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THE WORLD MIND
A Magazine for International and Public Affairs
The World Mind Staff
Spring 2016

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Letter from the Editor

The cover of this first issue of the World Mind features a photo of protestors of the 3rd Summit of the Americas donning gas masks to mitigate the hazardous effects of tear gas used by anti-riot police in Quebec, Canada. This photo encapsulates several pressing issues related to both international and public affairs and which are the subject of several articles in this issue.

In the first section comprised of regionally-focused articles, Erin Bovee and Andrew Fallone assess changing legal landscapes related to the South China Sea and Japan’s organized crime syndicates. Gretchen Cloutier reports on the current trilemma of economic, social, and political instability threatening Brazil following an extended period of growth. Adam Goldstein and Erik St. Pierre investigate the role of the state and state repression in Tunisia’s Jasmine Revolution and France’s current state of emergency. Finally, Claire Witherington-Perkins evaluates the efficacy of the European Monetary Union.

In the second section related to various thematic areas of international affairs, Deborah Carey highlights a fundamental dilemma for international development: economic growth versus environmental sustainability, while Samuel Woods suggests that environmental concerns over hunting may not be as simple as some think. Amanda Brenner recommends the U.S. Trade Representative on a better policy towards Bangladesh. Emily Dalgo and I then identify and contextualize two contemporary issues for international relations: the balance between security and civil rights on the one hand, and the authority and criticism of human rights organizations on the other. Kevin Michael Levy concludes the section with insights into the public’s bounded understanding of the Islamic State’s motivations.

In the final section, Paul Jeffries tests whether or not Ukraine’s debt to Russia constitutes odious debt, Jeremy Clement reports on the rights of students and the state of corporal punishment in U.S. schools, and Laura Thompson places contemporary political discourses within a classic Liberal political theoretical framework. Each of these articles, in one way or another, addresses a relevant and pressing issue in international and public affairs, from globalization and the role of international organizations to human rights and state repression, and everything in between.

With a profoundly sincere sense of humility, we at the World Mind present our first issue. Please join us in addressing what are surely some of the world’s most interesting and contemporary challenges in the pages that follow.

William Kakenmaster
Executive Editor
The World Mind is published at American University in conjunction with Clocks and Clouds Undergraduate Research Journal.

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Chinese and Vietnamese Strategies for the South China Sea Dispute

Chinese aggressive, legal, and diplomatic tactics in the South China Sea
By Erin Bovee

China’s recent infrastructure and military developments in the South China Sea have aggravated tensions between multiple countries for several decades now, especially with neighboring Vietnam, and the issue has grown more important to the south Asian region and its allies in previous months. The recent diplomatic strategies and possible future moves of both China and Vietnam differ in approach: the more aggressive China is unwilling to halt development of an airfield and use of oil rigs in the region, while Vietnam is pursuing primarily legal and defensive measures against what it claims as a Chinese invasion of territory. I will give a brief contextual overview of the South China Sea dispute’s overlapping claims of sovereignty of several island chains. I will then outline the most recent foreign policy and diplomacy decisions made by the Chinese and Vietnamese governments, with a focus on the somewhat nebulous Chinese policies. Finally, I offer several predictions about how China and Vietnam are likely to react in the immediate future regarding the claims over the disputed islands, based on their current diplomatic trajectory.

Context of the South China Sea Dispute

The dispute in the South China Sea began in 1947 when the Chinese released a map updating their territorial claims to include, among others, both the Paracel and Spratly island chains. The Chinese seizure of the Paracel islands from Vietnam followed in 1974, along with a brief conflict between China and Vietnam in 1988 over the Spratly islands which resulted in the deaths of 74 Vietnamese and the loss of 3 Vietnamese ships. Despite anger from Vietnam over these actions, international tensions in the region simmered but did not result in military action. Instead, China and the Association of Southeast Asian Nations (ASEAN) completed and signed a nonbinding Declaration of Conduct for the area, which was approved by the Chinese government. This did not stop China from claiming sovereignty in the region and pursuing infrastructure development, and in 2012 the creation of Sansha City, an armed government outpost, sparked anti-Chinese protests in Vietnam. Further exacerbating tensions, China installed an oil rig, complete with an armed flotilla, only 120 nautical miles from Vietnam’s coast in 2014, a distance considered far too close for the Vietnamese. More importantly and explained below, this rig is within the Exclusive Economic Zone of Vietnam. Certain aggressive engagements between the two countries, including Chinese boats non-fatally attacking Vietnamese boats, threatened to dissolve into armed conflict; however, the situation de-escalated as China agreed to move the oil rig...
further away.

Most recently, China successfully completed the construction of an airfield on a reef in the Spratly islands, referred to in China as the Nansha islands. On January 9th, the Chinese tested the airfield by landing a civilian plane. As a result, the Vietnamese government issued a protest to the Chinese embassy and the UN, claiming the act violated Vietnamese territorial sovereignty.

Under the resolution adopted by the UN Convention on the Law of the Sea, Part V, articles 55-75, Exclusive Economic Zones (EEZs) extend a coastal nation’s sovereign rights and duties to a zone no more than 200 nautical miles around the country. A separate Vietnamese declaration specified the EEZ to extend the full 200 nautical miles around the country, with its territorial sea extending 12 nautical miles from the coast. Crucially, the state in control of a given EEZ retains the rights over natural resources, as well as the building and maintaining of any structures or artificially constructed sites, whether for the harvesting of natural resources or not. China, by building oil rigs and airfields within Vietnam’s designated EEZ, and by claiming territories within the EEZs of other countries like Japan and the Philippines, is in direct violation of the UN Law of the Sea. By the time of this declaration, however, China had already asserted the territories were within its sovereign control, making it possible for the Chinese to exploit this loophole in the EEZ boundary regulations.

Recent Chinese Foreign Policy and Diplomacy

Chinese foreign policy in recent years has been a mix of isolationism and interference marked by the steadfast support of their state sovereignty and economic interests. There have been several noticeable shifts in Chinese diplomatic strategy in the past few years, however. Until mid-2015, the Chinese subtly but undeniably claimed the aforementioned territories in the South China Sea. Essentially, the Chinese diplomatic strategy employed towards these issues is one of delay and, if not full, at least superficial willingness to proceed without declaring or engaging in serious aggression. Scholars Shih Chih-yu and Yin Jiwu examine the dichotomy of China’s focus on national interest and belief in a harmonious world order. They conclude that, in regards to the South China Sea conflict, China has given mild concessions (including moving its oil rig further out to sea and agreeing to a non-legally binding declaration of conduct, explained below) in order to avoid diplomatic isolation from Vietnam and other Asian nations, but remains committed to its claims to the disputed territories. In the 2002 Declaration of the Conduct of Parties (DoC) in the South China Sea, which was negotiated in the ASEAN, China conceded that the territory was disputed, rather than entirely within Chinese territorial sovereignty. The declaration also stated the signing parties would not use military force and “exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability.” This may not seem like a victory for Vietnam and other Asian nations contesting China’s territorial claims, but combined with the DoC meant China does, to a certain extent, show willingness to cooperate within the existing international order. The lack of legal formality of the DoC and a failure to translate the declaration into operating policies means China has not stopped developing its airstrip and clashing with various navies in the decade and a half after its signing, and supports Shih and Yin’s “harmonious disciplining” theory of Chinese foreign policy. China’s engagement with fishing boats around the shoals and its expansion of military-capable infrastructure are certainly aggressive; congruently, China’s careful use of non-naval ships in these engagements and its agreement to participate in transnational diplomatic channels like
ASEAN are meant to delay outright retaliation. Essentially, China walks the line between blatant aggression and token diplomacy meant to pacify other regional actors. Significantly, Shih and Yin expect China’s agreeable but mildly aggressive diplomatic strategy to continue as long as “global influences are not direct,” highlighting the unwillingness of the Chinese to engage in aggression with powers outside the region on the South China Sea issue. Escalated tensions between China and the US in the region fail so far to incite any real action between the two countries aside from government statements.

Others view recent Chinese foreign policy as softer and more flexible in the previous few years. In Foreign Policy, Robert Manning notes that the Chinese have made legitimate and considerable attempts to repair relationships with Vietnam, the Philippines, and Japan, as well as other neighbors in the region. Manning credits this in part to cooperation on other issues unrelated to the South China Sea, such as Chinese involvement in the Middle East and its Asian Infrastructure Investment Bank (AIIB) project, a new World Bank-scale investment project. What is important to note is the increasing relevance of the AIIB to China’s domestic and foreign interests. In a recent talk, Professor Erik Berglof noted that the AIIB was both an attempt to provide strong economic support to entire region, but also to counteract and change China’s lack of influence in the International Monetary Fund and the International Development Bank. Manning also recognizes that China was no doubt carefully monitoring the threat of “global influence” mentioned by Shih and Yin. The US remains in strong ties with many competing countries in the region with notable military defense pacts with Japan and the Philippines in particular.

Recent Vietnamese Foreign Policy and Diplomacy

It is both difficult and unfair to compare the strategies of China to Vietnam, and indeed to those of other countries such as the Philippines, because of the difference in scale of power between the two. Vietnam has less leverage over China due to the weakness of Vietnam’s economy, military, and influence relative to China. Chau Bao Nguyen’s July 2015 article concludes that military aggression towards China is not an option for Vietnam, a reality reflected in Vietnam’s limit to verbal outrage. However, the Vietnamese remain adamant and defensive over the South China Sea islands—in particular the Paracels and Spratlys. Vietnam continues to uphold its original territorial claims that contest with Chinese declarations in 1947 and asserts their national sovereignty over the area through their EEZ mostly through government declarations. Vietnam does, however, have the legal upper hand: Vietnam appealed to the UN Commission on the Limits of the Continental Shelf separately but in conjunction with the Philippines, and more importantly, The Hague agreed to hear an arbitral trial over the dispute. In terms of military alliances, Vietnam has the arguable advantage: China’s foreign policy in the region revolves around the lack of global power interference, especially from the United States, while Vietnam is supported by the US’s military. The Philippines and Japan, also key US allies, back Vietnam’s complaints against China. The South China Sea issue was brought to the table when Vietnam and the US entered further cooperative negotiations following the 2014 oil rig incident. The Philippines, Japan, Malaysia, and other Southeast Asian countries also support Vietnam’s position and have a particular interest in keeping Chinese military capability outside of their own EEZs. A combination of international pressure and Vietnamese anger over the 2014 oil rig incident did result in China moving the oil rig further
away from Vietnam’s coastline. While this should not be considered a full victory for Vietnam—China is still inside their legal territory, with no plans to leave—it shows China’s reluctance to fully break diplomatic ties with Vietnam, as well as the power of international leverage, even within the region.

What to Expect Next

The South China Sea dispute is one that is still evolving, though at a very delicate pace. Serious damage could be done should the Chinese move too aggressively against key US allies and it is well within their best interests to not antagonize the US into an actual military conflict. Concessions over cybersecurity in the past two years and the cooperation seen at the COP21 environmental conference are just two pieces of evidence in the case against the Chinese wanting to provoke the US. China is likely unwilling to completely alienate the rest of the countries involved, since President Xi’s diplomatic efforts have been far too great within the countries involved to disregard, and because the success of the AIIB, which would have far-reaching positive consequences for China’s economy and reputation, is a far more important issue. This is not to say that China will agree to back off from the intrusion into whichever islands they claim over Vietnam or the Philippines. China can continue to develop the area in dispute while Vietnam and the Philippines protest through various methodical and soft-handed international organizations. China has already seen that it can get away with slow progress, soft concessions to organizations like ASEAN, and superficial diplomatic efforts in regards to its presence on the disputed islands. More blatant aggressive acts like those against fishing boats has not been enough to garner more than an increased US presence in the region; at this point, China is betting (and relying) on the entire region’s unwillingness to escalate the situation. A truer test of China’s desire for the islands will come if any country in the region is offended or threatened enough to fire upon another. That will almost certainly involve the US and other international powers and cause China to reassess the importance of perceived national sovereignty relative to harmony in the region.

The Vietnamese, on the other hand, have limited options in terms of recapturing the area currently held by the Chinese. Modernizing the navy was not enough to make Vietnam a threat to China, but maintaining US and broad international support on the issue did cause a reaction. The best strategy currently for Vietnam is to petition for change within ASEAN and the UN on proper legal grounds and maintain in close contact with other powers in the area. Potentially, advocating on these broad platforms could give Vietnam the support and international pressure it needs for China to lessen its advances without the use of international military action.

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Impuissant Islands: Yakuza Influencing Japanese Sovereignty
Exploring Japan's struggles with the influential crime lords
By Andrew Fallone

Japan has a long history with organized crime, and the recent propagation of corruption has undermined Japanese state security by influencing crime and banking regulations. The Yakuza, Japan’s breed of organized crime, involve themselves in nearly all levels of the economy and society, and have been accused of playing a prominent role in hindering Japan’s economy. To be categorized as a transnational organized crime network, political theorist Phil Williams postulates that a group must have a formal structure, regular illegal activities, and strategies. The Yakuza have bribed and corrupted some politicians into becoming their puppets in order to advance their own illicit political and economic interests. Williams demonstrates the problems that can come from the prevalence of organized crime actions such as those by the Yakuza and the power they command, positing that “[t]ransnational organized crime activities [...] fundamentally challenge sovereignty of states.” The Yakuza utilize bribery to create venal politicians, weakening the nation’s law to serve their corrupt interests. That, compounded with operating on such a large and unchecked scale, demonstrates that the activities of the Yakuza in Japan undermine the state’s power by showing it incapable of regulating actions in and across its borders. Thus, Japanese Yakuza fundamentally challenge the sovereignty of the state government in Japan through the use of corruption, manipulating domestic criminal and banking policy, and serving as a surrogate government in some cases.

Corruption demands that members of state government perceive that they can benefit from illegally accepting bribes and shares of the Yakuza’s profits, and such is the case within Japan. Underhanded politicians know that if they create policies favorable to the Yakuza, then the criminals will be more successful and be able to continue to bribe them. The corruption is so ingrained in Japanese political culture that the head of one Yakuza gang had all charges against him dropped when a case was brought against him, and the mayor of Nagasaki was assassinated in 2007 when he attempted to cut ties with the Yakuza. The impact of corruption is not a matter of how prevalent it is, but how effective it is when it occurs; in Japan, as critic Stephanie Nakajima puts forth, “... it is the fact that criminal elements and corruption have infiltrated the very structure of Japanese governance that makes it so dangerous.” Although we typically examine cases of particularly effective transnational criminal organizations in states with weak governments, they can also be effective within states with strong governance. Within Japan, the Yakuza have infiltrated society by procuring significant funds. In order...
to achieve this affluence, the Yakuza have utilized corruption strategies to bribe politicians into rigging the system in their favor. Thus, if leaders are motivated by personal gain, they will be more susceptible to corruption, allowing for Yakuza in Japan to challenge the sovereignty of the state by buying out politicians, such as in 2007, when the Transportation Minister in Japan admitted to receiving $6,000,000 from a Yakuza organization. This corruption could be motivated by the fact that by cooperating, politicians and Yakuza can mutually achieve greater benefit from their activities, for the Yakuza can operate unhindered and the official can profit more from larger bribes resulting from the policies which allow for criminals’ increased returns. The gaps in government control within Japan allow the Yakuza to influence policy to their advantage and reflect long-term failures within the government. The Yakuza have crossed a line from exerting what corruption researcher Eric Messersmith calls “primary corruption” to “secondary corruption,” in which the perpetrators do not fear prosecution and their activities hinder legitimate economic development. The Yakuza’s political corruption is on such a widespread scale that it challenges Japanese sovereignty.

The Yakuza operate relatively unhampered by government regulation, further challenging state sovereignty by operating in direct opposition of the law, and aided by politicians supposed to be fighting against them. The aforementioned governmental corruption has been utilized by the Yakuza to allow them to create conditions conducive to their illicit activities. In short, the Yakuza are perverting Japan’s government for their own profit. Systemic corruption within Japan has created what Williams would call a “political-criminal nexus.” The Transportation Minister who accepted millions from a Yakuza organization was allowed to retain his position, and even more worrying, in 2012, the prime minister of Japan sparked outcry when he appointed a heavily Yakuza-affiliated Justice Minister. The Yakuza have achieved what Williams calls a “functional hole” through their use of corruption—directly challenging state authority by rigging the rules in their favor. One lawyer went as far as to say that “[t]here is an institutionalized culture of illicit money-making in the NPA [the Japanese police], and since it has gone on for so long it is now very deep-rooted.” Indeed, the corruption is so endemic that bribery takes place casually and publicly, and politicians are reticent to confront Yakuza because of their reliance on them for campaign funding. The Yakuza have created an environment which allows them to operate outside of the state, which poses a threat to the state’s authority.
how the police even operated outside of the state themselves—this illegal behavior is the result of a corruption-culture exacerbated by Yakuza activities. The Yakuza have even been able to influence criminal policy in their favor, breeding further police corruption, as the newest anti-Yakuza laws are incredibly vague, which allows for the police to interpret the laws as they please. The Yakuza are so free from the jurisdiction of the state that the police will often just entirely overlook their transgressions. By controlling the body which is supposed to control them, the Yakuza operate as an extra-state entity, thereby challenging governmental organs’ autonomy over segments of their population and territory—two of the basic requirements for sovereignty.

