



# advocate

SUMMER 2017

## COVARIANCE

**Students' Union**  
UNIVERSITY OF NOTTINGHAM





# Editor's Note

Dear Advocate readers,

Thank you for picking up a copy of the Summer 2017 edition of Advocate Magazine!

Firstly, we would like to thank everyone who has written articles for our magazine. Our journalists have been enthusiastic and committed throughout the year and we are extremely grateful to have the opportunity to work with all of you.

I would also like to extend my appreciation to everyone who has attended our writing and brainstorming sessions. Organising these sessions was something we aimed to achieve since the start of the year and we are extremely humbled to have shared this opportunity with you. Advocate is also grateful to all who have thoughtfully suggested changes to both our website and our magazine layout. We have managed to implement changes, which would not have been possible without your feedback.

My time as President has been immensely rewarding and I would like to thank everyone from Advocate who has supported me every step of the way. I would also like to take this opportunity to welcome Tessa Sim as Advocate President for 2017/2018. I have no doubt that Tessa and her team will continue to improve the magazine and the society.

Congratulations to everyone who is graduating in the next few months. Happy end of year to all our readers and I hope you all have a wonderful summer.

***Ee Hsien Tan***

President

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# 100 Days of Trump

## Will we make it home in one piece?

By Beth Webb-Strong

**28**<sup>th</sup> April 2017 marks the 100th day of Donald Trump's presidency, one which certainly began with a bang. Within a short period, Trump has made it apparent that electing a businessman as the president of the United States has its drawbacks. As Jeremy Paxman asserts, Trump seems to think that he is the boss of America Inc. His first 100 days has been a collection of accusative tweets, contradicting statements, unconstitutional executive orders, and, of course, days at the golf course.

With the haphazard manner in which Trump is approaching his presidency, one would be forgiven for thinking the fate of the United States is no more than a game to the most powerful man in the world. It is easy to imagine an oversized child picking brightly coloured Lego bricks at random, as he tries to rebuild the White House and America. In building the foundations of his establishment, it appears he is focused on rhetoric rather than substance. Many look on with both fear and amusement as he lays each brick of his legacy at the feet of devastated voters and politicians (be it the use of missiles in Syria, blunders in the Middle East peace process, or nominations for the Supreme Court). What remains to be seen is which of Trump's precariously placed policies is most likely to topple the entire Lego house?

### Culprit number one: the 'travel ban'

It is arguable that Trump's most radical and ridiculous brick in his Lego house was the executive order he passed banning entry, including permanent US residents, to the US from 7 Muslim-majority countries. Thousands of individuals were stranded in airports across the US, as they were unable to enter the country for days. It was immediately clear that the order was not motivated by a legitimate interest for national order and stability; the order is plainly unconstitutional, violating the First Amendment rule barring the "establishment of religion". Trump, however, claimed that he implemented this to prevent the nation from becoming a "horrible mess". It remains unclear how he himself would describe the mass of people swarming the airports to protest his barring of people from their country.

The executive order is overt evidence of the racist attitude the president exhibits; he himself promised a "total and complete shutdown of Muslims entering the United States". It also highlights Trump's absolute lack of understanding of politics and the legal system which support the structure of the nation he governs. His response to the blocking of his order was to criticise the judiciary: "Just cannot believe a judge would put our country in such peril," he wrote. "If something happens blame him and court system. People pouring in. Bad!".

It has been argued that Trump's travel ban was actually a political strategy designed to distract from the president's real hidden agenda. However, the use of such a tactic by Trump seems farfetched. The executive order is merely the first example of Donald's blundering ineptitude at running the United States.

### Culprit number two: Trump's Mexican wall

Not only did Trump make a ludicrous claim that America would build a wall on its border with Mexico, he also stated that Mexico would pay for it. As Trump's days of presidency have grown, his confidence in his wall appears to have decreased. He seems to have retracted his remark that Mexico would be paying the bill, and when questioned about when the building of the wall will begin, he replied with an ambiguous, "Soon, very soon". Unfortunately for Trump, his prized Mexican wall has become a symbol of his inability to follow through on his promises. This suggests that the wall could be another factor in his conceivable downfall.

