GROWING PAINS

VOL. 43, 2020

HEMISPHERES

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Throughout its history, *Hemispheres* has remained committed to publishing research-length articles, photo-essays, and editorials of the highest academic caliber. The Journal has become a reflection of our changing world. In the 1970s, *Hemispheres* principally focused on Cold War issues, discussing the validity of neo-realist, bipolar relations and Realpolitik. In the spring 1978 issue, renowned international affairs theorist Stanley Hoffman (Harvard) argued about the merits and failures of "Eurocommunism." In the fall 1982 edition, Kosta Tsipis (MIT) and Robert Pfaltzgraff (Tufts) debated options of "how to enhance American security and prevent a nuclear holocaust." The 1990s witnessed a redirection in *Hemispheres'* aims, shifting away from a technical focus in favor of raising awareness within the Tufts community of contemporary international issues. Now nearing the end of the second decade of the twenty-first century, *Hemispheres* has shifted its role once again, this time as a premier voice in undergraduate international affairs education, research, and debate. We are proud that *Hemispheres* is distributed both in print at major research libraries and online via EBSCO Host, a first for journals of its kind. It is an extraordinary time to be a part of this outstanding publication.

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Contents

EDITORIALS

Letter from the Editors

Although forces of change in the international world undoubtedly cause friction with established norms and practices, 2020 has been a year of upheaval like no other. Protest movements have surfaced across the globe from Hong Kong to Chile, populism has made new gains, and social media has been solidified as an important force in world politics. When we selected our journal topic in the fall of 2019, we could not have predicted how fitting our choice would be. *Growing Pains* encapsulates the emerging trends that have characterized the last year: painful transitions and difficult movements toward a better future.

The 43rd edition of *Hemispheres* explores the consequences of these changes as the international world evolves. All the articles in this journal are drawn from pre-pandemic scholarship. Given the change of course the world has taken with the COVID-19 pandemic, these growing pains feel all the more acute. After combing through countless article submissions from talented undergraduate students, we found it difficult to select only a few.

From solar power in Bolivia to cyber warfare in Eastern Europe and human rights in Bangladesh, the articles featured in this year's journal explore a multitude of environmental, social, political, and humanitarian issues. In their editorials, our featured authors explore casual racism in upper-class Paris and vulnerabilities of the Sub-Saharan tech industry. Our interview with Professor Drusilla Brown is centered around humane working conditions and the potential race to the bottom, as well as what consumers and voters can do to hold corporations accountable. The photography section entitled *A World in Transition: The Evolving Global Landscape* provides a visual investigation of a variety of subjects: global health initiatives, ongoing territorial disputes, ancient religious sites and violence against women.

In the face of difficult circumstances, our executive board developed unique solutions to ensure that Hemispheres continues to thrive and grow in the Tufts community. Our 2019 team of editors was instrumental in the brainstorming, solicitation, and editorial processes of *Growing Pains*. Taylor Wurts, Hemispheres' 2019 Editor in Chief, led us well in the development of this journal. Our writers submitted excellent articles that caught the attention of the editorial board in a sea of undergraduate scholarship. Our interviewee, Professor Brown, was generous in sharing her expertise. The leadership team is indebted to the 2020 editorial team who quickly picked up the work of assembling and adding the final touches to this journal.

But all of these acknowledgments would mean little without thanking our gracious readers. We hope that our journal will deepen readers' understandings of the challenges facing the international world and the friction emerging forces of change have caused. We believe that each individual can leverage these issues as an opportunity to refocus and access new perspectives,

to address decades-old conflicts at home and abroad, and to consider the ways we can move forward. On behalf of the editorial team, we are thrilled to bring you the 2020 journal. We are hopeful for what is to blossom beyond the growing pains of these past two years.

Yours,
Haruka Noishiki, Alyssa Pak, and Emma Christman

Articles

Allies, Ideology, and Inevitable Disintegration: The Interrelations between Colombia, FARC, and Venezuela

Breana Stanski

Abstract

The proclamation made by Iván Márquez of FARC to withdraw from the 2016 FARC-Colombian Peace Agreement is an alarming yet smaller consequence of the far larger issue regarding growing polarization. I argue that this polarization is the result of ideological difference as a segregating power, expanding over the past decades. Moreover, this polarization causes inflexibility and unwillingness to compromise between opposing actors, driving them to isolate themselves by only aligning with fellow actors of parallel ideologies. Over the decades, FARC and Venezuela have evolved to find that their Marxist and largely anti-international ideologies align, especially under the Venezualan Maduro regime. This alliance continues to strengthen their relations and is likely the reason that FARC rebels have been granted safe harbor in Venezuela. However, this relationship is an ever-growing concern for Colombia and their powerful international allies, such as the United States, which tend to accord with the opposing Liberal International Economic Order (LIEO).

Introduction

After decades of social and political turmoil resulting in the deaths of an approximate 220,000 civilians and the displacement of just under 5.7 million individuals,[1] On November 26th, 2016, the Colombian government and the Marxist rebel group the Revolutionary Armed Forces of Colombia (FARC) signed a peace agreement, marking a pivotal moment in the country's fight for stability.[2] The signing of this agreement suggested the potential fulfillment of a population's long-held desire for peace, with widespread international support from state and non-state actors alike. The UN, for example, announced its support for the agreement as well as for further security measures to take place to maximize its effectiveness, and the United States in particular has been a long-term supporter of the Colombian government's cause, U.S. Deputy Representative Johnathan R. Cohen having pledged to continue its partnership with Colombia throughout and beyond the implementation

process.[3] However, a perplexing case has arisen within this context of a seemingly achieved compromise: FARC leader Iván Márquez has declared FARC's withdrawal from the agreement, just three years after its signing, in a video filmed in Venezuela.[4]

The proclamation made by Iván Márquez of FARC to withdraw from the 2016 FARC-Colombian Peace Agreement is an alarming yet smaller consequence of the far larger issue regarding growing polarization. I argue that this polarization is the result of ideological difference as a segregating power, expanding over the past decades. Moreover this polarization causes inflexibility and unwillingness to compromise between opposing actors, driving them to isolate themselves by only aligning with fellow actors of parallel ideologies.[5] Over the decades, FARC and Venezuela have evolved to find that their Marxist and largely anti-international ideologies align, especially under the Venezualan Maduro regime. This alliance continues to strengthen their relations and is likely the reason that FARC rebels have been granted safe harbor in Venezuela.[6] However, this relationship is an ever-growing concern for Colombia and their powerful international allies, such as the United States, which tend to accord with the opposing Liberal International Economic Order (LIEO).[7]

Following LIEO ideology, after the 2016 agreement, the new and more conservative Colombian president Iván Duque implemented stricter policies toward FARC and Venezuela.[8] Following Iván Márquez's video, the little tolerance that Duque maintained for Venezuela and FARC had further deteriorated. This is highlighted by Colombia's international call and support for the activation of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), which calls for a group of largely LIEO-aligning countries to punish Venezuela.[9] In consideration of FARC and Venezuela's shared anti-interventionist form of Marxism, international measures meant to harm their cause will only generate additional aggravation and leave them reluctant to compromise their Marxist principles in negotiations with Colombia. Expanding polarization within the region foreshadows instability, for the threat of the inevitable dissolution of the 2016 peace agreement between FARC and the Colombian government (as well as broader LIEO-supporting international community) brews. And so, a subsequent future of expanding Venezuela and Colombian tensions, rooted in tenacious ideology, looms.

Methodology

Within this case study, I aim to determine and closely examine the historical factors leading to Iván Marquéz of FARC's withdrawal from the 2016 peace agreement and the implications of Venezuela's grant of sanctuary for him on current and future Colombian-Venezuelan relations. I argue that ideological polarization has dogmatically divided FARC, Colombia, and Venezuela against each other. Consequently, increasing tensions between Colombia and Venezuela as evidenced by the hostile measures implemented in the countries' international relations.

In order to understand the region's state of affairs in a cohesive manner, I first examine the political and ideological histories of Colombia and Venezuela with an emphasis on FARC and inter-relations, beginning respectively with the assassination of Colombian politician Jorge Gaitán and the Venezuelan riots in 1989 in response to increased fuel prices. I then discuss and examine parallels between FARC and Venezuela in terms of similar missions and a shared Marxist ideology, and their subsequent history pre-2016 agreement of their tightening relations contrasted with rising Colombian-Venezuelan tensions. Next, I examine the 2016 FARC-Colombian peace agreement and its major objectives, successes, yet foundational challenges in light of ideological difference. Afterwards, I suggest that the post-2016 agreement rise of FARC-Venezuelan relations as the continuation of ideological alignment. In a review and analysis of the Colombian government's measures that have taken place in opposition to FARC and Venezuela, largely Utilitarian efforts in the pursuit of the LIEO, I offer policy recommendations to improve Colombian-Venezuelan relations by suggesting that Colombia become more in touch with its Kantian cause.

Colombia's Turmoil and the History of FARC

The beginning of Colombia's instability lies in the divisive factors of wealth, power, and land. Throughout the first half of the 20th Century, the Liberal Party, largely consisting of impoverished peasants, urged for land reform—setting themselves up against the country's oligarchy.[10] Conservatives grew enraged with Liberal administrators in the government, who implemented various measures to redistribute national land. Indeed, the members of the Conservative Party were generally large landowners or peasants forced to support the party because they were under the control of Colombia's most wealthy.[11] While this bipolar view of polarization regarding land ownership simplifies the multitude of political stances among the Colombian citizenry, the Liberal Party, especially under the socialist Jorge Eliécer Gaitan,[12] aligned with left-leaning principles in their pursuit of land redistribution.[13] This foreshadows the formation of a Marxist FARC.

U.S. Involvement in the Context of Rising Marxist Ideology

In 1948, tensions between Colombia's two major political alignments reached its boiling point when, under the Conservative government, liberal leader Jorge Eliécer Gaitan was assassinated.[14] This one event sparked the decades-long civil war. Initially a conflict between citizens for and against an Oligarchic system, the civil war evolved into a struggle between rebel groups such as FARC and Colombia's liberal regime, all in the effort to implement transformative Marxist ideology. "La Violencia," or The Violence, was the devastating period spanning from 1948 to 1958 that marked the beginning of a prolonged conflict resulting in great disorder and displacement.[15] In these 10 years alone,

Communist guerilla groups proliferated and over 200,000 Colombians across the political spectrum were killed.[16] Under the conservative Laureano Gómez administration, terror and brutality toward liberals encouraged their radicalization.[17] Moreover, while the administration received aid from capitalist powers such as the United States, leftist peasants received arms from the Soviets,[18] incentivizing the creation of further Communist militias. Grounded in the Cold War's bipolarity, the attempts by international powers to either maintain or transform a political system amplified the war's ideological polarization, which lasted into the 21st century.

Colombian Marxist leaders emerged throughout the 1950s, mostly from rural areas, including Pedro "Tirofijo" Marin and Manuel Marulanda Velez.[19] In 1958, liberals and conservatives created the National Front as an attempt to compromise through power-sharing, marking the end of La Violencia.[20] But land conflicts remained, despite official governance changes; international intervention by the United States in support of the anti-Communist efforts, by Colombian Conservatives such as Misael Pastrana, motivated marginalized peasants to join the advancingly ideological struggle.[21] American intervention, in support of upholding the LIEO principles of multilateral institutions and cooperation, free trade and open markets, certainly contributed to expanding anti-interventionist sentiments persisting among FARC members.[22] Other Marxist guerilla groups were conceived over the course of the National Front's governance, including the National Liberation Army (ELN) and the People's Liberation Army (EPL), FARC emerged in 1964 in the vastly rural state of Cauca.[23] That same year, the U.S. backed-Colombian military aimed to destroy proclaimed "Communist" republics in Colombia—igniting a polarizing fury that likely contributed to the soon-after development of FARC's guerrilla war strategy and their official founding.[24] While the National Front would officially dissolve in 1974 due to national divisions and widespread turmoil, FARC persevered.[25]

An increasingly desperate Colombian government accepted foreign intervention in order to aid the Conservative cause, particularly by the United States. In 1998, U.S. President Clinton partnered with Colombian President Pastrana in the attempt to defeat FARC through the implementation of Plan Colombia—which was ultimately successful in bringing about FARC's relative demise and stabilizing the country.[26] Given FARC's major role in the drug trade, largely in the cultivation of coca and executed extortion through measures such as a forced trade tax on drug traffickers and kidnapping,[27] the newly enhanced alliance resulted in $10 billion in military aid to defeat the rebel group on top of the previous, U.S.-implemented economic policy prescriptions.[28, 29] The six-year plan resulted in a security not found prior to U.S. intervention: Colombia was able to take control once more over FARC-run villages. Between 2003 and 2004 alone, FARC ranks reportedly dropped by 33 percent to 12,000 and thousands of their deadly ammunition and weapons were captured.[30] While this signifies the relative weakness of FARC's base, centralization, and leadership, members who remained after 2004 grew angrier due to foreign intervention.

Given the United States' emphasis on capitalist ideals, the Colombian government was then influenced to align further with such LIEO principles in order to ensure that it received aid—particularly by making the previously oligarchic government more democratic.[31, 32] U.S. involvement to eradicate FARC was welcomed by the Colombian government and only increased in the years to come through Disarmament, Demobilization and Reintegration programs,[33] which addressed FARC's disdain toward the Colombian regime for aiming to shut down their Marxist cause. Heightened polarization would follow. An invigorated anti-LIEO sentiment among FARC, now in search of international support to aid their own ideological cause, would ensue.[34]

Venezuela: The Integration of Socialism and Decreasing Stability

The inklings leading up to Venezuela's integration of a Bolivarian approach to its government, a distinctly Latin American ideology opposing U.S-imperialism and embracing Marxist principles,[35] were first most evident in 1989 with the start of an economic depression.[36] In response to the recession, the Venezuelan government under Carlos Pérez launched an austerity program that resulted in the rise of oil-costs.[37] Masses of citizens protested these rising costs as they unfairly affected Venezuela's poor, to which the military and police reacted with violence and resulted in the deaths of thousands rallying on the streets.[38] Violence by the Venezuelan authority would work to intensify anti-free market and pro-Marxist sentiments among citizens who felt marginalized. While Hugo Chávez's first two coup attempts in 1992 will be unsuccessful, it will only take six more years before he will be elected president under his Bolivarian Revolution platform. Such a platform emphasizing socialism, and the need to repel U.S and neoliberal principles, provides the foundations of a systemic alignment and thus alliance between Venezuela and FARC.

In the beginning stages of the Chávez regime, measures to implement socialism within the economy began slowly. The legislation he passed aimed to combat inequality by gradually redistributing wealth,[39] in contrast to the country's previously capitalist tendencies. However, doing so required the redirection of oil profits. Indeed, social programs that worked (and initially succeeded) to aid the impoverished resulted in a dependency on this redirection.[40] Furthermore, Chávez's selling of oil to foreign markets at subsidized-rates, in conjunction with his failure to oversee and maintain oil facilities,[41] sowed the seeds for a major economic crisis to take place under the Maduro regime. Indeed, under Chávez as well as the beginning of Maduro's presidency, Venezuela didn't have nearly enough reserves for the crisis.[42] The plummeting of oil prices in 2014 as well as a cut in public spending sparked massive opposition to Maduro's authoritarian regime,[43] an opposition that would only grow with surging poverty levels. Attempts to relieve the country's economy by printing more money resulted in massive hyperinflation;[44] the annual inflation rate by 2018 reaching over 1,300,000 percent.[45] Amidst heavy opposition following the 2018 election along with international recognition of Juan Guaidó as Venezuela's official president, Maduro refused to concede his power.[46]

Maduro's stubbornness and authoritarianism, rejecting the proposal to even have a conversation with the opposition, has made compromise difficult.[47] Moreover, given the United States' support for and recognition of Guaidó as the official president, along with its continuing imposition of sanctions on Venezuela only contributing to the latter's crippling economy,[48] any prospects for compromise is further dissolved. International polarization is thus intensified, with the United States, contributing to Venezuela's worsening conditions and excessive poverty. Moreover, Maduro deems Guaidó to be the Trump administration's "puppet" for associating with the United States, implying his disdain for and fear of a broader concern: Neo-imperialism.[49]

A Venezuelan and FARC Alliance: Parallels and Beginnings

In both FARC and Venezuela, there is a contempt for international intervention by the LIEO. In both their narratives, the LIEO emphasizes free trade yet proves to marginalize the socialist regime and rebel group alike (although notably, neglecting their own contributions to national instability in Venezuela and Colombia). For both of the "marginalized" entities, their opposition receives aid from the neoliberal United States, which seeks the dismantlement of FARC and the Maduro regime. But the key U.S. neoliberal values of free markets and minimal government involvement, as applied within Colombian and Venezuelan societies, would result in a perceived insufficient safety net particularly following the 2008 recession.[50] Protested inequality would ensue.

Although they vary in time, means, and levels of successful government acquisition, such inequality would result in the establishment of FARC and Chávez's proposed Bolivarianism to represent the "excluded": the members of a lower and often more rural class. The sentiment of marginalization and injustice among societies, which can only systemically be resolved, has roots that stem back to the very founding of FARC's liberal cause and Venezuela's Bolivarianism. Both pronounce a need for Marxist revolution in order to abet the common people. While the evolutions of each entity have perhaps showcased their flaws in this pursuit, their paralleled historical narratives of struggle, in the pursuit of justice through transformative Marxism, underpins the start of FARC-Venezuelan ties.

The first official traces of FARC-Venezuelan relations began in 2003.[51, 52] Ivan Marquez of FARC and President Chávez jointly planned the Bolivarian Continental Movement, which took place in August of that same year.[53] The meeting brought together various left-wing organizations in pursuit of keeping the Bolivarian ideology and spirit alive within Latin America,[54] and fighting against the LIEO supported at the time by the current Colombian government—an order that had just been terminated in Venezuela. Indeed, this initial evidence for their relations took place just four years following Chávez's replacement of President Caldera. The "birth" of a new, socialist regime had only just transpired, and as a system of government frowned upon by not only the United States but many key international financial institutions such as the

International Monetary Fund, the World Bank, and the World Trade Center.[55] In an international community expecting and prescribing neoliberalism, it would make sense that Chávez would seek regional comfort by ideological alignments—exacerbating polarization.

Further planned coalitions between FARC and Venezuela would take place following this Bolivarian movement, such as the subsequent creation of the Bolivarian Continental Coordinator (BCC). BCC is a Marxist-Leninist Latin American congress, with honorary presidents including Chávez, Márquez, among other FARC-Venezuelan commanders, but also extending the leadership positions to external Latin American transformative activists such as Fidel Castro of Cuba and Narciso Isa Conde of the Dominican Republic.[56] This was done once more in the pursuit to find and establish a regional community of like-minded yet internationally-marginalized leaders. The greater international community, however, hadn't perceived FARC-Venezuelan joint-efforts as a large enough threat to their order that it would take a measurable course of action against the partnership—until 2008.

Beginning most clearly in this year, there has been a vocal decrease in international tolerance for their radical association,[57] a perceived great danger for a sovereign country as Venezuela to support what LIEO powers consider an official terrorist organization.[58] President Chávez's support of the rebel group would result in such a distrust between them and their opposition, not even the eventual 2016 peace agreement would be able to mend the vast polarization. In January of 2008, FARC decided to release Colombian political hostages Clara Rojas and Ingrid Betancourt, but first sent them to a Venezuelan committee and eventually flew them to Venezuela.[59] Three days after her arrival, Chávez asked Colombia, as well as other LIEO-following countries in Europe, to remove FARC from their list of terrorist groups.[60] However, Chávez's remarks were stated amidst a heightened global fury; societal anti-Marxist sentiments upon the return of the hostages to Colombia were at an all-time high, with widespread protests against FARC in February, in Colombia, Australia, Europe, and the United States.[61] Thousands of Colombian protesters voiced their opposition to FARC's kidnappings,[62] emphasizing public contempt for not only the recent news of citizens being held captive—but their perceived reason for the decades-long civil war: a Marxist regime.