The Yakuza further erode Japanese sovereignty by corrupting the banking sector. The lack of an enforced regulatory framework designating who can receive bank loans can not only result in commercial benefits for the criminals, but it can also detract from the economic abilities of the government. In 1991 one Tokyo bank extended a loan of ¥30 billion ($222.2 million) to a well-known Yakuza organization, money that could have been used to develop legitimate businesses which in turn can actually be taxed by the government, unlike the Yakuza. For Japan to reassert its authority, some critics argue that it should extract “the yakuza [sic] from the policy-making areas of the Japanese banking system.” Currently, some of the biggest operations the Yakuza have undertaken involve economic and commercial crimes such as embezzlement and money laundering, due to increased governmental pressures that push them into a more covert role. Yet, these new operations have proven largely ineffective. The Yakuza are able to take out loans from a corrupt banking system with no expectation of ever repaying them, and then invest those sums in their racketeering operations. This has plunged the Japanese banking industry into trouble, negatively impacted the Japanese national economy, and left the government struggling to compete with the Yakuza as a result.

Beyond acting for their own commercial benefit, the Yakuza in Japan have also gone as far to act as a surrogate government when the legitimate one has been unable to do so, further illustrating a breakdown in state authority. When the 2011 Tohoku earthquake and tsunami decimated the islands and compromised the Fukushima nuclear power plant, the Yakuza were the among the first to react, providing food and preventing looting, as well as supplying many of the “Fukushima Fifty” who sacrificed their safety to stay behind and work to stabilize the critical plant. This comes after the Yakuza had already previously intervened on behalf of the people in the same way after the 1995 Hanshin earthquake that devastated Kobe, Japan, where the Yakuza provided aid and relief before the government could even respond. Both of these instances are indicative of the fact that the Japanese government is failing in one of its sovereign obligations: to provide for the welfare of its people. Despite the Yakuza helping the legitimate government take care of its people, the fact that it is the gangsters and not the government doing it erodes the power of the government in the eyes of its people. As Williams forwards, when a government cannot do its job and a crime syndicate steps in and does it in its place, it can only benefit the organization and reflect badly on the government in question.

By utilizing bribery and policy influencing strategies, the Japanese Yakuza have been able to create a functional hole in which they are unhampered by police and economic regulation, and can serve in the government’s place. Their actions demonstrate how the balance of power is shifting away from the state in Japan, allowing for transnational criminal organizations like the Yakuza to play a larger role in Japanese state-making.

As it has been demonstrated, the Yakuza
are ingrained deep into the core of Japanese society, yet the nuanced nature of the relationship between the pseudo-benevolent gangsters and the Japanese people they supposedly serve is difficult for someone with a Western perspective to fully understand. They see themselves as the gentlemen protectors of the people, the new-world Robin Hoods looking out for the general welfare of the underrepresented populace. They have formal offices, business cards, and even fan magazines. Especially in rural areas, further removed from direct government contact, the Yakuza command great sway because of the special relationship they have with the Japanese populace. On New Year’s every year the Yakuza would give children cash-stuffed o-toshi-dama envelopes, and at Halloween they would play along and let children rob and extort them before the government banned public Yakuza operations in 2011. It is because of this unique relationship between the criminals and the common people of Japan that the Yakuza’s influence cannot be fought in the traditional ways.

I postulate that if Japan’s government wants to reclaim the power that the Yakuza have eroded away from it, it must do three things: disentangle the government, provide better for its people, and increase transparency. The government has been complacent in combating if not entirely complicit in allowing the Yakuza to be involved in both Japanese society and governance. There exists a culture of corruption that has led politicians to see the Yakuza as an almost necessary part of the lawmaking process. In rural parts of the country the Yakuza act as almost a second municipal government. There are some observers who posit that the new efforts by the government to disinvolve with the Yakuza could turn them violent and end up making Japan less peaceful, such is the extent of the entanglement. Full scale rejection of the corruption-ridden culture is Japan’s only path to success. Secondly, the government needs to take a more active role in providing for its people in disaster relief and work to ensure that they have effective local governments. In a democracy, the power of a government comes from its ability to supply services to its constituents. Only when Japan fails its people do they turn to the Yakuza. Lastly, the next step to move forward after repairing all the damage already done is to increase government and campaign finance transparency so that one as ridden with corruption will never develop again. Japan is being impacted by the illegal activities of the Yakuza almost implicitly intertwined with their politics, and must work even more aggressively than it already is to combat them.

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Brazils Trilemma

Brazil faces bleak economic, political, and social outlooks in 2016

By Gretchen Cloutier

Brazil is facing a challenging economic, political, and social landscape. The economy is expected to contract by 3 percent this year and the real, Brazil’s currency since 1994, has depreciated sharply against the dollar. Standard & Poor’s, the U.S. credit-rating agency, has downgraded Brazil’s investment-grade credit rating to “junk” status. Unemployment has also increased, with 100,000 formal jobs disappearing each month. Current president Dilma Rousseff is facing impeachment proceedings, a corruption scandal, and her approval rating has sunk to single digits. Ahead of the 2016 summer Olympics in Rio de Janeiro, water pollution remains a significant challenge, and social tensions are heightened over accusations that the government has funneled spending away from social programs and into building Olympic infrastructure. This grim economic situation combined with unraveling political and social situations sets a difficult course for Brazil in the coming year.

Although a shift away from the dominant policy paradigm of state capitalism, in which industry is privatized but still heavily influenced and guided by the state, seems unlikely due to long-standing precedent and nationalism, Brazil’s economic performance is probably going to get worse before it gets better. Fiscal discipline is needed to lower the deficit, reduce inflation, and restore confidence in the real, but this will likely result in further deterioration of the social and political situation because these unpopular economic measures will be undertaken with little outside support. Brazil’s penchant for state capitalism is evident in cases like Petrobras, an oil company; Banco do Brazil, a bank; and key electric providers, such as Electrobras. These formerly state-owned companies have been privatized and the majority of share holdings have been sold off, yet the state has retained enough minority shareholdings in ways to reinforce the state’s influence over the industry. Ironically, shares of these companies were originally sold off in order to balance the budget. However, the persistence of state influence in these companies has made investors wary. Although complete privatization of the industries may help restore confidence for investors and boost the economy, Brazil’s nationalist sentiments are unlikely to allow this to happen. Petrobras represents a major source of revenue and is a symbol of state pride. Brazil is unlikely to let this industry slip entirely from its grasp, no matter the economic situation.

Under the administration of leftist President Luiz Inácio Lula da Silva (affectionately called “Lula” by his constituents) from 2003 to 2011, Brazil thrived. When Lula first came to office, the economy was in peril.
amid fears that Brazil would default on its debt. Thus, Lula cut government spending and raised interest rates in order to stabilize the economy and achieve a fiscal surplus. It worked. He then implemented a three-pronged economy policy: fiscal surplus, inflation targeting, and a floating exchange rate. In addition to these macroeconomic stabilizers, Lula focused on improving the microeconomic situation of Brazilians. This emphasis on social welfare ushered in the Bolsa Família conditional cash transfer program, which provided money to female heads of households for sending their children to school and making sure they receive vaccinations. Consequently, 36 million Brazilians were lifted out of extreme poverty and the middle class expanded rapidly during Lula’s two terms in office. Additionally, real wage increases, expansion of credit, and increased employment all contributed to the rise in living standards witnessed by Brazilians. Those living in the historically poorer eastern side of the country, women, and ethnic minorities especially benefitted from these social programs. The economic success of this era stuck with Lula’s Partido dos Trabalhadores (PT, Portuguese for Worker’s Party) and helped ensure the election of the party’s successor, President Dilma Rousseff.

However, Dilma has been unable to translate Lula's policies into a healthy economy. We see an attempt to achieve a fiscal surplus, with a target of 1.2 percent for this year, according to the Economist. Although Brazil has since recovered from a period of hyperinflation, inflation still remains at 10 percent, higher than the regional average with the exceptions of Venezuela and Argentina. Finally, a floating exchange rate means that the market is left to set an efficient rate, but for Brazil's faltering economy this results in a depreciating real. Brazil has officially entered recession, and the economic outlook is poor. Congress is struggling to make necessary budget cuts while also facing limited borrowing options due to the credit rating downgrade. Furthermore, microeconomic growth and social spending have stagnated.

Brazil’s weak economy is complicated by problems in the political and social spheres. The country faces a multitude of hazards including jarring inequality, social unrest, and corruption. Protests erupted in 2013 over increased bus fares, and quickly devolved into violent clashes and strikes over general discontent with the government. Reforms promised by Dilma in an attempt to appease protesters never materialized, and the social unrest continues. More recently, Brazilians have taken to the street to call for President Rousseff’s impeachment and protest Olympic spending and the economic crisis. Government funding and resources have increasingly gone towards building World Cup and Olympic infrastructure instead of towards affordable housing, roads, and other necessary provisions for the Brazilian people. Furthermore, although social programs like Bolsa Família helped reduce extreme poverty, inequality remains a prominent characteristic of the Brazilian economy. The Gini coefficient (a measurement of inequality with a score of 0 representing perfect equality and 100 representing perfect
inequality) of Brazil stands at 52.9, according to the World Bank, while most South American countries average a coefficient between 40 and 50. The disparity in income equality in Brazil is clearly observed in the favela slums that surround urban centers, where violence and crime are rampant and the rule of law is incredibly weak.

Politically, Brazil is headed for crisis, with President Rousseff at the center of it all. She is currently facing impeachment proceedings for violating Brazil’s budget laws, although we are unlikely to see a definitive outcome of these proceedings until spring of 2016. Arguably worse, she is also at the center of a corruption scandal enveloping the PT party, in which politicians are accused of accepting $4 billion in bribes in exchange for unfairly improved contracts with Petrobas. Corruption is not new in Brazilian politics. In fact, the Mensalão vote-buying scandal during the Lula administration resulted in the resignation of several top advisors. However, due to the economic success of Lula’s term, it barely made a dent in his popularity and he went on to be re-elected in 2006. Dilma, on the contrary, has not been blessed with the mask of a healthy economy, and this corruption scandal is further eroding her legitimacy as president.

Brazil faces a trilema of economic, political, and social crisis. The current economic policy is unsustainable, as it is failing to produce the successful results it once did under the Lula administration. Digging the economy out of recession, reducing inflation, increasing employment, and restoring faith for international investors must become priorities. Furthermore, attention must also be paid to the microeconomic situation in Brazil. The government can no longer push aside the social problems plaguing Brazil, as inequality, violence, and crime create vulnerability, which economic instability only exacerbates. Political crisis also mutually reinforces economic and social problems, as investors become unwilling to invest in a politically unstable country and social unrest is fomented. Significant—and likely painful—institutional reforms are needed to fix the economy, keep politicians accountable, and improve the social situation in Brazil.

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Tunisia: Secularism, Political-Islam, and Democracy

Tunisia's secular and religious divide, and why it did not hinder democratization during the Arab Spring

By Adam Goldstein

On December 17th, 2011, a Tunisian street vendor named Mohamed Bouazizi lit himself on fire in what many perceived to be a protest against police corruption, a crumbling economy, and the lack of social mobility in Tunisia. Bouazizi’s protest, which ultimately led to his death, initiated a series of events that are now called the “Arab Spring.” Tunisia, Bouazizi’s country, and the site of the Jasmine Revolution, the first of the pro-democracy uprisings in the Arab world, is also one of the few success stories of the so-called Arab Spring because of the successful constitution drafting process and peaceful transfers of power. Historically, Tunisia has been one of the most moderate, pro-western Muslim countries. A strong secular predisposition in former French colonies provided for a more agreeable societal context for a Western style liberal democracy. Because of its history as a former French colony, Tunisia holds a great propensity for successful democratization through its secular predisposition and pro-western leanings.

Tunisia has been part of European colonial interests dating back to at least the Roman Empire. France colonized Tunisia in 1881, and like all colonial entities, attempted to eradicate indigenous culture and replace it with its own. Most notable is the cultural significance of laïcité, or, secularism. In French culture, it is widely accepted that a person’s religious identity is private. As Tunisia decolonized, laïcité remained a valued aspect of Tunisia’s culture. Tunisia held a strong policy of secular rule, which was never seriously contested until the events following the Arab Spring.

Political Islam originated in Egypt as a way to combat European colonists. A French colonial expedition in 1798 routed Egyptian forces, and Egyptian officers learned that they could not successfully counter European military prowess. In order to counteract European meddling within the Middle East, Muslim leaders formed the Salafiyya movement, which stipulates a parochial interpretation of the Quran. In 1929, an Islamic scholar named Hassan al-Banna founded the Muslim Brotherhood, the first iteration of modern political Islam as it is understood today. Political Islam was initially an anti-colonial opposition movement to Western and Christian influence on Egyptian politics, swiftly spreading throughout the region. Religious opponents of the secular regime in Tunisia subscribed to political Islam as a form of contention.

In Tunisia, religion served as a catalyst for democratization, Ennahda, an offshoot of
the Muslim Brotherhood was a central player in all aspects of Tunisia’s transition. As an Islamist party, Ennahda was in a position to centralize power in the hands of religious leaders rather than political ones, yet they did not, helping to further Tunisia’s transition. One of the requirements of a democracy is the dilution of power through multiple centers of power. Religion could be a tool for democratization, as it was in Tunisia, or one for enforcing authoritarian rule, as it is in other countries. When civil rights, including religious rights, are respected, as in Tunisia, religion enhances democracy. In countries like Saudi Arabia, for example, religion is used to suppress rights. In the latter case, minorities are marginalized and oppressed, because the will of the majority trumps minority beliefs. Without multiple centers of power, individuals can consolidate power and create an authoritarian regime.

Tunisia’s attempt at democratization has been, relative to other Arab Spring countries, a resounding success through its transitory and consolidating periods. Power between Ennahda and Nidaa Tounes, a secular party, was peacefully transferred in the 2014 parliamentary elections. Tunisia’s decision to opt for a parliamentary system will prevent consolidations of power like those that occurred under the Imperial Presidencies of Habib Bourguiba and Zine al-Abedine Ben Ali and will allow a more diverse range of political parties to come into the fold. In 2014, Tunisia’s voter turnout was 68%, which is above the average turnout for new democracies. Civil society is respected, Islamic elements are allowed to contribute to politics, and there have only been peaceful transfers of power. While time will tell, it is becoming increasingly clear that Tunisia’s attempt at Western style democracy stands a robust chance of long-term success.

Modern Tunisia

In 1957, Tunisia achieved independence from France largely due to the efforts by the Neo Destour, or the New Constitutional Liberal Party (NCLP). The NCLP was a Tunisian nationalist party subscribing to Bourguibism, a term named after Habib Bourguiba who was independent Tunisia’s first president. Bourguibism mandated policies of state capitalism, or blurred lines between the public and private sectors, and Tunisian nationalism and secularism, of which the main goal was a repression of political Islam. According to Middle East expert Michael Hudson, Bourguiba wished for Tunisia to act as a conduit between the Western world, and the Islamic world. The NCLP’s policies concerning the modernity of Tunisian culture can be named as causes for the more egalitarian Tunisian stance on women’s rights and diversity. Finally, Bourguibism was non-militarist. Bourguiba frequently argued that Tunisia had more pressing concerns than maintaining a powerful military apparatus. Funding that under other circumstances would be directed towards the military, instead went toward the development of the economy and other civil or state institutions.

**Tunisia’s attempt at democratization has been, relative to other Arab Spring countries, a resounding success through its transitory and consolidating periods.**

After exiling or imprisoning his rivals, Bourguiba finally consolidated power and he outlawed all parties besides his own. Western countries tolerated Bourguiba’s regime because he was secular and open to Western investments, despite his authoritarian policies. Bourguiba’s Tunisia was run as a secular state, and although religion was allowed, the state
brutally repressed any political applications of religion, preventing a large percentage of more conservative, rural, citizens predisposed towards Islamist-politics—something that would come to a head when the Ennahda party came to power in 2011. The suppression of political Islam under the imperial presidents facilitated its explosion during the onset of the Arab Spring.

In the early 1980s, Europe’s economy was faltering, and Tunisia, dependent on a thriving European economy, suffered as well. Bourguiba sought a loan from the IMF in order to bolster Tunisia’s economy, and it was granted in 1983. Strict austerity, however, was an IMF prerequisite for the loan and ultimately caused inflated bread prices, which further damaged the already weak agricultural sector of Tunisia’s economy. Riots began in the poor Nefzaoua region in Tunisia’s south, and ultimately spread throughout the country. Bourguiba’s attempt at quelling civil unrest killed over 100 civilians. Thousands of people were jailed and critical newspapers were shut down. The Islamic Tendency Movement (MTI), founded and led by Rashid Al-Ghannushi, faced the harshest retribution. MTI was an offshoot of the Muslim Brotherhood, and the forerunners to the Ennahda party.

Bourguiba’s health declined in the 1980s and ultimately left him unable to rule. In 1987, Zine el Abidine Ben Ali came to power in a bloodless coup. Ben Ali began his career as a military officer, and became the Interior Minister before his appointment as Prime Minister in 1986. Ben Ali’s regime, like Bourguiba’s, was authoritarian. Censorship of the press continued, the constitution was amended to allow for Ben Ali to remain in power, and Islamist groups, many of which existed under the al-Nahda party (formerly the MTI party), were repressed and hundreds were imprisoned, tortured, and killed. Islamists in Tunisia helped to facilitate the democratic transition, and because of their experience as an oppressed group, helped to enhance it as well.

