

FLUX

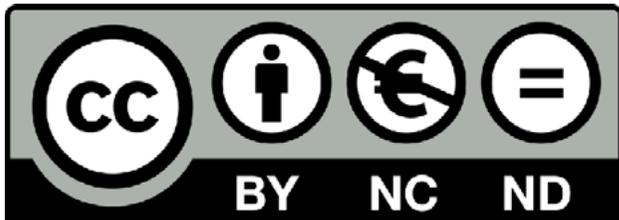
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Flux operates out of Montréal, located on the traditional territory of the Kanien'keha:ka, a place which has long served as a site of meeting and exchange amongst nations. The Kanien'keha:ka are the keepers of the Eastern Door of the Haudenosaunee Confederacy. In writing about political science and international relations we strive to incorporate diverse voices and bear in mind the forces, including (neo) colonialism, which have shaped the way we understand international relations. We encourage all readers to inform themselves on and actively resist, in the diverse forms that resistance can take, (neo) colonialism in Canada and abroad.

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FOREWORD

Welcome to the second issue of Volume 14 of Flux: International Relations Review!

Once again, our devoted team here at Flux—from writers and editors to graphic designers and peer reviewers to executive directors—has worked tirelessly to create an insightful collage of youth scholarship on contemporary world issues.

Volume XIV, Issue II, contains twelve original essays written by undergraduates from universities across Canada, as well as Flux’s first article from the University of Edinburgh. Within Flux’s broad theme of international affairs, these pieces of scholarship touch on political issues in many corners of the globe from the disciplinary perspectives of political science, history, gender studies, and economics.

I congratulate each of the writers and editors for their achievements in this issue. As always, special thanks go to our graphic designer, Luiz de Oliveira Freitas, and our layout editor, Wendy Lin, who are responsible for this publication’s visual appeal. I hope you enjoy reading the articles as much as the Flux team enjoyed working on them. I am proud of all the authors and the entire Flux’s team for making this edition possible.

Best,

Tito Almeida

Editor-in-Chief of Flux: International Relations Review 2023-2024.



Heterogeneous rights – Brazil and international SOGI norm promotion (Discourse and Power)

Robert Black, McGill University

Edited by Myriam Tounekti and Jules Borgetto

ABSTRACT

This paper explores the complex landscape of sexual orientation and gender identity (SOGI) politics in Brazil, and the country's promotion of these human rights norms internationally. Despite Brazil's image as a trailblazer in LGBTQ+ rights and inclusion, activists are challenged domestically by legislative hurdles and conservative movements. Brazil's challenging domestic situation stands in stark contrast with the country's role as a prominent advocate for SOGI norms internationally. This paper unpacks these contradictions and compares Brazil's trajectory with those of Argentina and South Africa. A closer look at SOGI human rights norms in the Brazilian context reveals diverse pathways to human rights norm promotion. Despite setbacks, Brazil's experience offers insights into the resilience of human rights advocacy and the potential for transformative change, advocating for a nuanced understanding of SOGI politics amidst diverse actors and contexts.

The Global North is widely understood as the primary site from which human rights norms emerge and are exported. While many states in the Global North have been very active human rights norm entrepreneurs, they do not have a monopoly on “norm-protagonism,” the active promotion of norms, in the field of human rights (Klein 2021, 16). Latin American countries have promoted human rights norms internationally and some adopted landmark progressive policies such as marriage equality and gender recognition policies earlier than their counterparts in the Global North. This is not to say that any one region of the world has a monopoly on sexual orientation and gender identity (SOGI) human rights norms promotion. Rather, it demonstrates the complexity and uneven legislation of these norms around the world. There is a wealth of contradictions between and within countries on the issue of SOGI norms, with some countries defending these norms internationally despite a questionable human rights situation domestically, and others denying the very existence of LGBTQ+ identities. These contradictions are caused by a complex combination of political factors, socio-cultural norms, activist strategies and national histories.

Brazil is one such country, as it has been described as “an extremely contradictory country” in terms of 2SLGBTQ+ rights (Global Spotlight 2016). The country is known to celebrate queer identities and was one of the first countries to push for SOGI human rights protections at the international level in 2003 (Nogueira 2017, 550). Brazil is home to the world famous São Paulo pride parade and is a world leader in

progressive gender identity laws.

The queer community does however face many challenges domestically as comprehensive legal protections for LGBTQ+ people have faced legislative obstacles. This paper will argue that the counterintuitive state of queer rights in Brazil at the domestic and international level is the product of the conflicting influences of various norm entrepreneurs domestically and internationally. The country’s queer community has been politically engaged and well connected with a political leadership that has been fairly receptive to its calls to action. The government has participated in counter-hegemonic efforts to advance SOGI norms internationally. Activists have however been confronted domestically to a challenging political environment with influential evangelical and conservative movements (Encarnación 2016). Despite a degree of political support for human rights protections for LGBTQ+ communities, these hegemonic groups have been able to block most attempts at legislating many of the human rights norms Brazil promotes internationally.

The paper will start with a discussion of SOGI politics in Brazil. This includes queer rights activists and their historical strategies, political alliances and conflicts with other norm entrepreneurs. I will compare the queer rights movements in Brazil and Argentina by analysing strategies, successes and failures. This will be followed by a discussion of Brazil’s SOGI norm protagonism on the international stage. Brazil’s protagonism will be analysed alongside South Africa’s and I will discuss the impact and implications of their norm entrepreneurship. The paper’s final section will unpack

the contradictions between Brazil's domestic situation and international position, and how this paradox challenges and complexifies the notion of homonationalism as discussed by Jasbir K. Puar and other scholars.

I - Queer Politics in Brazil

Although some people report experiencing a degree of tolerance under military rule, Brazil's National Truth Commission, established in 2011 to investigate violations committed during the military dictatorship, recognised LGBTQ+ people as a group targeted by the military (Encarnación 2016, 165). After Brazil transitioned to democracy in 1985, a host of political groups emerged, including the Partido dos Trabalhadores [Workers Party] (PT). The PT was the only party that was willing to welcome LGBTQ+ groups as part of its mission to become Brazil's "most inclusive and diverse" political party (Encarnación 2016, 168). The PT's early and explicit support for the LGBTQ+ rights made the queer community one of the party's oldest and most loyal constituencies (Encarnación 2016, 178).

While this early alliance gave LGBTQ+ advocates an access to legislative and executive environments that activists around the world would envy, it focused almost exclusively on legislative initiatives. This was arguably done at the expense of other strategies which could have involved more engagement with society and culture at large to change people's attitudes (Encarnación 2016, 170). The legislative approach had little success, with none of the bills relating to SOGI rights being made into law in Congress. Conservative groups within

the legislature, backed by widespread religious and conservative attitudes in society, were unwilling to accept compromises to pass reforms (Encarnación 2016, 170-1). The challenges to SOGI norms legislation are partly due to Brazil's electoral system which has been described as a "deadlock democracy" (Ames 2009). It "generates and rewards a multiplicity of weak parties and individualistic, pork-oriented politicians with little accountability to citizens" (Encarnación 2016, 160), giving small parties significant veto power and making it extremely challenging to have a legislative majority or pass bills without extensive compromise.

Although the structure of Brazil's electoral system undoubtedly contributes to the lack of progress on SOGI norms domestically, the larger patriarchal and religious social context that underpins conservative influence in the legislature should not be forgotten. While queer identities are expressed rather freely and openly during major events in large cities such as São Paulo's Pride Parade, a large segment of the population harbors hostile attitudes towards these identities. Public acceptance is strongly influenced by Brazilian sexual attitudes and expressions of masculinity, which are crucial in shaping public perceptions and acceptance of queer communities. Observers note a link between personal struggles with masculinity and expressions of homophobia among Brazilian men, where hostility towards queer identities is perceived as constituting "proof of their machismo" (Encarnación 2016, 157).

While anti-LGBTQ+ hate is recognised as an expression of traditional masculinity in many parts of the world, a study on homopho-

bia in Brazil's northeast, one of the most disadvantaged parts of the country, documented the particularities of women's attitudes towards queer identities. Conducted in the late 1990s, it found that women were slightly more homophobic than men, and male homophobia was directed towards men and women equally. This contrasts with similar studies conducted in the United States (Encarnación 2016, 155). While no single group is in control of society's acceptance of SOGI identities, this study showcases the complexity of anti-queer sentiments.

Furthermore, various religious groups exercise significant influence on both legislative agendas and social attitudes. The Evangelical community, which is closely associated with conservative political movements and places a strong emphasis on missionary work, makes up a larger proportion of the population in Brazil than in most Latin American countries (Encarnación, 158). Both Evangelical and Catholic leaders are openly hostile towards queer communities, although Evangelical leaders have a much greater capacity to mobilize their followers against queer rights (Encarnación 2016, 159). Religious rhetoric is often dehumanizing and it feeds a culture of hostility towards LGBTQ+ people, normalizing and validating violence. Encarnación explains that "religious rhetoric contributes to a kind of structural homophobia" (Encarnación 2016, 158) by voicing generalized hostility, supporting particular political groups and organising protests against the acceptance of queer identities.

Beyond constituting obstacles for legal recognition of queer rights, these social attitudes

also inflict violence on visibly queer people. This violence has been described as "an epidemic of gay killings" (Encarnación 2016, 156). Grupo Gay Bahia (GGB) is Brazil's oldest queer rights organization still in existence and its data on anti-queer violence has been used by both the Brazilian government and the US State Department's human rights office. GGB reported a record 326 killings motivated by anti-queer sentiments in 2014 and has dubbed Brazil "the world's champion of homophobic crimes" (Encarnación 2016, 157), a claim which has been disputed. While there is undeniably extensive homophobic violence in Brazil, some critics including columnist J. R. Guzzo argue that GGB's data fails to account for the wider context of violence in Brazil. They further argue that the extent of homophobic violence in Brazil cannot accurately be compared with other jurisdictions because of the paucity of reliable data worldwide (Encarnación 2016, 156-7). Despite these nuances, it is clear that Brazil's hegemonic patriarchal and conservative religious norms all have tangible and deadly impacts on queer communities in the country's urban hubs and beyond.

The range of actors opposing progressive SOGI human rights norms points to a central criticism of the Brazilian queer movement: its emphasis on a legislative approach. The movement's alliance with the PT has failed to bring about legislative changes because of a hostile political environment and the PT's political strategies. This has been a source of frustration for many activists, who have been increasingly turning to the courts to advance their agenda. Unlike the legislative approach, working

through the courts has produced successes such as marriage equality and adoption rights for same-sex couples. However, these legal advances have had a limited impact on social acceptance. While in many western countries social acceptance preceded legal recognition of rights, in Brazil legal recognition came first. This again points to the central shortcoming of the Brazilian queer movement: its inability to produce widespread social acceptance.

Activists are now drawing inspiration from the Argentinian queer rights movement which managed to achieve legislative changes through a different approach. While not all elements of Argentinian activists' approach are directly transposable, namely their mobilization of historically salient human rights arguments, there are some practices that can be translated into the Brazilian context. Legislative change and a greater degree of social acceptance was achieved in Argentina by engaging with society and culture at large to challenge "the hegemonic collective conscience that made the homophobes feel comfortable in their thinking" (Encarnación 2016, 186). The Brazilian movement's legislative approach has been quite focused on punitive legislative measures that involves guaranteeing SOGI human rights norms are officially recognised, but paying less attention to broader public engagement with social and cultural attitudes. Even if the Brazilian legislative environment had been conducive to the codification of SOGI norms, it is possible that these legal protections would have had a limited effect on LGBTQ+ people's daily lives. Indeed, an overly legislative approach to guaranteeing respect for human rights norms can

generate resentment and heightened opposition to these rights if they are seen as punitive and are not accompanied with efforts to reform society and culture. The Argentinian movement followed a different approach by engaging extensively with society while also pursuing a legislative strategy. They also benefitted from significant political support, with President Kirchner demonstrating serious personal commitment to legalise same-sex marriage (Encarnación 2016, 181).

This does not mean that the PT neglected their LGBTQ+ constituency, rather that the party's commitment wavered according to electoral circumstances. The PT set aside its support for LGBTQ+ rights in the 1990s and in the lead up to the 2010 elections to court conservative voters which alienated the party's queer supporters, especially younger generations (Encarnación 2016, 173; 181). Conversely, support for LGBTQ+ rights gained momentum in the lead up to the 2014 presidential elections. Incumbent Dilma Rousseff was vocal in her support for LGBTQ+ rights during the campaign, both domestically and internationally, to gain progressive support. During her campaign, Rousseff explicitly stated her support for LGBTQ+ rights in her speech to the UN General Assembly (UNGA) and mobilized Brazilian diplomats around the world to ensure the UN Human Rights Council would approve a Brazilian resolution on SOGI human rights. Embassies located in member countries of the Council successfully negotiated the resolution's adoption thanks to this unusual level of mobilization for a human rights resolution (Nogueira 2017, 558). While this was not the first time

Brazil demonstrated leadership in SOGI human rights internationally, it is an example of one of the few times the country's international and domestic SOGI rights promotion aligned in one initiative.

II - Brazil's international SOGI norm protagonism

While Brazil's domestic LGBTQ+ rights promotion has been quite heterogeneous, its track record on the international scene has long been one of consistent support for human rights norms since the early 21st century. In 2003, Brazil tabled a resolution at the UN Human Rights Council entitled "Human Rights and Sexual Orientation," commonly known as the "Brazil resolution." The resolution faced strong opposition and its vote was postponed until 2004 before eventually being withdrawn (Klein 2021, 12). While the Council never even voted on the resolution, it still had a significant impact. The Brazil resolution amplified LGBTQ+ human rights advocacy within the UN and created enthusiasm among activists which culminated in the elaboration of the Yogyakarta Principles in 2006 (Nogueira 2017, 550). These principles were elaborated according to the same model as the Brazil resolution: rather than pushing for the creation of new human rights norms specific to LGBTQ+ people, it argued that existing non-discrimination principles in human rights texts should be applied to LGBTQ+ people (Klein 2021, 13; Thoreson 2009). Despite the Yogyakarta Principles being a non-binding declaration, Brazil lent them legitimacy by co-hosting an official launch event with Argentina and Uruguay at the UN head-

quarters in 2007 (Nogueira 2017, 550).

Following the defeat of its 2003 resolution, Brazil decided to focus its efforts on regional norm promotion at the Organization for American States (OAS), while continuing to support lower profile declarations of support at the UN. At the OAS in 2008, Brazil sponsored the "Resolution on Human Rights, Sexual Orientation, and Gender Identity" (Human Rights Watch 2008), the first LGBTQ+ rights resolution adopted by an intergovernmental body. This resolution would go on to form the basis of a similar 2011 resolution presented by Brazil and South Africa at the UN (Nogueira 2017, 551). South Africa's co-sponsorship of the 2011 resolution followed a period of South African withdrawal from SOGI human rights norm advocacy, which it had been involved in prior to 2003 (Klein 2021, 3).

South Africa and Brazil are especially well situated to advance counter-hegemonic queer rights norms internationally. Indeed, both are emerging powers in the Global South, they are two of the three democracies in the BRICS alliance and the only BRICS countries where LGBTQ+ people's rights are recognized (Klein 2021, 3). Global South advocacy for SOGI rights can strengthen counter arguments claiming that queer identities are invented and imposed by the West. For this reason, both Brazil and South Africa's initiatives have been welcomed by western countries, although both countries have faced difficulties in their human rights foreign policy. Brazil has been more consistent in its support of international SOGI norms, likely because it enjoys a regional context that is more welcoming to this advocacy

than South Africa. Calls for the recognition of SOGI rights face particular backlash from many of South Africa's neighbours, making it difficult for the country to advocate for these norms without jeopardizing its regional hegemonic ambitions (Klein 2021, 10).

Thus, Brazil's international position on SOGI norms responds to calls to action that could not be accomplished domestically. It is also the product of a diplomatic strategy to bolster the country's prestige on the world stage (Nogueira 2017, 555). There are however other factors at play. Nogueira describes the 2003 Brazil resolution as resulting from a "bold initiative of mid ranking diplomats influenced by the platforms of the LGBT movement" (Nogueira 2017, 552). Klein and Nogueira suggest this initial resolution was made possible by the relative isolation of Brazilian human rights foreign policy from domestic political actors other than the Ministry of Foreign Affairs and LGBTQ+ lobby groups. The country's international position, which reached its height of political prominence during Rousseff's 2014 UNGA speech, was shaped by various norm entrepreneurs over time including diplomats, lobbyists and Ministry of Foreign Affairs officials favorable to the promotion of SOGI norms. This raises important questions about the agency of individual diplomats and public officials to advance norms that may be personally important to them but of lesser concern to their governments. Written in 2021, two years after the election of Bolsonaro's conservative government, Klein's article argues that Brazilian diplomats may be able to continue SOGI norm promotion internationally if they re-

main relatively shielded from the leadership in Brasilia (Klein 2021, 18).

III - Understanding Heterogeneity

The paradoxes of Brazil's stance on SOGI human rights norms domestically and internationally is a product of norm entrepreneurs working in different contexts. Brazil's case is especially interesting because while many other countries' domestic political context is not conducive to SOGI rights protections, Brazil is one of the few countries that promotes these norms internationally in spite of the domestic context.

Brazil's paradox challenges some of the underlying assumptions of Western homonationalism. Jasbir Puar's original formulation of the concept of homonationalism was grounded in the American context and described the transition of queer subjects' relation to the nation-state from being figures of death, largely in relation to the HIV/AIDS epidemic, to figures of life as LGBTQ+ identities are increasingly accepted by the nation-state and are absorbed into its identity. This social acceptance is expressed through the granting of legal rights to marry and have legally recognized families (Puar 2007). Puar's original concept has since been expanded on from being a term specific to US politics to being "a more generalized diagnostic of the international scene" (Schotten 2016, 1), whereby "people's fitness for statehood is measured by the yardstick of their treatment of LGBTQ people" (Schotten 2016, 10). Similarly to white feminism, this form of homonationalism is grounded in a sense of Western exceptionalism and a lack of recogni-

tion of non-Western LGBTQ+ people's agency (Murray 2014), their specific needs, and of queer identities that do not fit within a Western understanding of queer existence. Brazil granted marriage equality rights in 2013, earlier than twelve western countries (Pew Research Center 2023) and is one of the few countries to allow its citizens to change their gender marker on identification documents solely on the basis of self-identification (Human Rights Watch 2018). It is worth noting that these rights were granted by the judiciary, in contrast to some other countries where such advancements were achieved through legislative processes. The methods used to deliver rights can serve as a measure of social acceptance because while the legislature is a reflection of public opinion as expressed through elections, the judiciary maintains more independence from public opinion. The adoption of SOGI norms by the Brazilian government does not align with homonationalism's underlying assumption that social acceptance triggers the incorporation of queer identities by the nation-state and the recognition of their rights because LGBTQ+ rights were recognised in Brazil despite a relatively high level of hostility to these rights.

Brazil also complexifies the homonationalist assumption that after LGBTQ+ identities are recognised by the nation-state, the nation-state will deploy SOGI norms internationally as a "yardstick of civilisation." While Brazil's position as a leader of SOGI norms on the international stage originated as a result of pressures from various domestic and international norm entrepreneurs, arguably one of the reasons it was further pursued is the prestige this position

grants Brazil. The concept of homonationalism as originally defined by Puar and later developed by Schotten does not quite fit the Brazilian context, being a non-Western nation that secured legal protections and defended SOGI norms internationally before reaching a critical level of social acceptance. This phenomena is exemplary of the range of possibilities that exist in SOGI human rights norms promotion beyond Western countries' trajectories. Brazil's position as a country from the Global South that has been promoting SOGI human rights norms internationally despite a complicated domestic context raises the possibility that codified international protections for queer identities are in fact possible despite strong opposition worldwide. Both Brazil and South Africa are uniquely situated to promote these norms in a way that avoids LGBTQ+ people's rights being perceived as a form of western paternalism.

Conclusion

Brazil's stance on SOGI human rights norms may be heterogeneous, but perhaps an expectation of homogeneity represents an overly simplistic understanding of SOGI politics domestically and internationally. Just like any other human rights norm, SOGI human rights norms are produced through a push-and-pull process involving a wide range of norm entrepreneurs with opposing goals. The specific outcomes of norm entrepreneurship will therefore vary between localities, producing different variations and applications of the same ideas. Brazil is just one example of the many ways SOGI human rights norms emerge and are adopted in different national contexts. While

Brazil's legacy of supporting SOGI norms was jeopardized by the election of Bolsonaro in 2018 and a broader context of populist election victories around the world, the country's track record provides hope that human rights norms can still be advanced internationally in spite of domestic politics.

References

- Ames, Barry. 2009. *The deadlock of democracy in Brazil*. Ann Arbor: The University of Michigan Press.
- Encarnación, Omar G. 2016. "Gay Rights and the Paradox of Brazil." In *Out in the Periphery*, 151-86. Oxford University Press.
- Human Rights Watch. 2008. "OAS Adopts Resolution to Protect Sexual Rights." <https://www.hrw.org/news/2008/06/05/oas-adopts-resolution-protect-sexual-rights>
- Human Rights Watch. 2018. "Brazil Boosts Transgender Legal Recognition." <https://www.hrw.org/news/2018/03/14/brazil-boosts-transgender-legal-recognition>
- Jung, Thapa and Saurav. Re. 2016. *LGBTQ Brazil Today: Endemic Violence Despite Legal Progress and Social Acceptance*. Human Rights Campaign Foundation.
- Klein, Magno. 2021. "Brazil, South Africa And The International Recognition Of LGBT Rights: Proposals For A Comparative Research Agenda." *Cadernos De Gênero E Diversidade* 7 (3): 56-83.
- Murray, David. 2014. "Real Queer: 'Authentic' LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System." *Anthropologica* 56 (1): 21-32.
- Nogueira, Maria Beatriz. 2017. "The Promotion of LGBT Rights as International Human Rights Norms: Explaining Brazil's Diplomatic Leadership." *Global Governance: A Review of Multilateralism and International Organizations* 23 (4): 545-63.
- Pew Research Center. 2023. "Same-Sex Marriage around the World." <https://www.pewresearch.org/religion/fact-sheet/gay-marriage-around-the-world/>.
- Puar, Jasbir K. 2007. *Terrorist assemblages*. Durham: Duke University Press.
- Schotten, C. Heike. 2016. "Homonationalism." In *International Feminist Journal of Politics* 18 (3): 351-70.
- Thoreson, Ryan Richard. 2009. "Queering Human Rights: The Yogyakarta Principles and the Norm That Dare Not Speak Its Name." *Journal of Human Rights* 8 (4): 323-39.



The New People in Canton - Contextualizing Early American Interests in the China Trade

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Edited by Susie Strachan and Romeo Hor

ABSTRACT

In 1784, American merchant and soon-to-be United States consul to China—Samuel Shaw—embarked upon a six-month journey to Canton aboard the Empress of China. Backed by the United States Government and fellow capitalists, Shaw’s voyage marked the beginning of relations between the newly independent United States and China. This paper will explore the motivations behind Shaw’s voyages by analyzing relevant primary documents alongside the context in which they were produced. Central to this paper’s arguments are Shaw’s journals, which are some of the only surviving documents from the earliest American trade delegations to China. Using these sources, this paper concludes that while trade with China was profitable, the profits involved were negligible in the context of the gruelling journey across the Atlantic and Indian Oceans. Rather, this paper argues that the voyage to China was driven by a newly independent nation’s deeply rooted desire to project its sovereignty to the wider world. In other words, the Empress of China was guided by an ideal that reverberates across American history and popular imagination: independence.

Introduction

On February 22nd, 1784, one year after the signing of the Treaty of Paris, the Empress of China departed New York Harbour for Canton, marking the beginning of the relationship between the United States and China (Shaw and Quincy 1847, 133). In the century that followed, America would become the second-largest importer of Chinese teas and the dominant reseller of tea to European markets (Du 2018, 252). However, while American gains from the China trade are well-documented by historians, the motivations of Samuel Shaw, the first American Consul to Canton, and the United States Government to establish relations with China are less clear. In 1784, well before the completion of the Panama Canal, ships leaving the North American continent sailed across the Atlantic, around the Cape of Good Hope in Africa, and through the Indian Ocean to reach Canton (Shaw and Quincy 1847). The Empress of China's journey to Canton took six months and necessitated numerous stops in European colonial territories such as St Jago, the Canary Islands, and Batavia. For the Americans involved in the China trade, this journey occupied significant portions of their lives - Shaw's four voyages to Canton defined the final decade of his life; he died of disease during his return journey to the United States in 1794 (Quincy 1847, 124). Furthermore, the Americans had no guarantee that trade with China would be profitable, given that few American merchants knew anything of the waters beyond the Cape of Good Hope, let alone the economic prospects in Canton (124). Given this context, the drivers of early American voyages to China have remained a topic of scholarly debate. This paper argues that Shaw and the United States Government were invested in the China trade primarily as a means of solidifying the sovereign power and reputation of their newly independent nation. In making this argument, I evaluate the extent

to which Shaw's relationships with other European powers, selection of cargo, and written records indicate a broader American sense of purpose rooted in notions of independence and exceptionalism. Further, I reject the alternate argument that this broader sense of purpose was rooted in economic interests by highlighting the relative lack of commercial success that persisted through the final decade of Shaw's life and career. Finally, my argument contributes to the broader body of scholarly literature by taking a clear position on the debate concerning the motivations behind the early China trade. By taking a position on this topic, this paper ultimately aims to enhance understanding of a relatively poorly documented area of early American foreign policy.

Discussion of Sources

In making my argument, I draw on a mix of primary documents and secondary literature.

A majority of the primary documents referenced in this paper were authored by Major Samuel Shaw. While reconstructing the early US-China trade using the writings of one individual has several methodological shortcomings, it is nonetheless necessary in the context of the time period and the scope of this paper. As the first American Consul to Canton, Shaw's letters—some of which are addressed to notable American officials such as John Jay—capture broader American diplomatic and economic interests well. Furthermore, as the supercargo of the only ship to sail to China in 1784, Shaw's accounts are representative of the early American experience in Canton. Finally, Shaw's accounts are significant because they are some of the only surviving documents from early trade voyages to China. Another key source is Thomas Jefferson's letter to the French Minister of Foreign Affairs in 1785 published in academic Henry Cordier's 1989 article. The original document is available in France's Archives des

Affaires Étrangères but has not been digitized. Nevertheless, there are relevant primary documents, including excerpts concerning US-China relations in the Thomas Jefferson Papers and Shaw's diplomatic notes to President George Washington, published in an 1855 collection, which have been omitted. These documents, which are not readily accessible in digital format, were inaccessible given the limited scope of this paper. Nonetheless, I draw on secondary literature that references some of the primary documents that have been omitted.

Foster Rhea Dulles' *The Old China Trade*, published in 1930, is an important source due to its detailed account and analysis of early US-China commercial relations. While Dulles' book is a dated source, it is frequently referenced, alongside Shaw's personal journals, in most contemporary works on the early China trade. The other secondary works referenced in this paper are Kendall Johnson's 2011 book on early American-Chinese relations and Dan Du's 2018 paper on the early Chinese-American tea trade (Johnson 2011; Du 2018). Given that the secondary literature also relies extensively on Shaw's journals as a central source of information, this paper accordingly draws on his journals to contextualize the primary documents. Finally, it is important to acknowledge that both Jefferson's letter and Shaw's journals were published posthumously by other individuals. While the contents of their works remain the same, the contexts in which they were published are different. With the exception of Quincy's memoir, I draw primarily from the primary literature and limit my engagement with the implications of their posthumous publication.

Samuel Shaw's Letters to European Delegates in Canton

The underlying desire of the Americans at Canton to present a distinct national identity is

evident in their written records. From St. Jago to Canton, Americans such as Shaw were often found touting the strengths of their new country. As American traders spoke English, one of Shaw's primary concerns in 1784 was that Chinese merchants would mistake them for British traders. As such, before departing New York, the newly formed Continental Congress provided the *Empress of China* with a declaration communicating the independent sovereignty of the United States (Johnson 2011, 37-38). Even with a document from the Continental Congress, Major Samuel Shaw and his companion, Thomas Randall, made a request to Phillipe Vieillard, the French Consul to Canton, "to announce to the Chinese that [the Americans] are the subjects of a free, independent, and sovereign power" (Shaw and Quincy 1847, 193). Specifically referring to the British, Shaw also asked Vieillard to clarify that they were "not connected with Great Britain, nor owing allegiance to her, or any other power on earth, but to the authority of the United States alone" (193). The desire to be recognized as an independent nation, demonstrated through Shaw's letters, illustrates the anxiety of early Americans in China.

Additionally, Shaw's letter to Vieillard highlights the important role Shaw's relationship with other European powers played in promoting America as a new nation. Along Shaw's voyage across the Atlantic and Indian Oceans, he forged close ties with the Portuguese, the Dutch, and most importantly, the French (132). These connections symbolize the efforts of a new nation to build relationships with the most powerful nations in the world. Shaw's relationship-building efforts are also insightful in that they excluded, to any meaningful extent, ties with the British. If the goal had been anything but reinforcing the image of American independence, then Shaw and his crew should have prioritized partnerships with the British, who

owned the vast majority of the ships and factories in Canton. Nevertheless, it is important to acknowledge that Shaw's crew never had any conflicts with the British.

In fact, Shaw remarked that the British at Canton were "perfectly polite and agreeable," despite tensions from the Revolutionary War looming over their interaction (Shaw and Quincy 1847, 164). Perhaps unexpectedly, the British merchants in Canton even hinted at a possible alliance with America that would "bid defiance to all the world" (164). Nevertheless, the Americans never took up the British offer. Irrespective of their relationship with the British, the Americans at Canton were noticeably closest to the French. Shaw's specific request to Vieillard is evidence of this close relationship (Cordier 1898, 4). Beyond asking the French to announce their status as a new nation, Shaw's company stayed with their French counterparts and sailed into Canton harbour alongside ships bearing France's tricolour flag (Shaw and Quincy 1847, 193). In addition to a close historical relationship, America's partnership with France in China can be explained by the desire to present as a new English-speaking nation distinct from the British. The pursuit of new nation-to-nation relations is further highlighted in Thomas Jefferson's note to Charles Gravier, the French Minister of Foreign Affairs. In his note, Jefferson, the United States Minister to France, thanks the French for their support throughout America's first voyage to Canton and reiterates the importance of personal relationships as a means of strengthening nation-to-nation relationships (163-67). The connection between Shaw's journey and the work of Thomas Jefferson in Paris illustrates the importance of the Empress of China's voyage in American nation-building efforts and suggests that this early period of US-China relations was driven by more than economic interests.

Economic Pursuits and Ideas of Independence

To the United States government, the existence of an American trade route to China mattered more than the volume of trade along the route. While the individuals who travelled the route were undoubtedly driven by profits, government support was rooted in the desire to reinforce American independence. Just as Shaw and his company made numerous efforts to differentiate themselves from the British along their voyage, the United States government wanted to reduce dependence on British imports and assert its sovereignty in the world. Visions of the US-China trade as an instrument to assert independence originated well before the 1783 Treaty of Paris. In 1770, Benjamin Franklin, writing in "The Colonist's Advocate," circulated ideas of establishing independent trade with China as a means to circumvent British economic and political power over the colonies (Du 2018, 152-53). More than a decade later, the same ideas resurfaced as the *Empress of China* departed New York. Shaw's inaugural journey, according to Dulles, targeted the English monopoly on Chinese teas and aimed to secure a supply of tea from China to the United States that would be free from British duties (Dulles 1930, 4-5). This purpose is captured in the official record through Shaw's letter to John Jay, the United States Secretary of Foreign Affairs, where Shaw articulates his desire to build a trading relationship with China "under advantages equal if not superior to those enjoyed by any other national whatever" (Shaw 1785). Just three years after Shaw concluded his first voyage to China, Jay echoed these sentiments in the *Federalist Papers*, where he writes of the need to subvert the monopolies of European powers in China and India in such a way that "enables [America] to partake in advantages which they had in a manner monopolized, and as [America] thereby supply [itself]

with commodities which [it] used to purchase from them” (Jay 1788). In other words, Shaw was not in China solely to further America’s economic prosperity, but rather to secure an independent supply chain. One important avenue through which the newly constituted nation could demonstrate its sovereignty was through the tea trade, which was becoming increasingly significant in the late eighteenth century.

With the English presence in Canton increasing in the late 1780s, the market for tea in Europe became increasingly dominated by Great Britain’s trade ships (Shaw and Quincy 1847, 229). At the same time, the rising demand for luxury Chinese goods in the Western world made reliance on British ships for tea increasingly hard for Americans to accept. Shaw, newly appointed American Consul to Canton, articulates the benefit of establishing an independent trade with China in his second journal. Having established a trade partnership with the Chinese for tea in exchange for ginseng and furs, he writes, that “it must be pleasing for an American to know that his country can have it upon easier terms; that the otherwise useless produce of her mountains and forests will in a

considerable degree supply her with this elegant luxury.” (229). For Shaw to secure this supply, he leveraged the United States’ abundance of ginseng. While this herbal root had been identified as a potential catalyst for US-China trade decades before the Empress of China set sail for Canton, it never lived up to the expectations of those who compared it to silver and gold (Johnson 2011, 43). Staunch advocates for the China trade suggested that the Chinese would have a nearly endless demand for ginseng but the reality, exemplified by Shaw’s unsuccessful voyage aboard the Massachusetts, refuted these ideals (41).