The neoliberal regime under President Uribe is evidence of serious objections by Colombians to FARC,[63] and proves that Colombia has come a long way in finding an agreed means of governance by civilians since oligarchic rule reached its boiling point in 1948. It would make sense that with a newly unified citizenry within a country in the process of stabilization (with a vastly-shared hostility toward the rebel group), the national government would take its citizens' concerns seriously by emphasizing their shared disdain against FARC, the deemed cause of disorder. Within this historical context, the Colombian government's efforts toward effective peacebuilding would require trust-building toward this new and promising regime. And in light of these societal

protests, with the assistance of billions of U.S. dollars, President Uribe's security crackdown against rebel threats aims to do just that.[64]

This crackdown entailed a major military effort which, although it pursued internal peacebuilding and stability, resulted in an escalated international conflict with not only Venezuela—but with Ecuador. In the beginning of March 2008, the Colombian Air Force dropped a bomb on a FARC territorial camp within Ecuador, where high-ranking FARC member Raul Reyes was thought to be.[65, 66] This was a major concern for President Chávez, who then ordered Venezuelan troops to the Colombian border. A Venezuelan-Colombian military conflict as a result of Colombian-FARC tensions came very close to reality.[67]

Describing his reasoning for the military order in a talk show, Chávez voiced his opposition to neoliberalism with clear anti-imperialist undertones: ". . . We will not allow the North American empire—which is the master—and its sub-President Uribe and the Colombian oligarchy to divide, to weaken us.[68] More interesting than Chávez's reference to his Bolivarian ideology and his anti-American stance is his reference of a remaining oligarchy in Colombia, signifying tightened FARC-Venezuelan ties. It underscores a solidarity with FARC's historical roots and thus a shared historical memory: an acknowledged struggle for radicalist liberals during the La Violencia period, marking the beginning of FARC, who sought an end to the Oligarchy. This acknowledgement indicates something far deeper than recognition of Colombian history; it is a validation of FARC's initial reason for formation and its regime type. While FARC was evidently weakening by 2008 (in correlation with Uribe's increased military action) and their number of fighters having reached a government-estimate low of 6,000,[69] support under Chávez for the rebel group has continued to expand. Under the succeeding Venezuelan President, Nicólas Maduro, these ties will persevere due to the underpinning power and comfort of shared ideology—especially since the 2016 FARC-Colombia agreement, also known as the Havana Accords, threatens to be on the verge of collapse.

The FARC-Colombia Peace Agreement: Major Points, Successes, and Challenges

Serious peace talks between FARC and Colombia, leading up to the finalized agreement in November 2016, first began in 2012 in Havana, Cuba. Under liberal president Juan Manuel Santos, a national referendum regarding the initial agreement first took place in October—but was rejected by the Colombian people.[70] The three main categories that Santos aimed to address included targeting FARC's drug trafficking—yet flexibility and perceived compromise through land reform and the integration of FARC into the political sphere.[71] These initial compromises were viewed as too lenient; former president Alvaro criticized it as too soft, implying a fear of repeated destabilization in the pursuit of peace.[72] Just a decade prior, an attempted agreement in which a vast

amount of territory was ceded to FARC had failed—a major loss for the government. Under the new agreement, signed by FARC leaders Iván Márquez and Humberto de la Calle, the government of Colombia declared that it will commit itself to addressing inequalities in the rural sector.[73] In that agreement, the government prescribed federal development programs to combat Colombian conflict and destruction.[74] In the pursuit of gender and social justice, the program encompasses the legalization and democratization of property.[75] This directly works to counter any of FARC's claims that Colombia remains an oligarchic state.

Additionally, this most recent agreement establishes that FARC will participate within the government as a legal political party.[76] Although the peace agreement declares that this is done in an effort to ensure and improve democracy,[77] many Colombian citizens are skeptical of conceding power to a group that has caused mass numbers of kidnappings and violence.[78] As previously established, doubtfulness on the part of the citizenry is a danger for the only recently-stabilized Colombian government. Obstructing peace by being too lenient in measures with FARC is far from the government's agenda. Other points of the agreement questioned by citizens include how rebel members who confess their crimes are allowed to perform community service rather than to be sent to jail—seen as overly forgiving and even insulting, particularly by Colombians directly affected by the decades of guerilla turmoil.[79]

It is unlikely, however, that FARC would accept an agreement negotiating to send their members to prison, in that it would imply FARC's acceptance of their Marxist ideology as wholly wrong and deserving a direct punishment within the opposing, neoliberal system. It is doubtful that FARC would agree to uphold the sacrifices on their end, particularly handing over their weapons to the United Nations and their commitment to the dismantlement of drug trafficking,[80] the latter being a key economic factor in the financing of their ideological pursuit.[81] There's a core struggle within the government's peace-building efforts as it attempts to achieve the correct balance between civilian ease and rebel satisfaction. Spaces between these two internal "factions" are already wide; their non-compatibility will be brought into light under the subsequent, more conservative President Duque. Duque will voice the "people's" concern about how to confront FARC, emphasizing the need for reform within the already signed peace agreement by implementing stricter measures.[82] Calls for reform in pursuit of more conservative principles (and thus less leniency) suggest a lean toward neoliberalism and U.S. intervention—something that former FARC member Alexandra Nariño has stated she believes to be the cause for the radicalization of remaining FARC fighters.[83]

Various actions by both the government of Colombia and FARC have been inconsistent with the agreement. While the contradictions of the government are recognized and scrutinized by FARC as acclaimed ideological flaws, and vice versa, the government and FARC refuse to confront their own respective contradictions in the pursuit of peace. Indeed, there has been a rising number of assassinated demobilized FARC members particularly under the

Duque regime;[84] but estimates of these fighters who remain armed reach up to 2,800,[85] and these forces continue to cause violence within Colombia's rural communities.[86] Mutual distrust is evidently not only the preceding cause of polarization, but also deepened consequence. These opposing ideological factions, in the face of skepticism for the "other," resort to the comfort of their respective ideological alliances. The recurrence of a FARC-Venezuela alliance, threatening the peace agreement, is therefore not an unforeseen result.

The Worrying State of Current FARC-Venezuelan Relations

A month prior to FARC leader Iván Márquez's video declaring that FARC is to withdraw from the agreement, on July 28th of 2019, President Maduro announced that Márquez and other FARC leader Santrich were "welcome in Venezuela" and that "the two of them are leaders of peace."[87] This contrasts greatly with Chávez's denial of any traces of evidence of Venezuelan land being used as a safe haven for FARC in fear of being shamed by leaders of the dominant LIEO,[88] to some extent even shaming the group as the reason that the United States is given a justification to expand their neoliberal influence.[89] Under Maduro, irony regarding FARC's Marxist cause for the benefit of the people, yet evidence of FARC's human rights violations, is not addressed.

Similarly, Maduro fails to address accusations of his own human rights violations and Venezuela's widespread humanitarian crisis.[90] This, along with regarding FARC's leaders as fighting for the greater good of humanity, implies that Venezuela is following a similar path to that of FARC and Colombia in the context of growing polarization. Indeed, these three actors refuse to recognize inconsistencies in the applications of their ideological bases, to ensure that the bonds with their ideological allies remain. Just as FARC and Venezuela have seen through Colombia's flaws in applying the Havana Accords as well as applied neoliberalism upon the state as a cause for inequality, Duque notes FARC's flaws in their application of Marxist ideology (thus also pointed toward Venezuela as well—describing the FARC's proclaimed cause to be "shielding themselves with fake ideological clothing to hold up their criminal structure").[91] Deepened polarization as a result of intensified skepticism follows.

Márquez's video discusses his call for a new age of guerilla warfare—one in which FARC would maintain an alliance with another violent leftist rebel group The National Liberation Army (ELN).[92] Although Márquez also encloses that the newly ignited FARC will not attack Colombian police and/or officials who are "respectful to popular interests,"[93] within this context of increasing disparities in their definition of an acceptable social justice and growing contradictions in the pursuit of threat, it is increasingly questionable whether FARC will uphold their word. Moreover, a promise not to attack certain police officers implies a willingness to attack a number of them in the first place. This, in conjunction with Venezuela's blatant contradiction of the "final" 2016 agreement in which it concurred that it will be "ready at all times to perform their proper duties as observer countries" to uphold peace, would

only be reason for the Colombian government to harden their domestic and foreign policies and protect their state and ideological self-interest. A cycle of security reciprocation, involving the strengthening of one's military forces and tightening of ally relations by the opposing side, would ensue.

Indeed, the Inter-American Treaty of Reciprocal Assistance, or Rio Treaty, was invoked September of 2019 largely as a result of the escalating relations between Colombia and Venezuela in regards to FARC.[94] There's an apparent deterioration of compatibility between groups of contrasting ideologies toward any pursuit of compromise, as laid out by the Havana Accords. The nineteen member nations of the treaty, largely countries in the pursuit of maintaining the LIEO, agreed during its signing that joint actions will take place in the case of a threat upon one or more of these nation-states.[95] Colombia's threat of Venezuela, for openly offering asylum to once-more perceived criminal organization,[96] is thus viewed as a threat by members of the Rio Treaty.[97] It is a threat that must be defeated through the cooperation of these members by collective measures of varying force.

The initial measure imposed upon Venezuela were mutual sanctions.[98] This is done in regional countries' attempt to stand their ideological ground and ultimately get Maduro to compromise his regime type and policies. However, it is likely that these measures will only provoke Maduro to resume the Marxist cause in the pursuit of his own security, tightening relations between him and FARC. A cycle of polarization as a result of a disinclination to compromise remains in rotation.

Conclusion: The Need for Applied Kantian Policy

Iván Márquez's declaration that FARC is to part from the 2016 Peace Agreement was not so much an irrational decision made to disrupt the peace as it was a desire to uphold ideological grounding. This was done in the context of numerous inconsistencies made by the Colombian Government, which agreed to accept the conditions of the Havana Accords and pursue peace after its signing, yet there has been evidence of unwarranted assassinations and violence by government officials toward FARC members.[99] Similarly, factions within FARC continue to be armed no matter the various rights that the accords grant them—including FARC's political assemblement.[100] Distrust by FARC and Colombia alike, no matter a voiced promise to uphold an acclaimed "successful" agreement, manages to sever any attempt toward the endurance of peace. Moreover, it is a distrust that stems back to the beginnings of Colombia's civil conflict.

A distrust and hatred toward the oligarchy gave rise to leftist rebel group FARC.[101] Throughout the La Violencia period and beyond, FARC's numbers would grow and begin receiving vast international attention. The United States would increasingly offer support for the Colombian government, giving the latter greater reason to follow through with the LIEO;[102] FARC's distrust for the government will heighten and will respond by seeking support by its own ideological ally. Indeed, the turn toward the 21st century marks the

beginning of Venezuela's socialist regime under Chávez. Relations between FARC and Venezuela due to their close ideological alignment, and particularly mutual despise for the perceived flaws of neoliberalism and U.S. intervention,[103] would slowly evolve into the blatant trust and acceptance for one another as ideologically pure, no matter the international response,[104] that can be seen today. Colombia, among other external actors under NIEO, will feel threatened by such measures and thus be inclined to also isolate themselves within their international, ideological spheres. This would be done by enacting measures meant to negatively impact FARC and Venezuela with the end goal of their concession to the opposing ideology.[105]

Given historical patterns, measures enacted meant to negatively impact F would likely only result in expanding distrust. Indeed, peace agreements such as that of 2016 are effectively useless if foundational distrust is not initially addressed. Distrust goes deeper than the government's addressing of the causes of FARC's formation (regarding factors such as rural reform and inequality): the government must address the compatibility of the LIEO ideology with Kantian principles. Effectively, to present the ideology as superior to that of Marxism would require showing that LIEO standards such as open markets and democracy can be in touch with humanitarianism in policies and measures directed toward Colombia and Venezuela—now *without* inconsistencies. FARC and Venezuela would ultimately then lack reason for their skepticism and doubt to the extent they had grown, and thus be more willing to negotiate and compromise with Colombia in a trustful pursuit of peace.

Kantianism calls for legislators and decision-making to follow through with a foundational respect for all humans—and thus "the other" laying outside of national borders.[106] In contrast to utilitarianism, which concerns itself with the maximization of self-interested gains, Kantianism reflects a non-contradicting means of regarding all of humanity as valid and thus need for all marginalized sectors and groups of society within a given conflict to be addressed.[107] Applied to Colombia's policies aimed toward FARC and Venezuela, dismantling their partnership and a confrontation of their Marxism as "flawed" first requires a confrontation and reforming of their *own* contradictory policies under the LIEO. In August of 2019, for example, Colombia passed seemingly Kantian legislation that grants citizenship to the children of Venezuelan refugees born on Colombian soil.[108] Indeed, preventing statelessness (with one's birth certificate) is an imperative step to ensuring access to healthcare and means of securing employment. Colombia, under the neoliberal Duque regime, then seemed to be placing a humanitarian emphasis on its foreign policy. However, only a month after this implementation, Colombia then voiced its support for increased sanctions on Venezuela in an attempt to punish the Maduro regime for assisting FARC.[109] Greater sanctions, however, will lead to the increased suffering of Venezuelan citizens due to inflated economic turmoil.

While an argument can be made that international pressures would result in Maduro changing his Bolivarian policies in order to alleviate the suffering of his people, previous sanctions imposed on Venezuela by the United

States had proven that it only caused Maduro to become more stubborn within his ideology.[110] While he had made certain agreements to meet with liberal Venezuelan counterpart Juan Guadió in negotiation talks, following these sanctions, Maduro cancelled the meeting.[111] A subsequent tightening of relations with FARC would follow. To earn Venezuela and FARC's trust, there must be a humanity-oriented consistency in Colombia's policies—therefore urging Venezuela to change its regime-type by emphasizing the devastating effects of authoritarian Marxism upon its citizenry without contributing to their people's suffering. To improve these conditions, the Colombian government must use its leverage as a close ally to the United States to emphasize the need to withdraw sanctions, negotiate with Guadió, and consequently close the polarization between opposing ideologies. The same humanity-oriented consistency must be applied to policies directed toward FARC. This would require addressing the government's promises made within the 2016 peace agreement, such as securing access to mental health facilities for former FARC members.[112] Illustrating the superiority of the LIEO requires that Colombia first demonstrate unchanging trust and compassion for humanity. A FARC and Venezuelan alliance that disregards liberal principles can then more easily be confronted, dismantled, and eliminated.

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Coping with the Evolving Fate of Fisheries in the Arctic

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Abstract

Fisheries provide the basis of employment and income in many coastal Arctic communities. Yet, two types of environmental degradation threaten this industry. First, the buildup of persistent organic pollutants, or POPs, in fish can cause harmful health effects when consumed by humans. Further, the presence of contaminants in fish can lower their market price and reduce profit for fisherman. Second, warming oceans as a result of global warming can alter fish migratory patterns, leaving fisheries unable to adapt to changes or reductions in catches. Together, these can create economic hardships and a degradation of culture through the loss of a traditional industry. As such, we propose a three-part solution to address each aspect of this problem. The Stockholm Convention that restricts global POP production must include a new chemical database to regulate chemicals before they become widespread pollutants, regional fisheries management organizations ought to establish subsidiary councils for addressing fishery management conflicts, and last, the Arctic Council must introduce a new project to make fishing communities more economically and socially resilient in the face of a future industry collapse through the incentivization of production and education diversification.

The Problem: Environmental Degradation and Human Security

Throughout the Arctic waters, rich stocks of fish provide the backbone for the economies of local communities and entire nations alike, and access to this resource has been crucial in the development of these economies. Yet, this resource is facing future threats from environmental degradation. First, dangerous pollutants spread to the poles, contaminating food sources for Arctic people. Second, the warming of ocean waters alters the migration patterns of fish. These two changes together can reduce the profitability of fisheries and subsequently create drastic changes in the livelihoods of the people who depend on their catches for their well-being.

Persistent organic pollutants (POPs), which are chemicals that are produced from manufacturing, industry, and waste disposal are accumulating in

Arctic marine organisms at rapid rates. By virtue of their chemical structure, these pollutants are volatile and therefore easily transported through the air. POPs produced from all parts of the world—including major polluters like China, India, and the US—travel to the Arctic on global air currents, where they remain stuck due to low temperatures and low levels of evaporation. Microscopic marine organisms consume these pollutants, which then travel up the food chain to larger organisms, like fish, that humans consume. Dr. Hreiðar Þór Valtýsson of the University of Akureyri emphasized how contaminated fish do not sell for as high a price to buyers, leading to significantly lower revenue for the fishing industry.[1]

While this problem is not entirely unique to the Arctic, its severity is compounded in this region for a variety of reasons. First, according to an interview with Henna Haapala from the Ministry of the Environment in Finland, the principle of biomagnification plays a significant role in the buildup of pollutants in food sources. Pollutant levels increase further up the food chain, and because Arctic marine food chains are quite short, the contamination seen in fish is much worse than in a more complex ecosystem. Additionally, the low temperatures of the Arctic waters inhibit the breakdown of these dangerous chemicals. This can reduce the efficacy of any bans on these pollutants, as they remain in the environment far after their use is stopped. Lastly, the diet of many Arctic peoples puts them at risk for consuming these pollutants. Particularly in the more rural north, people rely on a smaller number of fat and protein sources in their diet.[2] If a food source were contaminated, these groups would receive an unusually high dose due to their less varied diet.

The health effects of these pollutants in humans represents an interesting challenge both to scientists and policymakers given that they are not fully understood. An interview with Therese Haugdahl Nøst, a specialist in organic pollutants at the University of Tromsø, highlighted many difficulties in understanding these pollutants. First, she indicated that it is nearly impossible to isolate the effects that a single pollutant has on human health; instead, only a full contaminant load can be studied. Tests to identify pollutants in human blood are also extremely expensive to conduct.[3] Without a full understanding of the specific health effects a pollutant causes, it can be difficult to garner public support for the regulation of that particular pollutant. Moreover, a presentation from Ella Maria Duplissy, a specialist in aerosols and cloud formation at the University of Helsinki, affirmed that there is highly localized variation in pollutant levels. Even within a small area, people can be exposed to greatly differing amounts.[4] This further complicates any epidemiological studies designed to determine the health effects of pollutants. Lacking clear and specific results, scientists face great difficulty in informing the decisions made by policymakers.

The problem of POP buildup in human food sources came to international attention in 2001 when the Stockholm Convention, an international body of law banning the production of twelve POPs, was ratified. Since then, the agreement has received 152 signatories and was ratified by all Arctic nations

with the exception of the United States. The document itself represents a comprehensive ban on these pollutants. According to Article 5 of the Stockholm Convention, each party must develop an action plan regarding how to eliminate these pollutants in the present and plan for maintaining this in the future. The action plan must include current levels of releases, evaluation of current regulations, strategies to stop pollutant releases, a national education plan, and a five-year review process.[5] Because of this plan, the document has been effective in reducing current use of these select pollutants and in eliminating their use in the future.

Yet, there are various shortcomings of the Stockholm Convention. Nøst indicated that the bans are not fully comprehensive for two distinct reasons. First, the document originally banned only twelve specific pollutants, with an additional nine added to the document since its ratification. This does not include the many other known POPs, nor does it recognize that new ones are being identified at an increasing rate. Second, the document fails to address the issue of so-called "chemical families." Many unregulated pollutants when they enter the environment break down into the exact same pollutants that are banned under the Stockholm Convention. By not banning these parent chemicals, the Convention cannot fully eliminate these 21 pollutants from the environment.[3]

In addition to the international effort to reduce pollutant load, Arctic nations are currently working to monitor pollutant levels in common food sources. For example, as a member of the European Union, Finland carries out mandatory monitoring programs in both its freshwater and Baltic fisheries. Meri Kallasvou, a researcher on climate change and fisheries at the Natural Resources Institute Finland, elucidated the extensive measures taken to ensure uncontaminated fish. As a first step, the EU Data Collection Framework provides funding to Finland in order to carry out studies of where fish populations are located. Additionally, The Natural Resources Institute Finland takes its own pollutant measurements of fish to identify problem areas.[6] Similar models are followed in other Arctic nations. For example, a government-owned Icelandic company called Matís monitors pollutant levels,[1] and Marianne Kroglund at the Ministry of the Environment in Norway discussed how the Norwegian Marine Institute does similar testing on fish.[7] This research is used to create annual reports, which then informs government food recommendations if pollutant levels are too high.