In 2011, the first of the popular “Arab Spring” uprisings, called the “Jasmine Revolution” began. Many people were upset with the continuance of the totalitarian system under Ben Ali, along with the poor economy and rampant corruption. Islamist groups, however, did not orchestrate the Jasmine Revolution, and secular traditions were still dominant. Unlike Egypt, where the Muslim Brotherhood co-opted anti Mubarak protests, Tunisia’s Islamist-party never became the major the anti-government actor.

Amid raging protests, sustained levels of economic depression and a lack of political and military support, Ben Ali resigned and left Tunisia for Saudi Arabia. A new constitution was drafted, going through many incarnations with Islamists playing a large role in its formation. The Ennahda party (formerly the MTI and al-Nahda parties) initially advocated for a more Islamic government rooted in Sharia, but tempered their demands when faced with the political realities of a culturally secular Tunisia. Monica L. Marks, a political scientist at the Brookings Institute argues that:

On the place of sharia in the constitution, for example, the party ultimately opted not to include the word. While Ennahda members do look to sharia as an ideal ethical framework, most members accept a more abstract, ethical definition of Islamic law (focusing on social justice, equality, and good governance). Key members of the Shura Council were persuaded that this was the appropriate course of action for the party, keeping itself a relevant and viable political player.

The Ennahda party recognized that in order to institute any modicum of Islamic values in Tunisia, it would have to moderate its platform from the outright Islamic rule that is
the position of groups like the Muslim Brotherhood. In the 2011 parliamentary elections, Ennahda led the “troika,” a coalition of Ennahda, the Democratic Forum for Labor and Liberties, and the Congress for the Republic to a resounding victory. The Troika controlled 117 seats, and Ennahda held 89 seats itself. It is clear that Ennahda held a significant amount of support within Tunisia, but its inability to maintain that majority in the 2014 elections (Ennahda went from 89 seats to 69, and lost the plurality to a secular party), suggests that its dominance of the political realm directly after the uprising was more of an anti-establishment explosion than a recognizable trend in Tunisian politics.

Although Ennahda lost seats in 2014, it is second only to the majority Nida Tounes, a center-left, secular party. Of the five strongest parties in Tunisian politics, four of them are secular. The plurality of secular parties prevents their constituents from uniting unless a coalition is formed. Ennahda is one of the only representatives for Islamists. For the most part, tensions between political Islam and secular parties in Tunisia have thus far been handled through negotiation, rather than violence. Despite a significant portion of the population supporting Ennahda, the government established by the constitution has remained solvent, rather than backsliding into dysfunction.

Although Tunisian civil and political societies are largely dominated by a plurality of secular groups, political Islam is a considerable force in both the country and the region. Approximately 99% of the country is Sunni Muslim, and after surviving the anti-religious policies of Bourguiba and Ben Ali, they would not want their rights to be suppressed again. The type of oppression Egyptian President Sisi instituted over Islamists led them to violent extremism in the Sinai Peninsula. If Tunisian secular groups prevent Islamists from participating in government, it is possible that they will turn to violent opposition as well. So far, Ennahda’s inclusion in Tunisian politics presents a hopeful scenario because political Islam is included in Tunisian politics, if the current trend holds, any future disputes will be settled democratically.

Tunisian society appears both more inclusive and more moderate than other Arab countries. Tunisia’s embrace of women’s rights, political Islam, and secularism facilitate a culturally diverse and vibrant country. Tunisia’s decision to implement a parliamentary system instead of a presidential system is a further indication of its inclusiveness and willingness to tolerate a diverse range of political views, as well as to prevent power from being consolidated by one person.

Conclusion

Tunisia’s democratization is thus far a success. A culture of tolerant secularism and inclusion has allowed Tunisia to incorporate Islamist elements into its politics without centralizing power. Tunisia’s two post-revolution elections—2011 and 2014—were conducted fairly. Ennahda moderated its position instead of acting intransigently, allowing Tunisia’s democratization to progress. A multitude of political perspectives, though secular at their base, are represented in Tunisia’s government, and such inclusiveness will help combat future instability. The common ingredients for a democracy are present: minority rights; frequent and fair elections (so far); dilution of power; increasing freedom of press; and most importantly, Tunisians themselves want it. After struggling against two dictatorial leaders and through an arduous revolution, Tunisia stands on the precipice of a truly consolidated democracy.

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France’s State of Emergency

After the Paris attacks, France increasingly forgoes civil liberties for supposed security

By Erik St. Pierre

After threats, or attacks upon a country’s security such as the recent terrorist attacks in Paris, a state will most likely strive to undertake measures to reestablish security and prevent future attacks from occurring. However, the steps a state undertakes to do this must be in line with the rights and freedoms their citizens are entitled to under the United Nations Universal Declaration of Human Rights, which every UN member is expected to promote and protect. After 9/11 the United States attempted to prevent future terrorist attacks by a number of measures. However, not all of them, such as the CIA torture program and NSA mass surveillance program, respected human rights. Fortunately, due to a collected public outcry, the CIA’s use of torture is no more, and many aspects of NSA’s mass surveillance that infringe on a person’s right to privacy are currently under heavy scrutiny. However, the same environment of fear that lead to those programs still lives today.

Following the recent Paris attacks in November by a group of individuals linked to ISIL, France’s President Hollande enacted a state of emergency. This state of emergency gives regional authorities a number of powers such as setting curfews, forbidding public gatherings, etc. However, what makes this state of emergency significant is that it gives authorities the ability to conduct raids and enforce house arrests without a warrant. Without judicial oversight, French authorities have been allowed to conduct anti-terrorism operations with no consequence. This has led to an extensive police presence, overuse of raids, and abuse of house arrests by the French government. However, rather than actually being effective against terrorism, France’s state of emergency has only created an environment in which its Muslim citizens experience trampled civil liberties and are targeted as potential terrorists with little to no evidence. As a member of the UN, France is expected to uphold the UN Universal Declaration of Human Rights and extend the rights defined within it to all of its citizens. However, France’s extensive use of raids and detention under grounds of state of emergency violates the declaration.

Grey Anderson wrote an extensive background of the state of emergency law in Jacobin magazine, which is best summarized to explain the important role its history plays in the violations of civil liberties in France today. The state of emergency law was first composed in 1955 during the Algerian war of independence. France had a peculiar relationship with Algeria in that rather than viewing Algeria simply as a foreign colony, many French citizens regarded Algeria as part of France. France’s identity became entwined with Algeria’s. In 1955, when Algerian
nationalists took up arms against the French government in a bid for independence, France sought to put down the nationalist movement in a way that didn’t recognize the conflict as a foreign war. Doing so would legitimize the Algerian nationalists and go against the French discourse of France and Algeria as one and the same. Instead of using military action, France thus crafted a law that imposed a state of emergency in which emergency powers were given to French authorities within Algeria as a tool of repression during a time of war. These roots give France’s state of emergency today its repressive nature. Rather than effective anti-terrorism measures that respect civil liberties, the French government has recalled this 1955 piece of legislation that was intended to prevent a free Algeria.

While the law that defines France’s state of emergency is over 60 years old, it was recently updated and enhanced in November when the French parliament extended it for three months. A recent LawFare article written by Daniel Severson, a graduate student at Harvard University, explains the recent updates to France’s state of emergency legislation. The new, 2015 law has significantly broader language than the previous, which has played a significant part in France’s civil rights abuses. The old 1955 law stated that a person could be placed under house arrest if they were involved in activities that “prove to be dangerous to security and the public order.” However, the updated law now states anyone may be subjected to house arrest if there is “serious reason to think that the person’s conduct threatens security or the public order.” The new 2015 law also allows for raids without a warrant upon a place a person frequents if there are “serious reasons to think the place is frequented by a person whose conduct threatens security or the public order.” This broad language makes it far easier for the French government to define terrorist threats and react, but it also makes it far easier for the French government to abuse the civil rights of those who are not affiliated with terrorist groups.

According to the Guardian, there have been 3,099 house raids with more than 260 people detained for questioning, and more than 380 people have been placed under house arrest, including 24 climate activists preceding the November Paris climate summit since the establishment of France’s state of emergency. However, the majority of those who have been affected are French Muslims. In addition, the Guardian claims that of the 3,099 raids, only 4 have resulted in “judicial proceedings linked to terrorism.” It is obvious that most of the raids and detentions are conducted on little to no evidentiary grounds if out of more than 3,000 raids only 4 have resulted in actual court cases. Lack of judicial oversight has led to the French government acting in a dangerous and lawless manner with many innocent citizens being put in harm’s way. For example, in a video a Muslim man describes and shows the results of a French police raid upon his home. His daughter was hit in the neck by shotgun pellets when they shot the door open and his home was upturned. In an interview with Democracy Now, Yasser Louati, a spokesperson for the Collective Against Islamophobia in France, elaborates on
this video and states that the French police had the wrong house, apologized, and then left. Louati goes on to say that carelessness and targeting such as that seen in the described video has created a sense of “outrage and deep humiliation and complete abandonment by the government” within the French Muslim community. With little to no accountability for their actions, the French government is alienating the Muslim community within France.

The UN Declaration of Human Rights establishes a groundwork of civil liberties for every human being regardless of race, religious affiliation, etc. When a state becomes a UN member they must pledge to uphold this declaration and apply it to each of its own citizens. France, however, has violated Article 3, Article 7, Article 9, as well as Article 13 which deal with security of person, representation before the law, arbitrary detention, and freedom of movement, respectively, with its current state of emergency. If France’s raids and detentions actually resulted in prosecutions after extensive evidence of terrorist connection was found before a raid, then yes, the raids would be warranted. However, when 3,000 raids are conducted and only 4 result in prosecutions on grounds of terrorist connections, something is horribly wrong with the anti-terrorism process. Substantial evidence to justify a raid should be found before one occurs, not sought for during. Lack of judicial oversight has allowed for raids to be ordered with little to no justification, which explains the large disparity in France’s number of raids and number of prosecutions. However, this disparity illuminates the heavy-handedness of the French government on the Muslim French community as French police detain people and raid home with no terrorist connections.

Currently, the French government is seeking to extend the state of emergency another three months. The Prime Minister of France, Manuel Valls, recently stated that emergency powers may have to be kept until ISIL is defeated. Frankly, an indefinite extension of these laws is frightening and signal that civil liberties have lost out to supposed security in France. If the French government truly values liberté, égalité, fraternité and its role as a UN Security Council member, it should immediately revise its state of emergency law and add judicial oversight while specifying the law’s language to prevent civil rights abuses. It is well within the French government’s right to do what it feels is best for the safety of its people, however as a member of the United Nations and the Security Council, France’s current actions are unacceptable.

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The Euro Mistake: The Good, The Bad, and Potential Solutions

Creating the Euro was a mistake, but it cannot be undone without serious consequences for the Euro and its member states

By Claire Witherington-Perkins

The Economic and Monetary Union (EMU) consists of a single currency, the euro, and the Eurosystem, made up by the ECB and national central banks of euro member states. The euro, introduced in 1999 in 12 states that “abandoned their national currencies in favour of a European alternative” had been in development since 1992. It now covers 19 EU member states, and for the first time since the Roman Empire, much of Europe has one currency. Member states control their national budgets and structural policies while staying within deficit and debt limits the EMU imposes.

The European Central Bank (ECB), the central bank for the euro, controls monetary policy. Its primary goal is price stability but is also responsible for defining and implementing euro area monetary policy, foreign exchange operations portfolio management, and smooth payment systems in addition to other tasks. Despite the many benefits of the euro, the European Monetary Union (EMU) was a mistake because the negatives, such as asymmetric shocks, outweigh its positive effects, like greater economic integration. However, dismantling the euro would create substantial economic setbacks and is not a viable option, meaning the euro will remain regardless of its problems.

Benefits of a Single Currency

The euro, despite its controversy, has played an important role in the development of the EU’s economic integration. Its introduction lowered barriers to trade, which increased competitiveness of and trade between euro zone businesses. Business contracts are no longer subject to exchange rate uncertainty, increasing certainty and investment while lowering business’ capital costs. The euro has not only stimulated trade, but also the free movement of capital, goods, and people.

The euro has also strengthened the EU’s single market. The introduction of the euro increased transparency and allowed simpler comparison of cross-border prices. With transparent prices, it is easier to see whether the EU single market has achieved price convergence, indicating the level of market integration. Euro zone states will cooperate more closely with one another to create a stable currency and economy, thus making the euro a “tangible sign of a European identity.” Additionally, countries around the world are using the euro for reserves, and some are even pegging their currencies to the euro, demonstrating the importance of the euro and the EU as a global economic power. Since the introduction of the euro, there has been a “stronger presence for the EU in the global economy,” and the euro is “considered a viable
alternative global reserve currency and competitor to the US dollar."

The euro was a major political accomplishment of EU member states, and politicians and citizens believed that the euro "would lead to peace and prosperity." The recent economic crisis proved that the euro, in fact, heightens asymmetric shocks due to the lack of cyclical correlation. Overall, "the euro is an integral part of the economic, social and political structures of today’s European Union," but was ultimately a result of political desire for more European integration rather than an economic motivation.

**Negative Effects of a Single Currency**

The euro created a loss of economic sovereignty and individual monetary policy, making it difficult to respond to national economic problems. The ECB sets monetary policy even if it helps some countries while hurting others in order to act based on "what is good for the whole euro zone, rather than any individual economy." Individual exchange rates can no longer respond to national economic booms and busts, but rather, the euro exchange rate responds to the euro zone as a whole. Eurozone countries can neither devalue their currencies nor use interest rate policy in order to achieve their national objectives. Additionally, the euro weakened "the market signals that would otherwise warn a country that its fiscal deficits were becoming excessive." Although countries willingly gave up their right to control monetary policy, the euro has had an overall negative effect on the economy of many, if not most, eurozone countries.

For instance, Greece is suffering at the expense of the euro. Although Greece began failing before the financial crisis, European authorities failed to intervene at the first sign of trouble. The introduction of the euro lowered interest rates in Greece, who previously had high interest rates, which increased borrowing, leading to more problems. A "Grexit" might end up improving the euro credibility because it would remove a member who "should never have been allowed to join in the first place." The ECB was not supposed to bail out countries, so Greece had to choose either to leave the euro or achieve an unsanctioned bailout. Without borrowing from other eurozone countries, Greece would have failed to pay its national debt or other payment obligations such as salaries or pensions.

The EU and EMU economic governance has been unsuccessful. Despite the fact that the euro helped capital movement within the EMU, it led to the funding of bubbles like the property bubble in Ireland and many eurozone countries still have other barriers such as intense administrative regulations, immovable labor markets, and high business expenses. If individual states have negative economic indicators, they can cause an overall euro depreciation. Finally, the euro was supposed to increase price transparency and bring about a single price, which it has not yet done.

**Optimum Currency Area**

An optimum currency area is "a phrase used in economic theory to define the geographical area in which the conditions are most favourable for sharing a single currency." A single currency implies imposing a single monetary policy, meaning countries must be similar in order for all to benefit. One monetary policy is only appropriate if countries have similar economies and similar economic cultures. In order to have similar economic cycles, member states must have similar shocks, institutions, and policies in addition to economic integration. If a currency union does not have synchronized business cycles, "the common monetary policy does not satisfy the needs of all and may even contribute to cyclical divergence," which the euro zone has been experiencing.
The convergence criteria in the Maastricht Treaty of 1992 addressed exchange rate, inflation, and interest rate stability as well as debt and deficit limits in the attempt to create an optimum currency area; however these convergence criteria should have also considered economic structures, cycles, and political culture. This condition of similarity in the optimum currency area theory implies that “countries suffering from asymmetric shocks should not yet join the euro zone,” which the convergence criteria did not address, thus leading to problems.

Despite the trade and job creation and greater European integration, the euro was mainly a politically motivated, not an economically motivated decision.

There are two main groups in the euro zone with opposite business cycles: the north, or core, and the south, or periphery. The core wants the periphery to take on economic reforms and has allowed the ECB to provide relief to struggling countries in the periphery. Although reforms in the periphery could help the euro, the main challenge is whether those countries will do what is necessary and whether a compromise between the core and periphery is possible. Despite convergence criteria, some periphery countries joined the euro with high debt and deficits. The main problem with the euro that signals that it might not work is that “European economies are too different” and “going in two opposite directions.”

For example, in 2001, the euro zone’s main economies, France and Germany, slowed with increased unemployment while Ireland and Spain experienced a boom. These groups needed opposite solutions; however, the ECB lowered interest rates to help France and Germany prosper, which made Ireland and Spain suffer, contributing to a crisis in the periphery. Similarly, after the economic crisis, France and Germany are booming but Ireland, Greece, and Spain are in a recession, so the “core needs higher interest rates whereas the periphery needs lower interest rates.” Thus, the ECB has a choice to make between inflation in the core or unemployment in the periphery, but since the core has more power within the EU and the euro zone, generally, monetary policy benefits the core and hurts the periphery.