Rather than bringing ginseng to China as a means of fueling American demand for tea, it is more likely that Shaw used ginseng as a tool

to establish the United States as an important and worthy trading partner in Canton. With the British East India Company having a vast network of trading posts in the Indian Ocean, it was nearly impossible for America to beat the British when it came to common goods. Therefore, the success of a new China trade depended on ginseng being valuable enough to capture Chinese interest. The relatively low economic gains from the early China trade, highlighted by Shaw’s various voyages, reinforce the notion that the root’s value was not in its profit but rather in its role as a catalyst for an independent supply chain. Nonetheless, there was an additional element to it in its symbolic value. Ginseng was a key strategic good during early US-China relations and symbolized the unique value of American goods. Standing out as a distinctly American good, the herb highlighted the United States’ efforts to secure an independent supply chain. Though Samuel Shaw, an experienced merchant, frequently praised the economic potential of the China trade, records of US-China commerce during the late eighteenth century suggest a different reality. As the newest nation to trade with China, America would have to compete against the European trading delegations that have been present in Canton since 1516 (Dulles 1930, 31). As seen in Figure 1, the flags of numerous European nations were already flying in Canton by the time Shaw first arrived in 1785. While the sizes of the respective European delegations in Canton fluctuated over the years, the British Empire, a nation which had only a year ago been in conflict with the United States, dominated trade flows. When the Empress of China arrived in Canton in 1785, 17 out of 35 European ships were British (Shaw and Quincy 1847, 182). Even in 1789, five years after US-China trade had begun, Samuel Shaw observed the presence of 21 British vessels out of 32 European ships (Shaw and Quincy 1847, 296). In addition to the sheer difference in fleet

size, American trading ships often struggled to offload all their cargo. In 1790, on Shaw's third voyage to Canton aboard the *Massachusetts*, he had been so unsuccessful at disposing of his cargo in both Batavia and Canton that he ultimately sold the ship itself to the Danish East India Company in order to profit from the voyage (Dulles 1930, 33-34). Consequently, early American ships sailing to Canton were often small vessels with young crews (26-49). Even the *Empress of China*, which had successfully offloaded all of its cargo, only returned to New York with a profit of 25 percent, a meagre gain considering the high risks involved in such an exploratory journey (26). In the context of mediocre and subpar trading outcomes throughout the early US-China trade, Shaw's optimism for the economic potential of the US-China trade is questionable. While the United States would eventually establish a significant trading relationship with China, it would not occur during Shaw's lifetime. This lack of economic momentum in the early US-China trade further cements that inaugural trade voyages to China were concerned more with establishing the image of an independent America in the world. Therefore, it is more probable that Shaw's rhetoric, more prominent in his public writings than in his private journals, was merely a strategy to entice more American merchants to make the journey to Canton. Regardless, Shaw's public image, defined posthumously by Josiah Quincy's publication of his journals in 1840, exemplifies the extent to which America's search for national identity defined the early years of independence.

Samuel Shaw in Josiah Quincy's Memoir

In 1840, Josiah Quincy III, the 15th president of Harvard University, published a collection of Major Samuel Shaw's journals accompanied by a memoir of Shaw's life. Josiah Quincy, presenting Samuel Shaw as a sort of

nationally representative figure, highlights the nation-building narratives present during the early trade with China. From the beginning of the memoir, Quincy connects Shaw's role as the top American diplomat to Canton and his past as a Revolutionary War veteran (Quincy 1847, v). According to Quincy's portrayal of Shaw, the very act of voyaging to China was a demonstration of American political sovereignty (Johnson 2011, 37). Though Quincy's portrayal of Shaw's motivations and experiences is considered to be, to some extent, exaggerated, it nonetheless captures the sentiments that guided American interests throughout the late eighteenth and early nineteenth centuries (51-52). Furthermore, despite Shaw's numerous anxieties over his ability to succeed in Canton, he contributed to nation-building narratives in his own way. Beyond advancing American diplomatic and commercial interests, Shaw searched for other means of asserting American distinctiveness. Shaw's journals detail his efforts to commission a piece of Chinese porcelain to commemorate the Society of Cincinnati, of which he was a founder (36). The Society of Cincinnati, an organization for Continental Army veterans that included figures such as George Washington, was closely tied to an American identity stemming from the Revolutionary War (54). While Shaw ultimately failed to find an artist skilled enough to satisfy his demands in Canton, his efforts to create an object symbolizing America's newfound relationship with China highlight the extent to which the need to present an American distinctiveness shaped the actions of Americans, such as Shaw, in the 1780s. This symbolism, combined with Quincy's portrayal of Shaw, reinforces the notion that the projection of American sovereignty and independence was an important driver of foreign relations during early trade with China.

Conclusion

From his first voyage on the *Empress of China* to his final voyage home aboard the *Washington*, Major Samuel Shaw was driven by his nation's need to build a national image and reputation. Furthermore, as the representative of the United States at Canton, Shaw's sense of purpose exemplifies the broader national search for identity that defined late eighteenth-century America. Despite the mild economic gains resulting from US-China trade, the American government supported the continued pursuit of trade with China as a means of declaring its status as an independent nation to the world. These motivations bring to light the extent to which the question of "What is America?" influenced United States government policy. From Boston to Canton, citizens of the United States answered, through action, this question of nationhood. More than a century after the *Empress of China* left New York, the trading relationship that Shaw and his company initiated with the Chinese would become one of the United States' most important economic ties. In 2022, the value of the US-China trade totalled over USD 750 billion, the highest of all American trading partners (U.S. Trade Rep. 2024). Well after the deaths of Samuel Shaw and the Founding Fathers, their struggle for nationhood defined and continues to define America and its relationship with the world.

Figure 1. Foreign Factories in Guangzhou, ca. 1784-1785. Gouache on silk, 43.5 x 71cm. From Hong Kong Museum of Art, <https://hk.art.museum/en/web/ma/collections/china-trade-art.html>.

References

- Cordier, Henri. "Américains et Français à Canton au XVIIIe siècle [The Americans and French at Canton in the 18th century]." *Journal de la Société des Américanistes* 2 (1898): 1-13.
- Du, Dan. "Green Gold and Paper Gold: Seeking Independence through the Chinese-American Tea Trade, 1784-1815." *Early American Studies* 16 (1) (2018): 151-191. <https://doi.org/10.1353/eam.2018.0006>.
- Dulles, Foster R. *The Old China Trade*. Massachusetts: Houghton Mifflin Company, 1930.
- Foreign Factories in Guangzhou, ca. 1784-1785, gouache on silk, 43.5 x 71cm.
- Hong Kong Museum of Art, <https://hk.art.museum/en/web/ma/collections/china-trade-art.html>.
- Jay, John. "Federalist No. 4 - The Same Subject Continued: Concerning Dangers from Foreign Force and Influence." in *The Federalist Papers*. 1788. Library of Congress. <https://guides.loc.gov/federalist-papers/full-text>, accessed November 4th.
- Johnson, Kendall. *Narratives of Free Trade: The Commercial Cultures of Early US-China Relations*. Hong Kong: Hong Kong University Press, 2011. muse.jhu.edu/book/12701.
- Office of the United States Trade Representative. "The People's Republic of China." accessed February 29, 2024. <https://ustr.gov/countries-regions/china-mongolia-taiwan/peoples-republic-china>.
- Quincy, Josiah. "Memoir." in *The Journals of Major Samuel Shaw: the First American Consul at Canton: With a Life of the Author*. 1-129. Boston: W. Crosby and H.P. Nichols, 1847. Gale Primary Sources, <https://go.gale.com/ps/i.do?p=SABN&u=ubcolumbia&id=GALE%7C-CY0101543027&v=2.1&it=r&aty=sso%3A+shibboleth>.
- Shaw, Samuel. *Account of the Voyage to China*. Thomas Jefferson Papers.
- Papers of the War Department, <https://wardepartmentpapers.org/s/home/item/37282>. May 19, 1785.
- Shaw, Samuel, and Josiah Quincy. "First Voyage to Canton." in *The Journals of Major Samuel Shaw: the First American Consul at Canton: With a Life of the Author*. 132-213. Boston: W. Crosby and H.P. Nichols, 1847. Gale Primary Sources, <https://go.gale.com/ps/i.do?p=SABN&u=ubcolumbia&id=GALE%7C-CY0101543027&v=2.1&it=r&aty=sso%3A+shibboleth>.
- Shaw, Samuel, and Josiah Quincy. "Second Voyage to Canton." in *The Journals of Major Samuel Shaw: the First American Consul at Canton: With a Life of the Author*. 216-255. Boston: W. Crosby and H.P. Nichols, 1847. Gale Primary Sources, <https://go.gale.com/ps/i.do?p=SABN&u=ubcolumbia&id=GALE%7C-CY0101543027&v=2.1&it=r&aty=sso%3A+shibboleth>.
- Shaw, Samuel, and Josiah Quincy. "Return to Canton, and Voyage Homeward." in *The Journals of Major Samuel Shaw: the First American Consul*

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at Canton: With a Life of the Author. 294-334.
Boston: W. Crosby and H.P. Nichols, 1847.
Gale Primary Sources, <https://go.gale.com/ps/i.do?p=SABN&u=ubcolumbia&id=GALE%7C-CY0101543027&v=2.1&it=r&aty=sso%3A+shibboleth>.



Tending to Tradition? Adat, Agriculture, and the Unethical Labour Landscape for Indonesian Women in the Dutch East Indies

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ABSTRACT

From 1901-1942, the Ethical Policy era in the Dutch East Indies was a period when ‘ethical’ colonial policies, which sought to retain the cultural integrity and welfare of the Indonesian people were introduced by Dutch colonial authorities. These ethical policies included strengthening Indonesia’s agricultural economy to bolster local welfare, as well as integrating traditional Indonesian laws and values (adat) into their labour policies—particularly for female labourers. This paper explores the effects of Dutch Ethical Policy on the labour conditions for Indonesian women by examining the consequences of agricultural expansion, how adat is retained in labour policies, perceptions of Dutch versus Indonesian women, and the female night labour bill of 1925. It posits that the Netherlands used pretenses of promoting Indonesian welfare and retaining traditional customs to justify and cover their complacency in the hazardous labour conditions for Indonesian women as a means to earn more profit from crop yields.

Introduction

In 1925, discussions were underway within the People's Council of the Dutch East Indies to draft legislation addressing the governance and regulation of female night labour in Dutch Indonesia (Locher-Scholten 2000, 50). This bill was being developed at a time when notions of womanhood, labour and domesticity began to evolve in the metropole, and Dutch women were increasingly deemed as unfit for physical labour and valued as domestic housewives (Van Nederveen Meerkerk 2016, 150). These standards, however, did not translate for Indonesian women, where the 1925 Bill ultimately made little to no strides in combatting the proliferation of female physical labour in the colony (Locher-Scholten 2000, 54-55). At the same time, Dutch colonial powers were in the midst of implementing their last policy phase in Indonesia before the eventual Japanese occupation: the 'Ethical Policy' era, which placed large emphasis on agriculture and traditional Indonesian customs (Weber et al. 2003, 407-408). These contrasting labour ideals in the colony as opposed to the metropole raise questions about the value of colonial policy, labour, and women's roles in relation to it. Hence, this essay seeks to explore the ways in which Dutch colonial policy and European perceptions of Eastern women influenced the labour roles of Indonesian women in the context of early twentieth century global colonial politics. I argue that the 'Ethical Policy' introduced by the Netherlands in the Dutch East Indies between 1901-1942, specifically their focus on increasing agricultural yield and retaining adat (traditional customary law) alongside Western

policies, shaped Dutch perceptions of Indonesian women as 'natural-born' manual labourers equal to their working male counterparts. These perceptions, in addition to the aforementioned retention of adat ideals, justified the lack of change surrounding the regulation of women's labour laws and practices in the Dutch East Indies, whilst it was simultaneously advancing in the Netherlands. I first discuss the transition of the Dutch East Indies into the Ethical Policy era, what it meant and how it was utilized for the Netherlands' imperial motives. I then focus on a critical component of the policy—adat, how it significantly shaped Dutch perceptions of Indonesian women, and how it ultimately played a large role in the continuation of female night labour. Finally, I examine the 1925 female night labour bill and use it as a case study to demonstrate that its finalized outcomes were a result of the factors I examine in the first two sections. These insights reveal that, despite how beneficial Dutch colonial policies may seem for the colony, there are always hidden imperial agendas in the European colonial system. The Dutch used pretenses of increasing welfare and retaining traditional customs to justify their complacency in the hazardous working conditions for women as a means to profit from agricultural expansion.

The Ethical Policy Era

The turn of the twentieth century was marked by the introduction of "Ethical Policy" in the Dutch East Indies, implemented amidst the last period of Dutch colonial rule in Indonesia (Weber et al. 2003, 407-408). This era of policy stemmed from the increased condemna-

tion by Dutch academics towards the empire's unethical colonial rule—many desired the government to take on more responsibility for colonial subjects and pushed for an emphasis on morality and ethicality in their policies (Weber et al. 2003, 408-409). These concerns eventually reached the governing body, and the Queen expressed her commitment to the welfare of the Indonesian people in her 1901 opening speech at Parliament (Prince 1995, 35). Consequently, the colonial government sought to implement policies that were deemed as morally permissible, such as the introduction of committees that would investigate the economic conditions of the local population (Prince 1995, 35). Furthermore, the Dutch strongly held that welfare was linked to agricultural yield, which resulted in mass expansions in agricultural research, education and labour by the newly created Department of Agriculture in 1905 (Prince 1995, 35). Dutch officials believed that technological advances in agriculture would allow Indonesians to prosper, and the Minister of Colonies even described agriculture as “the single axis around which all prosperity, progress, and development turns” (Moon 2005, 191). As will be explored in the third section, I contend that the ruling government's aspirations to expand Indonesian agricultural industries for local welfare played a factor in the detrimental conditions for women's labour as these policies progressed. Agricultural expansions increase demands for labour, meaning that Indonesian women did not receive the same lax labour privileges enjoyed by women in the Netherlands at the time (Van Nederveen Meerkerk 2016, 150). The primary exports following

their agricultural expansion were coffee, sugar, tobacco and various spices (Tyson 2010, 25), which were also the primary industries where Indonesian women found work (Locher-Scholten 2000, 157-158). While value on agriculture was framed as a commitment to welfare, Tyson describes these profitable plantations as essentially “unfettered capitalism” (Tyson 2010, 25), demonstrating that these ethical policies were ultimately implemented to profit the metropole, with little regard for women's labour conditions despite welfare being at the forefront of their policy model.

Because of these conditions, it is evident that while the Dutch promoted their Ethical Policy as beneficial for the local people, this welfare was not extended nor reflected in the lives of working Indonesian women. The desire to be “ethical” in their ruling extends into the next section, where it will be focusing on a defining aspect of Ethical Policy: adat. Adat Law and its Portrayal of the Indonesian Woman Adat, also known as Indonesian customary law, remains ill-defined to this day due to the ethnic heterogeneity of Southeast Asian groups and the lingering effects of colonial rule on their cultural heritages (Tyson 2010, 24). Adat in the context of the Dutch East Indies, refers to any “entity united by morality, customs, traditions, and legal institutions” (Arizona and Cahyadi 2013, 46-47) and as will be explored, this very broad definition gave the Dutch room to maneuver and manipulate adat to suit their own colonial interests. When the Dutch were drafting the Ethical Policy, they observed that the Indonesian working class were deeply rooted in traditional community ties (Prince 1995, 37), and it

was believed that the use of adat law would be vital to a smooth-working administration (Vandenbosch 1932, 31). They concluded that there would be higher likelihoods of development if colonial policies were tied into Indonesia's native social institutions (Vandenbosch 1932, 31), so the Dutch integrated non-assimilative, indirect methods of ruling during this period and "sought to preserve, to revive where necessary, and to strengthen the native institutions and culture" with little attempt to westernize the local population (Vandenbosch 1943, 499). It was abundantly clear that the Dutch supposedly held heavy respect for adat when implementing their colonial policies—Dutch colonial administrator H. J. Friedericy even expressed in a letter to his parents: "If we want to do our work well, we must immerse ourselves in the mores and customs of every [ethnic] group in every region... We must be aware of kinship relations, friendships, enmities, and intrigues" (Friedericy, 1984, 328). Conversely, it must be questioned to what extent was this respect for adat attributed to genuine care for the local population, and to what extent was it attributed to the advancement of an ulterior agenda. Lev states that while nowhere else did as much to understand Indigenous law and customs, the Dutch simultaneously failed to ask many important questions (Lev 1985, 63).

The retention of adat in colonial policy demonstrates that there is an apparent desire from the Dutch to understand and entrench Indonesian relationships and customs. However, it is difficult to conceive that the empire had genuine concern about the traditional and cultural wellbeing of the Indonesian population—

if this were the case, Indonesia would have not been colonized in the first place. Hidden motivations were littered throughout European expansionism, and in this instance, the use of adat was to uphold the existing exploitative labour laws placed onto Indonesian women to keep plantations profitable. According to Lev, adat law lost its integrity and relation to traditional Indonesian customs after its codification in colonial rule, and officials were rigid and unwilling to expand and evolve adat law as societal conditions changed—the fundamental understanding of adat was no longer Indonesian, but entirely Dutch after its integration into the Dutch East Indies (Lev 1985, 64).

The rigidity of adat law is manifested in the failure of policymakers to sufficiently regulate female night labour laws because it would violate traditional Indonesian ideas that Eastern women were born to work (Gouda 1993, 324), despite growing movements to domesticate women (Locher-Scholten 2000, 50). It will become evident in the following section that adat was a crutch utilized by the Dutch to shape their policies into appearing as ethical, but under the guise of customary respect was the manipulation of traditional Indonesian cultures into policies that would benefit the colonizers at the expense of the colony. The effects of adat law were extremely detrimental to Indonesian women's labour rights because it painted them as biologically destined for physical labour. Gouda asserts that female colonial subjects were often perceived as needing more protection and less disciplinary rigour than colonial men (Gouda 1993, 320), but the opposite is true in the context of Ethical Policy Indonesia—the

Dutch perceived colonial women as equals to their male counterparts—as active participants in both the household and labour market (Van Nederveen Meerkerk 2016, 153). Dutch organizations such as the Java Sugar Employers Union (Java Suiker Werkgeversbond) and Netherlands Indies Entrepreneurs Association (Indische Ondernemersbond) argued that according to traditional adat, women had natural inclinations for manual work (Gouda 1993, 324). This heavily contrasted with the ideal image of the European woman at the time, where they were believed to be inherently domestic figures with the sole duty of caring for their husbands and children (Gouda 1993, 324). Indonesian women were depicted as those who “[toil] and [drudge] as long as her powers allow her to” (Van Nederveen Meerkerk 2016, 153), while European women were described as “the [angels] of the house, always present for her children” (Locher-Scholten 2000, 27). These perceptions were extended onto Western and Eastern husbands, where Western men were perceived to have natural breadwinning inclinations and provide for the family, while Eastern men lacked this impulse entirely—forcing the wife to participate in the workforce to support him (Gouda 1993, 324). Such assumptions stemming from adat law solidified Dutch beliefs that Indonesian women were naturally hardworking and destined for manual labour. They played a significant part in the development—or lack thereof—of their labour conditions and justified the outcome of the 1925 female night labour bill as discussed in the next section.

Stagnation of Progress and the Unwavering Constraints on Female Indonesian Labour

The perceptions of Eastern and Western women held in the previous section were directly reflected in the policies surrounding women’s labour in each respective country—Dutch labour laws reflected what was expected of European women, and Indonesian labour laws reflected those of Southeast Asian women. The Netherlands began efforts to ‘civilize’ the female labour agenda in the late nineteenth century, where they pushed to transform working class women into devoted, sedentary housewives (Van Nederveen Meerkerk 2016, 150). This resulted in official censuses displaying a substantial decrease of women participating in the Dutch labour market in the early twentieth century, as they began to switch from formal forms of labour to domesticated, unreported work (Van Nederveen Meerkerk 2016, 155). The same cannot be said for the working women of Indonesia. While women were becoming increasingly idealized as dependent, domestic objects, Dutch beliefs of the inherent biological differences present between Eastern and Western women (rooted in adat) meant that these standards did not apply to Indonesian women, and they were expected to continue working.

Female labour in Indonesia, especially night labour, continued to proliferate in the sugar, cassava, fibre, oil, coffee, tobacco and rubber industries (Locher-Scholten 2000, 157), and while the work of married Indonesian women “was perhaps frowned upon...it was never intended to be eradicated” (Van Nederveen Meerkerk 2016, 157). As noted in the first section, these industries were among the top grow-

ing industries during the Ethical Policy's agricultural expansion. Therefore, the continuation of employing female labour despite it going against the conventional standards for women at the time is in part, due to increased demands for plantation labour as a result of Dutch colonial commitments to invest and expand these industries. The importance of agricultural yield and development to Dutch authorities significantly overrode any notions of womanhood and domesticity that could be applied to Indonesian women in the early twentieth century; they instead continued to work on these farms, possibly in hopes of one day reaping the welfare benefits that were promised by the Ethical Policies. The extent of female labour is illustrated in the 1930 census for Java and Madura, where almost all of the 30% of working married women were employed in agriculture industries (Centraal Bureau voor de Statistiek 1932-1934, 94-95). In contrast, only 6% of all married women in the Netherlands reported having a job (Centraal Bureau voor de Statistiek 1932-1934, 94-95). These differences demonstrate that standards for Dutch women allowed them the privilege of enjoying less hazardous and laborious work, while perceptions of Indonesian women and the expansion of agriculture did not allow them the same lifestyles.

The proposed bill in 1925 to ban female night labour in Indonesia is a prime case study of how adat, and European perceptions of Eastern women perpetuated unfair working conditions for women in the colony. Female night labour was regarded as hazardous and excessive for women, and was banned in the Netherlands in 1889 (Van Nederveen Meerkerk

2016, 150). Conversely, Dutch authorities only considered its regulation in Indonesia more than thirty-five years after its prohibition in the metropole (Gouda 1993, 324). During the bill's deliberation, there were significant strides made by the Progressive Indonesian Members of the People's Council to pass the bill and ban night work—and while the bill was ultimately passed, significant concessions were made (Locher-Scholten 2000, 50). These compromises were largely due to the surveys provided by the Java Sugar Employers Union and the Netherlands Indies Entrepreneurs Association to the government, which demonstrated that female night labour was crucial in the sugar, cassava, fibre and oil industries, and in certain regions, men were not available to work these jobs (Locher-Scholten 2000, 53). These claims lacked evidence and support, but were nonetheless considered in the legislation's drafting.

The final bill outlined that female night labour was prohibited from 10 PM to 5 AM, with the exceptions of industries where large-scale female night labour is prevalent (Locher-Scholten 2000, 53). These industries would be given special licenses by the labour office that would "allow female night labour during certain periods in the tea, coffee and fireworks factories...and other unspecified industries" (Locher-Scholten 2000, 54). In other words, industries already employing female night labour would not be held under these restrictions if they obtained a special license in advance. In addition to this large exception, the "night" as specified in Indonesia is four hours shorter than its specification in the Netherlands (Locher-Scholten 2000, 54), meaning that Indone-

sian women were subject to four more hours of potentially hazardous work than Dutch women were. Evidently, this bill provides little to no protection for women already employed in these industries—meaning that the majority of the working female class continued to suffer from nighttime working conditions. In the years following the passing of the bill, sugar factories employing female night labour rose from 117 to 126 (Locher-Scholten 2000, 54)—not only did the bill not afford women with any solid protection from night work, it increased it.

This case study demonstrates that technically, while there were advancements made on the prohibition of female night labour, the extreme exceptions made to these restrictions ultimately allowed night labour to prevail, and agricultural industries continued to exploit their labour. These concessions, or rather loopholes, illustrate that European perceptions of female Indonesian work ethic very clearly manifest themselves in colonial policy—while there were efforts to reduce women’s laborious duties, they were ultimately overshadowed by adat ideals positing women as natural-born workers. A European employers spokesman even insisted that adat necessitated female labour, and so the Dutch authorities should not interfere with the writings of the customary law if they wish to respect Indonesia’s traditional culture (Locher-Scholten 2000, 51). This is a clear demonstration of the aforementioned rigidity with which Dutch officials treated adat. They refused to engage with the customary law in a meaningful way, and instead manipulated it to serve their own imperialist interests rather than those of the locals, all whilst portraying

themselves as respectful proponents of the local tradition. The upholding of adat in justifying the continuation of women’s labour was used to propagate the agricultural expansions happening under Ethical Policy, directly benefiting the colonial power. As Gouda asserts, adat ultimately became a set of traditions and customs that the Dutch would define, codify, police, control, reform, and suppress—and by prioritizing certain aspects of adat over others (this case being prioritizing outdated assumptions of female human nature), the colonial power took advantage of Indigenous traditions and imposed their Western values onto them as they saw fit (Gouda 1993, 325). Ultimately the manipulation and administration of traditional customary law as a moral high ground to disguise the Dutch’s desires for agricultural expansion had extremely harmful impacts on the working conditions of Indonesian women.

Conclusion

This essay examined the Ethical Policy’s agricultural expansion, the manipulation of adat to portray Eastern women as biologically manual labourers, and the stagnant outcomes of the 1925 female night labour bill. Through these explorations, it is evident that retaining adat in the Netherlands’ colonial policy distorted perceptions of Indonesian women and led to the demise of their labour rights. The lack of change in their working conditions is reinforced by the colonial authorities’ commitments to increase local welfare through agricultural expansion as part of their Ethical Policy, which requires a larger and prolonged labour supply to sufficiently meet crop yields.

Unfortunately, the labour conditions of Indonesian women suffered due to these policies, which operated under the guise of genuine commitment to the local people's welfare and traditional cultures. These findings demonstrate that seemingly beneficial policies for the colonized do not come without a price—increased welfare, agricultural supply and the integration of traditional values into colonial rule came at the expense of safe working environments for local women. Furthermore, these ethical policies were ultimately implemented to benefit the colonizers, not the colony. Expansions of agricultural industries may result in more welfare, but it fundamentally contributes to the widely profitable plantations that directly advances the economy of the Dutch empire. It can then be concluded that the Ethical Policy era fell short in ethically addressing the quality of life for Indonesian women through its upholding of hazardous labour conditions for the sake of Dutch profits.

Further research can be done to examine the other side of this story—how did the Ethical Policy era contribute to the evolution of Dutch women's labour roles, if at all? Did the profits from Indonesia's agricultural expansion directly benefit the professional wellbeing and development of women in the metropole? Nonetheless, while women's labour conditions have naturally progressed in time following Indonesia's liberation, this paper encapsulates the experiences and hardships of Indonesian women during the turn of the twentieth century.

Sharing their stories reveals the wider intricacies of gender and power dynamics, colonial intentions, and the trickle-down effects within

a colonial empire.

References

- Arizona, Yance, and Erasmus Cahyadi. 2013. "The Revival of Indigenous Peoples: Contestations over a Special Legislation on Masyarakat Adat." In *Adat and Indigeneity in Indonesia: Culture and Entitlements between Heteronomy and Self-Ascription*, edited by Brigitta Hauser-Schäublin, 43–62. Göttingen University Press.
- Centraal Bureau voor de Statistiek (CBS). 1932–1934. "Volkstelling 1930 Vol. VIII." *Census*. The Hague.
- Friedericy, H. J. 1984. *Verzameld Werk*. Amsterdam: Querido.
- Gouda, Frances. 1993. "Nyonyas on the Colonial Divide: White Women in the Dutch East Indies, 1900–1942.*." *Gender & History* 5 (3): 318–42. <https://doi.org/10.1111/j.1468-0424.1993.tb00183.x>.
- Lev, Daniel S. 1985. "Colonial Law and the Genesis of the Indonesian State." *Indonesia* 40 (October): 57. <https://doi.org/10.2307/3350875>.
- Locher-Scholten, Elsbeth. 2000. *Women and the Colonial State: Essays on Gender and Modernity in the Netherlands Indies, 1900-1942*. Amsterdam: Amsterdam University Press.
- Moon, Suzanne. 2005. "The Emergence of Technological Development and the Question of Native Identity in the Netherlands East Indies." *Journal of Southeast Asian Studies* 36 (2): 191–206. <https://doi.org/10.1017/S0022463405000135>.
- Prince, Ge H. A. 1995. "Dutch Economic Policy in Colonial Indonesia 1900-1942: Some Key Topics." *Jahrbuch für Wirtschaftsgeschichte / Economic History Yearbook* 36 (1): 23–44. <https://doi.org/10.1524/jbwg.1995.36.1.23>.
- Tyson, Adam D. 2010. "Critical Conjectures." In *Decentralization and Adat Revivalism in Indonesia*, 21–40. Routledge.
- Van Nederveen Meerkerk, Elise. 2016. "Grammar of Difference? The Dutch Colonial State, Labour Policies, and Social Norms on Work and Gender, c.1800–1940." *International Review of Social History* 61 (S24): 137–64. <https://doi.org/10.1017/S0020859016000481>.
- Vandenbosch, A. 1943. "The Effect of Dutch Rule on the Civilization of the East Indies." *American Journal of Sociology* 48 (4): 498–502.

<https://www.jstor.org/stable/2770017>.

Vandenbosch, Amry. 1932. "Customary Law in the Dutch East Indies." *Journal of Comparative Legislation and International Law* 14 (1): 30–44. <https://www.jstor.org/stable/753727>.

Weber, Robert, Werner Kreisel, and Heiko Faust. 2003. "Colonial Interventions on the Cultural Landscape of Central Sulawesi by 'Ethical Policy': The Impact of the Dutch Rule in Palu and Kulawi Valley, 1905–1942." *Asian Journal of Social Science* 31 (3): 398–434. <https://doi.org/10.1163/156853103322895324>.



Fostering Inclusivity in Peacekeeping: Challenging Gender Stereotypes, Navigating Cultural Understanding, and Promoting Diversity in Recruitment

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ABSTRACT

The United Nations Peacekeeping operations involve a diverse array of stakeholders on the decision-making and enforcement side, ranging from senior officials to troops and civilian personnel, whose backgrounds and perspectives significantly impact mission effectiveness. Gender considerations within recruitment do form an important part of UN's engagement especially within its foundational mandate of Women, Peace, and Security as outlined in United Nations Security Council Resolution 1325. Intersectionality along with cultural contexts within host countries further complicate the recruitment process. Furthermore, while the deliberate inclusion of women is advocated, it often leads to reinforcing stereotypical roles and 'sidestreaming' of gender rather than genuine 'mainstreaming' practices. This paper examines the interconnected challenges of gender stereotypes, cultural understanding, and diversity and inclusivity in peacekeeping recruitment. It argues for a strategic, asset-based, inclusive approach to recruitment and deployment of female peacekeepers, coupled with enhanced cultural sensitivity. Drawing on existing literature and examples, the paper proposes policy recommendations aimed at fostering effective peacekeeping without reinforcing gender stereotypes.

Introduction

United Nations Peacekeeping operations are complex and require important decisions at every step. Recruitment is one such decision. From senior officials to troops and other civilian personnel, a complex set of actors with diverse backgrounds are involved and in most cases, should be involved. One of the factors of consideration is gender. This consideration goes beyond the UN's initial mandate on Women, Peace, and Security situated by UNSC Resolution 1325 which recognizes the disproportionate impact of armed conflict on women and the importance of the equal participation of women in peace, security, and related decision-making (UNSC 2000). The discourse on the existing mandate signals the consideration of a spectrum of the gender of individuals beyond the traditional binary sense, as well as the intersections of race, class, ethnicity, religion and more. Intersectionality adds a dual layer of complexity: one pertaining to the recruitment of a diverse range of senior-level decision-makers, and the other in terms of understanding the cultural context and demographic of the host country of the mission. This also corresponds to the cascading effects of lack of representation might have on the mission itself. The consideration of gender beyond 'women' is a part of the problem of this lack of representation, the research on which is fairly limited.

When women are involved deliberately, it might pivot the focus and intention of the act toward simply reinforcing stereotypical roles of a woman in a traditional sense. Women are often seen as peacemakers and those who can calmly pacify the situation rather than be a

part of the peacekeeper troops just as men are. This may lead to gender 'sidestreaming' rather than the UN-intended 'mainstreaming' practice (Newby and Sebag 2020, 248). Sometimes the presence of women may be necessary to the mission where the host nation's cultural norms disallow male-female interactions outside the family. However, recruiting women solely because of their stereotypical 'nature' rather than their unique advantage and merit often worsens gender-power relations and existing inequalities in the host nations (Olsson 2009, 4). This may also serve as a deterrent to recruitment in some cases. Other deterrents also include social stigmas, the possibility of discrimination against female staff within the UN, and cases of sexual assault and harassment among peacekeepers, some of which this paper will explore.