The next major environmental threat to fisheries is that climate change is causing the migratory patterns of fish stocks to shift.[8] This shift is particularly prevalent in the Arctic region, where water temperatures are rising twice as quickly as the global average.[9] This phenomenon is problematic for fisheries who are used to fishing certain fish stocks, consumers who are used to consuming certain types of fish, governments that have to address resulting conflicts, and regional fisheries management organizations (regional bodies made up of all fishing states in a region) that determine fishery rights in international waters. Indeed, as fish stocks shift location, the states awarded original rights

to fishing these stocks clash with the states possessing waters where fish have now migrated. This conflict is apparent in the case of the mackerel population in the North Atlantic in 2007.[10] Warming waters caused the mackerel population to shift further west and north. While originally the EU, Norway, and the Faroe Islands were the Coastal States of mackerel, meaning the fish spent time in the 200-mile radius around each country and so each country had the right and responsibility to fish and regulate the mackerel, Iceland claimed that they now also had a right to become a Coastal State, inciting conflict between the two sides.[11] As Coastal States, the EU, Norway, and the Faroe Islands had the right to agree on quotas and management plans. While Iceland was granted Coastal State status in 2010, it still has not participated in any agreements on quota allocations (per country) and total allowable catch (the combined maximum limit of catch) due to the strained relations the disagreement has caused.[12] The political consequences upon the state are evident in the conflict and strained relations it caused between the mackerel Coastal States and Iceland. This burden has fallen on the respective governments of each country as they negotiate with one another. The economic consequences are evident in the fact that Icelandic fisherman were restricted in their ability to fish the mackerel for three years.[13] Indeed, such a situation can be a severe economic burden if native fish stocks move away while fishermen are not allowed to fish the newly appeared stocks. The lack of local fish also places a burden on consumers as they would either not have access to fish or else have to purchase imported, more expensive, fish.[14] Further, although the North-East Atlantic Fisheries Commission, the relevant RFMO, played a role, the conflict was mainly dealt with by the Coastal States themselves[13] This meant that there was no organized framework to help resolve the conflict and that Iceland itself had no say in the proceedings, leading to an inequitable and biased resolution.

Further, shifting migratory patterns of fish stocks are profoundly affecting the Arctic states. In the case of Iceland, warming waters have meant a surplus of new fish species. Since 1996, Iceland has seen 31 new species of fish in its waters.[15] However, it has also seen a decline in capelin and northern shrimp, and the collapse of its scallop and herring stock. As fishing and associated industries account for twenty percent of the Icelandic economy, it is vital that fisheries and government regulations are able to adapt to this quickly changing landscape. However, in this situation consumers are left unaffected as the majority of Iceland's catch is exported.[16]

Next, Norway has seen an increase in herring and anchovy, while Norwegian cod have been shifting to warmer spawning sites. While Norway has not as of yet seen a lack of fish (owing to its long, northward-reaching coastline) this shift in fish stocks has meant that individual fisheries need to adapt to shifting or loss of species in their catch.[17] This is particularly problematic because fishing rights zones are spatially demarcated.[10] These shifts will have both economic and human security impacts as fish is Norway's third largest export and the majority of fish consumed in Norway is domestically caught.[17]

Additionally, Finland is expecting to see a growth in the rainbow trout stock but a decrease in the ability to fish cold-water fish such as Arctic char and European whitefish. While this will impact fisheries, the consumer will not be so heavily impacted as Finland only sources about one-fifth of the fish it consumes domestically. Sweden will experience similar changes, with decreases in cod and flatfish and increases in perch, pike, and pike-perch.[6].

The United States and Canada will see their biggest shift in fish stocks on the West Coast where species such as rockfish, an economically significant one, will shift up to Alaska. This will negatively impact the mainland American fisheries and Canada while creating industry in Alaska.[18]

Russia is experiencing a decline in Pacific pilchard, herring, and whitefish. Herring and whitefish are both economically significant fish. Further, while the rather nascent fishing industry is growing, it faces significant challenges from shifting fish stocks.[19]

Finally, Greenland is expecting to experience a significant decline in shrimp population. Considering that fishing accounts for 85% of the country's exports, this decrease would have a large impact on the economy.[20]

Two main reasons emerge to explain this shift: warming waters and changing salinity of the ocean. As temperatures warm, there will be more rainfall in winters, making oceans less saline. The combination of less saline and overall warmer marine environments will advantage certain species and disadvantage others, resulting in shifting fish stocks.[21] This is problematic for four main groups. First, fisheries must adapt to new fish species or even a simple decline in catch volume. They also have to be given the rights to fish new fish stocks if their countries are not already Coastal States of said fish stock. Next, it is an issue for governments in that they have to negotiate disputed fishing rights with other countries. Thirdly, it is problematic for consumers, in that previously locally available fish would no longer be accessible. Finally, regional fishing bodies must now determine how to equitably settle fishing rights disputes between states.

Changes to the fishing industry in Arctic communities, either as a result of falling prices from contamination, or migrating stocks from climate change, can have enormous impacts on the livelihoods of those within the industry. Primarily, the loss of this industry would bring about economic uncertainty and the erosion of traditional culture. This phenomenon was seen in the case of the disappearance of the herring. A retrospective study from the University of New Hampshire discusses how the Icelandic town of Siglufjordur enjoyed an economic and population boom until the late 1960s when climate change led to the reduction and eventual end to herring catches. In just two years, the annual herring catch fell from 2 million tons to only 20,000. The disappearance of the herring, induced by changing climate conditions, led to a decline in the population of the village due to worsening economic conditions and job losses. In addition, the report states how the disappearance of herring also led to a ripple effect in the fishing towns within the area and affected their economies as well, albeit to different degrees.[22] A separate study on the herring

disappearance done by Thorir Sigurdsson at University of Akureyri noted the inflation of consumer goods as a reaction to the crippling of the main industry in Iceland, therefore shifting the socioeconomic ladder within these communities and launching many into near-poverty.[23]

While this was an isolated case from a small Icelandic city, it demonstrates the dependence that coastal Arctic communities have on their fisheries. Further, the case of Siglufjordur shows that the risk to human security is significantly greater without the proper infrastructure and policy in place. This is particularly concerning given the lack of attention on maintaining economic and cultural security in Finland, Norway, and Iceland. While extensive policy is in place in these nations to monitor changing fish populations, there exists far less discussion regarding how its human impacts can be handled. Dr. Nøst summarized this simply in saying, "Norway has been successful in pollution reduction policies, but they have a crucial gap in human security policy."[3] The idea of this "missing narrative" can be observed in other instances. For example, four of the six Arctic Council working groups are devoted to the protection of the Arctic environment, while only one, the Sustainable Development Working Group, focuses on the wellbeing of the Arctic people. Although attention is being given to the sources of the threats to human security, much less discussion is underway regarding how these nations can adapt in the case of a crisis, such as what occurred in Siglufjordur.

Policy is mainly focused on fisheries because of its economic importance. For example, fisheries and related sectors were the single most important part of the Icelandic economy, representing 27.1% of Iceland's GDP in 2011. Meanwhile, Norway's biggest contributor to their GDP behind gas and oil is fishing. Finland's fishing industry was the 4th largest contributor to its GDP. In Canada, fish and seafood are among the nation's largest exports of food products.[24] It is understandable that the development and increasing of revenue is important to Arctic communities; the focus on the maintenance of revenue allows for more successful implementation of policy due to the individual countries' keen economic interests. However, this allows for a very unbalanced approach to Arctic policy. Although these economic emphases are important for creating policy, what is missing from policy is the focus on protecting the human wellbeing that is contingent upon traditional industry.

Moreover, those individuals from remote areas and low socioeconomic backgrounds are more prone to suffer within their communities.[25] Most rural coastal fishing communities are both rural and of low socioeconomic status, making them less adaptable and resilient to stress and the slew of mental health problems that can follow.[26] In addition, Rising Sun, a public health research project led by the Saami Council, has determined that certain indigenous and rural communities among the Saami are seeing extremely high rates of suicide because depression is likely to be more pronounced in those who live in small rural communities.The report further states that the disappearance of traditional industries like fishing will most likely increase the occurrence of depression and suicide.[27] This example illustrates how the wellbeing

of Arctic populations is intertwined with their traditional industry, highlighting the importance of protecting the profitability of fishing in the face of climate change.

What Can Be Done: A Three-Part Solution

In summary, it has been found that POPs can limit the profitability of the fishing industry because of their dangerous human health effects. Additionally, as was the case in Siglufjordur, shifts in the location of fish stocks can cause enormous economic and cultural repercussions. Thus, in order to address all three components of this problem chain, three solutions are proposed that target the buildup of pollution, shifting fish stocks, and loss of economy from a changing industry. The best approach to handling this issue as a whole is to stop the sources of environmental degradation while simultaneously creating policy that allows communities to adapt should these changes take place nevertheless.

To begin, the sources of pollution accumulating in Arctic waters are scattered throughout the world. As such, any potential policy change to mitigate this phenomenon must create change on an international, multilateral level and must not be confined to the Arctic countries. In order to enact this global change, it is recommended that improvements to the Stockholm Convention be made such that the review process for new POPs is expedited, allowing for more inclusive bans on chemicals. The key to achieving both of these goals falls in the text of Article 11 of the Stockholm Convention, titled Research, Development and Monitoring. This part of the document encourages the scientific exploration of all aspects of POPs, including their sources, effects on environmental and human health, and socioeconomic and cultural impacts. It also encourages collaboration of researchers both within and across national borders such that any knowledge regarding POPs may be shared openly.[5] Based on discussions with Dr. Nøst, this sharing of knowledge has been critical to the success of researchers in identifying emerging POPs and understanding the risks associated with those chemicals. Yet, because this scientific process takes place over the course of many years, we propose the following amendment to the Stockholm Convention: a database of all existing and proposed organic chemicals used in manufacturing, industry, and waste disposal must be created and shared among all Parties. It is imperative that this database be generated in conjunction with the industries responsible for pollutant generation.

The critical advantage of this change to the Convention is that it would allow the identification and regulation of POPs proactively rather than retroactively. By giving researchers a comprehensive list of potential POPs, this database would provide researchers a starting place for their investigations and improve the efficiency of identifying the risks of emerging POPs and subsequently regulating them through the Stockholm Convention POP Review Committee. Making this process more efficient would address many of the shortcomings of the Stockholm Convention itself. By including all potential

POPs in the database, it would facilitate the identification of these "chemical families" and more effectively limit the quantity of banned POPs in the Arctic marine environment.

Although this amendment to the Stockholm Convention would increase the efficiency and inclusivity of new bans, it may face several obstacles to its efficacy. First of all, the Stockholm Convention represents a careful balance struck between the environmental and industrial narratives of pollution control. The document introduces effective measures to limit pollutant release and encourage monitoring, but it is not so strict such that nations that rely heavily on industry are discouraged to join. Naturally, any amendment in favor of further pollutant restrictions may upset this balance. For example, industry-focused nations, such as China and India, may consider retracting their ratification of the agreement in favor of preserving their manufacturing. It is important to avoid this possibility, given that nations such as these are also the ones who are primarily responsible for the pollutants that need regulation. Moreover, the most populous Arctic country and one of the largest polluters among them, the United States, is one of the few countries in the world that has not ratified the Stockholm Convention. While it generally follows the guidelines set forth by the convention, the US is technically not required to abide by any changes if it does not believe them to be beneficial. In the context of the current administration in the United States, a ratification of the Convention by the United States appears unlikely in the near future.

Next, the current method of addressing conflict caused by shifting fish stocks is flawed in that it is inefficient and biased, thus negatively impacting states and fishermen. As such, appropriate policy proposals should attend to both issues. The way the seventeen total regulatory bodies currently work is that each organization is made up of representatives from each of the states that make up its geographic region. Each organization has a Secretariat and various Working Groups (also called Committees, Standing Committees, etc.) that focus on various areas of fishery management.[28] However, they are all lacking in that none have a body that specifically addresses shifting fish populations and its ensuing issues. As such, said bodies ought to each create a subsidiary council responsible for resolving fishery rights conflicts between states. Each subsidiary body will consist of two representatives from each member state in the organization. The group will be a task force entrusted with resolving disputes regarding shifting fish populations. Therefore, states that are trying to gain Coastal State status or negotiate their quotas will be able to participate in the negotiations. Further, having a specific group responsible for these disputes will enable them to be resolved much more efficiently and thus forgo any loss of revenue fisheries experience as they wait to gain full rights or larger quotas.

The creation of subsidiary bodies of the regional fisheries management organizations would be the duty of the Secretariat of each of the nine bodies. Each subsidiary body would consist of two representatives from each member state and follow the rules of procedure of their respective RMFO. The subsidiary body would meet on a yearly basis to field conflicts that need to be

resolved, and then meet as needed if additional conflict resolution is necessary. Holding general meetings on a yearly basis is sufficient owing to the relatively slowing moving nature of fish stock population shifts. The body will also be chaired on a yearly rotating basis for the purpose of directing proceedings. However, if the chair of the council's state is involved in a conflict, the chairmanship will default to the previous year's leadership.

The addition of conflict resolution bodies to the RFMOs would address two key issues in the conflict resolution of fishing disputes caused by shifting migratory patterns. Firstly, it would give potential Coastal States a voice in determining their status and fishing quotas. Secondly, it would establish a forum for these conflicts to be resolved, thus allowing this to happen more efficiently. The more efficient resolution of said conflicts via a more formal setting of conflict resolution could potentially reduce enmity between opposing states and allow for effective future collaboration as these states continue to work together on managing their shared fish stocks. In other words, such a body could avoid the current situation with Iceland and the other Coastal States where even though Iceland now is one itself, relations have broken down to the point where collaboration on agreements is very unlikely.[29]

Lastly, in order to address the human security aspect of the impact of climate change on marine biodiversity, the Arctic Council ought to establish a project that would lead to an agreement focused on the protection, adaptability and resilience of coastal communities. This project would fall within the Sustainable Development Working Group and would work to develop an agreement that each Arctic state may sign. The Sustainable Development Working Group would be the best entity for this agreement for two reasons: the proposed agreement would fall under all 8 areas of major activity of the SDWG, and the Working Group has already implemented a similarly focused project of sustainability and adaptation specifically for the reindeer industry with the Arctic Indigenous Youth Council called *Arctic Indigenous Youth, Climate Change and Food Culture.*[30]

The goals of the agreement would be to further develop a resilient fishing industry and prepare communities for reduction or loss of industry that may occur. The agreement would therefore address both the short-term and the long-term problems. The short-term section of the agreement would address the immediate threat of a decrease in catch due to these shifting stocks. These communities need to find a way to maintain their economies in order to minimize unemployment that could cause a myriad of security problems. One way of doing this is to increase revenue on existing catch so as to make up for the profit lost due to diminished volume of the catch. As it stands in the United States and Russia, about 50% of what is fished goes toward human consumption. In contrast, in Iceland 80% of what is fished goes toward human consumption.[16] Indeed, when it comes to reducing waste from fishing and maximizing profit from each fish, Iceland emerges as an example of best practices in the Arctic region. By developing products and markets for various parts of the fish, Iceland has been able to increase its average utilization of cod from

around 50% to up to 95%.[16] The basic premise is that there are many useful parts of the fish and by utilizing them in sellable products, rather than simply discarding them, one is able to significantly increase revenue from the same volume of catch. While this phenomenon of innovative development occurred organically in Iceland, similar innovation may be incentivized in other Arctic countries to thereby make fisheries more resilient in the face of shifting fish stocks and a changing catch makeup. Said agreement would include appropriate subsidies to both fisheries that can reduce their fish byproduct waste by at least 10%, and the companies to which they sell said byproducts to produce goods. By doing so, value is being added to the fish themselves and to the economies surrounding the fisheries. This will therefore make the fishing economies more adaptable and resilient to the effects of climate change. By expanding the economic relevance of fish past consumption and diversifying its uses, the fishing industry and thus jobs in dependent communities will be more able to adapt to the changes the shifting fish stocks will bring.

While this softens the blow climate change will deal to fishing, thus allowing for a smoother transition to a less fish-dependent economy, many communities must also face a future with little to no fishing. As seen in the case of Icelandic herring, such a loss can be devastating to coastal communities dependent on fishing. Thus, our long-term phase will focus on re-education and vocational training programs. These programs ought to become more widely available and incentivized in order to give younger generations alternatives to precarious fish industries and thus improve social outcomes. To this end, we propose that through the Arctic Council and the same task force already proposed under the Sustainable Development Working Group, an agreement be created that incentivizes universities to develop a wider range of economically relevant two-year and remote programs in order to enable younger generations to move out of fishing. This agreement will mandate that for every additional distance learning program or two-year vocational degree program offered, a university or college will receive additional government funding. Further, the agreement ought to utilize the University of Akureyri as an example of best practices both in terms of the programs offered and the Distance Learning model. The University offers formal education and certificate programs, such as Police Science and Primary Education among others, and is a leader in Distance Learning, which enables these remote populations to earn degrees while only needing to travel to campus once or twice a semester.[31] Such programs will allow for a better retention of skills within the community themselves, rather than draining these skills due to the outward migration of educated workers. By incentivizing universities to develop such programs in the subject areas most relevant to their regions, governments can provide more culturally appropriate opportunities for communities that have traditionally relied on fishing as their primary means of income to expand their knowledge and skills to remain relevant in a changing economy.

Next, in terms of implementing the aforementioned policy prescription, the bulk of the responsibility will lie with the individual states. The prescription

itself was purposefully open when it came to specifics for tax incentives or government subsidies so as to allow for variation between states. It is, however, necessary that the agreement be specific enough that the purposes are met, yet open enough that it is applicable to the diverse array of states that make up the Arctic.[32] As such, the goal is that the Arctic Council can be used as a platform to develop such agreements that the Arctic States will sign and then implement in their own countries. This allows for the policy to reach the maximum number of communities and people.

The implementation of this project by the Arctic Council would fulfill the need for a human-centered approach to the current fishing policy. By incorporating a preventative policy approach, coastal communities could gain knowledge for the innovation of their fishing industries as well as for other employment opportunities, therefore retaining protective factors such as attachment to place, culture, and family. That would allow for enhanced adaptability to not only the changing the fishing landscape, but climate change as a whole. The two-pronged policy proposal will specifically do this because it would help prolong the viability of fisheries and related businesses in the short term by increasing the profitability and diversifying the uses of fish, which will ease the transition away from fisheries and allow time for re-education and education of youth in different areas. By mitigating the problem in the short term to allow for the development of the human capital necessary for success in the long term, these policy prescriptions will appropriately address the loss of jobs due to the impacts of climate change on marine biodiversity.

Broad Lessons on Climate Change Policy

The main challenge in developing climate change policy is taking concrete actions to mitigate uncertain problems in an uncertain future. As such, it is imperative that any policy proposal be adaptable to unforeseen challenges. The three suggested changes to current policy address this need in the following ways. The new strategy to reduce POPs does not introduce any stricter legislation, but instead creates new opportunities to streamline the identification of harmful substances. This will better prepare scientists to conduct their research and lessen the gap between scientific discovery and policy change. Furthermore, the issue of shifting migratory patterns of fish stocks highlights the emerging need for new frameworks to deal with novel conflicts. In the case of shifting fish stocks, while there already exists regulatory bodies to regionally manage fisheries, there is no existing body to specifically resolve conflict between states regarding fisheries. This situation therefore illustrates that as new areas of conflict arise, new frameworks may need to be built within existing institutions in order to adapt. Finally, the strategy of incentivizing industry and education allows for coastal communities to adapt to unforeseen changes in their economy, protecting their security in the event of an industry's collapse. Yet, above all else, these solutions stress the need for an understanding of the intricately linked nature of biological and social spheres

in the Arctic. These examples show that the well-being of a community is only as secure as its natural environment. Given the rapidly changing health of the environment as a result of climate change, Arctic nations must be proactive in balancing these two delicate spheres.

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Dhaka Garment Factories: The Race to the Bottom . . . of Human Rights Standards

Amber Pirson

Abstract

The world's clothes and fashion are stained with the abuse and exploitation of garment workers in Dhaka's factories. Over the past decade, Bangladesh has surpassed its neighbors in ready-made garment exports and lowering minimum wage floors. Throughout this time, laborers have individually and collectively organized in a multitude of ways, from peaceful protests on the streets to silent protests in factories. Yet various factors impede notable success for national labor unions, including lax, ineffective international business agreements such as the Alliance and the Accord, complex labor laws from the Awami League, politicized labor unions, and terrorist assemblages of grassroots movements. This paper outlines and problematizes the global response to human rights violations in Dhaka's garment industry. In addition, the history of the connection between workers and the Awami League is drawn out to explore the issues with modern labor laws, corrupted labor unions, and police brutality against workers in factories and their homes. Moreover, the theoretical legal concerns of enhancing corporate obligations in the human rights arena are explained from a domestic and international viewpoint. The paper concludes by examining possible solutions that combine the current national programs with more effective international codes and corporate behavior.

Introduction

In the region of South Asia, economic development is at the forefront of international diplomacy and economics. Bangladesh has centered itself as an export-based economy, ranking second in the world for its apparel exports, behind only China. This position in the global economy has led to what economists have termed "the race to the bottom."[1] The minimum wage in Bangladesh is the lowest in the world—workers are paid even less than in Cambodia.[2] This lag in wages, compounded with the country's rapid economic growth, has created fertile breeding grounds for human rights abuses in the garment factories, for which the country has gained infamy.