Adjustment mechanisms such as labor movement, price and wage flexibility, and “interregional fiscal transfer payments” that work in the United States when only certain areas are under duress are less likely in the euro zone due to linguistic and cultural barriers, limited labor market reform, and the political impossibility of core countries paying to support periphery countries. Without these mechanisms available to the euro zone as they are to the United States, the euro-area will struggle with asymmetric shocks and divergent cycles among many other difficulties. The euro will not work while the core and periphery have opposite economic conditions with no possible adjustment mechanisms and will further fiscal problems in the periphery because the euro is “a one-size-fits-all policy for fundamentally different economies.” Despite economic changes, “the fundamental problems of forcing disparate countries to live with a single monetary policy and a single rate” persist.

Analysis and Conclusion
As a whole, the euro has been an unsuccessful monetary union for many reasons, most importantly because of the lack of an optimum currency area and the divide between core and periphery economies. Despite the trade and job creation and greater European integration, the euro was mainly a politically
motivated, not an economically motivated decision. However, despite the mistake of this monetary union, the euro is irreversible and will survive because of Germany’s economic influence, risk-averse voters, and potential further ECB powers.

One potential solution to the divergent economic problem is for the outliers to leave. Leaving the euro could be disastrous for both the euro and those countries that leave and thus is not a viable option. If the struggling countries formed a new currency union separate from the core countries’ currency union, there would be greater economic harmonization and more similar business cycles since the periphery and core separately would be closer to creating optimum currency areas. This solution would mean that the separate central banks would be able to help all countries in its optimum currency area by setting one monetary policy. Since the core and periphery states are on opposite boom-and-bust cycles, the ECB is unable to set monetary policy without hurting one set of countries. However, the periphery countries will not want to leave the euro because they desire to be part of a strong currency. If the periphery countries had their own currency, it would be weak even though the monetary policy would be better suited to those states’ economic situations. Additionally, the unplanned change of currency could lead to a market panic or loss of investor confidence, which could spark bank runs leading into another financial crisis. Thus, the breakup of the euro is not a viable future option.

By 2025, the EU plans to increase convergence through legal means and to have established a treasury for the EMU. There is no correct solution to the euro problem, and it is clear that the monetary union was a mistake. The euro will not break up because it would create instability and potential crises. The EU’s plan going forward will not solve all of the euro’s problems nor will it make up for the economic mistake it made by introducing the euro, but it might bring the euro closer to what politicians tried to start. The mistake of introducing the euro is now an important part of the global economy and cannot easily be broken up without economic backlash, so it is important that EU institutions attempt to fix what they can to increase harmony in the EMU.

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Clean Air: Privilege, Not a Right in Mufulira, Zambia
Defending environmental health while maintaining economic growth
By Deborah Carey

While air cannot be seen, it can certainly be felt. A breeze on a hot day or the crisp smell of a new season can be felt through the air; but for the residents of Mufulira, Zambia, the air surrounding Mopani Copper Mine offers a different sensation: one citizen described it as “being cut up from the inside by razor blades.” Mopani began in 1933, and was privatized with the rest of Zambia’s Consolidated Copper Mines (ZCCM) in 2000. Mopani Copper Mine employs over 15,000 people, making it the largest private employer in Zambia. The mine has stimulated the economy, but has also resulted in negative externalities that have forced the local community to face the age-old development dilemma of economic growth versus environmental health. This is the story of how the resilient community of Mufulira has advocated its rights within the structure of a foreign-owned enterprise, and how it is now trapped within that power structure.

On paper, Mopani Copper Mine is co-owned by Mopani Copper Mines PLC and Glencore International AG. However, according to Anne-Sophie Simpere of NGO Counter Balance, Mopani Copper Mines PLC is 73.1% owned by Glencore International. Glencore is a Swiss multi-national corporation (MNC) and self-reports that it controls 50 percent of the world’s copper. Mopani is the largest of Glencore’s two copper mines in Zambia, boasting the largest smelter plant in Africa.

However, neighbors consider this mine “the neighbor from hell” because of the toxic pollutants it releases, most notably sulfur dioxide. Sulfur dioxide causes the lower airways of its inhalants’ lungs to become inflamed, leading to serious respiratory problems for the civilians and workers around these mines that breathe in the chemical. As explained by Elisha Ncube, Clement Banda, and Jhonnah Mundike from Copperbelt University, sulfur dioxide is a subtractive chemical—once it is in the air, there is no technology to remove it. Glencore boasts that it has reduced sulfur dioxide emissions in Mufulira since it bought the mine, but as of 2013 they still released 70 times the amount advised by the World Health Organization (WHO) in one year. The lasting impact has been rampant levels of heart and lung disease, as reported by the surrounding community. Unfortunately, a lack of case documentation allows Glencore to avoid legal responsibility.

As the Lusaka Times reports, the Mufulira community resisted the privatization of the Mopani Copper Mine from the beginning. Community leaders appealed to their district commissioner as well as to higher government agencies such as the Zambia Environmental Agency to prevent Glencore’s involvement. Numerous national institutions
work together to prevent environmental hazards in Zambia, including the Zambia Environmental Management Authority, Zambian Ministry of the Environment, Environmental Council of Zambia, and the Ministry of Mines and Minerals Development. National laws have also been passed to protect the air, including a series of regulatory acts in 1997. However since its privatization, national institutions have not pressured Glencore to follow through with protecting Zambia’s air quality. In fact, rather than following WHO advised levels of sulfur dioxide, Glencore blames the SO2 emissions on the previous state management of the mine, stating “For 70 years, the plant has spewed out SO2 and over the course of the last 14 years [under Glencore ownership] sulphur capture has gone from 50 per cent to 97 per cent.”

Ethically, it was Glencore’s responsibility from initial ownership to invest in an efficient system that would reduce sulfur dioxide emissions as they permanently depleted Zambia’s natural resources. Instead, Glencore took advantage of weak Zambian institutions, knowing full well—according to the AfriTEST Network—that the Environmental Council of Zambia did not have the resources necessary to check contamination. Glencore refutes this argument, as they proudly spend millions of dollars per year on their seven clinics and five public health centers that are available to the citizens of Mufulira. However, in most cases the citizens of Mufulira cannot afford this healthcare, and end up living with the respiratory issues that are projected on them.

Regardless of who should have regulated the mine to avoid human harm, the lack of enforcement, along with Zambia’s investor-friendly Mines and Minerals Act of 1995 made it profitable for Glencore to avoid basic environmental standards. As these emissions have continued, citizens of Mufulira have organized themselves to protect their “commons” of clean, healthy air.

Numerous anti-mining campaigns were started, many with the help of foreigners. The Centre for Trade Policy and Development, a European NGO, spearheaded the “Pay Up, Clean Up, or Get Out!” initiative. As in the documentary Good Copper, Bad Copper, the residents of Mulufira, who had already been discussing the ways they could have their voices heard, partnered with this organization to file suit against Glencore. The lawsuit was paired with over 70 testimonies of citizens who experienced severe health issues from the mine. The settlement called for compensation for those harmed, as well as a shut-down of any harmful emissions systems, and an “environmental audit.”

Glencore temporarily lost this battle in 2012 when Zambia’s Environmental Agency heeded the complaints from nearby residents and “ordered the immediate closure” of the Mufulira branch until they implemented required safety measures. But because of this shutdown, many Mufuliran residents lost their jobs, most of them local people with few transferrable skills and no guarantee of rehire.

Glencore reopened Mopani Copper Mine with very few impactful changes made to their emissions issue, and the laid-off workers were not rehired. This controversy instigated by the
community raised their hopes and awareness of a deep, shared issue, but the outcome only produced weak laws and laid off, low-income workers. Was this worth the minor improvements that were made to satisfy Zambia’s Environmental Agency? Maybe so, but this juxtaposition of sustainability and economic growth is precisely what is so challenging to navigate in development studies. Months of advocacy and deliberation ended in a short-term fix for a long-term problem.

There have been less large-scale complaints from the citizens of Mufulira since 2012, but sulfur dioxide emissions are still present and problematic. In 2014 the district commissioner Beatrice Mithi of Mufulira died on New Years Eve while she was giving a sermon and inhaled toxic sulfur dioxide. This event added to the tensions between the community and Glencore, which claimed that Mrs. Mithi’s death could not be directly linked to the Mopani mine.

Glencore’s tax avoidance adds a new dimension to this narrative, especially when multiple campaign groups filed a complaint against them with the OECD in 2011. In 2009, a leaked document revealed that Glencore has been avoiding taxes to the Zambian government for a $50 million project in 2005 through tax evasions. Glencore denied the claims, and the lending European Investment Bank (EIB) initiated an investigation in 2011. This investigation lasted three years before the EIB stated in 2014 they had no “contractual relation” with Mopani/Glencore since Glencore repaid their loan early. The bank proceeded to mysteriously freeze all new loans to Glencore, handing the responsibility of finding the lost tax money to the Zambian government. A leaked audit of Mopani reports that the Zambian government loses £76 million in Glencore’s tax avoidance every year—money they could be using to strengthen their own environmental protection institutions.

Local demands for better air quality resurfaced again in 2014, when seven people were hospitalized due to sulfur emissions. After breaking up the riot officials admitted they had found a “leak in the damper valve,” but there was “no records of hospitalization.” However the anger that resurfaced from this event was quickly overshadowed by a new challenge.

According to Bloomberg Business, this past September the Mopani Copper Mine announced that it will be closing for 18 months to “refurbish assets and lower production costs.” This $950 million project comes as a reaction to falling global metal prices, and the downward spiral of Glencore’s stock. As a result, at least 3,800 employees will be laid off, without the promise of rehire.

For me this case study is deeply personal. After just one month living in a town near this mine, I returned to the United States with asthma. A round of steroids and fresh Florida air cured my temporary condition, but the citizens living around Mufulira and other such production plants do not enjoy such luxuries. Like so many other marginalized communities, the citizens of Mufulira have had to wrestle with the question: is everyday livelihood more important than the long-term health of a community? If not, how can workers demand for Glencore to improve its environmental standards at major layoffs in sight?

Last month the Paris Agreement of 2015 included 200 countries that set challenging goals to reduce harmful emissions. While these globally standardized objectives are promising for future generations, communities like Mufulira offer a human narrative behind the bullet pointed desired outcomes, and beg for heightened accountability among the private sector—here, and now.

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Trophy Hunting as a Conservation Tool
Assessing the merits of trophy hunting and the positive value model of conservation

By Samuel Woods

In January 2014, the Dallas Safari Club auctioned off a special hunting permit that would allow the holder to hunt a Black Rhinoceros in Namibia for $350,000. The species is endangered with only around 5,000 left in the world and the winner of that auction, Corey Knowlton, received death threats and widespread public condemnation for his pursuit of the endangered animal. Just over five months later, despite the strong criticism of his activity, Knowlton legally hunted and killed an endangered Black Rhinoceros. The hunt was deemed by the book, the trophy was brought back to the States, and the world continued as if nothing happened.

However, regardless of the legality of the practice, the whole ordeal begs the question: what is going on here? Why was Knowlton allowed to kill any endangered animal, with or without a permit?

The answer, according to Mr. Knowlton, is that by creating a market for these endangered species—where hunters like him can demonstrate their willingness to pay for the endangered animal—an economic incentive is born for locals to keep these animals alive. This creates a counter balance to the economic incentive of poachers to hunt and harvest the animal without regard the long-term survival of the species. Legal and controlled hunting of endangered species for sport, or trophy hunting, offers a “realistic” tool for conservation, one that uses the power of individual self-interest to realize a conservation goal, rather than relying on a population’s altruistic qualities. This favorable position towards trophy hunting is shared by such organizations as the National Wildlife Federation, American Forests, and the Wildlife Management Institute.

And, according to general economic theory, he’s correct. In the status quo, endangered animals such as African lions, rhinoceroses, or elephants have a neutral, or sometimes even negative, value to local villages and farmers. At best these animals are of no real use to locals, and at worst they are obstacles in everyday life, as elephants compete for the same food as cattle and goats, lions represent a threat to livestock, and rhinoceroses are known to be unpredictably aggressive, particularly as they age. In this model, there is no incentive to put forth any extra effort in keeping these animals alive and away from poaching operations, and a direct incentive to eliminate them if they pose the slightest of threats.

The introduction of trophy hunting changes these incentives. Now, with the willingness of hunters to pay big money for the “right” to a particular animal, these species have unambiguously positive value. Whereas before,
a local lion may have represented no more than a threat to one’s livestock, it is now worth a huge sum of money—if one can keep it alive. Theoretically, this game-changing shift in incentives would direct the actions of local populations to more altruistic aims of conservation and active protection against poaching operations, as they would benefit privately from doing so. Hence, in this “positive value” model, trophy hunting acts as a legitimate tool for successful conservation of endangered species.

Even so, the model does possess a few major flaws. For one, the trophy hunting market is quite small, never claiming more than 0.27% of an African country’s GDP (Namibia). In addition, the growth potential of the trophy hunting market, if it is to remain sustainable and contribute to an overall increase in the population of endangered animals, is limited to the population growth of a given species, which is obviously quite low for endangered species. While not challenging the theory directly, this observation does undermine the ability for trophy hunting to claim to be a tool for dramatic population surges of endangered species, or even to grow populations quickly enough to outpace periodic losses as a result of natural disasters.

And, according to a considerable amount of empirical evidence, the positive value model is sound. Leader-Williams et. al (2005) found that sustainable hunting license allocation “played a key role” in accelerating the recovery of the southern white rhinoceros in South Africa, where populations have recovered to a threatened, but not endangered, level. Similarly, Packer et. al (2011) noted that “trophy hunting has been considered essential for providing economic incentives to conserve large carnivores,” so long as “hunting harvests not exceed sustainable levels,” with reference to Tanzania’s legal trophy hunting practices and steadying population of lions. Lindsey et. al (2006) adds that economic incentives created by trophy hunting “effectively more than double the land area that is used for wildlife conservation” compared to that of state parks alone.

In addition, while regulation of this market may be key in limiting its growth to sustainable kill rates, regulators are subject to economic pressures as well. A 2013 report noted that “hunting companies contribute only 3% of their revenue to communities living in hunting areas” and that the vast majority of their expenditure accrues “to firms, government agencies, and individuals located internationally or in national capitals.”

While not particularly surprising or inherently immoral, this observation changes the game. While the farmer will likely be a farmer for the foreseeable future and thus theoretically cares about future revenue realized from trophy hunting, the regulator cannot know how long they will hold their position, meaning that logically they will prioritize present rewards over future ones to a much higher degree than the farmer. This undermines the idea that regulators will, on their own, sell a sustainable number of hunting permits per year, which threatens to unravel the “trophy hunting for conservation’s sake” narrative.
However, even if we assume benevolent regulators and long-term focused firms, the positive value theory still holds a fundamental oversight: the biological externalities associated with a given hunt. With some endangered species there are externalities involved in the trophy hunt, as the loss of that animal can damage the evolutionary and biological processes that contribute to an endangered animal’s long-term conservation.

For instance, the removal of elder male elephants from herds has documented effects on the psychology of younger males. Though not as a result of trophy hunting explicitly, when young males were removed from the elder bulls in Kruger national park in South Africa in 1992 and placed in a new park, they turned extremely aggressive and violent, chasing down and stomping more than 40 local White Rhinoceroses to death over five years for seemingly no apparent reason. After a time of confusion, it was proposed that the lack of elder role models present to curb violent behavior in adolescent males was to blame, a hypothesis that was confirmed when the introduction of 6 elder bulls coincided with an abrupt halt to elephant violence in the park.

As in the case of these elephants (as well as similar issues with externalities concerning pride takeover dynamics among lions), the true impact of trophy hunting cannot always be tied up in the direct implications of a given hunt, and that sustainable trophy hunting cannot be expressed via a simple accounting model in which the number of permits sold is less than the number of newborn animals. This, again, undermines the theoretic model of trophy hunting, which makes no reference to any incentive toward maintaining a balanced biological makeup of a species.

In fact, we see again and again in this analysis that the nuances of trophy hunting as played out in the real world undermine the theoretical model at multiple turns, suggesting that the model either incorrect, or severely over-simplified and reliant on untrue assumptions. And yet, the evidence suggests that the model, or at least the basic inputs and outputs of the model, is correct. What’s happening?

One theory is that the special comeback stories commonly attributed to trophy hunting are actually simply due to covariation with other newer conservation practices. By far the widest reaching of these, and most certainly to be the main culprit of any covariation that may be occurring, is the development of ecotourism as a business model. Like trophy hunting, ecotourism places positive value on endangered species, as tourists will pay considerable sums of money to witness rare animals in the wild. This offers an economic incentive to keep these animals alive in the wild in order for them to be available to “sell” to tourists. In short, ecotourism follows the same positive value model as trophy hunting, capturing a similar effect in overall conservation, but while also addressing many of its key weaknesses.

In addition, ecotourism is a much larger market than trophy hunting, as the same animal can be “sold” multiple times, and its comparatively lower price point is better positioned to take advantage of such a highly elastic market such as tourism. This opens up the market to more buyers, and allows firms and individuals to profit off of the existence of an endangered animal more than once, tying the growth potential of the market to the longevity of the animal’s life. Indeed, Sims-Castley et. Al (2004) found that “non-lethal” ecotourism in private preserves yielded “more than 15 times the income of [...] overseas hunting,” meaning simply that, as it stands, ecotourism is a far more lucrative business than trophy hunting.

