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**The Editorial Board and staff thank the UConn Department of Political Science and Human Rights Institute for their help in creating this semester's edition.**

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December 11, 2017

Letter From the Editor:

Dear Readers,

It is a great privilege to write to you as Editor-in-Chief of the University of Connecticut Undergraduate Political Review. The theme of Edition V is "Human Rights in Today's World." In a rapidly changing world, human rights are key to understanding politics at home and abroad. This theme's relevance is seen in 2017 alone, as Donald Trump's first year in office, the rise of non-mainstream political movements, ideological polarization, racial tensions, and recent, controversial events here at UConn reflect murky, significant debates about rights.

This semester, the UPR staff and Editorial Board have developed their articles, produced critical perspectives of human rights issues, and asked important questions about politics. Given the broadness of human rights, this edition features an impressive variation of topics. We take pride in these articles and the integrity with which the UPR staff approaches their writing. Though this edition is not a complete list of all contemporary human rights topics, we believe that it represents and engages with many of the most complex problems and policy questions of modern times.

The Undergraduate Political Review releases one edition per semester. We accept new writers each semester and always encourage talented undergraduates interested in civic discourse to apply. Any UConn student may email a resume and writing sample to [uconnpoliticalreview@gmail.com](mailto:uconnpoliticalreview@gmail.com).

Lastly, I thank the Undergraduate Political Review editors and writers for their hard work, and the Political Science Department for its support. For this edition, we extend thanks to the Human Rights Institute for their help. We also thank the UPR's faculty adviser, Professor Oksan Bayulgen, and Political Science Department Head, Professor David Yalof, without whom the Undergraduate Political Review would not be possible.

Sincerely,

**Nicholas Fuller**  
Editor-in-Chief

## **Rights in Conflict: LGBTQ Rights and Religious Freedom in the Trump Administration**

By Emma DeGrandi

In October of 2017, Mississippi passed House Bill 1523, also known as the Religious Liberty Accommodations Act, explicitly legalizing discrimination against LGBTQ people. The act explains that state governments do not have the authority to take any action against “sincerely held religious beliefs” — words conservative groups employ to protect religious objections to queer identities<sup>1</sup>. These beliefs generally may entail one of the three following principles: That marriage is between one man and woman, that sexual relations can only take place within this institution, and that gender is an unalterable biological characteristic. Doctors, lawyers, foster homes, and adoption agencies, or any organization may hold such beliefs and deny LGBTQ people the benefits associated with equal citizenship.

From jobs to schools and bakeries to reception halls, LGBTQ people are told an all too true, familiar story: That they are not worthy of a life of normalcy or security and must carefully plan and navigate their lives around worst case scenarios. In today’s United States, increasing numbers of cases cite “religious freedom” as a legal defense for the various acts of hatred committed against people who identify as LGBTQ+.<sup>2</sup> In this sense, socially or religiously conservative groups leverage their religious freedom to deny rights. But on the other, LGBTQ people hold rights as citizens, under equal protection of the law.

Outside the United States, the United Nations declares that all human beings have the right to enjoy civil and political freedom and self-determination<sup>3</sup>. The current administration’s handling of these issues neglects the LGBTQ community’s civil and political rights. Instead, the Trump administration sides with religious freedom justifications. While deciphering equilibrium between clashing individual rights may be painstakingly difficult for both sides, it does not compare to the challenges LGBTQ people endure in their lives. Freedom of religion is a sacred right, deserving of universal protection, but it must never be the basis for denying the human rights of other groups; it should not force a set of beliefs onto others; and it cannot excuse the differential treatment of the LGBTQ community.

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<sup>1</sup> Gjelten, Tom. 2017. “In Religious Freedom Debate, 2 American Values Clash.” NPR. <http://www.npr.org/2017/02/28/517092031/in-religious-freedom-debate-2-american-values-clash> (November 8, 2017).

<sup>2</sup> Zaposky, Matt, and Sarah Pulliam Bailey. 2017. “Civil liberties groups decry Sessions’s guidance on religious freedom.” The Washington Post.

<sup>3</sup> United Nations Office of the High Commissioner. 1976. “International Covenant on Civil and Political Rights.” March. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

With a broad ideology, President Donald Trump's historic presidency reaches out to masses of Americans, to citizens facing a range of insecurities, including LGBTQ people. Nevertheless, the promises of his campaign — his pleading to LGTBQ Americans to vote for him, the true “champion” of their rights — has not once been the agenda of his presidency. The president has displayed weak leadership and a stunning absence of personal integrity on this issue, as he submits to the staunch conservative politic of his Vice President, Mike Pence, and homophobic, transphobic leaders in his administration and the Republican Party. Trump may have held a rainbow flag (albeit upside down) on the campaign trail — in honor of his conservative LGBTQ voters — but his administration has dismantled federal protections for LGBTQ people in nearly all facets of public policy<sup>4</sup>. Through this presidency, he has only obeyed socially conservative leaders and their priorities.

Far from being transformational or unlike other conservative Republican politicians, Trump condones policies that sanction discrimination and embolden bigoted groups. Trump and his administration pose serious concerns to the LGBTQ community, their families, and allies. For instance, Attorney General Jeff Sessions recently issued an order titled “Federal Law Protections for Religious Liberty,” providing extensive protection for religious freedom in states without protections based on sexual orientation or gender identity.<sup>5</sup> As Sessions stated, “Except in the narrowest circumstances, no one should be forced to choose between living out his or her faith and complying with the law.”<sup>6</sup> The memorandum is the result of the Trump administration's commitments to religious liberty, no matter the cost to the human rights of the LGBTQ community. An executive office that responds with “religious freedom” to every concern, story, and fear brought from LGBTQ Americans reveals its true priorities, and LGBTQ individuals, their families, friends, and allies have no reason to support this administration or think it will work with them in the future.

Trump's claims of support to the LGBTQ community are hollow, and the administration's policies in the first year of his presidency prove it. Adding to a growing list of anti-LGBTQ actions, Trump has signed into law a directive banning transgender people from the military and rescinding Title IX, a policy that extended protections to LGBTQ youth in education. Without much thought, Education Secretary Betsy DeVos believes that the latter action was due to what she calls a “failed system” of civil rights

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<sup>4</sup> Gay and Lesbian Alliance Against Defamation (GLAAD). 2017. “25 Ways President Trump has attacked the LGBTQ community since taking office.” July 17. <https://www.glaad.org/blog/25-ways-president-trump-has-attacked-lgbtq-community-taking-office>

<sup>5</sup> Gjelten, Tom. 2017.

<sup>6</sup> Zapotosky, Matt, and Sarah Pulliam Bailey. 2017. “Civil liberties groups decry Sessions's guidance on religious freedom.” The Washington Post.

enforcement.<sup>7</sup> Additionally, Trump became the first president in U.S. history to address the Values Voter Summit, a group of socially conservative activists that human rights groups categorize as anti-LGBTQ hate group.<sup>8</sup> This event promotes the ideas of religious extremists, white supremacists, and far-right activists.

The Trump administration and its policies hurt the LGBTQ community. In the past few years, this issue has manifested itself in various situations, such as when religious conservatives refuse to provide same-sex couples with marriage licenses. Although the 2015 Supreme Court case of *Obergefell vs. Hodges* has legalized same sex marriage nationwide, it is continually challenged at the state level. With the Trump Administration's new directive, social conservatives may now cite religious freedom as a defense for denying LGBTQ people their rights and human dignity.

As Martin R. Castro, former Chair of the US Commission on Civil Rights during the Obama Administration, once said, "The phrases 'religious liberty' and 'religious freedom' will stand for nothing except hypocrisy so long as they remain code words for discrimination, racism, sexism, homophobia, Islamophobia, Christian supremacy or any form of intolerance."<sup>9</sup> Every human being under the U.S. Constitution and international human rights treaties hold inalienable rights that attempt to protect and ensure their life, liberty and pursuit of happiness. But sometimes those very rights each individual supposedly holds clash with one another, causing indefinite, murky debates about issues such as this one. Still, the question one must ask is, can religious freedom override the rights or dignity of any human being? Religious freedom may be a cherished American value, but discrimination is not.

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<sup>7</sup> Anderson, Nick. 2017. "Trump administration rescinds Obama-Era guidance on campus sexual assault." The Washington Post. [https://www.washingtonpost.com/local/education/trump-administration-rescinds-obama-era-guidance-on-campus-sexual-assault/2017/09/22/43c5c8fa-9faa-11e7-8ea1-ed975285475e\\_story.html?utm\\_term=.49c1661e489c](https://www.washingtonpost.com/local/education/trump-administration-rescinds-obama-era-guidance-on-campus-sexual-assault/2017/09/22/43c5c8fa-9faa-11e7-8ea1-ed975285475e_story.html?utm_term=.49c1661e489c) (November 9, 2017).

<sup>8</sup> Oppenheim, Maya. 2017. "Donald Trump to become first president to speak at anti-LGBT hate group's annual summit." The Independent. <http://www.independent.co.uk/news/world/americas/donald-trump-anti-lgbt-address-hate-group-summit-meeting-first-president-us-homophobia-a7997401.html> (November 8, 2017).

<sup>9</sup> Carpenter, Dale. 2015. "Indiana to exempt civil rights protections in its Religious Freedom Restoration Act." The Washington Post. [https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/04/02/indiana-to-exempt-civil-rights-protections-in-its-religious-freedom-restoration-act/?utm\\_term=.4ed55ee701f6](https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/04/02/indiana-to-exempt-civil-rights-protections-in-its-religious-freedom-restoration-act/?utm_term=.4ed55ee701f6) (November 8, 2017).

## Guantanamo Bay, Cruel Punishment, and Freedom From Torture

By Fizza Alam

The most vivid images of the grotesque nature of torture are seen in the treatment of Jews when the Nazi Regime conducted “medical experiments” on Jewish men, women, and children. However, to many, the horrors of terrorism overshadow this seemingly universal concession of the immorality; distaste is not applied when the detainee is suspected as an aid of terrorism, as it seems that a utilitarian view is adopted and the toll on the individual is labeled and their rights are forgotten.

Still, the fact remains, that many rationalize and ultimately justify the use of torture in some circumstances. This belief is closely linked with a notion that torture is an effective technique to extract information from an enemy. This utilitarian argument is understood best by the well-known Manhattan Scenario: A nuclear bomb is ticking under Manhattan and there is a prisoner who is suspected of placing the bomb. Is torture justified to extract information?

The obvious answer is yes, *if* the torture of one person can save the lives of the many. However, this argument is invalid *if* the person gives misleading information in order to prevent further torture or *if* one does not respond to such tactics. A U.S. Senate report outlines the latter scenario, in which the CIA discloses the ineffectiveness of its enhanced interrogation tactics including waterboarding, sleep deprivation, and the denial of medical care to detainees.<sup>1</sup> The report clearly declares that 1) The CIA's use of enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees and 2) The CIA's justification for the use of its enhanced interrogation techniques rested on inaccurate claims of their effectiveness. The report found that those interrogated most aggressively yielded no information or false information about terrorist threats.

This inaccurate representation of the effectiveness of enhanced interrogation techniques has led to danger of a continuation of an ineffective system that only serves to deprive detainees of their most fundamental human rights — freedom from cruel, unusual punishment and torture. Notably, the Geneva Conventions labels torture as an international war crime.<sup>2</sup> Despite this, Guantanamo Bay, a detention camp used to house

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<sup>1</sup>Senate Report Finds CIA Interrogation Tactics Were Ineffective. (2014, December 09). Retrieved November 27, 2017. <https://www.nbcnews.com/news/us-news/senate-report-finds-cia-interrogation-tactics-were-ineffective-n264621>

<sup>2</sup> International Committee of the Red Cross. 1949. “Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949.” <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/INTRO/365?OpenDocument>

Muslim militants and suspected terrorists captured by U.S. forces in Afghanistan, Iraq, and elsewhere, remains active. Popular support for the center exists, as 56% of Americans opposed the efforts of the Obama Administration to close Guantanamo Bay in spite of numerous studies, which reveal that information obtained by torture is inherently unreliable, and that of the 780 detained without warrant at Guantanamo, 731 were eventually released without any charges.<sup>3 4</sup>

In one case, a surviving detainee, Shakir Aamer, was transferred to Guantanamo Bay and remained in custody for almost fourteen years before returning to Britain without any charges. He described his experiences in an interview with the BBC and admitted that when he returned, his children did not remember who he was. The Northern Alliance in Afghanistan caught, tortured, and forced Aamer to proclaim that he worked with Bin Laden and orchestrated terrorist attacks. It sold him to the Americans. He hoped he would be treated better in the United States, but instead he was sent to Guantanamo Bay.