In 2012, a lethal garment factory disaster occurred at Tazreen Fashions factory, garnering worldwide attention and recognition from transnational corporations that benefited from the products manufactured at Tazreen Fashions. More than 100 people burned to death at Tazreen as the managers and their informal gangs locked the building from the outside and the windows remained barred from its shoddy construction.[3] A year later, another major disaster occurred when over 1100 people were killed and over 2000 injured in the Rana Plaza collapse.[4] Given these repeated occurrences and the widespread protests from factory workers, Bangladesh was compelled to acknowledge and eventually install better policies to address the lack of protections in these supply chains.

Bangladesh hastily created a short-term solution: arresting the Rana Plaza building owner along with eight of the factory's managers. The overall response from the international community was similarly ineffective—U.S. based corporations created "The Alliance for Bangladesh Worker Safety," while European retailers formed "The Accord." The former expired in 2018 as its five-year plan was complete.[5] The latter is being contested in Bangladeshi courts over whether corporate agreements with subcontractors and trade unions should be maintained since the Accord expired on May 31st, 2018.[6] The Bangladeshi government posits that their inspectors have enough resources to conduct the factory audits and ensure workers' protections without the Accord.[7] Despite these bureaucratic reforms, workers—about 17 per year—are still dying in factories. Additionally, over half of the injured victims from Rana Plaza have yet to receive compensation from the government.[8] Since ready-made garment (RMG) exports make up 81% of Bangladesh's total exports[9] and major fashion retailers still heavily rely on the extremely low minimum wage in the country, the factory lines are going to keep humming. Given that the clothing manufacturing industry will continue into the future, how will workers be protected in this capitalist manufacturing process? The first portion of this paper argues that the corporate social responsibility (CSR) model encapsulated in the Alliance and the Accord is not suitable to address this human rights crisis in the long-term. Steadfast and positive change must come from grassroots organizations identifying the transformations that need to be made in building infrastructure and factory policy. These organizations are different from labor unions as they are less encumbered by government corruption, politics, and damaging union laws. Due to these groups' efficacy and unique place in Bangladeshi society, the second portion of this paper will highlight the organizing tactics of local grassroots movements and justify why international support of their agendas will prove more effective in securing human rights.

Corporate Social Responsibility Model and Its Applications

The CSR model utilized by the Alliance and the Accord directly opposes more effective human rights and business models such as the Worker Driven Social Change (WDSC) model discussed later in this paper. According to

business scholars, there are generally three types of CSR models: the pyramid, the intersecting circles (IC) model, and the concentric circles model. In regard to the philanthropy that these models address, only the concentric circles model suggests that businesses should use their resources and market power to address larger societal issues.[10] However, none of these CSR models state that philanthropy in a broad sense is a legal obligation, nor that their business practices cause larger societal problems. This lack of introspection and avoidance of legal ramifications are seen in both the Alliance and the Accord. In addition, their goals to create a "safe and sustainable Bangladeshi RMG industry in which no worker needs to fear fires, building collapses, or other accidents" are broad and hinge upon external institutions for enforcement.[11] While the Alliance and the Accord boast membership from 170 businesses, the latter coalition is also tied to numerous international and local civil society organizations. Beyond this difference in composition, the Alliance lacks a framework to legally bind signatory firms such as Walmart and GAP to ensure that their subcontractors in Bangladesh are only utilizing factories that have been approved and audited by international safety standards. In effect, the Alliance's efforts are superficial in comparison to the Accord.

Despite its strength compared to the Alliance, the Accord maintains the status quo of CSR models and fails to integrate the complexity of local government and structures into its membership. To the first point, scholars such as Jaakko Salminen posit that the Accord is a new paradigm of CSR enforcement that involves binding contracts between suppliers, buyers, and "third-world laborers."[12] This enhanced legal privity has achieved success in arbitral tribunals, but at the cost of national and local government enforcement. Disputes regarding the Accord employed in Dhaka factories rely on international bodies that oversee the contract rather than national regulatory safeguards. Scholars who espouse the view of human rights minimalism look on the Accord as an infringement of state sovereignty.[13] Proponents of minimalism claim that when transnational bodies are elevated in status and decision-making, they undermine the state's ability to regulate human rights independently. As seen in Bangladesh, the training and inspections intended to prevent harm to laborers, along with the remediation for harm done in arbitration courts, do not integrate the major party—the Awami League—nor do they reduce the corruption that allowed the major factory plazas tragedies to occur. Thus, the reliance on transnational bodies for daily safekeeping and worker protections could be debilitating in the future if the transition Accord, signed on June 1st, 2018, is not renewed.

Contrary to the minimalist viewpoint, some scholars believe transnational corporations (TNCs) should be held to the standards of international conventions as it is within their status at the United Nations (UN). In 2016, the Sixth Committee of the UN General Assembly approved observer status for the International Chamber of Commerce (ICC).[14] The ICC has corporate members of various sizes in over 130 countries, making them one of the strongest and most

cohesive business organizations. Assembly members explained that private sector businesses in the ICC will play a vital role in advancing the United Nations' goal, prompting the General Assembly to enact the status change. Within the past decade, UN Sustainable Development Goals have included reducing poverty, promoting good health and well-being, and increasing access to education.[15] Given the cases of worker abuse and death noted above, it is reasonable to claim that the TNCs profiting from garment workers in Dhaka will not advance the UN Sustainable Development Goals voluntarily, but rather through direct oversight and enforcement. Moreover, the economic and political parity of TNC members of the ICC are comparable to that of states. Therefore, transnational corporations should be held to the same standard of observation and obligation as states in order to prevent forced labor (ensuring that there are no conditions that could become forced labor).

However, the Accord has failed to instigate true reform as seen in the evolution of labor union politics. The leaders from the Accord's partner organizations are union figureheads. Two notable people of this status are Nazma Akter and Babul Akhter; both have gained prestigious profiles through their labor advocacy work.[16] In addition, Babul Akhter was arrested, tortured, and put on trial for instigating protests and leading the Bangladesh Workers' Solidarity Center (BCWS). Prior to the enforcement of current labor laws in Bangladesh, the local government had the authority to classify certain groups and civil society leaders as criminals for simply demanding that the government provide a livable minimum wage as dictated in numerous ILO Conventions. Ironically, Bangladesh is a signatory to ILO Convention 98: Right to Organise and Collective Bargaining.[17] This should enable labor unions and NGO leaders to organize their communities and advocate for basic labor rights. As explained later, the local and national laws allow the Bangladeshi government to evade international agreements and manipulate labor union agendas.

Despite the Bangladeshi government's history of evading international agreements, some legal scholars still posit that international support of labor unions is the solution to ending corruption and enhancing workers' rights in RMG factories. They claim that when workers dually serve as compliance monitors, they can highlight corruption and mitigate harm by reporting abuse or workplace hazards.[18] However, scholars downplay or ignore the obstacles of the previous and reformed national labor laws of Bangladesh during these discussions. It is also important to note that the Bangladeshi government purposefully blacklists union leaders and classifies them as terrorists to establish a case for sovereignty if an external country or international body offers support of those unions.

Given their tumultuous history, it is impossible to separate politics from union organizing. Prior to Bangladesh's independence, labor movement leaders allied with the Awami League, as they were considered a party comprised of and fighting for workers. While the tides changed in 1958 as General Ayub Khan banned and arrested labor leaders and workers, the connection between the Awami League and labor parties persisted. In 1971, Bangladesh's

independence was followed by the nationalization of various industries including the RMG factories. As a result, labor unions were politicized by the governing body, which included two military regimes from 1975 to 1981. Even when the Awami League lost power, the nexus remains corrupted between the Directorate of Labor (DL), with which the labor unions register, and the Office of the Chief Inspector of Factories and Establishments (CIFE) that relies on government funding to inspect 22,000 factories annually, remains corrupted. Dr. Ziaur Rahman provides evidence for this fact, reporting that Lovely Yesmin, a former garment worker and current union leader, registered with the DL but was quickly harassed by local thugs because the DL reported the union's activities to the factory owners and managers.[19] Prior to the 1990s, Yesmin was one of many leaders working in isolation. However, over the past three decades, individual labor movements, such as the one led by Yesmin, coalesced to fight against the organized government schemes that brutally suppress these peaceful workers' collectives.

Scholars such as Rahman and Alexandra Rose Caleca go further to detail the nuanced language and subsequent loopholes in the labor reform laws that directly affect RMG workers in Dhaka. In 2006, the Bangladesh Labor Act was enacted, which promised to increase labor wages, ban child labor, improve working conditions, and establish safety standards that had not previously been codified into national law.[20] However, this act has heightened the importance of "committees" over labor movements because these groups have no collective bargaining power. Even after the revisions posited by the Government in 2013, unions were not protected under these labor laws. In order to register with the DL, unions are required to have their leadership and 30% of their membership come from the people within the establishment, which enables favoritism and unfair employment termination.[21] The benefits of these laws are tainted by the fact that the Government has repeatedly underfunded the CIFE office that conducts the safety inspections.[22] Thus, unions registered to the DL are not having their complaints heard effectively.

In addition to a lack of reporting, Human Rights Watch has detailed numerous cases of the Bangladeshi authoritarian state suppressing journalists and non-registered union leaders (since the labor union requirements are so cumbersome, many people are not registered). The Information and Communication Technology Act (2006) is constantly invoked by local police authorities to conduct "preventative" arrests of journalists who report on the dangerous working conditions, or of creators of other "false news" that could incite garment worker protests.[23] In other cases, the Special Powers Act is invoked to arrest individuals, even for laws that have been nullified or revoked. The people who have been arrested represent numerous organizations, including the Bangladesh Independent Garment Workers Union Federation (BIGUF) and the BCWS.[24] Overall, the labor laws purported to enhance workers' protection effectively demobilize the labor unions and derail their long-term agenda to protect laborers.

The human rights implications of the state's aim to build terrorist assemblages of labor unions merits more discussion. The Workers Rights Consortium has compiled extensive interview and photographic data illustrating police brutality beyond the workplace and in residential areas. Communities such as Savar and Ashulia have a large concentration of garment workers. It is in these neighborhoods that the WRC has documented rubber bullets, damaged homes, and numerous bodily injuries to these residents at the hands of local police.[25] The intensity of these attacks (as recently as January 2019) demonstrates the stagnant condition of human rights in Dhaka over the past decade. In 2009, the UN Special Rapporteur, Margaret Sekaggya, identified that there was a "growing characterization of human rights defenders as 'terrorists', 'enemies of the States', and 'political opponents' by State authorities."[26] The human rights defenders to which she was referring were labor union leaders. It is clear that the goal of this mischaracterization was to delegitimize that status of workers in the face of international pressures. Under international law, human rights protocol, such as the Geneva Convention, is ambiguously applied to terrorists, which is convenient for states like Bangladesh that attempt to justify violence on peaceful communities.

Due to these brutish forms of state intervention, some union members and workers on strike have seen their leaders shift toward capitulation, which is perceived as a sign that they are "dalal," or agents of the Bangladesh Garment Manufacturers and Employers' Association, BGMEA.[27] In the most recent worker strikes, after the 2018 elections, Babul Akhter told infuriated union groups that it is in their best interest to return to work and accept the pay increase offered by Prime Minister, Sheikh Hasina, even though the increased wages are still below Dhaka's livable wage.[28] Protestors responded in anger and noted that Akhter was no longer representing their best interests, but rather that of the government. Thus, the Awami League's single-party politics largely influences the mobilization and opportunities for labor unions as well as the attitudes of union leaders.

In addition to the conflict between leaders and factory workers, the pre-existing divide between labor unions and disillusioned workers has been exacerbated by international bodies such as the Accord and the Alliance as they privilege the former group that has already been corrupted by mainstream politics.[29] It is also important to note that the Accord does not offer long-term benefits as the High Court of Bangladesh forced the Accord to close its Dhaka office on November 30th, 2018.[30] Even though labor unions have achieved some increases in minimum wage and the Accord has enhanced safety standards, the wages are still not livable and the government has failed to meet the monetary and judicial demands of the people affected by the previous factory disasters. The polarized elections will become more volatile if the Awami League continues to ignore the disgruntled workers, privilege union leaders, and persecute non-mainstream movements through harsh militarized actions and the Special Powers Act (1974).[31]

Transforming Dhaka from the Inside Out

Since the current international models of addressing worker safety and justice are not effective in the long-term, alternatives must be explored. The first is the National Tripartite Plan of Action established by the Bangladesh Ministry of Labor and Employment (MoLE). Unlike the Accord, the Plan does not threaten, but rather enhances state sovereignty by solely including Bangladeshi entities and excluding transnational retailers. This plan involves a multi-pronged approach to improving working conditions by updating safety and building codes, filling inspector vacancies, enhancing safety training, and unifying permit and licensing agencies.[32] To meet these goals, the government has apportioned three million dollars and the UK and the Netherlands have also volunteered fifteen million dollars to the program. However, the pitfalls of this Plan are plainly seen in its structure—the Tripartite Plan relies on the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) to self-police and self-report on their actions to meet the Plan's obligations. In previous government schemes, the BGMEA has consistently stood in support of local government ministers who deemed workers and sometimes labor union leaders as vandals that must be imprisoned, even if those individuals were ensuring that the Government meets the Plans' obligations.

Similar modes of self-reporting take place in the UN Global Compact, an organization of 44,000 companies that pledge to uphold human rights in their supply chains, and later, the UN Guiding Principles on Business and Human Rights. However, the construction of the Compact is not rigid enough to compel TNCs to increase the legal obligations that become apparent with their transparency. The Compact was created to allow companies to participate on a voluntary basis with their primary responsibility being the Communication on Progress report. The reported effects of a company not communicating to the Compact are cumulative abnormal negative returns in financial markets.[33] Even with its decentralized structure and plethora of Local Networks to pass down valuable information on appropriate business practices, the Compact primarily serves as a moral compass for companies and is not intended to regulate their behavior.[34] The succeeding Guiding Principles in 2011 entered the human rights arena with more measures to enforce appropriate corporate behavior. However, scholars such as Surya Deva note that its language appeals to the norms of businesses and their status quo rather than the needs of people in their supply chains. By enumerating human rights protections as corporate "responsibility" rather than "duties" or the principles as a "consensus," the UN body implies that honoring human rights is a choice and the decision to abide by these universal values was unanimous.[35] In addition, the Guiding Principles do not specify how these moral values should be enforced or how corporations should remedy the human rights violations they caused. If the National Tripartite Plan operates in this way, similarly ineffective corporate stances will inhibit progressive, grassroots labor rights advancements. Therefore, the Tripartite Plan is ineffective and far too prone to corruption to put in action.

The second alternative is a hypothetical hybrid, which involves the binding legality of the Accord along with the judicial and legislative support of the High Court and Awami League politicians. Even though the Awami League operates as a single-party state, history has shown that alternative political groups can take power, such as the Bangladesh Nationalist Party (BNP). Even though it may appear beneficial to workers' interests for a new party to gain dominance, Anis Ahmed details how the BNP has been and would be dangerous for workers, more specifically for women.[36] Instead of appealing to politics in a vacuum, garment workers can garner long-term and steadfast endorsement by pressuring the Awami League politicians and their benefactors, the BGMEA, with the market power of transnational corporations (TNCs). The Accord's membership would be beneficial in this regard, as over 200 companies that control goods' prices can manipulate the market in favor of workers (not union representatives that currently sit on their advisory committees). When international-local NGO and corporate collaboratives consider the historical and social perspectives of the country where they work, they can serve as an asset to labor movements and effectively safeguard human rights.[37] A comprehensive national and global movement that centers its goals and strategies around voices from the bottom of supply chains and enforces the national plans by law at multiple levels of government is considered a Worker Driven Social Change (WDSC) model. Employing the WDSC model involves integrating the demands of the delegitimized workers' movements into the national action plan. The demands of these workers provide insight into how laborers envision solutions to the pervasive corruption in local government spheres. In the RMG industry, this approach is vital to any substantial change moving forward.

The WDSC model is being utilized globally, including in the United States. In fact, this model was coined by Greg Asbed, an American lawyer who represents the Coalition of Immokalee Workers (CIW). Asbed outlines the development of the WDSC model as one that enables subaltern or marginalized voices to activate their market power to achieve their human rights goals.[38] The history of Bangladeshi labor movements demonstrates that workers know and try to exercise their market powers against exploitative forces in RMG factories by vandalizing equipment or factories and halting their work collectively (*kormo-bitori*).[39] As a result, employers have felt the pressure of the market move against them when they were not able to produce their quotas for international retailers.

One case is illustrated in the SL Sweater Factory, a location considered a "compliance factory," where 60 workers presented 12 demands to management that ranged from approval of leave and personal emergencies to payment on time. Instead of acquiescing to these reasonable requests, the management ignored their demands, further infuriating the 1400 workers at the factory. The failure in this case stems from the lack of agency for workers since the international standards committees and oversight committees have also ignored their complaints and allowed the management to justify their inaction. The

second major issue in this case is the similar lack of action from international retailers to increase payments to their contracted factories—in this instance, by $0.04 per shirt.[40] Beyond local government corruption and subpar international agreements, TNC retailers do not pay enough for the products flowing from Dhaka factories, which in turn prevents the BGMEA from meeting workers' demands. However, a collaborative approach that combines the market power of corporations , the voice of unregistered labor collectives, and political pressure on the BGMEA and the Awami League in Dhaka will proliferate safe and respectful working conditions.

Transforming the International Landscape

In addition to these transformations in Bangladesh, countries that house major retail companies, such as the United States and the United Kingdom, can offer legal support to further enforce labor law standards. For example, in the U.S., the Customs and Border Protection (CBP) Office prohibits trade of goods that were implicated in acts of terror, illegitimate trade measures, or trade that lacked the appropriate duties and customs. American legislators can change the protocol of the CBP office to include exploitative labor, not sanctioned by the hypothetical collective detailed above, in the classification of prohibited goods. Caleca asserts that even though goods in Bangladesh are not made via terrorist schemes, the goods are produced from acts of terror at the hands of the local government and musclemen hired by factory owners and managers.[41] In the U.K., the Transparency Act[42] could be revised to include mandatory reporting from in-country collaboratives like the hypothetical one detailed above. In this way, the Transparency Act defers to the garment workers and their enhanced judiciary authorities to enforce the guiding principles of the Act.

Conclusion

Because capitalism coupled with globalization is inherent in the RMG industry and will persist in the face of labor rights violations, we must continue looking for pragmatic solutions. The international community was compelled to investigate human rights abuses in international retail supply chains when massive disaster struck. Now, a local-international collaborative must compel the same community to prevent future disasters. Corporate Social Responsibility Models are theoretically ineffective due to the lack of legal obligations on corporations to respect workers' demands or the established international labor standards, as seen with the Alliance. On the other hand, CSR models with mandatory participation, reporting, auditing, and repercussions for retail companies steer global responsibility for labor rights in a better direction, as demonstrated through the Accord. Similarly, the Bangladeshi National Tripartite establishes a comprehensive approach to improving working conditions in the RMG industry. An inherent failure of all three plans mentioned, however, is the exclusive structure that ignores the complex socio-political history and context of the labor movement.

Like other countries in South Asia, Bangladesh is painted with authoritarian politicians that tout popular ideology in favor of workers while conspiring with the BGMEA and factory managers to prevent or oppress labor uprisings. The strongest theoretical plans of action—the Accord and Tripartite- purposefully allow only pre-approved labor representatives to join their cohorts, offer advice on legislation, and conduct the reporting schemes in the factories. This form of corruption and discrimination, compounded by international retailers' refusal to increase their purchasing price of goods, creates the environment for labor rights abuses and sometimes fatalities to occur. Subsequently, disillusioned workers turn toward alternative political parties for answers. The solution does not lie in unrequited promises from nationalist and neoliberal politicians; it lies with the workers themselves being given an opportunity to employ their market power against exploitative factory owners and managers. The international government and business collectives must rally around these groups—the laborers who are not privy to Awami League politics and union processes—if long lasting change will occur.

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The Last Line of Defense: Universal Jurisdiction and the Prosecution of Syrian War Crimes

Leo Hochberg

Abstract

As Syria's long and brutal civil war continues through its ninth year, the embattled nation has seen many crimes against humanity, acts of genocide, torture, forced disappearances, and countless other violations of international law. The international community must now consider options by which perpetrators of crimes can be brought to justice and prosecuted for their actions. While fair trials in Syrian courts would constitute the most preferable method of achieving justice for the war's countless victims, ongoing conflict and the rejection of accountability by key powerful actors make this all but impossible. Furthermore, international legal institutions designed to prosecute wartime criminals lack the jurisdiction to act in Syria and are powerless to impact the current conditions of impunity.