Women's representation in Peacekeeping has been a dynamic topic of discussion and will continue to attract discourse and discussion with time. This paper aims to investigate the interconnected challenges of gender stereotypes, cultural understanding, and the broader significance of diversity and inclusivity in recruitment in alignment with achieving mission success. It will argue that a strategic, asset-based, inclusive recruitment process and deployment of female peacekeepers, along with an emphasis on cultural understanding and sensitivity, can make Peace Operations more effective during and post-conflict. Furthermore, the paper will argue that this can be done without reinforcing gender stereotypes and with the timely re-evaluation of existing mandates and institutions that can be improved with time. This paper will start by discussing the positive outcomes of female

participation in peacekeeping followed by the successes of existing programs, along with an evaluation of the above-mentioned challenges by employing examples from existing literature on gender and related issues, to then offer policy recommendations in response.

Evaluating Successes I: The Case for Gender Diversity and Inclusivity

Gender mainstreaming and women's representation in peace and security has risen in the past few decades until 2020 when it stood at 23% (United Nations Women 2022). In the existing literature, this attempt has been referred to as 'gender balancing', 'female ratio balancing' or 'gender parity' with an aim to have equal adequate representation of women and men in peacekeeping (Narang and Liu 2022, 175; United Nations 2018). Research has found that a greater proportion of female peacekeepers is associated with greater reporting of sexual and gender-based violence to agencies by victims who feel more willing to approach female peacekeepers; greater protection of women's rights and consequent positive outcomes in the implementation of women's rights provisions in peace agreements and political institutions in post-conflict situations (Narang and Liu 2022, 176). Findings also indicate that greater levels of gender equality in a country reduce the chances of a militarised conflict, first-use of violence under conflict, and the violation of peace treaties (Narang and Liu 2022, 177). Overall, the unique set of assets that female peacekeepers bring to a conflict situation serves as effective guidance mechanisms when implementing policies of gender equality and

challenging stereotypical assumptions.

Women can play a strategic role in 'early peacebuilding' and promoting gender equality in the host countries as well (Fadillah et al. 2020, 125). The case of Indonesian female peacekeepers serves as a notable unique example of early peacebuilding through community engagement activities termed 'Civil-Military Cooperation' (CIMIC) in the form of a human-focused response (Fadillah et al. 2020, 125). These women facilitated health campaigns, built libraries for schools, and shared their culture with local populations, thus building trust, diminishing the conflict impact, and serving as role models for local women, in turn, promoting gender equality (Fadillah et al. 2020, 125). Cultural understanding of the host country's environment such as norms limiting access to men or heightened cases of gender-based violence perpetrated by men can help the UN strategically deploy women along with cultural sensitivity training for men. This method, also called a 'psycho-social' approach can create opportunities for gender parity without reinforcing stereotypical roles. Women's participation consequently also legitimises the perception of peacekeeping missions and promotes public support for women's rights and equality in professional roles (Huber 2022, 1). This may serve as a useful tool for the recruitment of peacekeepers, especially diverse peacekeepers, in countries in the Global South that are popular Troop/Police Contributing Countries (T/PCCs).

Evaluating Successes II: Institutional Mechanisms

The overarching gender response in UN Peacekeeping is guided by UNSC Resolution (UNSCR) 1325 (2000) plus eight other UNSCRs including 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), and 2538 (2020). The UN Department of Operations (DPO/DPKO) has several active initiatives to implement the Women, Peace and Security agenda of UNSCR 1325. Some of these initiatives have proven especially successful while the impact of some others remains to be seen. For instance, the UN Secretary-General launched the Action for Peacekeeping (A4P) in 2018 which aims to support “women’s full participation in peace processes and mak[e] peacekeeping more gender-responsive, including through increasing the number of civilian and uniformed women in peacekeeping at all levels and in key positions”, as endorsed by several member states (United Nations Peacekeeping 2022). This was preceded and followed by 2 global outreach campaigns in 2017 and 2019 aimed at improving women’s representation, resulting in a “rich pool of diverse candidates” and a staggering 50% ratio of women as Senior Corrections Officers in the field (United Nations Peacekeeping 2022).

The UNDPO has a specialised Gender Unit that also produces guidelines and policies for gender response in Peacekeeping. This unit takes into consideration recommendations and the “changing landscape emerging standards for gender equality”, as reflected in the latest Gender Responsive UN Peacekeeping Operations

Policy for DPKO and DFO (Department of Field Operations) (United Nations 2018). This document highlights the outcomes, goals, roles and responsibilities of leadership, staff as well as all Gender Advisors, Units, and Focal Points at the UN in implementing a renewed gender equality outlook to the existing WPS mandate that was called out by the 2015 High-level Independent Panel on Peace Operations (HIPPO) Report for being seen as a ‘women’s issue’ (United Nations 2018; 2020).

Additionally, the UN insists that Member States are responsible for the deployment of women to uniformed functions (United Nations 2018). Member States have taken initiatives in response to contribute to more inclusive peacekeeping missions. The UN Peacekeeping Ministerial meeting in Vancouver, Canada in 2017 launched the Canadian government-led landmark Elsie Initiative for Women in Peace Operations, currently functional until 2027, focusing on this very call for more women in uniformed roles, in non-traditional positions of authority with parity of deployment conditions and work culture (Government of Canada 2022). The Elsie Initiative is a prime example of how international collaboration through a focus on inclusivity, representation, and equality of opportunity can be an effective tool to achieve Gender Parity goals. Some extent of its effectiveness has been attested by the Elsie Initiative Fund managed by UN Women, which has contributed monetarily to projects in Zambia, Ghana, and Senegal to target Gender Parity in their forces, along with specific missions including MINUSMA and UNIFIL (United Nations News 2023).

Evaluating Challenges I: Structural Issues

Women's participation in the field remains below 8% while their representation in peace processes has fallen since 2020 (UN Peacekeeping 2022; UN Women 2022). The flip side of Gender Mainstreaming in UN Peace Operations is Gender Sidestreaming, which relates to concentrating women in only specialised spaces in peacekeeping while attempting to simply increase their numbers, sidelining their merits (Newby and Sebag 2020, 149). This may negatively affect their experience in service while deterring overall female participation. Other related barriers to recruitment include under-representation in national militaries and societal inequalities which challenge promotions and professional development, furthermore deterring participation (Newby and Sebag 2020, 149). Findings also indicate that female peacekeepers are generally deliberately deployed to low-risk areas for gender inequality and gender-based violence or kept 'safe' on-base, limiting interactions with local populations (Baldwin and Taylor 2020, 9; Narang and Liu 2022, 176). This can be extremely detrimental to the agenda of peacekeeping as women have proven useful in helping local communities through humanitarian early peace-building and helping victims of sexual assault come forward (Fadillah et al. 2020, 127). A change in mindset to increase meaningful participation and asset-based recruitment is essential in both national militaries and peacekeepers (Newby and Sebag 2020, 149).

There are other specific barriers facing women peacekeepers that often may not even come

to light easily. Preparations such as appropriate protective gear for the female body type to operate in the field, access to health services and hygienic conditions in facilities, and lack of other supplies coupled with structural discrimination against female staff, societal backlash and familial obligations are often overlooked as deterring factors to female experience and participation in peace operations (Baldwin and Taylor 2020, 8; Kumalo 2021, 1). The existing gender power-relations in host countries, often 'negative', i.e. unequal to men's advantage, make this experience worse (Olsson 2009, 8). In turn, gender power-relations are also affected by peace operations, negatively and positively (Olsson 2009, 4). For instance, in Kosovo, the UN Mission brought in patriarchal ideologies by excluding women from political participation, contrary to Kosovar practices owing to the lack of cultural understanding and representation among UN peacekeepers (Olsson 2009, 8). Contrastingly the previously mentioned case of Indonesian female peacekeepers increased the legitimacy of UN Peace Operations on a world stage (Newby and Sebag 2020, 148).

The culture in militaries worldwide is known to be highly patriarchal and masculine. Women's perception of the military and being a part of it thus involves behaving more manly to fit in, rather than stand out as uniquely advantageous, especially in soldier training that is built and facilitated by men, sidestepping the importance of gender (Alchin et al. 2018, 13). The very identity of a soldier is perceived as hyper-masculine without any space for 'feminine' traits that are devalued and dismissed (Alchin et al. 2018, 13). This may reinforce the very pa-

triarchal structures that need to be modified for inclusivity. Cultural Sensitivity training around the host nation's gender assessment could again serve to build strategy and arguments for the operational effectiveness of employing women, with proper training (Alchin et al. 2018, 13).

Evaluating Challenges II: Realities of Existing Mechanisms

While the UN's efforts toward gender mainstreaming have produced commendable results to an extent, they have not been successful in reducing deep-rooted structural inequalities that women continue to face. The Elsie Initiative for instance has been criticized for gender sidestreaming, and taking an 'instrumentalist approach', failing to address deep-rooted issues of gender inequality, especially in countries of the Global South where most peacekeepers come from (Bouka et al. 2021, 7). The Global South through these measures introduced by the Global North is forced to implement rapid structural changes such as employing more female military personnel that often reinforce gender sidestreaming and overlook international cultural contexts of T/PCCs and the host countries (Bouka et al. 2021, 7). This can often also translate into a lack of adequate training and support systems for deployed women (Kumalo 2021, 1). These problems worsen without females in leadership roles and lack of "in-mission support networks" (Kumalo 2021, 1). These conditions create a vulnerable environment for female peacekeepers conducive to sexual abuse by male-dominated senior officials and other co-workers. Research shows that on average, nearly 1 in every 3 women

peacekeepers has experienced sexual abuse while on a mission (Donnelly et al. 2022, 1). The culture of impunity and "brotherhood" in peacekeepers reinforces these vulnerabilities with a lack of justice mechanisms (Donnelly et al. 2022, 1; Kumalo 2021, 7). This threatens not only the retention and recruitment of women peacekeepers but also the integrity of the mission and gender power-relations in the organization and the host country.

UNSCR 1325 as a whole has been criticized for similar reasons of having a superficial focus, failing to address any deep structural inequalities, and reinforcing existing power dynamics disadvantageous to women (O'Connor 2014). Preventing and criminalizing sexual abuse and gender-based violence perpetrated by UN Peacekeepers is not a part of the original Resolution, attracting criticism (O'Connor 2014). Additionally, the overall image of this issue as a 'women's issue' and the existence of gender units that have historically solely been assigned to take responsibility for the entire WPS agenda are problematic factors associated with the UN's mandate (United Nations 2018; 2020).

Policy Recommendations

The UN calls for Member States to step up in accelerating women's recruitment into peacekeeping via effective communication strategies for information on deployment opportunities and the proliferation of national women's recruitment numbers beyond unformed gender parity targets that stand between 15-30% at most (United Nations Peacekeeping 2022). A paradigm shift in gender equality for peacekeeping however can also be achieved

through a top-down focus on senior roles and leadership particularly. Leadership in peace operations and largely in the UN must be gender-responsive and inclusive to respond effectively to and be accountable for biases and discrimination in peace operations (Smith 2022, 1-2). In practice, this would include gendering the training of leaders using qualitative data on peacekeepers' experiences while also recruiting a diverse range of leaders (Smith 2022, 9). Similarly, recruiters themselves must also engage in gender and cultural sensitivity training to effectively recruit and retain diverse personnel. This should extend to national military training for those specific recruiters who must be free of biases and discrimination, as discussed in the context of gender-responsive leaders. Recruitment materials must additionally reflect inclusive language, culturally nuanced outreach, and tailored training programs. Training particularly is an important recommendation for soldiers too. Culturally-informed gender-responsive sensitivity training along with context-specific training and outreach for soldiers will help mitigate some of the barriers that women face in the male-dominated, patriarchal environment of peacekeeping. A gendered approach to training will improve not only the operation mandate itself but also the professional capacity of a soldier, especially female soldiers who may not see value in their position as a woman in the military, further deconstructing the perception of women as mere gender equality tokens (Alchin et al. 2018, 13). Re-gendering the identity of a soldier is an important step in the right direction (Alchin et al. 2018, 14).

Furthermore, context-specific training and recruitment will help mitigate sidestreaming by "matching the distribution of female troops to the particular needs and conflict behaviors in a particular area" (Narang and Liu 2020, 198). Additionally, the previously mentioned psycho-social approach employed by Indonesia to implement CIMIC can create an inclusive space conducive to realising the effectiveness of female participation in peacekeeping (Fadillah et al. 2020, 127). This will entail the above-mentioned re-gendering of the social identity that must value male and female traits alike, focusing on humans and their culture in the host state.

Lastly, the UNSCR 1325 was a landmark political event of its time. There are several ways to deal with its shortcomings to ensure that the larger narrative of addressing gender equality stays in place. The local cultural context again proves to be extremely important. Reaching out to the local population in ways consistent with the cultural norms of the place while gathering information from more actors in society has been proposed as a possible solution (Olsson and Tejpar 2009, 117). Interacting with local women leaders in some contexts, for example, may prove to be efficient in post-conflict peace-building beyond the conflict. Another popular recommendation is to simply include more women in decision-making processes similar to what has been discussed above in terms of leadership; upholding one of the goals of the Resolution itself and widening support of ideas (Olsson and Tejpar 2009, 117).

Conclusion

Policymakers look for windows of opportunity to introduce policy recommendations. The UN Peacekeeping Ministerial is a crucial platform for discussing and implementing many of these recommendations for women in peacekeeping. The Preparatory Meeting on Women in Peacekeeping in advance of the UN Peacekeeping Ministerial in 2023 highlighted action items for member states concerning the issue. A particular focus on implementing barrier assessments, creating a gender-responsive culture in peacekeeping, and mitigating sexual misconduct is noteworthy (UN Peacekeeping Ministerial 2023).

Until women are seen as uniquely advantageous to the peacekeeping agenda and included at every level from analysis and decision-making in senior leadership to in-field troops that are trained to understand local needs, interact with both male and female locals, and include women in humanitarian considerations, the intended goal of WPS will look bleak and superficial. Measures to encourage women to join by making the environment more inclusive and less stereotypical, in addition to safe from assault and discrimination will boost recruitment. Effective training strategies emphasizing cultural understanding of T/PCCs and the host nations will tie in all of the above-mentioned goals and recommendations for effective peacekeeping.

References

Alchin, Angela, Amanda Gouws and Lindy Heinecken. 2018. "Making a difference in peacekeeping operations: Voices of South African women peacekeepers." *African Security Review*, 27:1,

- 1-19. <https://doi.org/10.1080/10246029.2017.1406381>
- Baldwin, Gretchen and Sarah Taylor. 2020. "Uniformed Women in Peace Operations: Challenging Assumptions and Transforming Approaches." International Peace Institute.
- Bouka, Yolande, Stéfanie von Hlatky, Stéphanie Martel, Sarah-Myriam Martin-Brûlé, Maria Martin de Almagro Iniesta and Marie-Joëlle Zahar. 2021. "Is Canada's Foreign Policy Really Feminist? Analysis and Recommendations." *Network for Strategic Analysis (Queen's University)*, Issue 13.
- Donnelly, Phoebe, Dyan Mazurana, and Eryn Papworth. 2022. "Blue on Blue: Investigating Sexual Abuse of Peacekeepers." International Peace Institute.
- Fadillah, Yulia, Jonni Mahroza, Harangan Sitorus, and Helda Risman. 2020. "The Role of Indonesia's Female Peacekeepers in United Nations Peacekeeping Operations to Promote Gender Equality." *Jurnal Pertahanan*, 6 (2):118-128.
- Government of Canada. 2022. "Elsie Initiative for Women in Peace Operations". https://www.international.gc.ca/world-monde/issues_developpement-enjeux_developpement_t/gender_equality-egalite_des_genres/elsie_initiative-initiative_elsie.aspx?lang=eng
- Huber, Laura. 2022. "The Impact of Women Peacekeepers on Public Support for Peacekeeping in Troop-Contributing Countries." International Peace Institute.
- Kumalo, Liezelle. 2021. "Perceptions and Lived Realities of Women Police Officers in UN Peace Operations." International Peace Institute.
- Narang, Neil and Yanjun Liu. 2022. "Does female ratio balancing influence the efficacy of peacekeeping units? Exploring the impact of female peacekeepers on post-conflict outcomes and behavior." *International Interactions*, 48 (2): 173-203. <https://doi.org/10.1080/03050629.2022.1995729>
- Newby, Vanessa F. and Clotilde Sebag. 2021. "Gender sidestreaming? Analysing gender mainstreaming in national militaries and international peacekeeping." *European Journal of International Security* 6: 148-170.
- O'Conner, Talitha. 2014. "The UNSC & Women: On the Effectiveness of Resolution 1325." *Australian Institute of International Affairs*, March 24, 2014. <https://www.internationalaffairs.org>

- au/news-item/the-unsc-women-on-the-effectiveness-of-resolution-1325/#:~:text=How%20has%20UNSCR%2D1325%20been%20ineffective
- %3F&text=UNSCR%2D1325%20has%20not%20been,the%20formation%20of%20subsequent%20resolutions.
- Olsson, Louise. 2009. "Chapter One. Introduction". *Gender equality and United Nations Peace Operations in Timor Leste*, Leiden, The Netherlands: Brill | Nijhoff. <https://doi.org/10.1163/ej.9789004175495.i-208.7>
- Olsson, Louise and Johan Tejpar. 2009. "Chapter 10: How to Implement Resolution 1325: The Analysis." *Operational Effectiveness and UN Resolution 1325 - Practices and Lessons from Afghanistan*.
- Smith, Sarah. 2022. "Gender-Responsive Leadership in UN Peace Operations: The Path to a Transformative Approach." *International Peace Institute*.
- United Nations. 2018. "DPKO and DFS Policy on Gender Responsive United Nations Peacekeeping Operations." United Nations, Reference No.: 2018.01, February 1, 2018. https://peacekeeping.un.org/sites/default/files/english_gender_responsive_united_nations_peacekeeping_operations_policy_1.pdf
- United Nations. 2020. "Department of Peace Operations Gender Equality and Women, Peace and Security Resource Package." United Nations. https://peacekeeping.un.org/sites/default/files/gewps19_respack_v7_eng_digital_4.pdf
- United Nations News. 2023. "Zambia: New Grant gives boost to women peacekeepers." United Nations, February 7, 2023. <https://news.un.org/en/story/2023/02/1133232>
- United Nations Peacekeeping. 2022. "Women in Peacekeeping". United Nations. <https://peacekeeping.un.org/en/women-peacekeeping>
- United Nations Peacekeeping Ministerial. 2023. "CHAIRS' SUMMARY, UN Peacekeeping Ministerial: The Dhaka Preparatory Meeting on Women in Peacekeeping, co-hosted by Bangladesh, Canada and Uruguay."
- United Nations Security Council. 2000. "Resolution 1325 (2000)." United Nations Digital Library, New York: United Nations, October 31, 2000. <https://digitallibrary.un.org/record/426075?ln=en>
- United Nations Women. 2022. "Facts and figures: Women, peace, and security." UN Women.

**Do we just
leave those
there?**

**Yep. I'm pretty
sure they'll
get along**



The Roots of Ethnic Conflict in Post-World War II Myanmar, Malaysia, and the Philippines

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ABSTRACT

The impacts of colonial history on present-day ethnic relations in Southeast Asia, a region known for its cultural and ethnic diversity, remain significant in understanding the sociopolitical developments within the countries of the region. This paper examines the historical origins and contemporary implications of long-standing ethnic conflicts in Southeast Asia, focusing on Myanmar, Malaysia, and the Philippines. I argue that these conflicts stemmed from colonial legacies and can be traced back to each country's respective colonial periods, which took place at different points in history. From the imposition of territorial boundaries to racial classification and differential treatment, colonial policies resulted in enduring tensions between ethnic populations, which continue to shape ethnic relations in these countries today. British colonial rule in Myanmar fostered tensions between the Bamar majority and non-Bamar minorities, while in Malaysia, disparities between Malays and ethnic Chinese were fueled by British migration policies. In the Philippines, conflicts involving the Muslim minority in Mindanao originated from attempts by the Spanish at Christianization and subjugation, further exacerbated by American imperialism. Despite variations in colonial experiences and timelines, ethnic conflicts underscore the lasting impact of colonization on these countries' present-day social and political dynamics.

Introduction

Western colonialism has had a profound and lasting impact on contemporary Southeast Asia, giving rise to several postcolonial problems that Southeast Asian states have been left to grapple with in their ongoing processes of decolonization and nation-building. Colonial European states imposed formal territorial boundaries with little regard for disparate local populations, introduced non-indigenous ethnic groups, and implemented policies that often favoured or elevated one specific group. Such changes and structures brought by colonial rule thus fostered pluralistic multi-ethnic societies and led to the development of ethnically fragmented states. Karl Hack asserts that “most Southeast Asian states originated not so much as nation-states, but rather as nations-states”, placing emphasis on the multiple fractured identities existing within a single overarching supranationalism (Hack 2012, 138). As such, one of the most salient legacies of the colonial period is ethnic conflicts. As defined by Ivan Ng, ethnicity “is a marker of difference between people” that inevitably demarcates members who belong in an ethnic group from non-members (Ng 2022, 189). The numerous impacts of colonialism on the immense and complex mosaic of ethnicities in Southeast Asia have therefore incited “histories of varying degrees of ethnic conflict” that continue to influence modern-day politics and society, as well as shape everyday life in the region (Ng 2022, 187).

In examining the roots of ethnic conflicts in Southeast Asia following World War II, this paper will focus on the development of ethnic

conflicts occurring in the countries of Myanmar, Malaysia, and the Philippines. This paper will also examine the mechanisms behind conflicts that highlight deep divisions and tensions between an ethnic majority group and a regional minority group or groups. In all three countries, long-standing conflicts rooted in ethnic differences can be traced back to their respective colonial periods, which occurred in different points in history. In the case of Myanmar, British colonial rule beginning in the late 19th century along with Japanese wartime occupation forged a divide between the Bamar majority and non-Bamar indigenous groups. As for Malaysia and the Philippines, the colonial histories of both countries began much earlier in the 16th century. However, tensions between the Malay majority and Chinese minority populations stemmed from the expansion of the British into Malaya later in the early 19th century, while the Spanish colonial era in the 16th century had already laid the foundations for the continuous struggle of the Muslim minority in the southern Philippines against colonial and state intrusions. In the late 19th century, Southeast Asia entered the Age of Imperialism, an era that marked a shift in the motivations of the occupying colonial powers. The colonial policies and practices implemented during this period worsened ethnic divisions between groups in the countries of Myanmar, Malaysia, and the Philippines that persist today. This paper will therefore argue that ethnic conflicts in Myanmar, Malaysia, and the Philippines following World War II can be traced back to the onset of their respective colonial periods, and were further aggravated by colonial policies and

structures during the Age of Imperialism in the late 19th century until 1945. Delving into the colonial histories of Southeast Asian states may provide a better understanding of the development of the conflicts that continue to complicate ethnic relations in states such as Myanmar, Malaysia, and the Philippines today, and thus further uncover the legacies of colonial rule in Southeast Asia.

Myanmar

In Myanmar, ethnic conflicts between the Bamar majority and non-Bamar minority groups can be traced back to the conquest of Burma in the late 19th century by the British, who implemented colonial structures that resulted in the development of tensions across ethnic lines, manifested through racial classification and differential treatment. During this time period, major powers such as Britain focused on the conquest of overseas territories and the exploitation of the resources and populations of such territories. In their conquest of Burma, the British began demarcating the boundaries of their acquired territory, forcing different ethnic groups into existing as a single unit. The drawing of borders led to the classification of groups, which allowed the British to formally distinguish between different ethnic populations. In doing so, the British were able to introduce reform and more effectively develop and facilitate colonial rule over a “more governable” population (Ng 2022, 189). This led to the British imposing differing policies upon different ethnic groups, fueling resentment between them. For instance, the traditional political structures of the Bamar majority in

central Burma (Burma Proper) were abolished, resulting in strained relations with the colonial government. On the other hand, ethnic minority groups residing in more peripheral regions (Frontier/Scheduled Areas) were allowed to retain their traditional political structures and thus foster a better relationship with the colonial state. As such, minority groups such as the Karens and the Kachins were favoured by the British colonial administration, which provided them with positions in the military and the government as well as preferential treatment in education (Mukherjee 2021, 108). The distinction made by the British between Burma Proper and the Frontier Areas, or the center and the periphery, created physical and socio-ethnic divides between their respective populations that would be further problematized by the Japanese in World War II.

Under Japanese occupation, tensions between the Bamar majority and the ethnic minorities worsened as a result of the formation of a predominantly Bamar elite coupled with rising sentiments of nationalism and independence. The arrival of the Japanese into Burma led to the creation of the Burma Independence Army (BIA), a nationalist army that fought against British colonial rule. As such, those loyal to the British, mainly ethnic minorities, “found themselves at odds with the nationalist allies of the Japanese” (Than 2005, 72). Later on, however, the BIA would collaborate with the British to revolt against the Japanese, as they soon realized that the Japanese would not be granting them true independence (Selth 1986, 495). This would result in both a sense of betrayal amongst those who were loyal to the Crown, as

well as in the politicization of ethnic identities through the recognition of a Bamar-dominated elite as “the saviours of independent Myanmar” (Than 2005, 72), who eventually dominated the political landscape following independence. Under a Bamar-dominated state, ethnic minorities faced marginalization and discrimination, resulting in decades of armed rebellions, ethnic conflicts, and even persecutions, such as the ongoing Rohingya genocide (Kramer 2015, 355). Ultimately, ethnic divisions between the Bamar majority and ethnic minorities in Myanmar can be traced back to British colonial rule, which were then worsened under Japanese occupation, thus maintaining majority-minority relations that continue to be problematic until present day.

Malaysia

In the case of Malaysia, racialized divisions between the Malays and the ethnic Chinese first stemmed from the expansion of the British into Malaysia then later from the increase of the Chinese population, leading to economic rivalries and institutionalized racism. In the 16th century, Europeans entered Malacca and introduced the concept of a “Malay” identity to local populations (Ismail 2020, 176). The prospect of the development of a Malay nation and race was later introduced when Malaya fell under British control in the early 19th century, an administration which worked to construct forms of ethnic categorization and identification. While the ethnic conflicts in Myanmar mainly involved indigenous populations, ethnic divisions in Malaysia occurred as a result of the influx of immigrant populations that were en-

couraged by British migration policies. In order to meet the needs of the colony’s export economy, the expansion of the British into Malaya provided employment opportunities for the Chinese, attracting thousands of migrants. Hari Singh observes that “it was the British who, by conscious design but also inadvertently, implanted an anti-Chinese temperament in the Malay psyche” (Singh 2001, 46). As the rate of Chinese migrants and their economic involvement increased, the British decided to maintain a dual economy policy that would restrict indigenous Malays solely to the traditional sector, thus structurally segregating the two ethnic groups (Noor and Leong 2013, 716). The division of labour across ethnic lines resulted in little to no inter-ethnic contact as well as economic inequality, with ethnic Malays in unwaged sectors and non-Malays in waged capitalist sectors (Noor and Leong 2013, 716). This led to the ethnic Chinese being the first middle class to emerge in Malaysia (Montesino 2011, 117). The steady economic expansion of the Chinese began to pose a threat to the Malay population as well as the British colonial administration, resulting in the creation of pro-Malay policies that would mark the beginning of the institutionalization of Malay entitlement to statutory privileges.

Similar to what had occurred in Myanmar, Japanese occupation during the Second World War further increased animosities between the ethnic Chinese and Malay groups through mutual targeted attacks. Later on, the involvement of both parties became racialized, as a Chinese-majority group launched an insurgency campaign against the British while ethnic Ma-

lays began supporting the British (Opper 2019, 173; Belogurova 2014, 461). Prejudice and socio-economic inequalities continued to divide the ethnic groups for decades in the early 20th century, leading to the adoption of preferential policies in favour of the Malay race. This further reinforced ethnic rivalries, marginalized minority populations, and legitimized institutional racism. Thus, Western colonization incited inter-ethnic conflicts in Malaysia by bringing in immigrant populations and creating preferential policies that led to the institutionalized empowerment of the Malay majority, both of which continue to affect the country's social and political landscapes today.

The Philippines

Ethnic conflicts involving the Muslim minority in Mindanao, the southernmost island group of the Philippines, can be traced back to the Spanish colonization of the country and were later worsened by American imperialism in the 20th century. Upon their arrival in the archipelago, the Spanish began their mission to convert local populations to Catholicism, simultaneously ceasing the spread of Islam into the islands and attempting to Christianize and colonize local Muslim populations (Majul 1988, 897). However, despite never being fully subjugated by the Spanish, Muslim populations and their territories were still included in the territory ceded to the United States following the Spanish-American War. This is similar to what had occurred in Myanmar, where multiple groups were forced to coexist as a single society within borders established by colonial intruders.

Influenced by the widespread ideas of expansionism and imperialism, the Americans took control of the Philippines and implemented policies of reform and development. Under American rule, the othering of those in the South increased as a result of resettlement policies introduced by the American colonial government (Ferrer 2005, 116). Due to such policies, immigration into Mindanao by Filipinos residing in the North increased, given that the American colonial government systematized land ownership and granted resources and ancestral lands in the South to Christian Filipinos and American corporations (Tuminez 2007, 79). The Muslim population, once the majority in the South, thus became outnumbered. Similar to that of the Malays' perception of ethnic Chinese in Malaysia, prejudice against Muslim minorities in the Philippines by Christianized Filipinos stemmed from the introduction of Spanish ideas and identities. Furthermore, the ethnic Malay and Christian Filipino populations both received preferential treatment as a result of their political dominance at the expense of ethnic minorities.

Policies under the American colonial government as well as the othering of Muslims in Mindanao continued to affect relations between Muslim and Christian Filipinos, even under the post-independence Philippine government. State administrations continued to perpetuate the disadvantaged and repressed existence of Muslims in the state, resulting in armed resistance movements and ongoing negotiations for self-determination of the Muslim population (Tuminez 2007, 79). Persisting ethnic relations involving Muslim minority populations

in the Philippines are thus evidently rooted in the Spanish and American colonial eras of the Philippines.

Conclusion

Despite differences in colonial masters and timelines, all three Southeast Asian countries have experienced and continue to experience the consequences of colonization, as evidenced by inter-ethnic relations. By examining ethnic conflicts in the countries of Myanmar, Malaysia, and the Philippines, it is evident that the roots of conflicts, both past and present, can be traced back to the beginning of their respective colonial periods. Upon entering the Age of Imperialism, colonial structures and policies, such as mapping, identity construction, and migrant resettlement, negatively affected ethnic relations in ways that further exacerbated existing tensions between ethnic populations. Such experiences under colonial rule still have lasting effects on the social and political landscapes of these countries today, which continue to be divided along ethnic lines. Additionally, the colonial timelines of these three countries exemplify the diverse experiences of colonialism in Southeast Asia, with the roots of conflict between the aforementioned ethnic groups being traced back to different points in history. Despite the differences in their colonial experiences, ethnic conflicts became a common consequence of colonization in the region of Southeast Asia. Understanding ethnic conflicts as a lasting colonial legacy is thus important in a region as diverse as Southeast Asia, where issues of race and ethnicity continue to be deeply ingrained within these states' societies.

References

- Belogurova, Anna. "The Chinese International of Nationalities: the Chinese Communist Party, the Comintern, and the foundation of the Malayan National Communist Party, 1923–1939." *Journal of Global History*, vol. 9, no. 3, 2014, pp. 447-470.
- Ferrer, Miriam Coronel. "The Moro and the Cordillera Conflicts in the Philippines and the Struggle for Autonomy." *Ethnic Conflicts in Southeast Asia*, edited by Kusuma Snitwongse and W. Scott Thompson, ISEAS Publications, 2005, pp. 109-150.
- Hack, Karl. "Decolonization and violence in Southeast Asia: Crises of identity and authority." *Beyond Empire and Nation: The Decolonization of African and Asian societies, 1930s-1970s*, edited by Els Bogaerts and Remco Raben, Brill, 2012, pp. 137-166.
- Ismail, Khauthar. "Imperialism, Colonialism and their Contribution to the Formation of Malay and Chinese Ethnicity: An Historical Analysis." *Intellectual Discourse*, vol. 28, no. 1, 2020, pp. 171-193.
- Kramer, Tom. "Ethnic Conflict and Lands Rights in Myanmar." *Social Research: An International Quarterly*, vol. 82, no. 2, 2015, pp. 355-374.
- Majul, Cesar Adib. "The Moro Struggle in the Philippines." *Third World Quarterly*, vol. 10, no. 2, 1988, pp. 897–922. <http://www.jstor.org/stable/3992672>.
- Montesino, Max U. "Cross-cultural conflict and affirmative action: Inter- and intra-ethnic dilemmas of Malaysia's heterogeneous workplace." *International Journal of Cross Cultural Management*, vol. 12, no. 1, 2011, pp. 115-132.
- Mukherjee, Kunal. "Race Relations and Ethnic Minorities in Contemporary Myanmar." *Routledge Handbook of Race and Ethnicity in Asia*, edited by Michael Weiner, Routledge, 2021, pp. 108-125.
- Ng, Ivan Yan Chao. "State approaches towards managing ethnic diversity in Myanmar and Malaysia: British legacies, postcolonial nationalism and contemporary issues." *Asian Ethnicity*, vol. 23, no. 1, 2022, pp. 186-206.
- Noor, Noraini M and Chan-Hoon Leong. "Multi-culturalism in Malaysia and Singapore:

Contesting models.” *International Journal of Intercultural Relations*, vol. 37, no. 6, 2013, pp. 714-726.