However, the downside of the large growth potential of the ecotourism model is that it brings animals in direct contact with
humans at a constant, perhaps even daily, rate. While this does succeed in providing an incentive to keep the animal alive, it also can desensitize them to the presence of humans, changing their behavior and potential turning thoroughly wild animals into pseudo protected animals. This desensitization to presence of humans can theoretically also leave animals more vulnerable to poaching, suggesting that ecotourism may have a negative impact on conservation if handled improperly. In addition, large scale operations threaten to degrade local habitats over time, even in protected areas and national parks.

Of course, despite these weaknesses affiliated with ecotourism specifically, at the very least it does appear that a combination of lethal and non-lethal positive value conservation strategies has contributed to the overall increase in the numbers of some endangered species. This indicates that the positive value model is sound, in both lethal and non-lethal forms.

And in retrospect, the diametric strengths and weaknesses of trophy hunting and ecotourism based conservation strategies complement each other quite well. Where the limited market size and adverse effects of adult male removal limit trophy hunting’s conservation ability, ecotourism offers a larger market size and lack of animal death. Similarly, where environmental degradation and the desensitizing of animals to the presence of humans hampers ecotourism, trophy hunting offers limited animal-human interaction.

Unfortunately, this potentially complementary relationship is rather under researched. While there is a good amount of research concerning the economic and environmental impacts of trophy hunting and ecotourism respectively, there is very little academic comment on the comparative merits of the two strategies concerning conservation. What’s more, the possible covariant nature of the two strategies concerning their mutual effect on endangered wildlife conservation has attracted almost no academic attention, leaving it unclear as to which strategy is doing the heavy lifting in reference to recent conservation successes.

As it stands, Corey Knowlton and the various wildlife and hunting institutions that support his positive value model of conservation are likely correct. Trophy hunting is a useful tool for the effective conservation of endangered species, and deserves a space in that effort. However, that space is quite small, and may be better thought of as a supplemental tactic to a bigger, non-lethal strategy such as ecotourism, which is ultimately more profitable and offers the protection of endangered species without harming them on a larger scale. The question that remains however is whether the effectiveness of trophy hunting is worth the moral ambiguities inherent to the practice, and it is a question that I will leave to the careful consideration of the reader.

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Addressing Labor Concerns in Bangladeshi Export Processing Zones

Policy recommendations for the U.S. Trade Representative in reinstating the generalized system of preferences

By Amanda Brenner

Labor rights have been a contentious issue between the Government of Bangladesh and the U.S. Trade Representative since the revocation of the Generalized System of Preferences (GSP) in 2013. The GSP is a reduction in tariffs on the imports of lower income countries into the United States. Bangladeshi GSP was revoked by President Obama after the AFL-CIO Solidarity Center (a Foreign Labor Rights NGO associated with the union organizer) filed suit claiming that suspended labor rights in Export Processing Zones were a human rights violation as established under international law. The following background on this complex issue is derived from the text that I wrote for the U.S.-Bangladesh Trade and Investment Cooperative Framework Agreement that took place on November 23rd, 2015 (TICFA). However, the opinions and strategies expressed are mine alone and should not reflect on the U.S. Trade Representative. The TICFA is the annual forum for trade negotiations and the formal airing of grievances by both parties. As I was a direct witness to the TICFA, there is some information for which I have no citation. The background is followed by my policy formulation: I suggest a change in our target for remediation. Instead of futilely trying to convince the Government of Bangladesh to comply with international labor laws by continuing to withhold GSP, we should focus on getting unhappy investors to pull their enterprises out of Special Economic Zones.

The first Bangladeshi Export Processing Zone (EPZ), a specified industrial region where levies are altered or removed in order to incentivize investment, was established in Chittagong in 1984. The Bangladeshis claim that the idea was suggested to the Bangladeshi President Ziaur Rahman in 1977 by Robert McNamara, then President of the World Bank. The EPZ concept was trending during the late 70s and early 80s. The model allowed Foreign Direct Investment into countries and industries that were very difficult to penetrate otherwise. National tax laws and customs duties are suspended inside most zones to create an incentive for investors. Bangladeshi EPZs are unique in their suspension of national labor laws which effectively ban unions, strikes, and labor grievances of any kind. The “efficiency” of eliminating strikes is marketed as a benefit to investors. The EPZs are instead governed by the Bangladeshi Export Processing Zone Authority (BEPZA) which institutes modified laws and labor regulations.

As of 2015, there are 8 EPZs in Bangladesh under the authority of BEPZA. Workers trade their job security and welfare for the promise of higher wages within the EPZ. Fortunately, workers report that workplace safety has improved over the last three years.
However, there has been no progress towards extending national labor laws to the zones. The USTR was surprised to learn that investors (names withheld) from within the Bangladesh EPZ Investors’ Association (BEPZIA) have expressed disappointment with BEPZA management inside the zones. These disgruntled businessmen comment that they would be willing to transfer to a SEZ (Special Economic Zone) format, in which national labor laws apply, as long as they were able to dissociate from BEPZA itself. Investors are realizing that Bangladeshi EPZs are not a sustainable model. I believe that this rift between BEPZA and its investors demonstrates that the Bangladeshi EPZ system is inferior and antiquated.

The USTR, however, is concerned by new updates that suggest that SEZs will operate under similar labor laws to BEPZA. The Bangladesh Economic Zone Authority (BEZA) was established in 2010 and is based on the BEPZA model. The SEZs are exempted from the Bangladesh Labor Law and BEZA has the authority to establish the “due rights” of workers in the zones. A clause in BEZA’s framework law effectively bans strikes—employees will be fired and operations shut down if they are found to be engaging in such activity. However, there is no explicit mention of unions as in the BEPZA framework. BEZA is split into a three-tier, hierarchical structure: the Governing Board, the Executive Board, and the BEZA Office/Secretariat. Policies are drafted by the Governing Board. The Governing Board must publish its formulated policies in the BEZA gazette which is the only indication of a review, notice, or comment procedure. It seems that the difference between BEZA and BEPZA is that BEZA allows entirely privately owned ventures, while BEPZA does not. The executive chairman of BEZA is Paban Chowdhury, but the board is not fully staffed as of yet. The first government owned SEZ in Mongla is still under construction, but it is possible that at least one privately owned SEZ, Abdul Monem, Ltd., is partially operational at this time. Future SEZ sites have been promised to the Indians, Japanese, and Chinese.

It is the duty of the United States Trade Representative to advocate for the interests of American stakeholders in Bangladesh as well as to monitor labor rights for possible reinstatement of the Generalized System of Preferences. American producers of ready-made-garments (RMG) in Bangladesh are highly concerned with the ethical nature of their work as they fear domestic backlash. As the mouthpiece for American business in Bangladesh, the USTR has adopted the labor rights cause as its own. The 2013 Savar Factory collapse brought the appalling labor conditions to light for American consumers. Some Americans boycotted Bangladeshi-made goods and many American enterprises operating in Bangladesh were publicly shamed. These businesses have learned that further incidents will threaten the value of their shares and their viability in the American consumer market. The other stakeholder to which the United States Trade Representative must answer is the Government of Bangladesh itself. The USTR may work in the field of macro-economics, but as a branch of the Executive Office of the President it is ultimately a diplomatic channel. Therefore, maintaining friendly diplomatic relations and allies in the South Asia region is of great interest to the USTR. The U.S. has a political stake in the region, not simply an economic one. The Bangladeshis are constantly pushing for the reinstatement of GSP and the USTR wants to resolve this diplomatic nightmare as quickly as possible. The Bangladeshis believe that they are being treated unfairly as other countries with labor rights concerns have not had their GSP revoked. Though they have made healthy progress in worker safety in the GSP Action Plan, there has
been no progress in the way of labor rights. Workers in Export Processing Zones are still not extended the privileges due to them under the national labor law and labor unions outside of EPZs are increasingly having their registrations rejected due to “administrative error.” When formulating a policy on EPZs, the United States Trade Representative must balance the interests of American businesses, their ethical duties, and the diplomatic relationship with the Government of Bangladesh.

The USTR is highly concerned with solving this GSP issue as quickly as possible, but it has already extended into its second year. I am not foolish enough to think that I can mastermind a policy change to an issue that my superiors have not been able to solve. However, the USTR just recently learned that BEPZIA investors are unhappy with the administrative abilities of BEPZA. The investors do not believe that operating inside the zones and providing the workers with higher wages is worth the limited benefits of banning unionizing.

I believe that the U.S. Trade Representative needs to exploit this opportunity of discontent. My policy change is that instead of focusing on convincing the Government of Bangladesh to comply with international labor standards, we should work to convince American and European investors to pull out of the EPZs. (The EU and U.S. work close together on the EPZ issue.) The Government of Bangladesh is willing to sacrifice worker welfare in order to make money, so I believe they will only comply when those funds are at stake. Many large American textile companies such as Abercrombie and Fitch operate in these zones. The USTR should suggest that they move their operations outside the zones, which would not require them to change their country of operation and would also provide them with cheaper labor. If these American investors are unwilling to work with the USTR, this organization should work with our close allies at the Solidarity Center and the AFL-CIO to create a widespread internet campaign that shames the companies domestically for their labor practices. The USTR actually uses extensive internet marketing campaigns now to sell trade deals to the American public so the infrastructure is already in place. I believe that sharing the statistics on workers who get their limbs amputated from machinery accidents would be enough to repulse and aggravate the more internationally-conscious of the American people.

The Government of Bangladesh is willing to sacrifice worker welfare in order to make money, so I believe they will only comply when those funds are at stake.

This is not a difficult policy change as it only requires a strategic refocusing. It would require a lot of manpower and clever persuasion, but this is why the USTR hires seasoned negotiators. USTR employees would need to start creating persuasive presentations and then meet with their contacts at major American enterprises involved in the SEZs. Ultimately, American stakeholders would be satisfied with the cheaper wage labor and better labor practices so that there are fewer opportunities for public disasters like the 2013 factory collapse. The Government of Bangladesh would be forced to reevaluate their suspension of national labor laws or else risk a significant loss in Foreign Direct Investment. This might create some diplomatic tension initially, but ultimately the Government of Bangladesh will greatly benefit from the reinstatement of GSP. The end game is appealing to all parties.

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The Tragedy of NGOs: A Faustian Perspective on Human Rights Activism

Poetic Thinking about Human Rights NGOs and Their Critics

By William Kakenmaster

I feel as if I’d drummed into my brain the wealth of human knowledge all in vain. I finally stand back, only to find no new-born power rising in my mind. Not one hair’s breadth is added to my height, nor am I any nearer to the Infinite.

—Johann Wolfgang von Goethe, Faust

INTERNATIONAL relations (IR) is typically considered a social science, but it can learn a lot from thinking poetically. Here, I strive to adopt a lesson from poetry in order to explain some of the actions and criticisms of transnational human rights non-governmental organizations (NGOs).

According to German folklore, the philosopher-scientist Faust exasperatedly sells his soul to the devil as his attempts to discover the universe’s truths fail to reveal any deeper meaning in his scholasticism. The deal gives Faust limitless knowledge and worldly pleasures. In early versions of the legend, Faust delves into a life of sin with the devil as his servant only to discover that, at the end of their agreement, he has been irrevocably corrupted, and is dragged to hell. The legend is meant to metaphorize those who sacrifice their principles for their ambitions.

IR, along with other social sciences, asks why questions that determine causal mechanisms and how questions focused on constitutive explanations, to borrow from Alexander Wendt’s phrasing in Social Theory of International Politics. In that sense, I ask how the moral authority for human rights activism is constructed by NGOs and how their theoretical critics reinterpret such supposed moral authority. I argue that such organizations are best understood through a Faustian perspective. NGOs balance concerns over adhering to their principles or their ambitions when it comes to human rights; and their critics recognize this. Criticisms of NGOs suggest that the human rights bar has been set too high, causing NGOs to be seen as irrelevant on the one hand, or as hypocrites on the other. The tragedy is therefore that human rights NGOs have painted themselves into a corner, in terms of their authority. By lambasting states’ conduct in the human rights arena, any cooperation NGOs have with states seemingly sacrifices their principles for their ambitions. Until the world’s human rights NGOs devise a strategy by which to convincingly propagate their ideals without acceding to the pressures of governmental cooperation, they will be fighting a two-front war.

Ambitions and Principles

Central to an understanding of their authority is the balance that NGOs give to their commitment to independent human rights...
monitoring and governmental interactions. NGOs’ take their independent, impartial reporting—as exemplified by Amnesty International and Human Rights Watch—to be their primary source of authority when it comes to human rights activism. Both organizations cite these as their core principles in their governing documents. While the principles which govern the most successful NGOs seem somewhat clear, balancing those with their ambitions to expand their member-base and bind more governments to human rights conduct is less so.

In 2011, former Hillary Clinton aide, Suzanne Nossel, was appointed Executive Director of Amnesty International with a commitment to internationalism and a belief in the US’ ability to reassert Liberal principles in IR. Nossel also defended preventive war as a way to enforce human rights obligations in other countries, which contradicts international legal obligations to secure UN Security Council authorization. Eventually, Nossel resigned from Amnesty International. Nossel notably demonstrates the ways in which human rights principles stand in opposition to NGOs’ ambitions: in order to promote and enforce liberal values of human rights, Amnesty International drew on government experience and military might.

One might further point to the increasingly professionalized trend of human rights activists and NGOs that strives to establish a firmly defined set of “shared values” as evidence that human rights discourses constitute principles and ambitions as opposing interests. Along with the movement’s professionalization and the codification of a shared value set comes an exclusion of contending interpretations and theories of human rights. In other words, to realize the movement’s growing professional ambitions, NGOs invariably narrow the scope of what human rights are, thereby sacrificing at least some activists’ principles. (The reader should be clear that by no means do I wish to philosophize on human rights in this article, but rather merely seek to identify and contextualize the contradictory interests of NGOs to either professionalize and uniformly propagate human rights standards, or endorse alternative sources of human rights justification.) By accepting, for instance, the Universal Declaration of Human Rights as the world’s principal source of human rights, Amnesty International’s statute limits debate over the extent to which economic and social rights equally constitute basic human dignity. In cases like Nossel’s and the professionalization of human rights, principles that underpin NGOs’ authority—independence, impartiality, and broadly defined human rights standards—diverge from ambitions related to enforcing human rights through force, interacting freely with governments, and creating a shared understanding of human rights.

But, how does the above discussion of NGOs’ ambitions and principles relate to Faust, and, more importantly, why should anyone care? Recall the once-idealistic Faust who, with his commitment to intellectualism, makes no headway and, increasingly disillusioned, forms a pact with the devil, thus abandoning his convictions. Indeed, this is Goethe’s lesson. In the prologue, the reader learns of God’s challenge to the devil: “Try to seduce his soul from its true source [...] and if things do not go quite as you planned, / admit, with shame, among those souls that you would devour / are some that can’t be moved, even by you, / from the good they dimly, stubbornly pursue.” Faust’s entire role is predicated on his eventual decision between his principles and the temptations of ambition. NGOs similarly constitute their interests in maintaining their principles or fulfilling their ambitions, to the extent that they cannot realize both. We should
care about this divide because it helps explain how, in the way that human rights discourses have been constructed, critics target NGOs from more conservative Realist perspectives, as well as more left-leaning Marxist, and Constructivist perspectives. It is worth noting that I deliberately exclude Liberalism from this analysis due to its general acceptance of NGOs—Liberals tend not to criticize NGOs, and I seek to explain NGOs critics. Therefore, I focus on Realism, Constructivism, and Marxism. However, and in spite of Liberalism’s NGO optimism, when a significant portion of the world’s population seems in favor of human rights, but several IR theorists doubt their main proponents’ normative value, IR has a significant question to answer.

**Realist Critics**

Human rights NGOs endure staunch criticism from Realist theorists who argue in terms of state-systems, material capabilities, balance of power, and security dilemmas. According to a 2002 interview with John Mearsheimer at the University of California, Berkeley, “there is not much place for human rights and values in the Realist story.” At least three theoretical assumptions clarify why human rights NGOs have little place for Realists. First, Realists claim that states’ material capabilities make them the principally legitimate actors in IR as opposed to NGOs’ supposed moral authority on human rights. Second, Realism holds that states pursue their interests defined in terms of power as opposed to things like human rights. Third, according to Realists, the absence of a supranational, centralized authority makes enforcing human rights untenable, and thus, their place in IR practically irrelevant.

The arguments against Realism are well-known, but few seek to explicate Realism’s relationship to NGOs. In *Faust*, the main character is unsatisfied with his studious life and its lack of insight into any improvement for humankind. As Goethe puts it, Faust’s “laborious studies only show that / Nothing is the most we ever know.” Moreover, Faust laments his scholarship’s inability to find “a way to improve or convert Mankind.” Faust’s commitment to learning is hence undone by the realization that it does not reveal any deep or practical insights. Discipline and studying claim a higher standard of conduct for Faust, but end up betrayed as the main character doubts their substantive ability to fulfill his life’s ambitions.