To tackle this complex issue, this article argues in favor of an increasingly popular mechanism of legal accountability known as universal jurisdiction. Universal jurisdiction occurs when the domestic court system of a third state claims jurisdiction over a crime regardless of whether the victim or perpetrator is a citizen under the presiding legal system, including cases in which the crime was committed on foreign territory by non-nationals. For example, a German court may choose to utilize universal jurisdiction to investigate and/or prosecute Syrian war criminals, even though the crimes in question were committed abroad by Syrian citizens against other Syrians on Syrian soil. Because universal jurisdiction does not require consent from the litigants' home government, it can offer a "last line of defense," so to speak, when other instruments of justice cannot act. This article further maintains that universal jurisdiction is currently the best available option by which some justice can be achieved for Syria's countless victims and should be expanded upon and practiced by more states.

> [For] any of the sides, whoever committed a crime should be held accountable. It should be through the judiciary. Anyone who committed a crime or knows they are guilty in this revolution should be held accountable through the judiciary. Everyone is supposed to be held

accountable for what they did—there are rebels who should be held accountable, as well as regime figures and civilians.

—Sunni man (anti-regime), 50, refugee, Jordan[1]

I am with the idea of judging those who committed crimes and destruction, but in Syrian courts and on Syrian land with no Western intervention, because only in this way is justice fulfilled.

—Sunni man (pro-regime), 27, Aleppo, Syria[2]

Introduction: Is Justice Possible in Syria?

On August 24, 2013, evidence surfaced online allegedly showing the aftereffects of an attack that had occurred several days earlier in the rebel-held area of Eastern and Western Ghouta, in Syria. Videos showed bodies of women, men, and children strewn across the ground throughout the neighborhood, with hundreds if not thousands killed in a horrific and illegal chemical gas attack amid a Syrian military operation in the area.[3] While the Syrian government and opposition groups both traded accusations in the following days over who perpetrated this atrocity, an independent investigation by Human Rights Watch argued that it was almost certainly the Syrian regime that launched chemical gas shells into the area and indiscriminately slaughtered civilians.[4] Today, over six years after the attack, not a single person has been prosecuted for the annihilation of hundreds of innocent lives in this tragic violation of international humanitarian law. Meanwhile, this attack is only one of an untold number of crimes for which there had been no accountability or justice for the victims, their families, and their communities.

Many have now begun to wonder whether the current climate of impunity that protects criminals on all sides of Syria's conflict, including both the Syrian regime and its many enemies, will ever be replaced by a justice process. As such, the international community must now consider and assess what options and tools within the existing framework of international law are available to bring those responsible for Syria's many atrocities to justice. This paper maintains that while the robust system of international legal accountability that exists today to prosecute those responsible for atrocities has little to no ability to prosecute Syrian war criminals, there also exist promising options that warrant further exploration by states and individuals seeking to promote peace, justice, and the rule of law in Syria. This paper aims to take stock of available options by which the international community can best approach Syria's extremely resistant climate of impunity.

In the following sections, this paper will first discuss why the most powerful institutions that underpin the international justice system, namely the International Criminal Court and the International Criminal Tribunal, are not applicable in the Syrian case. Then, this paper will turn to an increasingly popular accountability mechanism known as universal jurisdiction, which

offers a path to promote limited, yet still productive accountability. As per the definition provided by the International Justice Resource Center, "The term "universal jurisdiction" refers to the idea that a national court may prosecute individuals for serious crimes against international law—such as crimes against humanity, war crimes, genocide, and torture—based on the principle that such crimes harm the international community or international order itself, which individual States may act to protect. Generally, universal jurisdiction is invoked when other, traditional bases of criminal jurisdiction are not available, for example: the defendant is not a national of the State, the defendant did not commit a crime in that State's territory or against its nationals, or the State's own national interests are not adversely affected."[5] This paper further maintains that universal jurisdiction is the best available option of achieving some accountability until more favorable conditions for domestic justice in Syria arise.

Why Universal Jurisdiction Matters: Available Justice Options in an Embattled Syria

First, it is necessary to understand existing post-conflict justice institutions and their relationship (or lack thereof) to the Syrian case. The present section gives an overview of available justice mechanisms, including both their values and shortcomings.

Domestic Justice

At present, there appears to be no path toward a singular fair and all-encompassing process of domestic justice for all criminals in the Syrian civil war. This is primarily because, aside from the notable exceptions of Idlib and the Kurdish-controlled northeast, Syria has now returned to the military control of the Assad regime. Assad's government has since fiercely rejected any notion of accountability for crimes committed by its own forces,[6] meaning that any regime-sponsored processes of justice will be selective, corrupt, and biased in favor of regime members and allies. The Assad regime also controls a highly biased judiciary that utilizes military, terrorism, and security courts to convict political opponents of the regime and serves as little more than a tool by which the state can legalize and legitimize its own methods of oppression.[7] As such, Syria's domestic justice system is far too constrained and partial to enact meaningful due process in accordance with Syria's international legal obligations.

Perhaps the most notable and promising exception to these conditions of impunity is the Kurdish-controlled Northeastern region of Syria, which currently functions as an internationally unrecognized, yet largely *de facto* independent quasi-state. In early 2020, the Kurdish administration announced an ambitious plan to try Islamic State members currently held in their prison system, including non-Syrians from other countries who travelled internationally to fight for the Islamic State.[8] The Kurdish courts have the tacit backing of some European governments and will reportedly take place beginning in 2021 with

Swedish observers present.[9] More importantly for this paper, the Kurdish tri-als are limited in scope. First, they are only meant to try IS members, leaving out other military forces and political groups in Northeast Syria. Second, these courts rely on counterterrorism laws, which create a judicially weak standard and seek only to establish whether an individual fought in combat for IS as a basis for guilt or innocence. While there are stipulations for lesser punish-ments for those deemed to have held lesser roles in the IS hierarchy, these laws still leave unaddressed a broad variety of other crimes, such as torture, sexual and gender-based violence, and theft of property.[10] The Kurdish courts remain a promising and positive development particularly for victims of IS crimes in Northeast Syria, but in their current form they do not substitute for a full, wide-spread, and equal process of restorative and transitional justice.

Thus, while some legal justice efforts do exist in Syria today, they are lim-ited and fragmented, with each political power center seeking to employ their own distinct processes of targeted accountability. To clarify, this paper does not seek to discount local justice efforts—in fact, local mechanisms are often the most preferable option because they keep the case close to the commu-nity of the victims. However, it remains true that local efforts so far exist only within disunified political camps and are limited in scope, meaning that the broader cross-section of war criminals present throughout all portions of Syr-ian society will not face prosecution. In such cases, the next-best option is typically international legal institutions, however, as is discussed in the next section, these institutions are also not applicable to the Syrian case.

The International Criminal Court and International Criminal Tribunals

The Syrian civil war is certainly not the first time that the world has seen a conflict for which criminals could not be prosecuted in domestic courts. In such situations, the international community typically turns to the Interna-tional Criminal Court (ICC) to investigate grave international crimes.[11] The ICC's mandate generally includes investigating and prosecuting individuals charged with crimes of genocide, war crimes, crimes against humanity, or the crime of aggression. Notably, the ICC is *not* designed as a stand-in for domes-tic courts and is authorized to act only when domestic judiciaries lack the resources or impartiality to adjudicate fairly. In its lifetime thus far, the ICC has issued arrest warrants for thirty-six individuals, but only six are serving or have served time.[12]

Unfortunately, Syria's civil war has since proven, if anything, that the sup-posed power of the international justice system, embodied through perma-nent intuitions of dispute resolution such as the ICC, has far less power to prosecute and subsequently deter atrocities than was thought at the time of the signing of the Rome Statute, which brought the ICC into existence in 1998. This is because the court faces a great number of constraints that prevent it from investigating crimes committed in Syria. First and foremost, like all pre-cepts of international law, the ICC is a consent-based institution that can only operate in countries that have signed the Rome Statute. However, Syria is not

a signatory, meaning that the ICC is incapable of summoning Syrian criminals to the court of its own volition.[13] The only other way to bring a non-signatory state to the ICC would be via referral from the United Nations Security Council—to this effect, in May 2014, 65 states drafted UNSC resolution S/2014/348, which attempted to do just that.[14] However, Vitaly Churkin and Wang Min—representatives of the Russian Federation and China, respectively—voted down the resolution, thus barring the extension of ICC jurisdiction to Syria for the foreseeable future.[15]

Syria is now insulated from the reach of the ICC by both its refusal to consent to its legal statutes as well as powerful international allies who have political interest in keeping the ICC out of Syria's domestic business. Thus, while Syria's biased judiciary heavily underscores the global need for a complimentary justice institution such as the ICC, the failure of that institution to exert any influence on the situation indicates that in this case, the most prominent mechanism of international legal prosecution lacks the power to assist the victims who need it most. The ICC, once considered a promising option for justice in Syria as evidenced by its attempted referral by the UNSC, can now be considered inoperable to the current conflict.

In the absence of the ICC, the only other option for large-scale justice in Syria is an ad-hoc International Criminal Tribunal (ICT). The special tribunal model, which employs a conflict-specific approach to investigating and prosecuting crimes committed in a single war or region, first went into use in 1993 following global outcry over genocide crimes in the Balkans. This spawned the International Tribunal for the Former Yugoslavia (ICTY), which introduced ad hoc coordination between the UN and countries in the former Yugoslavia to indict 161 high-ranking individuals, 90 of whom were sentenced.[16] The ICTY has since been followed by other ICTs in the past several decades, including tribunals in Lebanon, Rwanda, and Cambodia.

However, in the present day, the Syrian case demonstrates that some international crimes remain beyond the reproach of ICT's, as this option appears non-viable for several reasons. For one, the establishment of a Special International Tribunal for Syria would once again require the approval of the UNSC, but Russia and China's previous veto of resolution S/2014/348 implies that neither state is willing to release oversight of accountability in Syria to the international community. Likewise, even if the tribunal were mandated successfully, conflict-specific international tribunals require the ongoing cooperation of the involved nation(s) to try criminals on their land, which would further require the agreement of the Assad regime. Not only is the Syrian government unlikely to acquiesce to a request for international judicial cooperation, but even if it did, the presence of the regime in the adjudication process would likely dilute the legitimacy of the international tribunal as a neutral and unbiased system of accountability.

In response to the unavailability of a tribunal on Syrian soil, Swedish diplomats proposed a plan in 2019 for an ICT to try war criminals in Baghdad, Iraq,[17] although the structure of the court was strictly limited in jurisdiction

to include only Islamic State fighters, and excludes both moderate opposition fighters and soldiers in either the Syrian or Iraqi armies. While this may appear beneficial in at least cracking the wall of impunity surrounding war crimes on Syrian and Iraqi territory, a group of anti-impunity NGOs[18] have argued that selective justice in the region will only foment further tensions, primarily because such a tribunal would demonstrate that the international community is only interested in bringing terrorists to justice whereas the broad spectrum of non-ISIS war criminals present in Syria today would remain free. This issue, along with a general unwillingness among donor states to fund and equip an expensive tribunal in Baghdad, has since put the idea to rest.
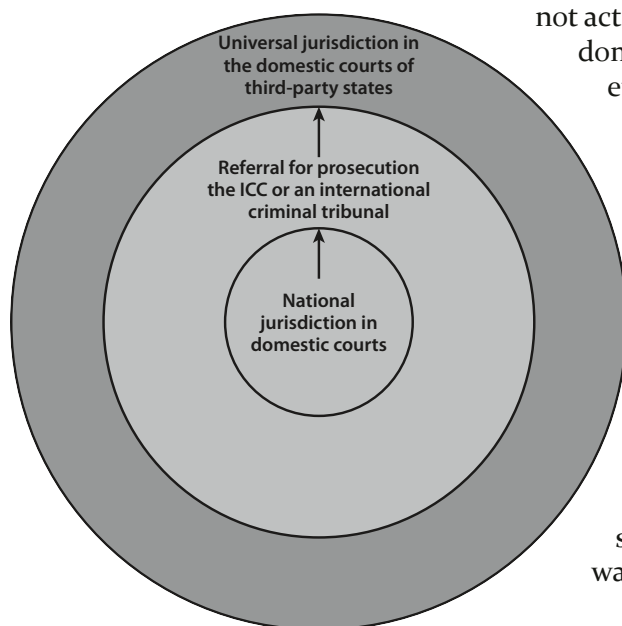
Thus, while there has not yet been a UN security council vote against some form of tribunal in the region, no option exists today to establish a tribunal that can prosecute a broad and non-selective range of war criminals. And given that any non-selective tribunal would require the consent of the Assad regime to operate on Syrian soil and try Syrian nationals, there is also no path available to bring to justice Syrian regime officials involved in the perpetuation of atrocities. As such, the international tribunal option has also been foreclosed upon and will likely not materialize even after open conflict has wound down in Syria.

No Option but Universal Jurisdiction

The non-viability of domestic justice, ICC jurisdiction, and special tribunal leave only one promising option: universal jurisdiction. Given that most countries that currently practice universal jurisdiction would be legally bound to refer Syrian war criminals to the ICC if they could, universal jurisdiction can be viewed as a marginal source of justice, which is applicable only when other institutions of international justice cannot act. Ongoing cases in European domestic courts against a variety of Syrian nationals implicated in crimes against humanity, war crimes, and torture constitute another small yet positive development in the process of justice and accountability. The following section will dive into universal jurisdiction in more detail in order to make the case for its viability as a "last line of defense," so to speak, for the prosecution of war crimes in Syria.

Universal jurisdiction in the domestic courts of third-party states

Referral for prosecution the ICC or an international criminal tribunal

National jurisdiction in domestic courts

Universal Jurisdiction: The Current State of Play

Given the general lack of large-scale available domestic justice options, the Syrian civil war has breathed new life into universal jurisdiction. TRIAL International, an NGO that advocates against impunity and promotes universal jurisdiction, noted in their 2019 annual report[19] that 2018 received an eighteen percent increase in named suspects in universal jurisdiction cases over the previous year, totaling 149 suspects in fifteen countries, seventeen of which are on trial. It is also important to note that universal jurisdiction long predates Syria's war. However, prior to the 21st century, universal jurisdiction was mostly used in relation to crimes of piracy on international waters and was only sparingly used to convict individuals who committed crimes on land. It was not until the 1990s after the shock of the horrific crimes committed in Rwanda and the former Yugoslavia that states first considered universal jurisdiction as a vehicle for international justice for atrocities. Its use in the late 90s as a method of prosecuting perpetrators of genocide and crimes against humanity was thus seen as a major revolution in the practice of international law. For example, Britain made international headlines in 1998 after using the universal jurisdiction principle to indict and arrest ex-Chilean dictator Augusto Pinochet for human rights abuses committed during the Chilean civil war,[20] although he was ultimately not convicted.

Germany and Sweden thus far stand out for their extensive use of universal jurisdiction to investigate and prosecute Syrian war criminals in domestic courts. Both countries benefit situationally from well-developed legal frameworks that permit pure or at least broad universal jurisdiction, as well as specialized war crimes units that exist solely to investigate and prosecute grave violations of international law committed abroad. Furthermore, both Germany and Sweden chose to accept a large quantity of Syrian refugees,[21] and thus many of the key witnesses to such crimes are already residing on German or Swedish soil and can testify in person in the courtroom. Many also brought with them different forms of evidence, such as photos and documents, which are admissible under some circumstances in German and Swedish legal proceedings. At the time of publication in 2017, a Human Rights Watch report[22] noted that German prosecutors had opened twenty-seven investigations into the potential criminal acts of specific individuals, although only four had yet reached trial. The same report recognized that Sweden had opened thirteen investigations into individual criminal suspects, three of which had proceeded to trial. While Germany and Sweden have largely taken the lead given their large refugee populations and their broad universal jurisdiction legislation, other important cases have occurred throughout Europe, including investigations in France, Switzerland, and Austria.[23]

Perhaps the most critical change allowing universal jurisdiction to investigate individuals is the growing accessibility of court-admissible evidence. For example, because the UNSC was unable to implement a referral of the situation in Syria to the ICC, the United Nations Human Rights Council established

the International, Impartial and Independent Mechanism on the Syrian Arab Republic (IIIM),[24] which seeks to document abuses of human rights in the hopes that such evidence will one day be used in capable and impartial judicial proceedings. The IIIM has since gathered evidence on human rights abuses perpetuated by all sides of the conflict, ranging from crimes of terrorism and genocide by radical actors such as the Islamic State to war crimes perpetuated by the Syrian regime and independent militias in the Syrian opposition. Likewise, the Syria Justice and Accountability Center (SJAC) was launched in 2012 as a private Syrian-run NGO to promote the collection, preservation, and analysis of evidence of human rights abuses committed by all parties to the Syrian Civil War. In 2019 alone, SJAC collected 19,551 pieces of documentation and provided evidence to assist universal jurisdiction investigations conducted by the Dutch Special War Crimes Unit, the French Office for Combatting Crimes Against Humanity, Genocide, and War Crimes, and the UK's Counter Terrorism Command.[25]

Finally, a critical change in the availability of evidence against Syrian regime officials occurred in August of 2013, when a Syrian defector, codename "Caesar," arrived in France claiming to have previously been a forensic photographer for the Syrian government police in the hospital of a government-run torture facility near Damascus. He carried with him a smuggled zip drive containing 53,275 photos of dead, tortured, and mutilated bodies, showing over 6,000 individuals who died in detention, mostly at the 601 Military Hospital in Mezze, Syria.[26] The case, now nicknamed the Caesar Files, has opened a new front in the prosecution of Syrian war criminals. Caesar's photographs have been especially useful in cases in Germany and France. German prosecutors used them to justify an international arrest warrant in 2018 for Syrian Air Force Intelligence official Jamil Hassan, a member of Bashar al-Assad's inner circle.[27] France used them to issue a warrant that same year for Jamil Hassan as well, along with senior Air Force Intelligence official Abdel Salam Mahmoud, who is purported to head the detention facility at Mezze where many of Caesar's photographs were taken,[28] as well as former Syrian intelligence chief Ali Mamlouk. Together, these cases mark the first instances in which high-ranking members of the Syrian regime's military apparatus have been summoned for trial in universal jurisdiction cases.

While universal jurisdiction benefits from increasing interest among prosecutors in applicable states as well as previously unavailable evidence, universal jurisdiction cases also face an uphill battle in prosecuting many Syrian war criminals. Investigating a crime that occurred far afield is difficult and often requires expensive methods, especially when cases require evidence that only exists in Syria. Witness testimonies, while often available from refugees and asylum seekers, are not as finite as on-the-ground forensic evidence. Furthermore, testimonies are often still required from Syrians living in Syria, which requires tracking down elusive witnesses and patching them through video calls to European courtrooms. As a human rights consultant remarked to TRIAL International, "Families of victims are often willing to speak, but

they only have second-hand information. The story of a direct victim is a lot more compelling, unfortunately it is a lot harder to find them and convince them to talk."[29]

Likewise, even if significant evidence exists to bring an individual to trial, prosecutors must track down and capture the criminal in order to convict and punish them. As a notable comparison, the International Criminal Court issued an arrest warrant in 2009 for Sudanese President Omar al-Bashir for his suspected crimes of genocide and crimes against humanity in Durfan in 2003.[30] Al-Bashir remained outside of the international justice system for over a decade, evading justice simply by not travelling to countries that would likely detain him and transfer him to the ICC.[31] It was only after the Sudanese Uprising in 2019, which removed Al-Bashir from power that Sudan's transitional government finally agreed to transfer him to the Hague to face prosecution, a process still in negotiation at present. This points to perhaps the most obvious issue with universal jurisdiction: many of the criminals involved in potential universal jurisdiction cases are not even on the territory of the presiding legal system. Since many states' laws prevent prosecutors from starting trials against foreign individuals who are not present in the country, many potential universal jurisdiction cases will never be opened at all. In the aforementioned cases of Syrian regime officials Ali Mamlouk, Jamil Hassan, and Abdel Salam Mahmoud, all three have arrest warrants out in Europe, but none of their cases may even move from investigation to trial as there can be no trial until they are detained on the territory of a warrant-issuing state.

Finally, universal jurisdiction faces a constant onslaught of international political pressure. For instance, until 2014, Spain had long been an activist and crusader in international jurisdiction cases. However, after Spanish judges passed a 2014 arrest warrant for Chinese ex-President Jiang Zemin and former Prime Minister Li Peng over human rights abuses in Tibet, Spanish lawmakers caved to Chinese political pressure and amended national laws to limit the nation's permissive and broad universal jurisdiction.[32] This points to a troubling trend in international law—even states with a strong and robust proclivity for international legal activism are not immune to political pressure from powerful governments that seek to limit accountability and political dissent abroad.