To extract information from Aamer, torture practices included walling, a tactic where one is smacked into a wall and told, “tell the truth or die,” hog tying, where, on his stomach, his legs were tied and guards cut him, repetitive throwing of freezing cold water at him, isolation in cages, and standing for eighteen hours; furthermore, as agents employed these methods of physical, emotional, and psychological torture against him, they threatened to rape his daughter, leading to his plea, “whatever you want to hear, I will tell it to you, to make [the torture] stop.”<sup>5</sup>

In this facility, agents utilized these methods against Aamer, and this space garners the support of policymakers and elected officials. This support mutes the story of another inmate at Guantanamo Bay, Khalid Qasim. He “has never been charged with a crime or had the chance to prove his innocence at trial. Khalid comes from a small town in Yemen and travelled to Afghanistan in search of work in 2000. Afghan Police detained and handed him over to US forces. It emerged later that the US offered large financial incentives to local law enforcement to hand over Arab prisoners for interrogation.”<sup>6</sup>

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<sup>3</sup> LoBianco, T. (2016, March 04). CNN/ORC poll: Americans oppose plan to close Guantanamo Bay prison - CNNPolitics. Retrieved November 27, 2017, from <http://www.cnn.com/2016/03/04/politics/guantanamo-bay-poll-north-korea/index.html>

<sup>4</sup> Guantanamo: Facts and Figures. (2017, March 30). Retrieved November 27, 2017, from <https://www.hrw.org/video-photos/interactive/2017/03/30/guantanamo-facts-and-figures>

<sup>5</sup> Greenhill, S. (2015, December 14). Bin Laden's house? I could have been there: Shaker Aamer says he may have gone to seek safety during US bombing - but stresses he never met the Al-Qaeda leader. Retrieved November 27, 2017, from <http://www.dailymail.co.uk/news/article-3358741/Bin-Laden-s-house-Shaker-Aamer-says-gone-see-safety-bombing-stresses-never-met-Al-Qaeda-leader.html>

<sup>6</sup> Qassim, K. (2017, October 13). I am in Guantánamo Bay. The US government is starving me to death | Khalid Qassim. Retrieved Nov 27.

The practice of torture led him to brinks of his existence. Yet the following political rhetoric dominates discussion of this issue: “Don’t tell me it doesn’t work — torture works,” as President Trump stated.<sup>7</sup> As the president along with many others believe that men, like Khalid Qasim and Shakir Aamer, are deserving of silence, these false narratives similarly echo the widely held beliefs of many Americans, which are rooted in the “despicability” that warrants mental and physical torture, years of captivity, and a loss of humanity.

While intelligence agencies deny the extension of these rights to those extradited from Britain, Afghanistan, and Iraq, human rights extend beyond border, race, color or religion. The truth of the matter is, international outrage is not present about the numerous war crimes that are actively occurring at Guantanamo and around the world, all while hundreds of men like Khalid Qasim plead their cases. The use of torture by all countries — even the most powerful — should be internationally denounced and eliminated. It is clear that the United Nations Declaration of Human Rights and Geneva Conventions are not adequate without public outrage and international response, which are needed to fight for the human rights of *all* peoples no matter the severity of their criminal accusation.

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<sup>7</sup> Johnson, J. (2016, February 17). Trump says 'torture works,' backs waterboarding and 'much worse'. Retrieved November 27, 2017, from [https://www.washingtonpost.com/politics/trump-says-torture-works-backs-waterboarding-and-much-worse/2016/02/17/4c9277be-d59c-11e5-b195-2e29a4e13425\\_story.html?utm\\_term=.c0ae0490bd0d](https://www.washingtonpost.com/politics/trump-says-torture-works-backs-waterboarding-and-much-worse/2016/02/17/4c9277be-d59c-11e5-b195-2e29a4e13425_story.html?utm_term=.c0ae0490bd0d)

## Today's Human Rights Violations Against Native Americans

Emily Coletta

Native Americans have a long history of enduring human rights violations from European settlers and in the present day. When the present population of the United States thinks about the abuse imposed on the first indigenous peoples of North America, there is a tendency to speak in the past tense, as if Native Americans are now treated fairly. Native Americans, much like most indigenous peoples, have experienced many, massive atrocities in the past. Unfortunately, many have not stopped. The living conditions found on Native American reservations, the forced sterilization of Native women, and a lack of self-determination within Native communities demonstrate how the United States government restricts Native Americans from exercising realizing their human rights, including their sovereignty.

The history of Native Americans, which we are taught today, may not mention a massacre or two by white settlers or the early United States government. The largest in the American West was the Bear River Massacre in Preston, Idaho. In 1863, U.S. soldiers attacked a village of Shoshone Native Americans killing 490 men, women, and children.<sup>1</sup> Such human rights violations of the past, like this massacre, leak into the present as continued injustices, but these are rewritten by history. For example in Wellsville, Utah, actors re-enact the Bear River Massacre every Labor Day. White actors play both the roles of the settlers and the Native Americans, but the actors portraying the Natives paint themselves red. An announcer narrates the re-enactment by calling the Natives "hostile" and proclaiming the settlers the victors of the "battle" after all of the actors have pretended to die.<sup>2</sup> The prejudices and injustices of the past have bled into the present via the misrepresentation of Native Americans, their history, their struggles, and their identities.

Life on reservations has always been dismal. In fact, many argue that reservation conditions in the United States are "comparable to the Third World."<sup>3</sup> The original reservations allowed white settlers to take the best land, while segregating Native Americans to the worst land possible. Afterwards, reservation land was also reorganized and sold off, enabling white populations to encroach onto Indian communities in an effort

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<sup>1</sup> Bear River Massacre. (n.d.). Retrieved November 5, 2017, from <http://www.lemhi-shoshone.com/bear-river-massacre.html#>

<sup>2</sup> Steinbrecher, L. (2017, September 9). Native American groups call Utah town's battle re-enactment ignorant, racist. Retrieved November 5, 2017, from <https://www.eastidahonews.com/2017/09/native-american-groups-call-utah-towns-battle-re-enactment-ignorant-racist/>

<sup>3</sup> Living Conditions. (n.d.). Retrieved October 24, 2017, from [http://www.nativepartnership.org/site/PageServer?pagename=naa\\_livingconditions](http://www.nativepartnership.org/site/PageServer?pagename=naa_livingconditions)

to assimilate and acculturate them.<sup>4</sup> Today, 28.2% of Native Americans live in poverty, and this number can rise as far as 63%, while focusing solely on populations living on reservations.<sup>5</sup> There are not sufficient employment opportunities for Native Americans, which contributes greatly to their overall low quality of life. Further, the Indian Health Services created in order to provide basic care for Natives does not provide the same level of care as healthcare providers of non-Natives. In accordance, it has been found that 36% of Native Americans with heart disease die under the age of 65; this is more than twice the 15% found in among whites.<sup>6</sup> These realities have inspired several protests in recent history.

The most famous demonstration against the living conditions found on reservations is the occupation of Alcatraz. A group of Native Americans from the San Francisco Bay Area occupied the island just off the coast, where Alcatraz prison was located from November 20, 1969, until June 11, 1971. Just before the occupation, the prison was deemed unlivable. This was the main reason why protesters picked the Alcatraz Island as the site of protest. It was symbolic, demonstrating that the conditions of an unlivable prison were similar to those found on reservations. Some of the similarities that were explicitly mentioned include no running water, no health care facilities, and no educational facilities. The sanitation facilities were also inadequate, and the land could not support crops or game. The populations of reservations are held captive on their land and dependent on outside control, much like the former prisoners held at Alcatraz.

In addition, the construction of the Dakota Access Pipeline brings many Native American issues back into the media, particularly life on reservations. The pipeline carries crude-oil through the United States, about one mile off of the Standing Rock Indian Reservation. It crosses underneath Missouri River, the water source for all of the Natives living on the Reservation. Any leak or other damage would harm the land itself and the people residing on that land. Originally, this pipeline would cross the Missouri River near Bismarck, but the plan was changed, because of huge public opposition to the threat to the water supply in the capital. The pipeline was then moved directly next to the Native American communities nearby. Listening to the complaints of whites but not Native populations has reminded the public of the biases against Native Americans. The protests against the Dakota Access Pipeline bring underlying issues pertaining to Native Americans back into the public sphere.<sup>7</sup>

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<sup>4</sup> Willison, M. (2017, September 4). *Historical Context & Brief Overview*. Lecture presented at Anthropology 3027 in University of Connecticut, Storrs, Connecticut.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Heim, J. (2016, September 7). Showdown Over Oil Pipeline Becomes a National Movement for Native Americans. Retrieved October 24, 2017, from <https://www.washingtonpost.com/national/showdown-over->

Forced sterilization of Native American women is another massive human rights issue in these communities. During the eugenics movement of the 1960s and 1970s, forced sterilization of Native American women was common and encouraged.<sup>8</sup> These procedures were based in this notion: That native American women cost the government money through the benefits federally recognized tribes receive.<sup>9</sup> There were two primary ways in which women were sterilized. Some were told if they did not go through with the procedure, the benefits that they depend on to survive would be taken away, while, on the other hand, many women were not told that they were being sterilized in the first place. The ramifications of this history are still felt today. It is not uncommon for Native women to go to the doctor, because they have not been able to conceive, and be told that they were sterilized.<sup>5</sup> Privacy and bodily autonomy are basic human rights, that have not been honored.

The right of self-determination is another huge issue for Native American populations. Self-administration allows tribes to carry out certain functions and programs of a government while conforming to the rules and regulations of other, outside decision-makers. On the other hand, self-governance would enable Native American tribes to create a government of their own, with and by their own rules.<sup>10</sup> A transition to self-governance would allow tribes to live under a state that suits its own needs and historical tribal structures instead of those modeled after the way that the United States is run. This transition would give them self-determination, the ability to determine the paths of their own lives.<sup>11</sup> Some tribes have been able to take steps in the direction of establishing their own governmental system. These steps have been the only policies put into effect that have made actual progress towards counteracting the historical and current infringements on Native cultures, traditions, and rights.<sup>12</sup> For example, allowing Native American communities to construct their own economies in order to support their people instead of living off of monetary benefits would eventually give more freedom and decision-making abilities. The government-to-government relationship might be tricky to begin with on account of the Native nations residing within the United States, but this is the case in

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oil-pipeline- becomes-a-national-movement-for-native-americans/2016/09/06/ea0cb042-7167-11e6-8533-6b0b0ded0253\_story.html?utm\_term=.a34ea66aca35

<sup>8</sup> Blakemore, E. (2016, August 25). The Little-Known History of the Forced Sterilization of Native Women. Retrieved October 24, 2017, from <https://daily.jstor.org/the-little-known-history-of-the-forced-sterilization-of-native-american-women/>

<sup>9</sup> Willison, M. (2017, October 11). *Stereotype, Racism, and Indian Women*. Lecture presented at Anthropology 3027 in University of Connecticut, Storrs, Connecticut.

<sup>10</sup> Willison, M. (2017, September 25). *Sovereignty & Federal Recognition*. Lecture presented at Anthropology 3027 in University of Connecticut, Storrs, Connecticut.