### Culprit number three: Environmental Policy and Healthcare

Healthcare and the environment make the list of Trump's top blunders because they represent his dismantling of the hard work and successes of Obama's government. Within Trump's first 100 days, he has categorically withdrawn from the Trans-Pacific Partnership trade deal, which Obama spent so long negotiating. He also refuses to recognise the realities of climate change. In fact, Scott Pruitt, the head of the US Environmental Protection Agency of Trump's administration, claims that he does not believe that the release of CO2 is raising global temperatures, despite his agency having the very opposite stance. This highlights the even more frightening fact that the individuals which Trump surrounds himself with are just as inexperienced, and arguably inept, as he is. The US appears to be run by a bumbling band of businessmen, who bleed a staggering satire that almost requires no commentary.

Trump has systematically disassembled Obamacare, and has, as of yet, failed to pass a replacement. Moreover, he has scrapped funding for international groups which provide abortions.

### Culprit number four: Trump's approach to foreign relations

Trump's approach to foreign relations can be summed up in two words: confusing and inconsistent. He is the first president who seems to believe that twitter is an appropriate platform for communicating with foreign governments. Are such gaffes enough to shake his presidency? They certainly reduce any credibility he has left, and aid the press further in presenting him as a figure of ridicule. The BBC has even created a search engine where you can investigate what recent comments Trump has made about a particular country; and, of course, they are mostly distasteful or inane tweets.

Take Russia, for instance. During the campaign and initial days of his presidency, Trump could not have been praising Vladimir Putin's leadership enough. And yet, since the emergence of claims concerning Russia's involvement in the election in America, Trump describes relations with Russia as "at an all-time low". One can't help but wonder whether President Truman or Eisenhower would agree with such a statement, given the sheer terror experienced during the years of the Cold War and the arms race.



Relations have taken a similar tone in Europe. Apparently, the press has misinterpreted Trump's relationship with Germany's Angela Merkel, and "doesn't get" that they actually get on splendidly. The news was filled with images of Trump's awkward hand holding with Theresa May during her visit to the White House. It must be recognised that the press does have a particularly critical and heavy focus on Trump's presidency and his slipups. But who can blame them? Given the endless faux pas, astounding errors and generally unconcerned arrogance which fills Trump's every word, it seems only fair he becomes the most important man to scrutinise on the planet.

Trump revealed the true level of his inexperience and foolishness in dealing with foreign relations during discussions around the peace process between the Israelis and the Palestinians. "I'm looking at two-state and one-state, and I like the one that both parties like. I'm very happy with the one that both parties like," Trump said.

It is clear that Trump's approach to foreign relations is one of amateurishness; however, is he dangerous? The recent launch of cruise missiles on Syria in response to Basha al-Assad regime's use of chemical weapons was intended as a show of strength. Although Obama's government did carry out bombings against ISIS, he refused to launch attacks in reaction to the use of chemical weapons in Syria. Furthermore, Trump's attacks were targeted at the Assad regime, which is unconnected to al-Qaeda, and therefore required new authorisation and a vote from Congress. Obama considered striking against Assad in 2013 but met resistance in Congress and eventually decided against the move. It appears Trump continues to exhibit not only his lack of experience, but his outright disdain for the processes of government which the Constitution dictates.

#### **Culprit number five: Trump's stamp on the Supreme Court**

Another controversial move in Trump's first 100 days was the nomination of Neil Gorsuch to sit on the Supreme Court. The US Senate went as far as to change the voting rules on nominations, which opened up the space for a confirmation vote for Gorsuch. Does this set a precedent for further change of this historical institution? Perhaps the Simpsons satirical clip showing Ivanka Trump taking a seat on the Supreme Court was not as far from the truth as we would like to think.

#### **Culprit number six: Trump's attack on the media**

Finally, Trump's current attack on the media certainly deserves mention. It seems that if a less than flattering news story concerning Trump surfaces, he proclaims immediately that it is 'fake news'. This began when it was reported that the audience for Trump's inauguration was incredibly low and continued to be so when investigations were made into Russian influence over the US election. Trump tweeted "Russia talk is FAKE NEWS put out by the Dems, and played up by the media, in order to mask the big election defeat and the illegal leaks!". The oversized child stamps his foot once more. His accusations that the press are the "enemy of the American people" has led to fears about suppression of the press, which Senator John McCain warns is "how dictators get started".

However, is there a point amid Trump's aggressive babbling? It is undeniable that the media should be held to higher standards of evidence and be accountable for deceptions. Having recognized this, it remains clear that Trump's attack on the media is motivated by his own fears and insecurities. Such behaviour from a president should not be tolerated.

#### **Trump: a muddled mess**

The commonality between Trump's mistakes has been his inconsistency and clumsiness. Michael Steele, former chairman of the Republican National Committee commented: "There is no ideology around the policies we see so far... there are particular impressions on issues. A lot of it is campaign-related rhetoric." An image which sums up Trump's celebrity obsessed approach to politics is that of his proud display of his signature on a trade deal, as though the press were clamoring for his autograph.