Realists take a similar stance on human rights. In *The Tragedy of Great Power Politics*, Mearsheimer writes on the American public’s general “proclivity for moralizing” politics and IR. In opposition to baseless political moralizing, Realists like Mearsheimer “tend not to distinguish between good and bad states” because all states pursue power in the international system. We can extrapolate the implications for NGOs from Mearsheimer’s argument with a quick parallel to *Faust*. In the German legend, the principles of scholarship and studiousness lacked substance like the Realist claim that distinctions between good and bad states (e.g., those states committed to human rights and those that are not) lack substance for IR theorizing. Realism tells us that states attempt to accumulate power and material capabilities and that they likely will not pursue human rights principles unless they advance a state’s power ambitions. Hence, for Realists, believers in human rights—and certainly human rights NGOs—delude themselves into believing that human rights reveal theoretical or practical wisdom for IR.

Faust sets too high of expectations for an erudite life’s ability to glean some quotient of meaning in the world, then doggedly abandons his principles because of their inability to lend insight into the universe. For Realism, NGOs similarly set their hopes too high for human
rights. States, as the main actors in IR, pursue power over morals, making NGOs irrelevant and clearly unauthoritative.

**Marxist and Constructivist Critics**

NGOs also face criticism from Marxists who claim that their interaction with government policymakers betrays the anti-establishment principles NGOs were founded on, and Constructivists who argue that NGOs are a biased project to promote the Western, Liberal monopoly on human rights.

In his 2012 article, “The Contradictions of Human Rights Organizations,” Samuel Farber argues that NGOs provide legitimacy and support for governmental and intergovernmental agencies that they seek to hold accountable to contemporary human rights norms. According to Farber, “the world of NGOs and their supporting foundations is not self-contained,” because their implicitly liberal bias “blinds them to the political and socioeconomic context of the countries they report on.” Rather than tearing down the system as they may have originally sought to do, say Marxists like Farber, NGOs have betrayed their anti-establishment principles.

Noted scholars Makau Mutua and Stephen Hopgood offer two unrelated by similarly constructed arguments. In *Human Rights: A Political and Cultural Critique*, Mutua suggests that there are explicit, direct links between human rights norms and Western, Liberal principles. The abstract and seemingly apolitical nature of NGOs’ “universal” truths hides the deeply political reality of the human rights power struggle. In a similar but slightly unrelated vein, Hopgood’s *Keepers of the Flame: Understanding Amnesty International* unpacks the internal structure of Amnesty’s moral authority on human rights and their method for consolidating that authority. Hopgood ultimately finds that Amnesty International mirrors a religious organization’s belief in an objective moral authority for human rights and its ethos devoted to voluntarism, individualism, practicality, self-discipline, self-effacement, and moral import.

Essentially, the way that the human rights movement developed has betrayed its purpose for all of these critics. For Farber, NGOs were designed to be anti-establishment, yet now rely too heavily on governmental support. For Mutua, NGOs succumb to overly narrow Western conceptualizations of human rights, thus reconstructing a discursive power struggle that privileges the Liberal democratic system. For Hopgood, Amnesty International represents one example of an organization that has drifted from its roots towards a mission-oriented quasi-religious global operation.

Each argument presupposes a certain principled standard towards which NGOs strive. For Marxists, NGOs lost sight of their original, anti-establishment purpose, much in the same way that Faust sold his soul, therefore “exploiting everything [he] thought of worth” (Goethe’s words). For Constructivists, NGOs’ privileging of Western human rights is Faustian in the sense that human rights ideals, like the ideals of scholarship and enlightenment, constitute an overly-narrow and unfulfilling human rights theory. No wonder NGOs betrayed their principles for their ambitions as “[n]ot one hair’s breadth is added to [their] height.” Faust’s scholarly principles, like claims to universal human rights, do not imply any intrinsic higher moral authority, only the primacy of Western, Liberal norms.

**Conclusions: Fighting Two Fronts**

IR scholars ought to look beyond more traditional forms of knowledge in the discipline. As Professor Patrick Jackson asks: must international studies be a science? There is an immensely diverse and varied way of interpreting the world around us, whether scientific, poetic, or otherwise. Lessons taken
from the poetry of German folklore, for example, shed light on the interactions between human rights NGOs and their contemporary theoretical critics across the political spectrum.

I began with the premise that IR can learn from poetic knowledge like Goethe’s. From this premise, I advanced a Faustian perspective of human rights NGOs and their critics which holds three principles. First, NGOs construct both their principles (e.g., western, liberal human rights) and ambitions (e.g., independence of state actors which they endeavor to hold accountable) that stand in opposition to one another. Second, NGOs’ independence and impartiality justifies their authority for human rights monitoring and advocacy. Third, by adopting a stringent standard of states’ compliance to narrowly-defined human rights, NGOs make it difficult to pursue their ambitions without sacrificing at least some of the movement’s principles, thus inviting Realist, Marxist, and Constructivist critiques.

While critics wage war against NGOs, however, we ought to remain wary of the assumption that human rights principles are mutually exclusive of organizational ambitions. To some it would seem that NGOs’ assertive—or downright aggressive—strategies for naming and shaming countries in the global South that violate human rights advances neither their ambitions nor their principles. For few will continue to support an NGO so harshly critical of so many international actors. And furthermore, few would contend that asserting human rights by force—as in Nossel’s advocacy for preventive war—genuinely constitute a principled stance on human rights. NGOs’ critics must recognize that support for human rights is on the rise across national, racial, ethnic, religious, and other lines; they do have a place in the story of IR, and they are not simply monopolized by anti-establishment politics or a sinister Western, Liberal order. NGOs, however, must recognize that human rights have the power to stand on their own. We do not need to professionalize the human rights movement. We do not need a single standard of human rights. We do not need violent enforcement of human rights. We do not need to sacrifice our principles for our ambitions.

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Bush and Obama Pre- and Post-9/11: A Comparative Analysis

A historical comparative analysis of President Bush and Obama’s strategies regarding al Qaeda, 9/11, and post-9/11 global security

By Emily Dalgo

On September 11, 2001, 19 Islamic terrorists from Saudi Arabia and several other Arab nations associated with the Islamic extremist group al-Qaeda hijacked four American aircrafts and carried out suicide attacks in New York and Washington, D.C. Two planes were flown into the towers of the World Trade Center in New York City, a third plane struck the Pentagon outside of Washington, and the fourth plane crashed in a field in Pennsylvania, its target unknown but suspected to be the White House or the Capitol Building in Washington. The attacks killed over 3,000 people, including more than 400 police officers and firefighters, and seriously injured over 10,000 others. The attacks on 9/11 triggered major U.S. initiatives to combat terrorism and were the basis for the Iraq and Afghan wars. On the night of 9/11, President George W. Bush gave an ominous address from the Oval Office in which he stated, “We will make no distinction between the terrorists who committed these acts and those who harbor them.”

The Build to September 11th

During Bill Clinton’s Presidency in 1998, the United Nations inspection agency withdrew from Baghdad in protest of Saddam Hussein’s unwillingness to cooperate with inspection measures. President Clinton then called on American Armed Forces to strike military and security targets in Iraq due to the belief that Hussein was harboring weapons of mass destruction (WMD); the President stated that Hussein’s reluctance to cooperate with inspections presented “a clear and present danger to the stability of the Persian Gulf and the safety of people everywhere.” The U.S. pledged to enact a long-term strategy of containment toward Iraq and its weapons of mass destruction, but at no point did the Clinton administration consider an operation specifically designed to overthrow Hussein’s regime.

In December of 2000, President Clinton told President-Elect George W. Bush that the biggest threat to be concerned with would be al Qaeda and its leader, Osama bin Laden. In January of 2001, soon-to-be Vice President Dick Cheney met with Pentagon national security officials to discuss Iraq; the Pentagon reported to Cheney that Saddam Hussein was contained and isolated, and that there was no need for any aggressive action against him, and that acting otherwise would “immediately engender strong opposition in the region and throughout the world.” However, the Bush administration did not agree with the Pentagon’s sentiments nor did it share President Clinton’s concern with al Qaeda. The Administration instead prioritized China’s increasing military power and the
desire to oust Saddam Hussein from power. Former national coordinator for security, infrastructure protection, and counterterrorism in the Clinton administration Richard Clarke was appointed as a special advisor to the NSC by Bush and was startled at the lack of attention that was being placed on al Qaeda by the new Administration. He told his colleagues that the terrorist organization was “clearly planning a major series of attacks against us” and that they “must act decisively and quickly” against imminent attacks. The President’s advisors did not believe Clark’s warnings and said he was giving bin Laden “too much credit.” Throughout the summer months of 2001, the CIA repeatedly warned of imminent attacks by bin Laden on American facilities. On May 1st, June 22nd, 23rd, and 25th, intelligence briefs issued by the CIA warned of imminent attacks. Bush disregarded the warnings.

Strategy of President Bush

Immediately following the attacks, Bush and his advisors met with the CIA to discuss strategy. It was debated whether the focus moving forward should be on the destruction of al Qaeda and Osama bin Laden or against terrorism more broadly. The CIA director of counterterrorism argued that the Taliban and al Qaeda needed to be jointly eliminated, due to the intricate entwinement between the two groups. The topic was continuously tabled, but finally, after continuous pressure from the President to develop a concrete plan of attack rapidly, a decision was made.

President Bush’s first objective in the wake of 9/11 was to topple the Taliban regime and attack al Qaeda in Afghanistan. Thus, Operation Enduring Freedom was the first initiative launched by the President. On October 7, 2001, the U.S., with assistance from Australia, France, and the United Kingdom, carried out air strikes on Taliban and al Qaeda targets in an attempt to stop the Taliban from harboring al Qaeda, and to stop al Qaeda from using Afghanistan as a base for operations. Due to the U.S.-led effort in Afghanistan, the Taliban was forced to relinquish power and the state was renamed the Islamic Republic of Afghanistan. However, by the time the allied forces took over the capital, most high-ranking Taliban and al Qaeda officials had escaped to Pakistan. Within two years, Taliban forces launched a counteroffensive. Within five years, Bush had almost doubled the number of U.S. forces in Afghanistan from 26,607 to 48,250.

His second goal was to oust Saddam Hussein, the 5th President of Iraq, in order to “prevent him from developing weapons of mass destruction” and to help Iraq create a stable democratic regime. The President and his advisors were set on the idea that Hussein was attempting to recreate the state’s nuclear program that had been eliminated after the Gulf Wars. The Bush Administration was desperate to make a connection between al Qaeda and Saddam Hussein, even though top CIA officials and International Atomic Energy Association (IAEA) officials insisted that there was absolutely no evidence that Hussein was rebuilding a nuclear program, and that
connections between Hussein and al Qaeda were weak. Bush, however, did not accept these claims and continued to press on in order to create a rhetoric that Hussein and al Qaeda were inexplicably linked, and that Hussein was an imminent threat to freedom and U.S. security. Perhaps a more truthful rationale for the Administration’s invasion of Iraq was the desire to democratize the region in order to enhance Israel’s security. Another interest that was severely under-articulated was the United States’ long-standing dependence on Persian Gulf oil. The Bush Administration believed that if Iraq were to have a nuclear weapon, Hussein would be in a position to gain control over a large segment of the world’s oil reserves. Eighteen months after the 9/11 attacks, Bush authorized the invasion of Iraq. The war against Iraq was extremely unsuccessful; it lasted much longer than estimated—formally ending in December 2011—and cost the U.S., Iraq, and the entire Middle East more lives and money than projected. Conflict in both Afghanistan and Iraq continued at the end of Bush’s second term in office, leaving Barack Obama with the remainder of two complicated, costly, and contentious wars.

Strategy of President Obama

President Obama inherited the failed attempts to reform both the Afghan and Iraqi governments and to rid the Taliban of its power. By 2009, the Taliban had fled Afghanistan into neighboring Pakistan. Drug trade in Afghanistan had become a $4 billion business, and the Taliban used the money to fund its insurgency against the Afghan government and the occupying forces. Al Qaeda had also secured safe havens in Pakistani tribal regions. Obama’s first move was to send Vice President Joe Biden to Pakistan to meet with President Asif Ali Zardari to secure diplomatic ties with the government and to emphasize the important role Pakistan had in the Afghanistan conflict, which, unlike Bush’s Administration, was to be the Obama Administration’s focus. Zardari expressed concerns at the anti-American sentiment in the country, and said that helping the U.S. would create hatred toward the Pakistani government unless there was something in it for the people. He requested economic resources so that he could justify supporting the U.S. and Biden did not object.

Perhaps a more truthful rationale for the Administration’s invasion of Iraq was the desire to democratize the region in order to enhance Israel’s security.

The next stop was a meeting in Afghanistan with President Hamid Karzai. Karzai expressed that the Afghani people did not want Americans to leave the country because they were there fighting terrorism, but that civilian casualties were a concern. He stated that an additional 30,000 American troops would make the efforts more successful. Biden was hesitant. Obama’s first decision as president was to commission a sixty-day review of the Iraq war, since additional troops were likely to be needed in Afghanistan, and a drawdown in Iraq would be necessary to supply the additional forces. Obama called on advisors to come up with strategies for Afghanistan, because if more troops were needed in the country, he would need a set plan in order to validate further involvement. The debate went back and forth between sending an additional 17,000 troops or 30,000 troops, and Obama took the time necessary to hear from multiple sources about what the best plan of action would be. After several days to think on the final strategies, Obama approved the request for an additional 17,000 troops, knowing that
without more Americans on the ground, the Afghan elections would probably not be possible.

In late March of 2009, Obama announced that the U.S. would help Pakistan battle al Qaeda, but Pakistan had to “demonstrate its commitment to rooting out al Qaeda and the violent extremists within its borders.” He also announced that the U.S. would send 4,000 troops to Afghanistan to train and enhance the Afghan army and police force, and that economic and social aid would be sent to the country.

**Bush vs. Obama and Present Day**

Several key differences between the Bush and Obama administrations can be noted at this point in the War on Terror timeline: President Bush was bent on ousting Saddam Hussein and focusing on Iraq rather than on Afghanistan. At the start of his Presidency, Obama made it clear that stabilizing Afghanistan and attacking the Taliban in neighboring regions would be the chief objective. Bush was also less receptive to information that went against his own personal beliefs about how the war should be fought, as well as what was truly happening in the region. No matter which senior official told the President that there was absolutely no evidence that a nuclear program was being reestablished in Iraq under Hussein, Bush and his advisors continued to push the discourse until it became accepted and acted upon. Obama, although reluctant to send additional troops into Afghanistan, listened to all opinions and encouraged dissenting voices at the table. In deciding how to continue in Afghanistan, Obama said, “I'm a big believer in continually updating our analysis and relying on a constant feedback loop. Don't bite your tongue. Everybody needs to say what’s on their mind.” There was not as much pressure to act quickly under Obama; Bush was fixated on the idea of responding with concrete action within days of the attacks, but Obama was more determined to act with strategy and purpose, even if that meant a delay in action.

Although the experience of these wars has, obviously, been negative, and billions of dollars and thousands of lives have been lost since 2001 when the war began, retrenchment is not an option for several reasons and on several fronts. In regard to Afghanistan, stability will continue to decrease as U.S. forces decrease in the region. Total retrenchment would be the most extreme, and worst, scenario. In 2015 Afghan security forces, including local police, suffered a 70 percent increase in casualties compared to 2014. The average count of casualties per week currently stands at around 330. This increase in violence is directly related to the decrease of foreign aid and military services. The toxic combination of a new unstable government with leaders who have not yet been proven trustworthy, and the simultaneous withdrawal of U.S. troops is increasing the likelihood of a resurgent Taliban and potentially wasting years of war and the American lives lost during the conflict. The withdrawal at this critical yet sensitive time in Afghanistan’s move toward stabilization also provides the perfect breeding ground for ISIL to gain power and control. While difficult and messy war efforts that last longer and cost more than expected are not the ideal reality for any nation’s foreign policy, isolationist strategies would not bode well for the international community either. The globalized world is as interconnected as it is interdependent, and the United States’ deep involvement in all regions of the world is important and necessary. The capacity of that involvement, however, may change over time.

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You Don't Know What ISIS Wants
Instead of focusing on what we think ISIS wants, we need to focus on what the U.S. wants

By Kevin Michael Levy

In August of 2014, James Foley, an American journalist, became the first American casualty in the current conflict with the Islamic State in Iraq and Syria (ISIS). Executed by beheading in a propaganda video distributed to a global audience via YouTube, Foley would quickly become a common name in foreign policy circles. His brutal execution would catalyze a strong American response which has surpassed, according to a report from CNN in early December of 2015, 20,000 missiles and bombs fired from American ships, warplanes, and drones, according to a report from CNN in early December, 2015. Within the American political scheme, there is a near unanimous fervor suggesting that a fight must be taken to ISIS in Iraq and Syria. In his final State of the Union Address, President Obama asked Congress to pass a new Authorization for Use of Military Force (AUMF) to provide legal grounds to wage war against ISIS, and some Republican leaders, like Speaker Paul Ryan, have agreed. Naturally, there is disagreement on how that fight should take shape; Republican Senate Majority Leader Mitch McConnell opposes an AUMF, but still believes that there should be a robust military response to the ISIS threat. But there has been an unusual development occurring in the rhetoric surrounding America’s response to ISIS. It has appeared that, overnight, politicians across the globe became experts in counterterrorism, psychoanalysis, and Islam. Since joining the fight against ISIS, Americans across the nation have become worried that our actions might be exactly what ISIS wants us to do. ISIS, a vast network of fighters that has assembled supporters from West Africa to the Caucasus, is a complex organization with many goals and desires. We do not know their intentions, and shaping U.S. policy on ideological prejudices prevents realistic policy discussions from taking place.