<sup>11</sup> Cornell, S. (2016). Remaking the Tools of Governance. In *Native American Voices* (pp. 352-363). New York, NY: Taylor & Francis.

<sup>12</sup> Cornell, S., & Kalt, J. P. (2010). *American Indian Self-Determination: The Political Economy of a Successful Policy*. Tucson, AZ: UDall Center for Studies in Public Policy at the University of Arizona.

other places around the world, such as Vatican City within Italy and Lesotho within South Africa. It is a human right to be able to be sovereign and for a people to make its own decisions.

The United Nations Declaration on the Rights of Indigenous Peoples mandates this sovereignty. Adopted in 2007, the Declaration enforces the basic rights of indigenous populations, such as education, self-determination, cultural preservation, employment, and health. It also claims that indigenous peoples are equal to all other peoples and should live free from discrimination. Article 7 is one of the most striking sections of the document. It states that “Indigenous people... shall not be subjected to any act of genocide or any other act of violence”.<sup>13</sup> One-hundred and fifty-nine countries voted to decide whether or not to adopt this Declaration in 2007. Only the United States, Canada, Australia, and New Zealand voted against it. This vote signifies the U.S. government’s controlling policies of Native American populations: One of the longest and cruelest actions that the U.S. government is its treatment of Native American populations. The ways in which Native Americans are forced to live do not correspond with the basic human rights that should be afforded to all. They do not recognize their human dignity or the equality of all peoples.

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<sup>13</sup> *United Nations Declaration on the Rights of Indigenous Peoples*. (2007). The United Nations, p. 5.

## Where Were We When They Came for the Rohingya?

By: Nicolas LaBranche

On December 11<sup>th</sup>, 1946, the UN General Assembly met and passed resolution 260A<sup>14</sup> — the Convention on the Prevention and Punishment for the Crime of Genocide, which created an International mandate to end the “odious scourge which has inflicted great losses on humanity in all periods of history”<sup>1</sup> However, despite the firmness of the resolution, the world watched as the Khmer Rouge killed over 1 million Cambodians in 1975, and then again, as Hutu militias killed nearly 1 million Tutsi and moderate Hutu in Rwanda in 1994.<sup>2</sup> Genocide, despite international efforts, still remains one of the great human rights violations of our time. It primarily is a political act — an extreme form of chauvinistic politics, beginning first with the dehumanization of a group, typically an ethnic or religious minority, coupled with systematic oppression. The process occurs over years, sometimes decades, with complex social engineering painting a group as the “other”. Societies’ problems become no fault of their own but the fault of the “othered” minority group<sup>3</sup> Finally, when the killing begins, this scapegoating allow for “perpetrators to cope with the destruction of the stigmatized community, providing a psychological justification for their removal. By creating internal enemies, the natural human aversion towards murder is eroded.”<sup>4</sup> This buildup is a process that can take decades, but, when it finally erupts, the consequences are dire.

In Myanmar today, and after decades of religious chauvinistic politics and propaganda dehumanizing the Rohingya — a minority Muslim group — this buildup exploded, into what a UN Director describes as “ethnic cleansing.”<sup>5</sup> The Myanmar government’s systematic persecution of the Rohingya does not help, and many have fled to neighboring Bangladesh. Notwithstanding, hundreds of thousands are trapped in Myanmar, where they flee to detention camps. A clear violation of human rights and a clear act of Genocide, this treatment of the Rohingya deserves the attention of international community. Action is needed now, or the deaths will continue.

To understand the current Rohingya crisis, one must first know the current domestic political structure and ethnic makeup of Myanmar. Compromised of a population of 55 million, where one third of the population is classified as an ethnic minority group,<sup>6</sup>

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<sup>1</sup> Assembly, U. N. (n.d.).

<sup>2</sup> Cambodia 1975–1979. (n.d.).

<sup>3</sup> Cour Venning, A. D. (2017, October 11). Rohingya crisis: This is what genocide looks like.

<sup>4</sup> Cour Venning, A. D. (2017, October 11). Rohingya crisis: This is what genocide looks like.

<sup>5</sup> Lederer New York, E. (2017, September 13). UN chief calls for end to 'ethnic cleansing' of Rohingya Muslims as Security Council condemns violence.

<sup>6</sup> Thompson, W. S., & Ayutthaya, K. S. (2006). *Ethnic conflicts in Southeast Asia*. , Thailand: Institute of Security and International Studies, Chulalongkorn University.

Myanmar is dominated by the Burman people, who are predominantly Buddhist. The Burman have dominated the political scene in Myanmar since the post-colonial period, leading many scholars to describe Myanmar as an ethnocratic state. Despite comprising 23% of the population in Rakhine, the province home to most Rohingya, there is no political representation for the Rohingya. (Thompson, Ayutthayai 2006) Still, Article 1 of the International Covenant on Civil and Political Rights states, “All peoples have the right of self-determination”.<sup>7</sup> This lack of political representation of the Rohingya clearly violates the right to self-determination, something enshrined through international law as a basic human right.

The result of this is Burman control of the state at all layers of governance, easing the repression of the Rohingya’s civil and legal rights. For 50 years in Myanmar, under the rule of a military Junta, ethnic nationalist policies have served to both rally support for the government and repress dissent. This government enacted strict laws prohibiting the legal rights of minorities and dealt with repression via intense political crackdown. In 2010, there was hope for a change in the status quo as the country ended over 50 years of rule under the State Peace and Development Council (SPDC), the formal name of the military Junta<sup>8</sup>. However, despite the shift to civilian rule, the military still operates with near independence, and the political landscape still remains dominated by Burman-led political parties, which have failed to remove the vestiges of ethnocratic subjugation.

Along these lines, the 1982 Citizenship Law epitomizes this issue. It “not only excluded the Rohingya from attaining citizenship but also denied them the right to live in Myanmar unless they had solid evidence to show their ancestors lived there prior to independence.”<sup>9</sup> The consequence of this law is the stripping of the Rohingya’s civil rights and legal protections, which would normally be granted to all citizens of Myanmar. The Rohingya, despite these rights and protections being granted to all other citizens of Myanmar by their government, cannot go to secondary school, and possess no freedom of movement. They cannot claim protections from the arbitrary confiscation of property. They are further subject to forced labor.<sup>10</sup> Such practices, as seen through the International Covenant of Economic, Cultural and Social Rights and the International Covenant on Civil and Political Rights, are internationally condemned, on the basis of basic human rights principles. Yet, the Myanmar government, in their decades of systematic repression against the Rohingya, perpetrates them.

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<sup>7</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171,

<sup>8</sup> Xu, B., & Albert, E. (n.d.). *Understanding Myanmar*.

<sup>9</sup> Uddin, T. (2017, September 06). What created the blueprint for Rohingya genocide in Myanmar? Western colonialism.

<sup>10</sup> Human Rights Watch, *Burmese Refugees in Bangladesh: Still No Durable Solution*, 1 May 2000, C1203

These policies paint the Rohingya as the “other,” as the government defines the Rohingya not as citizens, but as illegal immigrants from Bangladesh. In 2013, a spokesperson for the Rakhine state government, responding to allegations of ethnic cleansing, stated, “How can it be ethnic cleansing? They are not an ethnic group,” (Uddin 2017). Denying their existence, the state worsens intense ethnic divisions; it has sowed the seeds for recent events to unfold. In one instance, the Rohingya Salvation Army, an armed Rohingya group, attacked a police station in Rakhine, leaving 12 dead.<sup>11</sup> The military, acting with near autonomy from civilian control, began brutal crackdowns against the Rohingya people out of retribution:

“The [UN Human Rights] team documented consistent accounts of the Myanmar security forces surrounding or entering villages or settlements, sometimes accompanied by Rakhine Buddhist individuals firing indiscriminately at Rohingya villagers, injuring some and killing other innocent victims, setting houses on fire, and announcing in other villages that the same would befall them if they did not comply with the order to immediately abandon their homes.”<sup>12</sup>

Since then, over 500,000 have fled from the region, and the military has not stopped.

Due to the strategic geo-political location of Myanmar, the international response to this crisis is tempered and weak, as powerful neighbors, seeking to expand their sphere of influence, ignore the conflict. India announced plans to deport over 40,000 Rohingya back into Myanmar, a move that the international human rights organization Amnesty International calls “unconscionable.”<sup>13</sup> This decision, many believe, is India’s attempt, via its deep military and economic ties with Myanmar, to counter Chinese influence. China has also done little, and it gone as far as blocking a statement by the UN Security Council condemning the violence.<sup>14</sup> There is little hope that, with these two powerful players turning a blind eye to this atrocity, meaningful UN action will be taken. The United States has issued an official condemnation of the violence, but no action has been taken in the form of concrete and effective policy to end the violence. Some have argued that this is due to American geo-political goals to strengthen ties with Myanmar as an effort, similar to India, to challenge Chinese influence.<sup>15</sup>

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<sup>11</sup> Myanmar: Who are the Arakan Rohingya Salvation Army? (2017, September 06).

<sup>12</sup> Attacks against Rohingya 'a ploy' to drive them away; prevent their return – UN rights chief. (2017, October 11)

<sup>13</sup> India in talks with Burma, Bangladesh to deport 40,000 Rohingya. (2017, August 11).

<sup>14</sup> Nichols, M. (2017, March 17). China, Russia block U.N. council concern about Myanmar violence.

<sup>15</sup> Yuksel, C. (2017, August 31). US warns Myanmar after violence against Rohingya.

Indonesia, due to intense domestic pressure from its majority Muslim population, has been the most active country in putting pressure on Myanmar, sending their foreign minister to Myanmar to conduct talks on the crisis.<sup>16</sup> Besides that, the international response to this crisis has been purely rhetorical, with little concrete action taken to end the violence.

Rhetoric alone will not stop the ethnic violence, which plagues Myanmar — not only in recent months, but through numerous periods of violence, including a 2012 outbreak that “displaced at least 125,000 Rohingya.”<sup>17</sup> The international community must pressure the Myanmar government, and aid the over 500,000 refugees who have fled to neighboring Bangladesh. The systematic discrimination against the Rohingya is deeply embedded in both social attitudes and the laws of Myanmar, dating back to the 1950s.<sup>18</sup> Sadly, due to the intense ethnic nationalism that has come to dominate the internal political discourse in Myanmar, it is unlikely that change will come from within. India and China, both vying for influence in the country, must use their economic and military aid as leverage to encourage such reform. The United States must match its rhetoric with effective actions in the form of sanctions. Without response, the cycle of human rights abuses and military terror campaigns against the Rohingya will continue, unchecked.

The world cannot stand by as a people are victims to a campaign of terror and systematic repression by their own government. On December 11<sup>th</sup>, 1946, when the UN General Assembly met to pass resolution 260A, there was hope that the world could ignore self-interests and politics and unite behind a common goal of ending the odious human rights abuse of genocide. However, as seen through the Rohingya crisis and numerous others, international actors have decided to weigh geopolitical strategic calculus over the plight of repressed people. Ending the current crisis will not be enough until the Rohingya people are ensured their basic civil, political, social, and economic rights, which are enshrined in international human rights law.

To end the cycle of abuse experienced by the Rohingya, concerned citizens globally must demand their governments take bold action on behalf of those without a voice. With widespread awareness, international actors may intervene and force reform that will protect the Rohingya people and end the decades of suffering they have felt at the hands of the Myanmar government.

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<sup>16</sup> Jazeera, A. (2017, September 03). Indonesia FM to urge Myanmar to halt Rohingya violence.

<sup>17</sup> Smith, M. (2017, October 03). "All You Can Do is Pray".

<sup>18</sup> Webb, J. (2015, May 27). Solving the Rohingya Crisis.