Despite its constraints, universal jurisdiction remains a promising method of achieving a limited degree of justice under current circumstances in Syria. It is important to remember that so far, universal jurisdiction prosecutions in the courts of third-party states only have the capacity to try a miniscule fraction of total war criminals. Nevertheless, the limited accountability provided by universal jurisdiction is preferable to no accountability, and thus trials in foreign third-party domestic courts constitute a necessary final line of defense through which at least a few more victims of Syrian war crimes can achieve some justice.

Despite these constraints, universal jurisdiction remains a popular and thus-far successful option in Europe. In an important recent development,

a trial began in Koblenz, Germany in April 2020 against two Syrian defendants, named publicly as Anwar R. and Eyad A.[33] Their arrest and prosecution is seen as a major victory for universal jurisdiction advocates—Anwar R. being the most senior Syrian government official ever to face trial in Europe, now charged with over 4,000 cases of torture and at least 58 killings, as well as rape and aggrivated sexual assault during his time as a Syrian prison administrator. Eyad A. is a lower-level official who worked under Anwar R., and is charged with aiding and abetting crimes of torture. Notably, the case has moved from investigation to trial because both men are physically present in Germany after attempting to seek asylum there. Their prosecution represents a singular, yet powerful display of international justice, and brings to the court two criminals who likely would never have faced justice by other means.

As mentioned previously, universal jurisdiction is not a perfect mechanism, and still does not substitute for a wide and unbiased Syrian-led accountability process. But it does help chip away at the wall of impunity that surrounds Syria, and the Syrian regime in particular. States interested in promoting justice and rule of law should invest in universal jurisdiction and take seriously this opportunity to put war criminals before the power of the law.

Addressing Criticisms of Universal Jurisdiction

Despite universal jurisdiction's growth in the past two decades, it has its critics. Some legal scholars and political figures have since argued against the legal practice (Kissinger, 2002; Fletcher, 2003; Kontorovich, 2008). It is of course impossible to address in one article every criticism of universal jurisdiction that has been voiced; however, while universal jurisdiction is not a perfect strategy, these critics undersell the valuable role that this aspect of international law can play so long as it is carefully employed only when necessary.

Among the most high-profile critics of universal jurisdiction is Henry Kissinger, previous National Security Advisor and U.S. Secretary of State under the Nixon and Ford administrations. In his article, "The Pitfalls of Universal Jurisdiction," Kissinger argues that universal jurisdiction is a dangerous political tool that governments might use to exact punishments upon their international political rivals. He decries the practice as an unregulated and subjective act, arguing, "The danger lies in pushing the effort to extremes that risk substituting the tyranny of judges for that of governments; historically, the dictatorship of the virtuous has often led to inquisitions and even witch-hunts."[34] Kissinger's critique is deeply rooted in the notion that states lack consciences and may use universal jurisdiction to achieve political goals rather than promote justice.

However, contrary to Kissinger's perception of the issue, there exists a precedent of constraint that maintains that universal jurisdiction is a tool for use only in cases of grave and specific international crimes. This precedent of constraint derives largely from the trial of Augusto Pinochet in Britain, which Kissinger derides in his article as a politically motivated event perpetrated by

a government that acted upon its own perception of Chilean history. However, it was in this very trial that it was argued that universal jurisdiction was only legally permissible because of the extraordinarily cruel nature of Pinochet's crimes, which included torture and forced disappearances.[35] These crimes were deemed so severe that they superseded the presidential immunity that Pinochet would normally have enjoyed as a head of state at the time of his crimes.[36] The case further demonstrated that universal jurisdiction was not intended to empower nations to punish whomever they would like, but rather to uphold the prospect of justice when circumstance would otherwise permit impunity for torture, genocide, and crimes against humanity.

Notwithstanding Kissinger's misinterpretation of the Chilean case, his point is still worth considering. Universal jurisdiction has only been in wider practice since the late 1990's and thus its trajectory as a tool for accountability is difficult to predict. And while universal jurisdiction cases have thus far been confined to grave international crimes, a lack of consistent and ongoing oversight may permit states to exact undue political will upon the justice process. Thus, rather than ditch the principle of universal jurisdiction entirely as Mr. Kissinger would suggest, the answer is to give universal jurisdiction more clarity, definition, and structure. Not all crimes should be subject to universal jurisdiction, and legal safeguards must exist to prevent states from applying the principle to convict international political opponents in sham trials. With proper definition and oversight, universal jurisdiction can remain a depoliticized tool for accountability and should not merely be discarded due to the potential for misuse. Furthermore, the international community should play a more active role in monitoring the use of universal jurisdiction through a UN-organized universal jurisdiction review commission.

A second and related concern is voiced by George Fletcher in his article, "Against Universal Jurisdiction,"[37] in which he argues that universal jurisdictional is a dangerous and retrogressive precept because it exposes a defendant to a problematic legal phenomenon known as double jeopardy. As per the definition provided by *Encyclopedia Britannica*, "In general, in countries observing the rule of double jeopardy, a person cannot be tried twice for the same crime based on the same conduct. If a person robs a bank, that individual cannot twice be tried for robbery for the same offense."[38] This matters to contemporary discussions of universal jurisdiction because in a world in which many countries allow the prosecution of non-nationals, a single defendant, already acquitted in one court, may be hounded endlessly by the domestic legal systems of different countries and never face justice in the community where the crime was committed. As Fletcher argues,

> This principle of local concern is recognized in the Sixth Amendment of the American Constitution: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and fair trial, by an impartial jury of the State and district wherein the crime shall have been committed". Why should this principle of keeping trials close to home

receive constitutional status? The answer, I believe, is that every alleged crime generates conflicts of priorities among the accused, the victim, and the state. The local community must confront the crime that has occurred among its people and seek a nuanced resolution that they can live with. When the local community tries the case, other countries can recognize the legitimacy of their interests and are likely to honor the decision under the principle of ne bis in idem [not twice against the same thing].[39]

Fletcher's basic argument here is certainly not in dispute. Domestic justice is preferred, and in all possible cases, universal jurisdiction should be foregone if it is possible to try a criminal in the community of the victim, rather than hounding them from one unaffiliated country to the next. However, contrary to Fletcher's perception of the issue, universal jurisdiction is a useful option because it remains available specifically when circumstances no longer permit more locally based methods of adjudication. Simply put, it is not universal jurisdiction that constitutes a barrier to achieving justice in the communities of Syria's countless victims, but rather the intransigence of political and legal conditions in Syria. It is not as if the criminals in question such as Jamil Hassan and Abdel Salam Mahmoud would be tried fairly by their victims if there were no international warrants for their arrest. The French and German warrants for their arrest are only useful because they cannot and will not exist in Syria.

As was noted in the previous section, universal jurisdiction remains on the outside edge of the expanding circle of international justice mechanisms. When other, more holistic and close-to-home options fail, universal jurisdiction may at the least pick up some of the slack and weaken the prevailing conditions of impunity. But it should not be used if the community of the victims already has the ability to do the work of justice without external interference. This article does not maintain that universal jurisdiction is valuable in all cases , but rather that it is valuable *in the Syrian case* specifically because Syria is otherwise such a weak stage for domestic and international accountability.

Moving Toward a More Robust Justice in Syria

The failure of the international community to contribute to justice and national reconciliation on Syrian soil shines a harsh and disturbing light on the political nature of accountability. For the most part, the power to place perpetrators of harm on trial in Syria no longer rests in the hands of the Syrian people, but rather in the hands of the Syrian regime and its international allies, all of whom have shown clear disinterest in a legitimate, proportional, and all-encompassing process of accountability. As such, international actors would do well to prepare for the fact that justice in Syria is not immediately forthcoming, and many Syrians are unlikely to see their abusers investigated or convicted until the country undergoes a significant and foundational transition of power.

However, by no means does this imply that the world should give up on justice for Syria. Accountability for international crimes is often a long, slow, and difficult process that requires patience and time, often decades. Likewise, Bashar Al-Assad is by no means the first dictator to escape accountability for horrific crimes, although recent success in the international legal system suggests that these strongman leaders can still see justice later in life. In 2016, a Senegalese trial found former Chadian President Hissène Habré guilty of crimes against humanity following 25 years of campaigning on the part of his victims.[40] This marks the first time in history that a previously sitting head of state has been brought to justice in a case of universal jurisdiction. Much work must be done to compensate those who lost everything to Habré's violence, but the case marks an important victory for international law and shows that consistent and concerted campaigns for justice can still succeed in the long term.

Given that Syria's war is not yet over, it is far too soon to say whether, when, and how criminals in many factions of the conflict will face accountability. Yet it is critical that the world retains its focus and determination, primarily because justice is an essential step in deterring future atrocities and promoting national reconciliation. As a Syrian IDP in Raqqa noted in a 2014 report by the Syria Justice and Accountability Centre, "If Hafez al-Assad was held accountable for the Hama, Aleppo, Al Shoghor Bridge, and Tadmur massacres, would his son dare to do what he has done? I do not think so."[41] Likewise, a Sunni woman in Damascus argued, "He who did something wrong should be held accountable, but at the same time, there should be tolerance between them and us. The important thing is accountability because the people who were harmed had no fault in this."[42] The impunity surrounding the conflict at the current stage constitutes a major constraint toward deterring oppressive behavior in the future and constructing an inclusive, broad, and representative nation. Until that barrier is removed, Syria will likely struggle immensely to resew its social fabric or overcome the bitter divides that currently keep Syrians ideologically separated and encamped.

Both Syrians and the international community would do well to prepare for a long and protracted fight toward justice and accountability for the full spectrum of Syrian war criminals. Universal jurisdiction, while certainly useful and productive, is only one small piece in a much larger puzzle, whereas true justice for the many crimes of Syria's civil war can only be enacted by Syrians, on Syrian land, and in full view of the Syrian people. Until then, all other processes are supplemental at best, and should be considered provisional measures until the current regime of impunity in Syria is replaced by a broad Syrian-led process of transitional and restorative justice. Only then can Syria's countless victims finally achieve fully robust, balanced, and dignified accountability, in their own land and on their own terms.

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Digitizing Urban Warfare: Infrastructure Insecurity and Cyber Operations in Ukraine, Georgia, and Russia

Roman Shemakov

The second half of 2013 marked one of the largest geopolitical shake-ups in Eastern Europe since the collapse of the USSR. In December of the year, Ukrainian protestors occupied the main capitol's square in opposition to the now-exiled president Yanukovych's decision not to sign an association agreement with Europe.[1] What started as a small economic protest turned into a full-fledged revolution. Once signs of Ukraine slipping out of Russia's sphere of influence became a genuine potential, Moscow immediately launched an aggressive military campaign to secure their strategic interests before it would be too late. Russian forces stationed in Crimea commandeered Ukrainian military infrastructure, overpowered the local municipal services, and organized a secessionist referendum to unite the peninsula with Russia.[2] The physical invasion was carried out in tandem with cyber incursions. The army hijacked local telecommunication infrastructure, severing cables and routing calls through Russian mobile operators. Simultaneously, hacked social media accounts of local activists became propaganda mouthpieces and even *Wikipedia* articles were defaced with pro-Kremlin messages.[3] Crimean internet access remains filtered to this day, censoring the majority of foreign news sites deemed dangerous.

But the Kremlin's public statements on Russia's role in the invasion have evolved asymmetrically. While President Vladimir Putin has denied any and all military involvement since the start of the revolution, he let a few conciliatory remarks slip, admitting to an official presence in the region.[4] Despite admitting to physical incursions, officials have remained mum regarding their hacking unit: the cyberberkut. The Kremlin continues to deny that it has violated Ukrainian cyberspace.[5] Despite substantial proof from Ukrainian and American security services of clear digital interference, Russia's motivation seems puzzling.[6] Why spend so much energy and resources targeting key telecommunication and online spaces? This question sheds light on the importance of cyberspace to national sovereignty and the ongoing evolution of global norms regarding conquest.

This paper attempts to parse out tentative interpretations to the question above by looking at the motivations and justifications of Russia's cyber operations in Ukraine. The first section will place the current conflict in the context of the geographical and geopolitical rivalry dynamics in Eastern Europe, emphasizing Ukraine's vulnerability as a buffer state and Russia's motivation in systematic destabilization. The second section will highlight the importance of cyberspace to physical operations, making the connection between the internet and sovereignty. The third and final section will hypothesize potential motivations for the cyberberkut by considering the strategic, deterrent, and legal potential of cyberspace.

Ukraine and the Borderland

In ancient Slavic, the name *Ukraine* literally translates to *borderland*. Not coincidentally, Ukraine has been the mediator between the east and the west for most of its existence. It served as the Russian defense from Poland in the 14th century, the Ottoman Empire in the 18th century, Austro-Hungary in the 19th century, and Germany in the 20th century.[7] When the Soviet Union fell in 1991 and NATO began expanding eastward, Ukraine again became the buffer between Russia and Europe. Since the election of Vladimir Putin in 2000, deterring NATO's expansion quickly became the central tenant in Russia's definition of its new sphere of influence. Russia's involvement in Ukraine is interesting to explore now precisely for its historical uniqueness. For when Estonia, Latvia, and Lithuania joined NATO in 2004, venturing on the same path Ukraine flirted with, they were not subject to military occupation. One of the reasons explored in this section for Russia's radically different responses concerns improvements in economic and military capabilities after 2005. What seemed like a domestic struggle within Ukraine between the East and West in 2014, became a politically reprehensible threat to Russia, propelled primarily by the changes in regional rivalry dynamics.

The current conflict in Ukraine should not disguise the nascency of Russia's rivalry with Europe. A competition between the two regions was not Russia's central foreign policy concern in the 1990s. Immediately after the collapse of the Soviet Union, Russia suffered politically and culturally. With a loss of a third of its land and 140 million of its people, the country went from a global empire to a struggling state almost overnight. The world ignored Russia's rejection of Kosovo's independence and NATO continued to expand directly into the post-Soviet space undeterred.[8] But even in light of such diplomatic failures, global affairs didn't become Russia's priority until more than 15 years after the fall. For most of the post-Soviet decade, domestic concerns remained the major preoccupation. At the end of Yeltsin's regime, some demographers predicted that by 2050, the country's population could decline from 122 million to 77 million due to falling birthrates and migration.[9] These predictions are damning when considering the state of the country's public health infrastructure. With the lowest life expectancy rates in all of Europe, an average Russian woman was expected

to live to 72, while an average man was lucky to make it to 58.[10] Russia was not in an economic or political position to help its own citizens, let alone challenge Europe or the United States on the global stage.

The political turn around came with Vladimir Putin and the oil boom. Putin's Millennium Manifesto, published upon his election in 2000, provides a helpful guide for the country's direction into the new century.

> If during the same fifteen years we manage to ensure the annual growth of our GDP by 10 percent, we will then catch up with Britain or France . . . Another foothold for the unity of Russian society is what can be called the traditional values of Russians. These values are clearly seen today. Patriotism . . . Russia was and will remain a great power. It is preconditioned by the inseparable characteristics of its geopolitical, economic and cultural existence. They determined the mentality of Russians and the policy of the government throughout the history of Russia and they cannot but do so at present.[11]

Putin's vision was well supported by the economic rise brought on by the surge in oil prices.[12] The economy bounced back in 2004, allowing it to reform its military and address endemic social problems.[13] Improvements in capabilities brought on an evolution of intentions.[14]

Russian foreign policy became markedly more aggressive after the major economic improvements. The amelioratory policies of the 1990s and early 2000s reversed in the latter half of the decade. When Georgia's president Mikheil Saakashvili considered joining NATO in 2008, Russia launched a military offensive in Northern Ossetia.[15] The invasion signaled Russia's renewed confidence in challenging international pressures and sent a clear sign to European leaders that forays into the country's strategic territory would be challenged with force.

Figure 1. Russian GDP per Capita (Current US Dollars)
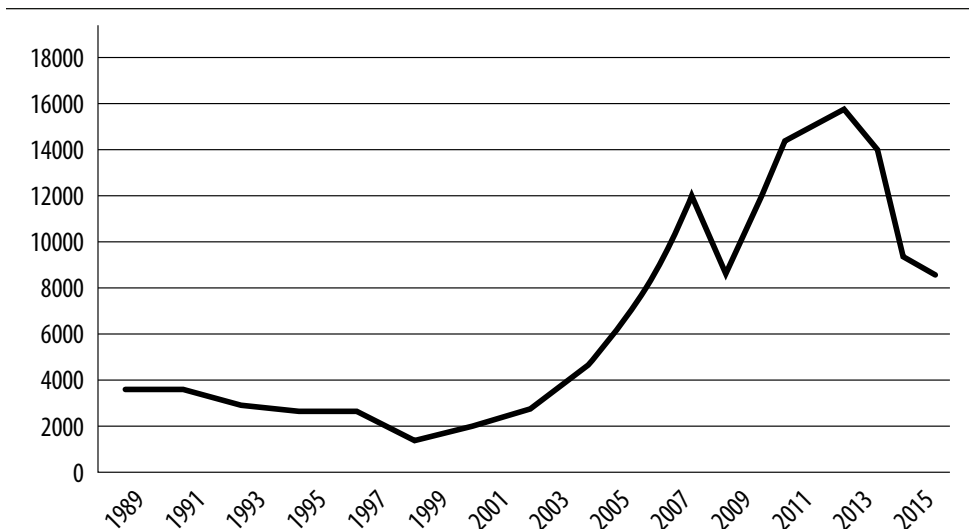
In the age of Georgia's invasion, Ukraine took on new importance as Russia's red line. Putin has been suspicious of European engagement in the affairs of its western neighbors since 2004, when Ukrainians marched on the capital square during the pro-European Orange Revolution. After the western-friendly candidate won the presidential election, Putin blamed American security services for engineering the anti-Russian coup.[16] Ukraine became particularly vulnerable during the second half of the 2000s, turning into an important battleground for Europe and Russia. In 2013, the government openly warned Ukraine and the EU that a trade deal between the two countries would be threatening to Russia's economy and sovereignty.[17] Nikolai Patrushev, the Secretary of the Russian Security Council, feared that "Americans are trying to involve the Russian Federation in interstate military conflict, to facilitate the change of power by way of using the events in Ukraine, and ultimately to carve up our country."[18] While neither Russia nor Europe would benefit from a full out war in Ukraine, both are stuck in a security dilemma, "Even if each rival knows that its opponent would prefer to avoid war, neither can be certain that this preference will dominate the strategic imperatives facing the rivals."[19] As a buffer state, Ukraine is surrounded by rivals unable to make credible commitments to avoid active military engagement. It is particularly difficult to guarantee commitment if the buffer state consciously chooses to align with a rival. Paranoia and information vacuums complicate the space, making it difficult to distinguish what is genuine self-determination and what is exogenously orchestrated political theater.

The Revolution of Dignity further enervated the tenuous security commitment between Russia and the European Union. While the EU has promised not to expand into Ukraine for most of the 2000s, the Association Agreement of 2013 seemed like a serious economic incursion.[20] Whatever trust remained after Yanukovych rejected the agreement in favor of Moscow's $15 billion bailout was dashed at the helm of the Euromaidan revolution. Putin was quick to characterize pro-European protests as another CIA project, throwing doubt into their rival's commitment to keeping the buffer neutral.[21] Since Russia could not remain reasonably certain of Ukraine's status, intervention remained the only option to preserving buffer neutrality.

Short of war, Moscow launched a destabilization campaign to prevent European intervention and keep Ukraine dependent. Russia's annexation of Crimea and separatist movements in Donbas are interesting for their limited scope. Instead of taking over Ukraine in its entirety, which Russia fully had the capacity to do, they engaged in limited hybrid warfare, occupying strategically important territories and fighting primarily through proxies.[22] This behavior is fully expected in light of the post-1945 norm against conquest, where "would-be conquering states seek other methods to satisfy the goals previously achieved through conquest and annexation."[23] Instead of full territorial conquest, Russia worked to raise the cost for potential European intervention. Moscow flaunted its capacity to engage in global war, while leaving the majority of Ukraine in a struggling tandem, thus maintaining the strategic

importance of neutrality.[24] In order to preserve Ukraine's buffer status, Russia has attempted to systematically destabilize the country, targeting its information and political networks to ensure perpetual confusion and dependence. While physical operations are central to demonstrating capabilities and intent, cyber operations are paramount to keeping Ukraine precarious.

