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# GLOBAL AFFAIRS FINAL PROJECTS



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A COLLECTION OF THE TOP 15 ESSAYS

The assignments presented in this E- book were written by students of the specialization track - Challenges in Global Affairs. The selection of papers was made by the instructors of three courses based upon the chosen subject, the quality of the analysis, and presentation-related criteria.

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# GLOBAL AFFAIRS FINAL PROJECTS

A COLLECTION OF THE TOP 15 ESSAYS

## 1. INTRODUCTION

### 1.1. About the Course

This Final Project of the Specialization “Challenges in Global Affairs” on Coursera brings together the knowledge, insights and skills learned in three MOOCs: The Changing Global Order (Leiden University), Configuring the World (Leiden University) and International Organizations Management (University of Geneva). The leading instructors of these courses joined forces in order to present this capstone and allow students to contribute their creative solutions to the ongoing challenges in international relations in practice.

The instructors of the three courses, Prof. Madeleine Hosli, Prof. Richard Griffiths, and Dr. Lea Stadler presented serious and highly challenging subjects the students could write about. The course students, which were from 75 different countries, different backgrounds and life experiences, understood and analyzed the assignment in their own ways, creating various interpretations and creative solutions with the aim to apply academic knowledge to challenges in practice.

For more information about the Specialization “Challenges in Global Affairs” please click [here](#).

### 1.2. About the Assignment

The assignment purpose was to establish links between the theoretical and academic aspects of an issue to the practical dimension of the issue such as social, economic, political or organizational dimension. Students were instructed to present evidence as well as quantitative and/or qualitative data by appropriate sources for their chosen topic. They needed to determine what was their ideal solution for the problem and analyze the strengths and weaknesses of their answer.

They had to choose between:

**1. A bilateral conflict**

(such as the current tensions between Russia and the ‘West’ about the Ukraine)

**2. A challenge to an international organization**

(such as related to climate change, trade, internet, public health, or even its own functioning / relevancy / governance / partnership strategies etc.)

**3. A transnational issue**

(such as problems associated with transnational capital flows)

### 1.3 A Note from the Instructors

Dear all,

We are honored to present this collection of 15 essays written for the final project of the specialization 'Challenges in Global Affairs'. We highly appreciated the enthusiasm with which these and many other participants embarked on the journey of analyzing and discussing a bilateral conflict, a challenge to an international organization, or a transnational issue. Many assignments of a high quality were handed in and addressed a broad range of interesting topics such as the Ebola epidemic, the space environment, the EU integration, reformations of the WTO, conflicts in Sub-Saharan Africa, tensions in the relationships between China and the US, the Cuban-American Embargo, and many more.

Hence, it was not easy to choose 15 'top' essays from all the submissions that had obtained the highest ranks in the peer-review process, but as the instructors of this specialization, we agreed on the essays you find in this e-book. Many more essays could have been included, but this selection shows the broad range of topics chosen, the different ways of approaching a theme and the various ways in which the analyses have been conducted. We appreciated the fact that many of the essays drew explicitly on the three MOOCs that were the foundation for this specialization (The Changing Global Order, Configuring the World, and International Organizations Management).

At this point we would like to thank the people who helped us carry out this course. Thank you Einat Shitrit, Jeanine de Roy van Zuijdewijn and Robert Lynam for all your patience and support. With you the process of making the course and the course materials was much smoother and swifter.

Lastly, we would like to thank all participants of the specialization track. We enjoyed working with you and we are proud to present this collective product of the capstone: the e-book containing 15 essays written in the framework of the specialization 'Challenges in Global Affairs'.

We hope you will enjoy and be inspired by this essay collection as we did,

Kind regards,



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## 2. BILATERAL CONFLICTS

### 2.1. HOW MUTUAL MISPERCEPTIONS BLOCK A DIPLOMATIC RESOLUTION IN UKRAINE

ADSO UMBRIEL ADRIANO HERNANDEZ TAPIA (MEXICO)

#### **Introduction**

Since the very first days of the protests and manifestations of the Maidan movement, aggressive statements have been made from both sides, the Russian Federation and the West (European Union and the United States), pointing each other of provoking and instigating division and conflict. For all actors and observers it has become clear that with the recent escalation of the tensions in the past two months, almost a year since the first armed confrontations, has put the civilian population of South-eastern Ukraine in a very critical situation where the risk of more human life losses as become so big that immediate steps need to be taken to reach a lasting cease – fire. Along with the civilian losses we also need to take into account that a continuation of the conflict will also produce many years of economic, cultural and political recession; and finally, we must not forget that this conflict will also translate in more tension and distrust on all sides involved, especially within Europe and across the Atlantic.

In order to proceed with our search for the best possible solution to this dangerous situation that affects the security and well – being of all the civilian population in Ukraine and the Black Sea region, first we need to ask some very essential questions: What are the American and Russian interests in Ukraine and the rest of Eastern Europe? What are their perspectives and how this directly affects and influences the negotiation process for a peace agreement?

As we look at the declarations of former and current heads of state, diplomatic officials, international analysts and scholars, we will analyse the background of the recent events, the way the nations involved perceive each other, and what they might need to compromise to reach a durable peace in Ukraine. For this, we will use the International Relations theory of Realism, as we believe it is the theory that better suits the current events and helps to attain more clarity about the motivations and political descriptions that have been made by the actors in the Ukrainian civil war.

We will ask if the diplomatic path is the best suitable way to follow and if it is possible that a deal can be reach in a reasonable timeframe through a multilateral approach that includes the interests of all parties meaning the Russian Federation, the United States, the European Union, the Kiev government, and the

separatist republics of Donetsk and Lugansk. Or if sadly, the only solution that is left is a military intervention, and in that case, who has the right to intervene? Will this lead to a new Cold War with a Ukraine split between Russia and the West?

## **The Russian Perspective**

Since the beginning of the tensions in Eastern Europe the Russian government has been very vocal about their belief that their legitimate interests have not been taken into account in the context of the conflict in Ukraine. The President of Russia made his point very clear by stating that if the United States and the Kiev government “do not want to have a dialogue with us, we will have to protect our legitimate interests unilaterally and will not pay for what we view as erroneous policy” (Putin, 2014).

If we look closely at this statement we can find three elements that help us throw some light over the response that the Russian Federation has had regarding the current situation in the Donets Basin. First, is that they perceive the West do not want to include Russia in the dialogue; second, that they will take any necessary measures to protect their interests in the region; and third, that they consider the EU – USA response to the crisis has completely erroneous.

First, let’s have a look at this perception of the West not taking into account the Russian interests. Back in 2013, Ukraine and the European Union were about to sign a new commercial and economic agreement that will, in many ways, strengthen the ties between them and shift the political and economic balance heavily on West’s direction. In addition to this, it existed the possibility of a future EU and NATO membership offer, the first meant a very significant reduction of the Russian political influence in the former Soviet republics; and the second represented a major national security threat that could spark a colour revolution in Russia.

After the removal of President Yanukovich from power took place and the proposal of a law that restricted the use of Russian language in Ukraine, a number of separatist militias appeared and managed to control important areas of the South-eastern regions of the country, particularly around the cities of Donetsk and Lugansk. At the same time, the region of Crimea made a call for a referendum that asked their citizens if they wanted to remain in Ukraine or too cessed, and become part of the Russian Federation; and after the affirmative response of the Crimean population, the Russian army occupied this territory, guarding specially the port of Sevastopol.

It is important to underline the fact that the Russian army stationed in the Sevastopol naval base didn’t register any unusual or suspicious activity before the coup d’état took place. It will seem that no preparation was made towards an annexation operation or an armed conflict with the Kiev authorities over the Crimean peninsula or any other Ukrainian territory.

It is understandable that any threat to the political and economic stability of a neighbouring country will be considered a national security threat of the highest priority for the Russian government, and as we

have seen in the past months, the Kremlin is willing to take important risks for them to protect its political influence, especially in Ukraine.

Russian representatives insist that their government is pursuing an active and independent foreign policy that look for their national interest all over the world, particularly in their immediate neighbouring countries. But they strongly emphasize the point than none of their actions abroad are used as a mean of confrontation, and in addition they continuously make the remark that there are willing to make compromises in order to de – escalate the armed conflict in the Donbass region and, eventually, achieve a permanent cease fire agreement.

Another political aspect we need to take into consideration is that the Russian government view the actions of the West, particularly those from the US, as being stuck in the implementation of a foreign policy born out of the Cold War era. And as a result of this it is perceived as an attempt to preserve their leadership around the globe at all cost. Let's have a look at the American perspective.

### **The US Perspective**

The deep intromission of the Obama administration in the Maidan movement and in the ousting of President Yanukovych clearly shows that the United States doesn't feel intimidated by the idea of advancing its interests with the use of coercion and force, as a very prominent analyst pointed out in one of his papers: "Although the full extent of U.S. involvement has not yet come to light, it is clear that Washington backed the coup" (Mearsheimer, 2014). It would seem that all of their actions in this part of the world strive to debilitate the Russian profile as a rising power. A weak Russia means that the American economic and political interests can be more easily protected in the region.

Various political actors in Kiev, the European Union and the United States specially, have been accusing the government of President Vladimir V. Putin of trying of destabilize the Eastern regions of Ukraine. First by putting heavy pressure on President Yanukovych with the intention of preventing him from signing a commercial agreement with the E. U.; then, by the annexation of the Crimean peninsula in 2014; and finally, by providing weapons and assistance to separatist militias in the Donbass region.

Policy makers and analysts in Washington are advocating for a strong U. S. response to this alleged imperial aspirations of Russia. Some of them even consider a military intervention to be the best available option for stability in Ukraine, and they also are encouraging the EU to adopt these views, and it may seem that they are achieving that objective.

But as some statements made by European Union heads of state and representatives might suggest, there isn't an agreed step by step plan to tackle the crisis in the Donets Basin. And these internal disagreements can lead to bad results in the *Normandy* format negotiations. But, as always, the divisions within the EU mean that the United States can push their own agenda more easily. The US wins both ways.

When asked about how the U. S. government benefits from disagreements among European nations regarding the situation in Ukraine, the former leader of the Soviet Union Mikhail M. Gorbachev (2014) said

that “whenever tensions are high, whenever there’s instability in a certain country or throughout the region, it’s an opportunity for them to intervene”(Gorbachev, M. 2014).

If we have a close look at the strategy the US is employing in the actual circumstances on Ukraine, it becomes very clear that they trying to make a demonstration of power and strength. Their aim is to show an image of something like the policeman of Europe, that is taking the hard endeavour of protecting the values of democracy and collective security, and it’s doing so by imposing restrictive economic sanctions to Russian businesses and nationals; and also putting pressure on their European Union allies to also implement sanctions on their own.

On the other side, the US government claims to seek a diplomatic resolution, but its actions seems to be pointing in a different direction. Secretary of State John Kerry (2015) stated that the US and its allies will continue “to press Russia”(Kerry, J. 2014) to force to stop attacking the territorial sovereignty of Ukraine by supporting the self – proclaimed republics of Lugansk and Donetsk. The West also claims to have proof that the Russian army is directly involved in the armed conflict, although, no irrefutable evidence has been presented to the public opinion.

### **The European Union Perspective**

Despite the public statements made by Poland and the Baltic nations, the general approach of the European Union has been much more measured than that of the United States. Even as they indeed have imposed sanctions against the Russian Federation, the heads of state of several EU countries have resisted the implementation of restrictions on Russian business. This is because most of the countries in Europe are much more aware of the economic interdependence, and they know that if they put too much pressure on the Russian economy, the economic crisis provoked by the sanctions might hit their own economies. Other countries within the European Union maintain friendly political relations with the government of Vladimir Putin has is the case of Austria and Hungary.

Germany seems to have taken the lead again in the EU and now it’s the country that pushing with more strength for the implementation of more sanctions, and it has also taken a more aggressive approach towards Russia, as the words of the German Chancellor clearly stated: “Russia has not proven to be a partner for stability” (Merkel, 2014). This tendency might be better explained by a former head of state that surely knows what he his saying when he speaks about the German desire to keep Russia away from the European Union: “...without Russia, Germany has a lot of weight in the EU, it’s got a very strong position” (Gorbachev, 2014).

### **Conclusions**

Now that we have analysed the perspectives and positions of both, the Russian Federation and the West, we are going to look at what we think it’s the best, and only, path to reach a durable peace resolution that will end the civil war in Ukraine. And this path is called diplomacy. But it’s a very specific type of

diplomacy; one deeply rooted in the realism approach to international relations, in opposition to the Institutional and Constructivist theories.

It has become clear that the United Nations does not have the political or legal authority to intervene in a decisive and efficient way to stop the escalation of violence of the last month. The same is to be said about all kinds of NGO's; all of these institutions fail to produce any change. This proves that the Institutional Theory cannot be applied to tackle this problem in the field of International Relations, as they lack the means to force a peace resolution. The Constructivist theory also fails to provide a solution, as the civilian population is not in the condition to alter the current situation. It must be either Russia or Germany the one that takes a strong multilateral diplomatic approach, but they also need to be willing to sacrifice some of their interests for the greater good.

The first and most important reason on why this will be the best solution for all the parties is that this is the approach that will save the most lives on the field. Although it might take some time to implement, on the long term it is the only path that will allow the participants a good opportunity to rebuild their economies and their cities.

All sides have acknowledged the fact that the people that are suffering the most are the inhabitants of the Donetsk and Lugansk regions, but at the same time some very specific political interests continue to obstruct the cease fire. For example, the promise made, but never granted, by the Kiev government to recognize the semi – independent legal status of the popular republics in Southern Ukraine. This matter remains a key subject for all future negotiations.

The only way, is far as we can see, in which a new and permanent cease – fire treaty is that the Kiev government fully recognizes the autonomous character of the two self – proclaimed republics; the loss of the Crimean peninsula to Russia, the withdrawal of all heavy artillery...

The Russian government has said that they are “firmly advocating a comprehensive and exclusively peaceful settlement of the Ukrainian crisis” (Lavrov, 2015), and that “Russia will do everything within its power to move the conflict in eastern Ukraine...to the negotiating phase, with the parties using peaceful and diplomatic means alone” (Putin, 2014).

On the EU side, Germany has already shown were the negotiations could be heading in order to rebuild trust between the parties and construct a new peace accord on the grounds of the Minsk Protocol. Part of what Germany and the European Union might offer to Russia within the negotiations is to keep “talking...about a new economic agreement” (Merkel, 2014) between the parties. This will mark a major breakthrough in the Russia – EU relations by sending the message that even with all their differences and all the history of war and conflict, they are willing to work together. The benefits of a peace treaty between the belligerent actors will be felt all across the European Union, but particularly in Eastern Europe. How? Well, it might lead to more joint economic and commercial enterprises that will boost prosperity in the region. It will also make the rebuilding of Ukraine easier. In fact, it might also accelerate Belarus democratic and economic reforms.

A unilateral response from any of the actors involved will be catastrophic for the civilian population, and under these circumstances the menace of a widespread war in the region will be imminent. All sides will need to consider the possibility of maintaining a unified Ukraine on paper, but a divided country in practice with some areas under Russian military control, and other under US or NATO command. Something very much like a post – WWII Germany. This resolution we think, is the one that should be actively avoided by all sides, as this will lead to other countries and regions where there is a Russian speaking minority.

We hope that the heads of state of the countries involved will open their eyes and see that a strong, multilateral diplomatic endeavour is the best solution for bringing peace to the people of a country that as suffered so much in the recent years.

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## 2.2. WHY TURKEY SHOULD DISENGAGE FROM THE REGIME CHANGE GAME IN SYRIA

ALI SHUKRI (SYRIA)

### Introduction

In this essay, I will be examining Turkey's involvement in the current regime-change war in Syria, analysing it in light of the knowledge acquired from the *Challenges in Global Affairs* MOOC specialization course. In particular, the essay will be drawing on the modules related to International Relations theories, conflict analysis and resolution, and global (geo)political economy.

The research question to be answered in the essay is “Why should Turkey disengage from the regime-change game in Syria?” To thoroughly answer this question, I will be briefly analysing the foundations of Turkey's foreign policy and the dynamisms and recent history of Turkish-Syrian relations. I will then explore the geopolitical motivations behind the, by now, four years multiparty regime-change war in Syria and the various aspects of Turkey's involvement in this war and its repercussions on country's economy, internal peace, stability and national security. Finally, I will be presenting an exit strategy for Turkey from its unwinnable war in Syria that might, hopefully, prevent further losses and get its relations with Syria and other neighbours back on track.

### Turkish-Syrian Relations up until 2011

Turkey and Syria share a border of more than 900 km, centuries of common history when they belonged to the same empires—Hittite, Assyrian, Persian, Byzantine, Seljuk and Ottoman—and unmistakable cultural affinity and living, cross-border family and ethnic ties.

Nevertheless, throughout the 20<sup>th</sup> century, the relations between the two countries were at odds with these favourable factors. They even faced off in some dangerous confrontations such as those of 1957 and 1998. The major reasons for these tensions included: a) the bitterness of their mutually contradicting narratives of the historic circumstances of their separation as a result of the Ottoman Empire's disintegration in WWI, b) mutually exclusive identity constructs, c) opposite entrenchment during the Cold War, d) dispute over Hatay-Alexandretta province, e) water apportionment, f) the Kurdistan Workers' Party (PKK) cross-border guerrilla activities, and g) Turkey's rapprochement with Israel.

Turkey's foreign policy, and its worldview in general, was strongly influenced by its epic struggle for survival between the late 18<sup>th</sup> and the early 20<sup>th</sup> centuries—firstly as the declining Ottoman Empire, a.k.a. the “Sick

Man of Europe”, and, later on, as the newborn Republic of Turkey, fighting against multinational invaders to protect its sovereignty and territorial integrity infringed by the terms of the Sèvres treaty of 1920. This survival paranoia, a.k.a. “Sèvres Syndrome”, produced a very wary and cynical character that perceives all the surrounding nations as enemies. <sup>(1)(2)</sup> In such a cognitive construct, “There is an imagined threshold that Turkish foreign policy behaviour turns to be very responsive and even dares to undertake a high degree of risk. This dare to take risks also comes from the masculine nature of Turkish politics”. <sup>(3)</sup>

It would not be easy, therefore, to understand Turkish foreign policy in terms of neorealism or neoliberalism where the foreign policy of a particular state could be explained as the result of rational actions to safeguard its national interest. Alternatively, constructivism, which relies more on social constructs, ideas, norms and identities of the self and the other, provides a better framework to explain Turkish foreign policy.

The emergence of Neo-Ottomanism early this century, however, launched a new dynamism in Turkey’s foreign policy, especially with regard to its former Ottoman territories in the Middle East. Using its soft power, Neo-Ottomanism aspired to play more proactive and leading role within the sphere of the former Ottoman Empire relabelled by its theorist and the current Prime Minister Ahmet Davutoğlu as Turkey’s “strategic depth”. Neo-Ottomanism was initially promoted as a peaceful “zero problems with neighbours” policy, and was practiced as such; yet, since the beginning of the so called Arab Spring early this decade, it turned out extremely aggressive, interventionist and even expansionist.

The Turkish-Syrian honeymoon period began in late 2004 when the then Prime Minister (now the President) of Turkey Recep Tayyip Erdoğan visited Damascus to sign a free trade agreement followed by more than 20 memorandums of understanding and protocols, thus inaugurating a new era of extremely cooperative and warm relations. The personal relationship between the Prime Minister Erdoğan’s and the Syrian President Bashar al Assad rapidly developed into full friendship. The two countries held joint cabinet meetings and the two leaders even vacationed together with their families.

During this period, bilateral trade between the two countries skyrocketed to unprecedented levels. Turkish exports to Syria almost tripled from \$609m in 2006 to \$1.85bn in 2010, while Syria’s exports to Turkey more than tripled from \$187m to \$662m in the same period. Thanks to abolishing entry visas in 2009, Syrian visitors to Turkey increased more than sevenfold between 2002 and 2011, from 126,323 to 899,494 a year, whereas the numbers of Turkish visitors to Syria increased from 467,648 to 1,664,209 (864,988 excluding daily visits). This extensive cooperation was led by the High Level Strategic Cooperation Council that was formed in 2009 along with many other specialized institutions. <sup>(4)</sup>

However, the free trade agreement was not equally beneficial for the two countries. Their bilateral trade balance historically in favour of Syria began to lean toward Turkey’s side, from \$361m in favour of Syria in the year 2000 to \$1bn in favour of Turkey in 2010. Many Syrian businesses went bankrupt due to unfair competition imposed by the free trade agreement with Turkey, resulting in increased unemployment and poverty. Nonetheless, Damascus was still satisfied with its flourishing relations with Ankara because, at the

time, it was desperate to mitigate its isolation and the threats imposed by the American occupation in neighbouring Iraq and the hostile attitudes of most pro-western Arab states outraged by its alliance with Iran and Hezbollah.

Capitalizing on its dramatic success in advancing its relations with Syria and its “zero problems with neighbours” angelic mood, Turkey went further to do the same with other Arab countries, even with its traditional geopolitical rival Iran and its historic enemies Armenia, Greece and Bulgaria.

All in all, for an innocent neoliberal institutionalist observer, by the end of 2010, it looked like Turkey was leading the Middle East to become a utopian commonwealth. But for a skeptical neorealist, it was nothing but “too good to be true”, or only the calm before the storm.

### **The Middle East Grand Chessboard**

The geostrategic importance of Syria on the eastern end of the Mediterranean and the crossroads between the three continents of the Old World is not something new. Yet, by the turn of the decade, this importance reached new heights due to certain scheduled geopolitical milestones and competing strategic energy projects. This triggered tectonic geopolitical shock waves across the region igniting struggle for power redistribution amongst the major regional and global players.

In February 2009, President Obama confirmed his administration’s intent to complete the withdrawal of all United States forces from Iraq by the end of 2011. Later on, in December 2010, he announced that the United States will start to withdraw its troops from Afghanistan too in July 2011 and that the draw-down will conclude in 2014. Obviously, these announcements came as statements of defeat in two major wars initially intended to be just the beginning of a larger campaign that would “take out 7 countries in 5 years: Iraq [done 2003], Syria, Lebanon [failed 2006], Libya [done 2011], Somalia, Sudan [partitioned 2011] & Iran” as General Wesley Clark the former Supreme Allied Commander of NATO during the 1999 War on Yugoslavia revealed in 2007. <sup>(5)</sup>

Nonetheless, it seemed that the failure of wars in Afghanistan and Iraq did not lead to the cancellation of the original plan. Rather, it led to the pursuit of the same objectives using smart power—fourth generation warfare—as Hillary Clinton hinted in her Senate confirmation hearings for the position of Secretary of State in January 2009. <sup>(6)</sup>

The fact that Iran was to be the main candidate to fill up the power vacuum resulting from the U.S. withdrawal from Iraq meant that Iran’s influence would then extend contiguously from Central Asia to the Mediterranean—a geopolitical nightmare for the West and Israel indeed. Therefore, it made sense for Western allies to try to break this chain (self-proclaimed as the Axis of Resistance) in Syria this time.

Likewise, Turkey always thought that she is more entitled than Iran or anybody else, to have special influence in Syria. Thus, she thought that it was the time to topple the Assad’s secular regime and install a proxy pro-Islamist one instead. This Turkish intent apparently was a part of a larger covert deal between the Islamist AKP government of Turkey, the Emir of Qatar and the international organization of the Muslim

Brotherhood on one side and the United States on the other, to facilitate power transfer in some key Arab countries (including Syria) to Muslim Brotherhood branches (at the time labeled as moderate Islamists) under the leadership of AKP to contain Sunni Islamic extremism and counterbalance the expanding Iranian/Shiite influence.

Moreover, Turkey had the ambition of becoming the major energy pipeline hub in the region. Capitalizing on its geostrategic position on the south eastern gate of Europe, Turkey is the ideal passage for natural gas supplies from Central Asia, the Caspian basin, Iraq and the Persian Gulf to Europe.

Turkey and Qatar had a plan to lay a major gas pipeline to transport Qatari natural gas to Europe via Syria and Turkey. Obviously, such a project would be greatly welcomed by the European Union because it would reduce its dependency on Russian gas that could potentially impede its political will in any future confrontations with Russia (such as the current one on Ukraine). Yet, reportedly, Syria rejected the Qatari proposal in order to protect its Russian ally's interests. <sup>(7)</sup>

Some analysts believe that Qatar's involvement in the regime-change effort in Syria is partially motivated by its interest to lay a gas pipeline to Europe through Syria:

*The discovery in 2009 of a new gas field near Israel, Lebanon, Cyprus, and Syria opened new possibilities to bypass the Saudi Barrier and to secure a new source of income. Pipelines are in place already in Turkey to receive the gas. Only Al-Assad is in the way. Qatar along with the Turks would like to remove Al-Assad and install the Syrian chapter of the Muslim Brotherhood. It is the best organized political movement in the chaotic society and can block Saudi Arabia's efforts to install a more fanatical Wahhabi based regime. Once the Brotherhood is in power, the Emir's broad connections with Brotherhood groups throughout the region should make it easy for him to find a friendly ear and an open hand in Damascus. <sup>(8)</sup>*

In fact, Turkey shared all these interests and concerns with Qatar.



FIGURE 1: A MAP SHOWING MAJOR NATURAL GAS PIPELINES THROUGHOUT TURKEY; DOTTED LINES REPRESENT PLANNED, YET NOT CONFIRMED PROJECTS.

## Turkey's Involvement in the War in Syria

Turkey has been the earliest and the most involved country in all aspects of the regime-change game in Syria—probably except for the financing aspect where Qatar and Saudi, with their abundant petrodollars, have been the front bankers. Taking advantage of its long border with Syria and its significant diplomatic, military and intelligence capabilities, Turkey did not spare any means to destabilize Syria in the quest for regime change. With probably only one exception of a large-scale declared war, these means included escalating violence and human crises, manufacturing and fuelling ethnic and sectarian hostilities, inciting and facilitating the destruction and looting of Syria’s economic and cultural assets, facilitating illegal oil export for the benefit of ISIL terrorists and enabling tens of thousands of foreign terrorists to join rebels in the Syrian war, meanwhile rallying the NATO and the international community for direct military intervention.

Here is what the U.S. Vice President Joe Biden had to say in this regard in a truth-telling moment while speaking at Harvard University on Oct. 2, 2014:

*What my constant cry was that our biggest problem is our allies – our allies in the region were our largest problem in Syria. The Turks were great friends – and I have the greatest relationship with Erdoğan, which I just spent a lot of time with – the Saudis, the Emiratis, etc. What were they doing? They were so determined to take down Assad and essentially have a proxy Sunni-Shia war, what did they do? They poured hundreds of millions of dollars and tens, thousands of tons of weapons into anyone who would fight against Assad except that the people who were being supplied were Al Nusra and Al Qaeda and the extremist elements of jihadis coming from other parts of the world. Now you think I’m exaggerating – take a look. Where did all of this go? So now what’s happening? All of a sudden everybody’s awakened because this outfit called ISIL which was Al Qaeda in Iraq, which when they were essentially thrown out of Iraq, found open space in territory in eastern Syria, work with Al Nusra who we declared a terrorist group early on and we could not convince our colleagues to stop supplying them. So what happened? Now all of a sudden – I don’t want to be too facetious – but they had seen the Lord. Now we have – the President’s been able to put together a coalition of our Sunni neighbors, because America can’t once again go into a Muslim nation and be seen as the aggressor – it has to be led by Sunnis to go and attack a Sunni organization. So what do we have for the first time? <sup>(9)</sup>*

## The Repercussions of Erdoğan’s Syrian Gamble on Turkey

As the war in Syria approaches the end of its fourth year, its impact so far on Turkey’s emerging economy is staggering. The Turkish economic growth that was showing strong recovery signs after the 2008 global financial crisis, shooting up to 9.2% in 2010 dropped to almost 3% in 2014. <sup>(10)</sup> Since the beginning of the war, the Turkish Lira has lost more than 38% of its value vs. US Dollar, from \$0.66 in early 2011 to \$0.41 in February 2015. <sup>(11)</sup>

In April 2014, Moody’s credit rating agency downgraded Turkey’s sovereign credit rating to its lowest investment grade, Baa3, with a negative outlook. <sup>(12)</sup> Since the country’s economic growth depends heavily on foreign investments and loans, such alarming rating is likely to further hurt its economy.

However, if economic deterioration is the price that Turkey had to pay due to the failure of its plan, the price of its “success” is likely to be much more exorbitant. Since success for Erdoğan means overthrowing the current Syrian regime, the most likely alternative would not be a stable proxy regime, but rather an Afghani style bloody self-destructing chaos in which Turkey will play the role of Pakistan, with its southern territories turning into another Peshawar and Waziristan.

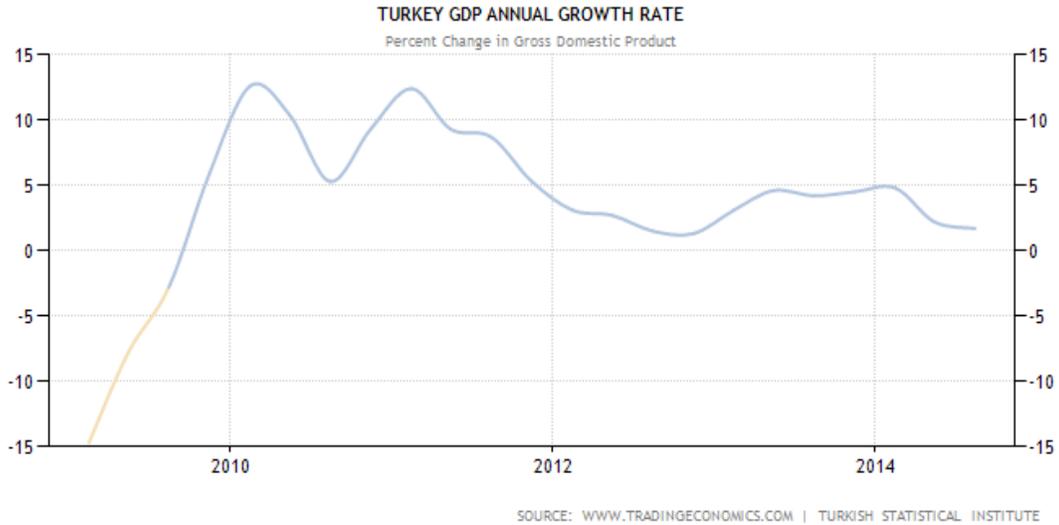


FIGURE 2: TURKEY’S GDP GROWTH 2009 - 2014

### USD per 1 TRY

11 Feb 2010 00:00 UTC - 10 Feb 2015 01:47 UTC  
TRY/USD close:0.40376 low:0.40060 high:0.71736



FIGURE 3: TURKISH LIRA EXCHANGE RATE VS. US\$ 2011 -2015  
PRODUCED USING XE.COM CHARTING TOOL.

Furthermore, any progress Syrian Kurds make toward an independent entity will enhance the position of the Kurdish PKK separatists in Turkey, since the leading Kurdish party in Syria, the Democratic Union Party (PYD), is nothing but the Syrian branch of the PKK. Likewise, if the Wahabi extremists' aggressions against Syrian Alawites and other minorities develop into a full-scale sectarian war, this could easily spread to Turkey. Given that the proportions of Kurds and Alawites in Turkey are much more significant than their siblings in Syria, the potential Turkish ethnic/sectarian explosion could be far more tragic.