#### **The verdict on Trump: how many days left?**

It seems fair to conclude that the US have elected the equivalent of the mad hatter as their new president (with hair just as peculiar). However, is there method to Trump's madness? What progress has been made, however ridiculous, in his first 100 days in office?

Not much. Most of the legislation he has tried to pass has been stalled. By contrast, Barak Obama has passed a bill which addressed education and climate policy by his 100th day in office. Moreover, Trump has made a mere 50 nominations to fill the top 553 positions of the executive branch. Many of his picks are investors and executives with conflicts of interests that require vetting, which has significantly delayed the assembling of his government. Not only has he failed to build his own establishment or make significant progress in any of his promised policies, he has wasted time withdrawing from and dismantling many deals Obama previously secured. Trump seems to have even failed to deliver what the US electorate intended to achieve by voting him in – a radical revolution in the white house.

Trump's first 100 days have included some achievements though. His twitter following has certainly increased. Despite criticising Obama for the time he spent playing golf, Trump's multiple visits to the course must have seen him lower his personal best in the last 100 days.

The phrase "American carnage", which Trump coined on his inaugural address on January 20th 2017, is an apt phrase to describe the first 100 days of his presidency. It is unclear which of his many blunders has the most potential to unseat him from his throne. His attack on the media and his discriminatory policies towards immigration are the most overt of them, and are most likely to lose him popularity. However, the populist attitude which engulfed the US in the lead up to the election seems to have revealed strong nationalist attitudes which may lead voters to think differently.

All that remains clear is that the combination of Trump's first moves leaves many of us only more perplexed about his continued place in the White House.

# Terrorism and the Media

By Adam Robson

The media and terrorism live in a covariant relationship. As more people tune in to watch the news of an attack in a major city, the more effective the tactic of terror becomes. Yet, the linear line upwards between the media and the terrorists has grown steeper as we have entered the second decade of the twenty-first century. It is interesting to consider the historical relationship between the media and terrorism in order to explain why this relationship is covariant and what this means for the future of national security.

David Rapoport, Professor of Political Science at University of California, Los Angeles, is one the world's most well-respected voices on terrorism. His most famous work divided the history of modern terrorism into four distinct waves. The wave model will allow us to trace the evolution of the relationship between terrorism and the media.

Rapoport asserts that the earliest 'modern' terrorists were the anarchists of the late nineteenth century. While media has changed vastly in the last century, the terrorists of fin de siècle Europe adopted many of the same tactics as we see employed in attacks today. The bomb, the gun and the knife remain the key tools of terrorist violence. Though there have been other means of terror in more recent years, such as aircraft hijacking, the violence throughout all waves has often been based on these simple tools. Furthermore, the nineteenth century was also an era of great power tension and globalisation. Goods and information sped around the world like never before. The telegram revolutionised the media landscape, as well as, crucially, the growing picture press. It is hard to conceive of many of the attacks that define this period existing without such innovations. The difference between Felice Orsini and Mario Buda terror attacks illustrate this; whereas Orsini's was a simple murder attempt, with the goal of removing Napoleon III, who in Orsini's mind stood in the way of Italian unification. Buda's attempt at blowing up the New York stock exchange shows a much keener awareness of the media impact his act would have; rather than the removal of one political figure, this was an attempt to send a message to the global financial capitalism emerging from the end of the First World War. The change shows how terrorists were beginning to exploit the media to their advantage; arguably, the symbiotic relationship between terrorism and the media was already beginning in Rapoport's first wave.

Rapoport defines the second wave as nationalism, specifically a nationalism born of anticolonial resistance. The British press certainly had an antagonistic relationship with the IRA, often appearing as no more than an extension of the British state engaged in a long and dirty war with their parroting of the British governments account of events in the conflict. On the other hand, the IRA effectively used the media to gain attention and legitimacy for their struggle. The IRA remain an outlier in Rapoport's eyes due to the fact their history lasts much longer than just one wave.