Internet and Sovereignty: Cyber Operation and Systematic Destabilization

Much of the world has been brought closer together over the past 30 years through the advent of uninterrupted connectivity. The United States might have been the first to advertise the potential of liberalized information and improved control of infrastructure, but the consequences of this unbridled connectedness have been intimately felt in Ukraine over the past 4 years. With Russia intent on sowing chaos throughout their western neighbor in order to preserve subserviency and neutrality, cyberspace has become a valuable territory for achieving its strategic goals. Many of the military campaigns during the revolution, like the annexation of Crimea and the proxy wars in Donbas, were only made possible through online support. Conquest of physical terrain has become dependent on simultaneous control of cyberspace. Ukraine's online vulnerability has demonstrated to the world the now obvious, but long unacknowledged connection between cyberspace and national sovereignty.

In fact, Ukrainian society as a whole is intimately connected to life online. As of 2017, more than half of the population regularly used the internet for news, social media, or commerce.[25] For most Ukrainians, the majority of their socialization- from learning about the state of the world, to discovering election results, to interacting with friends- happens online. Even beyond user access, internet infrastructure has been key to maintaining Ukraine's physical infrastructure. It is easy to forget the level of national operation that is facilitated through cloud computing. In Ukraine, everything from nuclear facilities, to election platforms, to physical billboards are maintained remotely through online access.[26]

Targeting cyberspace has been part of Russia's physical campaign to destabilize Ukraine. This manifests itself not only in traditional conquest of telecommunication networks, but through the spread of disinformation, temporary digital incapacitations, propaganda, and spread of malware.[27] While it is difficult to measure how effective these operations have been, it is possible to parse out the perception of its importance through individual case studies. Cyber operations targeting Ukrainian media and infrastructure show the capacity of cyber warfare and also its unique imperceptibility.

The majority of the cyber-attacks on Ukraine were directed toward the information sphere. In the early days of the revolution, hackers' main goal was disinformation and confusion. During the lethal shootings at *Maidan* in February of 2014, the mobile phones of parliament members were flooded with messages and calls to prevent timely communication and a coordinated

response.[28] Similar strategies targeted official government websites. Operatives affiliated with Moscow carried out sophisticated Denial of Service (DDOS) attacks by flooding websites with fake queries, intent on overwhelming key servers and effectively shutting down sites to public access.[29] This strategy was used to incapacitate the site of the Ukrainian ministry of Foreign Affairs, preventing citizens from getting accurate and timely information about what was actually going on.[30]

DDOS attacks were always accompanied by misinformation and propaganda. During the annexation of Crimea, the *Wikipedia* pages regarding the peninsula were altered to reflect its historic ties to Russia.[31] Simultaneously, websites and social media accounts of activists were taken over and defaced with rumors that angry Ukrainian mobs were targeting Russian citizens, creating the perception that an intervention was necessary to ensure their safety.[32] Despite their incredulousness, in light of the silence from official Ukrainian channels, citizens had no other source to turn to for corroboration. Well-timed disinformation attacks from Russian hackers built the foundation for a military intervention.

The implausibility of official lies and misdirections should not be mistaken for ineffectiveness. While early publications might not have confused senior intelligence officials in the West, it was never their purpose to begin with. To claim ineffectiveness is to "underestimate the effects of layered messaging, subtly screened and concealed by more obvious fabrications, continued saturation, and in particular the pernicious effect of the 'filter bubble' on online reading habits—the way personalized search results driven by advertising models can effectively isolate internet users from alternative information and viewpoints."[33] Additionally, an onslaught of contradictory information from many different sources causes general factuality fatigue, leaving overly saturated readers feeling like nothing can be true. Western critics, in general, miss the intended audience of disinformation.

> Instead of convincing Western readers that the disinformation is true, Russian success is defined in two other ways: isolating the domestic audience from non-approved information so that Russian state actions are permissible; and influencing foreign decision making by supplying polluted information, exploiting the fact that Western elected representatives receive and are sensitive to the same information flows as their voters . . . Russian disinformation campaigns aimed at the West are conducted not only in NATO languages, but also in Arabic and Russian, targeting minorities across Europe.[34]

The information campaigns were coordinated in tandem with attacks on infrastructure. In December of 2015, Kyiv's regional electricity distribution company reported services outages to customers; seven substations were disconnected for three hours in the middle of the day.[35] Two different regional electricity distributors were knocked out at the same time, leaving approximately 225,000 without power during the coldest month of the year.[36] Similar

attacks were carried exactly a year later. Investigations from Ukrainian and US security services claimed that the operation was organized directly by the Russian government, citing the language of the digital code and its apparent source.[37] But in light of the potential source for the attacks, the cases are particularly interesting for their limited scope. Despite hackers having full access to the control-and-command centers of the electrical grids, they consistently left the networks before causing permanent damage.[38] Even Western intelligence officials were left confused on what the benefits might be of gaining full control of a system and leaving it completely intact.[39] But not all cyberinfrastructure operations were for show.

Cyber espionage operations directed at the Ukrainian artillery forces left hundreds of weaponry systems in permanent shambles. Between 2014 and 2016, a hacker group with ties to the Russian intelligence services, *FANCY BEAR,* infected a target processing software on Ukrainian military forums with spying bugs.[40] The original application, intended "to more rapidly process targeting data for the Soviet-era D-30 Howitzer," allowed Ukrainian forces to reduce targeting time from over 10 minutes to mere seconds.[41] X-Agent, *FANCY BEAR's* malware intended to retrieve communications and gross locational data, was spotted only in 2017; by that time, it has already done unretractable damage. While Ukrainian artillery forces lost around 50% of their weaponry during the two years, D-30 Howitzer experienced an unprecedented loss rate of over 80%.[42] Russian forces were able to use the locational data gleaned by the malware to accurately target the weapon systems, leaving enemy forces disoriented and incapable of effective resistance.

Cyber operations carried out on Ukrainian information and infrastructural networks highlight the centrality of cyberspace to national security. In a Westphalian conception of sovereignty, states have the right to autonomously determine their domestic political structures.[43] Moscow's cyber operations inherently violate these norms. Not only were Russian forces aware of the national synergy carried out through online networks, but they also took advantage of them to destabilize Ukraine ideologically and militarily. The operations highlight the importance of cyberspace to national sovereignty. Ukraine maintains personal jurisdiction through free control of its key infrastructure; the government's condemnation of hacking activity implicitly accepts the internet's double bind: how can the space be free and unmediated if it is strategically important and its violations require political and legal rebukes? There is no such thing as a common internet when its infrastructure can be disconnected through tactical precision strikes or it can be commandeered for adversarial military campaigns. While I do not explore the reason for Moscow's continued denial of the operations, it operates within the same logic. If Russia has physically demonstrated the internet's national importance, it cannot simultaneously violate it without actively denouncing Westphalian norms. Even if everyone knows beyond a reasonable doubt that violations occur, rhetorical rebukes maintain the nature of organized hypocrisy.[44]

Denial and Deception: Hypothesizing Geopolitical Motivations

Russia's commitment to cyber operations sheds light on the country's conception of cyberspace and its international motivations. American intelligence agencies have claimed on multiple occasions that the onslaught of organized attacks all over the World Wide Web are more than a hodgepodge side project of self-inspired vigilantes, and there is credible evidence to suggest that they have been part of the GRU's global political motivations.[45] The amount of resources and energy Moscow pours into its cyberberkut betrays a deeper strategic interest. While it would be difficult to corroborate the genuine intentions, I will outline three potential motivations, proceeding from the most obvious to the most hypothetical: from regional strategic interests in Ukraine, to international deterrence, to international legal frameworks on global internet governance.

The clearest motivation for the cyber attacks lies in destabilizing Ukraine and maintaining its buffer status. As I've outlined in previous analysis, the internet is a treasure trove for informational and infrastructural networks that can be manipulated remotely. Structuralist theory does a great job of outlining the security dilemma rivals get forced into within a buffer state.[46] Since both Russia and Europe are unable to make a credible commitment, and are constantly threatened by domestic political movements, both are perpetually concerned about the first-mover advantage a rival might have if they engaged in the space first. Tarish Fazal would hypothesize that in most other time periods Ukraine should have been conquered, but the post-1945 order has created alternative incentives.

Outright conquest is frowned upon and discouraged in the contemporary international order. While prior to 1945 almost all transnational wars resulted in redistribution of land, only 30% of wars afterwards produced territorial adjustments.[47] The evidence demonstrates a robust norm against territorial conquest that states are willing to accept and enforce. But conquest hasn't exactly disappeared, it has simply evolved. States are now more likely to seize small stretches of territory in order to avoid all-out war.[48] And the justifications for these types of incursions have also evolved. While the dominant doctrines for territorial expansion transformed from right-of-discovery, to right-of-conquest, to right-of-occupation, the modern standard evades all three.[49] Instead of referencing the law of the strong, states go back to the archives, legitimizing every conquest attempt through a historic territorial claim.[50]

Russia's occupation of Ukraine and subtle cyber incursions fit well within the norms dictated by the international order. To shift the balance of powers, Moscow seized small chunks of Ukraine, basing them all on historic Soviet policies.[51] Cyber warfare is particularly useful in the 21st century, because unlike a clear physical presence that can be easily corroborated by witness accounts, satellite imagery, and surveillance footage, war on the internet is easy to deny. Russia continues to stand by its original claim that IP address

data is easy to fake and the language of a computer virus says little about its origin or political intention.[52] If Russia is unable to take over the entirety of Ukraine, it will do everything in its power to maintain a manageable buffer in the Donbas region and prevent European or American intervention through continuous online terror.

But flexing one's cyber muscles has advantages far beyond mere regional control. In the age of internet security, almost every major power in the world has full government divisions dedicated to maintaining the sanctity of their online sovereignty. Early governance of outer space is a good reference point to modern displays of cybernetic virtue. If the open avowal of satellite imagery allowed the United States and the Soviet Union to keep track of each other's military capabilities in order to avoid a nuclear apocalypse, an honest exhibition of hacking capabilities prevents a cyber Armageddon.[53] The United States and Israel demonstrated what their security services can do to a nuclear reactor, given a few months and an aloof employee with a flash drive.[54] Russia demonstrated what it can do to an electrical grid, given a few days and a vulnerable security system.[55] In this sense, incursions into Ukrainian cyberspace serve as an international deterrent. One has to look no further than at the recent concerns American academics have expressed regarding the vulnerability of electrical infrastructure across the country.[56]

The final hypothesis concerns Moscow's recent legislation regarding its own cyberspace. For the past four years, Russia has pursued an aggressive policy of cyber-nationalism. The country's highest court banned Telegram, a messaging service, after the company refused to hand over users' encrypted data to the security services.[57] National lawmakers have made it explicitly clear that there's no such thing as free and unbounded communication; if a Russian citizen wants to communicate via the internet, their thoughts will be filtered through government apparatchiks. But the stint against Telegram extended beyond messaging. Unable to curb the service, lawmakers "approved a controversial bill to cut off the country's internet traffic from foreign servers… designed to route all web traffic through Russian servers, enabling the government to control information and block messaging or other applications."[58] The law was colloquially termed data localization, tying the data of all firms operating in the country to national territory, and subsequently to its legal framework. In essence, the internet has become unilaterally mandated by the whims of the state. Popular protests have condemned the moves, often sporting banners that read, "hands off the internet," and "no to isolation."[59] As the Kremlin continues to toe the line between internet security and political censorship, they have faced abundant criticism from abroad. If Russia is serious about enforcing their national laws and maintaining legitimacy, their domestic policies must align with their international maneuvers, or at least its rhetoric.

Precedent-setting is the final lens to understand Russia's motivations with cyber warfare. A good analogy to the Eastern European status quo is America's legal approach toward outer space in the 1960s. When space technology

increased to the point of being strategically valuable, the United States saw the potential of using satellite imagery in order to bridge the information gap between its own porous media and Soviets' tight informational control.[60] Since Americans had a notable advantage in cosmonautics, they attempted to instill a perception of space as common property by giving foreign diplomats satellite images of their countries.[61] The geopolitical theory establishes that "states with superior exploitative capability will favor common ownership as a means to access as much of the frontier as possible without having to pay costs of exclusion."[62] The United States' superiority in space is similar to their current superiority in cyberspace. America has the largest tech firms in the world, and is the majority exporter of telecommunication infrastructure. But while the Soviet Union failed to resist communalization of space, Russia has put up an international fight to reject it on the internet.

If satellite imagery set the rhetorical precedent for common treatment of outer space, destruction of Ukrainian military infrastructure and control of its media outlets is setting a precedent for national treatment of cyberspace. Russia's limited intrusion into Kyiv's electrical grids, for example, opens the conceptual door for considering the internet as integral to national security. Despite the fact that Moscow had the ability to destroy vital energy infrastructure and refused to do so, electrical hacks of 2015 and 2016 are an international signal. It has put American strategists on alert to the vulnerability of their own infrastructure.[63] Recent domestic pressures to more heavily regulate American social media firms and cybersecurity systems help Russia form an international legal precedent for heavy control of its own cyber resources.

While it is difficult to conclude what Moscow's genuine intentions in cyberspace might be, it is helpful to outline potentially intended (or unintended) motivations. Russia's dedication to its cyber warfare departments sheds light on the country's perception of the space's importance. While regional destabilization, deterrence, and legal precedence seeking might not be the genuine motivation, they are at least its consequences. Regardless of the theoretical conception of the space, cyber warfare will continue nonetheless. The strategic and legal frameworks must be further analyzed to determine the appropriate measures necessary to address the 21st century's weapon of choice.

Conclusion

The conflict between Russia and Ukraine is helpful in understanding the evolving rivalry dynamics in Eastern Europe and the national importance of cyberspace. In attempting to maintain dominance (or at least the status quo), Russia has used Ukraine as an international deterrent and a training bootcamp. Throughout this paper, I demonstrated the fragility of regional alliances and how unexpectedly the situation can evolve on the ground. Cyberspace is a radically new domain, and we are only starting to see all of the potential forms it can take. As wealth continues to concentrate online and technological capabilities develop, so will the nation's geopolitical motivations. There

is abundant room for growth and unforeseen developments. For now, we can expect more rivalry dynamics to play out on the internet, which will continue to shape and redefine global conceptions of cyberspace.

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Photographic Exploration

A World in Transition:
The Evolving Global Landscape

Frank Ma, Madison Walsh, Jamie Yee, Monica Ciaffi, and Irene Pantekidis

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The past year has been one characterized by upheaval in the norms and practices of International Relations. Waves of popular protests have swept the globe, from Hong Kong to Algeria to Chile. Social media has increasingly become a political tool used by a variety of actors to further their causes. Cybersecurity and cyber warfare have taken on a new and heightened importance. Youth movements and women's movements around the world continue to demand social change and calls for unified international action on climate change are more urgent than ever.

It is clear that these forces are pulling international affairs in a new direction. But with so many new developments, what has remained constant? In many ways, we can still see elements of continuity in world affairs today. Many modern conflicts ultimately derive their roots from historical grievances dating back decades or even centuries. Age-old religious traditions continue to play a central role in societies around the world. Tensions between democratic and autocratic governance remain prevalent and nationalism continues to serve as both a unifying and dividing force for peoples around the world.

A World in Transition: The Evolving Global Landscape seeks to explore this tension between tradition and modernity through a variety of images. The following series compiles the work of outstanding undergraduate photographers to present a range of subjects and viewpoints. These photographs tell stories from across the world, featuring images captured in Cuba, Armenia, France, Greece and Peru. Some photographs examine historical legacies while others capture distinctly modern problems. Combined, these two threads ask us to consider both our shared human history and the challenges future generations will face as international affairs continues to evolve.

Journal Theme: Growing Pains

Themes in Photos:
- Women's movements & violence against women
- Global health
- Socioeconomic inequality
- Internationalism vs. isolationism
- Border disputes & resurgence of historical grievances
- Religion & religious tradition

Frank Ma, Tufts University

Graffiti on a wall in Montmartre, Paris, France reads "Femicide: Respect Existence or Expect Resistance."

Madison Walsh, Boston College

At the horizon of the photo, you can see the "Wall of Shame," which separates the richest and poorest parts of Lima, Peru. The wall was originally constructed as a response to the increased migration to Lima in the 1980s, but remains today as a physical and symbolic barrier separating two social groups.

Through Boston College's branch of MEDLIFE, a global health organization, student volunteers shadow and assist a MEDLIFE doctor seeing a patient in Lima, Peru. All MEDLIFE doctors and nurses are locals; by understanding the cultural practices of the area, they can provide the highest quality of care for the patients in their communities.

Madison Walsh, Boston College

Residents of this community in Lima, Peru lack a land title and running water. Each day, a truck delivers containers of water like the one pictured in the bottom left of the photo, which residents must carry up the hill to their homes.

Jamie Yee, Tufts University

A city street in Havana, Cuba is dotted with classic American cars dating back to the 1950s. Following the Cuban revolution, Cold War era trade embargoes imposed on Cuba by the United States prevented automobile imports and effectively froze Cuba's transportation in the past.


In Havana, Cuba, a mural made from a steel structure depicts Fidel Castro, former Cuban Prime Minister and communist revolutionary. The mural faces out on Revolution Square, a place of historical importance in Cuba for past speeches and protests held there.

Monica Ciaffi, Syracuse University

Pictured is the Genocide Memorial in Armenia's capital, Yerevan, which commemorates the 1.5 million Armenians who were killed in 1915 at the hands of the Ottoman Empire. Despite international acknowledgement from 32 governments worldwide, the Republic of Turkey maintains that the killings did not constitute genocide.
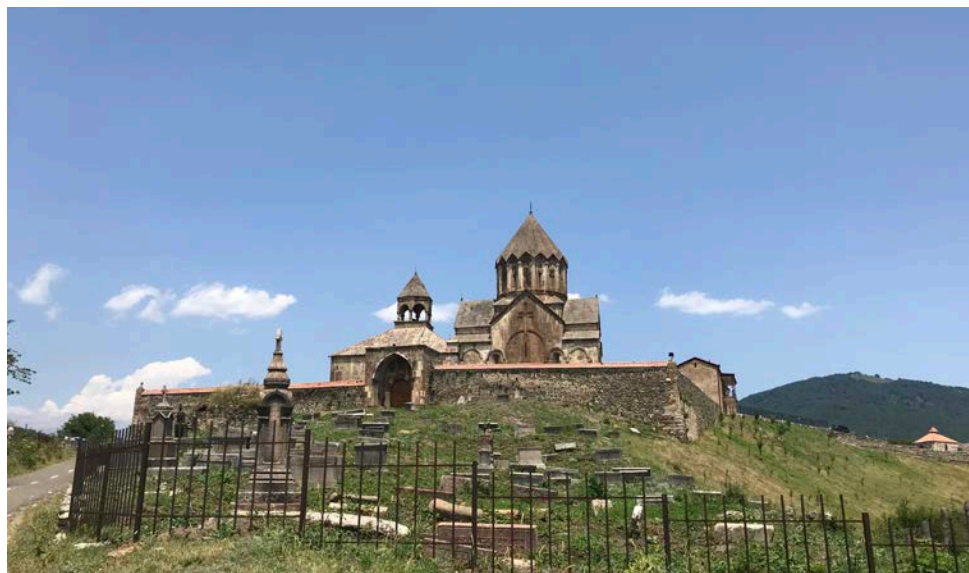
The photo shows the Gandzasar Monastery located in Aghdara, Azerbaijan. The land the monastery rests on is disputed; both Armenia and Azerbaijan have made claims to the territory. Dating back to the year 1216, the monastery is a site of religious and cultural importance for many Armenians.

Irene Pantekidis, Tufts University

The photo shows the "Our Lady of Tinos" church, in Tinos, Greece. Inside is a holy icon of the Virgin Mary said to have healing powers, making this church one of the most important religious sites in all of Greece. Each summer, many Orthodox Christians make a pilgrimage here.

Pictured is the church of Saint Pantes in Aidonia, Greece. The colorful flags symbolize the history and foundations of the Greek Orthodox Church and are displayed annually for the village dance.

Interview

Humane Workplaces and the Role of Consumers: A Conversation with Drusilla Brown

Interview by Alyssa Pak

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1. *What constitutes a humane workplace?*

That is an excellent question. We have been struggling to define what constitutes a humane workplace for a couple hundred years actually.