According to the official figures, there are 1,645,000 Syrian refugees in Turkey as of November 2014. Unofficial numbers are estimated at around 2 million, 85% of them are living outside of refugee camps. <sup>(13)</sup> These figures are expected to increase dramatically when the Syrian Army expands its offensive against rebels in the northern territories later this spring. The social, economic and security impact on Turkey will be enormous.

And last but not least, the image of Turkey in Western mainstream media and official circles has suffered a lot due to its reckless adventure in Syria. Turkey is increasingly postured as a supporter of al Qaeda/ISIL terrorists. This will result in increased isolation and will further weaken its already slim chance to join the European Union.

### **What Is to Be Done? An Exit Strategy**

By now, Erdoğan should have realized that his four-year war in Syria is an unwinnable one, and that while he continues his involvement in this war, his choices are very limited—to lose more or to lose everything. Therefore, any rational thinking should lead him, sooner rather than later, not only to seek the best exit strategy, but also to be part of any post-war regional arrangements, before he is left alone high and dry on the shores of the Syrian quagmire. To this end, Turkey really needs to revise its foreign policy, renounce its masculine self-righteousness and pompous activism, and revert to its previous “zero problems with neighbours” policy, yet without the illusions and hegemonic hidden agenda of Neo-Ottomanism.

Two powerful stakeholders will be more than happy not just to help him to climb down from the high tree he had climbed up, but also to reward him generously for doing so—namely, Russia's President Vladimir Putin and Iran's President Hasan Rohani. Although the two are Syrian President Assad's closest allies, they were very careful to maintain good relations with Erdoğan over four years of the Syrian crisis and are very keen to see an end to it. Both have long-term trade and geostrategic interests in maintaining strong relations with Turkey. Thus, this would be a triple win formula for all three parties.

Despite his current hopeless situation, Erdoğan will not go empty-handed to such negotiations table. It is true that he lost the war, but he will be indispensable for making peace in Syria and in any regional post-war arrangements. As for the argument that he will “lose face”, the current Russian-sponsored internal Syrian dialogue and peaceful settlement could be arranged in a way so that it saves the face of most losers. In fact, that is all what it is all about—a face saver. After all, losing face is better than loosing head, which was the fate of his predecessor Adnan Menderes (1899-1961), hanged by the military junta after the 1960 coup d'état, for much less significant adventures and deeds of the same type.

## Conclusion

After four years of its disastrous involvement in a multiparty, geopolitically motivated regime-change war in Syria, it's time for Turkey to quit the game as soon as possible, and to engage proactively in any post-war regional arrangements, in order to prevent further damage to its national interests as well as to regional and global security and peace.

Any delay in taking such decision will result in further human tragedies potentially turning Syria into a failed state and a safe haven for international terrorism, and bringing the Syrian fire closer to home.

A viable exit strategy for Turkey from the Syrian crisis is to work closely with Russia and Iran, where it could achieve other geopolitical and trade benefits.

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## 2.3. THE CRISIS IN THE UKRAINE: USING THE OSCE TO LEAD THE RESOLUTION

KATIE PHELPS (CANADA)

### Introduction

The crisis in Ukraine is a shared area of concern in Europe and across the world. The internal conflict became an international one with the intervention and interest of global powers, particularly Russia. This paper will look at how to best resolve this crisis.

The essay will begin by giving the reader an overview of the problem, overlaid with the efforts of the Organization for Security and Cooperation in Europe's (OSCE) towards a peaceful resolution. Following a better understanding of the timeline of the crisis, the next section will then look at the matter through the eyes of prevailing theories in International Relations. The final section then takes this understanding and analysis and devises a proposal to resolve the problem by using the OSCE as a leader in the negotiation process.

### An Overview of the Conflict With the OSCE's Efforts Towards Resolution

The current conflict in Ukraine is traced back to November 2013 when then president, Viktor Yanukovich, suspended preparations for Ukraine to sign an Association Agreement for greater political and economic integration with the EU, looking instead to join the Eurasian Customs Union which would have encouraged closer ties with Russia. This action prompted wide scale protests in Ukraine over the next several months which culminated on February 21, 2014 when protestors took control of the capital and Yanukovich was ousted from power in what he termed was a "coup" (BBC News, 2014). After the expulsion of Yanukovich, clashes between Crimean Tartars and pro-Russian supporters heightened. On February 27, pro-Russian gunmen, with what the West argues was Russia's direct assistance, seized government buildings in Crimea. Tensions continued to escalate and the Russian parliament gave Putin power to use force in Ukraine to protect 'Russian interests'. The OSCE followed by sending unarmed military and civilians from their member states to Ukraine to investigate concerns about "unusual military activities" (OSCE, 2014a) as prescribed under the Vienna Document of 2011.

Pro-Russian separatists continued to be active in Crimea and a referendum was held in mid-March where the region decided to join Russia but western powers questioned the legitimacy of the election. The OSCE introduced a National Dialogue Project in Ukraine (OSCE, 2014b) to start engaging different facets of

Ukrainian social and political participants. The OSCE also sent a Special Monitoring Mission (SMM) to Ukraine with the goal of providing unbiased information of events on the ground. This field mission was agreed to by all 57 participating member states including Russia (OSCE, 2014c). The SMM and news agencies reported clashes between pro and anti-Russian supporters, particularly in the Donbass region. May 2014 was a month of elections as pro-Russian separatists in Donetsk and Luhansk held unrecognized referendums and Ukraine elected a new president, Petro Poroshenko. The latter election was monitored by the OSCE (OSCE, 2014d). The SMM proved invaluable as it played a key role in providing investigators access to the MH17 crash site (OSCE, 2014f).

In June 2014, the OSCE Chairperson created a Trilateral Contact Group to launch dialogue between Ukraine, Russia and the OSCE on resolving the crisis (OSCE, 2014e). Simultaneously, state leaders from France, Germany, Ukraine and Russia met in Normandy, France to commemorate the 70th anniversary of D-Day. The four leaders agree that they need to meet again to come to a diplomatic resolution to the conflict in Ukraine. The proposed talks are called the Normandy Format. After a failed attempt at meeting and further delay, the group is going to try again to meet in February 2015.<sup>1</sup>

While the Normandy Four were dragging their heels, the Trilateral Contact Group saw great success in September 2014 and succeeded in facilitating the signing of the Minsk Protocol and Memorandum — ceasefire agreements between Russia, Ukraine and pro-Russian rebels (OSCE, 2014g). Unfortunately, though Russia and Ukraine signed the Minsk agreements, the agreements have been unsuccessful as both sides argue that the other has not implemented the ceasefire.

### Theoretical Analysis of the Conflict

While invaluable in providing a bird's eye view of a problem, understanding a conflict is not limited to knowing the facts and timeline of events as it unfolds, but an analysis of its root causes and how the key actors may be interpreting the situation is also needed. It is not until one undertakes an analysis at this level that s/he can then move forward towards seeking a resolution. Academics of International Relations offer three main theories for looking at global affairs, they are: Realism, Liberalism and Constructivism.

**The Realist Argument.** The current crisis in Ukraine can be seen through several different lenses. The realist explanation would approach the situation, not merely in terms of a civil conflict, but one where western and Russian powers are competing for Ukrainian favor to maximize their own power. Indeed, this is the essence of realism, where a state is seen as a rational actor and will make decisions and calculate their actions based on what is in their own best interest (Hosli, 2014a). The West in this case, namely the United States, was pursuing NATO enlargement, EU expansion and social-development projects in Ukraine

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<sup>1</sup> Since writing this paper the Normandy Four did hold talks on February 11, 2015 that went into ii February 12. The result of the talks was that all parties agree to implement a new ceasefire based on the September Minsk agreements. The OSCE Trilateral Contact Group was at the talks in Minsk and they signed the details of the ceasefire. Regrettably, since this meeting and the results were only a day before the paper was due it was not enough time to amend my essay to discuss this development. However, the events and outcomes of the talks occurred very similar to what I proposed and going forward I still assert that the OSCE should continue to be a leader in facilitating a resolution based on the reasons I outline in this essay.

that promoted democracy. In the realist arena, such acts are offensive, wherein the western countries can be seen to be seeking to increase their power through economic interdependence and shared social values. Conversely, this put Russia on the defensive. John Mearscheimer (2014), a key author of the realist theory, asserts that in fact the West's actions made Russia's response expected and inevitable, as it was provoked into defending its sphere of influence for its survival. He even goes as far as to say that the current "Ukraine crisis is the West's fault" (ibid.). However, not all agree with the realist argument for the crisis, and in particular, how this theory frames Russia's actions and motivations. The Ukraine Crisis Media Centre (2014) published a reaction to Mearcheimer's article that states that Russia's president, Vladamir Putin, was not acting in Russia's interests as the realist argument above outlined, for the results have been counter-productive. The centre asserts that Russia's actions have strengthened pro-West sentiment in Ukraine and made a decaying NATO suddenly relevant again, two results which are decidedly not in Russia's interests.

**The Liberal Argument.** The liberalism lens places the conflict in a new light. Instead of focusing on the states of Ukraine, Russia and western countries as the primary actors of analysis, this approach puts greater attention on how social, political and economic integration influence a government's priorities (Hosli, 2014b). Applying this to the Ukraine crisis, one could say the economic overlap — the extent to which western states, in particular European ones, rely on Russian investments and gas — has given Putin free rein to impose aggression in Ukraine, knowing that the West could not punish him with too badly without the risk of also hurting themselves (Goldsmith, 2014).

Another facet of liberalism is the promotion of equality, political freedom and individual liberty. These ideals are held by the West and were being actively promoted by the United States in Ukraine prior to the crisis (Mearscheimer, 2014). It could be argued that Russia was in part retaliating to these values being promoted on its doorstep and for fear that they would permeate its border.

**The Constructivist Argument.** A third approach to the Ukraine crisis is to view the matter through the constructivist lens. This theory focuses on norms and identities which form social reality. A state's identity and the spreading of its norms and values are argued to outweigh material interests (Hosli, 2014c). In this case, a constructivist would argue that Putin was drawing on a "shared emotional resonance" (Western, 2014). Most of Ukraine was part of a historical state of Russia called Kyivan Rus' and even the Crimea was part of Russia until 1954 (Yekelchyk, 2014). As a result, many Russians still view these regions as part of the Russian identity and those same people may argue it would be worth making military incursions to reclaim them.

**Reconciling the Arguments.** In truth, a conflict as complex as the one in Ukraine cannot be distilled to an explanation that fits neatly into the box of one theory. Instead, it is useful to consider them all as relevant to understanding how individual actions fit into the broader tapestry. In my opinion, none of the approaches above are entirely correct or incorrect but instead are useful tools in helping the student of

international relations see how many factors are at play, an exercise that is particularly relevant when moving to the next step: a resolution.

## Proposed Solution

Just as the causes and explanation of the Ukraine crisis are varied, so too are the possible routes for resolution. While many possible scenarios exist for a solution to the conflict, I argue that the primary approach to the resolution of this problem should be negotiation with the Organization for Security and Cooperation in Europe (OSCE) as the lead negotiating facilitator. As lead negotiators, the OSCE Ukraine Crisis Negotiating Team (UCNT) would seek a resolution through the following actions.

First, to form the UCNT, the current Trilateral Contact Group, consisting of Russia, Ukraine and the OSCE would invite France and Germany to join as members. The reason for this is to mirror the composition of the Normandy format discussions. By drawing in the two most powerful members of the EU and already with active efforts towards seeking an end to the crisis, this would bring leaders at the highest levels from the countries of France, Germany, Russia and Ukraine to discuss the crisis. A meeting between the four parties has been in the works since June of 2014 and is finally scheduled to take place in Minsk on February 11th. However, since the original talks planned for January were called off, the Normandy Four would benefit from having the OSCE assume the role of a facilitator. Facilitation is a strategy of mediation where the facilitator has a small amount of control on the proceedings but instead focuses on acting on conveying and providing information to both parties, perhaps even bringing them face to face (Vukovic, 2014). In this case, the OSCE would organize summit meetings at the highest levels with follow-on meetings with lower level participation which hitherto forth have been difficult to arrange. The OSCE Chairmanship and Trilateral Group Leader Tagliavini could use their political and diplomatic clout to urge, plan and bring about more frequent meetings.<sup>2</sup>

Secondly, the OSCE UCNT would continue lower level negotiations after the summit meetings. The desired product of these meetings would be to first end the violent conflict by getting all parties, to implement the previously agreed upon Minsk agreements. If this is successful, then the UNCT would seek to resolve the other points of disagreement between the concerned parties. Since writing this paper the Normandy Four did hold talks on February 11, 2015 that went into ii February 12. The result of the talks was that all parties agree to implement a new ceasefire based on the September Minsk agreements. The OSCE Trilateral Contact Group was at the talks in Minsk and they signed the details of the ceasefire. Regrettably, since this meeting and the results were only a day before the paper was due it was not enough time to amend my essay to discuss this development. However, the events and outcomes of the talks occurred very similar to

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<sup>2</sup> See comment on page 19

what I proposed and going forward I still assert that the OSCE should continue to be a leader in facilitating a resolution based on the reasons I outline in this essay.

**The Strengths of the Proposed Solution.** There are several reasons why the OSCE is a natural choice to be a leader in resolving this conflict. The first is that it is part of the organization's founding mandate. As expressed in its name, the OSCE seeks to promote security and cooperation. It "works to prevent conflicts from arising and facilitate comprehensive political settlements for existing conflicts" (OSCE, 2015a). When the members, including Ukraine and Russia, joined the organization, they agreed to follow the points in the Helsinki Accords. These ten principles, known as the 'Helsinki Decalogue', include values such as the "territorial integrity of states" and the "peaceful settlement of disputes" (OSCE, 2015b). While the decalogue as guiding principles for states' relations is non-binding, they were agreed to by the members themselves and thus do hold some political clout.

Secondly, the OSCE is the only regional security organization with all relevant parties as full members (Ukraine, Russia, US, all of the EU member states). This means that representatives from all of these countries are meeting face to face on a regular basis to discuss Europe's security. These weekly permanent council meetings provide a constant venue for direct engagement and follow up on the additional negotiation taken up by OSCE mediation teams. Because these meetings have fewer members than the UN, more time can be devoted to this particular global issue. Additionally, the OSCE is not as high profile as the UN so those regular discussions can be more spontaneous and thus more frank.

A third reason to have the OSCE be a leader in negotiation efforts is because the OSCE already active in trying to negotiate a resolution to the conflict in Ukraine, as was outlined in the overview of the conflict. As mentioned earlier, there is a Trilateral Contact Group which, through negotiations between Russia and Ukraine, produced the Minsk Protocol and Minsk Memorandum (OSCE, 2015c). These two agreements succeeded in getting both parties to sign an assortment of points to advance the peace process. Furthermore, the OSCE has observation missions on the ground in Russia and Ukraine to offer unbiased reports on what is happening in these regions. It is also noteworthy that the OSCE is negotiating three other protracted conflicts in Europe, which adds to its experience as a regional mediator.

**The Weaknesses of the Proposed Solution.** While the strengths of using the OSCE to lead the resolution to the conflict in Ukraine are many, this proposed solution is not without its weaknesses. The first, and perhaps greatest, weakness of the organization of what many will also refer to as its greatest strength and that is that the organization is consensus based. This means that if any party doesn't agree to a proposal or statement, the item does not pass. When discussing the current crisis, neither Russia nor Ukraine are likely to agree to anything that is not in their favor and the OSCE has no teeth to make them do otherwise.

A second weakness that one could argue against the proposed solution is that while the OSCE has a lot of experience with negotiation not only this conflict but other regional ones as well, it does not have a positive track record in resolving them. The three protracted conflicts are often referred to as 'frozen conflicts' because there is little movement towards their resolution. Even the success the Trilateral Contact

Group had in getting Ukraine and Russia to sign the Minsk agreements can be seen as fruitless because neither Russia, nor the pro-Russian rebels have implemented them.

### Conclusion

The events in Ukraine and the OSCE's actions to mitigate the problem show its active participation in seeking Ukrainian and European security and cooperation. An analysis of three dominant International Relations theories — realism, liberalism and constructivism — give a deeper understanding of the reasons for the conflict and what key players may be thinking. The proposal to engage the OSCE as a leader in negotiation talks has both strengths and weaknesses, but after weighing these pros and cons of the OSCE as a leader in negotiating the resolution of the crisis in Ukraine, I assert that the strengths outweigh the weaknesses. While the OSCE lacks the ability to force Russia to act one way or the other, its role to facilitate. Furthermore, its general experience in negotiation and security matters and current participation in this specific conflict makes it ideally suited to assume the role of a leader in resolving the Ukraine crisis.

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## 2.4. NEGOTIATING AN END TO THE BOKO HARAM CONFLICT: ARE THERE LESSONS FROM OTHER CONFLICTS?

HAFISI OLATOKUNBO KADIRI (NIGERIA)

### Introduction

What are the opportunities for peace initiatives between Boko Haram and the Nigerian government? Given the recent upswing in violence it may appear that meaningful dialogue between the Nigerian government and Boko Haram is unlikely or that any such attempt would end in failure. Indeed, there have been several previous attempts made to resolve the conflict through dialogue and which have all ended in failure.

However, it may be worthwhile for us to explore whether a more focused, pragmatic, and dynamic negotiated approach to resolving the Boko Haram conflict would have a better chance of success? Is there evidence from other conflicts that have been resolved through negotiation notably that between the Irish Republican Army (IRA) and the British Government, the insurgency in the Nigerian Delta region that could provide lessons on how to design and implement a peace initiative?

For years, the British and Irish governments sought to facilitate a political settlement to the conflict in Northern Ireland. After many attempts, the two governments and the Northern Ireland political parties participating in the peace talks announced an agreement in 1998 – the Good Friday agreement, bringing to an end 30 years of conflict. In 2009, after years of attempting to suppress the Movement for the Emancipation of the Niger Delta (MEND), a guerrilla insurgency operating in the oil-rich south of Nigeria by military force, the Nigerian government implemented an Amnesty and Disarmament, Demobilisation, and Reintegration programme. The aim was to halt the violence and safeguard the supply of nation's main revenue generating commodity - oil. The programme has been somewhat successful in containing the unrest in the delta region. The paper will draw on the IRA example and Nigeria's recent experience confronting MEND in the Niger Delta to assist with devising an effective strategy to combat the current crisis in Northern Nigeria.

The main research questions and sub questions are:

1. Should the Nigerian Government negotiate with the Boko Haram terrorist group?
  - a. What are the strategic issues associated with attempting to conciliate with Boko Haram?
  - b. How do the internal politics within the Boko Haram organisation affect the dynamics of peace making?
  - c. With whom should the Nigerian government negotiate if it wants to end the conflict?
2. How useful are the concepts of Diversity and Fragmentation, State Failure and Good Governance in explaining the dynamics of the conflict?

The traditional doctrine in counterterrorism literature is that countries should not negotiate with terrorists (Zartmann, 1990; Toros, 2006). However, this perceived wisdom is increasingly being challenged and there is now a debate whether or not it is useful and justified to negotiate with terrorists (Neumann, 2014). The main arguments put forward to support the position not to negotiate with terrorists are that 1) negotiation undermines democracy and 2) that as a tool for resolving conflicts with terrorism negotiation is that it is not effective. The argument contends that by negotiating with terrorists they become legitimised and in the process democratic institutions are undermined. Secondly, that negotiation is ineffective. It does not work.

However, despite the apparent aversions to negotiating, democratic countries do engage in compromise and negotiate with terrorists, for example the British Government through its intelligence agencies engaged covertly with Irish republicans from the mid-1970s onward. Literature on negotiation with terrorist groups has however tended to focus on the moral dilemmas of whether to negotiate or not, rather than ascertaining under what circumstances negotiations work. It is therefore important to determine whether there are factors that explain when governments should negotiate and / or who they should negotiate with. The next section of the paper will examine the case of Boko Haram conflict with the Nigeria government; we will start with a brief anatomy of the Boko Haram Crisis.

### **Boko Haram: Origin, Motivations, Conflict Drivers and Incentives**

Boko Haram's origins date back to 2002 when a youth group declared the government of the city of Maiduguri, along with the Islamic establishment to be intolerably corrupt and irredeemable (Walker, 2012). However, there is a general consensus that the current strife between Boko Haram and the Nigerian government was sparked in July 2009, when tensions between the sect and the government reached a breaking point. Up until that point the group had conducted its operations more or less in a peaceful manner. In 2009 the then uncomfortable coexistence collapsed when Nigerian security forces staged an offensive that killed at least 800 people across several states. The action included the extra-judicial killing of the group's leader, Mohammed Yusuf, and deadly, often indiscriminate, attacks on other buildings and settlements associated with Boko Haram. The group was forced underground and after regrouping, emerged with a new leader, Abubakar Shekau. The group began to espouse a more militant agenda and to deploy brutal tactics. Since then, there has been an escalation of attacks by insurgents and a growing response by the Nigerian military (Adibe, 2013).

With the impending 2015 general elections in Nigeria we have seen a rise in the frequency and brutality of the attacks by Boko Haram – the atrocities include murder, abductions, slavery and forced marriages. Prominent among Boko Haram's attacks include the bombing of the UN building in Abuja, killing 21 people and wounding 60, the kidnap of 276 schoolgirls from Chibok Government Girls Secondary School and the destruction of school buildings, killing of teachers and children in targeted attacks on schools. The kidnapping has led to calls for international assistance, and a Twitter campaign under the hashtag #bringbackourgirls. The violence however continues unabated and an Amnesty International report estimates that since 2013, Boko Haram has launched at least 330 raids and bombings, killing at least 5,400

civilians in Northern Nigeria. While the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates the number of internally displaced people in Nigeria as a result of the conflict to be more than 470,000, According to the Office for the Coordination of Humanitarian Affairs (OCHA) another 200,000 is supposed to have taken refuge in neighbouring countries Niger, Cameroon and Chad.

What are the motivations, conflict drivers and incentives in the Boko Haram conflict? The concepts of Diversity and Fragmentation, State Failure and Good Governance may be useful in explaining the dynamics of the conflict. According to Adibe (2013) several theses and theories have been proffered for the emergence of Boko Haram. Some of these theories and theses are helpful in an attempt to understand Boko Haram's interests and will be useful in mapping a route to a resolution of the crisis.

One explanation is that the conflict is essentially another religious conflict between the two dominant religions in the Nigeria Christianity and Islam. Proponents of this thesis stress the religious identity of Boko Haram. Nigeria is regarded as highly fragmented under most diversity and fragmentation indices and the argument goes that highly diverse societies are more prone to conflict. However, Hussein (2013) has argued that whilst the religious factor is important in explaining Boko Haram, and cannot be discounted; such a view is overly simplistic.

Another explanation is that Boko Haram is frustrated with the plight of the citizens of Nigeria in particular Northern Nigerians who feel marginalised from the current political and economic dispensation. This is the good governance thesis. A proponent of this argument is Walker (2012) who points out that Boko Haram belief is that politics in northern Nigeria has been seized by a group of corrupt, false Muslims and it is therefore necessary to wage war against them and the Federal Republic of Nigeria in order to create a "pure" Islamic state ruled by sharia law. Meagher (2014) has also argued that "a critical factor behind the rise of Boko Haram is the profound poverty and deprivation affecting the Muslim north of Nigeria. Despite Nigeria having an average growth of 7% per year during the last decade, the growth has not been enjoyed by all and has "exacerbated rather than eased long-standing patterns of regional inequality.... between the Muslim-majority north and the Christian-majority south".

There is solid evidence to support the view that the lack of good governance is an explanatory factor for the emergence of Boko Haram, and associated with this factor is the concept of "state failure". In the case of the concept of state failure the Nigerian government is seen as been unable to effectively secure its borders and citizens, creating room for renegade groups such as Boko Haram to develop. According to Niworu (2013) the Nigerian state has failed in the provision of the basic needs of the people and this has led to the emergence of terrorist groups in all regions of the country. These groups include Boko Haram, the Odua people's Congress, the Niger Delta Militants and the Massop which have or are operating in the North, South west, South South and South East parts of Nigeria respectively.

To conclude this section it would seem there is evidence to support the view that the concepts of Diversity and Fragmentation, State Failure and Good Governance are good explanatory variables in explaining the dynamics of the Boko Haram conflict. Therefore any solution proposed to end the conflict will have to take

these factors into consideration. It is clear that there are genuine grievances that would need to be addressed to ensure that any proposed solution is viable. The next section of the paper therefore proposes a solution to the conflict through negotiation rather than the continuation of a military counter-terrorist strategy.

## Proposed Solution

This paper proposes that the best approach to solving the Boko Haram crisis is to utilise political negotiation or dialogue with all stakeholders in the conflict. Negotiation may be through intelligence operatives, mediators, proxies, and other associates. It could also be the Nigerian government and/or their representatives directly or indirectly engaging with members of Boko Haram, mostly likely in secrecy.

Many of these methods of reaching out to Boko Haram have already been tried. In August 2011, the Nigerian government undertook “back-channel” talks with the Boko Haram. A month later, former president Olusegun Obasanjo held talks with some Boko Haram members in their stronghold, the city of Maiduguri. At the meeting the group’s representatives tabled demands for a cease-fire that included an end to arrests and killings of their members, payments of compensation to families of sect members killed by security personnel, and prosecution of policemen responsible for the killing of group leader Mohammed Yusuf. However, to date none of the group’s demands have been implemented.

Another attempt at dialogue was made in 2012 when Datti Ahmad, president of the National Supreme Council on Sharia in Nigeria, attempted to reach out to the group. However, Boko Haram refused to continue with the talks when it was leaked to the media. There has also been periodic announcements by the Nigerian government of ceasefires suggesting that there had been some form of contact with Boko Haram. For example, in July 2013, Nigeria’s Minister of Special Duties and Chairman of the presidential task force negotiating with Boko Haram, Kabiru Turaki, publicly announced that the Islamist group had agreed to a cease-fire with his committee. And in August 2013, the Nigerian government made another announcement claiming that Boko Haram’s had accepted to dialogue with the government. More recently, in October 2014 the Nigeria government through its chief of defence staff, Alex Badeh announced yet another negotiated ceasefire and raised hope that the Chibok girls are to be released. However, Boko Haram on all these occasions has denied entering into any cease-fire agreement with the Nigerian government.

So it is clear that there have been numerous overtures at peace negotiations which have all so far resulted in failure. What then should the Nigerian government do differently? This paper outlines two suggestions to build on the previous attempts at dialogue. 1) The utilisation of multiparty negotiations with a focus on bringing the more moderate members of the sect to the peace table. Negotiations should include all stakeholders such as former and current government officials, religious authorities, human rights activists, traditional rulers and the insurgent groups. 2) A unilateral attempt to meet some of the groups more moderate demands such as the alleviation of poverty and a real emphasis at stamping out corruption. For example, under the Niger Delta Amnesty Programme the Nigerian government granted

state pardons to fighters in the oil-producing region following several years of conflict and also made efforts to meet the group's core demand of a more equitable distribution of the income from oil revenue. Such an approach to the Boko Haram conflict is likely to be more productive.

## Weaknesses

There are number of weaknesses with the proposed solution. Some of the drawbacks are about negotiations, in general, while other drawbacks are specific to the type of negotiation recommended. First, it is been known that during talks, disaffected members of terrorist groups may actually increase terrorist violence with spoiler attacks, or even splinter and create new groups. Boko Haram is not a monolithic entity with a unified purpose - the International Crisis Group estimates that Boko Haram is made up of three to six factions that sometimes collaborate and sometimes come into conflict with each other, competing at times for attention and followers. So there is a high risk that attacks from some of the group may increase in the short-term, nevertheless the Nigerian government should be prepared for this to happen and persist with negotiations. In our IRA example we see that violence often increased while negotiations where ongoing, but it did not divert the parties from the end goal. Also, the fact that the proposed approach is via multiparty negotiations should help, as there will be less pressure to discontinue with talks while at least some of the Boko Haram group is still willing to participate.

The second drawback from negotiations with terrorist groups is that the process as a tool of conflict resolution has a negative history in that it rarely works quickly or on its own. According to a study by Cronin (2014) the predominant pattern was for government talks with terrorists to drag on, accompanied by a lower level and frequency of violence, without either resolution or outright failure. The question however, is the poor rate of success down to bad practice of negotiation principles or is it that negotiation is not suitable for these types of conflicts. This paper takes the view that a better application of negotiation techniques would enhance the possibility of success. Negotiations involving multiple parties are however complex because of the potential number of interacting variables, so care and skill will need to be deployed to keep the process on track.

Negotiating with terrorists has also been adjudged to be inappropriate because it is suppose to give terrorists publicity, equating the government with the group, and in the process hand the terrorist's legitimacy. So negotiating with Boko Haram would be risky and could backfire, undermining the fragile Nigerian political balance. However, while there are risks with the endeavour these risks can be minimised by the type of negotiations undertaken. Once again multiparty negotiations has the advantage of involving all key stakeholders may diminish the legitimacy issue.

Lastly but not least, negotiations can raise public hopes for an end to terrorist attacks and talks can also be painful for friends and relatives of victims of attacks e.g. the relatives of the 1988 Lockerbie bombing by Libya felt aggrieved and betrayed by the release of the perpetrator of the atrocity from jail on compassionate grounds. These are drawbacks to negotiating with terrorists such as Boko Haram, which the

Nigerian government would have to minimise by ensuring appropriate communication to the wider public as to the reasons for their approach.

## Strengths

A negotiated approach to resolving the crisis can provide a short-term pause in the violence and respite to the beleaguered population of the affect areas, particularly if there is a ceasefire agreement. Also it has become clear that it is necessary to negotiate with Boko Haram in order to bring about the release of all those that have been abducted.

Secondly, negotiations with Boko Haram can lead to an acceptable political compromise and be a spur for development in the Northeast region of Nigeria. A negotiated peace agreement on the lines offered to and accepted by the MEND insurgents in the Nigerian delta area would go a long way to achieve such an outcome. The establishment of a committee of inquiry led by Ambassador Usman Galtimari to “identify the grievances of the [Boko Haram] sect” is a step in the right direction.

The proposed solution also has the ability to incentivise less militant members of the group to desist from using violence as a means of achieving their goals. It may be possible to reward those in the Boko Haram group who are cooperative by accepting them as a negotiating partner. Doing this does not necessarily mean that the Nigerian government is acknowledging or accepting all Boko Haram’s objectives or actions. It simply means the Nigerian government is merely offering them an olive branch. Offering terrorists and their supporters a real and credible chance of achieving some of their objectives without violence will challenge the terrorists’ claim that they have no other choice than to resort to violence.

## Conclusion and recommendations

As this paper is being written the prospect for negotiations and a peaceful resolution to the conflict is dim. As of February 2015 there is a major offensive to rout Boko Haram, at least sufficiently to be able to conduct general elections in Nigeria in a few weeks time. However, the situation is not hopeless, as drawing on the example of the IRA- British government; peace did not look likely at the beginning of 1998 the year the peace agreement was signed. It may be that in due course the Nigerian government would eventually relent when the realisation that a military strategy is unlikely to succeed in annihilating Boko Haram and therefore agree to negotiate with terrorists. For Boko Haram the realisation that they could achieve their objectives though peaceful engagement may also bring them to the negotiation table.

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## 3. CHALLENGES TO INTERNATIONAL ORGANIZATIONS

### 3.1. ASSESSING POSSIBLE EUROPEAN STRATEGIES ON SECESSION IN A MEMBER STATE

ALBERT SANCHEZ CARMONA (SPAIN)

#### Introduction

One of the many challenges the European Union (EU) is facing today is a hypothetical secession of a region within a member state. The EU is a regional and general International Organization, based on both European governments and citizens.<sup>3</sup> In the last years, secession gained momentum and started to be seen as a real possibility.<sup>4</sup> Scotland held a referendum on independence on September the 18<sup>th</sup>, 2014, and Catalonia has been pushing for a binding vote on the issue, which led to a mock-referendum in November the 9<sup>th</sup>, 2014.<sup>5</sup> But these two regions are not the only ones that have strong secessionist movements.