## Freedom to Marry?: Child Marriage and the Failures of Nations

Bridget Sharos

Internationally, 156 million underage males and 720 million underage females have been wed.<sup>1</sup> The practice of child marriage is a global problem that affects millions of young girls and boys in both developing and developed countries. The Convention of Rights of a Child, obliges the UN to investigate such abuses.<sup>2</sup> The convention asserts that child marriage is a clear violation of human rights, that child marriage is an unacceptable abuse.<sup>3</sup> The convention furthered establishes the extension of universal human rights, such as access to health care, education, and protection from all forms of mental, physical, and sexual abuse, to children.<sup>4</sup> Additionally, the *International Covenant on Civil and Political Rights* establishes universal human rights and affirms all persons have the right to self-determination, and that no marriage should be entered without the consent and free will of both spouses.

By this extension child marriage is in clear violation of the fundamental human right of self-determination, even if a child has the consent from a legal guardian. Children do not have the mental and emotional capacities to give consent. Their developing mental faculties cannot fully understand the responsibilities and connotations of a marriage or the economic and social problems marriage at a young age create. We as a global community then have a duty to ensure that all governments work to end child marriage.

Child marriage is symptomatic of deeper socioeconomic issues and inequalities. It consistently reveals discrimination against women and the pervasiveness of gender inequality. Economically, parents may marry off their daughters for economic purposes, and limited educational and employment opportunities for women do not help<sup>5</sup>. Lack of economic opportunity and child marriage reinforce each other, but this relationship in fact

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<sup>1</sup> Chhabra, E. (2016, October 24). *The Hidden World of Child Grooms* . Retrieved from Hidden Connections : <http://www.takepart.com/feature/2016/10/24/child-grooms>

<sup>2</sup> Silva-de-Alwis, R. d. (2008). *Child Marriage and The Law* . New York: United Nation's Children Fund (UNICIF) . Retrieved from [https://www.unicef.org/policyanalysis/files/Child\\_Marriage\\_and\\_the\\_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf) p.5

<sup>3</sup> Silva-de-Alwis, R. d. (2008). *Child Marriage and The Law* . New York: United Nation's Children Fund (UNICIF) . Retrieved from [https://www.unicef.org/policyanalysis/files/Child\\_Marriage\\_and\\_the\\_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf) p.i

<sup>4</sup> Silva-de-Alwis, R. d. (2008). *Child Marriage and The Law* . New York: United Nation's Children Fund (UNICIF) . Retrieved from [https://www.unicef.org/policyanalysis/files/Child\\_Marriage\\_and\\_the\\_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf) p.5

<sup>5</sup> Silva-de-Alwis, R. d. (2008). *Child Marriage and The Law* . New York: United Nation's Children Fund (UNICIF) . Retrieved from [https://www.unicef.org/policyanalysis/files/Child\\_Marriage\\_and\\_the\\_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf) p.32

only makes the economic situations of poor families worse. When both males and females are to be married, they often become tasked with ensuring the stability of family. Cultural norms produce rigid gender divisions of labor, with boys working and girls becoming housewives. As a result, education for both sexes is often devalued. Yet, lack of educational opportunity also limits economic mobilization and perpetuates a cycle of poverty for both sexes.

Equally as destructive to the human right of self-determination is marriage's roots in culture. Many regions abide by strict religious and traditional customs, such as protecting a girl's sexuality and virginity, with the aim of preserving her honor. Indian custom, for example, reflects the economic pressures of child marriage. Between 1988 and 1999 about 65% of Indian girls were married before or by the time they were eighteen, the majority of which during religious festivals like Ramnavmi.<sup>6</sup> Some traditional Indian rural communities, like the Yadav, believe that if a girl is married before her menstrual period, it will bring great blessings to her family.<sup>7</sup>

Placing a young woman into a legal union with an adult man eviscerates any meaningful self-determination that she holds, making even cultural considerations no excuse for this practice. Child grooms also experience challenges from being married too young. The external pressure of providing for a family at such a young age often results in psychological trauma, poverty, and lack of access to education.<sup>7</sup>

Much is said about the global atrocities committed against children, yet child marriage is often overlooked in developed countries, such as the United States. The legal age of consent in the majority of states is between the ages of sixteen and eighteen; nevertheless, there are many loopholes in state laws, which allow minors to marry. These marriages are contingent on parental consent and a judge's approval.<sup>8</sup> In the past fifteen years, over two hundred thousand minors were married in the U.S, and 87% of them were women aged sixteen and seventeen, and only 14% of all children married to fellow minors.<sup>9</sup>

Whether in India, Pakistan, or the United States, our international bodies must take a far more aggressive approach in documenting and combating child marriage in all its forms.

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<sup>6</sup> Silva-de-Alwis, R. d. (2008). *Child Marriage and The Law* . New York: United Nation's Children Fund (UNICIF) . Retrieved from [https://www.unicef.org/policyanalysis/files/Child\\_Marriage\\_and\\_the\\_Law\(1\).pdf](https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law(1).pdf) p.23

<sup>7</sup> Chhabra, E. (2016, October 24). *The Hidden World of Child Grooms* . Retrieved from Hidden Connections : <http://www.takepart.com/feature/2016/10/24/child-grooms>

<sup>8</sup> TSUI, A. (2017). *Married Young: The Fight Over Child Marriage in America*. Frontline . Retrieved from <http://www.pbs.org/wgbh/frontline/article/married-young-the-fight-over-child-marriage-in-america/>

<sup>9</sup> Baynes, C. (2017). *More than 200,000 children married in US over the last 15 years*. Independent . Retrieved from <http://www.independent.co.uk/news/world/americas/200000-children-married-us-15-years-child-marriage-child-brides-new-jersey-chris-christie-a7830266.html>

It is also important to note that the majority of children married in the United States, similar to other countries, are economically disadvantaged and tend to live in rural and impoverished areas<sup>19</sup>.

Solutions to child marriage are difficult. The frequency of child marriage is the product of cultural and religious traditions, which are valued above the well being of children. Child marriage is practiced differently in various contexts. One solution, The Girls Not Brides Campaign, works to prevent child marriage by working with religious and traditional leaders, empowering women through programs, services, and protection mechanisms. It also educates families about the problems with child marriage.<sup>20</sup> In India and Nepal, services now exist to protect married and unmarried girls from the consequences of child marriage.<sup>21</sup> This progress is encouraging but in the context of this global atrocity, such developments are not enough. As evidenced by the problem of child marriage in the United States, countries may have marriage laws in place, but child marriages still occur.

The eradication of all forms of child marriage cannot be achieved without educating communities about alternatives and through rule of law. International cooperation and re-commitment to achieving human rights worldwide among our most innocent and vulnerable ought to be a highest priority of nations. The United States, as a leader on the world stage, is bound to uphold the Universal Declaration of Human Rights. Ending child marriage is a challenging task, but it must be done for the sake of the millions of young boys and girls. Instead of resigning the children of the future to the fate of economic subordination and misogyny, the world must uphold these promises — that all human beings have the fundamental right to determine their own paths.

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<sup>19</sup> Baynes, C. (2017). *More than 200,000 children married in US over the last 15 years*. Independent . Retrieved from <http://www.independent.co.uk/news/world/americas/200000-children-married-us-15-years-child-marriage-child-brides-new-jersey-chris-christie-a7830266.html>

<sup>20</sup> *How Can We End Child Marriage?* (n.d.). Retrieved from Girls not Brides : <https://www.girlsnotbrides.org/how-can-we-end-child-marriage/#empower-girls>

<sup>21</sup> *How Can We End Child Marriage?* (n.d.). Retrieved from Girls not Brides : <https://www.girlsnotbrides.org/how-can-we-end-child-marriage/#empower-girls>

## Hamas and Human Rights: An Opportunity for Oslo III?

Shankara Narayanan

What are human rights? Simply put, they constitute an individual's right to live. This includes rights to liberty, fundamental freedoms, and economic opportunity. The U.N Covenant on Economic, Social, and Cultural Rights describes these freedoms in greater detail. Article 1 states that all people have the right to "...freely pursue their economic, social and cultural development."<sup>1</sup> But in the face of entrenched poverty, how can individuals pursue any form of development? Economic insecurities suppress their human rights. Consequently, there is an emphasis on material needs. A lack of predictable access to food, water, shelter, and physical safety narrows the lens through which people view politics or rights. When material politics remain unresolved for decades, outbreaks of violence occur and radical groups form.

Hamas, the ruling party of Gaza, is one such violent offshoot of mainstream politics caused by the suppression of human rights. Fatah, a rival political faction of Hamas located in the West Bank, has attempted to reconcile its differences with Hamas over the past few months, under the supervision of Egypt. Should full reconciliation occur, the Palestinian people will once again be united under a common political banner. The reunification process allows important conclusions to be drawn about the role of governments in resolving human rights issues and addressing the ideologies they indirectly create. It points to why people choose violence to resolve their problems. Socio-political marginalization gave rise to Hamas, and the fear of its perpetuation is directly responsible for Hamas' popularity, but real progress can only be made if the international community seizes this opportunity and addresses the chronic insecurities in Gaza through future negotiations.

In considering how to end the conflict in Palestinian territories, one must recognize that broad support exists for Hamas because of socioeconomic pressures. One pressure is the extreme inequality of the Gaza Strip. Hamas was formed during a time of domestic instability caused by social inequalities, fueling a backlash against the creation of Israel. It drew upon support from those who feel neglected and are exceptionally poor. Established as the Muslim Brotherhood's local political branch in the Gaza Strip during the First Intifada in 1987, the sectarian group published its charter the following year.<sup>22</sup> Most critics of the charter focus on its blatant advocacy for the destruction of Israel.

Nonetheless, Hamas' fundamental focus on domestic welfare cements its place in Gaza, as it taps into the insecurities of a disenfranchised urban populace. Indeed, Hamas'

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1 Laub, Z., (2014, August 1). *Hamas*. Retrieved from <https://www.cfr.org/backgrounder/hamas>

budget for its social and welfare programs ranges from \$50-\$70 million.<sup>2</sup> Unemployment stood at 35% during the elections, while over 66% of Gazan households lived below the poverty line.<sup>3</sup> The governance of the Palestinian Authority in the region, led by Fatah, was ineffective in providing aid services before 2006. The groups that do exist, such as the UNRWA and secular NGOs, do not operate in certain parts of Gaza.<sup>4</sup> Hamas, on the other hand, provides social welfare assistance for underserved communities, such as housing and education for orphaned children.<sup>5</sup> The group oversees the construction of medical centers, mosques, schools, and food banks.<sup>6</sup> These activities may be recruitment centers for militant activity or corrupt young children, but the perception of Hamas is unfortunately what matters most. Their appeal lies in the desperate need to resolve poverty, lack of socioeconomic security, and political suppression Gaza has experienced for decades. The fact that their programs are seen as integral to Gazan society, combined with widespread disappointment in Fatah, is responsible for their victory in 2006. Clearly, the suppression of human rights creates a demand for immediate change, sometimes at any cost.

Any serious approach to resolving tensions in Gaza should address these vulnerabilities. By contrast, the policies of Egypt and Israel merely increase the popularity of the group's unifying ideology. Following Hamas' election, Egypt and Israel closed their borders with Gaza and began to restrict movements into and out of the territory. Cairo has no lost love for Hamas, especially given the fact that Abdel Fattah el-Sisi's military regime sees any subgroup of the Muslim Brotherhood as a threat to its own political power.<sup>7</sup> The inherent threat posed by this election causes Israel to pursue a policy of military action and economic blockade.<sup>8</sup>

However, for every Palestinian who dies, the domestic power of Hamas only grows. The actions of Egypt and Israel may be partly responsible for the recent reconciliation, but they also lead to greater suffering.<sup>9</sup> They provide Hamas with the perfect opportunity to consolidate their social welfare programs in the face of perceived aggressions from Egypt, Israel, and the West.

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<sup>2</sup> Ibid.