    Generally, we break working conditions into two broad categories. One category concerns what are called core labor standards and there are four of these. The first is forced labor, which covers people forced to work longer hours than they want and those forced to work at a job that they do not want. Forced labor also covers human trafficking, so this would be controlling people as they transit into a job. The second one is nondiscrimination, which concerns ensuring that all workers have equal opportunity in a workplace. Nondiscrimination is the rubric under which the prohibition against sexual harassment would emerge. The third one is child labor or more specifically, exploitative child labor. This is work that starts so early in a child's life or requires so many hours that it interferes with a child's normal development. And then the fourth concerns the rights to freedom of association and collective bargaining, which include the rights to join a union and be represented by a union in interactions with an employer. Then there are four additional standards. One is occupational safety and health, which ensures that your workplace is safe. The second is compensation, which involves making sure that workers are paid as promised and the calculation of pay is clear to the employee. Regulation of compensation often involves a minimum wage, setting some minimum level of compensation that you would receive for your work. A third is work hours. Work hours regulations guarantee that a worker is not working excessive hours, has at least one rest day per week and has some annual leave. And then there is a set of standards that has to do with communication and problem solving, which would protect workers from abusive interactions with a supervisor, like dehumanized treatment or verbal abuse.

2. *Is there a race to the bottom in working conditions / in what ways can firms be competitive without abusing workers?*

A race to the bottom is basically the idea that in order to be competitive, a firm has to be abusive to workers in some form or another—either cheating workers out of their wages, having them work extremely long hours, or failing to invest in a safe work environment.

This is a debate that has been going on for about 200 years. One of my favorite stories comes from the early part of the Industrial Revolution, the 1800s in England. There were two firms. One firm was run by a person who had very abusive conditions of work that often involved the use of children. The children were working extremely long hours and were packed into work and living facilities. By working and living in one of these factories, they were guaranteed to get sick and die. And then there was, at the same time, a factory manager who actually had maximum hours of work. He provided food for his workers, he would let people be adequately spaced so that they were not constantly getting each other sick. What is really striking is that both of these firms, both these factories, managed to survive and be profitable for a very long period of time.

Survival of the humane workplace left us with a very optimistic scenario. Conditions of work could continue to improve and, in fact, make factories more productive rather than less. We see this upward trend for about 200 years. From 1800 to about 2000, conditions of work constantly improved, productivity constantly improved, and work opportunities got better and better. Firms were paying workers a fair wage and providing humane working conditions as a way of making them more productive and attracting high quality workers. Then around 2000, the optimistic scenario started falling apart. Today, some of the new generation firms that have come into existence in the last 20 years are, in fact, putting workers into very difficult working conditions.

The most recent evidence seems to be pointing to a finding that the workers who are treated humanely are in fact more productive; the better the working conditions, the better the quality of work that you get out of those workers, and the higher productivity you get out of those workers. The problem is that providing humane conditions of work is costly, so we have a very ambiguous bottom line. If both costs and productivity are going up as conditions improve, you do not really know what is happening to profits. It is increasingly apparent that humane conditions of work, as productive as they are, may not be the most profitable.

COVID-19 revealed the weakness of the optimistic case for working conditions. Last spring, all through global supply chains, workers were just laid off right and left. The international buyers that were placing orders in factories that hire these workers were reneging on the commitment to pay for orders. Of course, the factories were turning around and laying off workers and not paying the wages that the workers had earned. The whole episode was a knife in the back to the idea that humane treatment of workers is actually going to be the most profitable way to organize production.

So, the answer is, there might be a race to the bottom. This is the first time that I would ever say that in the 25 years that I have been working on this issue. I have always believed, or hoped, that there was not a race to the bottom, but I think increasingly the evidence is that there may well in fact be.

3.   *What can be done to improve working conditions?*

The original hope was that firms would realize that there is a business case for humane conditions. Every single impact evaluation that I have ever conducted on a workplace intervention, I was told by the funder, "There has to be a business case for this intervention." My reaction was, "Well, there may be a business case, or there may not be, all we can do is look." So the first idea, the first starting place for an awful lot of this work, was to try to convince the factory managers that their workplaces would become more profitable if they were to introduce humane working conditions.

Now, one of our discoveries is that factory managers are very sophisticated in processing the data. In a recent survey that we did in Cambodia, the factory managers were very clear to say that, "We agree that humane working conditions make workers more productive. But we do not agree that it makes our factories more profitable."

The next step has to allow for the possibility that humane conditions of work do not increase profits. International buyers are going to have to pay a higher price for the products that they are buying if they are going to have humane conditions of work in their supply chains. Now, international buyers may do this on their own, simply because there are people inside the organization that care about ethics, and there are a lot of firms and global supply chains that care about the ethical conduct of business. In such a situation, the international buyer may be willing to pay a little more to get a product made in humane conditions. They may be willing to give more stable orders to factories that have humane conditions of work.

So international buyers certainly have a role, but there are always going to be a large number of international buyers that are simply not going to pay attention to the conditions of work unless they are forced to. Then the question becomes, well, who is going to force them? Number one is consumers. When consumers basically say to firms, "I only want to buy goods that are humanely produced," that puts pressure on international buyers to be more careful about where they are sourcing their products from. Relying on consumers to drive change has its limits, though, because, while there certainly are a lot of consumers who care about where their products come from, there are a lot of customers who do not.

The number one, and probably the most effective mechanism for advancing the interests of workers, is to make sure that they have the right to form unions, to become members of unions, and that union members not be fired for being active in a workplace. When you have a worker, and a manager bargaining, the manager has way more power in that interaction than the worker does. Unions redress that power imbalance so that when workers as a group are bargaining with a very powerful manager, unions have a great ability to make sure that conditions of work are part of the negotiation.

Then there are two other big parts. One of the parts of this narrative that has received less emphasis recently, but I think really is where the rubber hits the road, is the responsibility of governments to regulate. There is a hope, there

was a hope, that if there was a business case for humane conditions of work that an NGO could go in and improve conditions of work. Managers could see the business case, rendering the humane conditions sustainable. But we have not seen this kind of sustainability. Sustainability seems to depend more on governmental regulation than on a perception of the business case. Basically, that means writing laws and enforcing laws that protect workers.

The other piece is international coordination around working conditions. This is where we come back to the race to the bottom. Anytime an international buyer makes a decision to pay more for a product under humane conditions of work, but they themselves are not rewarded by their customers for humane conditions of work, they are placing themselves at risk. And when one country's government decides to require improved conditions of work, there is always a risk that they are going to undermine the competitiveness of their firms *vis-à-vis* firms in other countries. In order to control an erosion of protections in this scenario, we need some form of international coordination. International organizations play this very important role of making sure that the standards that are being applied are being applied universally in a way that does not undermine the competitiveness of any individual firm or any individual country. In the world of labor rights, that organization is the International Labor Organization. They were formed in 1919 and just had their hundredth anniversary last year. They have played a giant role in convening a conversation between firms, governments, and workers to try to help all parties agree on a minimal set of working conditions. If everybody can buy into that minimal set of working conditions, then no country or firm will be disadvantaged when they improve conditions of work.

4.   *What choices do we make as consumers that impact workers in global supply chains down the road?*

Consumers are a very important part of the story because consumers are the ones who put pressure on international buyers and governments to bring change. We need a lot of actors in the workplace to make sure that conditions of work are improving. Some of the actors are government officials, some are coming from unions, but the one outsider that is on the frontline, that is in the workplace all the time, are international buyers. They are often in the factory every day. So they are a great opportunity to actually make sure that the factory always feels like there is someone watching what they are doing. But international buyers are only going to take on this role if they think that their customers care about conditions of work.

There are a number of different ways in which consumers can find information about the firms that are sourcing their products, and the factories where those products are produced. First, consumers should be doing some research around who they are buying from, what they are buying, and what the conditions are at work where those goods are produced. Day in and day out, pay attention to what you are buying, and not be so focused on exactly the lowest price, but be willing to pay a little bit more, if you can feel confident

that the conditions of work were humane. The second is that when there is an exposé against a firm, consumers should react. Avoid firms that allow conditions of work to get so bad that it is possible to do a big exposé on them.

However, consumers have a much more important role than the choices they make at the store: their role as voters. It is very common to hear a narrative about how regulation is bad, it is bad for firms, it is bad for workers. It is a temptation for people to buy into the idea that regulation is bad. But at the end of the day, one of the aspects of improving the work environment that we feel pretty confident in is that when workplaces are not regulated, they deteriorate really rather quickly. Even in the case like a university there have been some some episodes around student life, for example sexual harassment of students, that respond to regulation. So whenever people, as voters, buy into the anti-regulation narrative, they are really buying into the potential for exposing workers to abuse.

Editorials

C'est comme ça: Paris in Paradox

Haruka Noishiki

"AIMER ≠ TUER (TO LOVE IS NOT TO KILL)." The first few days in January, the Tufts in Paris program spring semester students started the orientation period. Our group of 20 walked from the hostel to the abroad center, carrying laptops and water bottles with stickers celebrating equality. Along the way, between boulangeries and cafes, we saw large black writing on white walls at every block. One such inscription read; "aimer ≠ tuer" (to love is not to kill). We later learned that these signs are works of activist art, to raise awareness and to gain support for the fight against femicide. France has seen higher femicide rates than most other countries in Europe, rivaling only Germany.[1] It is estimated that every three days, a woman is killed by a former or present partner in France.[2] Police responses to such cases remain slow.[3]

The gender inequality that manifests in femicide is reflected in day-to-day safety considerations. One of the information sessions during the program orientation focused on safety in Paris. Our program director cautioned us to not carry more than 20 euros at a time; to hold our purses in front, and what to do when assaulted on public transit. She explained that, in France, women aren't seen as human but rather as objects. When referring to humanity in general, the French language employs "l'homme (the man)" still.

The 2019 César awards, a French film awards ceremony similar to the Oscars, showed the enduring gender dynamics in the entertainment industry.[4] A film by director Roman Polanski won best film at the Césars, leading to walk outs by major film figures. Polanski plead guilty to drugging and raping a 13-year-old girl in the US and escaped to France. He has since resided in Paris.[5] After the César Awards were announced, Paris has seen black-and-white signs similar to the ones against femicide across the city, denouncing Polanski and the decision to award Polanski the Award. The César Awards was also criticized for excluding feminist film directors and actors at an event just before the awards ceremony.[6] It is no surprise that the highly politically charged Césars received a rejection from Brad Pitt, when he was nominated Honoree of the year, and that some of the expected attendees boycotted the event.[7]

Framed in a historic landscape from the Sorbonne universities to the Catholic churches, the tradition of sexism has remained strong in contemporary Paris. One origin of contemporary sexism in France can be traced back to the 1804 Napoleonic code in which women were defined as legally inferior to men.[8] The French language prioritizes masculine forms of nouns over feminine ones, giving more detailed descriptors of men in social and familial relations than for women. The way journalists present cases of femicide and sexual harassment, too, compounds the narrative surrounding sexual assault in France.

Yet French sexism hides in plain sight. On paper, Paris is a city where women can walk anywhere alone, where women can become doctors, lawyers, politicians. At the same time, French society still perceives women as belonging to men.[9] The Minister of gender equality of France, Marlene Schiappa, explains that sexism is deeply ingrained in the French society and culture and is a difficult task to tackle.[10] Gender inequality is not the only issue of discrimination that the César awards faced this year. At the ceremony, Aïssa Maïga, a black actress made a speech on the need for increased and better representation of Black people in French films.[11]

Conversation with my host mother—a 67-yea-old, white, Catholic, upper-class woman—has illuminated ingrained racism and xenophobia. From negligible comments about her dislike of all Asian food when her sample has so far consisted of Sushi to calling Islam a sexist belief despite its plurality,[12] she has passed her judgement on others based on the limited exposure she has had. She has explained that past students she hosted who were African American or Muslim "made issues out of" the reality of French discrimination that my host mother could not see. She believes that the public transit workers should work harder rather than protesting against pension reforms. At the same time, in her attempt to praise Asian art or her emphasis on public health systems, one can see the complexity of someone of such privilege who sent her first daughter to an Ivy League college, who listens to Christian radio every evening and reads right wing newspapers every day. Discrimination is reflected in others in France, when Asian Tufts students are yelled at about the coronavirus or when the *banlieue,* the suburbs, has only negative connotations and is frequently associated with communities of people of color.

Placing France in its geographic context illuminates some lines of political cleavage. Youth as well as people on the ideological left are more likely to hold favorable views toward the European Union.[13] The generations that have experienced or were closer to the World Wars are less likely to support the institution that was created to induce cooperation among European states and prevent another pan-regional war. More people across Europe perceive France as less important than it was 10 years ago.[14] My host mother believes that France over-contributes and that judgements about France are made without France's desires reflected. She thinks that the EU decides France's affairs without enough French input and finds this extraordinarily unjust as she believes France is the sole country that sends armies to EU missions. Those who are on the ideological right are more likely to believe that France plays a more important role today than 10 years ago.[15] Overall in France, however, the percentage of those who hold positive views toward the EU has grown by 12 percent.[16] Such general trends toward regional integration and globalization are reflected in public sentiments toward immigration. Though conservative currencies may remain strong, overall in France, the perception of immigrants shifted positively between 2014 and 2018.[17]

The French have hailed the motto "liberty, equality, fraternity" since the French Revolution, writing it into the constitution in 1958.[18] While Paris may

face challenges as it continues to grow as a global metropolis, France has a solid foundation to build upon in overcoming discriminatory perceptions and beliefs. Discussion is an accompaniment that goes with the many espressos, noisettes, and wines taken on café terraces. Such a culture fosters acceptance of dissent, or at least, an obligation to listen to counterpoints if only to present further defense of a point of view. In France, the culture of protests and demonstrations is also strong; from protests against pension reform policy to femicide, the culture of protests will allow France to make systematic change to truly achieve the goals of liberty, equality and fraternity that the French government hails.

It is hard to imagine the capital of a world power with a rich history, layers of tradition and a liberal economy escaping such growing pains in the times of globalization. Overcoming issues of discrimination requires the attention and support of the French upper-class. Growing pains characterizes Paris as the city intersects with various cultures and faiths. It is not simply that Paris gains beautiful mosques, good Chinese food, and new fashion styles as globalization progresses; the emphasis on preservation, on tradition, clashes with the need for rapid adaptation and growth. Such discussion and demonstrations have led to change at the policy level; the Prime Minister Eduard Philippe pledged to allocate €5 million in 2019 to create housing for women who escaped domestic violence, in response to demonstrations.[19] When discussions and protests are reflected in systematic change, France can expect to push its future in the direction of equality.

Notes

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The Double-Edged Sword of the Sub-Saharan Tech Industry: Vulnerabilities Concerning Industry-Wide Growth

John Cyprus

It comes as no surprise that countries are taking interest in the global tech sector. To invest in tech is to make an investment in the nation's future finances. With lower barriers to entry than large scale manufacturing, high investment interest, and a tendency to produce massive profits, many countries will be exploring this budding opportunity.[1]

These so called 3rd and 4th industrial revolutions have captivated the economies of many Sub-Saharan states who are proactively trying to diversify their generally static economies.[2] With the largest Sub-Saharan export currently being agriculture, a typically protected imported good, many African states are finding it difficult to participate in the global economy. This could be for many reasons, with the two largest being the inability to compete with protected domestic prices and finding a foothold in markets that they were once forced out of due to colonial policies. The tech sector is the perfect opportunity for these nations to make a big impact in an interconnected world and create infrastructure that can be used for a multitude of other things.[3]

Many countries have already realized this and are taking massive leaps forward. For example, a Kenyan company has developed an app called M-Pesa that has facilitated $1.7b in transactions across its 28.5 million users in East Africa.[4] However, there are risks to building a large tech sector too fast. The first of which is the danger of foreign investment and the second of which is building an unsafe, large-scale, and vulnerable infrastructure.

Sino-African relations are trending upwards as China funds many large scale industrial projects in Africa to solidify their foothold on the continent. China is especially interested in the Sub-Saharan financial tech sector as it is one of the largest unbanked populations in the world.[5] While this initially seems to be a win-win situation (countries get funds for industrial projects and China gets new markets) there is a drawback and present danger: the historic lack of privacy in Chinese cyber-laws. A recently passed Chinese encryption law states that any sort of data encryption methods going through Chinese servers needs to first be green lighted by the government if it pertains to national security. Considering how loosely China

has in the past defined "national security," it is safe to say that data coming from the African financial tech sector falls under this blanket. This could leave millions of users naked to the Chinese government, who would be able to handle this data without restrictions.[6] If this seems far-fetched, perhaps Orwellian, we can take a look at the 2017 discovery of Chinese espionage at the African Union HQ.[7] China "donated" the headquarters to the AU as a gift a few years before, saying that it was in the pursuit of forging better inter and intra continental relations. In the coming months, after seeing some unusual behavior in data spikes at around 2 a.m., it was revealed that server data was being unknowingly backed up to chinese servers.[8] This exploitation of Africa's willingness to work with China could have massive ramifications in the future and fundamentally alter the feasibility of a strong and globally present African tech sector.

The other side of the sword is the risk of cyber attacks in a tech sector that is growing this fast. To reach high levels of growth cheaply, many corners need to be cut. This results in, regrettably, the creation of bad and easily exploitable infrastructure.[9] The results of this would entail large scale hacks, data breaches, large scale ransomware attacks, and possible loss of private and identifiable data, which nearly always entails large financial losses.[10] Vulnerability exploitation amounted to around $3.5b lost in 2017, but also limited investment coming in from foreign countries or private companies.[11] Nobody will want to inject either capital or human resources into companies with vulnerable infrastructure.

However, all hope is not lost. There are a few ways that the Sub-Saharan public and private sector can grow their tech profits without being as high a risk for cyber attacks. The first possible course of action is limiting what foreign companies contribute to this growing sector. Much like the British are doing with their introduction of Huawei tech in their upcoming 5G infrastructure, African states taking money and aid from Chinese investors could curtail the foreign involvement in the actual building of critical or sensitive infrastructure.[12] By doing this they ensure that if they discover illegitimate actions being conducted by Beijing they can more easily switch to domestic hardware or software with less risk of taking down entire networks. Another way to limit foreign involvement is to rely more on the domestic tech sector to invest and naturally grow the industry once basic infrastructure is in place. In this scenario countries would be able to securely grow their sector domestically and free of any kinds of strings that might be attached, albeit at a much slower rate.

In regards to how to prevent cyber attacks there is a less clear cut method of aversion. The starting point would be to first start investing more in cyber security in companies of all sizes across the board. Around 90% of organizations in Sub-Saharan Africa are "spending less than $10,000 on cyber security," with a majority of those being in the banking or financial sectors.[13] This, being an inadequate value for such a critical economic sector results in lackluster industry wide protection that is usually being run by IT

professionals who have little security experience. These workers very seldom know industry best practices and will do very minimal for security specifically. They will more often be double hatted with IT and security responsibilities, making these two industries appear to be one, inevitably leading to the oversight of the latter.[14] This needs to be immediately fixed with wider access to specialization certificates and the necessary courses to help individuals achieve them. A massive culture push to focus on security is desperately needed to fundamentally restructure how these African companies view internal security as well. The benefits that come from a movement like this will out pay the costs astronomically.[15] Not only is there a direct impact of not having to worry about losing customers and data due to breaches, but there is also the positive externality of not leaving other companies that may use your software vulnerable.

Another thing that companies need to do is use more legitimate software to run their infrastructure. It is estimated that in Africa and the Middle East around 58% of all software is pirated, with Sub-Saharan highs reaching 82% in Nigeria, 92% in Zimbabwe, and 83% in Cameroon.[16] This leaves entire companies, and even nations, vulnerable to exploits by third parties. Packaging malware in a pirated version of an operating system that will never get detected is very easy and can cause compatibility issues that will inhibit proper computer functionality. This is a massive hold back on a small industry that could be fixed by some capital investment, perhaps from Europe, China, or the U.S. who have a strong grip on the global OS market. All that is certain is that if these countries continue down the road they are on they will run into issues of fraudulent OSes leaving entire IT departments crippled and useless in the face of a massive hack.

This new opportunity for investment is possibly the perfect opportunity for previously internationally excluded Sub-Saharan African countries to have a large presence in the international tech market,[17] but not if they don't first patch major holes in their infrastructure. Many of these countries represent areas where having a diversified economy with the introduction of a booming tech sector would make the government and the people under it much more financially secure.[18] However, looking at the two major holes in the current way of building out the sector there seems to be few other avenues than those presented in which the sector can safely grow. The digital world is a small one where all players are operating in a shared space. If there is one flaw in the armor then countless attack vectors open up, as was seen with major global attacks like 2016 NotPetya and WannaCry Windows SMB vulnerabilities—which resulted in $10 billion[19] and $4 billion[20] in losses respectively. With malware at this scale being found in the wild, it is possible that unprepared countries themselves could be held for ransom. With a liability like that, major tech companies that would usually want to collaborate will be scared off. Over time there is a risk that the entire sector will be cut off from the outside world. No thriving tech sector can grow in isolation and, unless things change, neither will this one.

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