Several European states have pro-independence groups within their borders. In the United Kingdom, Wales has also a significant group willing to become independent,<sup>6</sup> and in the Basque Country, in Spain, there have been for a long time demands for self-determination. Perhaps one of the best known movements is the Flemish, which seeks independence of Flanders from Belgium. But there are also other groups, clearly weaker than the ones introduced before, struggling for secession in countries like France and Italy. In Table 1 are shown some of the most important regions in the European Union with secessionist movements:

Region	Mother state	Population (2013)	Mother state's population (2013)	Share of mother state's population	Regions' GDP in current values in million € (2011)	Mother state's GDP in current values in million € (2013)	Share of mother state's GDP
Catalonia	Spain	7,480,921	46,727,890	16,01%	194,285	1,022,988	18,99%
Basque Country	Spain	2,177,006	46,727,890	4,66%	64,857	1,022,988	6,34%

<sup>3</sup> Fleet, 2014. *International Institutions Management*, 1.3.

<sup>4</sup> Brölmann *et al.*, 2014. Page 5.

<sup>5</sup> BBC, 2014.

<sup>6</sup> Morris, 2014.

<b>Scotland</b>	United Kingdom	5,320,115	63,905,297	8,32%	90,480	1,899,098	4,76%
<b>Wales</b>	United Kingdom	3,078,000	63,905,297	4,82%	60,428	1,899,098	3,18%
<b>Flanders</b>	Belgium	6,404,726	11,161,642	57,38%	212,354	382,692	55,49%
<b>Corse</b>	France	322,120	65,578,819	0,49%	8,080	2,059,852	0,39%
<b>Veneto</b>	Italy	4,881,756	59,685,227	8,18%	149,527	1,560,023	9,58%

Table 1 Possible secessionist regions in the EU <sup>7</sup>

Secession in a member state of the EU, or fragmentation, as Chamon suggests<sup>8</sup>, is something that many countries may face in a shorter or longer term. Despite Article 4.2 of the *Treaty of the European Union* (TEU) establishes respect for member states essential functions such as territorial integrity,<sup>9</sup> the European position on EU membership is deep rooted in secessionist debates throughout Europe.<sup>10</sup> As Connolly suggested, “all of the parties to these separatist disputes would benefit from greater clarity concerning the future that awaits a secessionist state”.<sup>11</sup>

Both secessionist movements and states would win with a clear, firm statement from communitarian institutions clarifying what would be the outcome of fragmentation. Citizens deserve to know if their country is going to continue in the EU or not in order to make a decision as important as this one. The Union has been very vague in its responses to fragmentation and there’s a need to establish a European strategy on secession. The aim of this project is to find possible strategies by answering the following research question:

*How can the European Union deal with secession in a member state?*

In order to do it, this project analyses what is the current state of the question and what are the possible responses the EU can give to secessionist movements. To do it, I base my assessment on democratic values and stressing the importance of the agreement. I first analyse what is the current European approach to fragmentation and what it is based on. Then I explore what the EU can do in the case of secession in a member state taking into account two main variables: respect for human and democratic rights and preference to agreement between the region and the state.

<sup>7</sup> Eurostat, 2014.

<sup>8</sup> Chamon, 2014. Page 1.

<sup>9</sup> European Union, 2010. Page 18.

<sup>10</sup> Bourne, 2014. Page 115.

<sup>11</sup> Connolly, 2013. Page 103.

## EU Approach to Fragmentation

Since Catalan and Scottish pro-independence movements gained momentum about three years ago, the European officials have hesitated and changed their point of view about the status of a secessionist region in the EU. As the time went on, a response imposed based on two pillars:

- a. It is a domestic affair of the member state.
- b. A seceded region of a member state would be automatically considered a third state, so it will have to submit an application to join the EU.

These two simple sentences are the unique ones that have been consistently repeated by members of the European institutions, and the only ones that we can assume as the official approach of the EU to the question.

### A Domestic Affair

The first pillar (a) is based on Article 4.2 of the TEU, which states the following:

*“THE UNION SHALL RESPECT THE EQUALITY OF MEMBER STATES BEFORE THE TREATIES AS WELL AS THEIR NATIONAL IDENTITIES, INHERENT IN THEIR FUNDAMENTAL STRUCTURES, POLITICAL AND CONSTITUTIONAL, INCLUSIVE OF REGIONAL AND LOCAL SELF-GOVERNMENT. IT SHALL RESPECT THEIR ESSENTIAL STATE FUNCTIONS, INCLUDING ENSURING THE TERRITORIAL INTEGRITY OF THE STATE, MAINTAINING LAW AND ORDER AND SAFEGUARDING NATIONAL SECURITY. [...]”<sup>12</sup>*

There is no doubt that this part is responding quite literally to the TEU, and there is little space to criticise in this respect.

### (Re)joining the EU

Things are fairly different with the second pillar (b). As far as there isn't anything written about what would happen to a fragmented region, there is a big discussion whether an independent Scotland or Catalonia would automatically be expelled from the EU or not, and how could they join the club again. There are, at least, three answers in this debate:

1. The seceded region will continue to be a member of the EU because its citizens will still hold European citizenship. This position has been fiercely contradicted by Andrade<sup>13</sup> and isn't well considered by many.
2. The seceded region will have to re-join the EU by an amendment of the TEU through Article 48. This position was held by the Scottish Government *White Papers* but seems very difficult to achieve.<sup>14</sup>
3. The seceded region will have to re-join the EU following the admission process established to every aspirant. It is based on Article 49 of the TEU and is the option that most scholars agree with.<sup>15 & 16</sup>

<sup>12</sup> European Union, 2010. Page 18.

<sup>13</sup> Brölmann *et al.*, 2014. Page 48.

<sup>14</sup> Arsmtrong, 2014. Pages 194-195.

Even though the third option is commonly accepted as the best one, there are a lot of questions and doubts surrounding the issue. In contrast with the first pillar, this is not a domestic affair because it is referring to member accession to the EU. At the moment that a region becomes independent, it won't be any more a domestic issue, and Europe should have an opinion and strategy on it.

Moreover, because fragmentation also affects the EU as a whole and European politics are day by day more interconnected, the EU "either as an actor or as a politico-institutional context, may play a role in the politics of secession in Europe"<sup>17</sup>. It is advisable this role to be clear and known, in order to help citizens make the best choice.

### What Can the EU Do?

To guide the analysis, I will follow the conclusions that Gilliland gives in his thesis about secessionism within a federation. Even though EU isn't a federated state, he suggests that "if the EU is considered some form of federal system, the justification of Independence in Europe might benefit from the proposals made in this thesis". His arguments are that "the grounds to justify internal secession are to be based on the process followed; a process which is guided or justified with reference to liberal, democratic and federal principles"<sup>18</sup>.

We can adapt it to the EU saying that fragmentation justification must be based on the process followed; which must be guided by the principles established in Article 2 of the TEU. These are the aforementioned values:

*"THE UNION IS FOUNDED ON THE VALUES OF RESPECT FOR HUMAN DIGNITY, FREEDOM, DEMOCRACY, EQUALITY, THE RULE OF LAW AND RESPECT FOR HUMAN RIGHTS, INCLUDING THE RIGHTS OF PERSONS BELONGING TO MINORITIES. THESE VALUES ARE COMMON TO THE MEMBER STATES IN A SOCIETY IN WHICH PLURALISM, NON-DISCRIMINATION, TOLERANCE, JUSTICE, SOLIDARITY AND EQUALITY BETWEEN WOMEN AND MEN PREVAIL."*<sup>19</sup>

According to these principles, EU must automatically oppose any region that accedes independence violating human dignity and democracy by military or violent ways. It shall be also denied any accession to the EU of a region that doesn't respect the minorities' rights and the respect for human rights, in a case of discrimination or apartheid. So it is clear that the EU shall not accept any new member that violates such principles, even though the new country could have been a member of the club for a long time.

But discarding an inadmissible case is relatively easy. The point of this article is to assess what are the strategies that the EU can follow for a region that become independent within a member state and observes the core principles of the Union. In this case, we must pay attention to the process itself. The main question is: how does the region accede to independence?

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<sup>15</sup> Brölmann *et al.*, 2014. Page 44.

<sup>16</sup> Arsmtrong, 2014. Pages 194-195.

<sup>17</sup> Bourne, 2014. Page 95.

<sup>18</sup> Gilliland, 2013. Page 164.

<sup>19</sup> European Union, 2010. Page 17.

## Agreement

As we are speaking about a political conflict within the EU, an institution based on freedom, democracy and human rights, among other values, the most desirable scenario that we can image is the one of agreement between region and state. A process agreed between the two parts is far more advantageous than one based on disagreement.

If we take the definition of ‘good governance’ that we studied in *Configuring the World*, the first two points refer to:

“ A. TAKE CITIZENS’ DEMANDS INTO ACCOUNT THROUGH POLICY

B. DO IT IN AN OPEN AND TRANSPARENT MANNER”<sup>20</sup>

So, if there’s a region where a great amount of citizens are demanding a self-determination referendum or and independence process, state should take this demand into account (e.g. Starting a negotiation with the region’s government) in an open and transparent manner (e.g. by an independence referendum).

In this case, it is easy to observe that the *Edinburgh Agreement* between the United Kingdom and Scotland to allow a referendum made things easy for all the actors, included the EU. Europe took advantage because it was solved at national level, and the only thing that European institutions had to deal with was the hypothetical membership issue.

In order to reinforce the accession of the fragmented region in the EU (imagining that it is what its people want), Armstrong advises the inclusion of membership in independence referendum<sup>21</sup>. An outstanding response for EU membership in the poll would be of great help in order to show to every member states the will of the new country to be part of the Union.

Given that a fragmentation process affects the EU in many aspects, like economy or the citizenship question (what will happen to European citizens living in the new independent country?), Paul Dermine recommends Europe to make an effort in order to avoid a temporal gap between the declaration of independence and re-access to the EU. That is why he suggests these two steps to “avoid the limbo”:<sup>22</sup>

1. The EU should try to avoid disruption because the breakaway region will have been part of the EU for decades, and naturally belongs to it.
2. Establishing three simultaneous and interconnected rounds of negotiations:
  - a. First round: Internal negotiations between the seceding entity and the ‘mother state’
  - b. Second round: External negotiations on membership
  - c. Third round: External negotiations on the transitory regime

Figure 4 Paul Dermine proposal of what to do

<sup>20</sup> Griffiths, 2014. *Configuring the World*, 5.1.

<sup>21</sup> Armstrong, 2014. Page 188.

<sup>22</sup> Brölmann *et al.*, 2014. Pages 42-47.

If we were talking about the agreement, Dermine's proposal is a very good plan to reach one because it takes into account both internal (region and mother state) and external actors (the EU and other member states). An agreement reached by this process would be a strong and firm one. Moreover, there isn't any interference between sovereignties and competencies.

The last thing that must be assessed in a fragmentation process is what mechanism should be used by the region to become a member state. It is broadly thought that following Article 49, the one that establishes accession of new countries is the best one. We have to keep in mind that the fragmented region has been part of the Union for years or decades and it "certainly qualifies for membership as independent state"<sup>23</sup> Furthermore, it is advisable that access to the EU would happen in the same moment that independence is declared. It would avoid any kind of disruption in issues like the citizens' question and internal market.

## Disagreement

Unfortunately, the agreement isn't something that is easy to reach when sovereignty is at stake. There is a certain possibility that mother state and the secessionist movement disagree, making very difficult any kind of accord. The Spanish case with Catalonia is the reflection of this possibility. The Spanish central government doesn't want to negotiate anything related to Catalan independence, arguing that the Constitution of Spain impedes it.

In such a case, the secessionist question can vanish (they recognize that there isn't any possibility and surrender their demands), get blocked (and become an unresolved problem) or make progress (secessionist support grows). The path to be followed by pro-independence movement is very unpredictable and depends on the context. If support to independence vanishes, there is no question to solve, at least related to this project. In the case of getting blocked or making progress, the EU role question is still posed.

Taking into account that territorial integrity isn't a European competence, a situation in which a member state stability is threatened by a powerful secessionist movement is something that the EU and member states can't ignore. It is something that can cause serious problems to mother state and the Union. That is why I suggest the EU can play the role of mediator. As studied in *The Changing Global Order*, mediation is an activity conducted by various international actors in order to manage inter and intrastate conflicts and increases chance of reaching negotiated settlements.<sup>24</sup> European institutions are a very good choice to deal with such cases in which EU itself is at stake. Actually, the EU played an active role in Serbia and Kosovo mediation, why not doing the same with an internal problem?

If mediation was successful, regardless how the accord was (supposing that is a good one), the problem would be solved and stability would be assured. The agreement may lead to a fragmentation process as

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<sup>23</sup> Connolly, 2013. Page 92.

<sup>24</sup> Vukovic, 2014. *The Changing Global Order*, 3.3.

the one discussed before or to an agreement avoiding independence. But if mediation wasn't successful, emphasis should be made in the process followed by the main actors: secessionist region and its mother state.

On the one hand, a secessionist region must base its process strictly following the values of Article 2 of the TEU. There can be no space for region seeking independence through force or human rights violations. On the other hand, mother state must be forced to follow the same principles. Any violation of the values (e.g. A military intervention or a violation of minorities' rights) could be used by secessionists to defend their plans.

International community and especially the EU must observe the process followed in order to support one party or another. In any case, agreement must be sought by the EU before and after a hypothetical unilateral declaration of independence. EU membership of the new country couldn't be tackled with guarantees before mother state and the region make a long-lasting accord. There is no point in having such a constant problem within the Union.

In Figure 2 there is a review of the possible strategies that the EU can follow in the case of fragmentation.

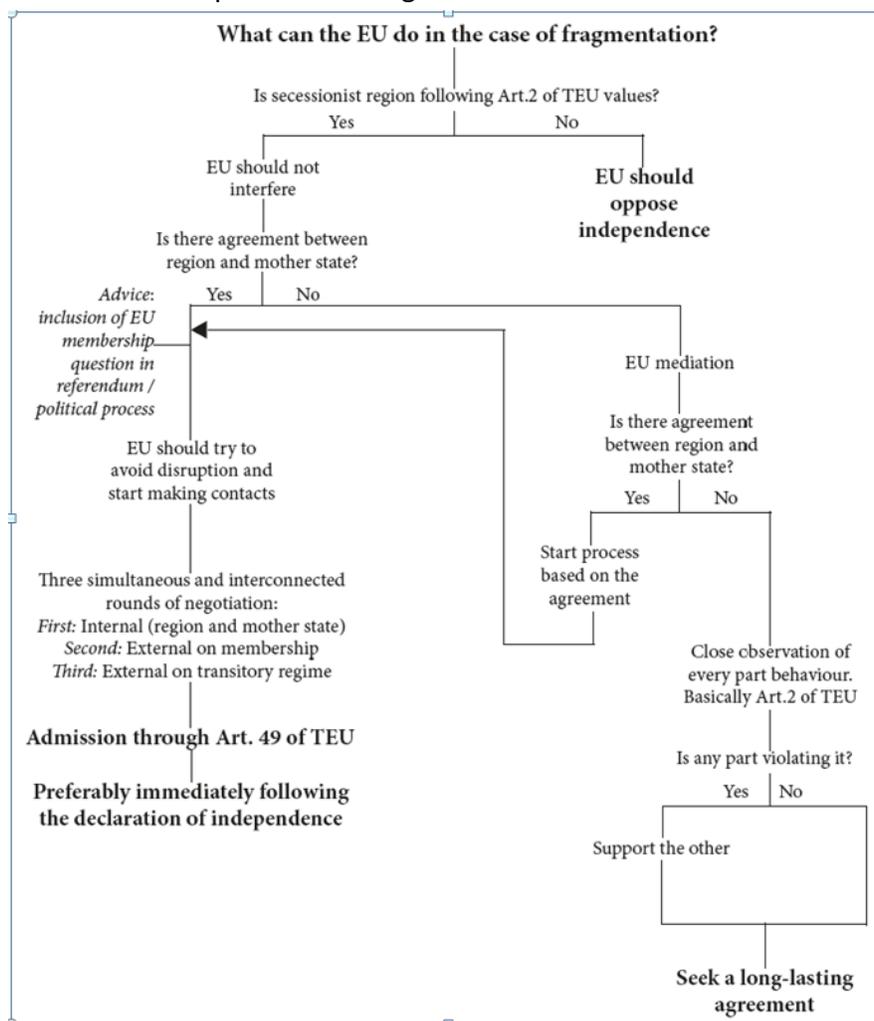


Figure 5 Possible strategies that the EU can follow in the case of fragmentation

## Strengths and Weaknesses

Because of the length of the project, I have only focused on politics. Possible strategies may increment if we introduce a hypothetical veto to fragmented region's membership (as has been suggested as Spanish revenge to Catalan independence). Besides, the analysis can be improved by taking into account also economic figures, geopolitics and the risk of contagion to other regions. Doing so could have led to different strategies, but also to a very different kind of work.

However, any strategy on fragmentation must observe democratic values and agreement in a political conflict within the EU as two of the main principles guiding action. This project also takes legal issues into account by introducing the TEU as a keystone of any European action. This is the most important legal text in the Union and should always be observed by citizens, member states and European institutions.

## Conclusion

There are several possible responses that EU can give to fragmentation. Clearly stating European strategy would be decisive (and desirable) in secessionist debates. The EU should no more play with ambiguity about fragmentation as long as it can set a clear strategy on the issue. In the very nature of the EU, as Dermine indicates, "there is a certain room for manoeuvre, innovation and flexibility"<sup>25</sup>. That is why in this project I suggest a strategy that follows democratic values and seeks agreement between the parts. It doesn't give a closed answer to every secessionist question, but clarifies how such debates should be in the democratic European environment in the 21<sup>st</sup> century.

The EU is a special kind of framework where democracy and agreement must play the main role in any political conflict. If there's any region in the world where sovereignty questions can be posed without fear of violence, this is Europe. The EU has the opportunity of being creative in handling such threats and showing the rest of the world a new way of dealing with this kind of conflicts.

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<sup>25</sup> Brölmann *et al.*, 2014. Page 48.

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## 3.2. THE INTERNATIONAL CRIMINAL COURT: LIMITS IN JURISDICTION AND A PATH TO UNIVERSALITY

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### Introduction

How can the International Criminal Court (“the ICC”), and by extension international criminal justice, be made truly universal? The ICC was set up in 2002 as a forum within which to try international crimes. However despite the name and aims of the institution, the court’s jurisdiction is not truly global.

The ICC was created by an international treaty known as the ‘Rome Statute’. Although numerous states signed up to this treaty and subsequently ratified it, thus importing it into domestic law, many others failed to do so.

The ICC has jurisdiction over crimes committed in the territory of or by nationals of member states. This jurisdiction can be extended outside of member states: the Security Council has the power to refer a situation threatening global security to the ICC.

The gaps in jurisdiction can be summarized as follows:

- Firstly as a treaty based organization the jurisdiction of the ICC over non-treaty members (notably Russia, China and the US) is limited.
- Secondly the reliance on the Security Council as an instrument to expand ICC jurisdiction imports historical power balances into the choice of prosecutions.
- Thirdly the lack of independent international enforcement mechanisms and consequent reliance on national political cooperation allows crossover of the political and judicial spheres in a way entirely impermissible in civilized national legal systems.

This essay will proceed to analyse the history and development of these gaps in jurisdiction and examples of the problems caused.

Finally, this essay will consider the solution to the problem of how universal jurisdiction can be achieved. The expansion of ICC scope requires a nuanced combination of negotiations at a multilateral level and continued action by international organizations to educate and advocate for truly international criminal justice. The strengths and weaknesses of using multilateral negotiation between nation states and international organizations will be analysed. This essay will conclude that despite the difficulties, the international community should prioritise the expansion of the ICC, recognizing that universal access to justice is one of the cornerstones of civilized society.

## Analysis

This analysis will proceed as follows:

*The creation of the court:*

1. What were the obstacles to the concept of an international court and how does **realist theory** explain these obstacles?
2. What political actions led to the creation of the particular court with which this essay is concerned, the International Criminal Court?

*The limitations of the court:*

3. How does **international organizations theory** explain the limitations of the court?

*Why does it matter and what is the solution?*

4. Why is the court so important and what lessons could **constructivist theory** have for the future expansion of the court's jurisdiction?
5. What steps can be taken to expand the court's jurisdiction and what are the strengths and weaknesses of each action?

### 1. Obstacles to an International Court according to Realist Theory

The concept of an international court with universal jurisdiction is not a new one. The idea of an international court stemmed from the desire for an arbitrator between states to prevent persistent warfare. Dutch philosopher and jurist Hugo Grotius had advocated for such independent judges or arbiters as far back as the Middle Ages.<sup>26</sup> Early arguments focused on the resolution of conflict between state parties rather than on individual criminal liability for those involved in carrying out actions on behalf of the state.<sup>27</sup>

The problem with the creation of an international court was that it would require each and every nation to cede power to a higher authority in the knowledge that this higher authority would rule on the basis of factors other than the submitting nation's national interest.

Such behaviour is contrary to state behaviour as theorised by the international relations theory of realism. Realism theorises that states are the main actors on the world stage, and that a state's actions are driven by the aim of increasing its power.<sup>28</sup> This model explained the persistent warfare of European nation states

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<sup>26</sup> Ferencz, B. "Defining International Aggression Volume 1" (published online at: <http://www.benferencz.org/index.php?id=6&book=16>), p5

<sup>27</sup> Ferencz, B. "Defining International Aggression Volume 1" (published online at: <http://www.benferencz.org/index.php?id=6&book=16>), p5

<sup>28</sup> Changing Global Order course notes Week 1, pp3-5

in the Middle Ages but fails to account for the modern international system. Neo-realism, the modern incarnation of realist theory, maintains that states are the main actors and act to increase their power, but allows for the formation of multi-state alliances. Neo-realism posits that the formation of international institutions is unlikely since states will only accept these institutions if they are largely consistent with their own interests and will not constrain state actions.<sup>29</sup> Moreover, any international institutions created, will, (according to realist theory) reflect and embody existing power divisions between states.<sup>30</sup>

Although realist theory categorises states as the main actors in international relations and ignores the influence of individuals involved in leading those states, individual heads of state can in fact be very influential in determining the actions of a state on the international stage. In recognizing that individual leaders often contribute to state actions, it can be seen that an international criminal court might be the most repugnant of all international institutions to a head of state. The primary function of an international criminal court is to hold individuals accountable for war crimes and crimes against humanity (which involve systematic attacks on civilian populations). It is clear that the focus is primarily on those individuals who hold positions of power within the state.

## 2. The Political Birth of the ICC

Given the obstacles to the court's creation, it took successive wars involving significant loss of life and the consequent if temporary increase in public and political concern to push forward each step in its birth.

Firstly, after World War I, the concept of holding a head of state criminally liable emerged. Article 231 of the Versailles treaty of 1917 called for the Kaiser (as head of state for the German empire) to be tried by an Allied court. Initially this liability was limited to what was essentially an early version of the crime of aggression and would not encompass any criminal acts committed during the war.<sup>31</sup> In reality the trial never took place since the Dutch government, who had granted the Kaiser asylum upon his abdication, declined to hand him over for trial, stating that this would be a violation of their neutrality.<sup>32</sup>

It was not until after another global military conflict, World War II, that international criminal law developed any further. Several ad hoc tribunals were set up post WWII to try war criminals from the defeated Axis nations including Germany and Japan. The most famous of these was the Nuremberg Tribunal. This time, the focus was on criminal liability for acts committed within war rather than on the crime of aggression. Within a few years of the end of WWII, the historic Geneva Conventions were signed. These international treaties have become binding customary international law on all states worldwide. The United Nations and its constituent body the Security Council were also formed at this time.

<sup>29</sup> Changing Global Order course notes Week 1, pp3-5

<sup>30</sup> Bosco, D., "Rough Justice: The International Criminal Court in a World of Power Politics" (Oxford University Press, 2014) p11

<sup>31</sup> Ferencz, B. "Defining International Aggression Volume 1" (published online at <http://www.benferencz.org/index.php?id=6&book=16>), p7

<sup>32</sup> "Foreign Relations of the United States, 1919: Paris Peace Conference", vol. 13, pp. 374-375 as cited in Wikipedia at [http://en.wikipedia.org/wiki/Leipzig\\_War\\_Crimes\\_Trials](http://en.wikipedia.org/wiki/Leipzig_War_Crimes_Trials)

However as the Cold War escalated and cooperation between the major powers disappeared, international criminal law stagnated. It was not until after the end of the Cold War that burgeoning international cooperation (combined with public horror at the atrocities committed) allowed for firstly the creation of further ad hoc tribunals relating to Yugoslavia and Rwanda, and eventually the creation of the International Criminal Court.

Whilst the cessation of hostilities between Russia and the United States was a necessary backdrop to the creation of the ICC, in fact the main proponents of the court were the less powerful nations.<sup>33</sup> Nations without the military clout to enforce their interests around the globe banded together and in beautiful alignment with neo-realist theory formed an alliance to promote the court. The ceding of some element of national power would be offset by the creation of a stronger and more equitable means of enforcement of the global order. Smaller states may have seen the ICC as an equalizing influence, to prevent their being pushed around by larger states. Few of the major world powers signed up to the ICC treaty. The US, Russia and China have not ratified the statute. This may reflect in part the significantly lesser likelihood that they will be pushed around by other states and therefore less of a need for such an equalizing institution.

### **3. Limitations of the ICC explained by International Organisations Theory**

#### *(a) A treaty based organization*

Whilst the scope of the ICC is purportedly global, in reality it is primarily a treaty based organization beginning with the “...promises that states make to each other”<sup>34</sup>, to use the words of international relations scholar Ian Hurd.

As a treaty based organization, the ICC is limited significantly by both its membership and the extent to which its members are prepared to carry through with the promises within the treaty in the face of political opposition from a global superpower, hegemony, or simply a more powerful nation state.

Hurd has described the paradox by which an organization made up of states has the purpose of governing the states from which it derives its power. In his study of international organizations, Hurd has distinguished between those organizations which act in their own right, those which act as tools in the hands of states, or those which provide a forum for states to meet with other states (albeit that these functions are not necessarily mutually exclusive). Whether an organization acts independently or as a tool in state hands clearly impacts on its effectiveness at the task of governing or regulating the behaviour of state actors (or in the case of the ICC, heads of state and other influential individuals).

During negotiation of the treaty founding the ICC, the United States sought to limit the ICC’s role to being a tool of the UN Security Council rather than an independent actor with the power to investigate and

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<sup>33</sup> Bosco, D., “Rough Justice: The International Criminal Court in a World of Power Politics” (Oxford University Press, 2014)

<sup>34</sup> International Organizations Management course videos: Week 1 “Taxonomy: Different ways to classify organizations” at 4:10

prosecute of its own volition. The United States' position was opposed by a coalition of states who insisted that the ICC have capacity as an independent actor.<sup>35</sup>

(b) Reliance on the Security Council to Extend the Court's Jurisdiction

Although the United States did not achieve its desired goal of limiting the ICC to being a Security Council tool, the Security Council does play an important role in extending the jurisdiction of the court beyond the reach of the ICC member states.

The ICC has jurisdiction over matters referred to it by the Security Council. In this way, the referral by the Security Council of the situation in the Sudan to the ICC gave the ICC jurisdiction over international crimes committed in the Sudan despite the fact that the Sudan was not a treaty member.<sup>36</sup> The Security Council has since referred the situation in Libya to the ICC as well. However, the use of the Security Council as a referral tool effectively imports traditional power balances between nation states. Whilst all signatories are theoretically equal before the court, all nation states do not have equal say in the Security Council's decisions. The permanent members may use their veto power to prevent a referral, as in the case of Russia's prevention of the referral of the situation in Syria. The mere existence of the veto power ensures that permanent members themselves will never be referred. Since France and the United Kingdom are signatories to and have ratified the Rome Statute, they are bound by ICC jurisdiction regardless. However China is not a signatory, whilst Russia and the United States have not ratified the statute; all three major powers are therefore largely exempt from the jurisdiction of the court.

The Security Council can also have a limiting role upon ICC investigations, as it has the power to defer an investigation for a year. Whilst this power has not been used, its very existence may lead the prosecutor to be more discrete in their choice of investigations to open.

(c) Lack of Independent Enforcement Mechanisms and the Politicisation of the Court

Whilst a majority of states resisted the efforts of the United States to diminish the independence of the court, the court has been criticized as overly political in its choice of investigations and prosecutions. One of the primary criticisms of the court has been its African focus. There is some validity in the criticism: all of the cases prosecuted in the ICC have involved African situations.<sup>37</sup> Even taking account of current investigations covering Iraq, Afghanistan and Colombia, it is clear that the focus of the court has been on the investigation of less powerful nation states, in part due to limitations in its jurisdiction but in part due

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<sup>35</sup> Hurd, I. (2011), "Choices and Methods in the Study of International Organisations", *Journal of International Organizations Studies* 2(2): 7-22; at [http://journal-iostreams.org/sites/journal-iostreams.org/files/JIOSfinal\\_3\\_1.pdf](http://journal-iostreams.org/sites/journal-iostreams.org/files/JIOSfinal_3_1.pdf) last accessed 11.02.15; see also Bosco, D., "Rough Justice: The International Criminal Court in a World of Power Politics" (Oxford University Press, 2014)

<sup>36</sup> Akande, D. (2009), "The Legal Nature of Security Council Referrals to the ICC and its Impact on Al Bashir's Immunities" *Journal of International Criminal Justice* 7(2): 333-352

<sup>37</sup> Werle, G., Fernandez, L., & Vormbaum, M., "Africa and the International Criminal Court: International Criminal Justice Series Volume 1" (Springer Link & Asser Press, 2014)

to inclination. For instance, the ICC has previously declined to mount an investigation into alleged abuses by UK troops in Iraq.<sup>38</sup>

One of the difficulties is that the court is inherently political in a way national criminal courts are not.<sup>39</sup> The ICC has no independent enforcement mechanisms and must rely upon states' cooperation in gaining access to evidence and suspects. This has led to the failure of prosecutions due to non-cooperation, for instance the recent withdrawal of the case against Uhuru Muigai Kenyatta due to the failure of the Kenyan Government to comply with court orders.<sup>40</sup>

#### **4. Expansion of the ICC promised by Constructivist Theory**

Constructivist theory offers far greater hope for international institutions, and therefore for the future of the ICC, than realist theory. This theory posits that social reality is constructed. Rather than material interests and power interests taking priority, ideational factors are considered to be more important. Shared norms and values may form a basis for aligning one state with self and another with other.<sup>41</sup>

The threat of another state is not simply measured by the measure of its power but by the perception of whether the state is a threat or not. Ideational motivation may explain why the UK and France signed up to the ICC despite the consequent restraint upon their power. The constructivist approach may even explain why states opted for a strong court without US support rather than a weaker court with US support.<sup>42</sup>

According to constructivist theory, norms and values may be learned from international organisations.<sup>43</sup> To the extent that this holds true, one might expect states to learn the value of the ICC over time.

#### **5. Steps to Expand the ICC's jurisdiction**

In the meantime, active steps must be taken to expand the court's jurisdiction. In particular, Russia, China and the US must be brought to see that the court is in their national interests as participants in an increasing globalised society.

