The interim government derives its authority from the constituent power of the people and holds office on the strength of its commitment to comprehensive state reforms. In that context, it is not only permitted but also morally obliged to campaign in support of the reforms and submit them to popular approval.

History shows that transitional governments often advocate constitutional reform in the aftermath of popular uprisings. Following Egypt's 2011 revolution, interim authorities actively campaigned for constitutional changes, explaining the need for reform and urging public approval through successive referendums. Tunisia's post-Arab Spring transition similarly featured state-led advocacy as part of redefining the political order.

In Bangladesh, the interim government is expected to be neutral with respect to the forthcoming elections, but it is not—and need not be—neutral on the reform agenda. It has already established multiple reform commissions precisely to pursue far-reaching changes. Government advocacy in favour of a "Yes" vote is therefore entirely proper. In this context, advocacy is not authoritarian; it is a necessary element of democratic reconstruction. The government's silence in the name of neutrality would not protect democracy; it may weaken it.Citizens are entitled to know what the government believes the uprising stood for, which reforms it supports, and why those reforms matter.

The July National Charter referendum presents a clear constitutional question of whether Bangladesh should adopt safeguards designed to prevent the re-emergence of unchecked executive power, or retain the existing constitutional framework. A vote in favour of the charter is not an endorsement of the interim government. It is an endorsement of reform, institutional restraint, and decentralisation of power. The interim government is legally and democratically entitled to articulate this position. The ultimate determination, however, rests with the people.

Greenland and the return of empire politics

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The international order built after World War II rests on one hard rule: states may not threaten or use force to take territory. Article 2(4) of the United Nations (UN) Charter was written to make conquest illegitimate, not just unpopular. The UN's Declaration on Principles of International Law concerning Friendly Relations later reaffirmed that borders are not to be changed by coercion. Thus, when a great power signals that sovereignty is negotiable, smaller states should read it as a systemic warning, not colourful rhetoric.

In early January, President Donald Trump revived and escalated his push for the United States to take Greenland. On January 10, he said the US would act on Greenland "whether they like it or not," adding that it could be done "the easy way" or "the hard way." That was not bargaining, but more so a threat to change borders using pressure.

A new development now complicates the picture further. At the World Economic Forum in Davos on January 21, Trump said he would not use force to acquire Greenland and spoke of a "framework" for an Arctic and Greenland arrangement being discussed with Nato Secretary General Mark Rutte. The next day, Denmark's prime minister reiterated that Arctic security can be discussed, but only "with respect for our territorial integrity," and Greenlandic parliamentarian Aaja Chemnitz stressed that nothing can be negotiated without Greenland's participation. Meanwhile, it is reported that the emerging idea is not a sovereignty transfer, but an update to existing defence arrangements, alongside Arctic security and raw materials cooperation.

Developments since Davos underline why wording matters. Trump has since touted the understanding as giving the US "total access" to Greenland, even as Denmark and Greenland maintain that sovereignty is not negotiable and key details remain uncertain. Denmark and Nato are discussing how the whole alliance should step up Arctic security, including talks to revise the 1951 agreement governing US military presence on the island. If the framework is to be off-ramp rather than a precedent, it should be negotiated transparently with Nuuk, Greenland's capital, at the table, and it should explicitly reaffirm sovereignty while focusing on defined defence tasks, basing rights, and funding.

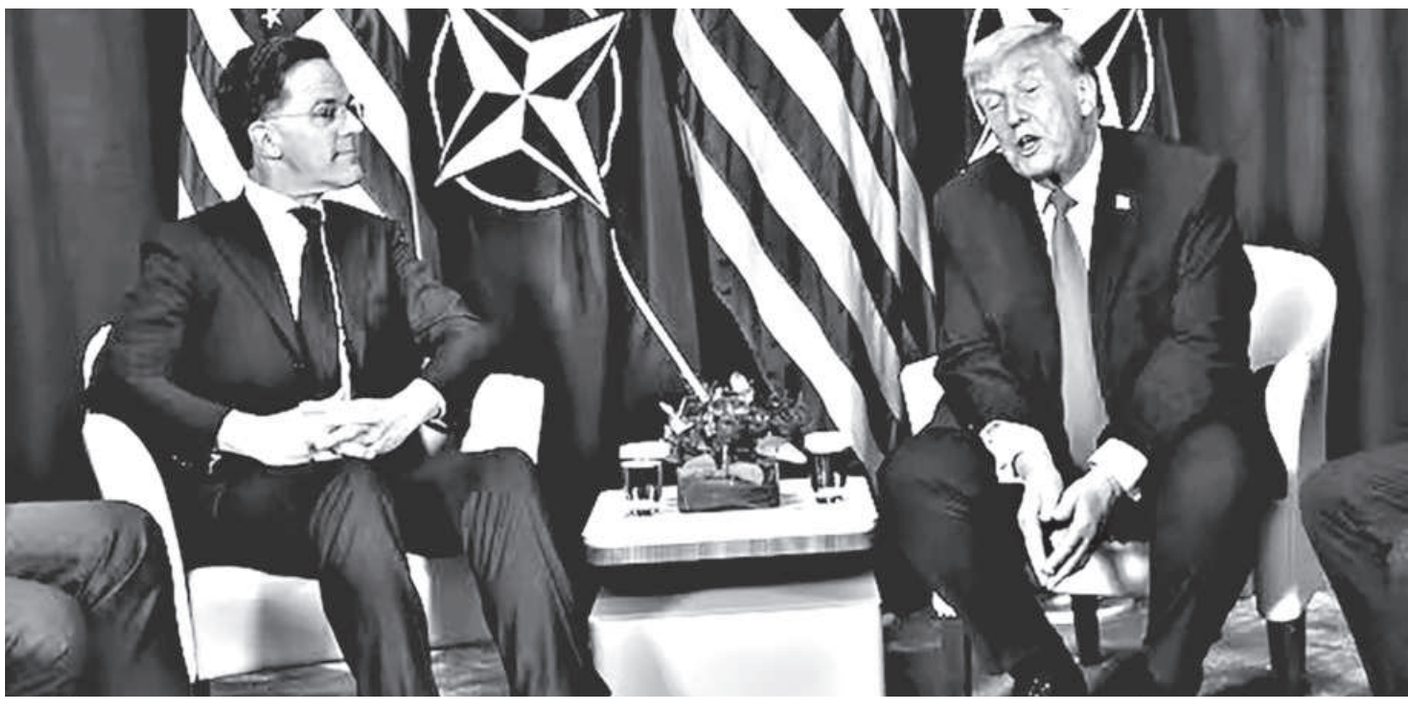
A renunciation of force is welcome. But it does not erase earlier threats, and it does not satisfy the deeper question: can territorial ambition be pursued through intimidation instead of invasion?