Opper, Marc. “The Malayan Emergency, 1948-1960.” *People’s Wars in China, Malaya, and Vietnam*, University of Michigan Press, 2019, pp. 173-203.

Selth, Andrew. “Race and Resistance in Burma, 1942-1945.” *Modern Asian Studies*, vol. 20, no. 3, 1986, pp. 483-507.

Singh, H. “Ethnic Conflict in Malaysia Revisited.” *Commonwealth and Comparative Politics*, vol. 39, no. 1, 2001, pp. 42-65.

Than, Tin Maung Maung. “Dreams and Nightmares: State Building and Ethnic Conflict in Myanmar (Burma).” *Ethnic Conflicts in South-east Asia*, edited by Kusuma

Snitwongse and W. Scott Thompson, ISEAS Publications, 2005, pp. 65-108.

Tuminez, Astrid S. “This Land Is Our Land: Moro Ancestral Domain and Its Implications for Peace and Development in the Southern Philippines.” *The SAIS Review of International Affairs*, vol. 27, no. 2, 2007, pp. 77-91. <https://www.jstor.org/stable/27000092>.



A Comprehensive Analysis of National and Supranational Approaches to Refugee Migration within the Framework of European Integration

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ABSTRACT

This essay examines the European Union's (EU) response to refugee migration, focusing on policy contributions, national approaches, and prospects for collaboration. By analyzing the 2015 European migrant crisis and the ongoing Ukrainian refugee crisis, it elucidates the complexities surrounding refugee migration in the EU. The study explores EU legislative developments, including the New Pact on Migration and Asylum, and evaluates divergent national perspectives, ideological barriers, and challenges to collaboration within the organization. It underscores the importance of solidarity and equitable burden-sharing in addressing refugee migration. Using theoretical analysis and empirical evidence, this paper offers insights into the EU's efforts to manage refugee migration and the implications for future policymaking and collaboration.

Introduction

Since its inception, the European Union has faced significant challenges arising from the tension of two divergent forces: national autonomy and the need for unanimous decisions at the EU level. This dilemma undermines the EU's founding principles of unity and collaboration and is present in numerous crucial domains within EU policymaking. Although the efforts of EU institutions and national governments to address this issue have produced tangible results and some support mechanisms, the Union has failed on multiple occasions to build a functioning collective refugee and asylum system. This has resulted in disparities and controversies in the treatment and reception of refugees. The disparities in member states' geographic locations, available resources, and ideology have consistently hindered the equitable distribution of asylum seekers, creating inequalities in burden-sharing. Moreover, the rise of right-wing populist movements across EU countries has heightened anti-immigration sentiments and security concerns, thus imposing further barriers on a demanding and unanimous decision-making process and obstructing the creation of solidarity-driven measures.

Addressing refugee migration is a multifaceted challenge influenced by national and supranational factors and requires a nuanced analysis of countries' perspectives to design policies equitably and collectively. This paper will examine how national and EU supranational forces conflict and cooperate in managing refugee migration and asylum regulations in the framework of European integration. This essay will proceed with a contextual sec-

tion about EU refugee migration, followed by three main sections. Section one will study the EU policy contributions to the issue, including drawing on two relevant cases. Section two will analyze national approaches and ideology, and section three will discuss prospects for improved collaboration. The inquiry spanning these sections finds that while the EU has made strides in policy contributions to address refugee migration, divergent national approaches and ideological differences pose significant challenges. Nonetheless, there are promising prospects for improved collaboration within the EU, particularly through initiatives like the New Pact on Migration and Asylum, which aim to foster greater cohesion and solidarity among member states.

Context and History of EU Migration: The 2015 and Ukrainian Refugee Crises

To better contextualize the mechanisms behind EU policy contributions to address refugee migration, this section discusses the historical context of refugee migration in the EU and the statistics on refugee arrivals, focusing on two crucial migrant crises in the last decade: the 2015 European migrant crisis and the Ukrainian refugee crisis, ongoing since 2022. In September 2020, the Commission launched the New Pact on Migration and Asylum, the most recent set of regulations to reform the EU's asylum and migration policies. This Pact is a reform of the 2015 Integrated Political Crisis Response (IPCR) arrangements, which provided tools to better coordinate political responses towards various cross-border crises (European Council 2022). The creation of the

IPCR was motivated by the 2015 European migrant crisis, which was sparked by EU countries receiving a significantly increased influx of migrants and refugees, mostly through the Eastern route, originating from Syria, Afghanistan, Iraq, and parts of North Africa. Although an unprecedented number of migrants marked the 2015 crisis, the asylum flows have never been constant nor equally distributed across the EU. Illustrating the lack of consistent numbers of refugee inflow into the EU, the European Commission published statistics demonstrating a variation from 1.8 million asylum seekers entering in 2015 to around 142,000 entering in 2019 (European Commission 2024). Frontex, the EU agency responsible for coordinating border control and coast guard operations to ensure the security of the union's external borders, has recorded approximately 380,000 irregular arrivals in 2023 primarily due to a surge in arrivals through the Mediterranean Region (Frontex 2023). Moreover, the crisis created functional spillovers and put systems like the CEAS under immense pressure (Migration Policy Institute), thus leaving a pattern of incomplete governance structures and sparking debates in policies related to asylum, borders, and legal migration. Scholars like Marco Scipioni emphasize that despite EU collective efforts, including the establishment of mechanisms like the Temporary Protection Directive and the European Refugee Fund, the EU management and response to the 2015 crisis needed more solidarity, preparedness, consensus, and coordination. These initiatives, while representing steps toward addressing migration challenges, fell short of providing the comprehensive and uni-

fied response necessary to effectively manage the scale and complexity of the crisis. Scholars point to other failures critical to the process: for instance, the inaccessibility of the Court of Justice of the European Union (CJEU) and the ineffectiveness of the common asylum system reflected in the Justice and Home Affairs (JHA) policy from the Treaty of Maastricht (Scipioni 2017, 6).

On February 24 2022, following the full-scale invasion of Ukraine by Russian armed forces created another EU-facing refugee crisis. The influx of Ukrainians fleeing war led to a severe humanitarian crisis both in Ukraine and neighboring countries, including Poland, Hungary, Romania, and Slovakia, among others. By June 2023, more than 7 million Ukrainian citizens had fled the country since the start of the war (Opora Civic Network), and 5.9 million of these refugees were recorded across Europe according to the United Nations High Commissioner for Refugees (UNHCR). On March 4 of that same year, the European Council introduced a temporary protection program to provide immediate and collective protection to displaced individuals from Ukraine, granting them residence, labor, housing, medical, and education rights across the EU (European Council 2022). The Commission coordinated this initiative and oversaw the cooperation among member states. Additionally, on April 4, the EU redirected resources from cohesion policy funds and the fund for European Aid for the Most Deprived, providing up to €17 billion to assist Ukrainian refugees (European Council 2022).

Public opinion, especially from Ukraine, claims that the EU's contribution is somewhat sufficient, but above all, there was a pre-war fear that the migration waves to Western Europe could potentially create 'Ukraine fatigue' in the EU (Chaban and Elgström 2021, 61). This sense of 'fatigue' within the EU could detrimentally impact the EU's refugee policy by diminishing member states' willingness to provide sufficient resources and support for accommodating refugees from Ukraine, potentially leading to inadequate responses. Moreover, the Ukrainian public also identifies the rise of far-right-wing populist movements and Euro-skepticism as ideological barriers that hinder more effective, unanimous responses within the EU (Chaban and Elgström 2021, 61), which has proven to foster divisions and undermine the cohesion necessary for effective collective decision-making. However, some Ukrainians attribute the spread of Euro-skeptic, anti-Ukrainian attitudes in the public and political spheres to be fuelled by Russian money (Chaban and Elgström 2021, 61).

EU Migration Legislation and Contributions

EU institutions such as the European Council, the European Commission, and the European Parliament have been intensifying efforts to shape effective, safe, and humanitarian migration policies in recent years. Several European countries, notably Hungary, Poland, Slovakia, and Italy, have been vocal critics of the EU's migration policies and have displayed varying degrees of reluctance or outright refusal to cooperate with EU initiatives. They have often em-

phasized national sovereignty concerns and expressed skepticism towards the EU's approach to handling migrant and asylum issues. Despite these attitudes, the EU continues to evolve and reshape its migrant and asylum legislation by targeting deficiencies and learning from past failures. The Council and the EU work together to establish a line of action, define programs and legislation, and if circumstances require, to negotiate with non-EU member states involved in the issue at hand (European Council 2022). The European Commission plays a significant role in developing and implementing legislation concerning migration, refugee, and external borders, and its most recent prominent project is the development of the New Pact on Migration and Asylum.

Introduced in September 2020, the Pact intends to normalize migration in the long term and provide certainty, clarity, and decent conditions for migrants who arrive in the EU. In June 2022, the Council approved negotiating mandates on Eurodac Regulation, a package intended to help the member states better monitor asylum seekers' paths within the EU. Additionally, the Eurodac Regulation allows law enforcement authorities to access asylum seekers' fingerprints if necessary to prevent, detect and investigate serious crimes, thus enhancing existing security measures under the asylum-provision process (European Commission). Moreover, by September 2022, the Parliament and the Council officialized a timeline for the organization and adoption of the proposals under the Common European Asylum System, which is estimated to conclude negotiations in 2024 (European Commission). Despite the skepti-

cism expressed by Poland, Hungary, and Lithuania about this reform, refugee migration is, at its core, a shared problem that may affect any EU nation due to the inconsistent nature of refugee arrivals and the interconnectedness of the challenges that it poses within the EU (Thym 2022, 18).

Thus, the continued effort of the EU in enforcing and improving migration legislation will also serve as a consciousness-enhancing tool among member states. A ground-breaking shift in EU migration matters occurred in June 2023 when the Council agreed on the new fundamental asylum and migration laws. The asylum procedure regulation (APR) newly outlined a set of standardized rights for asylum seekers. The new APR seeks to prevent asylum abuse through clear applicant obligations while introducing mandatory border procedures at EU external borders to quickly assess asylum applications. Moreover, from now on, member states would have to establish their capacity for border procedures, setting the EU's capacity at 30,000 refugees (European Council 2022). Additionally, the Asylum and Migration Management Regulation (AMMR) was designed to fully replace the controversial Dublin Regulation, which required refugees to apply for asylum in their first arrival country; disproportionately assigning responsibility to border countries and failing to align with refugees' preferences. The Dublin Regulation was responsible for numerous tensions among member states during crises and infamously resulted in a lack of solidarity and burden-sharing between member states (Ripoll 2020, 12-13), thus hindering the elaboration of a more coordinated, effective

response. The 2023 AMMR aims to expedite the process of determining the responsible member state for asylum applications while including measures to discourage 'secondary movements' – the uncoordinated and self-motivated movement of refugees from the country in which they first arrived, in order to seek protection or permanent resettlement elsewhere (European Council 2022). Lastly, the Council approved a significant milestone in the solidarity mechanisms among EU states characterized by financial support and potential relocations of refugees. Under the newest reforms, there will be a minimum of 30,000 annual relocations from heavily burdened to less exposed member states, with financial contributions set at €20,000 per relocation (European Council 2022). The New Pact on Migration and Asylum reflects the Commission's objective to reform the 1999 Common European Asylum System (CEAS) following three pillars: efficient asylum and return procedures, solidarity and fair share of responsibility, and strengthened partnerships with third countries (European Commission). The CEAS establishes common standards to ensure equal treatment for all asylum seekers. The system has undergone constant reforms since its early establishment, for instance, the Commission's 2016 new package of legislation as a response to the 2015 European migrant crisis (European Commission). The CEAS is now governed by the five legislative instruments and the European Union Agency for Asylum (EUAA), which provides operational and technical assistance to Member States in assessing applications for international protection. The EUAA is also responsible, together with the

UNHCR, to act as advisors and coordinators of the resettlement and humanitarian admission of non-EU citizens who seek protection in the EU. Indeed, the EU-sponsored resettlement and humanitarian admission scheme, involving the contributions of many member states, has assisted in the comfortable relocation of more than 117,000 refugees since 2015 (European Commission).

Overall, the dynamic evolution of EU legislation regarding refugee migration lays a robust foundation for increased collaboration among EU countries in this matter. We can expect that initiatives like the AMMR, which address burden-sharing and enhance solidarity within the EU, together with the standards of equality for asylum seekers set by the CEAS, will raise further awareness about the pressing need for EU countries to unite into a collective commitment to adequately manage humanitarian emergencies.

National Approaches to Refugee Migration

The last few years have seen immense improvements in the EU's objective to shape a more effective, inclusive, solidary refugee asylum legislation that will enhance the effectiveness of asylum-seeking while protecting the rights of refugees coming into the EU. The reformed legislation is expected to bring EU member states closer together and alleviate existing tensions. A set of countries known as the Visegrád countries, which include Poland, Hungary, Slovakia, and the Czech Republic, have always been the most critical and primary opponents of refugee migration

legislation. When faced with the suggestion of greater refugee inflow, these countries have expressed concerns regarding national sovereignty, cultural preservation, potential strain on social services and infrastructure, fears of terrorist threats, and perceived loss of control over their borders. Thus, as could be expected, these countries fervently reject the Council's suggestion of mandatory relocation of refugees within EU countries (Thym 2022, 13). However, these countries are not the only ones to blame for non-cooperation since many other member states, such as Austria, do not currently receive a proportional inflow of asylum seekers and prefer to act indifferent about the situation and hide behind Visegrád countries' oppositions (Thym 2022, 14).

Another main source of tensions in migration discussions is the disagreement between Northern and Mediterranean countries, and the 2021 discussions surrounding the new reform have been no exception (Thym 2022, 18). Spain, Italy, Greece, Cyprus, and Malta, also known as the 'MED5', are the EU countries that historically have borne most of the burden of managing irregular refugee migration due to their geographic location. The 'MED5' have always pushed for a fairer allocation of asylum seekers and were heavily affected by the 2013 Dublin Regulation III, which has consistently been a source of controversy and discontent during EU migration discussions. Since the 'MED5' have been key providers of resources and active participants in the affairs of the European asylum system, Thym argues that an agreement might be impossible to reach if Northern countries fail to compromise with

them (Thym 2022, 18).

Moreover, as a consequence of migration inflows into the EU, several member states introduced temporary internal border controls to limit the number of migrants entering their national territory, also undermining the free-movement principles established by the Schengen agreement. The temporary reintroduction of internal border controls by member states is allowed under the Schengen Borders Code (SBC). However, according to the Commission, this measure must only be used as a last resort (European Commission). Unsurprisingly, in 2023, most member states that chose to impose border restrictions have been countries that belong to the previously identified groups of Visegrád countries and ‘MED5’. For instance, Poland introduced controls that will last until early 2024 due to intensified migration pressure along the Balkan route during 2023. Similarly, the Czech Republic has also implemented controls in 2023, claiming an increase in illegal secondary migration and illegal activities by organized smugglers, as well as deteriorated security measures in the external EU borders (European Commission). Slovakia and Italy were no exception in control impositions, and northern countries, such as Germany, Sweden, and Denmark, also followed the same technique, claiming not only the increase of irregular migration but also the potential terrorist threats that migration could present to their countries as a result of the ongoing Israel– Hamas war (European Commission). Although EU countries have the right to protect their national borders, these restrictions may be a source of further tension and dis-

agreement between implementing and non-implementing countries. This procedure portrays a notable divergence in each country’s views on how to address irregular migration, straining the collective efforts made by the EU and demonstrating once again a lack of solidarity (Cornelisse). It raises questions in the literature pertaining to whether countries abuse their right to establish temporary border controls to evade their collective responsibilities. Do such controls undermine the 2023 Council’s initiatives for relocation and burden-sharing?

Finally, the resurgence of populist far-right wing parties in some EU member states during the last years has been a significant obstacle to designing solidarity and unanimous migration legislation effectively across the EU. Among other objections, what Fischer and Meister term Populist Radical Right (PRR) parties strongly oppose migration by framing migrants and asylum-seekers as competitors for national citizens’ jobs, social benefits, and housing (2023). The 2015 European migrant crisis fueled anti-migration sentiments across Europe and was a central contributor to the rise of far-right populist parties. PRR parties such as Fidesz in Hungary, Lega Nord in Italy, Law and Justice (Pis) in Poland, or the ‘Alternative für Deutschland’ (AfD) in Germany, have continued to gain prominence during the last few years, fueling tensions and divisions (Fischer and Meister 2023, 1) among EU member states, as well as spreading hateful racist sentiments among their population through populist, nativist discourses. Some of these parties have been in the spotlight on several occasions due to their radical anti-immigration initiatives and policies.

Italy's RRP party 'Fratelli d'Italia' recently formalized the closure of its ports to rescue humanitarian vessels, which has been strongly condemned by NGOs and EU member states (Euronews 2022). As hundreds of migrants remained stranded at sea waiting, Interior Minister Piantedosi described the humanitarian vessels as "islands" under the responsibility of the countries that own the ship and organize the transport of the migrants into the EU. Additionally, Infrastructure Minister Salvini, widely known for his strong anti-migrant stance, supported the initiative on social media, proudly stating that Italy will no longer serve as a hostage to foreign and private NGOs (Euronews 2022). A similar event took place in 2018, when Hungary's ruling party, Fidesz, led by Prime Minister Orbán, passed the 'Stop Soros' legislation, which criminalized support of asylum seekers and restricted the right to asylum only to refugees whose freedom is at risk at their country of origin (Euronews 2021). Consequently, the CJEU declared that Hungary infringed EU law, but Hungary remained defiant and expressed its plan to oppose EU pro-migration legislation (Euronews 2021). Therefore, the initiatives and ideology promoted by RRP parties have proven to challenge and destabilize EU legislation and efforts for a coordinated, effective response to irregular migration. These parties foment Euro-skepticism and enable fragmentation of the unity and cooperation principles established between member states, thus severely affecting the political climate in the EU. Additionally, the increased popularity of PRR parties is a central national factor that could drastically affect the upcoming European

Parliament election in June 2024

Prospects for Improved Collaboration within the EU

The New Pact on Migration and Asylum has promising potential to be the legislative driving force for a more cohesive European Union when addressing refugee migration and asylum matters. Nevertheless, as many migration scholars highlight, migration policy at the national and international levels seems to be particularly prone to failure (Scipioni 2017, 2). Scipioni identifies the historical lack of solidarity between member states as a catalyst for the failure of past EU migration policies.

Is the cause of Scipioni's identified concerns the fragmented environment in the EU or the inefficiency and inaccuracy of EU legislation? The answer may lie in the synergy of both factors. While the relocations approved by the Council are the right approach for improved burden-sharing, Thym argues that the initiative is somewhat unrealistic (Thym 2022, 20) and the methodology that these relocations will follow is unclear. EU member states need to share the burden, but they need to do so equitably. This could be done by designing a 'tailored-relocation method' where each country is assigned an adequate proportion of refugees according to its national capacities regarding its economic, social, and political conditions. This intricate method would investigate each country's preparedness to receive migrants by measuring variables such as the burden on the country's economy per certain number of migrants, the housing availability, and the aptitude of national institutions to host and sup-

port migrants looking at aspects like health services, education establishments, and security conditions among others. These investigations should be measured yearly while contemplating past, present, and prospective irregular arrivals into the EU to establish the following year's relocation figures. Additionally, it would also be essential to consider the average number of irregular migrants that arrived at the country's national territory prior to relocations, as well as measure the impact that these have in the national economic and social spectrum.

Conclusion

The complex, multifaceted nature of refugee migration makes the EU's mission to design migration policies a challenging endeavor that requires a collaborative approach among EU member states. In an ideal world, all EU countries would uphold the foundational principle established by the CJEU asserting that 'EU law has priority over national law' (Weatherril 2016, 153) and unite to craft unanimous refugee and asylum policies. By adhering to this fundamental legal tenet, member states would demonstrate their commitment to a cohesive approach that ensures a fair distribution of responsibilities and adequate conditions to receive migrants needing protection. However, national decisions and attitudes remain in constant conflict with the EU's supranational decision-making on migration issues, obstructing consensus on new legislation that will effectively address this pressing humanitarian dilemma. The New Pact on Migration and Asylum establishes a common approach to migration and asylum based on solidarity, respon-

sibility, and respect for human rights (European Commission) and has the potential to unite member states through its efficient measures and its improved initiatives for burden-sharing. However, its proposals may be excessively optimistic, its prospects are still uncertain, and even if it raises awareness among less receptive member states, their contribution to any migration agreement is likely to be somewhat restrictive. Internal border controls by certain states and the rising success of populist far-right parties further complicate these implications. Additionally, the opposition to migration policies presented by the Viségrad countries and the tensions between Northern countries and the 'MED5' on burden distribution have hindered the development of unified migration legislation. Thus, an equitable burden-sharing mechanism that assigns each member country an adequate proportion of refugees and asylum seekers may be necessary. Overall, national forces within the EU add intricacy to an already complex political climate in which 27 member states, an active Commission and Council, and an increasingly interventionist Parliament swerve the framework of European integration in their own directions.

References

- Chaban, Natalia, and Ole Elgström. The Ukraine Crisis and EU Foreign Policy Roles, 13 July 2021, <https://doi.org/10.4337/9781789907537>.
- Euronews. "Hundreds of Migrants in Limbo as Italy Closes Ports to Ngos." Euronews, www.euronews.com/2022/11/05/hundreds-of-migrants-in-limbo-as-italy-closes-ports-to-ngos. Accessed 1 Dec. 2023.
- Euronews. "Hungary's Stop Soros law that criminalises helping asylum seekers 'infringes EU law.'" Euronews, <https://www.euronews.com/my-eu>

- rope/2021/11/16/hungary-move-to-criminalise-support-of-asylum-seekers-infringes-eu-law. Accessed 1 Dec. 2023.
- European Commission. “New Pact on Migration and Asylum.” https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en/. Accessed 29 Nov. 2023.
- European Council. “EU Migration Policy.” <https://www.consilium.europa.eu/en/policies/eu-migration-policy/>. Accessed 29 Nov. 2023.
- European Council. “Migration Policy: Council reaches agreement on key asylum and Migration laws.” Press Release. <https://www.consilium.europa.eu/en/press/press-releases/2023/06/08/migration-policy-council-reaches-agreement-on-key-asylum-and-migration-laws/>. Accessed 30 Nov. 2023.
- European Council. “Ukraine: Council introduces temporary protection for persons fleeing the war.” Press Release. <https://www.consilium.europa.eu/en/press/press-releases/2022/03/04/ukraine-council-introduces-temporary-protection-for-persons-fleeing-the-war/>. Accessed 30 Nov. 2023.
- European Council. “Ukraine: €17 billion of EU funds to help refugees.” Press Release. <https://www.consilium.europa.eu/en/press/press-releases/2022/04/04/ukraine-council-unlocks-17-billion-of-eu-funds-to-help-refugees/>. Accessed 30 Nov 2023.
- Fischer, Carl and Meister, Lorenz. Economic Determinants of Populism. DIW Berlin, 23 August 2023, https://www.diw.de/de/diw_01.c.879785.de/publikationen/roundup/2023_0145/economic_determinants_of_populism.html.
- Frontex. “Significant Rise in Irregular Border Crossings in 2023, Highest since 2016.” Frontex News. [https://www.frontex.europa.eu/media-centre/news/news-release/significant-rise-in-irregular-border-crossings-in-2023-highest-since-2016-C0gGpm#:~:text=The%20number%20of%20irregular%20border,to%20preliminary%20calculations%20by%20Frontex](https://www.frontex.europa.eu/media-centre/news/news-release/significant-rise-in-irregular-border-crossings-in-2023-highest-since-2016-C0gGpm#:~:text=The%20number%20of%20irregular%20border,to%20preliminary%20calculations%20by%20Frontex.). Accessed 9 Mar. 2024.
- Opora Civic Network. “About 20% of Ukrainians Stay Abroad Because of Russia’s Full-Scale Invasion.” <https://www.oporaua.org/en/viyna/24792-chez-povnomasshtabne-vtorognennia-rosiyi-za-kordonom-perebuvaie-blizko-20-ukrayintsiv-doslidzhennia-opori-24792>. Accessed 29 Nov. 2023.
- Scipioni, Marco. “Failing forward in EU migration policy? EU integration after the 2015 Asylum and Migration Crisis.” *Journal of European Public Policy*, 25(9), 2017, pp. 1357–1375, <https://doi.org/10.1080/13501763.2017.1325920>.
- Ripoll Servent, Ariadna. “The EU’s refugee ‘crisis’: Framing policy failure as an opportunity for Success.” *Politique Européenne*, N° 65(3), 2020, pp. 178–210, <https://doi.org/10.3917/poeu.065.0178>.
- Thym, Daniel. “Never-ending story? Political Dynamics, legislative uncertainties, and practical drawbacks of the ‘new’ pact on Migration and asylum.” *Reforming the Common European Asylum System*, 2022, pp. 11–32, <https://doi.org/10.5771/9783748931164-11>.
- UNHCR (United Nations High Commissioner for Refugees). 2023. “Ukraine Situation”. *Global Focus*, <https://reporting.unhcr.org/operational/situations/ukraine-situation>. Accessed 29 Nov. 2023.
- Weatherill, Stephen. “What is the Relationship between EU Law and National Law?” *Law and Values in the European Union*. Oxford University Press, 2016, pp. 153–256, <https://doi.org/10.1093/acprof:oso/9780199557264.003.0004>.



A Forgotten Mission, An Unrealized Referendum: The Failure of the United Nations Mission for the Referendum in Western Sahara

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ABSTRACT

This article delves into the ongoing conflict in Western Sahara, emphasizing the recent rise in hostilities and the breakdown of the ceasefire between Morocco and the Frente POLISARIO. It analyzes the historical origins of the conflict and the establishment of the United Nations Mission for the Referendum in Western Sahara (MINURSO) in 1991. Through a comprehensive analysis of the challenges faced by MINURSO, particularly regarding voting eligibility and human rights, the article underscores the detrimental impacts of the mission's compromised impartiality, particularly focusing on the implications of the United States' biased foreign policy. In proposing policy recommendations, the article advocates for renewed UN Security Council involvement and neutrality, to reignite negotiations towards a referendum for self-determination. It warns of escalating tensions and the risk of full-scale conflict, emphasizing the importance of immediate action to maintain peace in Western Sahara and uphold the region's stability within the broader Maghreb context.

The recent events highlighted in the 2023 report of the Secretary-General on Western Sahara reflect a wider trend in increased hostilities between Morocco and the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro (Frente POLISARIO). Drone strikes purportedly carried out by the Royal Moroccan Army, have resulted in civilian casualties and with them allegations of human rights violations (UNSC 2023). Additionally, the reported concentration of Moroccan vehicles and forces near their base in Bir Anzarane, along with the construction of a new airstrip 75 km away from the divisionary boundary, have raised concerns about the potential militarization and the escalation of violence in the region (UNSC 2023). These developments come after the 2020 breakdown of the ceasefire between Morocco and the Frente POLISARIO previously brokered by the United Nations, underscoring the urgency of addressing the longstanding conflict in Western Sahara.

Stemming from post-colonial tensions in North Africa, the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established in 1991 with the dual objective of facilitating a free referendum for the self-determination of the territory whilst simultaneously curbing hostilities. Despite this mandate, challenges such as differing views on the referendum process and external influences from certain United Nations member states have impeded progress; particularly, the United States' use of the Western Sahara conflict as a foreign policy tool. This has set a dangerous precedent with implications for the right to self-determination that has been emulated by

other leaders including Israel's Prime Minister Benjamin Netanyahu. Indeed, the failure to support an impartial process and conduct the referendum has led to increasing frustrations amongst the belligerent parties, posing a threat to the regional stability of the Maghreb. Therefore, it is imperative that MINURSO and the UN remain neutral and take concrete, rapid actions to reconcile the parties' diverging perspectives, carry out the referendum and resolve the conflict.

This paper will underscore the urgency of the matter by first delineating the mission's origins and mandate, before analyzing the challenges it has faced – namely the US's lack of objectivity – and their impact on MINURSO's successes and failures. Based on this analysis, it will then offer a comprehensive set of recommendations to highlight future steps the mission should take towards ensuring global impartiality and fulfilling all aspects of their mandate – especially the referendum.

The Western Sahara Conflict, Mission Origins and Mandate

Before evaluating the success of the mission, one must first understand the complex interrelation of historical factors and regional players that led to the present conflict. Western Sahara, located in the Maghreb region of North Africa, is a territory that was under Spanish administration until 1976. Spain gave in to pressures exerted by UN requests for decolonization, and a guerilla insurgency by the Sahrawis – the indigenous inhabitants – who established the Frente POLISARIO in 1973 to fight for their right to self-determination (MINURSO

2017a). However, before withdrawing, Spain decided to partition the territory between Morocco and Mauritania who both also laid claims to the territory, despite a World Court conclusion that there was no “tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity” (ICJ 1975). Simultaneously, the Spanish partition of the territory ignored the claims of the local nomadic people, setting the framework for a territorial dispute between the African parties, which has continued to this day (MINURSO 2017a).

These tensions reflect the broader political landscape of the region, as evidenced by the stakeholders involved on both sides. Indeed, after Spain’s withdrawal, violent hostilities broke out amongst the three parties, with Algeria backing the Frente POLISARIO (MINURSO 2017a). The withdrawal of Mauritania’s claims to the territory in 1979 after reaching a peace agreement with POLISARIO precipitated Morocco’s annexation of the former’s lands, namely south of Dakhla, despite the protests from the POLISARIO (MINURSO 2017a). This action led to the disintegration of various regional relationships, especially that between Morocco and Algeria, threatening the stability of the region (Rachidi 2022). Having recently gained independence from its French colonizers, Algeria staunchly supported the Sahrawi people’s right to self-determination. When they witnessed this right being undermined by Morocco, they severed ties with the latter and instead began backing the Frente POLISARIO in their pursuit of independence (Rachidi 2022). It was these events, stemming from Spanish colonia-

lism, that drew the attention of international organizations.

During the escalation of hostilities between Morocco and the Frente POLISARIO, the latter declared the independence of the Saharan Arab Democratic Republic (SADR). Throughout this period, the United Nations undertook several peacekeeping efforts before ultimately creating MINURSO. Working with the Organization of African Unity (OAU), the UN visited multiple sites in the region prior to the Spanish partition. In 1975, a report was issued, expressing the desires of Spain, Morocco, and the Sahrawi people for the UN to be on the ground assisting Western Sahara in exercising their right to self-determination through a referendum (Ruiz Miguel 2022, 21). Throughout the 1980s, the OAU drafted multiple versions of a Peace Plan requesting that a conjoined peacekeeping force be established with the United Nations in Western Sahara to “ensure peace, security [...] and the conduction of the referendum” (OAU 1981; Ruiz Miguel 2022, 23). However, contrasting views between Morocco and the Frente POLISARIO over voting options for Western Sahara’s future, namely independence, autonomy or integration into Morocco, hampered the implementation of this force – a challenge which continues to undermine MINURSO to this day (Ruiz Miguel 2022, 21). Nonetheless, in 1985, the UN along with the OAU started a mission of good offices which led to Morocco’s and Frente POLISARIO’s acceptance of “the settlement proposals” in 1988. These put forward a solution in the form of “a ceasefire and the referendum without military or administrative constraints” (UNSC 1990). Later, on the 29th

of April 1991, the Security Council passed Resolution 690, authorizing the establishment of MINURSO under the settlement proposals and the Secretary General's plan for its implementation (UNSC 1991).