We must wonder, how do so many people have such a firm grasp on what terrorists located over 6,000 miles away from the United States desire? Countless media pundits have written opinion pieces in dozens of respectable newspapers and journals claiming to know what ISIS wants and exactly how they want to achieve their goals. Politicians have begun to claim that their political opponents are potential allies to the terrorist group. An article ran in liberal news blog ThinkProgress entitled “Trump’s Muslim Ban Is Exactly What ISIS Wants.” Several days later, Democratic presidential frontrunner and former Secretary of State Hillary Clinton stated in the December, 2015 Democratic debate that Republican frontrunner Donald Trump was “becoming ISIS’s best recruiter” and that “They are going to people showing videos of Donald Trump insulting Islam and Muslims in order to recruit
more radical jihadists.” Aside from Politifact’s conclusion that Secretary Clinton’s statement was purely false, they raise important points regarding the ongoing rhetoric used to discuss ISIS. President Obama urged the nation during his State of the Union to not buy into the belief that ISIS “[does] not threaten our national existence. That is the story ISIL wants to tell.” Senator Ted Cruz, a leading Republican candidate for President, issued a statement in November 2015 after the deadly attacks in Paris, France that left over 100 dead and over 300 seriously injured, that ISIS “will not be appeased by outreach or declarations of tolerance,” advocating a much more forceful avenue against the terrorist group. There are many conflicting opinions as to what ISIS truly wants, and while this debate rages on, the capacity for American leadership in the efforts against ISIS fades.

In response to cries of racism and Islamophobia, Queen Rania of Jordan said in March of 2015 that there was “nothing Islamic about [ISIS].” This is rhetoric repeated in the U.S. by throngs of people, tending to be on the American political left. Following Queen Rania’s logic, attempting to find the long-term goals of the new “State in Iraq and Syria” should be relatively simple. All states, at some level, have the inherent goal to perpetuate their own existence and provide for (at least some of) their people. This non-Islamic state has done a relatively poor job at that theologically bereft goal through its rejection of participation in the international order. A modern state would interact with other states by establishing embassies and attempting to achieve diplomatic recognition. Although ISIS has actually begun minting new coins to replace America’s “capitalist financial system of enslavement” according to a piece in VICE News, coupled with a vast bureaucracy governing issues from leisure to education as detailed in a December, 2015 profile in the Guardian, it has not attempted on any level to engage with the world resembling any level of modernity. If the motivations of ISIS were absolutely devoid of Islamic theology, however unreflective it is of mainstream Islamic theology, the established Islamic State should then resemble any modern state.

De-Islamizing ISIS has several pointed political goals, chief among them, to disaffiliate the 1.6 billion global Muslim population from the several tens (or hundreds) of thousands of extremely radicalized fighters in ISIS-held territory. This goal is unabashedly noble in intent; however, its adherents practice a veiled form of Islamic apologism. Shadi Hamid with the Center for Middle East Policy headquartered in Washington, D.C., wrote in a November, 2015 Op-ed, “There is a role for Islamic apologetics – if defending Islam rather than analyzing it is your objective.... But if the goal is to understand ISIS, then I, and other analysts who happen to be Muslim, would be better served by cordonning off our personal assumptions and preferences.” Hamid makes a sound point; it seems that those who caution against potential actions against ISIS seem to have their own political preferences line up with “what ISIS wants.” For example, a non-interventionist who opposed both the Iraq and Afghanistan wars likely believes that anti-Muslim rhetoric is what ISIS wants, whereas an American right-winger possibly believes that accepting 10,000 refugees fleeing Syria is a form of capitulation and will allow for ISIS elements to slip into the United States undetected. Both perspectives tend to fail to listen to actual ISIS rhetoric which often focuses on Islamic scripture and tradition from the 7th and 8th centuries. While it is true that Dabiq, ISIS’s English-language magazine, does often share snippets of American politician’s speeches in its regular section “In the Words of the Enemy,” it barely amounts to a footnote in the larger context of ISIS propaganda.
Radical movements in the past few decades have shared an unintended unholy alliance with the philosophical left. Bits and pieces of videos created by al-Qaeda’s Osama bin Laden share much of the same rhetoric as used in post-colonial scholarship, focusing fire on the imperialist powers of the global West, for example by noted scholar Noam Chomsky. Academics and bloggers have hounded on the messaging that people should be wary of viewing Muslims as the enemy as it potentially only feeds into ISIS’s supposed rhetoric. Proponents of this ideology are often those who believe that calling ISIS by its Arabic equivalent Daesh. The final issue of Dabiq in 2015 was titled “Just Terror,” showcasing that brutal terrorists likely do not pay attention to what names they are called in American media, since they seem to be quite content with being viewed as terrorists.

America’s military responses to external threats should be informed by experienced military and counterterrorism experts. People often overestimate themselves when it comes to complex geopolitical issues. The sketch comedy show, Saturday Night Live, has mocked ISIS several times, but recently joked fun at the uninformed American understanding of ISIS. In its 2015 Thanksgiving episode, cast member Aidy Bryant played Aunt Kathy, the blissfully unaware family member who claims to have “seen an ISIS” in the grocery store and is very grateful that her governor rejected Syrian refugees, who are all supposedly “ISIS in disguise.” We all have an Aunt Kathy in our families. We likely listen to an Aunt Kathy-like figure from the left on television being interviewed on MSNBC or as the stock-liberal on Fox News. My own mother stated her belief that ISIS did not want Americans to go to Times Square for New Year’s celebrations so that we might live in fear. The newly elected Mayor of Philadelphia Jim Kenney claimed that the January 9th attack by a self-professed ISIS supporter on Philadelphia Police Officer Jesse Hartnett had nothing to do with Islam and “does not represent the religion in any shape or form or any of the teachings.”

For the past several years, Americans have been hearing an uninformed or semi-informed debate take place around “what ISIS wants” as it becomes muddled, it seems more like what “America wants.” Sun Tzu teaches us that it is crucial to “know your enemy,” but he believed that it was equally important to know oneself in order to win battles. The politicized rhetoric over ISIS’ desires prevents a thoughtful policy discussion from taking place. Our political leaders should take measured actions without regard for “what ISIS wants,” as it is likely untrue and otherwise irrelevant to American interests in the region. ISIS propaganda videos have professed a basic ISIS belief that America and other Western powers want to initiate another round of crusades in the Holy Land: a claim that most Westerners would dispute. But as scary as it may be, we should come to terms that we do not “know what ISIS wants” short of what they tell us. And so far, they have told us that their goal is singular: to establish an Islamic caliphate. In 2016, ISIS-watchers should make a collective resolution to stop wasting time discussing the (non)theological aspects of the terrorist organization and return to proposing sound policies to defeat another one of America’s enemies.

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Ukraine’s Debt to Russia: Efficient Breach Vindicated

International Legal Remedies for Ukraine’s Debt to Russia

By Paul Jeffries

RUSSIA has had quite a year. The Kremlin’s militaristic gallivanting has become a staple of this year’s news cycle, with perhaps its most pugnacious acts of hostility being those involving Ukraine. While Russia’s armed harassment of Ukraine has received the lion’s share of the media’s attention, it is its financial badgering with respect to sovereign debt that may prove to be most harmful of all to the bedeviled nation.

In this article, I endeavor to explicate briefly Ukraine’s sovereign debt dispute with Russia, with an eye towards arguing how Ukraine might make use of different international legal remedies to exculpate itself from its regrettable situation. One of the most discussed of these remedies is the legal notion of “odious debt,” and many—most prominently Georgetown University Professor Anna Gelpen and Newsweek’s Anders Åslund—have argued that the “odious debt” legal remedy is Ukraine’s golden ticket out of repayment. I will argue that the legal grounds for the use of the “odious debt” solution are shaky at best, but that rather “efficient breach” is the optimal legal remedy for Ukraine in this case. On the first day of 2016, Russia formally began legal proceedings against Ukraine over the non-payment of their $3bn debt, as reported by the Financial Times. This issue will now come down to a courtroom battle, and to understand the legal implications of this dispute, we need to understand its history.

The story behind Ukraine’s sovereign debt to Russia is convoluted. The Economist called it “the world’s wackiest bond.” Ukraine has had many issues with external debt as of late. In August of 2015, Ukraine finished negotiations with numerous creditors (primarily investment houses) over Ukraine’s international bonds, altogether valued at around $18 billion. These renegotiations included a slashing of 20% of the bonds’ principal on average, as well as postponement of repayment until 2019. Even in August, Russia’s immediate rejection of these terms adumbrated the growing conflict brewing today over the $3bn bond that Ukraine was due to pay Russia on December 20th, 2015.

The bond in question was issued in December of 2013. Listed on the Irish stock exchange, the bond was clearly backed by spurious motives. As the Economist’s Christmas double-issue summarized:

The bond was essentially a bribe to Viktor Yanukovych, Ukraine’s now-ousted president, who was dithering between European and Eurasian integration. Senior Ukrainian officials say that the government itself never saw the money; most probably it was spirited out of the country by Mr. Yanukovych’s cronies.
While some might disagree with such a malicious characterization of the Russian debt, they would be in the minority, as numerous reputable sources—from the Financial Times, to Reuters, to Bloomberg—have lamented Ukraine's unfortunate situation. Vladimir Putin proposed a staggered plan in November in which Ukraine would pay back the debt over three years, but the stipulation that a western government or bank serve as guarantor went unfulfilled, and the deal fell through. Some have attempted to argue that the whole issue of a legal remedy to Ukraine's debt to Russia does not merit consideration, as the debt is commercial, not sovereign. On this issue most of the international community disagrees with Kiev, including the IMF, that on December 16th confirmed the sovereign status of Ukraine's debt to Russia.

So, where does this leave us? The December 20th deadline has come and gone, along with the 10-day grace period thereafter, and Russian President Vladimir Putin has given the green light to file a lawsuit against Ukraine. In short, the bond, as it stands, will not be repaid. Given that the solution doubtlessly lies at the tail end of arduous, drawn-out courtroom arguments, let us now delve into some potential legal remedies to which Ukraine may take recourse as it attempts to rid itself of this debt.

As Anders Åslund argues in his piece on Ukraine’s debt to Russia, published on the Atlantic Council’s site, one potential legal remedy is proposed by Professor Gelpen from Georgetown, who argues that “Ukraine should not pay this debt because it amounts to “odious debt.” I refute this argument, as the argument for the applicability of the “odious debt” remedy is tenuous at best in this scenario.

“Odious debt,” as defined recently by the Centre for International Sustainable Development Law (CISDL), is a debt that meets three criteria: “it was contracted without the consent of the population of a debtor state, without benefit to it, and the creditor had knowledge of the circumstances.” To borrow the summary of odious debt from Jeff King of CISDL, this means that “under the contemporary definition... a debt is said to be odious when there is an absence of popular consent, an absence of benefit, and creditor awareness of these two elements.” As those familiar with the field of International Law will know, the sources of International Law are treaties, customary international law, and general principles. While some may disagree with the legitimacy of certain sources of International Law, these are the principles that will govern the courtroom arguments between Ukraine and Russia. Given that Russia and Ukraine are not signatories of any binding treaty that references odious debt, and there is no “general principle” of odious debt, to prove the applicability of the odious debt remedy in this situation, it is necessary to prove that it has crystallized as customary international law in a way applicable to Ukraine’s case.

For customary international law to be considered binding, certain thresholds must be met; namely, the “thresholds in customary international law of uniformity, consistency and generality of practice, together with the requisite opinio juris,” as explained by King. Thus, Professor Gelpen and those who advocate for the doctrine of “toxic debt,” are arguing against the customary international “rule of repayment,” arguing instead that there are cases where forgoing repayment is a legal norm of customary international law due to toxic debt.

Upon examining the legal history of “toxic debt” as a defense against repayment, one can recognize that the argument is instantaneously weakened given that for most of the history of the “toxic debt” doctrine, the defense only referred to cases of “cessation and dissolution of a state, where the legal personality of the borrowing state often
remains intact.” As the Ukrainian case involved neither cessation nor dissolution, the interpretive window whereby the “toxic debt” defense might be applicable is quite small.

Next, we can look for cases in which a successful application of the “toxic debt” defense has been outlined. In the Tinoco Arbitration case, we saw that for the debt to be toxic, there must not only be a change in regime (normally revolutionary), but also a failure on the part of the bank or government in question to show that the funds were used for “legitimate governmental use.” Few doubt that Ukraine’s debt was not used for legitimate governmental purposes, but the lack of a concomitant regime change renders the application of the “toxic debt” defense unsupported by precedent.

**There is a small possibility that Ukraine could argue its bond debt to Russia is a “subjugation debt,” but here there is no precedent of such an argument being made when it has not been proven that the state leader who incurred this debt utilized the funds to quell an insurrection.**

There is only one subset of legal scholarship on “toxic debt” that may support the applicability of the defense in Ukraine’s case: O’Connell’s “hostile debts” doctrine. Also referred to by scholars such as Mohammed Bedjaoui as “subjugation debts,” this subset of “toxic debt” is defined as “debts that are contracted by a state representative without the population’s consent and against its interests, with both these issues to the creditor’s knowledge.” While this may sound perfectly fitting in Ukraine’s case, Bedjaoui—the intellectual father of “subjugation debts”—suggests a “very high threshold for the standard,” specifically: “debts contracted by a State with a view to attempting to repress an insurrectionary movement or war of liberation in a territory that it dominates or seeks to dominate, or to strengthen its economic colonization of that territory.” While most of the evidence suggests that Mr. Yanukovych did not use the funds for the benefit of his country, it would be challenging for anyone to make the argument that Yanukovych used the $3 billion to quell insurrection.

In summary, given the lack of precedent in utilizing the “toxic debt” defense in cases where no revolutionary regime change took place, the “toxic debt” defense is weak in Ukraine’s case. There is a small possibility that Ukraine could argue its bond debt to Russia is a “subjugation debt,” but here there is no precedent of such an argument being made when it has not been proven that the state leader who incurred this debt utilized the funds to quell an insurrection. Moreover, all of these considerations necessitate the assumption that the “odious debt” doctrine can be considered customary international law, which, on its own, is questionable. While, in theory, legal scholars might wish that such a norm had crystallized in the system, there appears to be no case in recent history where a tribunal has accepted the “toxic debt” defense. Moreover, there is a dearth of *opinio juris et necessitatis*, meaning that for the “toxic debt” defense to crystallize as customary international law in the future, we must not only see more states decline to pay “toxic debt,” but we must see more states officially argue that the reason for their forgoing repayment is their belief that they are absolved of the responsibility because of the “toxic debt” defense.

As I have argued, there is little chance that a “toxic debt” defense will exculpate Ukraine from paying Russia; so, the question
remaining is, what might? In general, my perspective on international law derives from an economic perspective of international law similar to that advocated by Dunoff & Trachman. Put colloquially, this is a legal perspective based on optimal welfare outcomes, not one based on any *opinio juris et necessitatis* assumptions of the morality and bindingness of international law. For this reason, the case of Ukraine offers an interesting case where Posner & Sykes’ argument of “efficient breach of international law” may pertain. The logic behind Posner’s “efficient breach” theory is that if the costs of compliance outweigh the costs of non-compliance, then a breach of international law—such as the customary law of repayments in Ukraine’s case—is efficient, and thus, can be an optimal remedy.

In the case of Ukraine’s sovereign debt, simple non-compliance with the law of repayments may be optimal. Differently stated, one of the best present legal strategies for Ukraine might simply be not to pay back Russia until they concede more in negotiations. The reasoning behind this ploy is simple: few entities aside from Russia are against Ukraine in the case of its bond debt. Most of its private international bondholders have already settled a restructuring package with Ukraine. Moody’s—the international rating agency—has made it clear that it expects Russia eventually to restructure Ukraine’s debt. Perhaps most importantly, however, is the surreptitious way in which the IMF has gone about altering its rules for aid provision, so as indirectly to show its support for Ukraine. On the 15th of December, the FT reported that the IMF decided “to change its strict policy prohibiting the fund from lending “to countries that are not making a good-faith effort to eliminate their arrears with creditors.” The decision was criticized by Moscow, as it will allow the IMF to continue doing business as usual with Kiev even if it fails to pay its sovereign debt to Russia.”

Most of the western world—i.e., most of the power players in international finance—are in Ukraine’s camp. Ukraine is trapped by a predatory bond deal orchestrated by a lecherous former leader with no desire to use the funds to strengthen Ukraine. While Ukraine has been left with a repugnant debt to pay, it is not one that meets the legal thresholds necessary to deem it “toxic debt.” That said, if one is willing to accept an economic perspective of international law in place of a moralistic one, then “efficient breach” seems to be both the current choice Ukraine has selected in proceeding to deal with its debt, as well as the legal course of action that may be most beneficial for Ukraine, as even the IMF—one of the most important entities with a role in determining Ukraine’s economic wellbeing—appears to be supporting Ukraine in its abstention from repayment by the accommodations it is making in its policies. With Russia’s foreign reserves tanking, and its economic outlook growing dimmer each day due to the plunging price of oil, it is likely that Russia will eventually take whatever they can get from Ukraine, and, like Moody’s predicted, will agree to restructure Ukraine’s debt after a period of suffering efficient breach.