Firstly the ICC should use brave measures to pursue universal justice at the risk of condemnation by powerful nations. This is the only way to truly carry out its mandate. This carries the possibility of punishing measures economically and otherwise but is necessary to ensure its integrity as a court system.

The Office of the Prosecutor has commenced on the right path by opening preliminary investigations into Iraq, Afghanistan and others. However the Office must have the strength to pursue these. Criticisms that

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<sup>38</sup> <http://www.independent.co.uk/news/uk/politics/icc-will-investigate-abuse-by-uk-troops-in-iraq-9364931.html>

<sup>39</sup> Nouwen, S., & Werner, W. (2010) "Doing Justice to the Political: The International Court in Uganda and Sudan" *European Journal of International Law* 21(4): 941-965

<sup>40</sup> [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/otp-stat-04-12-2014.aspx](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/otp-stat-04-12-2014.aspx)

<sup>41</sup> The Changing Global Order course video lecture Week 1: part 1.4

<sup>42</sup> Fehl, C. (2004) "Explaining the International Criminal Court: A 'Practice Test' for Rationalist and Constructivist Approaches" *European Journal of International Relations* 10(3): 357-394

<sup>43</sup> The Changing Global Order course video lecture Week 1: part 1.4

the court targets African nations without the political power to avoid criminal consequences must not be allowed to continue.

The potential risks to the ICC if it fails to comply with the expectations of powerful states are high. If too brave, the ICC could be neutered financially or have its investigations deferred by the Security Council or rendered impotent by accepted practices of non cooperation by states.

Secondly continuing education and active advocacy are necessary to maintain and increase the court's support and relevance.

The citizens of the United States, Russia and China can be educated about the benefits the court would bring to their societies. Grassroots advocacy can be effective. For instance, Joseph Kony became a household name due to an online video gone viral. The court must generate simple educative tools and must capitalise on any such press it receives.

Thirdly, states must continue to prioritise the importance of all states worldwide joining the ICC in their interactions with those states. Tying a conditional grant of aid to cooperation allowed the ICTY to grow. States and other international organisations must be vigilant for such opportunities.

Again the risks are high. The US could impose diplomatic sanctions upon those countries which supported the ICC in pursuing cases against US nationals. For instance, when a Spanish judge proceeded with a case against US nationals under international law using universal jurisdiction, the US threatened to cut off bilateral relations with Spain unless pressure were brought to bear by the Spanish government to stymie the investigation.<sup>44</sup>

However the opportunities are great. The more widely accepted the court is, the more it will grow and the more obvious its benefits will be.

## Conclusion

The gaps in the jurisdiction of the court can be seen as reflective of the inherent difficulty explained by international organisations theory academic Ian Hurd in seeking to have states as the founding units of an organisation designed to govern state behaviour. Over time the court may be expected to grow, as national court systems have, and to gain new members, in line with the constructivist theory of learned norms. The court must remain true impartiality in its choice of investigation and prosecution in order to gain respect and impart the appropriate norms. However the inherent limitations of the historical power imbalances due to the import of the Security Council's role and the lack of independent enforcement mechanisms can only be addressed by a nuanced combination of negotiations at a multilateral level and continued action by international organizations to educate and advocate for truly international criminal justice. Striving towards universal justice is too important a goal to be brushed aside as too difficult.

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<sup>44</sup> <http://www.andyworthington.co.uk/2010/12/08/wikileaks-revelations-that-bush-and-obama-put-pressure-on-germany-and-spain-not-to-investigate-us-torture/>

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### 3.3. THE EFFECT OF TRANSNATIONAL ADVOCACY NETWORKS IN TRYING TO RESOLVE THE SUDAN CRISIS

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#### Introduction

What effect do transnational advocacy networks have in trying to resolve a humanitarian crisis such as that in Sudan? This essay is a literature review which focuses on the bilateral (or multilateral) conflict in Sudan and attempts to analyze one non-state actor, the transnational advocacy network (TAN), in terms of its effect on efforts to resolve the conflict. The purpose of this essay is to consider how productive (or counter-productive) transnational advocacy networks are in helping to resolve such conflicts. This essay not only addresses a bilateral (or multilateral) conflict, but also a transnational issue and challenge to the diplomatic efforts of both states (such as the United States of America) and of international organizations (such as the African Union) in dealing with the social, economic, and political aspects of the Sudanese crisis (Brockington, 2014; Carpenter, Duygulu, Montgomery, & Rapp, 2014; de Waal, 2007; Haeri, 2008; Hopmann, 1995; Huliaras & Tzifakis, 2012; Keck & Sikkink, 1999; Lokuji, 2011; Seymour, 2013). This essay also makes use of strategies for conflict resolution as discussed in the Changing Global Order MOOC (Vukovic, 2014, videos 3.2 & 3.3), ethnic diversity data and the role of non-state actors as discussed in the Critical Political Economy MOOC (Alesina, 2003; Griffiths, 2014, video 8.3), and the tensions that exist between networks and hierarchies as discussed in the International Organizations Management MOOC (Buckup & Mergenthaler, 2014, video 3.2).

This essay will first give a background to the crisis in Sudan, explaining the main actors involved and their interests, and describing the humanitarian crisis in Darfur. It will then move on to identify one type of international actor present in the Sudan crisis, the transnational advocacy network (TAN). In this, the essay will focus on the most relevant TAN, the Save Darfur Coalition, which was influential in affecting the outcome of the humanitarian crisis in Darfur and conflict resolution in Sudan in general. In the conclusion of this literature review, which used the Save Darfur Coalition TAN as an example, a solution is proposed to limit the possible negative effects transnational advocacy networks may have while building on their potential benefits. Finally, the strengths and weaknesses of this proposed solution are then examined.

#### The Sudan Crisis, the Main Actors Involved, and the Humanitarian Crisis in Darfur

Sudan saw two great conflicts in its history, that of 1955-1972 and 1983-2005, the more recent of which had still not been actually resolved up and through the independence of South Sudan (e.g., Lokuji, 2011; Seymour, 2013). The two main actors were the Government of Sudan (GoS), led by President al-Bashir, and the rebel coalition of the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). The many different ethnic groups that inhabit the areas of Sudan/South Sudan then might have belonged

to one of these two main actors or to a host of other militarized groups. The Comprehensive Peace Agreement (CPA) was signed in 2005 primarily between the two main actors, the GoS and the SLA/JEM, but failed to adequately resolve the conflict which continued in areas such as Darfur and elsewhere (e.g., Lokuji, 2011).

Other actors included: Sudan's neighbors, such as Egypt, Libya, and Uganda; superpowers such as the United States and China; supranational organizations, such as the African Union, the European Union, and the United Nations; and non-state actors, such as multinational corporations and transnational advocacy networks. While Egypt, Libya, Uganda, the United States, the AU, the EU, and the United Nations were apparently interested in some form of regional stabilization, the interests of China and multinational corporations seemed to be with access to the natural resources of Sudan (e.g., Lokuji, 2011).

Prior to the independence of South Sudan, Sudan was one of the more ethnically fractionalized nations on the planet (e.g., Alesina, 2003; Lokuji, 2011). While ethnic tensions have been cited as one reason for the conflict, it has also been asserted that there had not been enough distributive justice in terms of natural resources and political power from the GoS to marginalized groups such as, for example, those represented by the SLA and JEM. On the one hand, the GoS had sought to stop the break-up of the country, keep its identity as 'Arab' rather than 'African,' maintain control of resources such as water and oil, and generally maintain power for its own sake. On the other, the coalition dominated by the SLA / JEM was driven by objectives that were a reaction to their marginalization under the GoS, whom they accused as being a neo-colonialist oppressor, seeing themselves as representing communities denied political equality and equal access to resource wealth (e.g., Lokuji, 2011).

The SLA and JEM led a military offensive against the GoS in 2003, which culminated in the Comprehensive Peace Agreement of 2005. This apparently “ended the bigger war, but did not deal with equally explosive conflicts, for example Darfur” (Lokuji, 2011, p. 171). Darfur then became an object of international concern first within Western media and thereby in those respective governments (e.g., de Waal, 2007; Seymour, 2013). Though, while becoming a highly politicized concern in the international arena, Darfur was only one of many regions throughout Sudan whose peoples had continued to suffer from a complex situation in which it was difficult to assign blame (e.g., Lokuji, 2011).

The situation in Darfur itself became a complex and difficult problem to solve, with states, supranational actors, and aid agencies lamenting that they could not operate effectively in carrying out their respective duties and/or processes that would help alleviate the humanitarian problem there (e.g., de Waal, 2007; Haeri, 2008; Seymour, 2013). In addressing why this was the case, one needs to look carefully at the effects transnational advocacy networks had in framing the issue of Darfur, or reemphasizing an existing frame, that in turn affected how hierarchical actors such as the United States, the African Union, and aid agencies could operate.

## Defining transnational advocacy networks

As Buckup & Mergenthaler (2014, video 3.2) discussed in the International Organizations MOOC, there can be a tension between hierarchies and networks where, while hierarchies might nurture and support networks, hierarchies might fear networks as challenging their power. Prior to the 1970's, the 'Club model' of states dominated international organizations and how international issues would be addressed. Though, since the 1970's, transnational advocacy networks have appeared on the international scene to pressure states and international/supranational organizations to abide by policies on specific international issues that the TANs find favorable (Keck & Sikkink, 1999).

Transnational advocacy networks can be defined as networks of activists from varying organizations, which may be quite bipartisan with respect to overall political alignment, working on an international issue with a very specific goal that addresses a commonly held value by those in the network (e.g., Huliaras & Tzifakis, 2012; Keck & Sikkink, 1999). Transnational advocacy networks frame issues or assert existing frames on issues in ways that will most effectively get states to act on these issues in a way TANs desire. Those in decision-making positions within TANs act as 'gatekeepers' in affecting how an issue is framed and presented to the public (Carpenter et al., 2014).

Though, in the process of creating a frame or affecting a pre-existing frame, the gatekeepers themselves are often working from and believing in notions that were already put forward through testimonies via some media previously (e.g., Huliaras & Tzifakis, 2012; Seymour, 2013). Such a preexisting frame of reference in the minds of the TAN gatekeepers could be a source of asymmetrical information distorting their overall goals. It is with this concern in mind that the Save Darfur Coalition must ultimately be evaluated on its effectiveness in helping to resolve the humanitarian crisis in Darfur, and its overall effect on the situation within the region.

## The Save Darfur Coalition Transnational Advocacy Network

Formed in 2004, the Save Darfur Coalition affected the outcome of Darfur and the overall crisis in Sudan in either an ambiguous or mostly negative way (de Waal, 2007; Haeri, 2008; Seymour, 2013). The root of the problem seems to lie in its insistence of framing the humanitarian crisis in Darfur as one of genocide. Here, the Save Darfur Coalition was "aligned to frames of thinking that existed long before the Coalition was formed" (Huliaras & Tzifakis, 2012, p. 422). Media, officials in the United States government, and officials in the United Nations had already framed the issue as genocide (e.g., Huliaras & Tzifakis, 2012; Seymour, 2013). It was then, tragically, the advocacy of the Save Darfur Coalition that would constrain actors such as the United States and the African Union from facilitating an outcome in Sudan that would more effectively achieve the stated goal of the Save Darfur Coalition- to save lives (Seymour, 2013).

Acting on its assumption of genocide, the Save Darfur Coalition pressured its targets, first being the United States government, to argue for a UN peacekeeping force to be sent to Darfur, for a no-fly zone to be enforced over the area, and for the the President of the GoS, al-Bashir, to be tried in the International Criminal Court (ICC) at the Hague (e.g., Haeri, 2008; Huliaras & Tzifakis, 2012; Lokuji, 2011; Seymour, 2013). Politicians, first in the U.S. and then Europe, began to give in to these demands by the Save Darfur Coalition and started a process of publicly pressuring the Sudanese government to allow a peacekeeping force to be deployed. Seymour (2013) described the U.S. response to the pressure by TANs such as the Save Darfur Coalition as 'bullshitting,' meant not to actually resolve the situation in Darfur, but to appease the domestic pressure put on politicians to do something beyond their means.

The GoS, seeing the U.S. response as insincere, responded by generally refusing to co-operate with the demands made upon them (e.g., Haeri, 2008; Seymour, 2013). This led to an inability for the U.S. to practice a quieter diplomacy with the GoS, as the relationship became quite cold. The situation also made it hard for the African Union to encourage rebel groups to co-operate in signing a peace agreement with the GoS, as the rebels were misled by the media into thinking that the U.S. would put enough pressure on the GoS to get them a better deal (Seymour, 2013). As well, the call for a no-fly zone was interfering with humanitarian groups on the ground in Darfur whose main concern was getting food and medical supplies to those in need. The need for a no-fly zone with regards to military planes was already irrelevant, as the GoS had largely given in to quieter pressures previously by the U.S. government to curtail activities in the area (e.g., Haeri, 2008; Seymour, 2013). Indeed, before the Save Darfur Coalition TAN had even started to be active politically, violence in the area had already declined to relatively normal levels (Seymour, 2013). The result of the Save Darfur Coalition's demands was to create more social, economic, and political strife within the region.

The overall effect the Save Darfur Coalition had on the crisis in Darfur and in Sudan in general was to hinder hierarchical actors such as the United States and the African Union from reaching a political solution that would ultimately save more lives. The U.S. government's response to its domestic pressure to condemn the GoS, but basically do nothing because it lacked the real political means to do so, had the effect of hurting its legitimacy within international diplomacy (Seymour, 2013). Haeri (2008) stated that TANs therefore “need to acknowledge the historical, regional, and structural complexities of the conflict and advocate for a political solution instead of continuing to shout for international intervention” and that this would “ensure that the movement does not deviate from its larger purpose” of saving lives (p. 44).

There are, though, some areas where the Save Darfur Coalition proved that TANs could be useful in more effectively addressing humanitarian crises. The Save Darfur Coalition did show that it could mobilize an otherwise uninterested public (e.g., Huliaras & Tzifakis, 2012; Seymour, 2013). It was also effective in getting the U.S. to legitimize the ICC, though the particular case with al-Bashir proved rather counter-productive (e.g., Herik, 2014, Changing Global Order MOOC, video 3.5; Seymour, 2013). What may be

possible as a solution, then, is to see how hierarchical actors, such as the United Nations, could play an intermediary role in the formulation of TANs and thereby help steer them towards a more balanced call to action.

## Conclusion

In conclusion to this essay focused on the Save Darfur Coalition transnational advocacy network, a solution is proposed to limit the possible negative effects TANs may have while building on their potential benefits. Namely, that the United Nations should seek to include and educate TAN gatekeepers so as to help them better frame the message they wish to impress upon the public.

Transnational advocacy networks need to align what Griffiths (2014, *Configuring the World: A Critical Political Economy Approach MOOC*, video 8.3) identified as 'maps of grievance' with what Vukovic (2014, *Changing Global Order MOOC*, videos 3.2 & 3.3) pointed out as 'negotiation dynamics' and Hopmann (1995) described as 'paradigms of negotiation.'

The 'blurred focus' caused by the competition among advocacy groups in a particular map of grievance can create an overall distraction to the gatekeepers of TANs which focuses too much of their attention on pushing a particular plan of action without stepping back and critically looking at what it is that they are trying to push. Seymour (2013) also suggests that it would be appropriate for decision makers to have more faith in a public that could discern what needed to be done even though the facts are more complicated than simply good versus evil.

In humanitarian crises such as those centered around Darfur or other regions of Sudan/South Sudan, the United Nations needs to pre-empt any counter-productive attitude or position transnational advocacy networks might take by setting up and advertising via the appropriate media a department or section that seeks to aid and nurture these types of networks. This was acknowledged by Buckup & Mergenthaler (2014, *International Organizations Management MOOC*, video 3.2) as somewhat of a tendency or need in order for networks to operate more effectively, and I would argue a necessity in the case of transnational advocacy networks. As such, the United Nations seems the appropriate organization to foster and maintain a program that seeks to make transnational advocacy networks work more effectively in saving lives.

Through this program initiated by the UN, ideas centered around 'negotiation dynamics' laid out by Vukovic (2014, *Changing Global Order MOOC*, videos 3.2 & 3.3) such as altering behaviors and attitudes, establishing procedural arrangements, jointly solving problems, and transforming and developing relationships, can be reviewed by TANs before they commit to public action. As well, what Hopmann (1995) described as 'creative problem solving' where mutually beneficial solutions are sought using third party mediators in an effort to improve relations between all parties in the long-run will better serve TANs. In effect, the Moral agency in TAN framing needs to be tamed to the pursuit of a moral with a small 'm' that is centered on saving lives rather than assigning blame to a 'bad guy.'

In examining the strengths and weaknesses of this proposed solution, I think it is important to look at the experience of celebrities fighting for a cause, who may have eventually been disappointed with the process they were a part of. Celebrities often work with TANs, and the case of the Save Darfur Coalition was no exception (e.g., Brockington, 2014; Huliaras & Tzifakis, 2012). As Huliaras & Tzifakis (2012) pointed out, “learning processes are clearly operating as celebrities understand that raising public awareness does not solve problems by itself” and that “they become self-critical and seem willing to change course” (p. 427).

Here, the proposed solution can be strengthened in just the same fashion as TANs operate with celebrities towards a public or influential individuals/organizations, because “the powerful want to meet the famous” (Brockington, 2014, p. 103). This time, though, it is an influential organization who has come back to the celebrity and given them a chance to mediate between the UN and the TAN and effectively “free themselves from the hegemonic regimes of which they are part” (Brockington, 2014, p. 104). Rather than simply being a megaphone for a TAN, they can become somewhat of a gatekeeper themselves in a tripartite experience between mediator, TAN, and UN.

Though, there is of course the weakness in the solution that a network would want this kind of tutoring from an organization such as the UN. Transnational advocacy networks seek to tame states and make states do as TANs desire, and an offer from a supranational organization such as the UN to 'educate' a TAN may be resented. As well, the UN would have to have the political will from its member states to engage with TANs, which one cannot be sure of. In the end, it comes down to the willingness of the UN to first engage with transnational advocacy networks in a co-operative fashion, and the willingness for transnational advocacy networks to, as Keck & Sikkink (1999) made clear, understand that the linkage between testimonial experience, which TANs are skilled at garnering, and technical expertise, which hierarchical actors such as the UN have, is crucial.

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## 3.4. UNICEF AND VOLUNTOURISM

SARAH LONG (UNITED STATES)

### Introduction

The United Nations Children's Fund (UNICEF) is an international organization that was created in December, 1946, to provide necessities to children affected by World War II. The United Nations General Assembly extended UNICEF's mandate indefinitely in 1953, and UNICEF has worked to protect the rights of children ever since then. Currently, UNICEF is active in more than 190 countries and focuses on upholding the Convention on the Rights of the Child, promoting immunizations for childhood diseases, fighting the spread of HIV/AIDS, promoting girls' education, and ending abuse to children.<sup>45</sup> As an international organization, UNICEF faces many challenges to these goals and has created numerous mandates, programs and partnerships in order to implement change globally.

The purpose of this essay is to look at the challenges that UNICEF faces by the increasingly popular trend of volunteer tourism, or "voluntourism." Specifically, this paper will look at how voluntourism has generated issues surrounding orphanages, or residential facilities, that have a direct impact on the goals that UNICEF promotes. It will review a campaign in Cambodia that has already been created to address the problem in that specific region. The paper will then look address the effect of globalization in creating this problem and how UNICEF as an international organization can try to address it, with an emphasis on UNICEF's ability to network with other international organizations and regional nongovernmental organizations. Finally, this paper will conclude that UNICEF should take a direct approach at the creation of future partnerships in order to address the problem on a wider scale.

### Voluntourism

Volunteer traveling provides numerous volunteer opportunities in a variety of formats. From weeklong alternative spring break trips for university students to two year long opportunities through organizations such as the United States Peace Corps., volunteer opportunities abroad can be obtained for nearly any length of time. Voluntourism is not a specifically defined term; however, for the purposes of this essay, it will be used to describe both trips "where the main purpose of the trip is having a holiday with only a small proportion of this dedicated to voluntary service . . . [and] [v]olunteer vacation/service trips/ working holidays/conservation holidays, where the main motivator for the journey is the will to serve people and nature."<sup>46</sup>

Voluntourism, while seemingly altruistic, has raised a number of concerns. Common criticisms are that many travelers would have contributed more by donating the cost of the trip than by attempting to

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<sup>45</sup> www.unicef.org

<sup>46</sup> Hensel, p.243

complete a project designed for inexperienced volunteers; that volunteers from wealthier, mainly western, nations to developing countries create an uncomfortable socioeconomic dynamic that is not beneficial to either party; that volunteers entering classrooms causes disruptions that do not enhance education, but rather undermine the learning process for the children they are intending to help; and that many of these trips are more focused on the volunteer's experience and not on the actual goal of provided international aid. Researchers have also raised serious questions regarding the sustainability of voluntourism projects, the effect on job availability for local laborers in areas that run these programs, and the creation of dependency in developing countries.<sup>4748</sup>

While many of these listed criticisms have the potential to undermine some of UNICEF's listed goals, one major challenge that UNICEF faces as a result of these programs is what is known as "orphanage tourism." Orphanage tourism is the unfortunate consequence of the rising popularity of voluntourism. Through these programs, "[s]hort-term volunteer tourists are encouraged to 'make intimate connections' with previously neglected, abused and abandoned young children. However, shortly after such 'connections' have been made, tourists leave; many undoubtedly feeling that they have made a positive contribution to the plight of the very vulnerable children."<sup>49</sup> In fact, the repeated "formulation and dissolution of attachment bonds" could have a negative impact on a child's development.<sup>50</sup> As one researcher noted, there have not been comprehensive studies done on childhood development under this specific scenario, but children who have experienced similar bonding disruptions through foster care systems have been negatively impacted.<sup>51</sup>

Orphanage tourism, also labeled as "misery tourism," can have even greater consequences than attachment disorders. Well-meaning tourists who go to meet and help the children at these orphanages also donate to these institutions. However, in many developing countries there are few regulations or enforcements to prevent exploitation of these children. A Cambodian government study once estimated that 77% of children living in Cambodian orphanages were not actual orphans.<sup>52</sup> This isn't an uncommon statistic. According to a report by Save the Children, an international nongovernmental organization that works globally to promote children's rights, 40% of children in orphanages in Zimbabwe have a living parent, 92% of children in private residential facilities in Sri Lanka had one or both parents living and 40% of those children were admitted because of poverty, 70% of children in residential facilities in Azerbaijan had at least one living parent, and 98% of children in orphanages in the conflict region of Liberia had at least one living parent. There isn't just one cause of this problem. Children may end up in orphanages when they are separated from their families as the result of a disaster, or families may believe their child

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<sup>47</sup> Hensel, pp.253, 259.

<sup>48</sup> The author of this paper does note that there are also many benefits that could be cited supporting voluntourism, but as this paper is not focused on analyzing the concept broadly, they are not listed here.

<sup>49</sup> Richter, 224

<sup>50</sup> Richter, 224

<sup>51</sup> Rickter, 225

<sup>52</sup> Fuller

could have a better quality of life in an orphanage, receiving food, health care and an education. The same Save the Children report indicated that following the December 2004 tsunami in Indonesia, 97.5% of the children placed in residential care facilities in Aceh were placed there for educational purposes. Nevertheless, a United Nations report from 2011 showed that some Cambodian orphanages “exploit the problem of poverty by actively recruiting children in poor families by convincing, coercing or even paying parents to give their child away.”<sup>53</sup> These children are being separated from their families with promises of support and a good education, a promise that is often entirely unfounded.<sup>54</sup> In some cases, orphanages are required to have a certain number of children in order to receive aid and will prevent family reunification efforts.<sup>55</sup>

This problem is not unique to Cambodia. Similar abuses have been found in Ghana, Guatemala and Nepal. In Ghana, as of 2013, there were 114 residential facilities that housed over 4,000 children. An estimated 80% of those children still have at least one living parent.<sup>56</sup> Some of the factors leading to this were poverty, children having HIV, family breakdown, and migration.<sup>57</sup> There are reports of “orphanage recruiters” who actively persuade families to send their children to these facilities and “sell orphanages as a boarding school.”<sup>58</sup> These exchanges will sometimes include a cash transaction, typically referred to as a donation to the family. Children in these homes are often neglected or abused, and some facilities have been observed using donations for staff members, not the children. Volunteers to Ghana's orphanages are rarely given a background check before arriving, are given full access to these children with few instructions or rules, and sometimes raise large sums of money for the facility while they are volunteering.<sup>59</sup>

As of 2013, Guatemala had an estimated 141 residential facilities and most are privately run with little regulation.<sup>60</sup> A 2007 to 2008 study estimated that 94% of children living in these facilities had at least one living parent and, in 2013, UNICEF stated that many of the children living in facilities were there as the result of an agreement between the facility and the family.<sup>61</sup> Again, neglect, abuse and orphanage recruitment are listed among the major problems with these facilities. Tour companies and cruises offer day trips to these facilities as a way for tourists to “give back” while they are on vacation.<sup>62</sup> These facilities get volunteers through student trips, missionary trips, and backpackers.<sup>63</sup>

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<sup>53</sup> Fuller

<sup>54</sup> Fuller

<sup>55</sup> Save the children, p.5

<sup>56</sup> Better Care Network, Country Focus Ghana, p.5

<sup>57</sup> Better Care Network, Country Focus Ghana, p.5

<sup>58</sup> Better Care Network, Country Focus Ghana, p.6

<sup>59</sup> Better Care Network, Country Focus Ghana, p.10-12

<sup>60</sup> Better Care Network, Country Focus Guatemala, p.5

<sup>61</sup> Better Care Network, Country Focus Guatemala, p.5

<sup>62</sup> Better Care Network, Country Focus Guatemala, p.6-8

<sup>63</sup> Better Care Network, Country Focus Guatemala, p.8-9

In Nepal, official government statistics in 2010 to 2011 listed 759 registered facilities for over 15,000 children and that 58% of these children had at least one living parent.<sup>64</sup> In addition to reports of neglect and abuse, there have been links between these facilities and child labor through a practice of domestic servitude.<sup>65</sup> In Nepal, facilities have been reportedly “asking traffickers to 'bring them children' specifically because they have foreign donors willing to support their children's home and, therefore, need 'poor' and 'orphaned' looking children to meet the donors' criteria . . . [and] deliberately keeping children in destitute or unhealthy conditions to attract more and larger financial donations.”<sup>66</sup> 90% of the residential facilities in Nepal are located in the five main tourist districts of Kathmandu, Lalitpur, Bhaktapur, Kaski and Chitwan, despite there being 75 districts across the country.<sup>67</sup>

The ramifications of these practices are obvious. On a global level, thousands of children are being unnecessarily separated from their families and placed into facilities where they are potentially subject to neglect and abuse, are not provided an education, and are exploited for monetary gain. Well-meaning tourists who are willing to donate to facilities to better these children's lives are unwittingly supporting a practice that causes long term harm both to the children and to the community that they are visiting. In some places, tourism to these facilities has inspired the practice of orphanage recruiting. UNICEF defines child trafficking, pursuant to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as “the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation.”<sup>68</sup> In short, the prevalence of voluntourism is supporting a system that, in many places, promotes human trafficking. Yet, when Next Generation Nepal, a nongovernmental organization that works in Nepal to end child trafficking, interviewed facility managers and those engaged in orphanage recruiting, they found that all parties “do not consider themselves to be engaging in 'trafficking.' Instead they often describe themselves as ‘social workers’ who are acting in the best interests of the children by taking them out of 'risky' situations in rural villages and placing them in institutions where they stand a better chance of having basic facilities and receiving an education. They consider that any profits that they personally make from this 'service' are rightly deserved because of the good work that they are doing for the children and their families.”<sup>69</sup> A large part of the problem with these practices is perception and lack of awareness. Families are being deceived, tourists and volunteers are being deceived, and traffickers are covering their actions by alleging that it is in the best interest of the children.

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<sup>64</sup> Better Care Network, Country Focus Nepal, p.4

<sup>65</sup> Better Care Network, Country Focus Guatemala, p.7

<sup>66</sup> Next General Nepal report, p.15

<sup>67</sup> Next General Nepal report, p.14

<sup>68</sup> [www.unicef.org](http://www.unicef.org)

<sup>69</sup> Next General Nepal report, p.17

## Solutions

To combat the problems specific to Cambodia, one nongovernmental organization called Friends-International partnered with UNICEF to launch an awareness campaign and end orphanage tourism. The campaign has a website that shows a startling image of two small children in a glass case, as if at a museum, while people peer in at them and take photos of them.<sup>70</sup> The photo is captioned with “Children Are Not Tourist Attractions” and then the website links to further information on orphanage trafficking in Cambodia. Through their “Think!” campaign, Friends-International urges potential volunteers to consider a child's right to privacy, children protection policies, support for family based care in lieu of orphanages, and advocates for spreading the message through social media. The website also links to Friends-International's ChildSafe Network, a program dedicated to child protection and an end to trafficking. While this campaign is well intentioned, it does not appear to be very effective. As of the writing on this essay, when an independent fresh search for “Cambodia Orphanage Volunteer” was put into a google search the top three results were links to organizations advertising ways to volunteer. Following that were warnings on regular travel sites and news articles about the problems with Cambodian orphanages. The Think! campaign was the very last visible link on the first page. As far as raising awareness, a person looking to travel abroad and “give back” may never even see the add. While the news surrounding the controversy in Cambodia is much more visible, abuses were heavily reported specifically for that region. A similar search for Nepal only brought up one article about the potential for abuse (though the Next Generation Nepal report was visible on the first page of the google results), and searches for Guatemala and Ghana retrieved no articles or warnings.

As a practice, voluntourism is a direct result of globalization and certainly raises the debate about its benefits. Hyperglobalists argue that one of the benefits of globalization will spread western values, such as democracy and human rights.<sup>71</sup> Skeptics would argue that globalization exploits the poor and that western culture would do more harm than good.<sup>72</sup> Voluntourism seems to fall somewhere in between. These volunteers are people with the best intentions who do want to improve the living conditions of people living in poverty. This ideally is based on a promotion of human rights. The unintended consequences of neglect, abuse and trafficking are directly linked to the money that follow these volunteers and are exasperated by a lack of regulation.

## The Role of UNICEF

This raises the question as to what UNICEF could do to provide a solution. UNICEF is a large international organization with access to a lot of resources. Often, local and regional advocacy groups end up competed with transnational organizations for support and resources, which in turn is not very beneficial to the recipients of aid from either organization.<sup>73</sup> Here, UNICEF should continue with awareness campaigns such

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<sup>70</sup> Friends-International

<sup>71</sup> Globalization lecture

<sup>72</sup> Globalization lecture

<sup>73</sup> Substate Actor lecture

as the one they have with Friends-International. If UNICEF were to network with other regional and local organizations they could combine resources and knowledge that is specific to target regions in order to create more effective campaigns.<sup>74</sup> However, this is not enough. The prevalence of voluntourism would require widespread campaigns in order to provide sufficient awareness and knowledge to put an end to these practices. Organizations trying to end child trafficking are already contacting volunteer organizations to provide information about these problems. UNICEF needs to take this approach as well. The problem can't just be solved with one website for every region that may be affected, an awareness campaign needs to target the source. With voluntourism, that is typically western tourists. UNICEF has the resources to provide a broader, large scale awareness campaign that targets the people who are most likely to take one of these trips. UNICEF should not only network on a regional basis, but provide general knowledge through social networking and potentially an ad campaign. UNICEF should create programs that target the largest sources of volunteers, religious organizations, universities, and commercial voluntourism websites. The intended goal would not be to stop voluntourism, but to educate potential volunteers on the risks and consequences that can result from their actions. UNICEF also needs to network with government organizations in the countries that attract orphanage tourism in order to promote better regulation and actual implementation of regulations and policies.