Along with organizing and overseeing a free referendum, the mission mandate also included a variety of peacebuilding and peacekeeping tasks. Namely, implementing and monitoring a ceasefire between the belligerent groups; overseeing the release of political detainees and prisoners of war; “repatriating refugees of Western Sahara” and reducing mine threats (MINURSO 2017b). The mission, as a traditional peacekeeping mission with some non-traditional aspects, was also responsible for identifying and registering eligible voters to participate in the referendum – a task which the Spaniards had begun before their withdrawal (MINURSO 2019). The vote was initially scheduled to take place in January of 1992, during a transition period within which the UN Special Representative of the Secretary General (SRSG) would be responsible for overseeing all referendum-related issues. However, the rift between Morocco and the Frente POLISARIO remained, leading the former to refuse to give consent for the commencement of the transitional period on the 6th of September 1991. Since then, MINURSO has executed its other tasks, overseeing the ceasefire that went into effect on that day and carrying out eligibility checks, but they have been unable to fulfill their core objective of organizing a referendum for the self-determination of the people of Western Sahara. In large part, this has been due to disagreements between the belligerent parties as to the eligi-

bility of voters, the options for self-determination within the referendum and the existence of human rights monitoring in MINURSO's mandate, which will be expounded upon further on. Moreover, these challenges, coupled with the United States' favoritism of Morocco, have undermined the mission's success by pushing a peace process supportive of American interests.

MINURSO's Successes and Failures: The Implications of Voting Eligibility, Human Rights and U.S. Impartiality

As previously stated, the central challenge to MINURSO's ability to organize the referendum for self-determination is the diverging beliefs between the POLISARIO and Morocco regarding voting eligibility and self-determination options. The former issue has been present since the beginning of the mission: MINURSO established an identification committee in 1991 to carry out eligibility checks for the referendum, however the process was paused many times throughout as parties disagreed with the eligibility criteria of three specific tribal groupings (H41, H61 and J51/52) and the appeals process (UNSC 1997). As stated by Huddleston and Zarate, “each party operated under the assumption that the outcome of the referendum was a foregone conclusion based on [...] the voter list” and therefore were unwilling to accept a list that was not favorable to them (2022, 236). Thus, when identifications were completed in 1999 and seemed to tip in favor of the Sahrawis, they were contested by Morocco, preventing the continuation of the voting process and the fulfillment of MINURSO's mandate. As for the referendum options, while the

POLISARIO is willing to accept “autonomy under Morocco” or “independence,” the Maghrebi Kingdom will only concede to “re-integration into Morocco” (Ruiz Miguel 2022, 21). Spurred by a desire for sovereignty over the territory, these contrasting views – and more importantly the unwillingness to compromise on them – have generated an impasse for the mission, for without the parties’ consent, MINURSO cannot carry out the referendum and resolve the situation.

However, these are not the only contested issues, and to understand how they have undermined negotiations toward effective solutions, one must consider another key debate – one which surrounds human rights. Since the early 2000s, the violation of human rights has been increasingly acknowledged within the MINURSO domain, primarily driven by escalating complaints from the POLISARIO regarding abuses by Morocco and the absence of a human rights mandate (Naili 2022, 56). This has led to an increase in Sahrawi opposition including the 2010 Gdeim Izik protest camp which was met with “tear gas, water cannons, batons and loudspeakers” from Moroccan forces as well as limited involvement on the UN’s part (UNSC 2012). The latter is due to Morocco “preventing the SRSR from free access to people in the territory” because of their belief that MINURSO’s mandate is not concerned with civil society matters, solely military ones (Shelley 2022, 105). The contrasting views on this issue have further challenged MINURSO’s mandate by fomenting the distance between Morocco and the Frente POLISARIO, and with it, their unwillingness to settle – or in recent years,

even simply hold talks.

Dissension over human rights violations and the wider mission have also permeated the UN Security Council, generating divisions regarding the importance and the direction of the mission itself. When the United States – the mission’s penholder – circulated a draft resolution for the renewal of the mission in late October 2023, it ignored Mozambique’s proposal to include language on a human rights component, highlighting the fact that the issue is not a priority for the Security Council (Security Council Report 2023). One could argue that this stance reflects the wider geopolitical interests of member states and a changing global dynamic in favor of Morocco, instigated by the US. The latter’s unwillingness to support the addition of a human rights mandate betrays their position of support towards the Kingdom in return for their political influence in other higher-priority areas. This is particularly evident through the US’s recognition of Morocco’s sovereignty over Western Sahara in December 2020 (the first country to do so) in exchange for Morocco’s normalization of relations with Israel (Rachidi 2022). This has blatantly undermined the mission as the penholder’s formal recognition of one party’s authority over another has removed the key component of impartiality. Additionally, it has set an example for other states to follow, further promoting an outcome which undermines the legitimacy of the principles of self-determination inherent in the mission’s mandate and the UN’s charter.

Indeed, the consequences of the United States’ foreign policy-driven approach are apparent through the actions of Guatemala, and

most recently, Israel. After the US opened its consulate in the region's capital of Dakhla in 2021, Guatemala followed suit a year later – an action which has been regarded by Moroccan authorities as “support for [their] territorial integrity and sovereignty over [their] southern provinces in Western Sahara” (Morocco World News 2022). As for Israel, Prime Minister Benjamin Netanyahu reportedly “recognize[d] the sovereignty of Morocco over the territory of Western Sahara” on July 17, 2023, in a letter addressed to King Mohammed VI (UNSC 2023). He also expressed that Israel was “positively” contemplating opening their own consulate in Dakhla (Berman 2023). Stemming from the Abraham Accords of 2020, this is the latest in a series of US-backed bilateral agreements aimed at normalizing relations between Israel and Arab states.

These events reflect the United States' pattern of favoring foreign policy-benefitting actions over the resolution of conflict – a tendency which has posed a major challenge to the fulfillment of the mission. Indeed, through both political and military means, the United States has continuously “enabled Moroccan actions in the Western Sahara” while failing to pressure them into negotiations of good faith (Huddleston and Zarate 2022, 235). When Morocco rejected the World Court's ruling and annexed the territory in 1975, for example, the US threatened to veto measures that would hold the Kingdom accountable in the UN Security Council (Huddleston and Zarate 2022, 235). The expansion of Morocco's control to 70% of the contested territory after Mauritania's withdrawal was due to American military aid (Huddleston and Zarate

2022, 236), and when James Baker, a former US Secretary and Chief of Staff who had been appointed as envoy, threatened to sanction the Kingdom under UN Chapter VII for pulling out of the unanimously agreed upon 2003 Peace Plan, the United States failed to support him (Huddleston and Zarate 2022, 241). Through these actions, the hegemon has presented a policy of favoritism towards an autonomous Western Sahara under Moroccan sovereignty. Although one must concede that policies vary by administration, with those led by Obama and Clinton at times having had periods of greater impartiality, the outcome of their influence on MINURSO has been a “purported loss of confidence in the peace process and a failure to negotiate in good faith” (Huddleston and Zarate 2022, 233). This has resulted in the stagnation of peace talks and – particularly in the last decade – further aggravated hostilities between Morocco and the POLISARIO.

Nonetheless, the mission has prevented full-out conflict from breaking out, and it would be amiss to exclude this success from the evaluation of the mandate. Up until recently, MINURSO monitored the 1991 ceasefire effectively, objectively observing and reporting on any military actions that took place, thereby promoting a peaceful environment in which the truce could thrive. This is crucial, as it has prevented the Maghreb region from devolving into war. Located at the mouth of the Mediterranean and across the continent from the highly volatile Middle East, the Maghreb has significant strategic importance, providing a relatively constant peace in the North of Africa – and MINURSO has been vital towards main-

taining that peace. However, years of stagnant negotiations have increased the frustrations of the Sahrawi people, undermining MINURSO's key achievement by pushing the POLISARIO towards military escalation to incentivize progress. In November 2020, this culminated in the group announcing the end of its "29-year ceasefire with Morocco after [they utilized force] to remove unarmed Sahrawi protests blocking a strategic road" (IISS 2021). The escalation of hostilities and the increased support it has garnered for the POLISARIO from the Sahrawi people foreshadows how the situation may devolve into full-out war if MINURSO does not take rapid action to organize the referendum and resolve the conflict.

Policy Recommendations

As aforementioned, the major hindrance to the fulfillment of the mandate rests on unsuccessful attempts at compromise between the two parties on their diverging views. This has been aggravated by the perceived favoritism of the United States towards Morocco and the indifference of other UN Member States in combating this or driving progress. It is necessary, then, for the other UN Security Council members to treat this mission with enhanced importance, especially given the recent collapse of the ceasefire and the increase in POLISARIO frustrations, as the situation is ripe for an outbreak of violence. In order to encourage the conflicting parties to negotiate the future of the territory, the UN must regain their confidence. This can only be achieved if the best interests of both parties are perceived to be taken into consideration. For that to occur, it is vital that the United

States – the penholder of the mission and thus a major stakeholder – remain impartial, which, in turn, can only be achieved if the other members exert pressure on them and the progress of the mission. Given the current events in the Middle East, the US will likely be unwilling to derecognize Morocco's sovereignty over Western Sahara, so as not to undermine their alliance with Israel. Nonetheless, they may be willing to recognize the authority of Western Sahara under the Moroccan government, which will be effective in conjunction with the Peace Plan proposal that is discussed below.

As for the referendum itself, to assuage the concerns regarding voter eligibility and voting options, it is advisable that the UN return to the agreed-upon eligibility guidelines of 1991 and Baker's 2003 Peace Plan. With the abovementioned renewed member state pressure, these can provide a strong framework for the implementation of the referendum. In fact, the Baker Plan provides solutions to many of the concerns that have been previously discussed: [it] did not require both parties' consent at each step of the process; included a provision for a referendum at the end of a four or five-year period [which] would include the option of independence [... and] the uncontested voters from the 1999 [...] UNHCR repatriation list, and all residents of the territory as of the end of 1999; and in the meantime, the territory would be governed by a Western Saharan authority, autonomous under the Moroccan government (Huddleston and Zarate 2022, 240).

At the time, it received unanimous support from the UN Security Council, failing solely because of their lack of pressure against trans-

formational revisions made by Morocco which the POLISARIO would not agree to (Huddleston and Zarate 2022, 241). However, with an increased exertion of power by the UNSC on all parties to resolve the situation, and the United States' impartiality, these plans could spearhead change by propelling them towards a vote.

In the, admittedly likely, scenario that Morocco refuses the plan, an alternate compromise-based proposal including a resolution on the question of human rights is advisable. Building off the Peace Plan, the POLISARIO would relinquish the request for human rights monitoring to be added to the mandate in return for Morocco's agreement to the addition of the "independence" option. This solution would appease a key issue for both sides while forcing them to compromise on another, thereby inciting a development in negotiations toward a referendum. US impartiality and UNSC pressure, however, are vital to the success of this recommendation, as without them, a repeat of the failed Baker negotiations will occur.

Currently, MINURSO is considered a failure as it has not been able to carry out the referendum in Western Sahara or fulfill its other mandated tasks. These recommendations aim to build off existing structures and previous breakthroughs in negotiations while targeting the mission's major pitfalls to advance the referendum process in such a way as to resolve the conflict in the Maghreb and maintain regional stability. This is important because as the years go by, confidence in the mission declines as it is perceived as increasingly trivial by UN member states. Instead of respecting the right

to self-determination, member states are more likely to exploit the issue as an instrument of foreign policy against more pressing matters, as has been illustrated by the US's actions. All the while, the list of eligible voters from 1999 becomes unusable and the frustration of the POLISARIO increases along with the propensity for full-out war. MINURSO has been able to pacify the situation for now, but it won't be able to do so forever: the heightened hostilities and breakdown of negotiations that have become commonplace in the past couple of years are proof of this. It is imperative then that the UN revises its peacekeeping approach, should it hope to maintain peace in the Maghrebi region and resolve the Western Saharan dispute.

References

- Berman, Lazar. 2023. "Morocco says Israel has recognized its rule over Western Sahara." *The Times of Israel*, July 17, 2023. https://www.timesofisrael.com/liveblog_entry/morocco-says-israel-has-recognized-its-rule-over-western-sahara/.
- Huddleston, R. Joseph, and Edder A. Zarate. 2022. "The United States and MINURSO: 31 Years." In *Conflict and Peace in Western Sahara*, edited by János Besenyő and Yahia H. Zoubir, 233-48. London: Routledge.
- ICJ. 1975. *Western Sahara, Advisory Opinion*. <https://www.icj-cij.org/sites/default/files/case-related/61/6197.pdf>.
- IISS. 2021. "The End of the Ceasefire in Western Sahara." <https://www.iiss.org/en/publications/strategic-comments/2021/the-end-of-the-ceasefire-in-western-sahara/>.
- Lounas, Djallil, and Nizar Messari. 2018. "Algeria-Morocco Relations and Their Impact on the Maghrebi Regional System." *Menara Working Papers*. https://www.iai.it/sites/default/files/menara_wp_20.pdf.
- MINURSO. 2017a. "Background." <https://minurso.unmissions.org/background>.

- . 2017b. “Mandate.” <https://minurso.unmissions.org/mandate>.
- . 2019. “Chronology of Events.” <https://minurso.unmissions.org/chronology-events>.
- Kasraoui, Safaa. 2022. “Guatemala Officially Opens Consulate in Morocco’s Dakhla.” *Morocco World News*, December 1, 2022. <https://www.moroccoworldnews.com/2022/12/352740/guatemala-officially-opens-consulate-in-moroccos-dakhla>.
- Naili, Meriem. 2022. “Peacekeeping and International Human Rights Law: Interrogating United Nations Mechanisms Through a Study of the UN Mission for the Referendum in Western Sahara.” PhD Thesis, University of Exeter.
- Organization of the African Union. 1981. Resolution on Western Sahara, AHG/Res. 103 (XVIII). <https://www.peaceau.org/uploads/ahg-res-103-xviii-e.pdf>.
- Paget, Sharif, and Mitchell McCluskey. 2020. “Western Sahara independence leader declares the end of a 29-year-old ceasefire with Morocco.” *CNN*, November 15, 2020. <https://www.cnn.com/2020/11/15/world/polisario-front-morocco-western-sahara-ceasefire-intl/index.html>.
- Rachidi, Ilhem. 2022. “Morocco and Algeria: A Long Rivalry.” *Carnegie Endowment for International Peace*. <https://carnegieendowment.org/sada/87055>.
- Ruiz Miguel, Carlos. 2022. “An Overview of MINURSO: Legal History, Framework, Missions, Structure: A Balance.” In *Conflict and Peace in Western Sahara*, edited by János Besenyő, Yahia H. Zoubir, and Joseph Huddleston, 21-44. London: Routledge.
- Security Council Report. 2023. “Western Sahara: Vote on a Draft Resolution Renewing MINURSO’s Mandate* : What’s in Blue.” <https://www.securitycouncilreport.org/whatsinblue/2023/10/western-sahara-vote-on-a-draft-resolution-renewing-minursos-mandate.php>.
- Shelley, Toby. 2022. “Human Rights: MINURSO between a Rock and a Hard Place.” In *Conflict and Peace in Western Sahara*, edited by János Besenyő, Yahia H. Zoubir, and Joseph Huddleston, 99-110. London: Routledge.
- United Nations Security Council (UNSC). 1990. Report of the Secretary-General on the Situation Concerning Western Sahara. Report No. S/21360, UN. <https://digitallibrary.un.org/record/%2094688?ln=en>.
- . 1991. The Situation Concerning Western Sahara. Report No. S/RES/690, UN. https://peacemaker.un.org/sites/peacemaker.un.org/files/MA_880830_SettlementProposals.pdf.
- . 1997. Report of the Secretary-General on the Situation Concerning Western Sahara. Report No. S/1997/742, UN. <https://documents.un.org/doc/undoc/gen/n97/248/08/pdf/n9724808.pdf?token=TtNKgt5KdbE1gIKUaq&fe=true>.
- . 2012. Report of the Secretary-General on the Situation Concerning Western Sahara. Report No. S/2012/197, UN. https://minurso.unmissions.org/sites/default/files/unsg_report_05_april_2012.pdf.
- . 2023. Report of the Secretary-General on the Situation Concerning Western Sahara. Report No. S/2023/729, UN. https://minurso.unmissions.org/sites/default/files/s-2023-729_-_sg_report_on_minurso_-_english.pdf.



A Pious Paradox: Analyzing the Contradictory Paths of Chile and Argentina in Legalizing Same-Sex Marriage Amidst Varying Levels of Religiosity

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ABSTRACT

The divergent trajectories in the legalization of same-sex marriage amidst disparate levels of religiosity challenges conventional wisdom about the relationship between religion, state, and society. Contrary to the conventional belief that higher religiosity in countries fosters conservative views and resistance to progressive social reforms, Argentina and Chile present an intriguing anomaly. Utilizing data from the World Values Survey and examining the historical, political, and social contexts of each country, this paper seeks to understand why Argentina, with its higher religiosity and constitutional favoritism towards Catholicism, became the first Latin American country to legalize same-sex marriage in 2010, while Chile, less religious but more socially conservative, followed much later in 2021. The paper explores the divergent pre and post-dictatorship economic philosophies, governmental structures, sociopolitical landscapes and the distinct roles of the Catholic Church in 21st century Chilean and Argentine politics. It argues that in Argentina, individual political views and a vibrant civil society have developed independently of religious beliefs, fostering a political culture more open to progressive social reform. Conversely, Chile's entrenched neoliberal policies and the Catholic Church's sustained influence in Chilean civil society align with more conservative social values, impeding similar progress. These findings challenge the assumption that higher levels of religiosity necessarily correlate with social conservatism and underscore the complex interplay between religion, government, and social values. This research not only illuminates the nuanced dynamics at play in the legal recognition of same-sex marriage in Latin America but also suggests broader implications for understanding the impact of religiosity on political and social attitudes globally.

Introduction

While there are many competing schools of thought surrounding the analysis of religion and politics—from functionalist and substantive debates about the units of analysis to debates about the role and trajectory of religious institutions and groups in society—there is a scholarly consensus that religious groups and traditional religious norms resist liberalization and progressive social reform. Gaskins, Golder, and Siegel assert that as societies ‘develop,’ or become more socially progressive, “religious individuals become more socially conservative relative to the population mean” (Gaskins et al. 2013). It is for these reasons that, when a clear outlier emerges, a more detailed analysis is needed. Consistent with this consensus that, as societies develop, there is bottleneck pressure towards social conservatism among religious groups, it is common knowledge that the Roman Catholic Church has been a vocal opponent of same-sex marriage equality. Therefore, it is logical to assume that predominantly Catholic countries with high levels of religious adherence would be more restrictive of LGBT rights. Curiously, Argentina directly contradicts this assumption—with deeply Catholic Argentina being the first country in Latin America and the one of the first in the world to legalize same-sex marriage in 2010 (BBC Mundo 2010). In this context, the case of Argentina becomes even more peculiar when compared with neighboring Chile (a country with similar ethnic and religious demographics, similar Spanish Colonial pasts, and seemingly parallel political histories of military dictatorship and democratization in the latter half of the 20th

century), which legalized gay marriage eleven years after Argentina (Bonney and Londoño 2021). Additionally, data from the World Values Survey indicates that, contrary to the aforementioned assumptions, Chileans are simultaneously less religious and more socially conservative than Argentines (Inglehart et al 2023). This leads to the central question: why has Argentina adopted progressive social reforms more quickly than Chile, despite Argentines’ higher religiosity and less secular institutional design? This paper explores the paradox of Chilean and Argentine institutions, religiosity, and social attitudes, suggesting that Argentines’ individual political views are distinct of religious belief, which challenges common assumptions about the impact of religion on social policy.

Identifying the Anomaly

Both Chile and Argentina have majority Catholic populations, with Catholics making up 60 and 62.9% of their respective populations (CIA 2023—ARGENTINA). However, the contemporary relationship between the Catholic Church and the Chilean and Argentine states, as well as the level of religious observance among Catholic populations in the two countries, have diverged under their respective post-dictatorship democratic regimes. For instance, Fox’s Religion and State Indexes identify Argentina as having “high” levels of “state funding of religion” as opposed to Chile’s designation of “low” state funding of religion (Fox 2023). While both Argentina and Chile provide constitutional guarantees for religious freedom, Argentina’s constitution officially designates Catholicism as the preferred religion of the state,

whereas Chile’s constitution does not mention a preferred state religion (Constitute Project 2023). Moreover, according to data from the World Values Survey (WVS), 74.1% of the Argentine population self-identifies as “a religious person, whereas only 49.9% of the Chilean population identifies as religious (Inglehart et al. 2023, 173). This stark difference in self-identified religiosity can also be seen within Argentina and Chile’s Catholic populations, with 82.4% of Argentines Catholics defining themselves as “a religious person” as opposed to 61.6% of Chilean Catholics (Inglehart et al. 2023, 173).⁹ Similarly, when asked in the WVS to describe how much confidence they have in churches, Argentines were 30.95% more likely than Chileans to indicate that they have either “a great deal” or “quite a lot” of confidence in churches (Inglehart et al. 2023, 64).

Despite Argentina’s higher religiosity and higher confidence in churches, Argentines are more accepting of homosexuality than Chileans—when asked to rank the “justifiability” of homosexuality on a 10 point scale with “never justifiable” at 1 and “always justifiable” at 10, 53.1% of Argentines answered 6 to 10 (indicating a more accepting attitude towards homosexuality), as opposed to only 39.6% of Chileans landing on the accepting side of the spectrum (Inglehart et al. 2023, 182). One potential limitation of these results is that these samples were taken in 2017 and 2018, 7 years after Argentina legalized same-sex marriage but before it was legalized in Chile, meaning the legal status at the time the sample was taken could be a confounding variable in public opinion. However, older WVS samples taken in 2006

in both countries (when neither country recognized same-sex marriages) show a smaller, but still noticeable, difference in public opinion towards same-sex marriage; in 2006, Argentines were 7.7% more likely than Chileans to answer on the accepting side of the scale and, more notably, were 88.7% more likely than Chileans to answer that homosexuality is “always justifiable” (Inglehart et al. 2023, 202). The data from the World Values Survey, therefore, peculiarly displays both higher religiosity and higher support for same-sex marriage in Argentina. In order to determine whether Argentina is abnormally progressive, whether Chile is abnormally conservative, or both, comprehensive analysis of the wide variety of factors that could contribute to this paradox is necessary.

Neoliberalism and Institutional Design in Post-Pinochet Chile

After Socialist Salvador Allende was democratically elected to the Chilean presidency in 1970, he was overthrown in a military coup in 1973 that installed Augusto Pinochet as a military dictator (Edwards 2023, xiv). Under the guidance of the “Chicago Boys,” a group of Chilean economists trained at the University of Chicago, Pinochet enacted far-reaching neoliberal economic reforms, and his 1980 Constitution embedded these principles into Chile’s political and economic structure. For example, Article 19 Section 21 of Chile’s 1980 constitution states “The State and its bodies may develop entrepreneurial activities or participate in them only if a qualified quorum law authorizes it,” guaranteeing individuals the right to participate in the free market and limiting state in-

tervention in the economy (Chile 1980, art. 19 sec. 21). As was one of the original goals of the 1973 coup, the neoliberal market structures that were institutionalized by the 1980 constitution sent Chile on a distinct path of (what the conservative U.S.-based Heritage Foundation considers to be) “economic freedom,” with Chile consistently achieving significantly higher scores than its neighbors—especially Argentina—in measures concerning how “free” the market is in the country (Heritage 2023). While it may initially seem unrelated to the acceptance of homosexuality, it is possible that the diverging market structures of Chile and Argentina are a factor that contributes to the difference in acceptance of and support for same-sex marriage, regardless of the Catholic Church’s influence.

While there is little to no research on the impact of Chile’s neoliberal market structures on public opinion and support for same-sex marriage, some academic theories portray a strong connection between neoliberalism and traditional family values, which signifies that Chile’s neoliberal institutions may have reinforced opposition to progressive social movements. American progressive movements exemplified this, especially as the gay liberation movement “challenge[d] the sexual normativity of the family wage as the linchpin and foundation of welfare capitalism;” critiquing neoliberal structures as reinforcing conservative values (Cooper 2019, 21). This led to a reactionary “neoliberal–new social conservative alliance,” as free-market structures and conservative institutions worked to maintain traditional family values (Cooper 2019, 21). Similarly, Rao—in his analysis of homophobia

and LGBT activism in international financial institutions—writes that, in their imposition of neoliberal market structures/austerity measures on global south, these institutions hold “culpability in co-producing” sociopolitical environments that are hostile towards the LGBT community (Rao 2015, 38). While neither Cooper nor Rao analyze the Chilean case, their insights could transfer over to Chile, given that the neoliberal structures they mention were the same structures Pinochet and the ‘Chicago Boys’ built into Chile and its 1980 constitution. In the Chilean context, Díez writes that, in order to ensure the Chicago Boys’ neoliberal structures prevailed post-dictatorship, Pinochet’s 1980 constitution intentionally structured the legislature so the Senate of Chile would overrepresent the right wing and act as a buffer against any left-wing upheavals to the economic system that was put in place (Diez 2015, 68). In line with the patterns Cooper and Rao identify, the institutionally overrepresented right-wing parties in the Chilean senate vehemently opposed LGBT rights (Diez 2015, 200). The preserved role of neoliberalism and overrepresentation of right-wing interests in the 1980 Chilean constitution is inadvertently linked to an economic, political, and social environment that was relatively less accessible to progressive social movements.

The Legacy of Peronism and Argentine Institutional Design

Unlike in Chile, Argentina’s post-dictatorship institutional design was not crafted by the dictatorship itself. Instead, Argentina’s 1853 constitution was reinstated in 1983 following

the fall of the dictatorship and amended during the constitutional reforms of 1994 (Argentina 1994). Therefore, Argentina's revitalized constitution leaves significantly more room for state intervention in the economy, includes strong protections for social and workers' rights, and is more social justice-focused than Chile's. For example, Article 14bis includes several left-wing economic ideas, guaranteeing the right to paid vacation, adjustable minimum wage, "free and democratic organization of labor unions," social security, housing, and more (Argentina 1994, art. 14bis).

Additionally, Argentina's post-dictatorship political climate was shaped by the legacy of Peronism. Starting in the 1940s, Juan Perón, an Argentine military officer and later secretary of labor amassed support from the working class and quickly became Argentina's most popular politician. His left-wing populist, nationalist, and corporatist ideology, known as Peronism, continued to shape Argentine politics, before and after the 1976-1983 military dictatorship (Diez 2015, 51-52). Diez states that Argentina's return to democracy combined with its rich history of social mobilization driven by Peronism and the unified consensus of its people, created an environment conducive to the flourishing of civil society organizations and social movements (Diez 2015, 53).

Consequently, the post-dictatorship reconciliation and social justice-oriented Argentine political landscape was dominated by two major parties: the Justicialist Party (a working class-oriented Peronist party) and the Radical Civic Union (a liberal center-left party drawing support from the urban middle class). "Neither

party...served as an exclusive mechanism of representation for social conservative forces" (Diez 2015, 128-129). While Chile's post-dictatorship political landscape was shaped by neoliberal institutions which corresponded with social conservatism, social conservatives in Argentina were overshadowed by activists and reformers. These diverging landscapes were partially rooted in the varying influences of the Catholic Church and have shaped the contemporary religion-state relations in the two countries.

The Catholic Church in Post-Dictatorship Chile and Argentina

Following the return to democracy in Chile, the Catholic Church had a significant influence in Chilean politics. According to Haas, the Church played a leading role in calling out Pinochet's human rights abuses and fighting for democracy, thus renewing the Catholic Church's status as a key player in Chilean politics post-dictatorship (Haas 1999, 42). The Catholic Church fostered close relationships across the political spectrum in Chile, ultra-conservative and powerful catholic groups like the Opus Dei bolster social-conservatism in Chile, and the Catholic Church maintains influence over Chilean politics through its education—with most Chilean elites being educated at private catholic universities (Diez 2015, 73). Therefore, although religiosity has declined in Chile (much more than in Argentina), the Catholic Church and the Opus Dei maintain a strong influence over Chilean political and social values.

The opposite can be said about Argentina.

As previously mentioned, Argentina's post-dictatorship political landscape was dominated by the legacy of Peronism and the uplifting of secular civil society, leaving little to no room for the Church in the political sphere. Notably, Díez points out, Argentina lacks a confessional Catholic party, and organizations like the Argentine Opus Dei have largely failed to gain footing in the Argentine national discourse (Diez 2015, 55). With all of this in mind, it makes sense that Argentina's openness to progressive social movements and limited political influence of the Catholic Church would foster a political culture more open to same-sex marriage and LGBT rights. However, the question still remains; if Argentine politics is minimally influenced by Catholic groups, why do Argentines display higher levels of religiosity as mentioned in the previous analysis of World Values Survey Data?

De Facto, not De Jure, Separation of Church and State in Argentina

As mentioned earlier, the Argentine constitution includes an official endorsement of the Catholic faith, and Fox's RAS index considers Argentina to have "high" levels of "state funding of religion" (Fox 2023). While the Catholic Church receives significant financial support from Argentine government funding, the Catholic Church wields minimal influence over Argentine policy. Especially compared to Chile, the Catholic Church is practically absent from the Argentine political sphere. The combination of the World Values Survey Data and the Fox RAS data therefore implies significant dissonance between personal religiosity and the in-

fluence of that religiosity on political participation, with an apparently depoliticized Catholic Church in Argentina.

A possible explanation for this is that the Catholic Church held an "ambiguous position in terms of human rights violations [during the dictatorship years]," which caused "significant damage" to the Church's public image post-dictatorship, which Díez claims led to "lower levels of religiosity" (Diez 2015, 54). Although Díez is correct that the Catholic Church had less influence over Argentine politics, the WVS data unilaterally opposes his claim of decreased religiosity in Argentina. Instead of decreasing religiosity, the decreased influence of the Catholic Church in Argentine politics post-dictatorship did not diminish its influence over the Argentine people; instead, the Catholic Church in Argentina was arguably depoliticized. In other words, while the Catholic Church was removed from the political sphere in Argentina, the political sphere was simultaneously removed from the Catholic Church—having no impact on religiosity. While more research is needed to prove this claim, this implies that Argentine individual political views are independent of religious belief, which would account for the anomaly addressed by this paper.

Conclusion

This paper investigated the paradoxical relationship between Chilean and Argentine religiosity and stances on same-sex marriage. Though both states have similar historical and cultural backgrounds, the varying influence of the Catholic Church, Chile's neoliberal institutions, and the legacy of Peronism in Argentina

contribute to their differences today. Despite Argentina's stronger Catholic identity and constitutional favoritism towards the Catholic Church, Peronism and secular civil society have contributed to a more favorable environment for progressive social movements to thrive. In contrast, Chile's entrenched neoliberal policies align with more conservative social values. This paper challenges the assumption that higher religiosity correlates with social conservatism, highlighting the complex interplay between religion, government, and social values. However, the lack of empirical research limits definitive conclusions, so more in-depth studies are necessary to explore not only the impact of religiosity on political and social attitudes, but also other possible disconnects between religious observance and political engagement in the 21st century.

References

- "Argentina - Americas - Constitute." n.d. <https://constituteproject.org/countries/Americas/Argentina>.
- BBC News. 2010. "Q&A: Argentina Gay Marriage Law." BBC News, July 15, 2010. <https://www.bbc.com/news/world-latin-america-10650267>.
- Bonnefoy, Pascale, and Ernesto Londoño. 2021. "Chile Legalizes Same-Sex Marriage at Fraught Political Moment." *The New York Times*, December 7, 2021. <https://www.nytimes.com/2021/12/07/world/americas/chile-gay-marriage.html>.
- "Chile 1980 (Rev. 2021) Constitution - Constitute." n.d. https://www.constituteproject.org/constitution/Chile_2021#s94.
- CIA. 2023a. "Argentina - the World Factbook." 2023. <https://www.cia.gov/the-world-factbook/countries/argentina/#people-and-society>.
- . 2023b. "Chile - the World Factbook." 2023. <https://www.cia.gov/the-world-factbook/countries/chile/#people-and-society>.
- Constitute Project. 2023. "National Profiles | World Religion." Association of Religion Data Archives. 2023. https://www.thearda.com/world-religion/national-profiles?REGION=0&u=11c&S_10.
- Cooper, Melinda. 2017. *Family Values: Between Neoliberalism and the New Social Conservatism*. Princeton University Press. <https://muse.jhu.edu/book/79018/>.
- Díez, Jordi. 2015. *The Politics of Gay Marriage in Latin America: Argentina, Chile, and Mexico*. <https://doi.org/10.1017/CBO9781316162804>.
- Edwards, Sebastian. 2023. "TIMELINE." In *The Chile Project: The Story of the Chicago Boys and the Downfall of Neoliberalism*, xiii–xviii. <https://doi.org/10.2307/j.ctv32fs567.5>.
- Fox, Jonathan. 2023. "National Profiles | World Religion." Association of Religion Data Archives. 2023. https://www.thearda.com/world-religion/national-profiles?REGION=0&u=11c&S_2.
- Gaskins, Ben, Matt Golder, and David A. Siegel. 2013. "Religious Participation, Social Conservatism, and Human Development." *The Journal of Politics* 75 (4): 1125–41. <https://doi.org/10.1017/s0022381613000765>.
- Haas, Liesl. 1999. "The Catholic Church in Chile: New Political Alliances." In *Latin American Religion in Motion*, edited by Joshua Prokopy and Christian Smith. Routledge. <https://doi.org/10.4324/9780203010129>.
- Heritage Foundation. 2023. "Economic Data and Statistics on World Economy and Economic Freedom." Index of Economic Freedom. 2023. <https://indexdotnet.azurewebsites.net/index/explore?view=by-region-country-year&count%20ryids=5%2C33@ionids=&yearids=>.
- Inglehart, R. et al. 2023. "World Values Survey." Accessed December 17, 2023. <https://www.worldvaluessurvey.org/WVSONline.jsp>.
- Rao, Rahul. 2015. "Global Homocapitalism." *Radical Philosophy*, October. <https://www.radicalphilosophy.com/article/global-homocapitalism>.