Perhaps a better case study for the examination of the covariant

relationship between terrorism and the media is in the struggle for Algerian independence: a war waged right at the peak of Rapoport's second wave. Alistair Horne, in his famous book on this conflict, emphasises the importance of public opinion in the struggle (not only the opinion of the Algerians who increasingly supported the FLN (Front de Libération Nationale), but also the white settlers in Algeria, and the wider French public). Public opinion remained of high importance during America's intervention in Vietnam, where the public opinion in the United States was influenced equally by the media and terror. Furthermore, the victorious Algerian state would go on to make an important and influential war film, depicting the terrorism of both the independence fighters and the French state. More than just a propaganda film, 'The Battle of Algiers' is a testament to the vision and optimism of a state brought into being by Rapoport's second wave of terrorism. As well as this, it shows that those in the second wave were keenly aware of employing media in their legitimisation of violence. The retelling of the Battle of Algiers arguably helped to justify the violence of the FLN's war of independence.

Thus, in the second wave, we see that there clearly existed a relationship between terrorism and the media. Just as before, terrorists needed the media to spread its message, and media found headline grabbing stories in terrorism. Yet, at this point, we do see a tension arising between the two.

This brings us to the third wave, an era where media and terrorism were both critically examined by new radical movements. From Baudrillard and Debord to Guevara and Castro, the heroes of these new groups all understood implicitly the relationship between the media and terrorism. In Rapoport's third wave, the media and terrorism were seen as in a covariant relationship by both those at the heart of the struggle and those commenting on it. Those like Debord were much more pessimistic, seeing the media as part of a wider apparatus for increasingly repressive states. Moreover, terrorism was used as the justification for increasing repression, which in turn pushed more people against the state, as in the Italian Years of Lead. This once again shows that the media and terrorism had a close relationship throughout their history.

Rapoport's original article was published in the wake of 9/11, a turning point in the study of terrorism. Not only does 9/11 represent the most infamous example of the Religious fourth wave, it was also the largest media event of the 2000s. As a wide number of cultural theorists and media critiques have written, the shadow of the twin towers looms large over the landscape of contemporary culture. In the era of the War On Terror, the covariance of terrorism and the media is unquestionable. The more Al-Qaeda appeared on CNN, the more the state demanded increasing powers to fight them. The more footage of bombs dropping on the Middle East, the more Al-Qaeda's rhetoric appealed to citizens of those poor countries. Terrorism works through creating terror, and cable news is without a doubt the perfect space to do this.



Moreover, the constant chaos surrounding the war in Iraq produced an endless stream of grizzly reports. It also led to the the growth in radical jihadi groups, who took advantage of that same chaos. By the time of the tragic year of attacks on Paris, the media was fully absorbed in propagating the images of the attacks, and a conventional narrative that allowed for a state of emergency to last in France for years .

Furthermore, the media has become filled with stories and images of terrorism. How many times have we seen New York or London destroyed in cinema? Images of supposedly random destruction became normal in most blockbusters of the era, culminating in the explosive Dark Knight .

2017 has seen a large number of terror attacks across Europe, as well as continued violence in the Middle East, fueled by the use of terror attacks. However, these attacks have been far less horrific than 9/11; there are probably still fewer attacks across Europe than in the days of the Red Army Faction; and far fewer politicians have been killed by terrorists than in the anarchistic first wave.

Rapoport's model still sparks debate, especially as to where the next wave will emerge from. The relationship between the media and terrorism is also at a crossroads. Terrorist attacks are certainly changing. While in the past these attacks would take years of planning and a huge amount of skill, today, many attacks seem to happen with very little coordination: lone wolves using cars, lorries and knives to attack large crowds. The attack on the Westminster Bridge could have been far more destructive if it had involved a car bomb, like the IRA attacks on London in previous decades .

Has the media caused such changes in terror tactics? Terrorists know they don't need to plan hugely shocking attacks to generate 24-hour coverage and millions of tweets. The terror can still be spread by the media even if the attack kills a small number of people. This conclusion is frightening. It means that if we really want to end the threat of terrorism, it will take approaching the media in a very different way.



# Will the Kingdom remain United post-Brexit?

By Callum Mansfield

As U.S Presidents say at the end of their addresses to the joint houses of Congress, “the state of our Union is strong.” However, in the United Kingdom, where such a phrase is rarely used, because of Brexit, the state of our union is now uncertain.

On the 24th of January this year, the Supreme Court delivered its ruling on how Article 50 was to be triggered. Two significant decisions were made. Firstly, the government was unable to trigger Article 50 without a vote by the British parliament, and secondly, none of the devolved administrations in Scotland, Wales and Northern Ireland had any legal right to vote on Britain’s exit from Europe. This decision was made because the United Kingdom is a unitary state, which means that there is a single body, in London, which holds ultimate law and decision making power for the entire country. Despite this, Scotland, Wales and Northern Ireland have had ‘devolved’ bodies which produce laws specific to their regions, since 1998. Whilst these bodies have been granted certain powers by the central government, they hold no constitutionally granted power and final decision making still resides in central government. Essentially, this means that the British government could abolish these devolved administrations as easily as it could repeal a law. This differs from the United States, who operate in a federal system, whereby powers are constitutionally given to states and cannot be taken away by the government in Washington D.C.