Organizations like Next Generation Nepal have the right idea. Informing potential volunteers of the dangers association with orphanage tourism is the best way to end the practice. Most people who want to volunteer abroad have altruistic intentions and would not knowingly participate in a system that is causing much more harm than good. However, these regional organizations don't have the resources to create a widespread awareness campaign. UNICEF has the resources to aid in that capacity. This would be the ideal situation for a large international organization to network with smaller regional nongovernmental organizations and local government organizations in order to combat a global issue.

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<sup>74</sup> Networking lecture

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### 3.5. THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS: A CALL FOR TRANSFORMATIONAL GLOBAL LEADERSHIP

MICHELE EHLERS (UNITED STATES)

Generating fulfillment of the United Nations Sustainable Development Goals (SDGs) in the fifteen year framework in which they are designed seems a most impossible task. The SDGs, which are currently in the final stages of development and negotiation, are scheduled to be adopted by the UN General Assembly in September of 2015, and will go into effect in January 2016. The SDGs are designed to be achieved by the end of 2030. How can the United Nations best ensure fulfillment of these seemingly impossible goals? An emerging form of leadership which I call Transformational Global Leadership, with its call for engagement on the part of every human being, is perhaps the best hope for the fulfillment of this challenge, and ultimately perhaps the best hope for humanity.

What exactly are the SDGs? Although we are not yet clear on the exact final goals, targets, and measures, we can examine the goals as proposed in the Open Working Group Proposal for Sustainable Development Goals:

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable

12. Ensure sustainable consumption and production patterns
13. Take urgent action to combat climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalize the global partnership for sustainable development (UNDESA 5).

The SDGs are transformative by intent. They are designed to address problems that we (humanity) have not yet successfully addressed, either because we have not yet shown the will or capacity, or because they address new challenges which we have not yet had a chance to resolve. In either case, there is something inherent in each challenge which calls for something new, not only in terms of activity or technology, but also in the context from which we are addressing the issue.

In his UN General Assembly mandated “Synthesis Report on the post-2015 sustainable development agenda,” UN Secretary-General Ban Ki-Moon is clear about his expectations right from his title, “The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet.” He entitles section 1 with “A universal call to action to transform our world beyond 2015” and states, “Transformation is our watchword. At this moment in time, we are called upon to lead and act with courage” (Ban Report 3). It is interesting to note that the word “transformation” or some derivative occurs 76 times in this document.

By studying the development, process, and results of the Millennium Development Goals (MDGs) we may find some useful information. Since the MDGs were a new endeavor, the whole process took some energy, engineering, and transformation just to get going. With the SDGs, much of the effort and resources used just to get started on the MDGs is now available for a new level of transformation – that of generating fulfillment.

What will it take to generate fulfillment? Clearly, in terms of climate change, we need a major transformation in almost everything we do. From how we design our urban infrastructure to how we produce our food, from how we transport people and products to how we use water for drinking and agriculture, from how we organize our global finance system to how we cooperate in fulfilling these goals, we are faced with questions much bigger than our current available framework allows. And yet the biggest challenge facing us is not any of the specific issues specified in the proposed goals themselves, as daunting as they may seem, but rather the challenge of finding a perspective from which we have the ability to see a path to fulfillment.

What kind of transformation is called for? I see a transformation of context—the context of leadership, the context of responsibility, the context of humanity itself.

In 2001, I found myself pondering the future of humanity. I must admit to some despair as I considered the state of the world and various leadership entities heading us into conflicting and dangerous directions, albeit sometimes with the best of intentions. I considered a leadership form that might have the capacity to effectively lead us, humanity, into a just and sustainable future. As I shared my thoughts with others, I began to call this form of leadership *Transformational Global Leadership – Generating fulfillment of a seemingly impossible vision for every human being*. I now see that what I have been exploring is actually emerging in the world, and it is possible to see it in the development, expression, and engagement of the SDGs.

On first examination, the SDGs certainly look like not just one, but a long list of “seemingly impossible visions for every human being.” And yet, these are goals designed not in a vacuum, but out of an immense effort of collective action, study, and expertise. The immense gap between our perceived need and our perceived capacity may lead us to question ourselves. Is our current level of awareness matching our newly developing needs? Is the pace of our destruction outpacing the pace of our transformation? Will we, as a species, evolve fast enough to survive? Will old forms limit our global evolution? Will old beliefs constrain our global conscience?

We find ourselves at a point in human history where our membership in the entity humanity is more relevant to the challenges at hand than our membership in this country or that religion, this organization or that political philosophy. Our residence on the planet Earth may be more relevant than our residence in this country or that continent. Our ability to fulfill the SDGs may be dependent on our ability to reprioritize our primary allegiance. The SDGs may only seem impossible if looked at from the point of view that national governments are responsible for getting the job done. Will a new kind of leadership emerge fast enough to lead us to survival?

Let us consider these questions from the perspective of Mark Moore’s framework of leadership as the job of creating space to generate public value by maximizing the convergence of 1) Mission/Values, 2) Authorizing Environment, and 3) Operational Capacity. (Moore and Khagram 3) (Jenks, International Organizations Management MOOC, video 4)

- 1) In this case, I would assert that humanity, facilitated by the UN, is creating a new Mission/Values statement for itself. We see pervasive transformational declarations of environmental sustainability, radical inclusion, and good global governance.
- 2) The Authorizing Environment can be seen as humanity itself. Kofi Annan refers to the world’s people as “the ultimate source of authority.” (Annan 12)
- 3) The Operational Capacity can be seen as limited only by the level of global engagement—transformation by participation.

This analysis begs the intriguing question—What, then, is the role of the Secretary-General (SG)? Whom is he leading, and how is he doing it? What kind of tools does the SG have at his disposal to generate this global transformation, the fulfillment of the SDGs? According to Jenks, he has four main instruments—convening power, leadership through goals, the power of data, and visionary leadership—with which to create the space that gives rise to public value. (Jenks, International Organizations Management MOOC, video 4) How might these instruments be best implemented to serve the task at hand?

### **Convening Power**

We have already seen the results of convening power. It has resulted in millions of people involved in the development of the SDGs. From the SG-mandated creation of the Sustainable Development Solutions Network convening experts from around the world, to regular General Assembly panels of experts, to global in-person and online surveys (UN My World) gathering direct guiding input from individuals, to the convening of businesses through the Global Compact, the development of the SDGs has already involved the power of convening at an unprecedented level. The action/2015 campaign invites further participation and demonstrates the transformation of UN operations (action/2015).

### **Leadership through Goals**

The SDGs are goals, pure and simple. They are being created with targets and measures with which we can measure our accomplishments. They call for global alignment around a common purpose. They mobilize knowledge networks and stakeholder networks in a multistakeholder process that Jeffrey Sachs asserts is essential for the complex challenges of sustainable development. (Sachs 491)

### **Power of Data**

The SDGs will be completely dependent on data for measurement, planning, and implementation. Data also gave us the information that tells us what to focus on in the first place. According to Senior Policy Advisor Paul Zeitz, data is the vehicle for mutual accountability, as well as global participation. (Zeitz 2,4)

### **Visionary Leadership**

Although Visionary Leadership, according to Jenks, is not the day to day leadership instrument of choice, in our present circumstances it is quite appropriate to employ. Given the new data on climate change, with the growing information collected about the number of planetary boundaries we have already crossed, we are clearly in the midst of the greatest disaster in human history. This disaster, together with the expiration of the MDGs, creates a perfect opportunity to utilize the porousness of the authorizing environment of the UN to generate leadership not just of the United Nations, but of the world itself.

This shift of perspective from leadership of the United Nations to leadership of the world may generate discomfort in some quarters. In fact, the list of reasons and arguments why the SDGs cannot and should not be successfully fulfilled, and why Transformational Global Leadership is ridiculously implausible, is long and substantial. This list includes national interests, issues of sovereignty, global inertia, privately

controlled resources, enormous expense, inadequate infrastructure, elusive metrics, pervasive cynicism, and the overwhelming sense that we are just too late to do anything to mitigate the disasters associated with climate change.

One of the most obvious challenges is inherent in the goals themselves. Currently, there are just too many of them, and some of them are incredibly complex. Although the SDGs hold the leadership power of goals, the fact that they are so numerous and complex diminishes the power of having one overriding prerogative. What to focus on? What to give up? As an expression of the Mission and Values of humanity, the SDGs look a bit like a moving target.

From the perspective of the role of SG, promoting the SDGs can look like a risky business. People are most comfortable with the SG fulfilling his role in relation to conflicts within or between countries. The SDGs require more valiant endeavors for the SG-- speaking on behalf of global interests, the poorest, the voiceless, and science. The risks are enormous, and some may question the mandate. (Jenks, International Organizations Management MOOC, video 4)

In the face of today's troubling challenges, Secretary-General Ban Ki-Moon argues that the risk of inaction is greater than the risk of action:

*"Both inaction and business-as-usual must be dismissed as options. If the global community does not exercise national and international leadership in the service of the peoples of the world, we risk further fragmentation, impunity and strife, endangering both the planet itself as well as a future of peace, sustainable development and respect for human rights."* (Ban Report 33)

Former Secretary-General Dag Hammarskjöld spoke eloquently about the role of the SG in this regard:

*"Working at the edge of the development of human society is to work on the brink of the unknown. Much of what is done will one day prove to have been of little avail. That is no excuse for the failure to act in accordance with our best understanding, in recognition of its limits but with faith in the ultimate result of the creative evolution in which it is our privilege to cooperate."* (Hammarskjöld 592)

With today's global challenges taking us to the "the brink of the unknown," the UN must concern itself not only with specific security issues, domestic or international, but also with issues concerning the global system itself. To the extent that the UN fails to do this, the UN fails in its mission to serve humanity.

It is not the responsibility of the UN alone to serve humanity; it is also the responsibility, indeed the opportunity, of each and every one of us. Secretary-General Ban Ki-Moon sums this up pointedly, "Simply put, this generation is charged with the duty of transforming our societies." (Ban Report 33)

Young civil servants such as Raul Peralez, newly elected city councilmember of San Jose, California, USA, recognize this opportunity. Raul is taking on the global fulfillment of the SDGs as his personal mandate and is bringing the city of San Jose into the challenge. The newly-elected Mayor Sam Liccardo, who is working to include the SDGs in his policy agenda, is rising to the challenge.

The SDGs may be the future of the young, but it is the province of us all. From my 80-year-old mother who has taken on the global fulfillment of the SDGs as her current life's work, to 68-year-old activist Bruce Preville who is training himself to bring the SDGs and their promise to every organization he interacts with, I see excited people, young and old, eager to participate in this transformational, history-making endeavor.

Policy Advisor Simon Anholt advises us, "There's one superpower left on the planet and that is the seven billion people, the seven billion of us who cause all these problems, the same seven billion, by the way, who will resolve them all." (Anholt)

How do we prepare ourselves for the risky business of Transformational Global Leadership? Focusing on and practicing multilevel, integrated transformation is key.

Otto Scharmer, Professor at MIT's ULab project, explores three "divides" apparent in today's society: the divides between human and nature; between human and human; and between our 'small s' (ego) self and our 'large S' (true nature) Self. He trains people in personal, interactional, and societal transformation to better prepare them for the demands of today's leadership challenges. (Scharmer and Kaufer 4)

Rick Phillips, architect of sustainable mass transportation systems, expresses the essence of integrated levels of personal, interactional and global transformation in his personal commitment: "I promise a world upon which humanity's mark is sourced in reverence and given by our highest possibilities of stewardship, abundance, creativity, and love." (Personal communication, 8 Feb 2015)

Sudhakar Ram also advocates transformation at the level of individual, organization, and world. He examines "what each of us—as individuals, employees, citizens, and leaders—can do to bring about a better world for all of us and our future generations." (Ram Loc 233) He asserts, "What we, as humanity, needs now is a multiplicity of new perspectives, new voices, and new leadership— thousands of people willing to stand up for the world." (Ram Loc 227)

Transformational Global Leadership is a participatory practice that anyone can engage in, young or old, professional or retired, fit or disabled, in business or in politics. For those interested in civil service, we need a new kind of civil service, a global civil service, which answers first and foremost to the interests of humanity and the well-being of our planet.

"Ultimately, our interdependent world will prosper or perish as one," SG Ban Ki-Moon states while extorting the Global Compact to claim responsibility for the planet and the people. (Ban Remarks)

Global civil service is something practiced through engagement, not necessarily through profession. To the extent that the SG, and the United Nations, can encourage and align the growing hunger for engagement in the well-being of humanity, that will be the extent to which the United Nations can generate fulfillment of the SDGs.

We are all participants in a time of profound transformation, in terms of how we as human beings relate to ourselves, to each other, and to our environment. We are also participants in a time of profound NEED for this transformation. The future of humanity depends on our transformation at all levels. The UN Sustainable Development Goals both underscore the desperate need and model the transformation needed. Humanity is becoming aware of itself as an entity, rather than simply discrete individuals or groups, with a profoundly interdependent relationship with its home, planet Earth. To best generate fulfillment of the SDGs and our future on this planet, the United Nations needs to relate primarily to the interests of humanity as an entity, and only secondarily to the interests of nation states or other smaller entities. By calling for the engagement of every human being, the Secretary-General can generate Transformational Global Leadership, and the year 2030 will seem miraculous from today's perspective. This is my commitment for the future, and I personally do not intend to wait for anyone else to do the job.

Postscript: It is my intention to publish the development of the concept of Transformational Global Leadership, and the many related distinctions developed since 2001, with a specific focus on the convergence of TGL with the development and fulfillment of the SDGs. This is my first attempt to make this correlation in a paper.

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## 4. TRANSNATIONAL ISSUES

### 4.1. PIRACY IN THE GULF OF GUINEA: CURRENT TRENDS, INTERNATIONAL CONTEXT AND FUTURE POLICY RESPONSES

RICARDO SILVA (PORTUGAL)

#### Introduction

Maritime piracy is an ancient phenomenon, however the recent surge in incidents, registered over the last ten to fifteen years has brought the issue to the center stage of international affairs, bringing about extensive cooperation both by governments and various international agencies in order to confront the problem (Forster 2014).

Most visible and with the highest economic impact has been the surge along East Africa, up until 2013. This surge has had very high economic and human costs. In 2012 alone the cost of the Somalian piracy has been estimated around six billion dollars, and the costs of containing piracy have also been very high, more than one billion per year in direct expenses in 2010-12 (United Nations Conference on Trade and Development 2014).

The global effort to contain piracy in Somalia, at least in the short run, has been successful. From a number of more than forty ships per year effectively attacked in the years 2008-11, the number of successful attacks has subsided to zero in 2014.

However, in West Africa, the Gulf of Guinea (GoG) remains as a most significant geographical area in regards to maritime piracy. In the last twelve years the average number of attacks attempted against shipping in the GoG has registered an average of 42.5 incidents per year and has been quite stable along the years.

The present paper will look on the phenomenon of maritime piracy in the GoG region. It will offer a simple description of the phenomenon reporting on present trends, citing the relevant geopolitical context and identifying root causes and drivers.

The description, context and drivers will then be synthesized in an inductive model, from which it will be possible to deduce adequate policy lines, to break the vicious cycle of piracy events in the region.

#### Research Questions and Methodology

The research approach of this short paper is exploratory and pragmatist, based on bibliographical research of reliable sources, and taking a general multilateralist and neoliberal view of the international system.

The actual research theme is the surge of Piracy in the GoG, as a transnational security threat to shipping and to the stability of the region. The Central Research Question is:

**What policy responses from the international community would be most effective in reducing the occurrence of piracy incidents in the Gulf of Guinea?**

To offer a final answer to this central research question, there are a number of questions needed to be answered in advance:

- (Q1) What are the main characteristics and context of the piracy phenomenon in the GoG?
- (Q2) What are the root causes and main drivers of Piracy in the GoG?
- (Q3) Which piracy response policies/measures could be implemented in the region of the GoG?

We will endeavor to answer each of these secondary research questions along the main body of the text, culminating with an answer to the main research question in the Conclusion.

**The Geographical Region of the Gulf of Guinea**

The GoG is an extended geographical area with an intricate political and social context. Economically, its center of economic value creation is the oil industry, spread across many of the coastal countries in the region. Other significant sources of revenue are geological resources, such as copper, gold, diamonds, etc., agricultural products such as fruit, cocoa and coffee and fishery. For the economic exploitation of all of these, international maritime shipping is an absolutely essential factor (Thierry et al. 2015).

The geographic space of the GoG is defined, for the purpose of this study, as the coastal region in the West Coast of Africa, between the archipelago of Cape Verde - Senegal as the Northern limit, and Angola as the Southern limit.

As there isn't an "official" definition of GoG, the choice above (sea space between Cape Verde and Angola) was based on geographic and political-administrative criteria – as the area corresponds to the multinational organizations ECOWAS (Economic Community of West African States) and ECCAS (Economic Community of Central African States), each of which has a corresponding Maritime Cooperation Zone. The following illustration represents the GoG region superimposed with the corresponding Maritime Regional Architecture put in place.

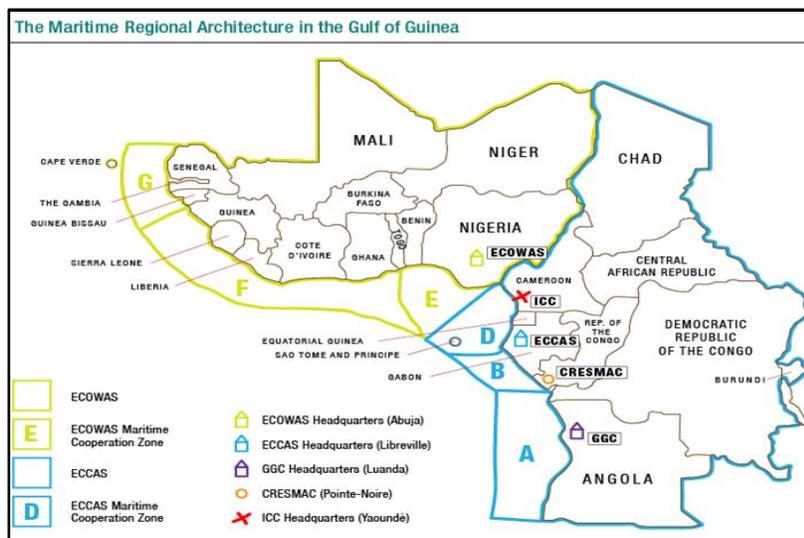


Figure 1 – The Gulf of Guinea area and corresponding maritime regional architecture

(Source: Thierry et al. 2015, available at:

## Current Trends

### The Concept of Piracy

The concept of piracy, adopted for this paper is in fact an amplified definition of piracy. It encompasses armed robbery against ships, as defined by the International Maritime Organization (IMO) in Resolution A.1025: “any illegal act of violence (...) committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea”(IMO, 2009); and piracy, as properly defined by Article 101 of the 1982 United Nations Convention on the Law of the Sea: “illegal acts of violence (...) committed for private ends by the crew or the passengers of a private ship (...) directed: (I) on the high seas, against another ship (...) or against persons or property on board such ship (...)”(Kraska 2011).

### Characteristics and Trends of Piracy in GoG

Piracy in the region of the GoG has existed for centuries. In more recent years, in the beginning of the past decade, the most notable incidents were reported on the Niger Delta, associated with activities of the oil industry.

Both the scope and reach of piracy has expanded in the last 10-15 years within the region, though. While the first perpetrators were Nigerian militant groups, with political claims, now actions are conducted by purely criminal organizations, with a wider reach and looking for targets with low risk and high potential returns (Shaw et al. 2014).

As stated before, the motivation and modus operandi of pirates in the GoG differ clearly from those operating in the Indian Ocean. Although most attacks were straightforward robberies some years ago, more recent attacks have aimed to capture cargo, particularly oil and chemical products. And, in fact, in the period 2010-13 more than 110000 tons of oil products were apprehended illegally by pirates. This also represents a clear evolution from local criminal organizations linked with the Nigerian oil industry (Forster 2014).

So, the operations of pirates emanating from Nigeria, gradually abandoned political arguments and expanded to the waters around Nigeria, including Benin, Cameroon, Ivory Coast, Equatorial Guinea, Ghana, Guinea, Togo and Gabon (Shaw et al. 2014). Attacks remain centered on opportunity targets but also on higher value oil and chemical transports. These operations are intertwined with transnational crime networks and with interests encompassing drug trade, weapons trafficking (Shaw et al. 2014). And, are also related with the strong criminal penetration of security forces and political structures, through the application ample financial resources (Forster 2014).

About the form and targets, the pirates favor attacking berthed or anchored ships. Notable targets are vessels involved in offshore gas and oil exploration and seismic research. Also, the preferred form is “hit-and-run”. Contrary to the Somali coast, pirates in GoG don't have a safe anchorage to hold vessels for ransom. As an alternative, kidnapping has been conducted and individuals held for ransom (Bateman

2012).

We can see in the next pages a summary of the most relevant data regarding the present study.



Figure 2 – ICC Piracy Map 2014

(Source: ICC Commercial Crime Services – International Chamber of Commerce.  
<https://www.icc-ccs.org/piracy-reporting-centre/live-piracy-map/piracy-map-2014>)

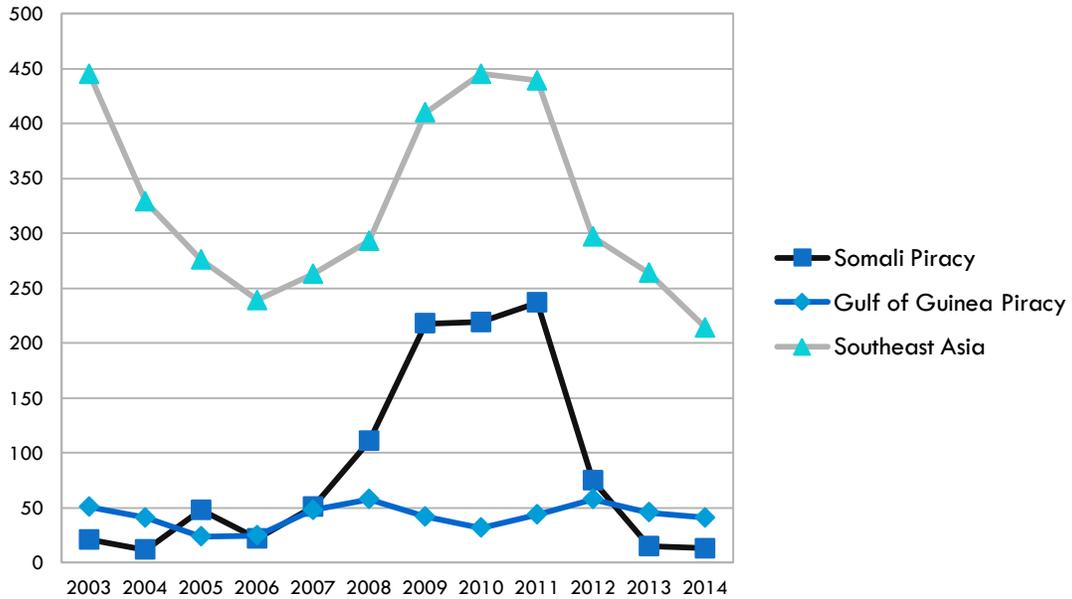


Chart 1 – Evolution of the number of total incidents 2003-2014, Somali, GoG, Southeast Asia Piracy

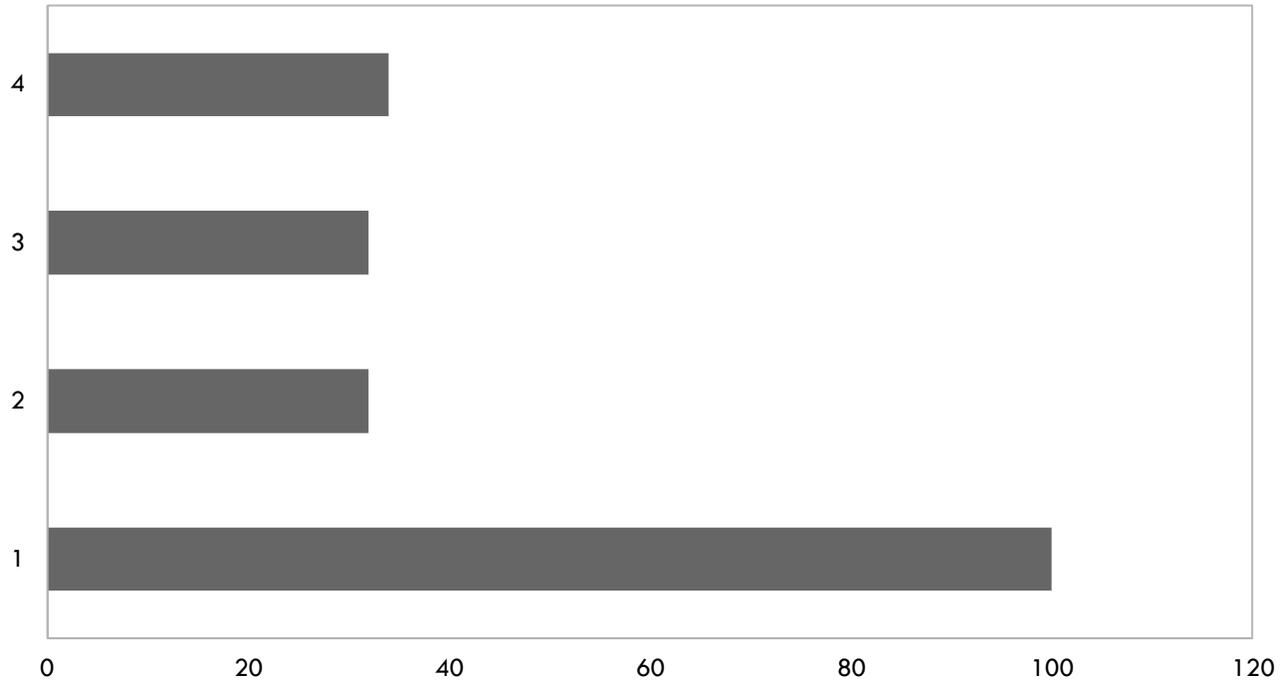


Chart 2 – Number of piracy incidents 2011-2014, GoG, by effectiveness/type of incident

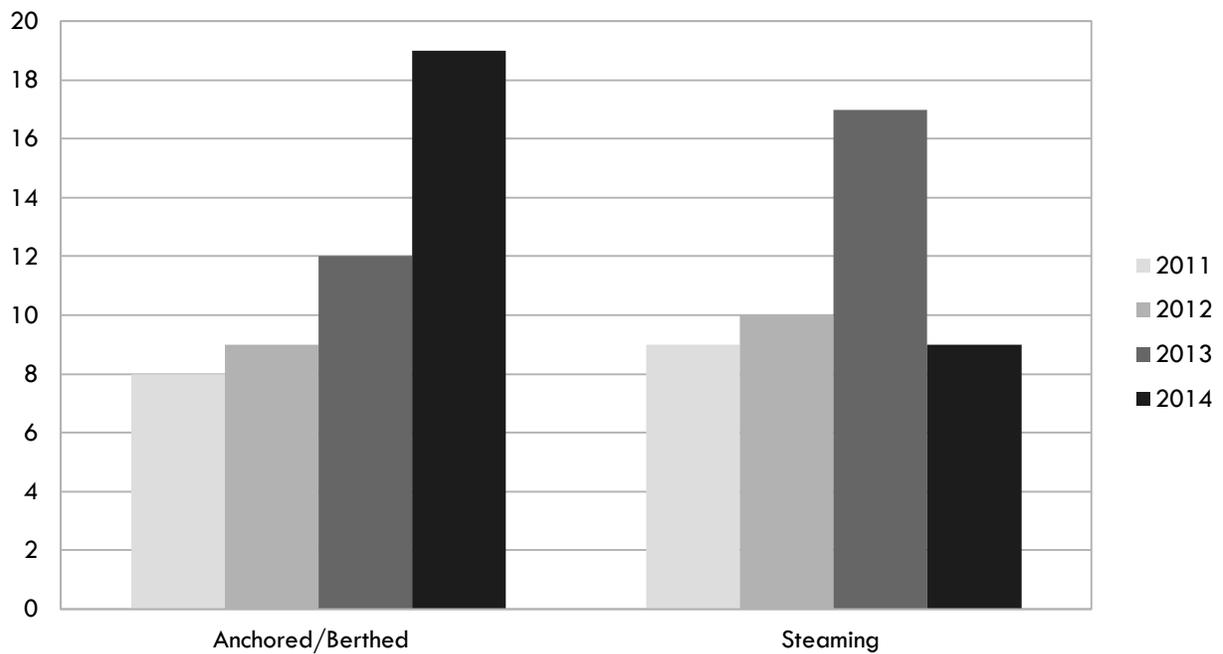


Chart 3 – Type of piracy targets 2011-2014, GoG

Sources for Charts 1 to 3: Forster 2014, Dryad Maritime 2015, ICC International Maritime Bureau 2015

## Geopolitical Context

GoG has a very high geo-strategic value, deriving furthermost from vast mineral resources, such as oil, gas, diamonds, gold, and high-value fishery areas. It's estimated that about 70% of Africa's oil production is concentrated in the GoG region. This has spurred massive investment in research, drilling and exploration. The major oil producers in the region are Nigeria, Angola, Equatorial Guinea and Cameroon. The Republic of Congo and Gabon are also producers and large reserves have recently been found in Sierra Leone and off the coast Liberia (Onuoha 2012).

The region is a main supplier to the US, Europe and China. Also, most notably, all the region is a congregated marine hub, centered around, not only, exploration of resources, but also on commerce and the importation of goods (Bateman 2012).

To the economical potential corresponds a large scope of threats, ranging from general organized crime, to drug and weapons trafficking, money laundering, and environmental crimes. Also, politically, the region has been ripe with serious strife. Almost all the countries in the region were affected by serious wars in the past twenty years, and some even reached the so-called condition of failed states, such as Liberia or the DR Congo during the 90's.

Presently, with the exception of Cameroon, almost every government has founded security concerns from eventual future domestic threats. This awareness of possible future internal convulsions was made ever more present after the Arab Spring which flared unexpectedly within States that, by comparison, would be deemed as more stable than most of the coastal countries of the GoG, such as the pre-Arab Spring Tunisia or Egypt (Sunvold 2014).

This uncertain domestic security outlook is a central determinant for the strategic state posture. To put it in a different way: the fear of an insider threat makes governments prioritize their own survival over the reform of institutions or over many compromises necessary for international cooperation. This is because reforms and compromises might cause changes in the balances of power, and bring about the downfall of regimes (Onuoha 2012).

This institutional gridlock, combined with existing socio-political problems, such as corruption and transnational crime, coupled with external pressures from powers competing for influence, such as the US, EU, China and Brazil, creates difficult conditions for a quick implementation of transnational security policies which would require committed reforms and international cooperation.

Counterbalancing the local-regional gridlocks, the UN and the African Union have been positive forums in support peace and security. Other noteworthy support have come from the EU and the US, which have the stability of the region, of shipping, and of access to oil as priorities.