Beyond the Veil: A Critical Analysis of Sharia Law in Saudi Arabia and Indonesia

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ABSTRACT

This article critically analyzes the Cairo Declaration of Human Rights in Islam (CDHRI) and its relationship with the widely recognized Universal Declaration of Human Rights (UDHR), which guarantees and protects human rights for all regardless of gender, social and economic situations. Adopted by 45 Islamic states in 1990, the CDHRI is often portrayed as complementing the UDHR but is rooted in Sharia Law, leading to tensions between universal and cultural relativist perspectives on human rights. By using Saudi Arabia and Indonesia as case studies to illustrate the various manners the Sharia Law is implemented, this paper illustrates how the law in these countries amplifies social, physical, and structural violence specifically against gender and religious minorities, namely Shia. This highlights the immense disparities between international human rights norms and state-centric patriarchal norms. Additionally, by analyzing the legal frameworks of these states, specifically the Aceh region in Indonesia and Saudi Arabia as a whole, this article emphasizes the complex interplay between universalistic ideals and cultural relativism, emphasizing the need for a nuanced understanding of human rights in diverse cultural contexts.

The Cairo Declaration of Human Rights in Islam (CDHRI), often disregarded, stands as a critical human rights document, alongside the more well-known Universal Declaration of Human Rights (UDHR) formed in 1949, among citizens of the world. Adopted in 1990 by the 45 Islamic states, it has been advertised as a “complement to the UDHR,” yet it essentially undermines its universal feature since its foundation is rooted in Sharia Law (Akkad 2012). The belief in such a broader legal system “refers to the perfect, immutable values understood only by God,” which many outsiders simplify to understand “as a rigid legal system that can’t evolve to reflect modern, Western values” (Robinson 2021). Associated with the legal frameworks predominantly found in Islamic countries, Sharia Law is a construct derived from the interpretation of “the Quran which is considered the direct word of God, and the hadith” (Robinson 2021). Despite their common elucidation of these religious texts, the interpretation of Sharia Law differs between the two largest Muslim sects – Sunni and Shia – and their subsequent legal schools of thought. Namely, there are variations in Sharia Law between the Shia’s predominant legal school of thought called Ja’fari, and the Sunni’s four jurisprudences which include the Hanbali legal framework commonly used in Saudi Arabia (Yakar 2020, 227). The implementation of Sharia law in specific Sunni states, contributing to social, physical, and structural violence against both gender and religious minorities, has amplified the legal bias. This highlights the disparity between international human rights norms, which aim to promote egalitarian values and regional human

rights on the one hand, and state-centric and patriarchal norms on the other hand.

Saudi Arabia’s Hanbali legal system strictly abides by Sharia law, which has raised international apprehensions for the maintenance of human rights – especially following “concerns about Saudi links to the 9/11 attacks” (Taylor 2015). Indonesia, a country less well-known for its stern implementation of the law despite having the world’s largest Muslim population, operates as a dual system: although it is a secular state, it allows for the strict application of Sharia law in the Aceh region. Thus, the following analysis will shed light on the abuses that stem from the implementation of the Sharia Law, especially its impacts on socially marginalized individuals, considering religious dimensions. This paper will also emphasize and reveal the normalization of exclusion and violence in the legal frameworks of both regions. This continuous cycle of violence, encompassing physical and social forms, as discussed by scholar Faison, has perpetuated the devaluation and state-enforced discipline imposed on religious minorities (Faison 2007).

Firstly, critical elements differentiating internationally recognized human rights laws and Sharia laws, as implemented in Saudi Arabia and Indonesia, will be discussed. Then, Saudi Arabia’s historical and modern implementations of the Hanbali interpretation of the law, its scope, and its impact on the human rights of minorities will be discussed. Following on, Indonesia’s dualistic legal system will bring a compelling basis for analysis and comparison to Saudi’s legal framework.

International Norms versus Sharia Law

International human rights laws, like the UDHR, are universal and applicable to all regardless of gender, race, and religion. The UDHR specifically “recognizes the inherent dignity [...] and] equal and inalienable rights of all” humans (Akkad 2012). Although international law is often seen to have “been shaped by Western legal doctrine,” the UDHR is a fully embracing and non-legally binding document (Powell 2019, 88). However, the “lack of clear framework and a set of [specific] guidelines can be problematic,” particularly when having to hold states or regions accountable for non-adherence, as exemplified in Aceh, despite Indonesia being a signatory to the UDHR (Bloomfield 2016, 29). Western states also see the UDHR, and other international laws, “as providing a legitimate, value-neutral and benevolent framework,” one which Sharia law cannot provide (Powell 2019). Yet, due to its “universalistic pretensions,” the UDHR brings challenges between “national law and international standards, particularly in non-western countries” (Yasar 2022). The failure to consider the “cultural and religious context of non-Western countries” can explain why Saudi Arabia did not adopt and sign the soft law (Akkad 2012). The term ‘soft law’ indicates that the clauses within the legislation are non-binding to signatory states, serving solely as a national objective for states to achieve, with no external obligation to do so. Furthermore, at the UN General Assembly, the Iranian representative has noted that the UDHR solely “represented a secular understanding of the Judeo-Christian tradition, [thus] could not be implemented by

Muslims, and did not accord with the system of values recognized by the Islamic Republic of Iran,” leaving no choice but for the violation of the international accord (Littman 1999). Therefore, Iran, which is of Ja’fari tradition, concluded that both laws – the UDHR and Sharia Law – were incompatible. Scholars have coalesced around this perspective, demonstrating that both clash on “basic rights – freedom of speech, freedom of religion, gender equality, minority rights” – rights recognized and protected by international conventions and not by Sharia law according to some (Russo 2019).

Scholar Huntington formulates this idea through the ‘Clash of Civilizations’: adopting a cultural relativist approach to human rights. Cultural relativism is when “culture is the principal source of the validity of moral rights or rule” (Donnelly 1984, 400). This concept legitimizes Islamic states’ sentiments that the UDHR clauses are “product[s] of the Western political history” (Russo 2019), reflecting attempts by Westerners to extend their values globally, resembling a modern “cultural imperialism” (Mayer 1994, 383). According to Huntington, “the promotion of the universality of human rights by the West is counterproductive,” as it only encourages greater “civilizational clashes and backlash movements in non-Western cultures” (Mayer 1994, 310). Other scholars, like Winter, argue that to Muslims, “the West is biased against Islam” as they resent their “rhetorical endorsement of universality” (Mayer 1994, 313).

Compared to the universal approach in international law, the Sharia law “is [...] the ‘path to be followed’, the ‘law to be obeyed by ev-

ery Muslim” (Russo 2019). Similarly to what can be perceived about the UDHR, Sharia law makes use of a cultural relativist approach: its specification of being ‘Muslim’ foreshadows its long-lasting adverse effects on socially marginalized individuals. The “culturally biased interpretations of the...Sharia law” (Mansour 2014, 8), based on the Quran, “classifies...people as believers or unbelievers...[designating] the latter...[as] ‘unprotected persons’ under...Islamic government” (Khan 2006, 795). Thus, despite all laws prevailing “universally in theory,” they do not always do so “in practice” (Henry 2013, 365). For the many Muslim-majority states that have ratified international-levelled conventions, they have indicated priority for the Sharia law, rejecting “those parts of the Convention” (Russo 2019) contrasting with Islamic law. The prioritization of cultural relativism in Saudi Arabia and Indonesia is reflected in the acceptance and integration of social, structural, and physical violence, revealing a substantial legal bias present in comparison to international human rights standards and norms.

Saudi Arabia

In Saudi Arabia, the Sharia law that is applied arises from “one of the strictest interpretations of Islamic law in the modern age” basing it off “the Hanbali school, Islam’s most conservative and focused on the select text” (Robinson 2021). Their interpretation is the most literal of all and is known as Wahhabism, which “insists that every Muslim must promote Islam” (Brown 2021) and spread its correct practice. To Saudi Sunni Muslims, the Sharia law “sets the standards of rightness or wrongness in hu-

man affairs and provides an all-inclusive scale of religious valuation for conduct” (Souryal 1987, 431). Thus, Sharia Law’s application, which conflicts with internationally recognized principles, leads to severe restrictions for minorities. Specifically for religious minorities like Christians and Shias as well as gender minorities including women and members of the LGBTQ+ community, their human rights are “considered to be (some) of the poorest in the Arab region, especially when it comes to legalized discrimination” (Mansour 2014, 14).

Discrimination refers to a situation where “certain individuals or groups do not enjoy the same rights or privileges as” members of other groups (Irawan 2021, 90). Gendered discrimination segregates women entirely from men: the former are excluded “from the workplace, penned in special ‘family sections’ in restaurants, taught in separate schools and colleges, and forbidden to drive,” stripping them from “a full legal personality” (Mansour 2014). However, as per the Quran, “women have rights similar to those of men equitably” (Quran, 2:228), thus critics of Saudi Arabia’s rule point out that leaving women behind – unable to make a life for themselves – furthers the normalization of exclusion and inequality (Robinson 2021). This normalization is evident when violence has become tolerated socially and legally, as it “is viewed as ‘disciplining’ disobedient women” (Mansour 2014, 17). Punishments are “severe and include, for example, death for apostasy, [and used to include] eighty lashes for public intoxication, [and still includes] hand amputation for prima facie theft” (Souryal 1987, 433). Flogging, which “tended to be done with a

wooden cane,” was banned as a punishment, yet it was replaced by further punishment, including “jail time and fines” (Hubbard 2020). Despite the Western critique of these punishments, the justification behind the implementation of corporal retributions is that it ensures “the continuity of a spiritual community” (Souryal 1987, 433). Survey polls have been conducted and show that “33.6%” expressed a desire to valiantly defend the existing system,” while only 23.4% were “in favor of radical change” (Tausch 2021, 364), thus illustrating the general public in Saudi Arabia may not necessarily agree with the Western human rights approach.

Whilst Muslim Sunnis dominate the country, Shiites account for 15% of the population and therefore must tolerate the policies formulated by and for Sunnis, hindering their cultural beliefs and systems. Freedom of religion is severely restricted, with minorities constantly facing government threats and “discrimination based on their faith” (Taylor 2015), resulting in them being afforded fewer human rights than their Sunni Muslim counterparts. In 2014, a decree made atheism punishable for “up to 20 years in prison,” declared non-Islamic religions unacceptable, and restricted Shia religious practices (Freedom House 2023). The Shias specifically are seen and treated “as second-class citizens,” impeding the UDHR article on “equality in religion” (Caruso 2021). Since 2014, the government has constantly discriminated against minorities “including in public education, the justice system, and employment” (Russo 2019). Whilst theoretically permitted to worship in private, religious minorities are fre-

quently disrespected by authorities who disproportionately propagate hate speeches and back “staunchly anti-Shiite beliefs and propaganda” (Human Rights Watch 2008). The “increasingly adopted paternalistic” approach by authorities, directed towards religious minorities, insinuates the extensive control exerted by the state over its citizens (Faison 2007, 14).

The discrimination endorsed by the executive is worsened by judges and courts who do not follow the premise of equality before the law, nor respect judicial impartiality. In the West, judges “while exercising judicial duties (...) engage in unbiased application of law to specific cases,” however in Saudi Arabia, “religion finds expression in some courtrooms” (Powell 2019). Judges must “be devout adherents to the Muslim faith, [and] respect religious values” (Powell 2019), further illustrating the bias present throughout society against religious minorities. The government claims that accepting other religions contradicts their beliefs, as it “threaten[s] the tradition[al] family structure, gender roles, and values” reflected in the Sharia law stemming from Quranic interpretation (Russo 2019). This illustrates the inherent legal discrepancies between interpretations of international human rights and Sharia law, resulting in the societal acceptance of violence based on religion and gender.

Indonesia

With 86% of its population being Muslims, Indonesia operates by balancing “secular and religious elements (...) with dialectical dialogue and conservation” (Hasyim 2020, 111). Unlike Saudi Arabia, its political and legal

systems are neither “theocratic nor secular,” a fact that has made the “State’s discourses... uneasily separated from both identity makers” (Hasyim 2020, 125). The secular aspect of the state is represented by “the administration of state politics,” whereas the religious aspect “is represented by the Constitution of Indonesia” (Hasyim 2020, 125). This balance of forces allows for ambiguity and different interpretations of either side to occur, which may create imbalances in the state’s nature. Whilst it is “unable to stop several attempts of Shariatization promoted by” some Muslim communities (Hasyim 2020, 125), it also, as a non-secular state, allows for the separation of religion and politics. For instance, in Indonesia, Islam, as a religion, “functions rather as a political ornament than as a substantial content of the State” (Hasyim 2020, 112). This enables Indonesia to incorporate religious liberty, despite only recognizing six faiths, as stated in the Constitution. Consequently, “members of religious minorities and atheists have been increasingly subjected to discrimination” (Arman 2022). Christians, the largest minority, and non-Muslim minorities are both “vulnerable to discriminatory laws and official indifference to worsening intolerance by militant Islamists” (Harsono 2017).

In Indonesia, the region of Aceh specifically “is one of Indonesia’s most religiously conservative areas, and is the only part of the archipelago to impose penalties on its residents under Islamic law” (Llewellyn 2019). Since 1999, the region has been allowed to implement the Sharia law as they deem suitable, leading to its strict application. These harsh requirements include women “dress[ing] mod-

estly, alcohol (being) prohibited, and numerous offenses – from adultery to homosexuality to selling alcohol – (being) punishable by public whipping” (Emont 2017). These punishments show a patriarchal society, one dictating what citizens can and cannot do, as found by Faison. This has been locally justified “by the popular attitude that women who don’t obey the rules imposed by men get what they deserve” (Padden 2011). Moreover, Aceh’s interpretation of Sharia law conflicts with Indonesia’s modern “idea of the nation-state” (Salim 2008) and goes against all ideas of international human rights norms. Yet, as a signatory country of the UDHR, Indonesian national law should have prevailing authority over sub-national law, especially ones characterized by heavily customary law bias and social exclusion. As Sharia law has inhibited Aceh, “a creeping Islamic fundamentalism” has gained a foothold, only bringing “strife-torn trouble, and negative publicity” to the region (Kurniawati 2010). Now, Sharia law police, who often abuse their power, “roam the province, raiding everything from hotel rooms to beaches in a hunt for immoral activity” (Emont 2017), whilst the rest of the country has moved towards a more conservative and Western-like system. The usage of Sharia law in Aceh has been noted to “not follow Indonesian national law due to its implementation” of “cruel, inhuman, and degrading” punishments (Nagara 2022, 167). This site of violence and exclusion also “violates international law prohibiting torture and other cruel, inhuman or degrading treatment set out in the International Covenant on Civil and Political Rights” (Llewellyn 2019). The original aim of

Sharia law to “create a collective voice for the Muslim world, with the purpose of safeguarding and protecting the[ir] interests” (Hellmann 2016) underscores that the normalization of social and physical violence as punishment in many of these nations is a result of national or sub-national decisions, rather than being inherent to the adoption of Sharia law.

Unlike in Saudi Arabia, where a single judicial system exists, a dual judicial system operates nationally. Concretely, this means that “an Islamic court system runs parallel to its system of civil courts,” clearly dividing Muslims and ‘others’ (Bown 2010, 1756). As the Islamic courts only hear cases brought by Muslim citizens, “distinct rights [are granted] to its citizens depending on their declared religious confession” (Bown 2010, 249). This insinuates that non-Muslim minorities are faced with deeply integrated legal bias and discrimination daily, an impact likely perpetuating the social marginalization of individuals. The judicial segmentation suggests “that with respect to family law people could be easily separated into two distinct and sealed communities” (Bown 2010, 249), making individuals prioritize their religious identity over national citizenship. Moreover, individuals must select one of the six mainstream religions or else they “are at risk of being labeled ‘godless’ by some clerics and officials” (Arman 2022), facing accusations of blasphemy which is a crime that faces “up to five years in prison” (Harnosso 2022). This pressure forces a religious identity even on those who do not hold such beliefs, demonstrating the paternalistic state approach taken on by Aceh. This importance of religion extends as

far as the educational system, mandating state schools to enforce the “study [of] the religion... [students] have declared” from the six available religions (Harnosso 2022).

Conclusion

To conclude, this paper sheds light on the concealed dimensions of power and exclusion, specifically of religious minorities and women. These perpetuated law biases ingrained within Sharia law states such as Saudi Arabia and Aceh in Indonesia can demonstrate that despite agreeing to the fundamentals of international laws, cultural relativism can be a stronger force in creating and upholding certain human rights. Universalism, shown through the UDHR, can be seen as the forced application of ‘Western-centric’ values and belief systems. However, within this framework of human rights legislation, there is a commitment to ensuring universal and impartial access to all rights, notwithstanding social and economic situations. Thus, although the Sharia law allows states to replace Western perspectives and bias with their own cultural interpretations, this often overlooks and disregards the universal rights of all individuals, thereby causing harm to minorities. The examples of normalized violence showcased in this paper therefore exhibit the uncontested power of the law and its enduring effects on marginalized communities.

References

- Akkad, Dania. 2012. “Human Rights: The Universal Declaration vs The Cairo Declaration.” Middle East Centre. <https://blogs.lse.ac.uk/mec/2012/12/10/1569/>.
- Arman, Laura. 2022. “In Indonesia, a Rising

- Tide of Religious Intolerance.” thediplomat.com/2022/10/in-indonesia-a-rising-tide-of-religious-intolerance/.
- Bloomfield, Alice. 2016. “Alternatives to Detention at Crossroad.” *Refugee Survey Quarterly* 35 (1): 29-46.
- Bowen, J. R. 2010. “Religious Discrimination and Religious Governance Across Secular and Islamic Countries: France and Indonesia as Limiting Cases.” *American Behavioral Scientist*, 53 (12): 1749-62.
- Brown, Nathan J. and Yasmine Farouk. 2021. “Saudi Arabia’s Religious Reforms Are Touching Nothing but Changing Everything.” *Carnegie Endowment for International Peace*, 7-32.
- Caruso, Antonella. 2021. “Saudi Arabia Still Treats Shiites as Second-Class Citizens.” <https://foreignpolicy.com/2021/05/11/mohammed-bin-salman-mbs-saudi-arabia-still-treats-shiites-second-class-citizens/>.
- Darma Nagara, Muhamad Rizki, and Mesy Faridah Hendiyani. 2022. “The Analysis of Aceh Law and Its Relevancy on National Law from Human Right Perspective.” *JURNAL TERAPAN PEMERINTAHAN MINANGKABAU* 2 (2): 163-73.
- Donnelly, Jack. 1984. “Cultural Relativism and Universal Human Rights.” *Human Rights Quarterly* 6 (4): 400-19.
- Emont, Jon. 2017. “As Shariah Experiment Becomes a Model, Indonesia’s Secular Face Slips.” *The New York Times*. <https://www.nytimes.com/2017/01/12/world/asia/indonesia-sharia-law-aceh.html>.
- Faison, Elyssa. 2007. “From Home Work to Corporate Paternalism: Women’s Work in Japan’s Early Industrial Age.” In *Managing Women: Disciplining Labor in Modern Japan*, 8-26. Berkeley: University of California Press.
- Freedom House. 2023. “Saudi Arabia: Freedom in the World 2023 Country Report.” <https://freedomhouse.org/country/saudi-arabia/freedom-world/2023>.
- Harsono, Andreas. 2017. “Indonesia: ‘Religious Rights’ Bill Would Harm Minorities.” *Human Rights Watch*. <https://www.hrw.org/news/2017/07/21/indonesia-religious-rights-bill-would-harm-minorities>.
- Hasyim, Syafiq. 2020. “The Secular and the Religious: Secularization and Shariatization in Indonesia.” In *Secularism, Religion, and Democracy in Southeast Asia*, edited by Vidhu Verma and Aakash Singh Rathore, 111-34. Oxford University Press.
- Hellmann, Ashlea. 2016. “The Convergence of International Human Rights and Sharia Law.” <https://nysba.org/NYSBA/Sections/International/Awards/2016%20Pergam%20Writing%20Competition/submissions/Hellmann%20Ashlea.pdf>.
- Henry, Nicola. 2013. “Memory and Injustice: The ‘Comfort Women’ and the Legacy of the Tokyo Trial.” *Asian Studies Review* 37 (3): 362-80.
- Hubbard, Ben. 2020. “Saudi Arabia Abolishes Flogging as a Punishment for Crime.” *New York Times*. <https://www.nytimes.com/2020/04/25/world/middleeast/saudi-arabia-abolishes-flogging.html>.
- Human Rights Watch. 2008. “Saudi Arabia: Shia Minority Treated as Second-Class Citizens.” www.hrw.org/news/2008/09/25/saudi-arabia-shia-minority-treated-second-class-citizens.
- Khan, Almas. 2006. “The Interaction between Shariah and International Law in Arbitration.” *Chicago Journal of International Law* 6 (2): 791-802.
- Kurniawati, Dewi. 2010. “Shariah in Aceh: Eroding Indonesia’s Secular Freedoms.” *YaleGlobal Online*.
- Littman, David. 1999. “Universal Human Rights and ‘Human Rights in Islam’.” *Midstream*.
- Llewellyn, Aisyah. 2019. “‘Shame and humiliation’: Aceh’s Islamic law violates human rights.” *Al Jazeera*. <https://www.aljazeera.com/news/2019/6/28/shame-and-humiliation-aceh-islamic-law-violates-human-rights>.
- Mansour, Dina. 2014. “Women’s Rights in Islamic Shari’a: Between Interpretation, Culture and Politics.” *Muslim World Journal of Human Rights* 11, no. 1: 1-24.
- Mayer, Ann E. 1994. “Universal Versus Islamic Human Rights: A Clash of Cultures or a Clash with a Construct?” *Michigan Journal of International Law* 15 (2): 308-402.
- Padden, Brian. 2011. “Indonesia: In Aceh, Enforced Sharia Law has Outsized Impact.” *Asia News Monitor*. <https://www.proquest.com/newspapers/indonesia-aceh-enforced-sharia-law-has-outsized/docview/896288215/se-2>.
- Powell, Emilia Justyna. 2019. “Islamic Law and International Law: Similarities and Differences.” In *Islamic Law and International Law: Peaceful Resolution of Disputes*, 86-124. New York.

- Robinson, Kali. 2021. "Understanding Sharia: The Intersection of Islam and the Law." Council on Foreign Relations. <https://www.cfr.org/background/understanding-sharia-intersection-islam-and-law>.
- Russo, Maria Sole. 2019. "Clash between Sharia law and human rights in light of PACE Resolution 2253." Ius in itinere. <https://www.iusinitinere.it/clash-between-sharia-law-and-human-rights-in-light-of-pace-resolution-2253-23827>.
- Salim, Arskal. 2008. *Challenging the Secular State: The Islamization of Law in Modern Indonesia*. University of Hawai'i Press.
- Souryal, Sam S. 1987. "The Religionization of a Society: The Continuing Application of Shariah Law in Saudi Arabia." *Journal for the Scientific Study of Religion* 26, no. 4: 429-49.
- Tausch, Arno. 2021. "Saudi Arabia – Religion, Gender, and the Desire for Democracy." In *The Future of the Gulf Region*, 331-69. Switzerland: Springer Cham.
- Taylor, Adam. 2015. "The facts – and a few myths – about Saudi Arabia and human rights." *The Washington Post*. <https://www.washingtonpost.com/news/worldviews/wp/2015/02/09/the-facts-and-a-few-myths-about-saudi-arabia-and-human-rights/>.
- World Population Review. 2024. "Muslim Population by Country 2024." <https://worldpopulationreview.com/country-rankings/muslim-population-by-country>.
- Yakar, Sümeyra, and Emine Enise Yakar. 2020. "A Critical Comparison between the Classical Divorce Types of Hanbalī and Ja'farī Schools." Istanbul University Press.
- Yaşar, Berfe. 2022. "Examining the Universality of International Human Rights from an Iranian Perspective." TRT World Research Centre. <https://researchcentre.trtworld.com/featured/examining-the-universality-of-international-human-rights-from-an-iranian-perspective/>.



Language, Power, and the Media in the Portrayal of Wartime Sexual Violence

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ABSTRACT

Sexual violence has increasingly been recognised – and framed – as a war crime. This essay seeks to unpack the normative and epistemological elements of this discourse. The literature is dominated by peacetime studies of gender and language which fail to analyse elements of shock and labels in the construction of the actors at play. This paper seeks to understand how language, power and media work together to infantilize women and create an implicit dichotomy of victims and survivors. Drawing on critical feminist and post-structural theories, it is argued that media agents play a significant role in shaping perception and defining policy on wartime rape, through language patterns and themes. It is concluded that the language employed by news articles contributes to the gendered socialization of wartime rape. The argument is illustrated by a critical discourse analysis (CDA) of two news channels, Al Jazeera and Fox News, which seeks to identify the common discursive themes and demonstrates that the rhetoric employed is self-perpetuating and is conducive to gendered assumptions and shortcomings.

Introduction

Media is a powerful and pervasive influence in our daily lives, shaping our opinions and perceptions. This critical discourse analysis (CDA) examines how the language news articles use and reproduce creates patriarchal notions contributing to a ‘gendered social construction of wartime rape’.

Analysing ten articles by Al Jazeera and Fox News within a six-year range dating from September 2015 to November 2021, I describe how language is employed to reinforce stereotypes and traditional roles that normalise violence against women. In particular, using a post-structural feminist lens, this CDA critically analyses the use of the terms ‘victim’ and ‘survivor’ in war. Assessing language, labels, and themes employed in the coverage of wartime rape, this study contributes to the existing literature on ‘peacetime’ rape, where ‘peacetime’ refers to a period when a country is outside of conflict.

The core of my argument is that news sources – still dominated by men’s voices and traditional masculinist war narratives – communicate images of men as natural ‘predators’ and women as inevitably, their ‘victims’. These implications extend beyond typical gendered analysis, particularly in wartime contexts where ‘victim-blaming’ isn’t the primary focus. Instead, they reinforce the hierarchical gender roles of dominance and submission.

Literature Review

Scholarly literature on the power of language in wartime rape discourse has been an evolving and contested subject shaped by dif-

ferent waves of feminism and evolutions in critical theory. The first section of this literature review draws out views on language as both a source and an iteration of power in feminist thought. I then consider the vastly diverging views on the use of the words ‘victim’ and ‘survivor’ in defining people that have experienced rape and the effect these have on shaping rhetoric. Finally, I describe the use of shock tactics employed by the media to shape policy and the implications therein. The literature presented will serve as a basis for critically evaluating the language of selected news sources.

Knowledge and Power

That language holds power is a concept that many critical schools of thought and post-structural theorists have incorporated into their work. Shepard (2010, 15) claims academics should take a more critical approach to the reproduction of knowledge through the writing of policy and other crucial documents. Ayiera (2010, 13) expands on Shepard, arguing that international relations discourse uncritically accepts patriarchal ideology. Scholars fail to address gendered language and biases, and that results in the perpetuation of gender inequalities. Skjelsbaek (2010) gives an example of this bias, namely the popular characterisation of sexual violence as a ‘weapon of war’. Although this conceptualization is not clearly defined or evidenced in political discourse, its widespread use has made it “common knowledge,” which exemplifies the self-reinforcing power of language in creating knowledge (Skjelsbaek 2010, 27). Bolseth (2013) articulates in her CDA that power dynamics are intertwined with commu-

nication, where statements made by people in power shape information and knowledge. She highlights this by outlining the discursive landscape of the Democratic Republic of Congo (DRC), drawing back to King Leopold II's (1908-1960) language during his colonial reign. Bolseth compares his use of language to identical rhetoric used by UN Special Representative Margot Wallström in April 2010 characterizing the country as the "rape capital of the world" (Bolseth 2013, 34).

'Victim/Survivor' Dichotomy

Whether a person who has experienced sexual violence is described as a 'victim', 'survivor', or neither or both, is a controversial debate among feminist scholars. Scholars tend to disagree on the terms and their implications in language. 'Victims' are predominantly conceptualized as weak, passive and powerless – terms that are often attributed to femininity. As such, recent neoliberal debates (Kelly, Burton and Regan 1996) criticize the word, arguing it is inherently stigmatized and deemed undesirable. Especially when it is the language of 'victim' that prevails in the majority of policy, media and literature regarding wartime sexual violence. They claim the word 'survivor' instead to attempt to emancipate the language of rape. Ross (2022) problematizes this neoliberal conception of the word 'victim', arguing its rejection and substitution with 'survivor' or otherwise, is in and of itself a form of 'victim-blaming' as it puts pressure on those who are assaulted and blames them for suffering as a result.

According to Kelly, Burton and Regan

(1996), the terms 'victim' and 'survivor' should all together not be employed as they establish a problematic dichotomy, leading to questions about who qualifies as a 'victim' versus a 'survivor' and who has the authority to determine where the threshold lies for an individual to be categorized as such. They contend that this language perpetuates a form of 'victim-blaming', and therefore, neither label should be employed to characterize an individual's experience (Kelly, Burton and Regan 1996, 92). Herein, the scholars outline an exercise carried out where participants were required to list words they associate with 'victim' and 'survivor'; the study resulted in a 'conceptual split' where the 'victim' was heavily characterised by negative descriptors while the 'survivor' was positive and desirable. As such, they find that more generic categorizations such as 'children', 'young people', 'adults' or 'women' are best suited to avoid reproducing power values embedded in discourse.

Bonnes's (2013, 217) analysis in her CDA severely disagrees with this argument, countering that these terms must be used to emphasise the role of the perpetrator. She criticizes news articles for using descriptors like 'women', 'children' and 'girls' rather than the label identified above, as she finds that specific language is crucial in creating associations of blame or innocence (Bonnes 2013, 218). These associations in turn serve to facilitate the identification and punishment of perpetrators. Lewis (2015) builds on Bonnes's research method to investigate how discourse in the media contributes to the perception of rape. She identifies how the news, through active discursive framing,

skews the perception of ‘victims/survivors’ and perpetrators and contributes to the social construction of rape. Many scholars focus their analysis on instances of ‘peacetime’ rape where ‘victim-blaming’ is prominent, but few, if any studies, look at the language of perpetrators in ‘wartime’. While scholars make valuable contributions by discussing how language influences how society perceives the ‘victim/survivor’ dichotomy and the severity of incidents of rape, they fail to analyse language within the broader context of gender dynamics. This is evident as scholars exclusively focus on the rape of ‘women and children’ by men, which though prevalent is not the only manifestation. This narrow characterization excludes the possibility of women as perpetrators and men as ‘victims’, positioning women as natural prey to predatory men.

Shock Tactics

Ayiera (2010) emphasizes research on wartime rape has employed shock tactics to generate momentum. She gives examples of phrases such as “rape as a weapon of war” and “the war is fought on women’s bodies” to highlight the phraseology emerging from Ayiera’s study (2010, 11). She adds that the international focus on the scale and scope of sexual violence implies that this form of violence is notable only when it involves large numbers and egregious ‘newsworthy’ acts (Ayiera 2010, 8). Herein, she stipulates that such ‘hierarchies’ of crime ignore the patriarchal dimension of sexual violence and reflect the view that violence against women, unless topical or lurid, is a private matter. Similarly, Dragotesc (2011) provides the

example of the DRC to discuss how its characterization as the rape capital of the world by the UN appropriates the tragedy of

Congolese women essentialises sexual violence in the country, and ultimately place rape as a pivotal part of the Congolese identity. Lewis (2015, 13) counters these arguments by discussing how the sensationalization of crimes through shock reporting is beneficial in mobilizing global attention and legal repercussions. Though this may be true, through her very argument Lewis fails to critically reflect in their work on the power language holds in creating canonical knowledge and shaping policy. This shortcoming is evident as there is no discussion on the possible implications of shock tactics and their potential negative effects.

Considering the post-structural arguments posited by these academics, and drawing on certain shortcomings identified, this report aims to investigate how news articles use language to reinforce and reproduce gendered power structures.

Methodology

This CDA uses a poststructural feminist framework to shape the methodological choices and critically engage with the content and theory. This approach looks particularly at the social construction of gendered subjectivities and seeks to investigate the relationships between power, language, and subjectivity concerning gender (Prasad 2015, 165).