In Davos, Trump framed Greenland as something the US "needs" and hinted that refusal from Greenland would carry consequences. If the goal is still to gain control, the method matters less than the message: borders can be bent to the will of the strong.

Greenland is not an ownerless prize on a map. It is a self-governing country within the Kingdom of Denmark. Under the 2009 Act on Greenland Self-Government, Greenland manages most of its own domestic affairs, while Copenhagen (Denmark's capital) retains responsibility for foreign affairs, defence, and security policy. The Act recognises Greenlanders as a people with the right to self-determination, including the option of independence. "Acquisition" is therefore an error of category error and any legitimate change in status must happen through Greenlanders' freely expressed choice and Denmark's constitutional role.

This is why the most basic flaw in Washington's posture has been political as much as it is legal. Greenland's future cannot be negotiated over Greenlanders' heads. Even a Nato-labelled package will look colonial if Nuuk is treated as a bystander. Chemnitz's warning is not diplomatic theatre. It is the minimum standard for legitimacy: Greenland must be at the table as a political actor, not treated as a strategic surface. The strategic reasons behind the US's interest in Greenland are real. Greenland hosts the Pituffik Space Base, central to missile early warning and space surveillance. The island also sits in the Greenland, Iceland, and UK corridor, which is essential for monitoring Russian naval movement in the North Atlantic. Plus, climate change is reshaping risk calculations in the Arctic and will continue to pull major powers northward.

But none of this justifies treating Greenland as an object to be possessed. Strategy is not a legal licence because Washington already has extensive access.



US President Donald Trump holds a bilateral meeting with NATO Secretary General Mark Rutte at the World Economic Forum (WEF) in Davos, Switzerland on January 21, 2026.

PHOTO: **REUTERS**

The 1951 Defense of Greenland Agreement underpins US defence activity on the island and has been updated since. If deterrence and access are the goal, ownership is unnecessary. If the US wants wider radar coverage, larger runway capacity, or more logistics hubs, it can negotiate expanded arrangements transparently with Denmark and Greenland, and finance what it asks for.

Completing the big picture, Greenland's rare earth and uranium prospects are often brought up in supply chain debates, even as local politics, environmental constraints, and infrastructure limits make extraction slow and contested. Offshore hydrocarbons add temptation. Yet, none of these call for annexation, but rather investment, regulation, and contracts under Greenlandic law and consent, with clear local benefits and high standards.

This is where the Nato crisis begins. Nato's legitimacy rests on collective defence consistent with principles in the UN Charter. If one ally openly pressures another ally over territory, the alliance stops being collective defence and starts looking like coercion inside the club. Denmark's Prime Minister Mette Frederiksen outlined the stakes when she warned that if the United States attacks a Nato country militarily, "everything stops." The point was not to dramatise but to draw a line around the basic trust that holds alliances together.

Even without force, coercion can still corrode the system. The Friendly Relations declaration explicitly recalls the duty to refrain from military, political, or economic coercion aimed at another state's territorial integrity or political independence. Tariff threats over Greenland or hinting that intra-alliance solidarity is conditional present the outward message that sovereignty is a bargaining chip.

The Davos "framework" can become an off-ramp if it replaces territorial theatre with a consent-based security package. That means three things. First, Denmark and Greenland must be free to say no without facing threats. Second, Greenland must be fully represented in any talks that concern its territory, basing, or resources. Third, any upgraded defence footprint should be paired with transparent economic and social investment that Greenlanders themselves prioritise, rather than a narrow extraction agenda.

For Bangladesh, this principle is not remote. Rules against coercive territorial changes act as a shield for every medium and small state. If Greenland can be pressured because it is strategically valuable, others can be pressured because they are "inconvenient." The discussion on Greenland should therefore be taken as a warning and a test, not a precedent. Bangladesh has its own stake in a world where strategic access is negotiated, not imposed, and where economic pressure is not used to rewrite political realities. When great powers normalise the language of "need" over consent, small states pay the price first.