Finally, the piracy in the GoG has been in the agenda of the United Nations Security Council (UNSC). Two resolutions have been approved, UNSCR 2018 (in 2011) and UNSCR 2039 (in 2012), calling for coordination and support to regional security initiatives to counter piracy (Onuoha 2012).

## Piracy Causes and Drivers

In line with the geopolitical characterization of the GoG and with the piracy phenomenon described earlier,

it is now possible to enumerate the distinctive factors that can be understood as root causes or enablers of piracy.

Factors identified as enablers of piracy:

- (F1) Domestic conflict.**
- (F2) Economic deprivation.**
- (F3) Corruption.**
- (F4) Political instability / State fragility.**
- (Ratisukpimol 2010, Bateman 2012, Lehr 2007)
- (F5) Ineffective maritime situational awareness.**
- (F6) Limited maritime security cooperation between states.**

(Lehr 2007, Mejia Jr et al. 2013, Chalk et al. 2005, Thierry et al. 2015)

Factors identified as primary causes, or drivers of piracy:

- (D1) Endemic organized crime, or armed insurgent organizations, with access to resources and maritime know-how.**
- (D2) Geographic opportunity, access to shipping lanes and targets.**
- (D3) Ineffective maritime security capabilities.**

(Mejia Jr et al. 2013, Ratisukpimol 2010, Lehr 2007, Prins 2014)

Integrating these factors, it is possible to build up a conceptual model of causes and drivers of piracy. This model, designed for GoG, would be applicable in principle to other geographic areas.

**An integrated theoretical model of the phenomenon of piracy in GoG.**

The model presented next synthesizes the major categories of factors that cause or enable piracy. It was generated by induction, based on the integration of all the bibliographical sources compiled for the present study.

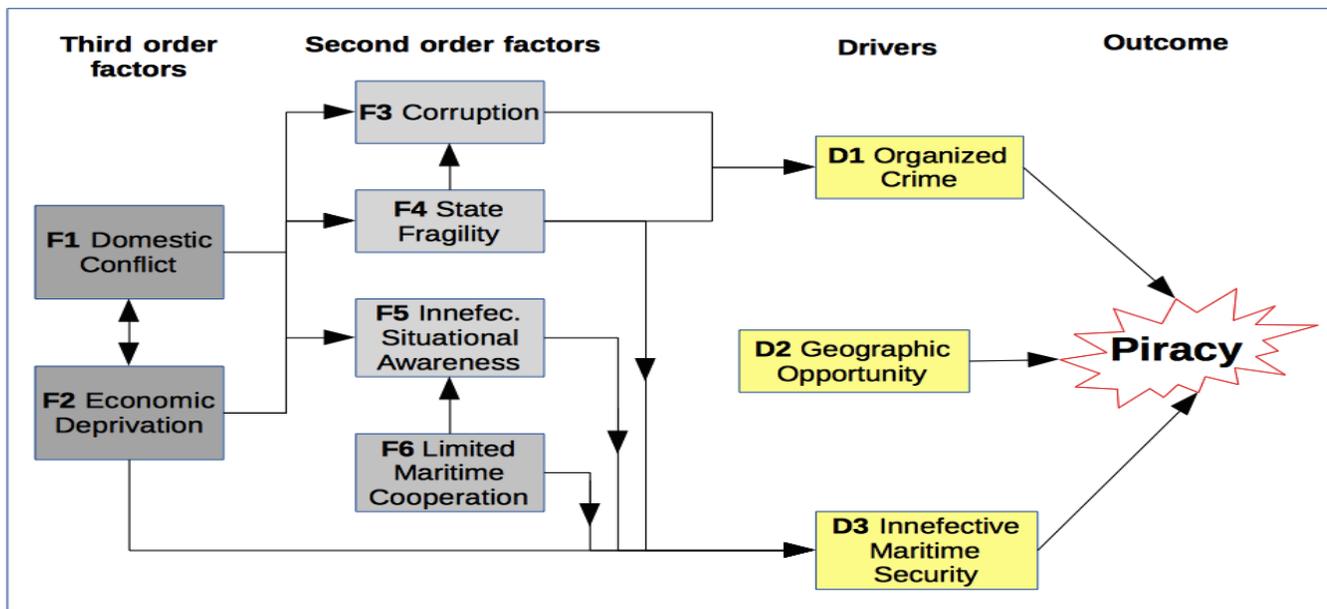


Figure 3 – Conceptual Model: Causes and Drivers of Piracy in the Gulf of Guinea

A critical analysis of this model can be a base for generating comprehensive policies to counter piracy. Simply put, the outcomes of effective anti-piracy policies would have to block or disrupt the relationships represented by arrows in the model. The expected final outcome would be the decrease of piracy drivers and the occurrence of less and less piracy incidents.

### **Conclusion: Comprehensive Policy Responses to Piracy in the GoG**

In the light of the analysis done, up to this point, it is now possible to put forward some recommendations, concerning policy decisions by the international community, which would respond to the conceptual structure of the problem (represented in Figure 3).

Anti-piracy policies at three different levels:

**(L1)** Political and economic intervention, for regional and local development and stabilization.

**(L2)** Political and diplomatic intervention, for multi-agency and international cooperation.

**(L3)** Operational intervention, at the regional and local levels of the maritime security functions.

These can be broken down into the following policies:

(Sources: Thierry et al. 2015, Chalk et al. 2005, Anyimadu 2013, Hodgkinson 2013, Forster 2014)

**(L1)** A multilateralist approach to stability and development –

- UN sponsored regional programs of economic and social development, developed by the World Bank and other international and multinational organizations, focusing on long term human capital development and economic sustainability, particularly on long-term value creation in the oil industry.
- UN – EU joint sponsored regional stability programs. Directed to the disarmament of non-state actors, conflict solving and prevention.
- UN – EU – US joint sponsored programs to prevent radicalization and disrupt insurgent movements in the region.

Global program, under the UN, involving INTERPOL and other security agencies in a hybrid effort to counter money laundering and high level corruption.

**(L2)** Reinforcement of multinational cooperation through the regional frameworks emplaced from the Yaoundé Summit (JUN2013). With support from the UN, EU and the US.

- Mobilize the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) towards the operationalization of: a joint maritime security cooperation agenda with clear milestones; the practice of coordinated measures to suppress piracy; operationalization of the Inter-regional Coordination Centre (ICC) for maritime safety and security, with adequate funding and personnel.

**(L3)** - Pursue the buildup of proficient coastal policing and maritime intervention capabilities in the states of GoG. This can be done with funding and support from the UN-EU-US and also with bilateral agreements. Economic or financial support should be linked with capabilities buildup milestones. Meaning, coastal countries would get more support to build up maritime security assets and capabilities gradually and only in as much as they would compromise and show results.

- Develop a multinational maritime security program with international forces, from the EU, the US and other voluntary nations, in coordination with local national authorities, bringing in, also, the ECOWAS and the ECCAS.
- Implement national systems with tools and capabilities to investigate and prosecute acts of piracy, through sustained cooperation, possibly under the technical direction of the INTERPOL or EUROPOL, with the support from the EU.
- Finally, develop international judicial cooperation, to empower national legal authority and resolve incidents in international waters.

### Notable Obstacles to the Policies

(Sources: Thierry et al. 2015, Prins 2014, Forster 2014)

The exposition of broad policy lines, made in the last few paragraphs, was straightforward. However clear may those lines be, there are notable obstacles that can block the policies or turn them to ineffective initiatives that don't generate the desired outcomes.

Some foreseeable obstacles are:

- Combating piracy is and will remain a long-term endeavor. Time and resources will be ever scarce to support the necessary scope of activities and initiatives.
- Competing issues in the international agenda abound and offer stiff competition for resources (ebola, radicalization and insurgencies in Mali and Nigeria, etc.).
- GoG is covered by two regional organizations: ECOWAS and ECCAS. This division might cause doubling of efforts and other inefficiencies.
- Also, issues of maritime security are intertwined with continental security issues. As such, securing the GoG would need cooperation and alignment of all states and regional organizations, sometimes establishing compromises and breaking away from realist\* views of international relations.
- Cost sharing is another central issue. Financing of multinational initiatives is critical but difficult to gather consensus.
- Operations at sea are much more complex than those overland. As such capability building in maritime forces is much more challenging.
- Finally, and maybe the most important. A large number of rivalries and border disputes exist in the region. This, alone, can hamper the build up of a truly collective security system, as zones of agreement are increasing difficult to find when in a complex multilateral negotiation.

### Final Word

We end with two important assumptions, in regard to the generation and operationalization of responses to piracy:

First, it is possible to apply measures that effectively reduce piracy – this is attested by the reduction of Somali piracy. Some authors thought it could not be done in a short time frame (Bahadur 2011), however it was done, as demonstrated by the data represented in Chart 1. It is not a simple or easy endeavor, but it is

feasible and in the interest of the international community.

Second, notwithstanding the case of the success in the fight against Somali piracy, the geopolitical and socio-economical context of the GoG is much more complex; and, as we can see from the conceptual model proposed in Figure 3, the causes and drivers of piracy are intertwined. As such, the endeavor of countering piracy in the GoG can be expected to be much more complex, and as such, more time and resource consuming.

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## 4.2. WHICH NATIONS COOPERATE? THE CASE OF FORMING ECONOMIC (OR POLITICAL) UNION

ABDELLA M. OUMER (ETHIOPIA)

### Introduction

International relations (IR) literature shows that nations cooperate at different regional and international levels for different reasons. The goal of being the most formidable military power in the system (for example see Keohane and Martin, 1995) may affect the way nations cooperate. Small nations may cooperate to gain total powers whereas big nations may cooperate less in order to keep their dominant power positions. Nations may also cooperate at regional level for some reasons while they cooperate at international level for other reasons. For instance, the underlying reasons why regional level European nations have been cooperating to the extent of reaching the economic union and the reasons why the 'New Players', i. e., the BRICS countries discussed in the MOOC, the Changing Global Order<sup>75</sup>, week 2 for example, cooperate are different. Countries may cooperate more at regional level for economic and security reasons (example European Union) whereas international cooperation can be based more on the combinations of economic and political or ideological interests (for example US and EU cooperation and cooperation among the BRICS countries). Moreover, nations with specific socio-economic and political characteristics cooperate among each other more than they do with others including in formation economic community or nations union. This paper discusses the potential factors (economic, social, political and geographical) factors that may lead to better cooperation among nations in economic and/or political union formation, referred to as 'nations' union' from here on.

Nations' union, in this paper, refers to strong union involving multidimensional cooperation and commitments among the member nations as in the case of European Union (EU). This is because there are different levels and types of nations' unions: real and practical ones and symbolic ones. Therefore, it is important to distinguish between the real nations' union such as EU and those loose organization such as African Union (AU), which is rather symbolic than a strong economic or political union. Thus, by nations' union, this paper refers to more real and more practical type of nations' union. The rest of the paper is arranged as follows. Section 2 outlines the research questions. Section 3 briefly discusses the concept of nations' union in a globalized world in light of some (IR) theories and literature. The integration (mostly economic) process around the world is briefly discussed in section 4. In section 5, the paper gives more details of the EU integration process and tries to answer the research questions while emphasizing why EU succeeded while other regions not. The summary of the discussion is given in section 6, whereas the elements of further research are outlined in section 7.

### The Research Questions

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<sup>75</sup> Week 2 lecture by Prof. dr. Madeleine Hosli

This paper tries to answer these inter-related research questions in context of the three specialization MOOC<sup>76</sup> courses. The research questions are:

- (i) What determine the level of cooperation between nations, particularly in nations' union formation?
- (ii) Why EU integration has succeeded so much while other regions haven't? Will there be any other group of nations forming nations' union any time soon?
- (iii) Do different theories of international relations explain different types of nations' success in nations' union formation?

This topic and its research questions are chosen because these questions together cover some aspects of all the three courses in the specialization (for example diversity and general trust discussed in the political economy MOOC, cooperation and gains in relative power in the Changing global order MOOC and cross national cooperation in nations' union formation leads to creation of international organizations such as NATO and EU discussed in two of the specialization MOOCs, namely the International organizations management MOOC and the Changing global order MOOC).

### **Nations' Union in a Globalized World**

Though an extreme case of global government envisaged by scholars such as Finkelstein (1995) might not happen through cooperation any time soon, a more realistic cooperation among nations in tackling growing threats that come with globalization is very important. Nations' union formation is one of the paths leading to such potential cooperation and it would be the least contentious path (compared to the cold war type of confrontations). Nations common threats ranging from terrorism to economic crises have been growing along the globalization process because of growing nations' interconnectedness. According to Craig (2008), failures of the nation-state system in recent years has been its inability to deal successfully with problems that endanger much or most of the world's population. As the world has become more globalized, economically integrated and culturally interconnected, individual countries have become increasingly averse to dealing with international problems that are not caused by any single state and cannot be fixed even by the focused efforts of individual governments (Ibid). This is one of the reasons why and where organizations or nations' union such as EU are important since they facilitate such cooperation. EU formation process started more than six decades ago when there was not such threat arising from globalization. The European nations' cooperation was initially and mainly the result of nations' cooperation for security reasons following the two world wars although it has had economic dimensions which became even more dominant during the recent decades. Although its original purpose was not the same, nations union as in EU would also facilitate the process and the capacity to handle the current threats such as mentioned by Craig (2008).

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<sup>76</sup> The specialization MOOCs are: The Changing global order; International relations, Political Economy approach; and International Organizations Management

Countries with different economic, political, social and geographical structures may exhibit different levels of cooperation with other countries in general and in nations' union formation in particular. Economically and/or geographically big nations perhaps have less interest in forming economic or political union with other countries. The reason why big states don't form union with others is perhaps that they don't want to share their autonomy (if they don't go on conflict as structural realism theory suggests) with smaller nations whose relative power might increase (as discussed in MOOC, the Changing global order). On one hand, various theories suggest that states with sufficient capabilities (big nations) always pursue the goal of being the most formidable military power in the system (for example see Keohane and Martin, 1995). On the other hand, when states can jointly benefit from cooperation, especially for small nations with limited market and military capacity, governments attempt to construct such institutions as the EU, NATO, GATT, and regional trading organizations although they know that these institutions will have only marginal effects or benefits. The marginal benefit can be low for big states such as USA and in case of institutions such as UN which doesn't involve states union, like the cases such as EU.

However, the benefits can be much higher for such institutions as EU which is formed by relatively smaller geographically connected nations. This is so partly because for EU members it was proven that it is difficult to be the most formidable military power in the system individually, especially after the two world wars. These observations would lead us to thinking whether different types of countries with different social, economic or political characteristics lead to different types of behaviors in international relations, specifically in nations' union formation. If this is the case, it would also imply that different theories of international relations explain the behavior of different types of countries. For instance, neoliberal institutionalism assumes states focus primarily on their absolute gains and emphasizes the prospects for cooperation whereas structural realism assumes that states are largely concerned with relative gains and emphasizes the prospects for conflict or less cooperation (for example see Powell, 1991). The first, neoliberal institutionalism, seems to apply more to small states who care about total gain rather than absolute gain and cooperate; whereas the later seem to apply to larger states who lack cooperation or in ideological or diplomatic conflict with equivalent nations (for instance United States of American, Russia, China and so on), especially in the context of nations economic and/or political union formations. Institutionalists theory also suggests that interstate cooperation occur if states have significant common interests (see Keohane and Martin, 1995). This theory also seems to hold for the European Union members, especially at the beginning of the process of the EU formation, immediately after the World War II. The common security interest of the time (perhaps in the later decades as well) has been complemented by the economic interests and enhanced the EU integration and enlargement process.

## The Integration Process Around the World



The table shows that only the EU progressed through different levels to reach the level of economic union faster and more efficiently than other regions. European Union has had the largest number of integration agreements as well as the most advanced level of integration compared to any other regional or continental blocks. As to why the EU could go so further ahead of any other region needs much more detailed analysis. However, the potential explanations based on limited analysis of this paper are given in the next section.

### Further Discussion: the Case of EU

The EU integration process began in 1951 with formation of European Coal and Steel Community (ECSC). A deeper level of integration with general economic cooperation was agreed through Rome treaty in 1957 establishing European Economic Community (EEC) and European Atomic Energy Community (EUROATOM) effective by January 1958, by the then six founding members: Belgium, France, Germany, Italy, Luxembourg and the Netherlands (EU, 2014). Since then, the EU integration process has passed through several stages of integrating different sectors of the member nations' economies including free movements of goods, services and people as well as monetary union and expansion of the membership to new countries (see figure 1 for membership expansion).

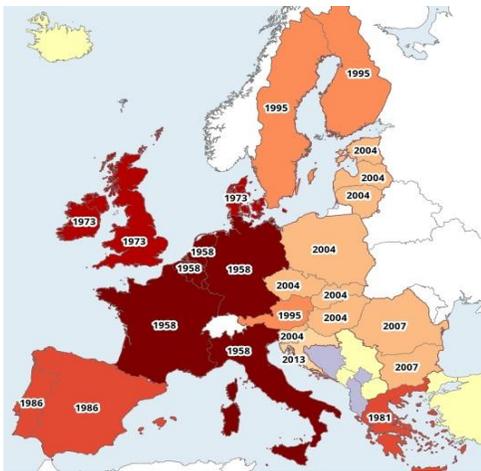


Figure 1 is based on online materials that are cross-checked with the EU (2014) information. It shows the time-line of the membership: The founding members Belgium, France, Germany, Italy, Luxembourg and the Netherlands (effective 1958), Denmark, Ireland and United Kingdom (1973), Greece (1981), Portugal and Spain (1986), Austria, Finland and Sweden (1995), Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia (2004), Bulgaria and Romania (2007) and Croatia (2013). For further dimensions of this enlargement see Brakman et al., (2012).

Figure 1: EU expansion time-line

To answer the question why EU integration has succeeded while other regions haven't, we can see at what factors explain EU's success. The success of EU integration process can be explained by three levels of groups of factors. The first level factors are the incentives or the need for integration. Small sized individual nations' markets (in terms of geography and population) and common security interest made the integration process very important. Realist international relations theorists interpret the relative-gains logic as showing that states will not cooperate with one another if each suspects that its potential partners are gaining more from cooperation than it is (see Keohane and Martin, 1995). This seems to be less concerning when the nations are small in size and have common security concerns. In other words the common absolute gains are more important than the relative-gains by some among the partner nations. The second

group factors are the capacity to realize the integration. These capacities includes political and economic, which in other words can be stated as political and economic autonomy. Most of European countries, especially the founding members of EU have long had very high level of both political and economic autonomy. Controls over large territories of the world during the colonial periods and high level of economic development then and after are very good measure for their high level of both economic and political autonomy. While the political autonomy gave them the decision-making capacity in promoting the cooperation and market integrations, the economic autonomy gave them the capacity to build institutions for the process. According to Keohane and Martin (1995), institutions can mitigate fears of cheating and so allow cooperation to emerge, so can they alleviate fears of unequal gains from cooperation. They add that liberal theory argues that institutions provide valuable information, and information about the distribution of gains from cooperation may be especially valuable if the relative-gains logic is correct and the institutions can facilitate cooperation (Ibid). Their economic capacity and political autonomy helped the EU nations in building such institutions as European central bank, the European commission, and the European parliaments among others to facilitate the services and redistribute the gains among the member nations. They promote and support the integration process and often cooperate in solving economic and social issues of the member nations (example bailout programs for members facing debt crises).

The third group of factors is the facilitators or the catalysts. Among the facilitating factors are the relative ethnic and religious homogeneity of the EU member nations. Religion or ethnic diversity makes nations' economic/political integration relatively more difficult. Take the case of Turkey's EU membership, for instance. The difference of its dominant religion from the EU member states is one of the main factors that slowed down the negotiation process and delayed its membership. Despite over 40 years of Turkish efforts to join and participate fully in the process of European integration (Redmond, 2007), anxieties over predominantly Muslim immigration and generalized apprehensions over Islam had played some role in delaying Turkish EU membership (Casanova, 2006). A number of studies imply that there are negative aspects of Ethnic and cultural diversity (for instance see Uitermark et al, 2005 and Hooghe et al., 2009) which would negatively affect integration in various ways (for instance by reducing generalized trust).

The reasons why other regions haven't succeeded are different from region to region though they all lack the qualities of the EU region in one or more ways. The North American block, for instance, lacks the common security interest. Given USA being a big nation and super-power of the whole 20th century, Canada (and perhaps Mexico too) being its natural allies and lack of common security concern have played a role of not having economic union in the region. The Central American nations have had optimal small size to justify the common absolute gain of power argument as potential source for cooperation. However they lacked the economic and political capacity or autonomy to build appropriate institutions to facilitate the process. While the Latin American countries are big nations who would care more of relative gains on one hand leading to less cooperation, they didn't have much common security concerns on the other hand which would also lead to less cooperation. The arguments for the Latin Americans also hold for the big Asian countries such as China, India and Indonesia.

The failure of African nations are largely due to lack of political autonomy since most of them were still under colonial rules for most of the 20th centuries as well as lack of political and economic capacity, to build pro-integration institutions. One thing the African and most medium size Asian countries have in common is lack of ethnic and religious homogeneity which would also hinder full economic and/or political union even in the future. For the middle-east bloc, although they have great deal of ethnic and religious homogeneity and optimally small sized very similar to EU nations, their integration hasn't been so much. One of the reasons is that there is great deal of competition and mistrust among the nations. The nations of the region have witnessed different forms of conflicts and wars (see for example Barnett, 1995 and Terhalle, 2007) where the nations secretly or openly have sided with different parties that were in conflict. The concern of relative gain of power also seems to be very high among the countries of this region. Due to all these varying reasons it is very unlikely to see another successful economic/political union of nations in any other part of the world any time soon. The solutions to the issues for other regions are to learn from the EU and to try to develop strong supporting institutions up on which they can develop the regional integration and finally economic/political union.

## Summary

This paper fairly answered two of its research questions. In answering the first question, it suggests that size, autonomy, homogeneity and level of development determine the likelihood of nations' union formations. Big nations are less likely to join small ones whereas small nations are more likely to join union for security as well as market reasons. More economically and politically autonomous nations can easily form nations union. Given other things constant, ethnic and religious homogeneity can also facilitate the union formation. If some of the EU member nations were of very different ethnic background and/or were dominant of different religions, the EU enlargement wouldn't have been so easy. Economic and political autonomy can be seen as two sides of the same coin. That means less developed countries have less autonomy in both aspects and are less likely to form fully functioning economic union. A short answer to the second question is that there is no region with likelihood of becoming a union like the EU any time soon. The answer to the third question is that each of different seemingly conflicting arguments of different IR theories about nations' cooperation holds (i.e., valid) for different types of countries (especially in terms of sizes), particularly in forming nations' union. For small nations and/or when they have common security concerns, the concern of relative-gain in power is minimal compared to the absolute gain for common security which in turn lead to cooperation. Finally the paper underlines that there are a lot that other regions can learn from EU and the importance of developing appropriate institutions that promote nations' cooperation for economic integration or nations' union.

## Further Research

A further and detailed analysis and rigorous tests of the hypothesis and answer the research questions from different angles are very crucial. Going deeper into various IR theories can help in coming up with a clearer and stronger findings or answers for the questions discussed in this paper. Using empirical data to support the finding is also very crucial in the future research. Continuing this work using actual data to add empirical evidences in another capstone project, if it runs again soon, would be a good chance of making this analysis a bit more concrete. The prediction of the potential other group of nations which could become the next successful nations' union also needs further study.

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## 4.3. A CRITICAL ANALYSIS OF CROSS-BORDER HUMAN TRAFFICKING: AN OPPORTUNITY FOR THE DEVELOPMENT OF AN INTERNATIONAL FRAMEWORK WHICH NATIONS COOPERATE

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### Introduction:

The trafficking of persons across borders for sexual, labor and other forms of exploitation is a subject that captured the attention of international organizations, activists, and policymakers. A 2000 United Nations Protocol established guidelines on how nations should combat trafficking and assist victims. (Gulati, 2010)

Human trafficking is a crime that ruthlessly exploits women, children and men for sex and forced labor. This global crime generates billions of dollars for the traffickers. The International Labor Organization estimates that 20.9 million people are victims of forced labor globally (Fedetov,2012). As concluded by Shelley (2010), human trafficking will grow in the twenty-first century as a result of economic/ demographic inequalities in the world, the rise of conflicts and possibly global climate change.

This essay will provide a critical analysis of the concept of cross-border human trafficking as a **transnational issue**. It hopes to answer the following:

- 1) What is cross-border human trafficking?
- 2) What is the current situation of cross-border human trafficking?
- 3) What are the reasons for the proliferation of cross-border human trafficking?
- 4) What are the consequences of human trafficking in our modern society?
- 5) What are the possible solutions to prevent cross-border human trafficking?

### Concept of Cross-Border Human Trafficking

A study (van der Laan, et al., 2011) provides that cross-border human trafficking is operationally defined under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations convention against Transnational Organized Crime (Protocol 2000). Accordingly, Article 3 (a) thereof states:

*“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the*

*prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.*

In Brazil, forms of human trafficking include sex trafficking, labor trafficking and organ trafficking (Wells, 2014). In Colombia, adults and children are trafficked for sex outside the country, mainly in tourist cities along the Caribbean coast. The country is also a source and destination for forced labor in mining and agriculture (Maloney, 2014). In the Republic of Moldova, incidents of trafficking children ages 3 or older for purposes of begging are prevalent (Mosneaga, 2013). News on illicit kidney transplant surgeries has infiltrated the global medical practice. Such commercialized organ transplant activity has expanded from Asia to the Middle East, Eastern Europe, South Africa, Central Asia, Latin America and the US (Scheper-Hughes, 2013). As reported by the University of Minnesota Libraries (2011), mail-order bride is another form of trafficking, where men order foreign, "exotic" women to be their wives.

The Academy for Educational Development describes cross border human trafficking as one where trafficking occurs within the context of migration. Therefore, it can be inferred that cross border human trafficking relates to the movement across different countries involving people, against their will, for purposes of exploitation.

It is interesting to understand the concept of cross border human trafficking to find the root cause of the problem why human trafficking, as a transnational issue, occurs.

### **Current Situation on Cross Border Human Trafficking**

Tverdova (2011) estimated that about 800,000 persons are being trafficked across international borders every year, and over 12 million people already fallen victims of trafficking. Haken (2011) further concluded that human trafficking is estimated as a \$31.6 billion industry which accounts from *10%-45% of the developing economy's GDP* (refer to Griffiths (a), 2014).

In a report by the Global Financial Integrity (2011), majority of the victims are coming from developing countries in the Balkans and the former Soviet Union. These victims are either lured away from their homes with the promise of greater economic opportunity. Some of the commonly listed countries of origin include Brazil, Colombia, Mexico, Nigeria, Morocco, Myanmar, and Vietnam.

With most trafficking victims originating in developing countries, many are destined for the developed world. In a report by the United Nations Office on Drugs and Crime (UNODC, 2006), main destinations include the United States, Canada, the European Union, Japan, and Australia. Other main destinations include Saudi Arabia and Turkey. China, India, Pakistan, Poland, and the Czech Republic are frequently reported as both origin and destination countries.

Moreover, the UNODC (2014) reported the crime of trafficking in persons affects virtually every country in every region of the world. Between 2010 and 2012, victims with 152 different citizenships were identified in 124 countries across the globe. The findings are as follows:

- Most trafficking flows are intra-regional, meaning that the origin and destination of the trafficked victim is within the same region or within the same sub-region. Victims tend to be trafficked from poor countries to more affluent ones within the region.

The findings correlate to the study (Bertone, 1999) where the flow of sex workers from less developed nations is utilized to satisfy the demand of affluent Western European consumers, conforming to the economic laws of demand and supply.

- Transregional trafficking flow is mainly detected in the rich countries of the Middle East, Western Europe and North America. These flows often involve victims from the 'global south'; mainly East and South Asia and Sub-Saharan Africa.

It is noted that East Asia records a *low human development index value of 0.683*. On the other hand, South Asia reveals a *human development index value of 0.558, which is the second lowest in the world*. Finally Sub-Saharan Africa has an average of *human development index value of 0.475 which is the lowest of any region*. (United Nations Development Programme, 2013) (refer to Griffiths (b), 2014) .

- About 70% of the detected victims over the years 2010-2012 were trafficked cross border.

Further, Latonero (2011) reported that while traditional channels of trafficking remain in place, online technologies give traffickers the ability to exploit a greater number of victims and advertise their services across geographic boundaries. Since internet users exceeded 2 billion in the year 2010, social networks and online classified sites are now being used by traffickers to market, recruit, sell, and exploit for criminal purposes.

### **Economic, Social, Demographic and Political Interest in Cross Border Human Trafficking According to the United Nations Office on Drugs and Crime (UNODC)**

Trafficking operations is premised on the business around the exploitation of the victims. Therefore, trafficking in persons is motivated by profit maximization, i.e. to maximize benefits and minimize costs.

It is emphasized that the least developed countries consist of 49 countries, 34 of these countries are in sub-Saharan Africa, and 14 in Asia, regions where the flow of human trafficking usually originate. These least developed countries have been characterized with *low income, high economic vulnerability, and poor human development indicators* (World Population Data Sheet, 2013) (refer to Griffiths (b), 2014).

There are always economic gains involved in exploiting people, domestically or abroad. At the same time, exploiting them for richer countries is economically more advantageous because the services which traffickers demand from the victims have a higher monetary value. However, in poorer countries, the geographical scope of the trafficking is usually limited to domestic or sub-regional trafficking.

In addition to economic factors, there are also other conditions that have an impact on the directions of trafficking flows. These include issues related to job markets, migration policy, regulation, prostitution policy, legal context and law enforcement and border control efficiency. A statistical analysis between 2010 and 2012 shows that geographical proximity between a country of origin and a country of destination is strongly correlated with the intensity of the trafficking flow between them. In general, the closer the two countries are (the country of origin and the country of destination), the more victims are trafficked along the flow between them.

Organized crime is another factor in considering cross-border trafficking flows. The higher the prevalence of organized crime in the origin countries, the more victims of these origin countries are detected in the major destinations. Moreover, whenever there is longer distance trafficking operations, the model tends to involve several victims who need to cross one or more borders. Such model requires significant skills, capital and organization, particularly when the border crossing is restricted. When such operations are successful, it is usually because the operations are managed by a large, transnational and well-organized criminal network. A sizable criminal organization is able to traffic more victims across longer distances and towards more profitable destinations. This confirms previous studies where the supply side of sex trafficking is provided by organized criminal networks (Caldwell, Galster, Canics and Steinzor 1999). In terms of demographic dimensions, the UNODC theorized that the migration flow between two countries is a function of the demographical power of the countries of origin and destination i.e., *the larger the population, the more intense the migration flow between the two countries*. (refer to Griffiths (b), 2014). This finding can be correlated in one study (Bautista, 2012) where entry and exit points of states having long coastlines in terms of geographical settings (such as the Philippines) are susceptible for groups who are engaged in illegal activities.

### **Reasons for the Proliferation of Cross-Border Human Trafficking**

The developing countries bear the burden of this global structure, producing impoverishment, violence, and shortened lives for millions of people across the world (Haken, 2011).

Organized criminal networks, which function most easily in countries where there is a certain level of underdevelopment and state weakness, are one of the reasons for the proliferation of cross-border human trafficking. In this way, transnational crime and underdevelopment have a mutually perpetuating relationship. *State weakness* can be defined as the state's unwillingness to exercise effective territorial control (Reinold, 2011) and is characterized by high levels of corruption; lack/poor immigration controls;

poor implementing procedure in combating human trafficking; lack of personnel, modern equipment and other logistical support for the security forces in securing areas of national interest and security concerns. (refer to Griffiths (d), 2014) .