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Violence in the Schoolhouse: The State of Corporal Punishment

In the 21st century, violence is still used to punish youth in America, with terrible consequences

By Jeremy Clement

Corporal punishment was the preferred method to keep America’s students in line for much of American history. Paddling, spanking, and other forms of violent punishment have slowly been replaced by other techniques such as positive reinforcement. However, today corporal punishment still exists in many American schools, with disastrous consequences for youths, families, and the United States as a whole. These consequences range from mental and physical harm to children, a tarnished international image, harm to families, and a discriminatory punishment system.

Where Does Corporal Punishment in American Schools Stand Today?

Corporal punishment has existed for many centuries. It was used in the Middle Ages to punish school children and until 1948 was used in Britain to punish minor criminal offenders. Some infamous examples of corporal punishment include the flogging of Christ and the use of flogging by the British navy during the 18th century.

The good news is that corporal punishment is on the decline. During the 2006-2007 school year 223,190 students received corporal punishment in comparison to approximately 1.5 million students in 1976. However, nineteen states (shaded red in Figure 1 below) still allow corporal punishment.

Why Should The U.S. Ban Corporal Punishment?

Aside from the more obvious arguments against corporal punishment, such as the negative effects on children’s ability to learn and so on, the administration of corporal punishment has discriminatory factors associated with it. Table 1 below outlines some striking statistics. Overall, African Americans disproportionately receive twice the amount of corporal punishments that their percentage of school population would suggest. It is hard to convince young African American students to behave in school when they are unfairly administered corporal punishment by their discipliners.

Figure 1

Disabled students also bear an unfair burden. One study showed that in Tennessee disabled students are twice as likely to be paddled as their peers. This is especially true for students on the autism spectrum, since their disability interferes with their ability to follow what would otherwise be considered appropriate social behavioral norms.

Aside from the discriminatory nature of corporal punishment, the negative effects on children are severe and sometimes irreversible. A study by the Brookings Institution revealed that students who are subject to corporal punishment at a young age are more likely to abuse drugs or alcohol. These students are also more likely to imitate such abuse later in life.
through domestic violence or emotionally abusive relationships with their children. The study claims that these students “may learn to associate violence with power or getting one's own way.” Children who are punished physically—regularly or severely—are more likely to develop mental health issues later in life.

Corporal punishment can be physically devastating for children as well. According to Time magazine, “[t]he Society for Adolescent Medicine has documented [...] severe muscle injury, extensive blood-clotting (hematomas), whiplash damage and hemorrhaging” in cases of corporal punishment. These gruesome injuries have sometimes caused parents to give up jobs to homeschool their children, thereby negatively affecting students’ family lives. Not to mention that these injuries unnecessarily contribute to skyrocketing healthcare costs when they require medical attention.

The effects that corporal punishment has on students boil down to one simple fact: in the United States of America—one of the most developed and democratic states in the world—one of the only groups of citizens who can be beaten legally are school children. This, of course, exhibits a terrible confusion of our priorities.

The last reason for banning corporal punishment is the simple fact of embarrassment. Over 70 nations worldwide have laws that explicitly prohibit corporal punishment in schools. The United Nations has criticized countries that still allow corporal punishment saying that “there is no doubt that corporal punishment is a violation of children’s rights under the Convention on the Rights of the Child because it is constitutive of violence that causes . . . suffering.” That the U.S. has not ratified the Convention on the Rights of the Child is further proof of its negligent policy towards children. Therefore, the U.S. should A) ratify the Convention, and B) respect its basic obligations towards its citizens under the age of 18.

If Corporal Punishment Were to Be Banned, How Would We Do It?

A simple answer would be for schools to just stop doing it. No law requires schools to paddle or hit children. However, with that route being perhaps too far away, legal action seems necessary.

States without specific regulations prohibiting corporal punishment could amend their laws to define it and outlaw it. These states should take a similar route as Iowa and New Jersey, for instance, both of which ban the practice in both public and private schools. As Figure 1 showed, the states in which corporal punishment still lingers are typically more conservative states. This is not a coincidence,

<table>
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<th>Table 1: Corporal Punishment Minority Statistics</th>
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<td>% of School Population</td>
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<td>Texas Disabled Statistics</td>
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Republicans in general tend to view the practice more favorably. So all else being equal, passing laws in these states will be theoretically more difficult than passing laws in more left-leaning states that do not already ban it.

The federal government could use its spending power to incentivize schools or state governments to ban the practice. A program similar to Race to the Top or to a statute such as Title IX where schools will lose funding if they do not abide by prohibitions on corporal punishment could be effective. Alternatively, and to the benefit of those in the disabled community, Congress could introduce an amendment to the Americans with Disabilities Act that specifically protects disabled students from corporal punishment in schools. If a lawsuit arose that claimed that corporal punishment constituted child abuse, and was thus unconstitutional, the Supreme Court could overturn its 1977 ruling that allowed corporal punishment via the “Trop” standard which allows for evolving standards of decency in America society or another similar mechanism.

Regardless of which legal or social path is taken to end corporal punishment in American schools, it needs to be done quickly. Hundreds of thousands of students are affected every year and this practice is clearly detrimental to society.

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The Discourse Surrounding Internment of United States Citizens: Action Derived From Fear as a Departure from Liberal Democracy

The imperiled state of U.S. values due to polarized political actions against demographic groups in reaction to terrorism and the Syrian refugee crisis

By Laura Thompson

As the world enters its second decade of the new century, crises across the globe are driving people to take refuge from their home countries. Old fears concerning terrorism, as well as current realities about violence and prejudice pose a significant problem for United States politicians: should refugee programs for Muslims be banned on the basis of national security, just as World War II fears produced Japanese internment camps? This paper will not explore the moral justification—or lack thereof—for the implementation of Japanese internment camps during WWII, or for the banning of Muslim refugees. Instead, it will discuss how the decisions of World War II, and the revival of new discussions of ethnically biased policies, contradict liberal democratic political theory in the United States. Liberal democratic theory is at the core of the United States’ political doctrine; it drives the Constitution, the structure, and the ideology of both the government and the people. The contradiction of these values and ideologies is not only a troubling departure from foundational liberal democratic principles, but potentially signal a decline in the political stability of the nation itself as the American people sink more deeply into polarized positions and increasingly neglect objective evaluation of political candidates from either major party.

In the U.S., there exists a divide between the intentions of politicians for the societies they wish to create and lead, and the reality of the political and social atmospheres garnered by the more diverse American peoples. These differences reflect the further, profound difference between the United States’ liberal democratic foundations, and the reality of its lack of democratic representation. Liberal democracy is defined here as a political theory founded on representative democracy, where the government is formed of elected representatives whose power is restrained by both the law and the constitution, both of which serve to protect the rights and freedoms of individuals and are supported by the majority of the state. Of course, the United States is not a perfect liberal democracy. The theoretical justifications for the values and legal attitudes of the nation that can be—and are—threatened by the proposed decisions of the few who hold power.

The Syrian refugee crisis has given way to rhetoric by some United States politicians that is both anti-refugee and, more generally, anti-Islamic. In recent years, conflict has arisen in Syria, The civil war began in spring 2011 when
pro-democracy protests erupted across the nation in opposition to the authoritarian regime of President Bashar al-Assad; the President used violent, militaristic methods to suppress opposition efforts, including murder. Since then, conflict has raged between the government and opposition militias, as well as the rise of a third antagonist, ISIS, a radical non-state terrorist actor in the region. All of these threats have culminated in the displacement of Syrian civilians, who have now gained refugee status as they flee their civil war-torn country. The potential for the reinstitution of internment camps for those peacefully seeking refuge in America based on race and religion both represents the state’s increasing political polarization and its departure from the values of liberal democracy that upon which the United States was founded. The complexity of the situation is most apparent when the security argument is considered: does the nation prioritize perceptions of security, or philosophical foundations rooted in the Constitution, during times of crisis? This question might seem rhetorical and self-evident to people on either side of the argument; the ideological conflict at hand here is best exemplified by the U.S. policy decisions made during World War II concerning Japanese-American citizens.

The U.S. first interned civilians during WWII following the Japanese attack on Pearl Harbor, a measure intended to improve security, but which did little else beyond dividing otherwise equal citizens and violating the fundamental theories of liberty and freedom otherwise promoted by the concepts of democracy. In a 1942 film produced by the US Office of War Information, Japanese Relocation, Milton Eisenhower’s narration sets the tone for the official opinion on U.S. action. Eisenhower’s explanation of the motivations for the internment, could easily translate into today’s anti-Muslim immigration discourses by substituting a few key words. The original states:

When the Japanese attacked Pearl Harbor, our West Coast became a potential combat zone. Living in that zone were more than 100,000 persons of Japanese ancestry; two thirds of them American citizens; one third aliens. We knew that some among them were potentially dangerous. But no one knew what would happen among this concentrated population if Japanese forces should try to invade our shores. Military authorities therefore determined that all of them, citizens and aliens alike, would have to move.

The legal basis for the internment of Japanese U.S. citizens and non-citizens alike derives from Franklin D. Roosevelt’s Executive Order 9066, which came two months after the attack on Pearl Harbor and the subsequent declaration of war against. Executive Order 9066 was declared after the United States had formally declared war and was motivated by determined necessity founded on fear of future attacks and national insecurity. The trouble was, legal basis had been developed around racial motivations in order to support it; legal foundations in the Constitution did not support the xenophobic ideas on security being purported at the time, and so those in power created the necessary legal foundation through Supreme Court decisions such as Hirabayashi v. United States, executive orders, and influential media coverage of the conflict.

Ansel Adams, a photographer of the period who was critical of the executive order, noted that by June 1943, the Office of War Information reported that Nazi agents, not Japanese Americans, aided the Japanese in carrying out their attack on Pearl Harbor. The rhetoric of security perpetuated at this time was proven wrong. In this case, fear determined the
guilt of Japanese Americans before the facts had been appropriately investigated and considered; and, thus, a narrative of the danger that Japanese Americans posed took hold of public perception and ended up oppressing innocent civilians. This fear-based/security-obsessed narrative ultimately led to the forced internment of more than 120,000 Japanese Americans in the Pacific Coastal region, most of whom lost their jobs, possessions, and land, all with little guarantee of their full or partial return following the conclusion of internment.

Today, U.S. political discourse encounters the same methods of abusing the public's insecurities in order to advance and justify extreme and xenophobic notions of how the country should be governed. Following recent terrorist attacks in San Bernardino, California and Paris, France—both connected with the Islamic State of Iraq and the Levant (ISIL)—2016 Presidential candidate Donald Trump advocated a ban on allowing identified Muslims into the United States. Understanding the motivation behind the urge to stop the refugee program is vital to understanding its significance to the theoretical underpinnings of U.S. politics. David Bowers, the mayor of Roanoke Virginia, issued an early statement advocating the refusal of Syrian refugees to his region of the state:

I'm reminded that President Franklin D. Roosevelt felt compelled to sequester Japanese foreign nationals after the bombing of Pearl Harbor, and it appears that the threat of harm to America from ISIS now is just as real and serious as that from our enemies then.

The real and serious threat that Bowers is referring to, however, is unfounded in the wake of the Parisian attacks considering that the perpetrators were European radicals, not moderate Syrians or Muslims. As Adams noted during his work covering the Japanese internment camps, fear of Japanese American spies would fail to become tangible. In a similar way, security concerns regarding Syrian and Muslim immigrants to the U.S. fail because of the tenuous link between extremist ideology and everyday civilians; not all Muslims or Syrian refugees are dangerous, and so to criminalize all members of one demographic is disproportionately xenophobic. Consider the writings of a theorist behind liberal democratic theory, John Locke. In Locke’s Letter Concerning Toleration, he argued that churches should have no coercive power over their members, and that there could be no true religion for a state; he wrote of the separation of legislative and executive powers, and furthermore that a government could not exist without the consent of its people to protect and govern it. Thomas Hobbes and Jean-Jacques Rousseau shared similar notions concerning the relationship between government and people, in fact.

The executive order authorizing the internment camps came at a time of inter-state war that inspired high levels of fear and national insecurity for the state of democracy; Trump’s remarks and the attempted policies of both governors and mayors represent a resurgence of fear-based political discourse based on a fear of refugees and the threats more directly faced by those abroad. There is a sense of irony in that the United States has nearly always proclaimed itself a land without religious oppression. Puritans came from England with motive to practice their religion in peace, and the first amendment of the Constitution forbids the impediment of the freedom of religion.

Although school systems teach the values of the U.S. Constitution—freedom of speech, freedom of religion, civil rights such as voting and desegregation amongst races—the
impression that many may have of the active applicability of these rights may be misaligned with the desired reality of those vying for power. The possibility arises that these protections once deemed inalienable may only be selectively extended. Of the Republican presidential candidates, Jeb Bush and Ted Cruz have recommended that the Syrian refugee program be continued, but that the program should only accept Christian refugees. While no politicians have formally recommended the internment of Muslim-American citizens or of Syrian refugees, their discrimination in terms of their immigration policies sends a concerning message to the U.S. While the United States government may not directly endanger them yet, political discourses based on fear sets a dangerous precedent for policies that may come further down the road.

Embracing a rhetoric that threatens to divide the American people from the values their country was founded on compromises the political stability of the United States as a whole, as ethnically-motivated policies may lead to political polarization. However, the danger comes from public opinion itself, which has become so divided that only 39% of Americans share a somewhat equal number of liberal and conservative positions. As it currently stands, the two-party system in the U.S. grows increasingly polarized, supported by politicians and citizens alike—the fundamental lack of civil discussion on the political spectrum itself can produce the level of instability suggested thus far. And indeed, if fears of xenophobia are once again able to fuel adaptations of the law to the demands of a few in power, democratic instability would not be a possibility, but perhaps an inevitability. The banning of refugees based on religion and ethnicity threatens the security of American citizens who practice Islam and enables U.S. citizens to incorrectly identify non-Christians as un-American. It is impossible for a nation to correctly proclaim itself a sanctuary of liberal democracy if it fails to offer equal status and liberal democratic rights to all its citizens, regardless of their identities. Banning Muslim and Syrian refugees may intend to proffer security by blocking terrorists, but its main accomplishment will be the endangerment of entire segments of the U.S. population, as radicalized fears seem legitimate in contemporary political discourse. If the United States is no longer loyal to its foundational principles as a liberal democracy, the nation may plunge itself into internal political turmoil as people clash over the future of the United States, and whom it truly serves.

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The World Mind has been in development since the summer of 2015, and the number of different individuals and organizations deserving of thanks could fill its own magazine. First, the World Mind would not be possible without the everyday and unwavering support of its parent publication, Clocks and Clouds, American University’s undergraduate research journal for national and global affairs. The support of the Journal’s staff, senior staff, and faculty advisors are not only deeply appreciated, but also inspiring to see in the American University community.

The World Mind is published in conjunction with Clocks and Clouds, and with the support of American University’s School of International Service (SIS) and School of Public Affairs (SPA). We are humbled to be an outlet for their undergraduate work, and grateful for their support.

The World Mind owes a particular debt to Dr. Jim Quirk, whose advice and flexibility allowed the development process to be both dynamic and stimulating. Always characterized by a fresh perspective and unique outlook on the concept of the World Mind itself, as well as the journey to realize that concept, Dr. Quirk has truly been a joy to work with. The World Mind is surely indebted to Dr. Quirk and all of his help and support.

It would undoubtedly be a tragedy to leave out all of the staff members whose work fills these pages. Our contributing editors provided both staff and guest writers with thorough and insightful comments tailored specifically to the needs of each submission, and each article owes much of its conceptual clarity to them. Our staff writers deserve equal praise, as their efforts, research abilities, and talent as writers form the foundation of this issue. The World Mind is a uniquely global publication, and its contributors planned, drafted, and completed their work in England, Ireland, France, Costa Rica, Tanzania, and the United States. The World Mind owes the success of this first issue in no small part to the staff’s astonishing dedication. In no smaller part does this first issue owe its success to the staff’s ability to navigate international time zones, as well.

It is due to the efforts of so many that we were able to present you with this first issue of the World Mind. Creating such a unique publication has been a profoundly rewarding experience, and we hope that you have enjoyed reading it as much as we have enjoyed writing it.
The World Mind is the online policy magazine for international and public affairs, published by Clocks and Clouds, American University’s undergraduate research journal. Published twice per semester, the World Mind gives American University undergraduate students the opportunity to submit original work to a variety of issue area columns—Human Rights, Peace, and Conflict Resolution; Foreign Policy and Global Security; Government; Political Theory; International Sustainability, Development, and Global Health; Legal Studies; Trade, Business, and Economics, as well as various regionally-focused columns—The Americas, Africa and the Middle East, Europe, and Asia. Our mission is to provide an engaging and stimulating magazine for the AU community, and an outlet for creative, intelligent, and informed minds.
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The World Mind is currently accepting applications for staff writers and contributing editors. For information on the qualifications and duties of each position, visit the Clocks and Clouds website: https://edspace.american.edu/clocksandclouds/.