<sup>3</sup> International Monetary Fund, (2007, September 4). *Macroeconomic and Fiscal Developments in the West Bank and Gaza*. <https://unispal.un.org/DPA/DPR/unispal.nsf>

<sup>4</sup> Pham, L., (2014, August 8). *Terrorism and Charity: Defining Hamas*. Retrieved from <http://www.worldpolicy.org/blog/2014/08/08/terrorism-and-charity-defining-hamas>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Miller, R., (2016, January 27). *Hamas' Lost Decade: Behind the Group's Uphill Battle for International Legitimacy*. Retrieved from <https://www.foreignaffairs.com>

The so-called “Diplomatic Quartet” — The U.S, the U.N, the European Union, and Russia — rather than continue military pressure, contributes to the reunification of Fatah and Hamas.<sup>10</sup> Their pressure forced Hamas to weigh the very real potential for backlash caused by failed policies against the opportunity for fulfilling their political goals alongside Fatah. The Quartet’s conditions laid out in 2006, that Hamas renounce violence, recognize Israel, and accept peace agreements, detailed specific requirements for diplomatic relations. They justified the Quartet’s isolation of Hamas. Isolation, in turn, forced Hamas to adjust its stance on the two-state solution.<sup>11</sup> On May 3rd, 2017, Hamas issued its revised charter, which accepts 1967 borders and neglects the Muslim Brotherhood.

Diminishing their hardline reputation in these ways, Hamas’ reconciliation agreement with Fatah may yet succeed. Fatah and Hamas are coming together to pursue a solution to the conflict with Israel, but their unity is a byproduct of the pressure applied on them by the Diplomatic Quartet and Egypt. Hamas is unwilling to risk losing political credibility in Gaza — just as Fatah did before it — and for that reason, it is able to reconcile with Fatah.<sup>12</sup> Hamas is learning from the very problems that led to its rise. Whether or not the agreement will stand the test of time depends upon the future cooperation of both groups in expanding the Gazan economy, promoting prosperity in the Palestinian territories, and expressing a desire to make meaningful progress in international negotiations. The Diplomatic Quartet successfully pushed Hamas and Fatah to reunite, but now they must prove that they will stand by their criteria if decades of conflict will ever end.

Isolating Hamas proved easy. Working with it is not. Hamas is forced to adopt political unity because of the potential electoral ramifications of near-total international political isolation.<sup>13</sup> But now the direction of that political unity is up for grabs. Israel has criticized the process, focusing on Hamas’ reluctance to give up its arms. Of course, this is a valid concern. But it should not serve as a shield, hiding the desire to stall negotiations that a weary international community does not want to enter. By uniting with Fatah, Hamas is pursuing a resumption of Israeli negotiations and hopes to build on the international capital it gained. The Diplomatic Quartet must read these signs. If they are serious about combating violence in the region, the fundamental insecurities that lead to its elevation must be resolved. Should Hamas continue to perpetuate violence or indoctrination, the past decade reveals that total isolation will force it to change its policies. In short, the time to resume serious talks concerning a two-state solution is now, at least in Gaza. All that is required now is action, not parochial politics.

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

## **Cruel, Degrading, and Unusual: Slavery in Present-Day Mauritania**

Christian Krog

In Mauritania, White Moors hold a majority of government positions, own the greatest percentage of wealth, and run industry. This group is ethnically Arab, religiously Muslim, and live in the Maghreb (the North African coast that runs from Morocco to Libya). Since the introduction of slavery to Africa, the White Moors have enslaved the Haratines — a people descended from black African ethnic groups along the Senegal River. It is estimated that today, between 10% and 20% of Mauritania's 4.3 million residents live in slave-like conditions, consisting of forced labor, inhumane treatment, physical abuse, and restricted access to education. Culturally induced practices protected by the government in Mauritania allow slavery, defined as “forms of exploitation and degradation of [people], particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment” by the African Charter on Human and Peoples' Rights of 1981.

The Mauritanian government knows of the problem of slavery, but it does the bare minimum to avoid intervention. By limiting education, the government eliminates the possibility of human rights taking hold among slaves. The unruly reality of Mauritanian politics allows the government to conduct itself seemingly without conscience. The government of Mauritania is attempting to hide its vast slave network by maneuvering around international human right policies, tapping into cultural norms, and denying responsibility for these practices.

Slavery has been abolished in Mauritania since its colonial ruler, the French, abolished it in 1794. When Mauritania declared itself independent from French rule in 1958, the government soon abolished slavery through its nation's constitution. Again, in 1981, the government abolished slavery and declared that the practice no longer existed — a belief held by officials today. Then, in 2007, the country criminalized and enforced penal consequences slave ownership. Mauritania continues to harp on abolishing slavery, because it reminds the international community that the government has a strong anti-slavery stance. In one case, the Mauritanian government convicted two members of a vast slave owning tribe in 2011. Both were convicted, but they only received a five-year prison sentence, consisting of one-year incarceration and four-years of probation, coupled with compensation.<sup>1</sup>

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<sup>1</sup> Mauritania: Government Frees Anti-Slavery Activists and Convicts Slave Owners." International Trade Union Confederation. May 19, 2016. Accessed October 06, 2017.

This example reveals that the state's anti-slavery initiatives are illusions of social change. Such cases in fact protect slave owners by establishing weak penalties and consequences for slave ownership. Mauritania may officially condemn slavery and appease human rights organizations, but slavery is still rampant across the country today. To further their illusion, President Mohamed Ould Abdel Aziz created the National Agency to Fight against the Vestiges of Slavery. In 2014, this group had a \$3.3 million operating budget. Since the agency's inception, there has been no visible effect, and the International Labour Organization criticized the agency's "lack of will" in regard to ending the practice of slavery in Mauritania.<sup>2</sup>

Insulting the core theory of human rights, Mauritania has cracked down on abolishment activists with more intensity than slave owners. Following a riot after an anti-slavery rally in 2016, thirteen activists were arrested and subsequently sentenced to 15 years in prison.<sup>3</sup> The parallel between anti-slavery activists being constantly threatened by the government and slave owners enjoying immunity against legal action is enough to bring concern to anyone. Recently the government of Mauritania rejected ten anti-slavery activists from the United States to enter the country. In response, the government of Mauritania claimed that the group's itinerary would be in breach of Mauritanian law. Mauritania is hiding the real magnitude of its slavery practices from the rest of the world.

The world, however, is not blind to the inhumanity within Mauritania. Two major US labor unions, the American Federation of Labor and the Congress of Industrial Organizations, called upon the United States government to force Mauritania to take a more aggressive role in combating slavery.<sup>4</sup> Currently, Mauritania benefits from the African Growth and Opportunity Act, which offers substantial aid to countries that can prove they can follow human rights and follow labor regulations. The United States is currently blindly financing a country in reward for their appeared efforts to progress human rights, while the same country runs the last open sanctuary for slavery.

Surrounding the complexity of Mauritania is its rocky political landscape. President Mohamed Ould Abdel Aziz rose to power in 2008 after a coup. He then democratically assumed office in 2009 and won a reelection in 2014. Term limits will force President Aziz to step down in 2019. Mauritania, like the United States, has a bicameral legislature

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<sup>2</sup> "Individual Case (CAS) - Discussion: 2015, Publication: 104th ILC session (2015)." 2015. NORMLEX Information System on International Labour Standards.

<sup>3</sup> "Mauritania jails 13 anti-Slavery activists." 2016. Mauritania News | Al Jazeera. <http://www.aljazeera.com/news/2016/08/mauritania-jails-13-anti-slavery-activists-160819132028879.html> (October 10, 2017).

<sup>4</sup> Ratcliffe, Rebecca. 2017. "US warned Mauritania's 'total failure' on slavery should rule out trade benefits." The Guardian. <https://www.theguardian.com/global-development/2017/aug/25/us-warned-mauritania-total-failure-slavery-trade-benefits> (October 12, 2017).

consisting of a Senate and a general assembly. In March 2017, an amendment to restrict term limits was rejected by their Senate. In response, massive protests against President Aziz emerged resulting in an open vote referendum to abolish the Senate. Then, an estimated 83% voted for the dismantling of the Senate.<sup>5</sup>

And so it appears President Mohamed Ould Abdel Aziz has nothing stopping him from running for a third term, a fourth, or potentially from being President for life. In accordance with traditions set out by other African presidents, it can be assumed that human rights will only diminish if this trend continues. The UN Human Rights Office reports that, "protest leaders were reportedly beaten up and a number of them were arrested" during demonstrations against President Aziz. This brutality and disregard for humanity are themes of Aziz's regime. Yet still, the government of Mauritania has done much to maintain a positive reputation despite its protection of slavery. This reality is in part due to the lack of condemnation from the international community, which must realize that Mauritania enslaves its own people, oppresses its citizens, and violates the principles, including equality and dignity, upon which human rights are founded.

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<sup>5</sup> Jazeera, Al. "Mauritania votes to abolish Senate by referendum." Mauritania News | Al Jazeera. August 06, 2017. Accessed October 08, 2017. <http://www.aljazeera.com/news/2017/08/mauritania-votes-abolish-Senate-referendum-170807003416088.html>.

## Moving Beyond Civil and Political Rights in the United States

Lucas Bladen

The United States has long considered itself the world's main protector of human rights, having been founded on the idea that "all men are created equal." This ideal has been a rallying cry for various movements of the last two centuries, including abolitionism, women's suffrage, labor rights, and same-sex marriage. Victories in these domains have frequently come from the courts, with verdicts often resting on judges' applications of the Fourteenth Amendment's equal protection and due process clauses. Along with the rights enumerated in the Bill of Rights, these clauses have contributed to a civil rights jurisprudence largely responsible for overturning *de jure* segregation and discrimination.

However, human rights in the contemporary U.S. currently find themselves at a crossroads; despite civil and political rights being largely guaranteed, the government has struggled to fight persistent *de facto* segregation, achievement gaps, and socioeconomic inequalities that these protections have done little to address.<sup>1</sup> Increased protections against discrimination as well as proactive government measures to tackle the aforementioned disparities are, due to the rise of millennials, receiving more attention among voters than ever.<sup>2</sup> Nonetheless, such an approach would entail an embrace of the social and economic rights that the U.S. has historically been reluctant to discuss.

Perhaps the most detailed articulation of both American and, more generally, liberal Western ideals comes from the United Nations' International Covenant on Civil and Political Rights (ICCPR), which the U.S. has both signed and ratified. Put into effect in 1976, the document highlights guarantees of right to life, right to a fair trial, electoral rights, and freedom of speech, assembly, and religion.<sup>3</sup> These liberties most often, but not exclusively, concern individuals in a framework that has come to be called "negative liberty" or "freedom to." As opposed to "positive liberty" or "freedom from," this configuration advocates the removal of external barriers that hinder the exercise of rights.

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<sup>1</sup> United States: Events of 2016. (2017, July 24). Retrieved December 08, 2017, from <https://www.hrw.org/world-report/2017/country-chapters/united-states>

<sup>2</sup> Cohen, C. J., Fowler, M., Medenica, V. E., & Rogowski, J. C. (2017). The "Woke" Generation? Millennial Attitudes on Race in the US. Retrieved December 6, 2017, from <https://genforwardsurvey.com/assets/uploads/2017/10/GenForward-Oct-2017-Final-Report.pdf>

<sup>3</sup> International Covenant on Civil and Political Rights. 1966. United Nations Office of the High Commissioner. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

It is in this model that the U.S. has constructed its vision of rights. The Constitution has a traditionally laissez-faire attitude towards individual rights and responsibilities, and considers the government's main responsibility to be leveling the playing field for individuals. A traditionally American conception of negative liberty argues that equality of opportunity is the principal obligation of government, and as such, individuals are incentivized to work hard to advance economically. Civil and political rights value access to resources more highly than the assurance that individuals do, in fact, access those same resources equally.