Sex trafficking may also be attributable to socio-economic and political factors. *Globalization* (refer to Griffiths (e), 2014) has created a borderless world which improved infrastructure, increased mobility of people, and has brought advancement in communication and information. The new mediums such as Polaroid film, DVDs, camcorders, computer scanners, CUseme transmission (live video and audio transmission)/computer cameras, Internet e-mail, message boards, live video/chat rooms, and pornographic websites have also made the work of the organized crime groups quicker and easier. Other causes behind sex trafficking are natural disasters, armed conflict, a breakdown of law and order and/or political instability, including government corruption (Aston & Paranjape, 2012; Bautista 2012). *The concept of government corruption is in line with the principle of bad governance* where regulations seem to favor the highest bidder. (refer to Griffiths (f), 2014)

*Poverty* can also be a ground as most of the flow of human trafficking come from the least developed countries which are characterized with high levels of corruption and low human development index. Economic instability and inequality of women, poverty and unemployment coupled with a belief that more and better opportunities exist abroad, represent the strongest motivators. The same economic conditions draw criminals into the trade, which offers substantial economic advantages. (Haken, 2011; Aston & Paranjape, 2012; Bautista 2012; refer to Griffiths (g), 2014).

Traditional values and cultural practices that accord a lower social status to women are also factors to encourage the search for opportunities abroad. Some women and children leave their home countries to escape violence and other human rights violations (Haken, 2011). In other countries, prostitution is a culturally embedded tradition. Most south Asian men are regular or frequent patrons of these as they lose their virginity to prostitutes. (Aston & Paranjape, 2012)

Many countries across the world have enacted various anti-trafficking laws. Legislation under the *Rule of Law Principle* (refer to Griffiths (h), 2014) helped prosecute human trafficking cases at the domestic or regional level. However, in spite of these anti-trafficking laws, various developmental activities, and awareness programs in countering human trafficking crimes, it has not yet been possible to effectively prosecute and combat human trafficking.

*The International Criminal Court (ICC)* has not yet also been able to achieve success in treating human trafficking as a crime against humanity despite the enforcement of the Rome Statute and its Article 7. The allegations and accusations of traffickers as per the Rome Statute have not been successful for prosecution by the ICC due to the limited powers of the ICC. Further, it has been noticed that the

exclusivity of jurisdiction of countries becomes an obstacle in the prosecution of the cases of human trafficking. (refer to Griffiths (c), 2014)

There remains a global challenge in prosecuting human trafficking as a crime against humanity under the jurisdiction of the ICC because of lack of effective cooperation and support from the states. Since the ICC is dependent on the states to provide evidences, there is difficulty if the state parties are not cooperating and supporting the ICC in the prosecution (Aston & Paranjape, 2013).

Further, the operational structure of organized crime syndicates responsible for the majority of this trade remain under cover and unidentified resulting to inadequate knowledge as to the range of trafficking flows. This is in spite of the fact that the UNODC offers practical help to states (refer to Griffiths (c), 2014).

### **Consequences of Human Trafficking in our Modern Society**

Trafficking of women and children can potentially increase the incidence of sexually transmitted diseases and communicable diseases such as tuberculosis, all of which pose serious health threats. Trafficking also sustains organized crime, promotes government corruption and erosion of government authority; promotes social breakdown and constitutes severe abuse of human rights. (Aston & Paranjape, 2012) (refer to Griffiths (d) and (f), 2014).

According to the World Health Organization, poor mental health is a dominant and persistent adverse health effect. Psychological consequences include depression; post-traumatic stress disorder and other anxiety disorders; thoughts of suicide; and somatic conditions including disabling physical pain or dysfunction

Post-operative deaths of kidney transplant recipients result from black market surgeries, mismatched organs and high rates of fatal infections (i.e., HIV and Hepatitis C), all of which were contracted from the sellers' organs. On the other hand, living kidney sellers suffer from post-operative infections, weakness, depression, and some die from suicide and kidney failure (Scheper-Hughes, 2013).

Truly, trafficking has developed into a serious concern and as a result, it has become a priority on the international human rights agenda as well as for many states.

### **Conclusion and Possible Solutions in Preventing Cross-Border Human Trafficking**

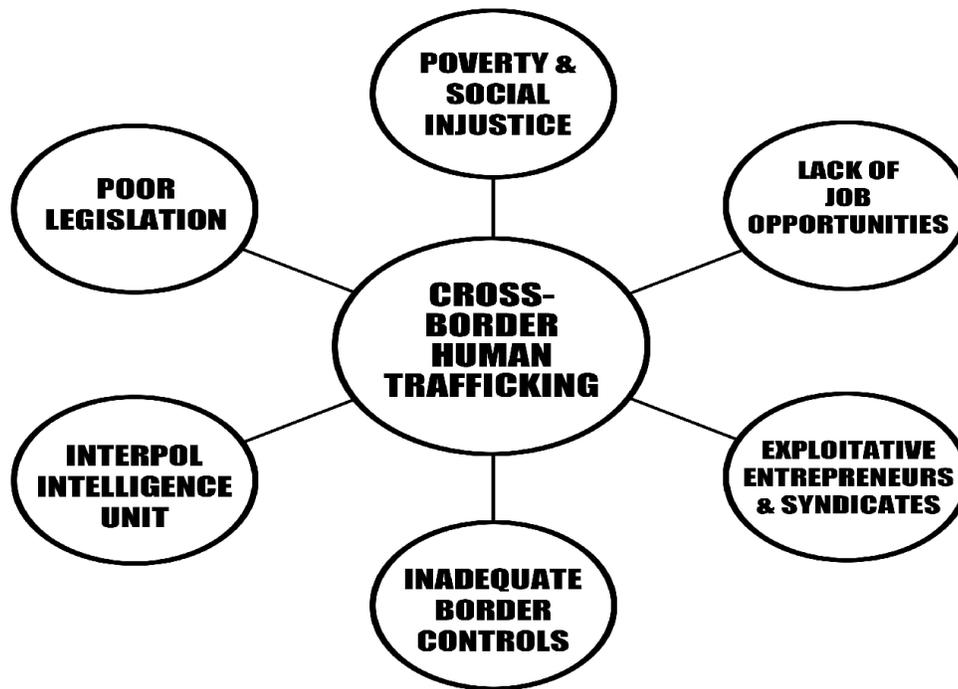
By way of synthesis, it can be inferred that the following are the possible solutions in preventing cross-border human trafficking.

- Starting with the national level, there should be clear policies in controlling prices of basic commodities, availability of employment and reasonable wages, quality low cost housing, adequate educational assistance especially in economically depressed areas, and economic

opportunities on areas identified as sources of human trafficking victims (Bautista, 2012). Eventually, this solution can elevate the value of trust among the constituents of states and to prevent further migration.

- The enactment of national human trafficking laws by different states. This involves the criminalization of the human trafficking, enforcement by the proper government agency, judicial prosecution of the same and providing stiff penalties therefore, preferably the imposition of the death penalty. Giving the same penalty convictions similar to the crime of drug trafficking can be an effective way to inculcate fear on those who will be caught committing human trafficking. This solution can improve governance of states which can further influence economic growth.
- Immigration departments of different states play a major role in preventing cross-border human trafficking. Since this solution is a currently a herculean task, a study should first be done in providing special incentives for immigration officers who will catch perpetrators of human trafficking.
- International organizations (i.e. Interpol), non-governmental organizations and human rights advocates should play an important role in coordinating with the proper agencies for the prosecution of human traffickers. Assistance should not be limited to providing research, training and financial support as it is being currently done by way of assessment. It must include the interest in prosecuting and convicting the human traffickers.
- Treatment and support for the victims of human trafficking should be improved. This includes more funding for the clinical treatment of the victims, as well as improving the witness protection programs for the accommodation of the victims to help prosecute the human traffickers.
- Full cooperation of all states is imperative. There is so much to do after the ratification and the signing of the Protocol 2000. All states must realize that human trafficking is becoming a threat to their respective national security. Moreover, treaties and international agreements among regions for the prosecution of foreign nationals caught with human trafficking should be in place.
- There should be a greater degree of press information about human trafficking. In one study, (Das et al., 2013) it is argued that greater press freedom enables the media to increase public awareness of the atrocities of human trafficking, sway public opinion, and call on government officials to take action and adhere to the laws prescribed in Protocol 2000. The results indicate that countries that allow greater press freedom are more successful in their compliance with said Protocol.
- Full support should be given by the States for the prosecution of human trafficking as a crime against humanity under the International Criminal Court (ICC). In this regard, rules of procedure should be properly written to provide a clear power and jurisdiction of the ICC declaring human trafficking as a crime against humanity.

By way of conclusion, the following *Cross-Border Human Trafficking Model* is proposed to eradicate cross-border human trafficking:



## **CROSS-BORDER HUMAN TRAFFICKING MODEL**

The above model identifies the six root causes of cross-border human trafficking, namely: Poverty & Social Injustice, Lack of Job Opportunities, Exploitative Entrepreneurs & Syndicates, Inadequate Border Controls, Interpol Intelligence Unit, and Poor Legislation. To prevent poverty and social injustice, government must create job generation programs. Moreover, the government must provide good social services for the lower strata of society so that there is no desire for people to go abroad.

Crewing/manning agencies with lack or no proper documentation create exploitative syndicates. Moreover, these exploitative entrepreneurs are more confident from the protection they get from the corrupt government agencies. In this regard, a uniform drive against corruption should be implemented to drive them away from engaging in illegitimate business activities.

In resolving inadequate border controls, sufficient alerts and database of known cross-border traffickers should be in place. Human traffickers have always been two steps ahead of the government agencies. That is why there should be sufficient global funding for cross-border intelligence work.

Finally, independent harmonization of the different cross-border human trafficking laws should be in place in all countries. This harmonization should be enhanced by multi-country extradition treaties.

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## 4.4. UN WOMEN AND MALALA FUND: THE EDUCATIONAL AND ECONOMIC EMPOWERMENT OF WOMEN AND GIRLS IN DEVELOPING COUNTRIES

ÉLIDA TATO TEDÍN (SPAIN)

### Introduction

The role of women seems to have change significantly around the world in the last few decades. However we still cannot talk about gender equality between men and women. This fact is even more obvious in underdeveloped and developing countries, where women struggle to have an education, are marginalized within their communities or are forced to have underpaid jobs under poor conditions.

UN Women also known as the United Nations Entity for Gender Equality and the Empowerment of Women –created in July 2010 by the United Nations General Assembly– was part of the reform agenda. Hence, as we can find out in the webpage of UN Women, four different organizations within the UN – Division for the Advancement of Women (DAW), International Research and Training Institute for the Advancement of Women (INSTRAW), Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the United Nations Development Fund for Women (UNIFEM) – merged into only one entity for the empowerment of women around the world. The three main roles of UN Women are “to support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms; to help Member States to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society; and finally to hold the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress” (About UN Women, 2015). Malala Yousafzai, awarded with the Nobel Prize in 2014, is the co-founder of the Malala Fund (The Nobel Prize, 2014). Malala Fund's main target is to help girls access education around the world (Malala Fund, 2015).

Both UN Women and Malala Fund aim to empower girls and women through education and consequently give women a chance to have better job options and life quality. Throughout this essay the measures taken by both organizations in order to provide educational and economic empowerment to girls and women in developing countries are going to be presented and analyzed in-depth.

UN Women has presented the so-called Women's Empowerment Principles as a measure to empower women around the world in the economic sector and also within their families, and communities. These principles were created with the collaboration of the United Nations Global Compact (UNGC), which aim to help businesses in the areas of human rights, labour, environment or anti-corruption policies (Overview

of the UN Global Compact, 2013). UN Women and the United Nations Global Compact have created a series of principles focused on the economic and social empowerment of women around the world, especially in developing countries. These principles are to establish high-level corporate leadership for gender equality, treat all women and men fairly at work, respect and support human rights and nondiscrimination, ensure the health safety and well-being of all women and men workers, promote education, training and professional development for women, implement enterprise development, supply chain and marketing practices that empower women, promote equality through community initiatives and advocacy; and finally to measure publicly report on progress to achieve gender equality (Women's Empowerment Principles: Equality means Business; 2011).

## **UNGC Empowerment Principles**

The Women's Empowerment Principles by UN Women and the United Nations Global Compact (UNGC) are therefore as follows:

1. Leadership promotes gender equality
2. Equal opportunity, inclusion and non-discrimination
3. Health, safety, and freedom from violence
4. Education and training
5. Enterprise development, supply chain, and marketing practices
6. Community leadership and engagement
7. Transparency, measuring and reporting

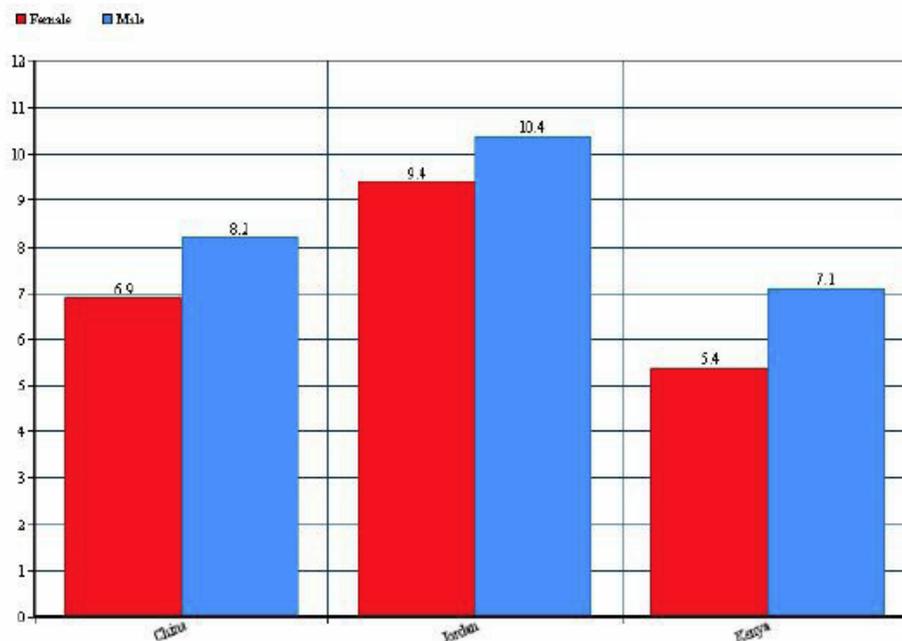
As we might observe; throughout the seven principles for women's empowerment both women and men are addressed; with the purpose of creating a gender equality situation in the workplace and indirectly in the private lives of the employees. The seven Women's Empowerment Principles present thus both a civil and a business perspective of women's empowerment; and also the interests of governments and individual stakeholders in achieving gender equality. As mentioned in the introduction of this essay women nowadays still have to face discrimination daily, either in their societies, workplaces, and/or in terms of access to education and therefore better life conditions. These topics were previously mentioned as we know in the Beijing Platform for Action or the Millennium Declaration. Nevertheless, the principles for the empowerment of women by UN Women and the United Nations Global Compact (UNGC) present detailed plans and goals. Some of the most important ones are related to gender-sensitive policies, anti-gender-based discrimination and zero-tolerance violence policies, health insurances, equal remuneration and access to education, and/or women leadership. Why are these seven Women's Empowerment Principles created by UN Women and the United Nations Global Compact (UNGC) important for the economic and educational empowerment of women and girls around the world, more specifically in the context of developing countries? How can these measurements be applied? What are the real problems they have to face? Can these seven Women's Empowerment Principles lead to real gender equality in business?

The Gender-Related Development Index (GDI) –part of the Human Development Index (HDI)– takes into consideration the gender gap within the Human Development Index (HDI). Introduced along with the Gender Empowerment Measure (GEM) in 1995 by the United Nations Development Program aims to calculate gender equality within countries. According to the Human Development Reports by the United Nations Development Program, the Gender-Related Development Index (GDI) of some of the so-called developing countries by the International Monetary Fund (IMF) as might be China, Jordan or Kenya are as follows:

	Mean years of schooling, female, 2002-2012	Mean years of schooling, male 2002-2012	Expected years of schooling, female 2002-2012	Expected years of schooling, male, 2002-2012
China (91)	6.9	8.2	13.0	12.8
Jordan (77)	9.4	10.4	13.5	13.1
Kenya (147)	5.4	7.1	10.7	11.3

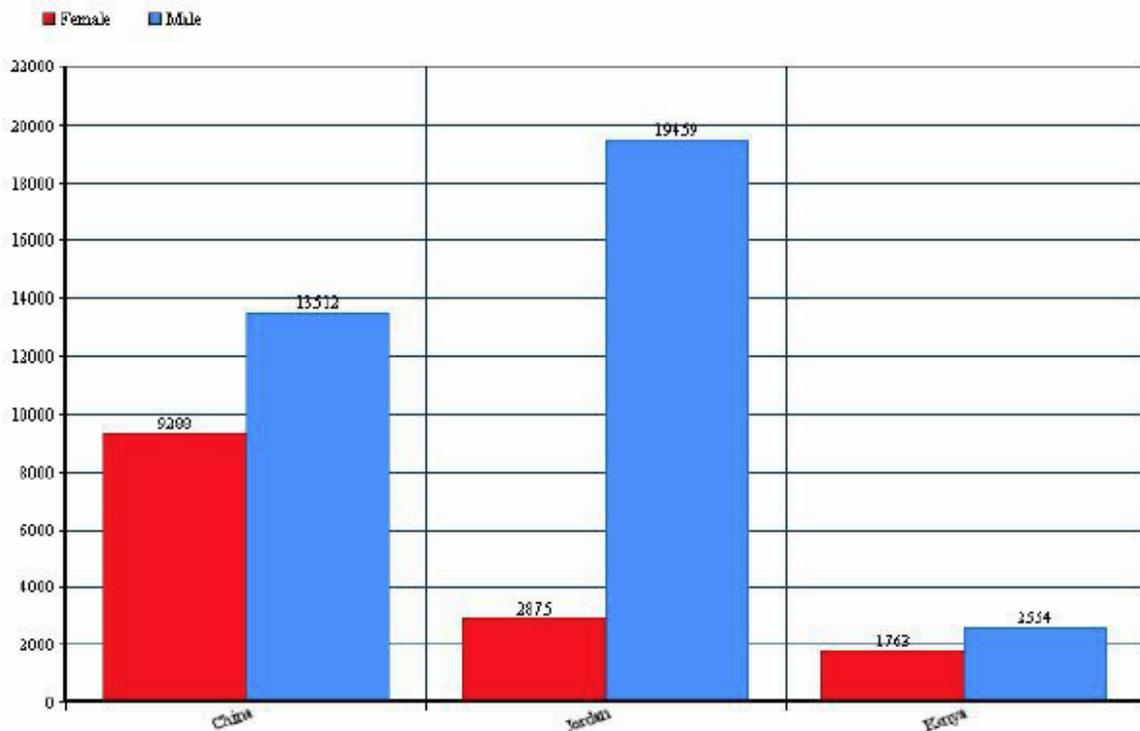
During this essay we are going to represent males with blue and females with red.

Mean years of schooling, female, 2002-2012 vs Mean years of schooling, male 2002-2012 in China, Jordan & Kenya:



	Estimated GNI per capita (2011 PPP\$) female, 2013	Estimated GNI per capita( 2011, PPP\$), male 2013
China (91)	9,288	13,512
Jordan (77)	2,875	19,459
Kenya (147)	1,763	2,554

Estimated GNI per capita (2011 PPP\$) female, 2013 vs Estimated GNI per capita( 2011, PPP\$), male 2013 in China, Jordan & Kenya:



As we might observe in the following bar chart the difference between the Estimated GNI per capita (2011 PPP\$) for females and the Estimated GNI per capita (2011 PPP\$) for males in 2013 is astronomical. For example, in the case of Jordan the difference is of almost 17000 PPP\$. How can the principles for the empowerment of women formulated by UN Women and the United Nations Global Compact (UNGC) help this specific situation in Jordan?

Let's apply the seven principles of the Women's Empowerment Principles to a fictional company based in Jordan. First of all, the fictional company should create goals for a gender equality-based environment.

Secondly, the company must eradicate completely gender-based discrimination of any type as might be unequal salaries, different expectations based on gender, and/or sexual harassment towards women in the workplace. Thirdly, provide both women and men health conditions policies as pregnancy or AIDS prevention. Employees should be trained to be respectful towards their female colleagues and empower women to raise economically. At the same time, this company has to promote gender equality policies and behaviors. This gender equality should be reflected in the lives of the male and female workers and within their communities. And finally, all this should be reported annually, showing a change within the community and the lives of the workers, especially women. Economic empowerment of women thus might lead to a better situation within the society and communities of these women. Since they can access better jobs, they can also have better life conditions and that is reflected in their daily lives. We might say that these principles, as explained for a fictional situation beforehand, can be applied individually to certain companies and can have beneficial responses in developing countries. Women's empowerment and economic development are intimately related; the empowerment of women can lead to an economic development of their society. However, "even before birth, women in developing countries are treated differently than their brothers, lagging behind men in many domains" (Duflo, 2012). Many women in developing countries do not have access to a proper education and as a consequence to well-paid jobs with good conditions. How can a company face this lack of education? Would be the application of principles enough to empower women?

Furthermore, the Gender-Related Development Index (GDI) and Gender Empowerment Measure (GEM) reflect the gender equality or inequality between men and women but do not provide an explanation for these results or explain inequality among women: economic, social or political (Kapitsa, 2008). At the same time, these indexes do not reflect the role of women within their families and communities in comparison with their male counterparts. We face therefore more problems in order to apply the seven principles proposed by UN Women and the United Nations Global Compact (UNGC). Despite it has been proved beforehand the principles might actually work in practice; the social and economic context of each country will definitely affect the way the principles are applied.

## Malala Fund

What about the Malala Fund? What are the measures the organization has proposed to empower girls or potential women economically and educationally?

On October 2012, Malala Yousafzai was shot in revenge of her willingness to defend the right of women and girls to education (Di Cesare, 2014). Two years in 2014 later Malala was awarded –with Khailash Satyarthi– with the "Nobel Peace Prize 2014" for her labour and dedication to this issue, and for giving a voice and a future to girls and women through education. In the words of Irina Bokova, the UNESCO Director-General "the award of the Peace Prize to these two ardent defenders of education sends out a resounding message to the world on the importance of education for building peaceful and sustainable societies; [...] both laureates have been working closely with UNESCO to promote education, especially for

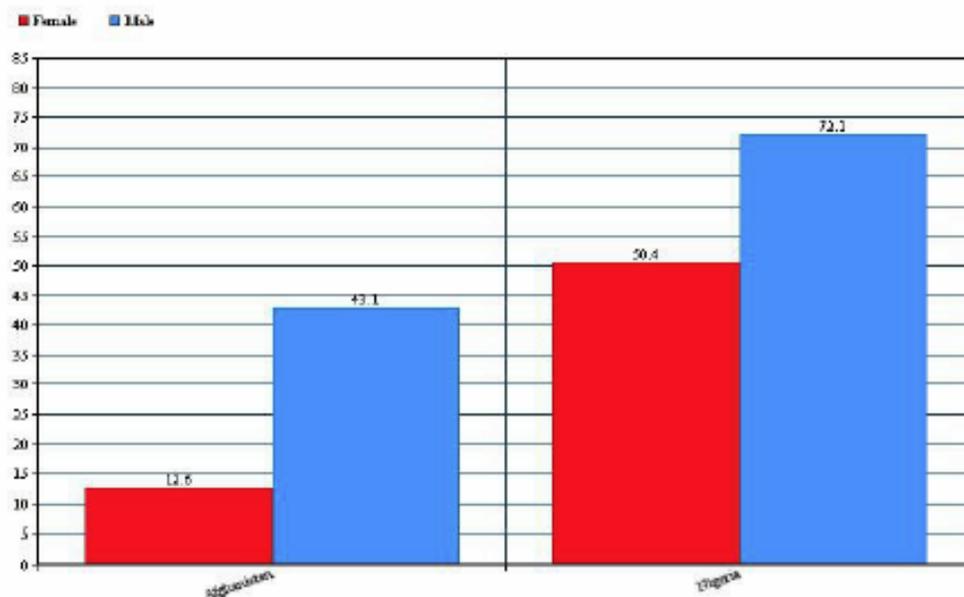
girls and for child labourers” (“Statement made by the UNESCO Director-General, Ms Irina Bokova: Nobel Peace Prize: Director-General congratulates Malala and Khailash Satyarthi”, 2014)

Malala fund is created around 3 main pillars to empower girls and young women through education; named “we amplify”, “we advocate” and “we invest” (Malala Fund, 2015):

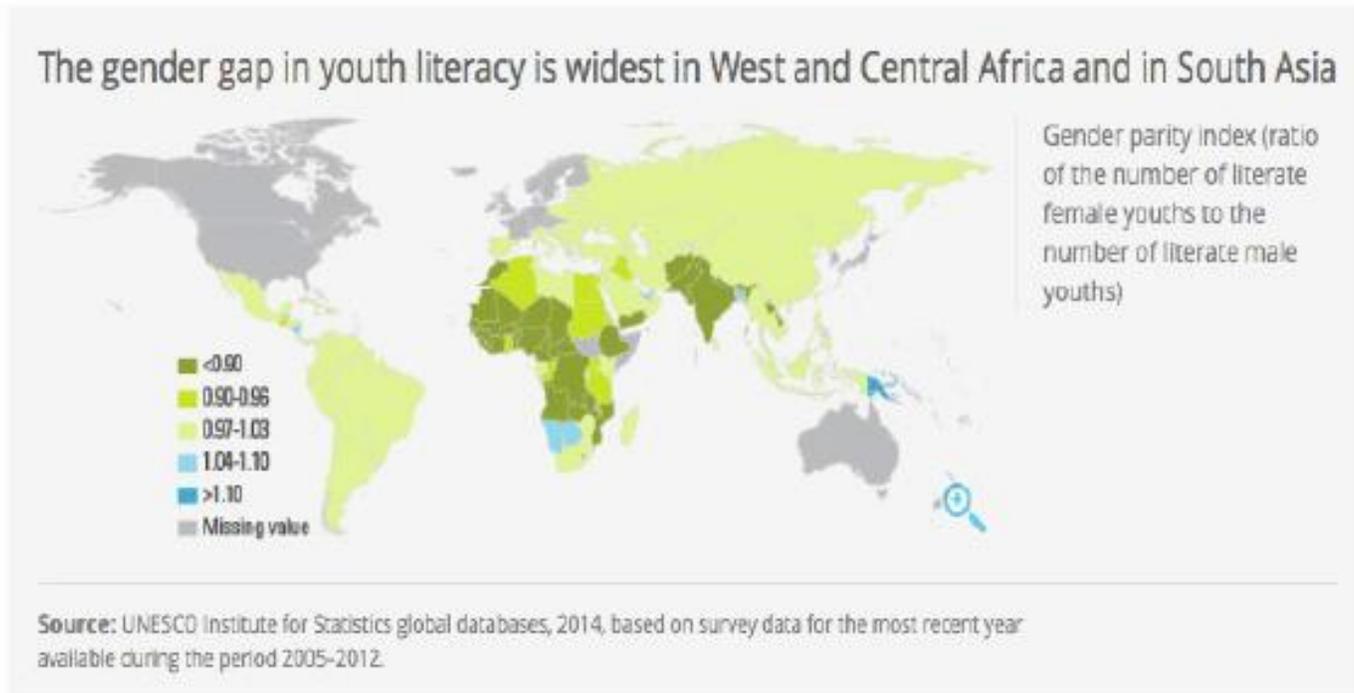
1. “We amplify”. Giving girls a voice.
2. “We advocate” at local, national and international level.
3. “We invest” on education and empowerment of women.

The organization supports local leaders; in order to make an impact in small communities where change is more needed. A change on the educational life of children especially girls and young women can definitely lead to a positive social and economic empowerment not only of girls and women but of the people living in their communities and countries. Having an education changes their life options; avoiding children marriage and/or forced domestic labors and giving women the opportunity to raise their voices for their rights and needs as human beings. Therefore we can certainly affirm that low levels of literacy do create obstacles for the economic and the social development of women and their communities, societies and countries as a whole. Women nowadays represent two-thirds of the total number of adult illiterates in the world. In countries like Afghanistan or Nigeria the literacy rates for males are 43.1% and 72.1% while the literacy rates for females are 12.6% and 50.4% respectively for each country (Central Intelligence Agency (CIA), 2015).

Male vs female literacy in Afghanistan and Nigeria in 2000 and 2011 respectively according to the World Factbook of the Central Intelligence Agency (CIA):



The gender gap in youth literacy is thus still pretty wide; as we might observe in the following map provided by UNESCO “the gender gap in youth literacy is widest in West and Central Africa and South Asia according to the Gender Parity Index (GPI), which measures the access to education for males and females worldwide (UNICEF data: Monitoring the Situation of Children and Women, 2014).

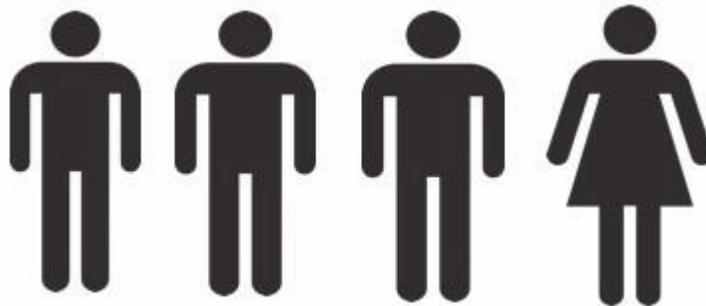


Malala Fund has currently partnerships in Pakistan with girls who were forced to domestic labour exploitation, in Kenya for and spread of the empowerment of educating girls and women, Jordan with Syrian refugees and Nigeria where they work with young married children who did not have a chance to attend school.

Supporting education means supporting a transformation in the quality of life of both men and women. Education is a powerful weapon against poverty and violence and a path towards a society with gender equality where both women and men can fight for a better future with less children marriages, better life conditions and social and economic development. Education must be understood as a human right and not as a privilege for a few; without distinctions of any kind including sex.

The discrimination girls suffer for their right to be educated is one of the main reasons why women cannot advance in the workplace; unknowing their rights and potentials as independent human beings. Despite girls do not have the same access to education as boys, more girls tend to graduate from primary school more frequently than their male counterparts. However the access to secondary education in many underdeveloped and developing countries is lower for young women than for young men.

As previously mentioned, the differences –either economical, social or political differences– among women are not addressed neither in the Gender-Related Development Index (GDI) and/or Gender Empowerment Measure (GEM). The yearly income, the ethnicity or the religion are factors not mentioned by neither the Gender-Related Development Index (GDI) nor the Gender Empowerment Measure (GEM). All the same there is a strong and undeniable relation between poverty and a lack of education. Since the Malala Fund works at local –apart from at national and international– level, the issue of poverty can be address for each one of the cases individually. Wealth-based factors affect both boys and girls all around the world; especially in developing countries. Nonetheless poverty affects girls more than boys in terms to access to a basic or to a higher education. For example; in Guatemala 54% of indigenous girls attend school compared with 71% indigenous boys; and in poor households in Pakistan only 1 girl out of 3 boys tends to be able to attend school (EFA Global monitoring report 2009: “Overcoming inequality: why governance matters”; 2009).