Firstly, this form of analysis requires researchers to critically engage with how our understanding of language and power is medi-

ated through and facilitated by preconceptions about the world we live in (Shepherd 2010, 144). Therefore, examining positionality is necessary to understand what shapes the researcher's interpretations of knowledge and the set experiences which contribute to their analysis. As a woman with an interest in feminist theory, my interpretations and criticisms are not independent of my positionality and thus may inadvertently reflect some of the critical views and implicit bias in my analysis. An example that could influence my research is that I might inherently prioritize the rape, and experience of women, overlooking men as 'victims/survivors'. Herein, the researcher is a part of the structure that shapes knowledge.

I analysed ten news articles from Al Jazeera and Fox News ranging from September 2015 to November 2021. These two news databases were selected because they represent antipodal geopolitical stances, Al Jazeera being based in Qatar and Fox News in the United States. This was done to minimize political bias and identify generic themes in the media. I searched news databases for articles on 'wartime rape', and found that most articles only secondarily mention sexual violence in war. Therefore, I selected the top ten sources based on relevance within the outlined time frame. A more systematic sampling system would have enhanced reliability, but an overall lack of focused media coverage made this the preferable choice. In addition, examining only two news sources may affect the external validity of my research, and the results may not be representative of the language employed by all news databases. I selected current articles but purposefully

excluded those on the Russia-Ukraine and Palestine-Israel conflicts as the polarized opinions within these wars could have drastically shifted the coverage. Excluding them helped ensure a more balanced selection and clearer representation of diverse perspectives on wartime rape. Each article was printed and coded by hand. The coding process was based on the principles of poststructural feminist analysis, as I derived codes from common themes identified by gender scholars. While some codes were preconceived, others emerged through close readings of the articles.

This essay uses qualitative methods of research (CDA) to examine how news articles portray individuals as either 'survivors/victims' or 'perpetrators', and to understand how this language reinforces gendered power dynamics. As discussed by Kelly, Burton and Regan (1996), the 'survivor/victim' dichotomy is important in determining who qualifies to be a 'survivor', who does not and what this implies for the discourse on sexual violence. Furthermore, when considering Bonnes (2013), the role of the perpetrator can be highlighted or de-emphasized based on the labels used. By using a qualitative method rather than a word count, I was able to assess the contexts in which the words appear, as well as critically interpret the tone. Moreover, CDA is primarily concerned with the function of rhetoric in enacting, reproducing, and opposing power hierarchies, dominance, and inequality (Mullet 2018). It argues that language is always employed purposefully, consciously or unconsciously (Mullet 2018). Therefore, recognizing the implications of language allows us to critically understand how

the way knowledge is represented leads to a global consensus toward wartime rape wherein gendered identities and power relations are reproduced (Dragotesc 2011).

Although the methods presented assist in critically framing the research, they also create some limitations. This approach increases the risk of researcher bias, which compromises the validity and replicability of the research. This is because the researcher's positionality and corresponding cognitive bias play a part in identifying relevant themes and analysing their relevance. Although the themes identified in the literature and critical theory were readily apparent, some articles may have required a more comprehensive examination, potentially yielding different results if replicated.

Analysis

Women/'Victims', Men/'Predators'

In CDA the research is concerned with how language, knowledge, culture, and ideology are employed, interpreted, and related to certain situations to form specific ideative patterns (Lindekilde 2014, 196). In the sampled articles, I identify how the discourse underpins gender stereotypes and essentializes the roles of women and men in conflict-related sexual violence. By analysing the infantilization of women and the vilification of men, the patriarchal influence on shaping the social construction of wartime rape becomes evident.

On the one hand, a notable trend in the data is the overall infantilization of women through the association of women with children. Enloe (2014) criticizes the rhetoric of the indistinguishable 'women and children', whereby

women are portrayed as just as vulnerable to violence as their children. This happens in several articles, where sexual violence is said to be "systematically inflicted by combatants on girls and women" and "used to terrorize women and children" (Associated Press 2018; McFall 2021). Furthermore, one of the articles (Craig 2021) portrays targeted women and children as a "soft spot for this [Cameroon] war." In this context, the crude metaphor reveals latent power dynamics which naturalize gendered hierarchies and reinforce feminized identities. Women in conflict are defined in the media by their vulnerability to sexual assault and need for protection. For example, in Cameroon "fear and anxiety are shared by many women." This perpetuates gendered shorthands about women's innate weakness and men's predatory disposition (Craig 2021; Khan 2022).

On the other hand, war has historically been a male space, where politicians, admirals, and soldiers continue to dominate the field. Therefore, hegemonic masculinity is essentialized and perpetuated in representations and narratives about war. The articles reflect this masculine dominance in the violent and active characterization of perpetrators as "victorious fighters [...] using sexual violence out of a sense of impunity or entitlement" and describe their explicit role in "committing widespread sexual violence" (Associated Press 2018; Aljazeera 2021). The active language used to describe men in conflict is in stark contrast with the passive, "terrorized" and "soft" descriptions of women.

‘Victim/Survivor’ Dichotomy

Newspapers’ use of labels to highlight or de-emphasize the severity of wartime rape plays a significant role in the reassertion of gendered power structures. To fully understand the implications of knowledge production, it is crucial to identify how these words are used, their significance in the articles and how they shape the prevailing narrative.

Recent neoliberal studies, as noted by Kelly, Burton, and Regan’s (1996) work, argue that the term ‘victim’ carries an inherent stigma and is viewed unfavourably due to its association with passivity and weakness. The CDA indicates that the majority of articles employ the term “victim” to describe those affected by sexual violence – a total of 45 times throughout the 10 articles. By consistently framing them as such, the media here plays a significant role in further marginalizing and disempowering the women it refers to. This language reinforces notions of helplessness and vulnerability, overshadowing the agency and resilience of those affected.

On the other side of the dichotomy, is the ‘survivor’ imperative only employed by half the articles, 15 times overall. This label is rarely used within the texts analysed, with the only outlier being a Fox News article (McKay 2019) accounting for 7 of the 15 times the term was used. What distinguishes this article from all others is that its content is concerned with “male rape” as “emerging as one of the most underreported weapons of war” (McKay 2019). Not only does the tone applied reject that wartime rape of men is commonplace, but this discourse explicitly indicates that, unlike wom-

en, men are ‘strong enough to transcend from victim to ‘survivor’’. This type of socialization characterizes ‘victims’ as feminine, and reinforces the gender dichotomy of male/female, as a parallel of the ‘survivor/victim’ dichotomy.

Wartime Rape and the Political Other

The majority of articles, when discussing wartime rape, essentialize the act, normalizing its prevalence in conflict. An example of this is one article’s characterization of sexual violence as “a savage feature of armed conflict” (Associated Press 2018). The negative tone of the word “savage,” coupled with the disturbing acquiescence in reporting it as a feature of war belonging typically to it and serving to identify it, highlights this normalization. Furthermore, the active condemnation of individual perpetrators, government policies and cultures present in other articles, facilitates the creation of a space where wartime rape is accepted and normalized (Associated Press, 2017b). An example of this is the depiction of Cameroon as having “devolved into a state of ‘lawlessness’” and “if the UN sexual abuse crisis has an epicentre, it is the Congo.” The use of this language presents a crude picture of war and everyday realities, perpetuating the notion that sexual assault in conflict is an inevitable crime committed by “savage” men against ‘vulnerable’ women in a “lawless state” (Khan 2022). Furthermore, phrases such as “rape is a weapon of war,” present in the majority of articles, “[...]when you get the woman, you get the nation” (McNeish 2015) and “the young woman didn’t expect to become embroiled in South Sudan’s conflict” (Associated Press 2017a),

reproduce the problematic metaphor identified by Dragotesc of the female body as a political and cultural site and the woman as a symbol of her community (2011). In essence, this data underscores the need for a critical examination of language and discourse in media surrounding conflict and gender-based violence. By questioning and deconstructing these narratives, it becomes evident that colonial legacies as well as patriarchal structures are ingrained in knowledge production as a way to isolate and condemn the Global South (Dragotesc 2011).

Conclusion

In conclusion, language is a key element in the reproduction of knowledge. This CDA investigated how the language employed by news articles contributes to the gendered socialisation of wartime rape. The research was approached through a poststructural feminist lens, aiming to critically evaluate not only the gendered dynamics but also the underlying social implications that gave rise to them. Through my analysis, I attempted to expand on existing academic work by Bonnes and Ayiera, amongst others, regarding ‘peacetime’ rape and language in foreign policy by extending my research to include rape in conflict. To this effect, I believe the results show that the media uses gender shorthand and patriarchal language to reinforce social structures and gendered hierarchies of power. This work is important in its contribution to the global discourse on wartime sexual violence and the deconstruction of language in the media as it provides a critique of existing literature and builds on the gaps identified therein. Notwithstanding, the subjective

element of CDA means that my own experiences and positionality could have shaped the findings, thus limiting the objective replicability and reliability of this study as opposed to other methods. The research could have been expanded by including a wider range of newspapers analysed and focusing more on the differences, if any, amongst different political news contexts. Furthermore, it would be interesting to look at the media concerning policy statements and public opinion to reflect on the influence of the former on the latter.

References

- Ayiera, Eve. 2010. “Sexual Violence in Conflict: A Problematic International Discourse.” *Feminist Africa*, no. 14: 7-20.
- Bolseth, Cathrine Kleppe. 2013. *The Democratic Republic of Congo Conceptualized as “The Rape Capital of the World”: A Discourse Analysis*. Master diss., Norwegian University of Life Sciences.
- Bonnes, Stephanie. 2013. “Gender and Racial Stereotyping in Rape Coverage.” *Feminist Media Studies*, 13 (2): 208-227.
- Dragotesc, Andra-Mirona. 2011. “Imagined(?) Identities – the Victim and the Villain in Awareness Raising Re-presentations of Wartime Violence against Women.” *Studia Universitatis Babeş-Bolyai. Studia Europaea* 56, 2 (06): 125-144.
- Enloe, Cynthia. 2014. “Gender Makes the World Go Round.” In *Bananas, Beaches and Bases*, 1-36. University of California Press.
- Kelly, Liz, Sheila Burton, and Linda Regan. 1996. “Beyond Victim or Survivor: Sexual Violence, Identity and Feminist Theory and Practice.” In *Sexualizing the Social*, 77-101. London: Palgrave Macmillan.
- Khan, Rose. 2022. “Media (Mis)Representation of Conflicted-Related Sexual Violence.” LSE, February 1, 2022. <https://blogs.lse.ac.uk/wps/2022/02/01/media-misrepresentation-of-conflicted-related-sexual-violence/>.
- Lindekilde, Lasse. 2014. “Discourse and Frame

Analysis: In-Depth Analysis of Qualitative Data in Social Movement Research.” In *Methodological Practices in Social Movement Research*, edited by Donatella della Porta, 195-227. Oxford University Press.

Lewis, Tonya B. 2015. “The Crime Heard around the World: a Feminist Critical Discourse Analysis of Media Coverage of the New Delhi Gang Rape.” Master diss., Baylor University.

Mullet, Dianna R. 2018. “A General Critical Discourse Analysis Framework for Educational Research.” *Journal of Advanced Academics*, 29 (2): 116-142.

Prasad, Pushkala. 2005. *Crafting Qualitative Research: Working in the Postpositivist Traditions*. New York: Routledge.

Ross, Lily Kay. 2022. “The Survivor Imperative: Sexual Violence, Victimhood, and Neoliberalism.” *Signs*, 48 (1): 51-75.

Shepherd, Laura J. 2010. “Women, Armed Conflict and Language – Gender, Violence and Discourse.” *International Review of the Red Cross*, 92 (877): 143-59.

Skjelsbæk, Inger. 2010. *The Elephant in the Room an Overview of How Sexual Violence Came to*

Be Seen as a Weapon of War. Peace Research Institute Oslo.

<https://cdn.cloud.prio.org/files/7ef7f089-5d10-49f3-b2c7-7aca7de61af3/The%20Elephant%20in%20the%20Room.pdf?inline=true>

News Sources - Appendix

Aljazeera. 2018. “Silent War: How Rape Became a Weapon in Syria.” Al Jazeera, June 11, 2018.

<https://www.aljazeera.com/program/witness/2018/6/11/silent-war-how-rape-became-a-weapon-in-syria>

Aljazeera. 2021. “Tigray Rebels Accused of Raping Women in Ethiopia’s Amhara Region.” Al Jazeera, November 10, 2021.

<https://www.aljazeera.com/news/2021/11/10/tigray-rebels-raped-beat-women-in-ethiopia-war-report>

Aljazeera. 2019. “Unspeakable Crime: Rape as a Weapon of War in Libya.” Al Jazeera, September 9, 2019.

[https://www.aljazeera.com/program/featured-documentaries/2019/9/7/unspeakable-crime-](https://www.aljazeera.com/program/featured-documentaries/2019/9/7/unspeakable-crime-rape-as-a-weapon-of-war-in-libya)

[rape-as-a-weapon-of-war-in-libya.](https://www.aljazeera.com/program/featured-documentaries/2019/9/7/unspeakable-crime-rape-as-a-weapon-of-war-in-libya)

Associated Press. 2017a. “Rape Reaches ‘Epic Proportions’ in South Sudan’s Civil War.”

Associated Press, March 25, 2017. <https://www.foxnews.com/world/rape-reaches-epic-proportions-in-south-sudans-civil-war>

Associated Press. 2017b. “UN Peacekeepers in Congo Hold Record for Rape, Sex Abuse.” Associated Press, September 23, 2017. <https://www.foxnews.com/world/un-peacekeepers-in-congo-hold-record-for-rape-sex-abuse>

Associated Press. 2018. “Sexual Violence, a Savage Feature of Conflict Over Centuries.” Associated Press, October 5, 2018. <https://www.foxnews.com/world/sexual-violence-a-savage-feature-of-conflict-over-centuries>

Craig, J. 2021. “Sexual Violence Pervasive in Cameroon’s Anglophone Regions.” Al Jazeera, April 29, 2021. <https://www.aljazeera.com/news/2021/4/29/gender-based-violence-pervasive-in-camerouns-anglophone-regions>

McFall, Caitlin. 2021. “Thousands Victimized by Sexual Violence as War in Northern Ethiopia Persists.” Fox News, November 3, 2021. <https://www.foxnews.com/world/thousands-victimized-sexual-violence-war-northern-ethiopia>

McKay, Hollie. 2019. “Male Rape Emerging as One of the Most Under-Reported Weapons of War.” Fox News, March 21, 2019. <https://www.foxnews.com/world/male-rape-emerging-as-one-of-the-most-underreported-weapons-of-todays-wars#:~:text=Sexual%20abuse%20of%20boys%20and,secretive%20weapons%20used%20in%20war>

McNeish, Hannah. 2015. “Reliving the Rape Camps of South Sudan’s Civil War.” Al Jazeera, September 29, 2015. <https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war>

<https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war>

[reliving-the-rape-camps-of-south-sudans-civil-war](https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war)

[vil-war](https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war)

[vil-war](https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war)

[vil-war](https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war)

[vil-war](https://www.aljazeera.com/features/2015/9/29/reliving-the-rape-camps-of-south-sudans-civil-war)



The Erasure of a Black Sense of Place for Capital Accumulation: The Case of Little Jamaica

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Edited by Susie Strachan and Lily Mason

ABSTRACT

Little Jamaica, a Black community in North-Western Toronto, has been a site of belonging for members of the Caribbean and African diaspora for more than 70 years. However, the community is on the brink of erasure due to the multi-billion-dollar Metrolinx Eglinton Crosstown Light Rail Transit (LRT) project. Due to the denial of Little Jamaica as a heritage conservation district, the city has allowed for its destruction for capital accumulation. By exploring the complex relationship between a Black sense of place, urban planning and capital interests, this paper will examine the distressing case of Little Jamaica. In order to protect Black communities and support Black futures, we must challenge systemic anti-Blackness in urban planning.

Introduction

Little Jamaica flourished with the arrival of Caribbean immigrants in the 1950s following changes in the Immigration Act and work schemes (Stover 2021). It quickly became a vibrant center for the Black community in North-Western Toronto. Numerous Black-owned businesses including barbershops, grocery stores, hair salons, and Caribbean restaurants were founded along the stretch of the Eglinton West Corridor from Keele Street to Marlee Avenue. Little Jamaica is home for many of the Caribbean and African diaspora who express feelings of belonging and a sense of place. However, Toronto's Eglinton Cross-town Light Rail Transit (LRT) project threatens to erase the neighbourhood. The transit led development project spearheaded by the provincial and municipal government has been detrimental to the Black community as it has enabled and promoted gentrification and urban renewal. In the past, Little Jamaica was brought to life by the laughter of residents walking down the street, whiffs of Caribbean food in the air and the sweet melodies of reggae music. During the height of construction, Little Jamaica was almost unrecognizable with a series of boarded-up buildings, blocked and narrow pathways because of ongoing construction, and 'for lease' signs on many storefronts (Bessonov 2020; Glover 2022).

This paper will argue that the City of Toronto's failure to recognize 'Little Jamaica' as a heritage site under the Ontario Heritage Act contributes to the erasure of a Black sense of place within the city for capital gain. To further this analysis, the paper will first examine

the theoretical framework of a Black sense of place outlined by Katherine McKittrick (2011). Next, the paper will apply Adam Bledsoe and Willie Jamal Wright's work to examine the role of anti-Blackness as a precursor for capital accumulation (Bledsoe and Wright 2018). Further, the paper will discuss the concept of displacing Blackness outlined by Ted Rutland, and the rejection of the Ontario Heritage Act (Rutland 2018). Lastly, the paper will discuss the community resistance in Little Jamaica and attempts to overcome the erasure of the community.

A Black sense of place

McKittrick argues that Black geographies in the Americas are inextricably linked to power dynamics, where there are "deliberate attempts to destroy a Black sense of place" (McKittrick 2011, 947). A Black sense of place can be conceptualized as the engagement of historical and contemporary struggles of Black communities regarding specific places. It recognizes how places inhabited by Black communities cannot be reduced to their physical characteristics but are intertwined with lived experiences, racial histories and cultural significance. Therefore, a Black sense of place is not rooted in a static and timebound way of seeing a place, but a dynamic and changing interaction based on legacies of racial violence and resistance (McKittrick 2011, 949).

This Black sense of place is constantly under threat and its erasure has been a source of profit for white people since the transatlantic slave trade. Moreover, Black bodies and space continue to be targets of spatialized violence.

The concept of spatial violence explains how architecture and the built environment can harm marginalized communities through design and the use of space (Waldron 2022). As McKittrick posits, the plantation institutionalized the “economized and enforced placelessness” of Black bodies which has created the racist underpinnings of “land exploitation as accumulation and emancipation” (McKittrick 2011, 947). Further, this phenomenon established during chattel slavery has normalized Black dispossession for capital means rooted in white supremacist ideals.

While the plantation may seem distant from the case of urban renewal in Little Jamaica, the two are directly linked as products of the legacies of colonial-racial geographies. A Black sense of place is more than simply a space that Black people call home but is a site of resistance against practices of domination and racial entanglements (McKittrick 2011, 947). Little Jamaica’s very existence is a story of a diasporic community that has challenged attempts of dehumanization rooted in tenets of coloniality (McKittrick 2011, 947). The neighbourhood, then, is a physical manifestation of the Black community’s long lasting resilience, which has created a Black sense of place. Thus, its erasure is more than the destruction of brick-and-mortar stores, but of a history and culture that fought to be established.

Black displacement and capital accumulation

The case of Little Jamaica is, unfortunately, not unique. It is part of a large pattern of anti-Blackness as a precursor to capital accu-

mulation. Beginning with the proliferation of slavery, the Black body has been conditioned to be perceived as ‘a-spatial’. In the white spatial imaginary, spaces that Black people occupy are seen as sites of exploitation due to their ‘emptiness’. By characterizing Black spaces as ‘lacking legitimate forms of occupation and usage’, the state can justify the exploitation of communities for projects such as the Eglinton LRT Crosstown. In fact, Bledsoe and Wright argue that “anti-Blackness makes possible the accumulation necessary for capitalist reproduction” (2018, 11). Despite there being clear historic ties to the Little Jamaica neighborhood as a site that garners senses of place for the Black community in Toronto, this usage of space is not as valuable nor as profitable as a transit-led development project. As a matter of fact, locations of Black populations are rarely considered to be used in the most ‘appropriate’ way if they are not the basis for capitalist extraction.

As Rutland posits, urban planning is often synonymous with the destruction of racialized communities (Rutland 2018). The colonial logic of Black a-spatiality has been embedded in urban planning and as such planning outcomes are rooted in anti-Blackness. Because Blackened spaces (meaning spaces occupied by Black people) are seen as ‘illegitimate’, urban planning practices continue to exploit them and choose them as sites of urban renewal. Black displacement in Canadian cities for urban renewal and transit-led development is commonplace. From Hogan’s Alley in Vancouver to Little Burgundy in Montreal, urban development projects go hand in hand with the removal of Black bodies and space (High 2019; CBC

2020). Blackness is displaced both physically and figuratively by planning, as the interests of the Black population are co-opted by capitalist desires. Due to reproduced power dynamics stemming from colonial practices, the Black body has been limited to a subordinate structural position which continues to be spatially and physically exploited.

While some may argue that the LRT is necessary to improve transit connectivity within the city, we must think critically about who will benefit from this development. The project has not only been over budget and drastically delayed but has directly contributed to the gentrification of Little Jamaica. With construction in the neighborhood for over 10 years, Black businesses have continued to close year by year with an approximate loss of 140 businesses since the beginning of the LRT construction (Kong 2023). Moreover, it is important to note that Black people are rarely the benefactors of the urban renewal ‘improvements’ in their communities. Instead, they are systematically separated from these spaces by those in power. Through their forcible removal, Black populations not only lose their communities and their sense of place but rarely get to reap any rewards from the process.

The Ontario Heritage Act and Little Jamaica

Little Jamaica’s erasure did not need to be imminent. In fact, the City of Toronto could have used legislation to halt the community’s destruction. Unfortunately, they failed to do so. Over the past few years, there has been widespread advocacy from the residents and com-

munity groups to protect Little Jamaica under the Ontario Heritage Act. With protection under the Ontario Heritage Act, a designated heritage district “gives City Council control over the alteration and demolition of certain elements of all buildings within an HCD in order to maintain, enhance and restore the heritage character of the District” (City of Toronto 2008).

In response to this request, the city expressed that it was ‘not the best fit for the area’ (Bozikovic 2021). Instead, in March 2021, the city decided to designate the area as Toronto’s first ‘cultural district’ meaning it “would provide economic support for business, arts and culture” (Bozikovic 2021). However, with no official definition of a cultural district, most residents remained wary of this development. While at face value this could be viewed as an acknowledgement of the important history of Little Jamaica, it is in fact another tool for the advancement of capital accumulation. This example perfectly illustrates what David Harvey coined the ‘spatial fix’, a reorganization and appropriation of space for profit (Harvey 2001). This phenomenon happens when: “In the midst of efforts to accumulate surplus value through real estate development via the gentrification of Black communities, municipalities attempt to appease Black communities and capitalize on Black cultural/spatial expressions by hemming Black histories into museums as they eradicate the makers of Black history” (Bledsoe and Wright 2018, 16).

In the case of Little Jamaica, its ‘cultural status’ is a means for the city to capitalize on the neighborhood’s rich and vibrant history. By openly advertising this neighbourhood as a cul-

tural hub, the city aims to profit from the remnants of the community that they are destroying. This paradoxical reality is commonplace in neoliberal governance strategies, as the city wants to celebrate diversity for tourism purposes while simultaneously divesting from the community. Little Jamaica's cultural distinction is a performative token gesture that exemplifies "a practice of gentrification in which cultural and historical landmarks are 'preserved' to give an area commercial appeal," like commissioning the beautiful Reggae Lane mural at 1584 Eglinton West by Adrian Hayles (Patel 2016; DiMatteo 2021).

On April 7th, City Councillor Josh Matlow presented a motion to the city council titled "Preserving the Past and Protecting the Future of Little Jamaica" in response to the undefined 'cultural district' designation. The motion asked that the city prioritize surveying Little Jamaica as a heritage conservation district protected under the Ontario Heritage Act. Matlow expressed that "We [the City] need to recognize this place [Little Jamaica] is worthy" (Bozikovic 2021). This motion was amended by Councillor Mike Colle to include that Little Jamaica should be "protected amid active and future development applications along Eglinton West that are gentrifying the area at a rapid pace" (Bozikovic 2021). The Toronto city council voted unanimously in support of the motion with the amendment.

Interestingly, two months after the passing of Councillor Matlow's motion to make Little Jamaica a heritage conservation district under study, the city reneged on their decision. They expressed that they wanted to refocus on mak-

ing Little Jamaica a 'cultural district' with no formal protection. Black community members took to social media to express their disappointment with the change in decision. "I grew up in Little Jamaica and wouldn't have it any other way. Making up a 'cultural district' term instead of declaring it a heritage district is total BS. It's basically them saying "you're cool, but we still want to demolish you and replace you with condos when the LRT opens"" — Jeff Veillette (@JeffVeillette), March 10, 2021 (Stover 2021).

While the city says they want to protect the community through cultural status, there are over 110 development applications for the area, from changes to existing buildings to new forty story condominiums (Samuel 2021). Why have they not pressed pause? Simply put, if they wanted to save the remnants of the neighbourhood, they would have.

The senior manager of heritage planning Mary MacDonald stated that "the built form of the Eglinton strip didn't seem to warrant heritage protection" (Bozikovic 2021). However, earlier in 2021, the city listed over 50 commercial buildings in Leslieville as historically significant and thus 'worthy' of protection (Bozikovic 2021). The inconsistency of the areas that are deemed to support the historic context of the city demonstrates the processes' subjectivity and anti-Blackness. While residents in Little Jamaica have lobbied the city to protect their community due to the Black sense of place it has created, it was not deemed worthy of heritage conservation. Nevertheless, some of the city's wealthiest and whitest neighbourhoods such as The Annex, Rosedale, Cab-

bagetown, The Danforth, and Leslieville, have been able to gain heritage designations or have been taken under review (Bozikovic 2021).

According to the city of Toronto, heritage conservation districts “are a planning tool that guide change in neighbourhoods that represent rich social, cultural and architectural history – places that contribute to the livability and appeal of Toronto as a multicultural, sustainable and equitable city” (City of Toronto 2023). Therefore, if Little Jamaica fits within the bounds of a designation of a heritage conservation district as defined by the city, why was it overlooked for the designation? Truthfully, allowing Little Jamaica heritage conservation district status would jeopardize the multibillion-dollar investment that the province and the city have injected into the Eglinton Crosstown LRT project. Moreover, the LRT project will garner over 10 billion dollars over time in real estate development, demonstrating how private interests have dominated the narrative concerning the protection of this area (Gordon 2018).

In addition to failing to recognize Little Jamaica as a conservation site, the city has excluded the area from the new affordable housing plan. The new framework called ‘inclusionary zoning’ would make it mandatory for developers to include a percentage of affordable units in newly built condominium buildings (Beattie 2021). Little Jamaica was narrowly excluded from this policy because the area ‘did not meet the housing demand for the program’. The city expressed that neighbourhoods along Eglinton West such as Little Jamaica will likely make the cut when the inclusionary zoning policy is reviewed in the next three years (Beattie 2021).

In other words, once new condos have already been built, the LRT has opened and the Black community has been displaced, affordable housing will be offered. The zoning assessment was done under provincial requirements to determine which neighbourhoods could “sustain the affordable housing requirement and not deter development” (Beattie 2021). Clearly, affordable housing for the Black population in Little Jamaica would hinder the city’s ability to sell astronomically priced condo units for the ‘creative class’ (Florida 2002).

Resistance in Little Jamaica

The erasure of Little Jamaica has by no means been taken lightly, and the fact that the battle is ongoing is due to the resistance and resilience exhibited by the Black community. Advocacy for the neighbourhood has been spearheaded by Black Urbanism Toronto (BUTO) and Black Futures on Eglinton. These community non-profits were essential in building the case for Little Jamaica’s heritage conservation status. BUTO was established in 2018 in response to the injustices and erasure of Little Jamaica caused by the LRT Crosstown construction (Black Urbanism Toronto 2024). They acknowledged that the disruptions caused by the urban renewal project were displacing Black communities and causing a decline in Black businesses. Their goal now is to continue advocating for the protection and preservation of Black communities and their cultural, economic and social interests. Further, BUTO was instrumental in raising awareness of the adverse effects of the LRT construction and represented the community in meetings with the

city. In collaboration with the Studio of Contemporary Architecture (SOCA) and the Open Architecture Collaborative Canada (OACC), BUTO prepared a public report on the future of Black businesses in Little Jamaica in 2020, as the COVID-19 pandemic further exacerbated the dire state of the neighbourhood and accelerated its erasure (Black Business Conversation 2020, 1). Further, BUTO advocated for Little Jamaica to be a target area for inclusionary zoning to combat rampant displacement of Black communities and gentrification. The resistance presented by BUTO is important as it aims to empower the Black community to continue to prosper and combat the narrative of Black a-spatiality.

Following the controversial decision to designate Little Jamaica as a cultural district, the Black community has had to work within the confines of the city's plan and has instilled confidence in Jay Pitter as a consultant on the project. As a Black place maker, she is known for her work at the intersection of equity and urban design. Using mapping, Jay Pitter has highlighted the importance of the spatial designations of the Black community within Toronto. The Final Consultant's Report on a Little Jamaica Cultural District Plan has finally been released on the City of Toronto's website, five months after the initial deadline of August 2023 (Pitter 2023). While the 136-page report is quite comprehensive, time will tell if the preservation of the community will be realized.

Conclusion

In conclusion, the Little Jamaica that was once a hub of Black business and life is being

rapidly destroyed. The City of Toronto and the province have systematically contributed to the erasure of a Black sense of place in Little Jamaica for capital gain. By denying Little Jamaica's appeal for protection under the Ontario Heritage Act, the city revealed that its capitalist interests are far more important than preserving a Black sense of place. While this outcome is distressing, it is commonplace as urban renewal and development in Canada has been long rooted in anti-Blackness. The concepts of Black a-spatiality and emptiness continue to be held today and have manifested as foundational elements of urban planning. By failing to protect the area through legislation, excluding it from inclusionary zoning and identifying it as a 'cultural district' for tourism, Little Jamaica has become a pawn in the capitalist enterprise. Despite the government's intended purpose of governing the people's interests, they have been beholden to capitalist interests. While resistance and resilience have been ongoing, the fate of Little Jamaica will not be held in the hands of the people but the corporations. And they have long made up their minds – profit over people.

References

- Beattie, Samantha. 2021. "Critics Slam 'Ridiculous' Decision to Exclude Little Jamaica from Mandatory Affordable Housing Plan." CBC News, October 22, 2021. <https://www.cbc.ca/news/canada/toronto/critics-slam-ridiculous-decision-to-exclude-little-jamaica-from-mandatory-affordable-housing-plan-1.6219721>.
- Bessonov, Ania. 2020. "Little Jamaica Businesses Suffer amid yet Another Delay in Eglinton LRT Construction." CBC News, March 4, 2020. <https://www.cbc.ca/news/canada/toronto/little-jamaica-lrt-construction-1.5484610>.