This approach to rights has allowed for enormous advances towards ending inequality, advancing the causes of school integration, property ownership, access to contraception, and gay marriage, among many others. On the other hand, American society is growing increasingly divided along racial, cultural, gender, and economic lines. Black and White citizens differ sharply in their ideas of the current state of race relations in the U.S. The former group sees vast opportunities for mitigating discrimination that the latter does not believe exists.<sup>6</sup> Though the LGBT community has benefited from federal anti-discrimination protections, the current administration is seeking to roll back such liberties by arguing that they are not safeguarded on the basis of sex.<sup>7</sup> Curiously enough, many have argued that sex discrimination itself has not been taken seriously enough by the federal government. Especially given the dramatic underrepresentation of women in both elected office and top government positions, it is problematic to see sex discrimination laws used to actually restrict rights and liberties.

Lack of protection for minority and other underrepresented groups in the U.S. has contributed to an economic achievement gap. Regardless of individual identity, though, poverty and economic inequality are becoming dangerous facts of life for all demographics due to wage stagnation, a changing job market, and a declining social safety net, among other factors.<sup>8</sup> Adapting to the economic realities of the 21st century will require the government to reevaluate its role in promoting opportunity; the debate between the two major American political parties primarily concerns their prioritizations of equality.

Yet most politicians are largely unwilling to embrace a stronger role for the state in terms of guaranteeing social and economic rights. In the United Nations' International Covenant on Economic, Social, and Cultural Rights, which the US signed but did not ratify highlights the state's assurance to provide, among other things, education, healthcare, a decent standard of living, and labor rights.<sup>9</sup> Social and economic rights, relying on a positive conception of liberty, understand that not all individuals are born

with or are able to obtain equality of opportunity.<sup>4</sup> Supporters of these rights argue that equality is not a lofty standard for which to strive but in fact a goal attainable through a proactive state.

The U.S. has struggled to prove that mere access to resources and opportunity is enough to ensure societal health; the country's current reality is innately tied to its preference for civil and political rights. Many Americans fear an activist government, arguing that such a state is too powerful and has the potential to do more harm than good to its citizens. Moreover, these individuals consider that a nation too reliant on positive liberties undermines the work ethic of individuals, encouraging laziness and dependence. The Republican Party consistently echoes this thought process, calling for access to goods and services rather than a guarantee of them. Why, conservative critics contend, should the government change the "pull-yourself-up-by-your-bootstraps" mentality that has long defined American ideals of individual responsibility and work ethic? Some modern liberals, breaking with the relative centrism of the New Democrats of the 1990s and 2000s, have only recently begun to take cautious (and controversial) steps towards more outwardly activist policies in such domains as healthcare, college affordability, paid family leave, and reproductive rights, among others.

Cultural factors at play in the U.S. have limited overall acceptance of social and economic rights, thus undermining the progress of human rights on the whole. The liberal tradition in which the U.S. was founded rests upon a framework of civil and political rights, and such thought has been perpetuated by over 200 years of legal scholarship. Conservative legal thought prioritizes textualism and originalism when reading the Constitution; though these philosophies have been used to restrict the expansion of human rights, they draw on a patriotic, revolutionary rhetoric that pleases many Americans.<sup>10</sup> Consequently, proponents of social and economic rights will have to show that their goals are compatible with the American Dream if they wish to move beyond the feel-good prioritization of equality of opportunity.

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<sup>4</sup> United Nations Office of the High Commissioner. 1976. "International Covenant on Economic, Social, and Cultural Rights." January. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

## Overcoming the Challenge of Education for Syrian Refugee Children

Alisha Tousignant

In the wake of political violence, corruption, instability within the government, and generally unlivable conditions, Syrian families have either been forced to or have elected to flee Syria with hopes of achieving safety and security. As such, the crisis plaguing Syria has either disrupted, reduced the quality of, or wholly diminished the education of millions of children. Most Syrian children are either unable to continue with their education or are receiving one which has expansive gaps. The lack of basic schooling for young Syrians can carry heavy implications: the reduction of possibility for upward mobility, the omission of a safe haven, fewer positive role models fostering constructive habits, and the decline of general wellbeing.

The aforementioned consequences of educational disparities are precursors of vulnerability in youth to radicalization via local militant groups- proliferating violence and allowing extremist ideologies to flourish. The negative effects of the absence of education are detrimental not only to the individual lives of young Syrians, but also destructive on the macro level, placing the future of Syria as a whole in jeopardy. It is imperative to encourage improvement in policies pertaining to education for Syrian refugee children. If the deficiency in respect to education for young Syrians remains on its present course, the prospect of political harmony in the future for Syria will continue to dwindle. After all, it is the current youth that will assume the role of leaders a decade from now.

With aspirations to escape the multifaceted chaos in their home country, Syrians generally flee to Turkey, Iraq, Lebanon, Jordan, Egypt, and even Europe. In the countries that are hosting the highest number of refugees, camps have been set up for them. In some instances, these camps include makeshift schools. In other situations, refugees are eligible to attend the area's public school.

Even when the prospect of school *is* a possibility for Syrian refugee children, inherently more layers of adversity reveal themselves. One hindrance in particular is overcrowding. In Lebanon during the 2015-2016 school year, the influx of refugees in schools and the resulting overflowing classrooms drove a wedge between Syrian refugees, the Lebanese government, and citizens of Lebanon; exposing notes of resentment and tension and adding to the deadlock of arriving at a solution. Indicative of the breadth of this one hurdle, in the 2015-2016 school year, there was just barely availability for 200,000 of the roughly 500,000 Syrian refugee children in need of school in Lebanon. Further illuminating the heartbreaking nature of the issue, a group in Jordan comprised of 23 school-aged girls who attended school in Syria displayed that they wished to pursue their

education. Unfortunately, after leaving Syria, and due to overpopulated schools, only four of them were able to continue. Dismally, even in the case that Syrian children are able to secure a spot in schools, they face a multitude of supplementary barriers which prevent them from attending (Khawaja 2016)

Even the refugee children who are fortunate enough to attend school in their host countries are met with serious obstacles. Schools are underfunded and lack the resources to cope with the surge in population of pupils- refugees and native children alike. The students who are refugees regularly endure discrimination, language barriers, difficulties traveling to and from school, already having missed too much school, and more (Beste 2015).

The Turkish education system had funding issues even prior to the Syrian refugee crisis. The surge of Syrian children entering Turkish schools is compounding the issue, diminishing the quality of the education both Turkish and Syrian children receive. For Syrian refugees residing in camps, which include schools, the quality of education is mediocre at best. The teachers practicing in these communities are frequently under-qualified volunteers who lack experience. Furthermore, many of the instructors in host countries are not adequately trained to assist refugee students suffering from emotional trauma. According to the *Human Rights Watch*, “one boy’s mother said his personality changed during the conflict after his cousin was killed in an attack and the boy retrieved his head, and he no longer wanted to go to school in Jordan” (Van Esveld 2013).

Proximity and the scarcity of safe transportation for Syrian refugee children are also responsible for the disincentive to enroll in school. Children residing in tent cities without public education have virtually no means of transportation to the nearby schools. In Lebanon, the population is relatively dispersed, and for children living in remote areas, taxi carpooling is their only option. This is often too expensive for families to afford. In Jordan, refugees frequently live too far away from the schools to walk, and according to a recent survey, 25% of Syrian refugee children state that their absence in school is due to the commute being too great or too dangerous. In Turkey, temporary education centers have been created, and busses are available for Syrian refugees to utilize. However, there is a fee associated with the buses, and often refugee families simply do not possess the financial resources to cover this expense. For the youth that live close enough to walk, safety concerns are prevalent and parents feel that the benefits of school are not worth the risk of losing their children (Khawaja 2016).

In addition, the Syrian curriculum is exclusively taught in Arabic. In Lebanon, lessons are either taught in English or French, contributing another dimension to the adversity of

learning for Syrian refugee children. Older students experience hardships with this-younger children learn new languages with more ease.

Many refugee children are ineligible to attend school in their host country because their formative years of education have evaded them as a result of the condition of their country. For instance, Jordan has a law stating that a child can not miss more than three years of school to remain eligible to enroll in formal education. This rule alone prevented 77,000 Syrian refugee children from attending school prior to 2014 (Baldwin 2013).

Discrimination and bullying also fortify the diversion away from education for Syrian children. And, it comes not just from peers. According to UNHCR, “Some parents reported verbal and physical abuse by teachers. Several children in Lebanon said their teachers beat them in class and ‘tell us bad words.’ At a Za’atari camp, girls described how their teachers tell them ‘you have ruined your country,’ cursing Syria for sending them to Jordan.” Some teachers and parents of native children in host countries believe that the refugees are taking jobs, increasing the cost of rent, and inciting violence, leading to a resentment of Syrians, and thus xenophobic attitudes propagate in schools. For children who are already suffering from extreme psychological distress, going to school can potentially become more of a burden than an opportunity (Baldwin 2013).

Due to the dire financial situation of most Syrian refugee families, many children have no choice but to work full time in lieu of going to school. In a 2014 article published by the *Human Rights Watch*, the scope of the problem is highlighted through an anecdote concerning a nine-year-old Syrian refugee in Turkey named Mohammed.

“Mohammed, who would now be in third grade, misses going to school. ‘I was one of the best in my class, and I really liked learning how to read. But now we don’t even have any books or anything that I can use to study on my own.’ He works eleven-hour daily shifts at a garment workshop where he earns 50 Turkish lira (approximately US\$18) per week.” In Jordan, 44 per cent of Syrian refugee boys work more than 44 hour weeks, leaving no time for education (Van Esveld 2016). Even more disturbing, a little under half of all refugee children are the sole or partial source of family income. Further, child labor in Jordan is illicit, inviting some employers to exploit and abuse underage Syrian workers who are willing work in damaging environments for less than meager wages. Trading education for work is prevalent in all host countries because of the extreme financial situation of many Syrian refugee families (Van Esveld 2016).

Almost 7 million Syrians are internally displaced within their own country. They are exposed to a unique obstacle when it comes to education. Many of their schools have been destroyed or repurposed, leaving children with nowhere to congregate and learn.

Some schools have morphed into militant training areas led by rebel groups. From 2011-2014, there were upwards of 4,000 terrorist attacks on schools in Syria, and 160 children were killed. Over a thousand Syrian schools have been repurposed to serve the military. Countless schools have been put out of commission, suspended, or deemed unsafe due to fighting or bombing nearby, which generates high risks for children who do choose to attend (Attar 2016).

With about one million of Syria's youth not attending school, the country is at the peril of spawning a "Lost Generation." Without education, youth are more likely to settle for low-paying jobs and to feel a sense of hopelessness. In turn, they become susceptible to the vulnerability of joining groups such as ISIS as a last resort for money or a sense of belonging. With no education, government protection, and little confidence in the future, they often are presented with no choice (Shaheen 2015)

If and when the Syrian government is replaced by a stable and non-violent civic configuration, without the young generation having access to education, the country's economy and infrastructure will never be reconstructed or have the potential to grow. This is because there will be a paucity of professionals contributing critical societal duties such as doctors, engineers, and government officials. Nations in the fiscal position to provide support need to take the initiative to recognize education as a priority in the resolution of the conflict in Syria. Syrian children lack access to role models fostering good habits other than their parents. They are deprived of the safe place that school provides, especially when so frequently their locations of residence lack security. Without implementing a sufficient educational model for these children, the political unrest in their home country will persist for decades to come and the range of the conflict will widen.

With all other ethical motivations aside, it would be beneficial to international security if nations chose to contribute fiscally to education for Syrian refugee children. Terror groups will continue to take advantage of uneducated and desperate youth by recruiting in pools of vulnerability: as education decreases among refugees, poverty, violence, and general political instability will increase, partly as a result of the success of militant organizations. Syrians will experience inflated levels of deficit as scholarship among the public decreases, which in the future will only escalate the need for outside humanitarian aid. It is imperative that Western nations regard education as an investment to avoid the necessity of more aid in the impending years. Nations that possess the financial ability to accept refugees need to do so in order to slow the increasing burden on Turkey, Jordan, Lebanon, and parts of Europe. The aforementioned countries have taken care of most of the Syrian refugees, whereas countries with more space and capital refuse to provide any assistance of substance (Polk 2015)

Islamophobia, extremism, and the concern of Syrians taking jobs away from citizens have proven to be some of the reasons that countries are reluctant to receiving refugees, but these prejudices are largely erroneous in nature. Syrians accept the jobs which expose them to exploitation that native people would never consider even if they were given the offer. Refugees are less likely to engage in crime than the native populations of many host countries when given circumstances that replenish hope for prosperity in their lives (Riley 2016) Syrians tend to be entrepreneurial, and will likely increase productivity in the economy if allowed to learn and work. Many adults are educated, which only strengthens the professional workforce in these areas.