To sum up, the measures taken by the UN Women and the Malala Fund in order to provide educational and economic empowerment to girls and women in developing countries have been presented and analyzed in-depth. The seven Women's Empowerment Principles by UN Women and the United Nations Global Compact (UNGC) (leadership promotes gender equality, equal opportunity, inclusion and non discrimination, health, safety, and freedom from violence, education and training, enterprise development, supply chain, and marketing practices, community leadership and engagement and transparency, measuring and reporting) and the three main pillars of Malala Fund (“we amplify”, “we advocate” and “we invest”).

We have commented on the Gender-Related Development Index (GDI) for three developing countries; China, Jordan and Kenya; and we have applied the seven Women's Empowerment Principles to a fictional company in Jordan to see if the principles are applicable in real life. Later on, we have given the three main pillars for the Malala Fund. As we have seen, these pillars are applicable at a local, national and international level so the measurements taken for each one of the cases are different; all situations should be analyzed independently taken into account the needs of girls and women in these specific areas.

In conclusion; both UN Women and Malala Fund contribute to the social and economic empowerment or women and girls around the world, more particularly in developing countries. As we have seen, there is

not only an economic need to educate women but also a social requirement for the development of their countries. From my point of view, both international organizations are needed in order to develop women's empowerment of any kind and even though we have proved that their measurements are really working on real life there is still a lot of work to do. It's time for girls and women around the world to join forces and raise their voices for a better society.

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## 4.5. ORGANIZED CRIME: A CRITICAL ANALYSIS

ROGER FRANCAS ARUMI (SPAIN)

### Introduction

Since the 16th century, when organized groups made their first appearance in the island of Sicily, governments and police forces around the world have joined their efforts to stop this global phenomenon.

As a transnational issue, this project analyzes the social, economic and political dimensions of organized crime in four different countries. The huge dimensions of this issue, made it impossible to analyse the data from many countries in just 3000 words so, I focused my attention in Russia, Colombia, Mexico and Thailand. It makes reference to four concepts discussed in the “Configuring the World” course. We are going to see the relation that this phenomenon has to do with concepts like; good governance, trust, corruption and State failure.

The project is divided in two different parts; first we are going to see the impact that organized crime has on society, economy and politics. Comparing the data from our four countries with some of their neighbours and also many other countries from all over the world. The second part focuses on the work that international organizations do and their different strategies when combating this issue. The last part of the project is reserved to the conclusions that I came up with when doing the analysis of those countries and also some recommendations and other strategies that international organizations can apply in order to combat this phenomenon.

Choosing a Final Project question/statement was not easy, there are too many questions regarding to this global topic. The ones that are going to guide us through the analysis are the following:

- What are the consequences of organized crime in our modern society?
- How do international organizations work in order to reduce or eradicate this transnational issue?

### Critical Analysis

In a world which is more interconnected than ever, criminal organizations can grow and expand their operations as never seen before. From drug and human trafficking to money laundering or murders, organized crime is causing lots of damage in many parts of the world.

When analyzing its effects, I realized that phenomenon is, in many countries, the responsible for a huge political instability with high index of corruption and also a distrusting society. Mexico is the perfect example; there is much evidence that some political figures and also the police are linked with the Cartels.(1)

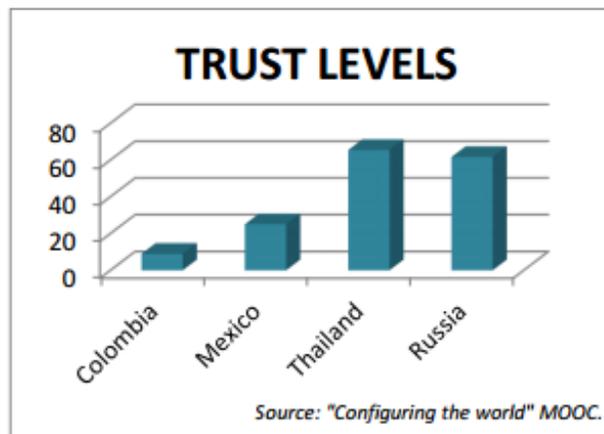
Through history, criminal organizations have taken profit from failed States and most of the times; they have achieved more power than the whole government. If we have seen this fact in the past; why we do

not analyze the actual levels of trust, governance, corruption and State failure of those countries where organized crime is a reality.

### The Social, Economic and Political Dimensions

Organized crime usually leads to an increase of distrust levels between people. It threatens peace and human security, leads to human rights being violated and undermines the economic, social, cultural, political and civil development of societies around the world. Every year, countless lives are lost as a result of organized crime. Drug-related health problems and violence, firearm deaths and the unscrupulous methods and motives of human traffickers and migrant smuggles are all part of this. Each year, millions of victims are affected as a result of the activities of organized crime groups.(2)

The following analysis shows the trust data from four different countries, being all affected by organized crime. Colombia and Mexico have low levels of trust; one of the most affected countries in the world by criminal organizations, Colombia, has just a 8,90, being one world's lowest scores.



Mexico is one of the most dangerous countries in Central America, with high corruption index and a massive power of drug-trafficking organizations. Surprisingly, its trust index of 25,00 is quite higher than the one from Colombia.

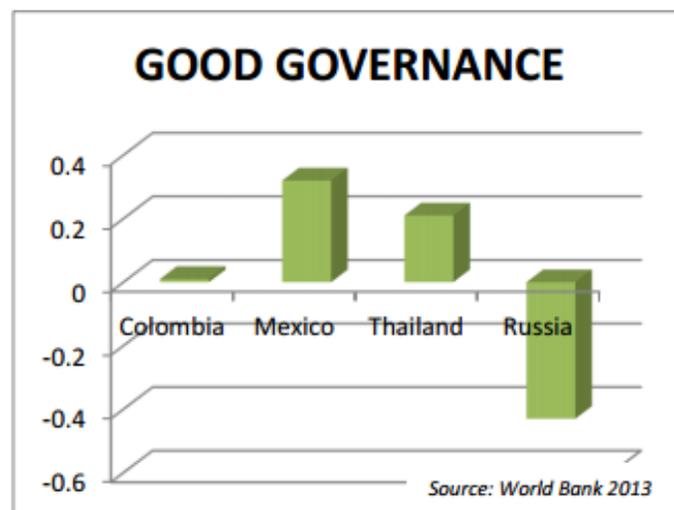
Thailand and Russia are also two of the top countries affected by organized crime but their trust rates are higher than, for example; Spain. With a score of 65,40 from Thailand and a 61,60 form Russia, we can confirm that a high level of distrust can be linked with the presence of criminal organizations but in some cases, that is not going to be a determinant fact.(3)

Organized crime enjoys impunity when a government is unable to perform its functions. Strong institutional capacities are therefore crucial to address effectively the successfulness of organized crime syndicates. The problems generated by transnational organized crime transcend national boundaries and require coordinated action at the international level.

Some factors, such as adequacy of infrastructure, are relevant for organized crime groups, although business opportunities are their overriding consideration. Geographies of illicit flows indicate that failed states can provide conducive environments for certain types of organized crime. Weak states structures and porous borders are relevant for trafficking of drugs and human beings or the smuggling of minerals. Cyber-crime, on the other hand, needs more reliable infrastructure.

Having seen a correlation between organized crime and failed states, let's do some analysis on two determinant factors; good governance and state failure. The first one, good governance, is about the process for making and implementing decisions. It is not about making "correct" decisions, but about the best possible process for making those decisions.

As the graph shows us, Mexico and Colombia both have low good governance scores; 0,32 from Mexico and just 0,01 from Colombia. To contrast this data, the score from Switzerland is about 1,88. On the other hand, Thailand has a 0,21 and surprisingly, Russia has only scored -0,43.



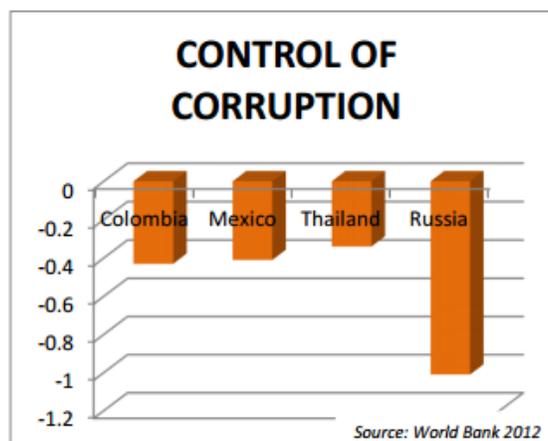
Comparing this data with some European countries like Spain (1,11), France (1,33), Germany (1,57) or the United Kingdom (1,53), we can see that these four countries have extremely low good governance data. Unlike the trust index, good governance seems to have a clear correlation with organized crime activities in different countries. We have to keep in mind that many countries which also have low good governance scores are not only affected by organized crime but also by terrorist organizations. Some examples are; Afghanistan (-1,40), Pakistan (-0,79), Syria (-1,22) and Yemen (-1,28).(4)



As we can see in this graph, both Colombia and Mexico have quite high state failure scores. With a 3,24 from Colombia and a 3,31 from Mexico, these two countries have the highest scores in the whole continent. Surprisingly, both are also the most affected ones by criminal organizations. (5)

On the other hand, Thailand (2,79) and Russia (3,34) also have high state failure scores which may reflect the actual power that organized crime has in those countries. If we take a quick look into other countries which are less affected by this phenomenon like, for example, Sweden (1,22), Austria (1,28), Canada (1,32) and New Zealand (1,26), we can clearly see that the ones with high state failure scores are more likely to be affected by criminal organizations.

Organized crime adopts all forms of corruption to infiltrate political, economic and social levels all over the world. Strong institutions are supposed to be impermeable to corruption. Contrastingly, weak governance often coexists with corruption and a mutually casual nexus exists between corruption and feeble governmental institutions, often ending up in a vicious cycle. Through corruption, criminal groups generate poverty. Corruption determines the misuse of Government's resources by diverting them from sectors of vital importance such as health, education and development. Poor people are therefore deprived by economic growth and development opportunities. The price of public services rises to the point that economically deprived people can no longer afford them. As the poor become poorer, corruption feeds poverty and inequality.(6)



All four countries that we are analyzing have negative scores, being Russia the worst of all with just a minus 1,01. Colombia and Mexico have nearly the same control of corruption score, -0,43 from Colombia and -0,41 from Mexico. Thailand is also not good at all but it has the best score, -0,34.

If we compare Colombia and Mexico with some of its neighbours we will discover that they all look similar, with the exception of the United States. Countries like Ecuador (-0,66), Peru (-0,39), Venezuela (-1,32), Guatemala (-0,61) and the United States (1,38). In the other side of the Pacific Ocean, Thailand and its neighbors do not look as similar as American countries did. For example; Laos has a score of -1,04 and Myanmar a -1,12. So, two of the three neighbors of Thailand have a worst control of corruption but, its last borderer country, Malaysia has a positive score of 0,30. The last unit of analysis, Russia, has scored a -1,01; similar as the one from Ukraine (-1,03) and Kazakhstan (-0,88) but far away from the one from Finland (2,22).

Not surprisingly, Nordic countries have the best scores in the world; Norway (2,24), Sweden (2,31) and Finland (2,22). In my opinion, the control of corruption index can tell us a lot of information about countries. The case of Thailand is strange because this particular country is very affected by criminal organizations but, its corruption score does not clearly reflect it.(7)

## The Work and Strategies of International Organizations

- **United Nations Office on Drugs and Crime (UNODC)**

As the guardian of the UNTOC, the UNODC has a vital role to play in mainstreaming its criminal justice and security mandates into the UN system at large, and in assisting States in translating their commitments into actions.

UNODC's comparative advantage is its expertise in the broad area of criminal justice system reform in which it is able to contribute know – how it organized crime as well as other areas such as corruption, research and terrorism prevention. By using an integrated approach to crime and criminal justice issues,

we seek to support institutions to function effectively as well as to equip criminal justice practitioners with the specialized skills in addressing transnational organized crime and illicit trafficking.

The work of the UNODC aims to balance long-term institutional capacity building objectives and working in partnership with States to implement policy priorities and strategies in a tangible and impact-oriented way. To these ends, UNODC assists United Nations Member States in the ratification and implementation of the UNTOC and its supplementary protocols. UNODC assists States parties to adopt legislation to capture criminal offences addressing by the Convention, to establish frameworks for mutual legal assistance and extradition, and foster law enforcement cooperation. UNODC works closely with national governments, international organizations and civil society groups to enhance international cooperation and build capacity to counter organized crime through the development and implementation of national, regional and global programs.(8)

- **Interpol**

With 190 member countries, Interpol is the world's largest international police organization. It focuses in three projects that were set up in response to very particular types of criminal network; Pink Panthers (armed jewellery robberies), AOC (Asian organized crime) and Millennium (Eurasian criminal organizations).

These projects facilitate cooperation among their member countries and stimulate the exchange of information between all national and international enforcement bodies concerned with countering these problems.

The aims of these projects are to provide professional and technical expertise with strong coordination with international investigations. Collect, analyze and disseminate relevant police data, identifying, establishing and, maintaining contact with experts in the field. Additionally, Interpol pursues strategic partnerships with other international organizations and institutions active in specific crime areas.(9)

- **Europol**

Europol is the European Union's law enforcement agency whose main goal is to help achieve a safer Europe for the benefit of all EU citizens. They do this by assisting the European Union's Member States in their fight against serious international crime and terrorism.

To give a deeper insight into the criminal problems that EU Member States are dealing with, Europol produces regular assessments which offer comprehensive and forward-looking analyses of crime and terrorism in the EU. The European Organized Crime Threat Assessment (OCTA) identifies and assesses emerging threats. The OCTA describes the structure of organized crime groups, the way they operate and the main types of crime affecting the EU. The EU Terrorism Situation and Trend Report (TE-SAT), published annually, gives a detailed account of the state of terrorism in the EU.

Europol offers a wide range of services to its member states like a support centre for law enforcement operations and a hub for criminal information and organizations, providing a central platform for law enforcement experts from the European Union countries. (10)

## Conclusions

- **Some further analysis**

When looking at the different data that this project exposes, I came up with some conclusions about the importance of the results of some index and the consequences that organized crime has in our society.

For example, trust index shows us that its correlation with organized crime presence is nearly inexistent. If we compare our four countries with some others like Singapore (74,80), Italy (60,80), Germany (90,80) or France (37,90) we can see that they all look similar as Russia (61,60) and Thailand (65,40). On the other hand, Colombia (8,90) and Mexico (25,00) have extremely low trust scores. Doing some research in some other South and Central American countries, I discovered that Brazil (17,50), Chile (27,50), Ecuador (14,50) or Argentina (40,40) have also quite low levels of trust. In Central America we have some countries like Guatemala (51,90) or El Salvador (60,40), both with acceptable levels of trust. As we said earlier, this index has not a clear correlation with organized crime.

The following indexes (good governance, state failure and corruption) have a lot to do with the presence of criminal organizations and other global phenomenon like terrorism. Good governance and state failure are the perfect examples of it. Regarding to the first index, good governance; we can see than Russia (-0,43), Thailand (0,21), Mexico (0,32) and Colombia (0,01) have low scores but, not as bad as some countries highly affected by terrorism like; Afghanistan (-1,40), Pakistan (-0,79), Syria (-1,22) or Yemen (-1,28).

State failure is one of the most important indexes when analyzing the presence of organized crime. Our four countries have very high scores and in the case of Russia, it's nearly the same as Pakistan.

Corruption is probably the one that has more correlation with criminal organizations and the score of our four countries has a lot to tell us from their current criminal situation. As we have mentioned, criminal organizations use corruption in order to expand their operational freedom and gain power in governmental institutions. It would make sense that the most corrupted countries in the world would also be the most affected ones by organized crime and, not surprisingly, they are. Somalia has a corruption score of -1,59 and, although organized crime is very difficult to measure, many reports confirm that Somalia is one of the most affected countries by this phenomenon. Human and drug trafficking and piracy are the most known illicit activities in that area. Some other countries are; Afghanistan (-1,41), the world's largest producer of illicit opium, Myanmar (-1,12), the second world's largest producer of illicit opium, Uzbekistan (-1,23), Turkmenistan (-1,34), Sudan (-1,51), Iraq (-1,23), Haiti (-1,24) and Venezuela (-1,24). Many of those countries do not record crime data so we do not have any kind of official statistic.

• **Possible solutions: government replacement and professionalism**

Since the first appearances of organized crime, governments and police have tried to tackle their activities and arrest as many criminals as possible. In my opinion, this is just a short-term solution. We can learn a lot from history, especially with the phenomenon of organized crime. The reasons of its appearance in the region of Sicily during the 16th century were caused by Rome's government ineffective and lack of good governance in that particularly region. So, if history tells us what we did wrong in the past, why we do not try to resolve it? Doing what our ancestors did not do.

This means that the first actions that we have to consider are primarily based on the government, not on the police. With non-corrupt politicians and strong institutions. With a solid judicial system that works without favoritisms and punishes all kinds of criminal activities, even if relevant political figures are involved in. Affected countries also have to enjoy strong international police cooperation and try to maximize law enforcement effectiveness. We have to consider that corruption is the main tool that criminal organizations use in order to execute their actions and enjoy plenty of freedom. International organizations should try to tackle this phenomenon from where it comes, governmental institutions.

We would have to replace corrupt governments or supervise their policies and governance, providing the necessary tools for combating criminal organizations like, for example, police cooperation. If we replace a government, we have to be sure that the new one acts with professionalism and with no self-interest, pretty hard by the way.

• **Examining its strengths and weaknesses**

The strengths of having non-corrupt politicians and strong institutions are obvious. With reliable political figures and institutions, criminal organizations would face lots of difficulties when trying to develop their illicit activities. Replacing corrupt and ineffective governments would be difficult but, international organizations like the UN should try it and tackle this extreme lack of good governance that some countries have. The biggest weakness would probably be the confidence that people would have in the new government, would they trust in an international government in a country like Somalia? What would be the opinion of the media if we replace and impose new government? Being realists, do we think that we can have a solid judicial system which does not priorities rich and influential people like, for example, mafia bosses or politicians?

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## 4.6. A DUALITY OF CONCERN. US FEDERAL AID RESTRICTIONS FOR ABORTION AND USAID RESTRICTIONS TO GLOBAL FAMILY PLANNING PROGRAMS

SUSAN COX SMITH (UNITED STATES)

*“These are very encouraging results, but there is still much work to be done. Urgent action must be taken to ensure that donor investments in family planning are not deprioritized upon changes in political leadership or shifts in the economic climate. Support must be given for efforts to monitor progress and hold governments accountable for their family planning commitments.”*

—FP2020 Progress Report 2014 (1)

Family planning and women’s reproductive health care have always been sensitive topics for the United States (US) federal government. Historically, US lawmakers have taken a generally conservative policy view of women’s rights, in terms of access to and agency in the determination of personal reproductive health care. Unfortunately, even into the twenty-first century, US policy regarding federal family planning aid and access, both at home and internationally, have been stymied, and at times actively thwarted by activists who oppose abortion. These policies often prevent American women from gaining access to reproductive healthcare and family planning education, by mandating conditional allocation of funds through the Hyde Amendment (2) in regard to federal assistance for abortion.(3) The Helms Amendment (4) and Mexico City Policy (also called the Global Gag Rule and not currently in force) (5) prohibit any funding that supports providing information or access to abortion services and applies to international programs, such as Family Planning 2020 (FP2020), a United Nations Foundation program “that supports the rights of women and girls to decide, freely, and for themselves, whether, when, and how many children they want to have.” (6)

*“He who cannot be a good follower cannot be a good leader.” —Aristotle*

With the establishment of the United Nations Millenium Goals, the US has put itself, by continuing to enforce these amendments and policy decisions, in a position of actively obstructing Goals three, four, five and six, all of which relate directly to women’s and children’s health, and access to reproductive health education and birth control. Though USAID provides the majority of funding (45%) to the United Nations Foundation for the Family Planning 2020 program (US \$585 million in 2013) (7) and the current US president has rescinded the Global Gag Rule for his term of office, it is always possible for that Policy to be reinstated by a subsequent president, which serves as an additional sword of Damocles for countries which receive funding and support from USAID.

In its reports and declarations, (8) the United Nations (UN) offers scant comment and makes only general recommendations regarding these laws and policy. The language used by the UN to address these antagonistic legislative agendas is at best vague, and at worst conciliatory. The organization is thus in an untenable position of receiving conditional funding for its international programs from a nation which refuses to adhere to stated goals in terms of improving human rights at home and abroad. **I believe the UN should take a more proactive stance in strongly urging the US federal government to permanently rescind the Hyde and Helms amendments and the Mexico City Policy, and actively demand the US establish a more equitable and global, human rights-focused agenda for women's and girl's access to reproductive healthcare and family planning both nationally and internationally.**

*“The statesman must think in terms of the national interest, conceived as power among other powers. The popular mind, unaware of the fine distinctions of the statesman's thinking, reasons more often than not in the simple moralistic and legalistic terms of absolute good and absolute evil.” —Hans J. Morgenthau*

Realists such as noted political theorist Hans Morgenthau believed that a hegemon such as the United States should frame the precedents for international organizations such as the United Nations. It was understood that great power nations establish the rules and do not follow the rules of others. The time for this type of thinking is past, especially in relation to women's and children's rights, which the US government has persistently and stubbornly continued to undermine and diminish since its establishment.

Since the late nineteenth century, the US federal government has sought to control access to information about family planning and methods of contraception, and is historically morally conservative about any issue related to sexual practices of any type. This has led to legislation such as the Comstock Laws of 1873, which suppressed the trade in, and circulation of “obscene” literature and articles of “immoral” use. The Act defined any and all information about contraception and family planning as obscene material, subject to prosecution for distribution through the US postal service, as well as confiscation and destruction by legal authorities. Margaret Sanger, founder of the American Birth Control League (now Planned Parenthood) wrote extensively (9) in 1931 about the misplaced concern in the Act regarding family planning information, and advocated the laws be amended to remove the subject of prevention of conception and medical literature on the topic, as well as devices intended to prevent conception. It was not until 1965 that the last Comstock Act contraception mandates were rescinded.

## **US Policy Has a Global Impact**

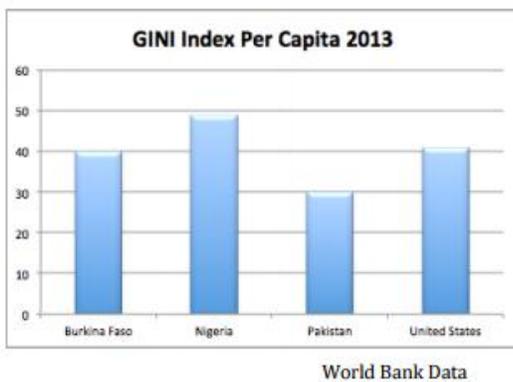
Despite its position as a first world nation, the United States has persistently lagged behind in addressing issues related to women's and children's rights, even going so far as to sign, but not ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (10) first adopted by the UN General Assembly in 1979. This has opened the door for other countries to ignore CEDAW provisions by pointing to the US as an example, thus weakening its intent.

Regardless of its wealth, status, and power, the US actually shares many similar statistics regarding women’s and children’s health, poverty and equality, with the 29 bottom of the pyramid (BOP) countries, which are the targeted recipients of the majority of funding from the FP2020 program. In particular, the issue of informed choice in the family planning context, which is defined as “the fundamental right and ability of individuals to choose and access the contraceptive methods that meet their needs and preferences without either barriers or coercion,” (11) are at issue for both women in the US and women in the FP2020 nations. The intentional obfuscation of education and access continues to prevent women from gaining agency and autonomy when it comes to planning their own and their families’ lives. While it is true that women in poorer nations often lack access and proximity to family planning resources, primarily for reasons of location and poverty, this is also true for a growing number of women in the US. By examining some comparative data, a disheartening picture begins to develop.

*"I certainly would like to prevent, if I could legally, anybody having an abortion, a rich woman, a middle-class woman, or a poor woman. Unfortunately, the only vehicle available is the...Medicaid bill."* — Rep. Henry J. Hyde, speaking during congressional debate on the Medicaid Bill in 1977

### The Hyde and Helms Amendments Hurt Women in Similar Ways

By comparing the US to three countries currently receiving FP2020 aid, Burkina Faso, Nigeria, and Pakistan, using the GINI Index (12) as a marker, we see that the US falls firmly in the bottom third on the scale of income inequality overall, and within a similar range as many of the FP2020 nations. This gives us a clear indicator that even though US GNI (PPP) is many times greater than the comparative nations, US citizens have highly unequal income distribution, a situation that has become more dramatic over the past few decades, especially after the economic downturn of 2009.



- BURKINA FASO GNI 2013 (PPP): \$1,440 (US)
- NIGERIA GNI 2013 (PPP): \$5,360 (US)
- PAKISTAN GNI 2013 (PPP): \$4,840 (US)
- US GNI 2013 (PPP): \$53,750 (US) (13)

For women in the US, access to reproductive healthcare and family planning services have become challenging in ways very similar to those women who benefit from the FP2020 program in their own countries. Withholding or decreasing federal funding for Medicaid and tightening eligibility metrics have left many women in the US in a widening gap between earning too much money to qualify for Medicaid 14

and too little money to be eligible for subsidized Affordable Care Act (ACA) insurance. This impacts not only US women, but also their families.

Contraceptive, Sex Education and Unintended Pregnancy Facts:

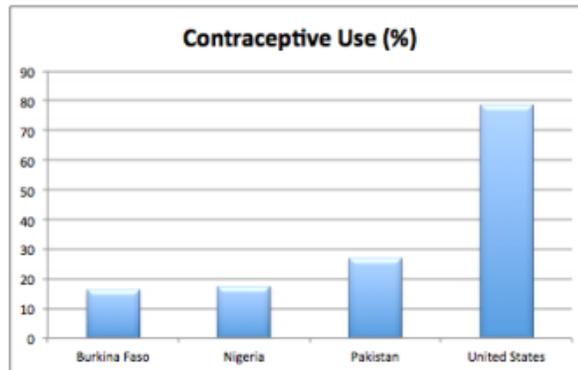
- Currently, about half (51%) of the 6.6 million pregnancies in the United States each year (3.4 million) are unintended—a much higher percentage than other developed nations (46%). Only about 37% of those pregnancies result in live birth. (15)
- Reproductive health and sexual education in many American states are abysmally ineffective and lack comprehensive information about anatomy, contraception, Lesbian, Gay, Bisexual, Trans and Queer (LGBTQ) orientations, and gender issues, even the reproductive process itself, by offering inaccurate and ineffective Abstinence-Only Until Marriage curriculum. It is no surprise then that the teen birth rate in the US accounts for almost one third of all live births in the nation
- Because not as high a percentage of teens (15-19) in the US are sexually active, the unintended pregnancy rate for teens who are sexually active is more than double the rate for all women, ages 15-44. (16)
- The teen birth rate in Western Africa is about five times the rate for all women. This is one of the main concerns of the FP2020 program. Increasing access to contraception and education about family planning can help lower the birth rate for young women and girls and increase their opportunities to finish school, learn work skills, delay marriage, and plan their families



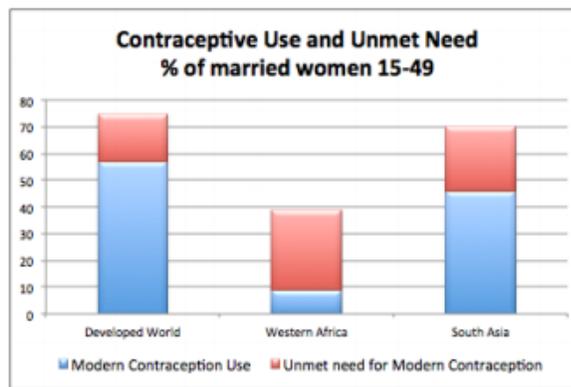
Guttmacher Institute Data

- Through the ACA women in the US may get contraceptive prescriptions without co-pays through their insurance, but there have already been legal challenges to this mandate by corporations owned by religious conservatives who claim that some forms of contraception are abortifacients and should not be available through employer-provided health insurance plans, if the employer has religious beliefs that oppose non-natural family planning methods.
- 99% of all American women (98% of Catholics) will use some form of birth control, other than natural family planning, during their reproductive years. (17)

- In 2008, the unintended pregnancy rate among poor women (those with incomes at or below the federal poverty level) was 137 per 1,000 women aged 15–44, which is more than five times the rate among women at the highest income level (26 per 1,000). (18)



UNICEF data



Guttmacher Institute Data

- There is high unmet need for modern contraception access in Pakistan (about 20%) and the need is even higher in Western Africa (30%).
- Contraception use is rising, correlating with falling unintended pregnancy rates and lower birth rates in the FP2020 nations, thanks to increased stocks and education, as well as local governmental support, in both on-the-ground financial commitments and policy-making. Burkina Faso is a particularly positive success story.

### Abortion Access in the US is Becoming More Like Nigeria and Pakistan:

- Seven in ten Americans believe that abortion should be legal.
- The Hyde Amendment is one of the oldest and most restrictive impediments to abortion for poor women who rely on Medicaid for their health care and also impacts women in the military and federal employees working overseas.
- Access to abortion in the US is increasingly restricted by both state and federal laws. Many US states are implementing increasingly draconian laws and covenants to block access to abortion

services. These include clinic regulations (TRAP laws), doctor's admitting privileges at hospitals, fetal pain and personhood bills and limiting termination to less than 20 weeks gestation. (19)

- Conservative, pro-life legislators in the US seem to believe that making abortion illegal means that women will no longer get abortions.
- In Pakistan and Nigeria abortion is legal only to save the life of the mother.
- In 2012 it is estimated there were 2.25 million induced abortions in Pakistan. Most of these were clandestine. (20)
- In that same year, there were 623,000 documented cases of Pakistani women treated for complications resulting from induced abortions. (21)
- It is estimated that there are 760,000 induced abortions annually in Nigeria. (22)
- Between 20–30% of abortions in Nigeria were clandestine, with one in four of those experiencing life-threatening complications. (23)

By examining the similarities, it is easy to see how the Helms and Hyde Amendments create challenges for women, both in the US and globally. The UN is in an unfortunate position of needing the US to provide a majority of funds for many of its women's health and wellness initiatives, but is hamstrung in its ability to fully maximize those funds due to the restrictions imposed by outdated and prejudicial laws.

### **Can the UN Influence US Policy-Making**

The stark reality of the current funding process from USAID is that the UN is not well-positioned to demand policy changes to federal laws (24) which restrict women's access to family planning services including abortion, especially within the US itself. Essentially, the US continues to make its own rules with no consideration of UN Covenants and Declarations to which it is a signatory. Intervention by the UN, in the form of an aggressive stance against US laws and policy related to these programs, would be ignored at best, or at worst, lead to significantly reduced or complete elimination of federal funding. However, the UN should more directly engage with US lawmakers to encourage them to reconsider the merits of both the Hyde and Helms Amendments.

I believe it would be beneficial for the United Nations to be more vocal about the duality of concern created by US policy on abortion as it relates to improving overall access to family planning education and resources. Opposition to abortion should not be allowed to swamp the boat for all family planning services offered by programs such as FP2020. Educating women about reproduction and providing access to contraception is of great value to all humans and has been supported as a human right throughout the history of the UN, on both humanitarian and economic platforms. There is unified affirmation that all societies benefit when women and girls have access to education, can learn skills for work that will support them economically, can choose to whom and when to marry and when or whether to have children. Universal access to family planning education and affordable birth control are possibly the keystone for achieving the best possible outcomes for all women, children and families across the globe. It is imperative

that the UN demand full and unconditional funding from all donor countries for programs which support these goals.

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