- Bledsoe, Adam, and Willie Jamaal Wright. 2018. "The Anti-Blackness of Global Capital." *Environment and Planning D: Society and Space* 37, no. 1: 8–26.
- Bozikovic, Alex. 2021. "Is Toronto's Little Jamaica History?" *The Globe and Mail*, April 7, 2021. <https://www.theglobeandmail.com/canada/toronto/article-is-torontos-little-jamaica-history/>.
- BUTO, SOCA, and OACC. 2020. "A Black Business Conversation on Planning for the Future of Black Businesses and Residents on Eglinton Ave W." Google Drive. <https://drive.google.com/drive/folders/19dp4xH5To9KUZDqQGw2Yx-ey-ih-q1yVz>.
- BUTO. n.d. "Black Urbanism Toronto – Community Development." <https://www.blackurbanismto.com/>.
- CBC. 2020. "Hogan's Alley: Why a Thriving Black Community in Vancouver Was Demolished." *CBC News*. <http://www.cbc.ca/player/play/1753679939893>.
- City of Toronto. 2008. "Riverdale Heritage Conservation District Plan." <https://www.toronto.ca/legdocs/mmis/2008/te/bgrd/background-file-14121.pdf>.
- City of Toronto. 2023. "Heritage Conservation Districts & Studies." <https://www.toronto.ca/city-government/planning-development/heritage-preservation/heritage-conservation-districts-planning-studies/>.
- DiMatteo, Enzo. 2021. "Hidden Toronto: Reggae Lane Mural in Little Jamaica." *NOW Toronto*, May 22, 2021. <https://nowtoronto.com/news/hidden-toronto-reggae-lane-mural-in-little-jamaica/>.
- Florida, Richard. 2002. *The rise of the creative class: And how it's transforming work, leisure, community and Everyday Life*. New York: Basic Books.
- Glover, Chris. 2022. "Will Toronto's Little Jamaica Survive a Decade of Transit Construction?" *CBC News*, April 30, 2022. <https://www.youtube.com/watch?v=z4t811MhoK0&t=83s>.
- Gordon, Debbie. 2018. "The Erasure of Little Jamaica: Exploring the Role of Design in the Gentrification of Toronto's Eglinton Avenue West." MA diss., York University.
- Harvey, David. 2001. *Spaces of capital*. New York: Routledge.
- High, Steven. 2019. "Opinion: Remembering the Little Burgundy Expropriations." *Montreal Gazette*, January 31, 2019. <https://montrealgazette.com/opinion/opinion-remembering-the-little-burgundy-expropriations>.
- Kong, Stacy Lee. 2023. "Neglected for Years, Black Business Owners in Little Jamaica Are Saving Themselves." *West End Phoenix*, November 1, 2023. <https://www.westendphoenix.com/stories/black-business-owners-in-little-jamaica-are-saving-themselves>.
- McKittrick, Katherine. 2011. "On Plantations, Prisons, and a Black Sense of Place." *Social and Cultural Geography* 12, no. 8: 947–63.
- Patel, Aaysha. 2016. "Transit-led development and gentrification: A Case Study on the Eglinton Crosstown." *Landmarks Journal*, University of Toronto.
- Pitter, Jay. 2022. "Little Jamaica Cultural District Plan." <https://www.toronto.ca/wp-content/uploads/2023/03/96e8-city-planning-little-jamaica-cultural-district-plan-preliminary-report.pdf>.
- Samuel, Danica. 2021. "Residents want little Jamaica named a heritage conservation district. The city says that's 'not the best fit' for the area." *Toronto Star*, March 9, 2021. https://www.thestar.com/news/gta/residents-want-little-jamaica-named-a-heritage-conservation-district-the-city-says-that-s-not/article_0520ed6d-afba-53b7-aa75-a976bce194b7.html.
- Stover, Dani. 2020. "Little Jamaica in Toronto at Risk from Transit-Based Gentrification." *blogTO*, September 29, 2020. <https://www.blogto.com/city/2020/09/little-jamaica-toronto-transit-based-gentrification/>.
- Waldron, Ingrid. 2022. "Mapping Racial Geographies of Violence on the Colonial Landscape." *Windsor Yearbook of Access to Justice* 38: 1–9.



TURKISH NUCLEARIZATION??

NUCLEAR ENERGY

CAUSES

IDEAS

REALITY

Investigating the aspiration and feasibility of a Turkish shift to nuclear weapons *Is Erdogan's narrative something to fear?*

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Edited by Elena Lee and Noème Fages

ABSTRACT

The aim of this study is to investigate why Türkiye might be interested in acquiring nuclear weapons and pursuing armament, and understand whether its nuclear aspirations are truly feasible. In line with existing theoretical nuclear armament models, particularly through realist and idealist views, this paper will determine whether nuclear proliferation in Türkiye can be expected. Considering that in recent years the Middle East region has had points of tension in relation to nuclear developments, it is essential to consider the ways in which international norms, Türkiye's domestic context, and the role of political figures have impacted Ankara's nuclear energy policy and demands for nuclear Weapons of Mass Destruction (WMD). By providing a detailed critique, and by taking into account the significance of the re-election of Recep Tayyip Erdogan in the 2023 Presidential elections, this article will provide a nuanced understanding to Türkiye's foreign and domestic policies, whilst providing a new perspective to armament theories.

Introduction: Context of Türkiye

Nuclear proliferation theories can often be divided into two camps: realist perspectives and idealist views. On the one hand, the former theories tend to emphasise the security challenges that states may face, and how that influences them to adopt policies with the aim of deterrence. On the other hand, idealist theorists argue that states may contemplate developing nuclear weapons depending on the perceived symbolism and subjective consideration of its benefits or necessity in promoting the interests of a state or another body. As presented by Jacques Hyman, nuclear proliferation idealist models can be branched into three categories: emphasis on existing international norms, the domestic circumstances, and the significance of powerful individuals in advocating (or not) for nuclear weaponry. These dimensions can aim to develop whether a state has the means necessary to develop such weaponry, but also provide an insight as to whether a state will truly take the next step to acquire those types of weapons.

The case of Türkiye is a point of interest, especially as in recent decades prominent leader President Recep Tayyip Erdogan has publicly declared a need for change in the international world order regarding nuclear weapons (Hibbs 2019). Through the use of symbolic tropes, the President has drawn attention to the perceived unfairness of the current international order, and referred to the acquiring of nuclear weapons as necessary to build his country's prestige on the international stage and power within the region of the Middle East (Ophir 2021, 2).

Ankara has since 1980 signed and rati-

fied the Non-Proliferation of Nuclear Weapons Treaty (NPT), as well as the Safeguards Agreement at the International Atomic Energy Agency (IAEA) – an agency which monitors all nuclear facilities, including those in Türkiye (Kibaroglu 2015, 161). Despite these agreements, on September 4th, 2019, in Sivas, President Erdogan made headlines when he told his ruling AK Party members (Adalet ve Kalkınma – Justice and Development) that Ankara had a right to possess nuclear weapons (Toksabay 2019). A few days later, at the UN General Assembly on September 24th, 2019, Erdogan publicly stated that “nuclear power should be either for all or banned” (Hibbs 2019).

Although such declarations suggest a Turkish trajectory to increase their nuclear industry profile, the words pronounced hardly amount to a programmatic announcement that Türkiye will actively pursue research and development initiatives to obtain nuclear weaponry. Thus, whilst Türkiye remains set on developing nuclear energy and there are explicit statements of aspiration made by members of the government, it is unlikely that Türkiye will undertake a military nuclear development route, even if the route is feasible.

This paper will thus analyse the current political and security concerns within Türkiye to understand if there is a realistic material reasoning behind Türkiye's acquiring of nuclear weapons, especially regarding deterrence and security towards powers that have recently developed nuclear weaponry. Furthermore, the feasibility of President Erdogan's ambition will be examined, in terms of the allocation of resources and technological knowledge

needed for nuclear armament. In a second part, three-level idealist perspectives will be adopted to consider whether nuclear power and weaponry will proliferate in Türkiye in relation to international circumstances, domestic perceptions and the influence of political figures, including President Erdogan.

Conceptualizations and Feasibility of Nuclear Proliferation

Realist Perspectives of Security and Deterrence: The Case of Türkiye

Definitions

Realism as a school of thought in politics defines the international order as being an anarchical system, whereby states have to rely on themselves to “protect their sovereignty and national security,” regardless of the costs (Sagan 1996, 57). In such a thought, peace is guaranteed as the threat of war is “unacceptable in its social consequences,” rather than being dependent on the relative military power between the attacker and the defender in battle (Cimbala 2020, 177). In the context of nuclear weapons, a security dilemma ensues when adopting a realist perspective. A cycle arises as whenever a state acquires nuclear weapons to “balance forces” against its main rival, it can give rise to a nuclear threat for another state in the region, who then feels compelled to initiate their own nuclear weapons program to preserve their national security (Sagan 1996, 57). Therefore, in the realist perspective, states possess nuclear weapons due to continuous competition and the adoption of individualistic behaviour to ensure their own self-protection and survival, oftentimes to the detriment of other states. In the nu-

clear age, the “gold standard of deterrence” is nuclear weapons, especially in the perspective of international anarchy (Hymans 2006, 456). Although there are numerous critiques on realist perspectives due to their incompatibility with the historical realities of nuclear proliferation, this next section will aim to analyse the security threats that exist for Türkiye and how it may translate into a drive for nuclear armament.

Introducing the Case-Study of Türkiye

Nuclear proliferation has gradually arisen in states within the Middle East region, which have thus attracted the attention of international actors such as the United States of America. Thus, in light of these changes, Türkiye has progressively developed a fear of losing their strategic superiority in the region, despite being a NATO member and benefiting from weaponry and missile commitment within the bounds of its territory.

Back in February 1952, Türkiye entered the North Atlantic Treaty Organisation (NATO) alliance as a member. With the membership, 50 U.S. tactical-nuclear-weapons were deployed at the joint-US Turkish Incirlik Air base (Ophir 2021, 1). For a number of years, Ankara perceived this allocation as a symbol of prestige and the consolidation of security ties with the alliance, especially with perceived insecurities arising from Iran and/or Syria (Kasapoglu 2015, 90). These weapons were viewed as possessing “intra-war deterrence functions,” by ensuring the existence of asymmetrical power relations with other states in the Middle East region (Kasapoglu 2015, 91). For instance,

these armaments would be able to regulate and control military escalations beyond a threshold and confine ongoing fighting to the outside of Turkish borders.

However, in the last few years, there has been rising doubts about whether the deployed American B61 tactical nuclear weapons at the Incirlik Air Base have any true deterrence significance (Gürsel 2019). Coupled with this, there is a pervasive anti-American sentiment in the Turkish public domain as the NATO alliance is progressively perceived as serving primarily the interests of the United States, as they branch their influence across the world (Kasapoglu 2015, 166). In response to the “existential threat perceived from the U.S.,” Türkiye acquired S-400 air defence systems from Russia, which led to U.S. sanctions. In retaliation, Ankara was deprived of the purchased F-35 warplanes (Gürsel 2019). The loss of these weapons weakened and deteriorated Ankara’s main national deterrence source, their air force. Thus, aggravating national security concerns towards Iraq and Syria, deterioration of relations with the European Union due to critiques of undemocratic policies practised by the Turkish governments and fluctuating U.S. commitment to security interests and nuclear deterrence, have made it progressively clear that Türkiye needs to acquire new armaments in any form to protect their sovereignty against external threats (Kibaroglu 2015, 167).

Realist theories would propose that with the current circumstances, developing nuclear weapons would address the state’s security concerns. President Erdogan’s declarations on the matter allow him to brandish the currently

non-existent ‘nuclear card’, in order to threaten further disability in the region unless steps are taken by third-party states to regulate the proliferation of nuclear weaponry. Since the 1991 Gulf War, Ankara has been largely concerned about “immediate and longer-term asymmetric threats from neighbours possessing weapons of mass destruction” (Varnum 2015, 189). It is thus important to consider whether Türkiye has the resources necessary to acquire such weaponry.

Starting Steps for a Nuclear Weapons Program

Determining whether a state will acquire and develop nuclear weapons is not just a question of will, but rather a consideration of available resources and technological capabilities. Türkiye remains a relevant case to reflect on today as one must determine if it is justified to be trusting of Ankara’s comments on hopes for the possession and the access to nuclear weapons. Considering that aspiring nuclear states need both technological as well as economic capabilities to develop such nuclear weaponry (van der Meer 2016, 212), it is expected that for Ankara there will be a “high cost of open development” (Lindenstrauss 2012, 95). While certain analysts would suggest that Türkiye would most likely need to collaborate with both a supplier country and a major nuclear weapon-possessing state to gain the necessary resources and knowledge to “build nuclear weapons clandestinely,” it is possible that Turkish scientists and engineers are capable of developing the technology themselves (Kibaroglu 2015, 171). Whilst the exchange of information and technological infrastructure needed to de-

velop nuclear energy can accelerate the process of acquiring nuclear weapons, one cannot presume that Türkiye does not already possess the resources and scientific knowledge needed to cross that line and become a nuclear-weapon possessing country. However, at that precise moment, Türkiye would need to walk away from the obligations they are meant to uphold as a member of the Non-Proliferation Treaties, and face the international consequences of such a decision.

Nuclear Power: Domestic Ambitions of Energy Independence

Theoretical Conceptions: Importance of Nuclear Energy

Acquiring nuclear power provides states with the technology needed to shift from a domestic energy ambition to a military-oriented initiative. Across the world, states have started to turn towards forms of energy that deviate from non-sustainable sources such as oil, which are in limited supply and have environmentally dangerous consequences. Thus, nuclear energy has progressively become the “reality of the modern world,” as it is extensively used (Bacık and Salur 2010, 102). In light of this new phenomenon, Türkiye has promoted a new Turkish nuclear energy program (TNEP) in order to achieve its new energy demands. Specifically, Ankara has launched the construction of the first Turkish nuclear plant at Akkuyu, on the southern coast of the province of Mersin. Turkish press have stated that the government has expectations that the plant will meet 10% of the country’s future electricity needs once completed (Ophir 2021, 2).

Fear of Dependency: Search for Alternative Sources of Power

The Turkish search for a diverging source of power is due in part to the fear of being too dependent on energy-supplying states like Russia or Iran when it comes to natural gas imports. For instance, on January 3rd, 2007, Iran cut off the natural gas flow that was emitted towards Türkiye, which constituted one-third of all of Turkish gas imports (Al-Marashi and Goren 2009, 13). This has pushed forth growing concerns on potential electricity or gas shortages that are dependent on unreliable partners. The solution or alternative that has been promoted is the path towards nuclear energy. In 2011, Türkiye finally concluded a \$20 billion contract with the Russian company ROSATOM for the creation of a large reactor complex – VVER reactor – (Spacapan 2020), composed of four reactors of an individual capacity of 1,200 megawatts (Ophir 2021, 2). Although this new contract is meant to guarantee Turkish independence from non-reliant partners, it must be noted that this large-scale civilian nuclear plant and facility is in majority Russia-owned. Yet, the construction of this complex does allow the possibility for Türkiye to start accessing nuclear energy technology and expertise.

The details of the Turkish Nuclear Energy Program (TNEP)

While the plants have faced their share of difficulties and delays, exhibiting the usual patterns of delays faced by all other plants in the world, the first nuclear plant of Akkuyu was officially granted nuclear facility status on the 27th of April 2023, with the delivery of

the first nuclear fuel to the plant site. Aiming for all its units to be functioning by 2028, this plant will meet approximately 10% of the electricity needs of the country, thus reducing their gas imports by \$1.5 billion annually (Guldogan 2023). Although Türkiye did not have a short and limited supply of energy as initially declared as a justification for the construction of the nuclear plant, they are dependent on foreign energy imports (Niphi and Ramana 2023, 256). For instance, as Türkiye is a massive importer in the energy sector, their foreign trade turnover has resulted in a negative trade balance (Ashirov 2023). However, considering that nuclear plants can provide the necessary technological expertise needed to build nuclear weapons, it is essential to analyse whether there is an incentive to transition from a civilian program to a military-oriented nuclear project in the case of Türkiye.

Concluding the Realist Chapter: Acquiring Nuclear Weaponry

In realist theory, there exists a distinction between a ‘hard’ and a ‘soft’ point of view when it comes to security measures in the field of nuclear proliferation. On the one hand, the former depicts nuclear weaponry as the “ultimate tool for survival,” as they provide the best guarantee of security against external threats (van der Meer 2016, 215). In such perspectives, it is considered that only states that have major pressing security concerns will actively pursue the development of nuclear weaponry as they are the “absolute weapon” (Hymans 2006, 456). On the other hand, the ‘soft’ point of view is more nuanced as it suggests that states that

acquire the bomb will simultaneously have issues and opportunities. However, if the circumstances mean that a state is facing significant existential threats and cannot depend on the support of a nuclear-armed ally, then with the opportune resources, they may be incentivized to ignore the potential difficulties arising from possessing this form of weaponry and go nuclear themselves (Hymans 2006, 456).

Therefore, this nuance between the two perspectives can shed light on the case of Türkiye, particularly when deciphering political messages from Ankara’s state officials. At an economic forum in Sivas on September 4th, 2020, when questioned about whether Türkiye had a nuclear capability, President Erdogan stated: “We are currently working on it” (Gürsel 2019). While Ankara may not perceive the nuclear weapon as the main guarantee for their national security, they have strived to at least have the option of developing weaponry if the need arose. For instance, as part of the ROSATOM contract, students enrolled in Turkish universities have been a part of nuclear training programs in Russia, to then be employed at the Akkuyu nuclear plant (Ophir 2021, 2). The number of students in this program has increased significantly, to the extent that they are the “second largest national group” that are studying nuclear sciences in Russia, in front of Iranian and North Korean scientists (Spacapan 2020). These trained science and engineering students will also be capable of contributing to designing nuclear weapons, especially as they bring their newly acquired knowledge back to their home state.

Furthermore, it has been observed that there has been dialogue on the issue of acquiring

nuclear weapons between Türkiye and other nuclear-armed states, including Pakistan. Although a number of analysts highlight with a certain degree of wariness the strategic partnership between these two states, given the history of Islamabad in providing sensitive nuclear technology to other states, these links have yet corroborated or lead to a clear nuclear rapprochement (Kibaroglu 2015, 34-5). Despite a blooming security cooperation tie between Pakistan and Turkey, nuclear development has not yet been on the agenda for their bilateral exchanges (Gheorghe 2023). With these developments that increase the feasibility of acquiring nuclear weapons, it is important to consider an alternative perspective to understand whether Türkiye faces significant existential threats that cannot be resolved through other means, or rather simply the threat of developing and possessing such weaponry suffices in improving Ankara's international prestige.

Critique of the realist conception:

Idealism as an alternative?

Along the lines of the realist perspective, the main conclusion reached is that all the states that have the option of becoming nuclear, should go nuclear, "and the sooner, the better" (Cimbala 2020, 175). However, nuclear realist theories are not necessarily applicable in today's context. For instance, Türkiye is one of many empirical contradictions to realist expectations and predictions regarding nuclear proliferation, as it is not solely the feasibility to acquire nuclear weaponry that influences states' motivations (van der Meer 2016, 215). Considering this phenomenon, ad hoc explanations to

nuclear proliferation can shed greater light as to why Türkiye does not have nuclear capabilities yet or why the realization of such a program may be achieved in the coming decades, as expressed by President Erdogan. Therefore, this next section will aim to understand the reason for nuclear proliferation by adopting Jacques Hymans' three levels of idealist analysis: international norms, domestic circumstances and individual characteristics.

International Norms:

role of nuclear non-proliferation treaties

Participation in nuclear non-proliferation treaties can be understood in two ways: increasing state prestige or a manner for there to be an international acceptance of norms regarding nuclear proliferation. In recent decades, there has been a development of institutions and other agreements which permit non-nuclear states to overcome a nuclear collective action problem (Sagan 1996, 62). Türkiye has been known to pursue a long policy of subscribing and upholding the terms of relevant international arms control and disarmament treaties and conventions (Kibaroglu 2015, 159). This includes the terms agreed upon in 1980 for the NPT, where they formally renounced the recourse to nuclear weapons (Bugos 2019). Similarly, the 1996 Comprehensive Nuclear-Test-Ban Treaty prohibits any nuclear detonations, no matter the purpose or motivations behind such experiments. The clauses attached to these treaties make it more complicated for Türkiye to hide a potential nuclear weapons development program, especially as transparency is an important requirement for the preservation of Anka-

ra's relations with other states (Lindenstrauss 2012, 91).

Although this may be the case, it is necessary to be realistic when it comes to the significance of these treaties over sovereignty and political decisions. Despite the widespread acceptance of these treaties, it is difficult to find concrete evidence that these international nuclear non-proliferation treaties truly ensure that states do not overturn their obligations to acquire nuclear weapons, as can be represented in the well-known examples of North Korea, Iran and Syria whom had ratified the treaties, yet still pursued the development of nuclear weapons (van der Meer 2016, 222).

While the treaties may not be as binding as one could hope, Türkiye has aspired in recent years to increase their influence across the international system, particularly in the region of the Middle East, mainly through soft power means (Lindenstrauss 2012, 95). This has encouraged Ankara, which has now become actively involved in the adherence and effective implementation of these agreements on other states, to adopt a stance of non-nuclear proliferation (Al-Marashi and Goren 2009, 2). Thus, possessing nuclear weaponry would put Türkiye's position on the international stage at risk. Such a policy orientation would be destructive for aspirations of an EU membership, improving US relations, and regional security (Bacik and Salur 2012, 115).

Then, how can the paradox of President Erdogan stating that Ankara cannot reject the idea of having nuclear weapons be explained in relation to Türkiye's place in nuclear non-proliferation advocacy? These declarations are un-

precedented in nature, as there has never been such an open and direct proclamation done at the governmental-level that showcases a potential inclination toward the development of nuclear weapons. The explanation for this paradox resides in the symbolic values attached to nuclear weapons and how they are perceived to enhance a state's international bargaining power. Possessing or simply demonstrating an intention of acquiring nuclear weapons offer states more power on the international stage than they would have otherwise, with benefits in diplomatic and economic terms (van der Meer 2016, 223). Thus, President Erdogan's declarations made a ripple on the international stage and uplifted Ankara's bargaining power. The possibility and the potential recourse to this technology allows Türkiye to obtain, to a certain extent, preferable agreements, whilst still maintaining its international prestige by respecting the non-proliferation treaties that it has ratified.

Domestic Level: Influence of Public Opinion

Adopting domestic political factors as a lens of analysis can aid in understanding the role of domestic opinion in shaping decisions to acquire, develop or forgo nuclear weapons. Turkish domestic policies are the core determinant that shape Türkiye's nuclear policy. Prospects of whether Türkiye proliferates or not today and in the near future are interconnected with the political dynamics that exist within its borders (Ophir 2021, 5). Türkiye's political system is that of a parliamentary democracy, which allows for a certain degree of checks and balances. For instance, the Ministry of Foreign Affairs

is likely to advocate for top decision-makers to uphold the obligations underlined in the NPT, due to the international economic and military response that could follow were the treaty breached. In a way, this NPT regime is not only a reassurance for states that their potential adversaries' nuclear programs are limited, but it can also be employed as an empowerment tool for domestic actors that are opposed to the development of nuclear weapons (Sagan 1996, 72). It thus becomes a necessity for domestic actors to be onboard with any nuclear-development policies before any initiative that directly advocates for the acquiring of nuclear weapons can be pursued.

Although there are serious environmental risks associated with nuclear power, nuclear plants produce much less carbon emissions than other forms of power generation used in Türkiye (Ashirov 2023). But in Türkiye, there has been a certain degree of “public aversion” towards the environmental consequences that may result from using nuclear energy. However, with the adoption of relative preventative measures towards those concerns, the construction of the Akkuyu power plant has been recently finished. The timing of the opening of the plant coincided with the 2023 presidential elections, and may have correspondingly played an important role in turning the elective opinion tide to President Erdogan's side, as it promises energy independence (Gavin 2023). Thus, the Turkish public may actually be more in favor of investments into military technology rather than nuclear power (Gheorghe 2023).

Recently, President Erdogan was re-elected for a new period of five years, quite tight-

ly against his opponent after a second run-off of elections (52.14%). The elections for this presidency were held against the backdrop of a “cost-of-living crisis,” with rising inflation where in recent decades the lira has lost 90% of its value, but also recent earthquakes in February 2023 which killed more than 50,000 people (Wilks 2023). Both in Türkiye and abroad, it was predicted that President Erdogan's opponent would win the election due to grievances towards the past leader's management and policies aiming to rectify those issues (Balci 2023). In relation to the hesitancy towards the opposition, the Turkish people preferred to fall back on the security represented through President Erdogan, and nationalistic appeal of Türkiye as playing an influence on the international stage. This re-election suggests the success of President Erdogan and the AKP party, which can likely mean a continuation of the President's policy over the next few years (Robinson 2023). As there is a certain approval towards President Erdogan's foreign policies, there may be a certain aspiration for nuclear weapons, especially if it were to elevate Ankara's international prestige.

Individual Role: Embodied in Erdogan's policies

In idealist perspectives, comprehending and analysing the policies of state leaders is an essential component to understand nuclear policies. Thus, taking into account the psychological profile of state leaders and the influence it has on their decisions can provide insight as to whether a state will revert to nuclear weaponry. The currently re-elected President voiced just-

fication for the pursuing of nuclear weapons as a necessity for preserving national security. In line with the complexity of security dilemmas, the President advocates for one of two scenarios: the complete eradication of the use of nuclear weapons internationally, or the accession to such weapons by Türkiye or other states (Bugos 2019). These statements have played a significant role in allowing President Erdogan to position himself as the leader of a great – or aspiring – state (Niphi and Ramana 2023, 257). Consistently drawing upon Türkiye’s Ottoman legacy and glorification of their past, the President oftentimes expresses the desire to build Türkiye’s status as an international world power, although the means to achieve that, such as the acquiring of the nuclear bomb, is unclear.

While idealists concede that proliferation depends in part on sufficient technical expertise, the key variable which determines the incidence of nuclear proliferation depends on a state’s perception of the utility of such weaponry (Hymans 2006, 455). The “symbolism” that is attached to nuclear weapons has become emblematic and has been presented as a path for modernization and building international prestige (Sagan 1996, 73). The “norms model” portrays how a state’s identity can become a “product of an aspiration to nuclear acquisition,” which is then translated in both domestic and foreign policies (Bacik and Salur 2012, 105). This is in large part due to the nature of nuclear weapons, whose power when possessed by weaker powers diminishes the power gap by becoming the “great equaliser” (Bacik and Salur 2012, 106). The individual-level idealist approach to the nuclear proliferation

question suggests that the choice to pursue a nuclear initiative with such uncertain consequences does not lie in a rational “cost-benefit calculation,” but rather results from a “process of emotional decision-making” (Hymans 2006, 459). Therefore, existing idealist literature on nuclear proliferation suggests that an individual’s perspective on acquiring such technology relies in part on the symbolic meanings they attach to nuclear weapons and in part on emotional knowledge.

Considering that President Erdogan has seen his term as President renewed for a further five years, Turkish leadership views on nuclear armaments will perhaps be in large part determined by the position they hold in the state apparatus of Türkiye. For instance, if the current government is unable to implement robust and efficient macro-policies aiming at tackling the recent economic and social problems, domestic discontent may only rise. In such cases, if President Erdogan or his party’s rule is threatened or needs to be consolidated by support, then pursuing a nuclear weapons program can be used as a method of diversion for states facing domestic tensions (van der Meer 2016, 225). Adopting such a program could respond to or even further encourage nationalist sentiments, which can be exacerbated after a wave of international negative reactions, with the aim of ending domestic dissensions for a short period of time (van der Meer 2016, 22).

Conclusion

Although it is quite difficult to measure proliferation intentions, regardless of whether one adopts a realist or idealist perspective, it is

important to undertake a holistic view. Understanding how different forces and perspectives can shape a state's nuclear proliferation trajectory remain essential and unique to each case-study. Whilst Türkiye remains set on developing nuclear energy, even with environmental impact reservations from domestic actors, it is unlikely that Türkiye will undertake a military nuclear development route, even if the route is feasible. Instead, Turkish state political leaders have found benefits in threatening the pursuit of nuclear weapons, without fully engaging or following through with their words. This method in diplomacy has been undertaken in an effort to preserve or increase Türkiye's influence on the international stage, but also to resolve domestic tensions and embolden President Erdoğan's support. At this point in time, a number of factors as well as multilateral interests and commitments favor restraint in the development of nuclear weapons, especially as Ankara is under pressure to uphold international agreements and transparency. If ever Turkish political actors were to become enraptured with the idea of pursuing nuclear weapons, it would be hoped that another solution can be reached and their aspirations would thus be contained.

References

- Al-Marashi, Ibrahim, and Nilsu Goren. 2009. "Turkish Perceptions and Nuclear Proliferation." Calhoun: The NPS Institutional Archive, Strategic Insights, 8 (2).
- Ashirov, Qabil. 2023. "Akkuyu NPP: Türkiye's Unwavering Political Will Enables Witnessing Historical Moments." *Azernews.Az*, May 1, 2023. <https://www.azernews.az/business/209231.html>.
- Bacik, Gökhan and Salur, Sammas. 2010. "Turkey's Nuclear Agenda: Domestic and Regional Implications." *Uluslararası İlişkiler*, Volume 6, no. 24: 99-116.
- Balci, Bayram. 2023. "Turkish Elections: Why Is Erdogan Still Unbeatable?" *Sciences Po*, May 16, 2023. <https://www.sciencespo.fr/en/news/turkish-elections-why-is-erdogan-still-unbeatable>.
- Bugos, Shannon. 2019. "Turkey Shows Nuclear Weapons Interest." *Arms Control Association*, October 2019. <https://www.armscontrol.org/act/2019-10/news/turkey-shows-nuclear-weapons-interest>.
- Cimbala, Stephen J. 2020. "Theory and Nuclear Proliferation in the Twenty-First Century: The Limits of Realism." In *The United States, Russia and Nuclear Peace*, edited by Stephen J. Cimbala, 175–93. Palgrave Macmillan Cham.
- Gavin, Gabriel. 2023. "Erdogan Plays Energy Card in Turkish Election – with Putin's Help." *POLITICO*, May 4, 2023. <https://www.politico.eu/article/turkey-election-energy-recep-tayyip-erdogan-nuclear-gas-russia/>.
- Gheorghie, Eliza. 2023. "Nuclear Energy and Proliferation in Turkey's Asian Politics." *ELIAMEP, Eliamep-Medyascope Media Series (ELIMED)*, no. 174.
- Guldogan, Diyar. 2023. "Türkiye Gains Nuclear Status with Delivery of 1st Nuclear Fuel to Akkuyu Power Plant: President." *Anadolu Ajansı*, April 28, 2023. <https://www.aa.com.tr/en/turkiye/turkiye-gains-nuclear-status-with-delivery-of-1st-nuclear-fuel-to-akkuyu-power-plant-president/2883123>.
- Gürsel, Kadri. 2019. "Why Does Erdogan Want Nuclear Weapons?" *Al-Monitor*, September 9, 2019. <https://www.al-monitor.com/originals/2019/09/turkey-why-does-erdogan-want-nuclear-weapons.html>.
- Hibbs, Mark. 2019. "Scratching Erdogan's Nuclear Itch." *Carnegie Endowment for International Peace*, October 22, 2019. <https://carnegieendowment.org/2019/10/22/scratching-erdogan-s-nuclear-itch-pub-80178>.
- Hymans, Jacques E. C. 2006. "Theories of Nuclear Proliferation – The State of the Field." *The Nonproliferation Review* 13 (3): 455-65.
- Kasapoglu, Can. 2015. "Turkey's National Security Strategy and NATO Nuclear Weapons." In *Turkey's Nuclear Future*, edited by George Perkovich and Sinan Ülgen, 87-105.
- Kibaroglu, Mustafa. 1997. "Turkey's Quest for Peaceful Nuclear Power." *The Nonproliferation Re-*

view 4 (3): 33-44.

———. 2015. “Turkey and Nuclear Weapons: Can This Be Real?” In *Turkey’s Nuclear Future*, edited by George Perkovich and Sinan Ülgen, 155-82.

Lindenstrauss, Gallia. 2012. “Towards Turkey’s Own Bomb?” *Arms Control Dilemmas: Focus on the Middle East*. Institute for National Security Studies.

Niphi, Avino, and M. V. Ramana. 2023. “Talking Points: Narrative Strategies to Promote Nuclear Power in Turkey.” In *Energy Democracies for Sustainable Futures*, edited by Majia Nadesan, Martin J. Pasqualetti, and Jennifer Keahey, 255-65.

Ophir, Assa. 2021. “Turkey’s Nuclear Future.” Edited by Hay Eytan Cohen Yanarocak and Joel

D. Parker. *Turkeyscope* 5 (6): 1-7.

Perkovich, George, and Sinan Ülgen. 2015. *Turkey’s Nuclear Future*. Carnegie Endowment for International Peace.

Robinson, Kali. 2023. “Turkey’s Growing Foreign Policy Ambitions.” *Council on Foreign Relations*, June 1, 2023. <https://www.cfr.org/background/turkeys-growing-foreign-policy-ambitions>.

Rühle, Hans. 2015. “Is Turkey Secretly Working on Nuclear Weapons?” *The National Interest*, September 22, 2015. <https://nationalinterest.org/feature/turkey-secretly-working-nuclear-weapons-13898>.

Sagan, Scott D. 1996. “Why Do States Build Nuclear Weapons?: Three Models in Search of a Bomb.” *International Security* 21 (3): 54-86.

Spacapan, John. 2020. “Conventional Wisdom Says Turkey Won’t Go Nuclear. That

Might Be Wrong.” *Bulletin of the Atomic Scientists*, July 7, 2020. <https://thebulletin.org/2020/07/conventional-wisdom-says-turkey-wont-go-nuclear-that-might-be-wrong/>.

Toksabay, Ece. 2019. “Review of Erdogan Says It’s Unacceptable That Turkey Can’t Have Nuclear Weapons, by Frances Kerry.” *Reuters*, September 4, 2019. <https://www.reuters.com/article/us-turkey-nuclear-erdogan-idUSKCN1VP2QN>.

van der Meer, Sico. 2016. “States’ Motivations to Acquire or Forgo Nuclear Weapons: Four Factors of Influence.” *Journal of Military and Strategic Studies* 17 (1): 209-36.

Varnum, Jessica. 2015. “Debating Turkey’s Nuclear Future.” In *Turkey’s Nuclear Future*, edited by George Perkovich and Sinan Ülgen, 183-203.

Wilks, Andrew. 2023. “Turkey’s Erdogan Celebrates Presidential Election Run-off Win.” *Aljazeera*, May 28, 2023. <https://www.aljazeera.com/news/2023/5/28/turkey-presidential-election-results-3.ra's-relations-with-other-states> (Lindenstrauss 2012, 91).

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