If able countries accept refugees, or at least provide reasonable financial assistance for education, Syrian children would have a more viable chance at scholarship and experiencing success later in life. With a new generation of educated Syrians, the proliferation of radical groups would decrease and rebuilding Syria could loom on the horizon. However, with no improvement or emphasis on education, the next generation of Syrians will have little feasibility of achieving any personal transcendence, and the chance of discontinuing political violence and instability in their home country will ebb and fade as time goes on.

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## **Morally-Compromised U.S. Foreign Policy: Passivity in the Relegation of Human Rights in Syria**

Samuel Rostow

During the initial phase of Assad's atrocities in Syria, President Obama's administration embodied inaction, and the human rights of the Syrian people were cast aside. Relative to the era of the Bush administration, the United States has become a passive actor in the Middle East with grave results ranging from unhinged atrocities to Russian hegemony. In order to remedy these developments, the United States should employ heavier military footprint in both Syria and Iraq.

Although the concept of human rights becomes complex in certain areas of legislation, the core aspects are unambiguous as outlined by the United Nations. These began with Eleanor Roosevelt. In the final months of 1948, former First Lady Roosevelt was in Paris serving as the first Chair of the United Nations Commission on Human Rights. She was instrumental in drafting the final December version of the Universal Declaration of Human Rights that became the basis for subsequent assessments of countries' records. Most importantly, Article 3 of the Declaration states, "Everyone has the right to life, liberty and security of person".<sup>3</sup> This right relates to what was outlined in the Convention on the Prevention and Punishment of the Crime of Genocide. In this treaty, the United States' mandatory commitments as a signatory are unequivocal. Article 1 states, "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish".<sup>4</sup>

As noted by Ambassador Richard Gardner, Mrs. Roosevelt knew that the words were not self-enforcing and would require people to work for freedom and justice for each human being.<sup>5</sup> Her legacy is contingent upon the United States taking action. In the prior eight years, the Obama Administration government did not adhere to the explicit, binding commitments as they pertain to U.S. policy on Syria. Within the administration, officials were primarily responsible for consistently advocating and executing a non-interventionist policy.

For example, President Obama once delivered his infamous remarks regarding his "red line" with the Assad government in Syria. He stated, "We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would

<sup>3</sup> *Universal Declaration of Human Rights*. Paris, United Nations, 1948. *United Nations*, [www.un.org/en/universal-declaration-human-rights/](http://www.un.org/en/universal-declaration-human-rights/).

<sup>4</sup> *Convention on the Prevention and Punishment of the Crime of Genocide*. Paris, General Assembly of the United Nations, 1948. *United Nations*, [treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf](http://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf).

<sup>5</sup> Gardner, Richard N. "Eleanor Roosevelt's Legacy: Human Rights." *New York Times*, 10 Dec. 1988, [www.nytimes.com/1988/12/10/opinion/eleanor-roosevelt-s-legacy-human-rights.html](http://www.nytimes.com/1988/12/10/opinion/eleanor-roosevelt-s-legacy-human-rights.html)

change my calculus. That would change my equation.”<sup>7</sup> Four years later, *The Atlantic*’s Jeffrey Goldberg asked President Obama about his decision take no action against Assad, who clearly crossed his “red line” through the use of chemical weapons against the Syrian people. In retrospect, President Obama has stated, “I’m very proud of this moment,” as he referred his decision not to enforce his Syrian red line.<sup>8</sup> Nonetheless, Samantha Power, former U.S. Ambassador to the United Nations during the Obama Administration, wrote that during these times of slaughter, decent men and women chose to look away.<sup>9</sup> And so history repeated itself.

In *The Alawis of Syria*, Michael Kerr and Craig Larkin provide an analysis with several key insights into the escalation of the conflict. They note, “By labeling the armed opposition groups ‘terrorists’, ‘jihadi’ and ‘takfiri’, and falling back on the powerful pro-Iranian Lebanese Shi’a militia Hizballah for military support in Syria, Bashar al-Asad took a strategic decision to facilitate sectarian narratives and counter-narratives. He ignored the legitimate socio-economic and political grievances of Syrian protesters and perhaps intentionally, exposed his community to the reductionist logic of the most extreme Islamist forces.”<sup>10</sup> In addition, Human Rights Watch found that approximately one million Syrians were living in besieged areas, denied life-saving assistance, and denied humanitarian aid. In addition, Syrian and Russian airstrikes indiscriminately target civilians, homes, markets, schools, and hospitals using barrel bombs, cluster munitions, and chemical weapons.<sup>11</sup> Every year, Freedom House publishes their renowned report entitled *Freedom in the World*, which documents political rights and civil liberties throughout the world. In their most recent report, Syria remained the world’s least free country, citing many of the aforementioned Assad-led atrocities.<sup>12</sup>

Recently, CBS *60 Minutes* reported on the situation of the brave doctors that choose to risk their lives in order to help Syrian civilians being maimed by the Assad’s campaign against hospitals and residential areas. In a heart-wrenching moment, Scott Pelley sat down with a young boy who had lost both of his legs after Assad bombed a hospital in Aleppo. The child proudly stated that he wants to become a physician in the future. As noted in the CBS report, more than 800 of the medical staffers have also died in such attacks, which are considered war crimes.<sup>13</sup> Overall, the situation in Syria is undoubtedly one of the most pressing and tragic in the world.

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7 Landler, Mark. "Obama Threatens Force Against Syria." *The New York Times* [New York], 20 Aug. 2012, [www.nytimes.com/2013/05/05/world/middleeast/obamas-vow-on-chemical-weapons-puts-him-in-tough-spot.html?\\_r=1&](http://www.nytimes.com/2013/05/05/world/middleeast/obamas-vow-on-chemical-weapons-puts-him-in-tough-spot.html?_r=1&).

8 Goldberg, Jeffrey. "The Obama Doctrine." *The Atlantic*, Apr. 2016, [www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/](http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/)

9 Power, Samantha. *"A Problem from Hell": America and the Age of Genocide*. New York, Basic Books, 2013.

10 Kerr, Michael, and Craig Larkin, editors. *The Alawis of Syria: War, Faith, and Politics in the Levant*. Oxford, Oxford University, 2015.

11 Human Rights Watch. *World Report 2017*. Human Rights Watch, [www.hrw.org/world-report/2017/country-chapters/syria](http://www.hrw.org/world-report/2017/country-chapters/syria)

12 *Freedom in the World 2017*. Freedom House, 2017. *Freedom House*, [freedomhouse.org/report/freedom-world/2017/syria](http://freedomhouse.org/report/freedom-world/2017/syria).

Even after decades of failed policies in supporting dictators and authoritarian regimes, many non-interventionists and realists continue to tout the same anachronistic arguments. For example, professors John Mearsheimer and Stephen Walt, prominent duo of realists, present a completely incoherent and misrepresentative history of U.S. involvement in the Middle East. They claim that the previous policies of “offshore balancing” served the United States well and cite the specific example of the 1991 intervention in Kuwait.<sup>14</sup> However, in regard to the situation in and around Iraq, the extremely limited U.S. intervention advocated by Mearsheimer, Walt, and (more importantly) former National Security Advisor Brent Scowcroft have dismal results. As former Deputy Secretary of Defense Paul Wolfowitz stated in reference to Saddam Hussein, “The really tragic mistake we made at the end of the first Gulf War was to allow him to use his tanks and helicopters to slaughter the Shi’a.”<sup>15</sup>

Inaction was only the beginning of our problems. Saddam continued attacking U.S. troops, funding terrorists in the West Bank, and circumventing sanctions. In addition, as noted in the final Iraq Study Group (ISG) report, “Given Iraq’s investments in technology and infrastructure improvements, an effective procurement network, skilled scientists, and designs already on the books for longer range missiles, ISG assesses that Saddam clearly intended to reconstitute long-range delivery systems and that the systems potentially were for WMD.”<sup>16</sup> However, based off of these problems, the Bush administration engaged in what President Kennedy phrased as a long, twilight struggle against tyranny and began to set up democratic institutions and partner with those willing to engage in the struggle for freedom in the region. Without Saddam, the Iraqi government apparatus no longer poses a threat of invading its neighbors, reconstituting weapons of mass destruction, nor funding Palestinian suicide bombers.

The Obama administration’s policies unfortunately reversed some of the progress we saw in Iraq following the surge. The fact that Assad posed and continues to represent an even greater danger to his own people and the world illustrates both the incoherence and immorality of recent U.S. foreign policy.

<sup>13</sup> 60 Minutes. *Risking Life to Save Lives in Syria*. CBS News, 24 Nov. 2017.

<sup>14</sup> Mearsheimer, John, and Stephen Walt. "The Case for Offshore Balancing." *Foreign Affairs*, vol. 95, no. 4, July-Aug. 2016, pp. 70-83, mearsheimer.uchicago.edu/pdfs/Offshore%20Balancing.pdf.

<sup>15</sup> "Iraq War, 10 years later: Lessons from Paul Wolfowitz." *YouTube*, uploaded by American Enterprise Institute, 19 Mar. 2013, www.youtube.com/watch?v=HljAft7h28

<sup>16</sup> United States, Congress, House, Central Intelligence Agency. *Regime Strategic Intent*. Government Printing Office, 2013, www.cia.gov/library/reports/general-reports-1/iraq\_wmd\_2004/Comp\_Report\_Key\_Findings.pdf

## Tragedy of a Similar Kind: the Kurds, the Rohingya, and Statelessness

Jessica Kirchner

For most people across the world, national identity is a point of pride, and it demands holidays, anthems, and flag-adorned merchandise. At its roots, it reflects culture and a sense of belonging, and the idea of having a “home”. While most communities enjoy the privilege of a national identity, several groups across the globe float outside the boundaries of any defined state, hovering around as ‘stateless’ peoples, unable to claim a home to plant their roots. These stateless societies, while never having a formal country to defend, have weathered abuse from established nations since the conception of borders.

This trend is a part of contemporary human rights atrocities. In particular, two stateless groups — the Kurds in Iraq, Syria, and Turkey, and, more recently, the Rohingya in Myanmar — suffer brutal repression and rampant violence at the hands of their neighbors or harbor countries. The similarities between the experience of the Kurds and the experience of the Rohingya provide insight into the complexities of current human rights crises in relation to these “homeless” populations and offer clues regarding appropriate policy solutions. The Kurds and the Rohingya both face a culture of alienation from the nations they inhabit, which is fueled by suspicious perception and discrimination. Hence, U.S. policy needs to focus on long-term solutions, which undermine “us versus them” mentalities. Without this assistance, the human rights atrocities committed against these communities are unlikely to abate any time soon.

The Kurdish people have been a people of international debate for some time, especially after the U.S. 2003 invasion of Iraq. The Kurds suffered numerous atrocities at the behest of dictator Saddam Hussein, as he mercilessly used chemical weapons on the Kurdish people throughout his reign. However, despite the increased media coverage over the past few years, the Kurds have a unique history, culture, and identity that extends through time, in contrast to the short attention they receive from the international community. Kurds are an indigenous people originating from Mesopotamia, and their population of 25-35 million people is settled across the Levant. They live in the mountainous regions that mark the borders of Turkey, Syria, Iraq, Iran, and Armenia.<sup>2</sup> Yet, the Kurds have never been recognized as a state of their own. The majority are Sunni Muslims, and while they share a common religion with many of the nations in the area, the Kurds face language and ethnic barriers. After the fall of the Ottoman Empire at the end of WWI, Western allies originally made a provision for a Kurdish state in a treaty in 1920, but the measure was later abandoned, leaving the Kurds isolated.<sup>3</sup>

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<sup>1</sup> “Who Are the Kurds?” *BBC News*, BBC, 31 Oct. 2017

The Kurdish struggle for statehood still wages on today, and the ethnic group faces major persecution from one of its resident states: Turkey. Here, uprisings in the 1920s and 30's caused the Kurdish population to restle, explaining their nickname "Mountain Turks."<sup>4</sup> In 1978, Abdullah Ocalan, a Kurd, established the Kurdistan Workers Party (PKK) and called for an independent Kurdish state within Turkey.<sup>5</sup> Since then, violent struggle between the two sides has left over 400,000 people dead.<sup>6</sup> The armed resistance of the PKK allows the Turkish government scapegoat nonviolent Kurdish groups as violent and barbaric.<sup>7</sup> After the PKK attacked Turkish soldiers in retaliation for a suicide bomb attack carried out by the Islamic State, Temporary ceasefire, established in 2013, collapsed.<sup>8</sup> Between July 2015 and December 2016, more than 355,000 Kurdish people have been displaced in southeastern Turkey.<sup>9</sup> In the Mardin province, almost 1,800 buildings have been destroyed or damaged.<sup>10</sup> The United Nations Human Rights office commented on the destruction, stating that they were "particularly alarmed about results of satellite imagery analysis, which indicate an enormous scale of destruction of the housing stock by heavy weaponry."<sup>11</sup>

In addition to the physical destruction, the Kurds face systematic discrimination from the Turkish government, which directs a series of insidious practices. For example, in July of 2015, Turkey officially joined the fight against the Islamic State and arrested more than 1,000 people in only one week.<sup>12</sup> Notwithstanding, Kurdish officials claim these arrests target their population, and not the Islamic State.<sup>12</sup> The repression the Kurds face from Turkey is multifaceted and unrelenting. Despite their historical presence in the region, the Kurds remain stateless; they exist outside the protection and legitimacy associated with national sovereignty.

Similarly, the story of the Rohingya echoes the struggles of the Kurds. The Rohingya are a Muslim community of about 1 million, a significant minority in the Buddhist nation of

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<sup>4</sup> Bretton-Gordon, Hamish de. "Remembering Halabja Chemical Attack." *War & Conflict | Al Jazeera*, Al Jazeera, 16 Mar. 2016

<sup>5</sup> i.d.

<sup>6</sup> i.d.

<sup>7</sup> i.d.

<sup>8</sup> i.d.

<sup>9</sup> "UN Report Details Massive Human Rights Violations against Kurds in Turkey." *ARA News - Latest News*, ARA News, 10 Mar. 2017

<sup>10</sup> i.d.

<sup>11</sup> i.d.

<sup>12</sup> Collard, Rebecca. "Why Turkey Sees the Kurdish People as a Bigger Threat than ISIS." *Time*, Time Inc., 28 July 2015

<sup>12</sup> i.d.

Myanmar; they live primarily in the impoverished, mountainous Rakhine region.<sup>13</sup> Rakhine is Myanmar's least developed state; it has a poverty rate of 78.5%, which eclipses the national average of 37.5%.<sup>14</sup> Adding to this crippling poverty, the Rohingya have faced decades of persecution from the Myanmar government. When Myanmar originally gained independence from the British in 1948, the Rohingya enjoyed relatively equal rights to the Buddhists.<sup>15</sup> However, widespread anti-Rohingya sentiment swept across the nation in the 70's and the Myanmar government instituted aggressive discriminatory policies.<sup>16</sup> In 1982, Myanmar's military junta granted citizenship to eight ethnicities, excluding the Rohingya from the list.<sup>17</sup> Since then, the Rohingya have lived under systemic discrimination, dealing with state measures that control their marriages and family planning.<sup>18</sup>

This history of oppression, however, pales in comparison to the atrocities the Rohingya have faced in recent years. In 2012, Muslim men raped a Buddhist woman, causing national uproar and a wave of religious violence against the Rohingya, forcing more than 140,000 of them out of their homes.<sup>19</sup> A similar situation is unfolding right now: In August of 2017, the militant group Arakan Rohingya Salvation Army (ARSA) conducted attacks against police and army bases in Myanmar, and the military ordered counterattacks.<sup>20</sup> In the immediate clashes following, more than 500 people were killed, and in the past few months, the Myanmar military has conducted "ethnic cleansing" against the Rohingya.<sup>21</sup> This campaign has displaced more than 500,000 Rohingya to places like Bangladesh and Thailand, and hundreds of Rohingya villages have been completely destroyed.<sup>22</sup> According to Eleanor Albert with the Council on Foreign Relations, Myanmar security forces allegedly unloaded fire on fleeing civilians, killing thousands, and place landmines along crossings used by the Rohingya.<sup>23</sup> Myanmar's president, Nobel laureate Aun San Suu Kyi, fully denies the existence of an "ethnic

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<sup>13</sup> Calamur, Krishnadev. "The Misunderstood Roots of Burma's Rohingya Crisis." *The Atlantic*, Atlantic Media Company, 25 Sept. 2017

<sup>14</sup> Albert, Eleanor. "What Forces Are Fueling Myanmar's Rohingya Crisis?" *Council on Foreign Relations*, Council on Foreign Relations, updated 7 Dec. 2017

<sup>15</sup> Calamur, Krishnadev. "The Misunderstood Roots of Burma's Rohingya Crisis." *The Atlantic*, Atlantic Media Company, 25 Sept. 2017

<sup>16</sup> i.d.

<sup>17</sup> i.d.

<sup>18</sup> i.d.

<sup>19</sup> Calamur, Krishnadev. "The Misunderstood Roots of Burma's Rohingya Crisis." *The Atlantic*, Atlantic Media Company, 25 Sept. 2017

<sup>20</sup> Albert, Eleanor. "What Forces Are Fueling Myanmar's Rohingya Crisis?" *Council on Foreign Relations*, Council on Foreign Relations, updated 7 Dec. 2017

<sup>21</sup> i.d.

<sup>22</sup> i.d.

<sup>23</sup> i.d.

cleansing,” but he has been criticized worldwide for his inaction and inadequate response to this humanitarian crisis.<sup>24</sup> Since the onset of the slaughter, waves of Rohingya refugees flee to the borders of nearby nations, causing one of the most significant, and ignored, refugee crises of modern times.

The similarities between the experience of the Kurds and the Rohingya elucidate the distinct vulnerability of stateless minorities. Notwithstanding, the UN states each person has the right to self-determination. An important component of this right is the ownership of a name — an identity. Citizens belonging to a nation with borders and designation are allowed to be American, French, Russian, and so on. A name implies a sense of sovereignty, both culturally and politically. Both the Kurds and the Rohingya have been denied these rights. The Kurds are called “Mountain Turks,” and the Myanmar government decrees that the Rohingya have to register in the census as “Bengali.”<sup>25</sup> The denial of a group’s existence and identity is antithetical to the human right of “self-determination.” It displays the vulnerability of stateless communities and their experiences.

In addition to the issues with self-determination, the Rohingya and the Kurds signify the susceptibility of stateless minorities to other human rights violations, as well. In the OHCHR’s International Covenant on Human Rights, Article 6 states that every individual has the inherent right to life, and that a life can’t be taken arbitrarily. The recent experience of the Rohingya is “ethnic cleansing,” and yet, Myanmar refuses to accept its state obligations to protect human rights.<sup>26</sup> The current president, Aun Suu Kyi, is further dismissive of reality.<sup>27</sup> In September of 2017, when hundreds of thousands of Rohingya became displaced and a countless number killed, Suu Kyi said the state “already started defending the Rakhine in the best way possible.”<sup>28</sup> Without political representation, which is historically denied to stateless communities despite their existence, groups lack protections from international human rights law. The lack of recognition stateless societies from nations and the global community facilitates the ease with which host nations commit atrocities against stateless peoples.

The plight of the communities discussed above explores the human rights violations waged against stateless minorities, but it is important to consider a different path. The Kurds are some of the most steadfast fighters against the Islamic State, fighting along the

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<sup>24</sup> Calamur, Krishnadev. “The Misunderstood Roots of Burma's Rohingya Crisis.” *The Atlantic*, Atlantic Media Company, 25 Sept. 2017

<sup>25</sup> i.d.

<sup>26</sup> Albert, Eleanor. “What Forces Are Fueling Myanmar's Rohingya Crisis?” *Council on Foreign Relations*, Council on Foreign Relations, updated 7 Dec. 2017

<sup>27</sup> i.d.

<sup>28</sup> i.d.

front lines in Iraq.<sup>29</sup> As the Islamic State falters, it is imperative to acknowledge the Kurdish role in transition. Will they be allowed to hold the land they cleared? Will they receive recognition from the established states they fought alongside? These questions bear no easy answers, but from the standpoint of the United States, it is now time to recongize statehood for the Kurds. The future of the Kurdish people depends heavily on the actions of international actors. It is just and in the best interests of the United States to reward the Kurds for their sacrifices and recongize statehood.

The future of the Rohingya is just as murky. It is defined by confusing questions. There are no simple solutions to these queries. Priscilla Clapp, a former US diplomat to Myanmar, admitted that to simply blame the state of Myanmar oversimplifies the complexities of the nation's history.<sup>30</sup> There are factors that push the conflict into a difficult stalemate, one of them being the Arakan Rohingya Salvation Army (ARSA), a militant group born in the Rakhine, responsible for attacks on government outposts and stirring ethnic tensions within the country.<sup>31</sup> This group adds another dimension of chaos and violence in an already unstable situation. Widespread anti-Muslim sentiment is pervasive among dominant groups in Myanmar, which is a problem of culture.<sup>32</sup>

But solutions still exist, which may mitigate the suffering of the Rohingya. There are swaths of refugees in Thailand and Bangladesh, both of which are drastically underprepared to handle the masses<sup>33</sup>. According to Doctors Without Borders, refugee camps in Bangladesh are only able to provide their residents with one liter of water per day.<sup>34</sup> 88 percent of Malaysia's 149,000 registered refugees are from Myanmar, and 61,000 of those are Rohingya<sup>35</sup>. Outside this context, the United States needs to devote significant resources to refugee camps. The US has already committed \$32 million in food, medical care, water, and shelter to the Rohingya, but those efforts are under threat<sup>36</sup>.

The tenuous histories of the Kurdish people and the Rohingya highlight the human rights violations committed against stateless minorities, including the denial of self-determination and the right to life. While existing thousands of miles apart, the stories of both are astounding, and in some ways, similar. Their struggles as stateless minorities

<sup>29</sup> Collard, Rebecca. "Why Turkey Sees the Kurdish People as a Bigger Threat than ISIS." *Time*, Time Inc.

<sup>30</sup> Albert, Eleanor. "What Forces Are Fueling Myanmar's Rohingya Crisis?" *Council on Foreign Relations*, Council on Foreign Relations, updated 7 Dec. 2017

<sup>31</sup> Calamur, Krishnadev. "The Misunderstood Roots of Burma's Rohingya Crisis." *The Atlantic*, Atlantic Media Company, 25 Sept. 2017

<sup>32</sup> Albert, Eleanor. "What Forces Are Fueling Myanmar's Rohingya Crisis?" *Council on Foreign Relations*, Council on Foreign Relations, updated 7 Dec. 2017

<sup>33</sup> i.d.

<sup>34</sup> i.d.

<sup>35</sup> i.d.

<sup>36</sup> i.d.

define their existences, and effective paths for recovery are needed. Financial assistance alone will not deliver in the long-term. In order to truly help the Kurds and the Rohingya, it is essential to understand their histories, struggles, triumphs, and most importantly, the stories which define their lives. Only then will they ever receive the statehood they deserve.