The Supreme Court didn’t give the devolved administrations veto powers because the devolved Acts of 1998 reserve power in foreign affairs to the central government. The devolution acts only recognise the devolved administrations power in public service provisions, policing, agricultural policy, tourism and economic development. In spite of this provision, the Scottish Parliament held a symbolic vote on Article 50 to display their opposition to the Government’s Brexit Policy. This is because most of Scotland voted to remain inside the European Union, with 62% voting to remain. Similar issues have arisen in Northern Ireland where 55.8% voted to remain. Whilst the Northern Ireland Assembly is yet to take a symbolic vote, there are certainly people in Northern Ireland who would like to question their place in the EU negotiations.

Given our fraught history at keeping member states of the United Kingdom satisfied with our relationship, the question we must now ask is: in a post-Brexit UK, who will stay and who will go? The Scots have already displayed an interest in independence, although a majority still wished to be united. In 2014, a referendum on Scottish independence from the UK resulted in a win for the no campaign, with a total of 55% of the vote choosing to remain part of the United Kingdom. Critically, the campaign relied on EU membership as a key argument. Therefore, there is a possibility of Scotland voting in favour of independence if another referendum is granted. Of course, even if Scotland did become independent from the UK it would still have to apply for EU membership. This is a lengthy process in which all member states must come to agreement on entry. Scotland already complies with the economic guidelines for entry, so the process could be simpler than for other countries trying to gain membership. Many speculators initially thought Scottish entry would not happen because Spain would veto their entry, so

as not to provide precedence to Catalonia’s desire to leave Spain. Catalonia, like Scotland, exists as a semi-autonomous region, having their own customs and even language. An independence movement has been slowly gathering in Catalonia since the economic crisis in Spain, because the Barcelona region of the province has been supporting poorer parts of the nation. However, whilst a Catalanian independence referendum may go ahead in September, the Spanish foreign minister turned back on his original claims in early April and said Spain would not try to veto an independent Scotland’s entry into the EU. However, Nicola Sturgeon must first persuade Theresa May to allow the national parliament to vote on giving Scotland a second referendum. This is because the previously discussed Scotland Act reserves those powers to the national parliament, who in all cases, remains sovereign. Currently, May’s passing of a second independence referendum seems unlikely in the next two years as she has simply said “now is not the time”.

More pressingly, Brexit creates issues for our relationship with Northern Ireland, especially as they are the only country in the UK with a land border with another EU country, Ireland. Currently, these two countries have a frictionless border crossing, allowing cargo and people to pass freely between the two states, but a hard Brexit (meaning the UK would leave the Common Market) could put this under threat. If this happens, Brexit could see the breakdown of the Good Friday Agreement of 1998, which guarantees Northern Ireland’s membership of the United Kingdom for as long as they want to remain part of the Union. The agreement was the cornerstone of peace breaking in Northern Ireland and ended the conflict between Loyalists, who wanted to be part of the United Kingdom, and Nationalists, who wanted Northern Ireland to join Ireland to become a single state. If borders are re-erected because of Brexit, there are fears the country could fall back into sectarian violence. Gerry Adams, the leader of Sinn Féin, has already warned that “Brexit will destroy the Good Friday Agreement”. The current problem in Northern Ireland, alongside Brexit, is that after the March 2017 Assembly elections, none of the parties could come to an executive power-sharing agreement. Northern Ireland is incredibly sectarian and the power sharing executive prevents the majority party from controlling both the legislature, who passes laws and the executive, who enforces laws. Northern Ireland Secretary James Brokenshire has extended the deadline to come to an agreement on power-sharing but has commented that an agreement will have to be made to maintain political stability in Northern Ireland. This could mean “however undesirable, either a second election or a return to decision making from Westminster”. In either case this could anger Northern Irish citizens and could prompt a case for reunification with Ireland, especially if a hard Brexit is pursued and the land border becomes restricted.

Ultimately, as we enter Brexit negotiations, much will feel uncertain. This is especially so, if the British government fails to heed the advice and warnings of their devolved administrations. Nicola Sturgeon has begun to criticize the governments Brexit plan and called for ‘IndyRef2’. The failure to reach a power-sharing agreement in Northern Ireland weakens their political discourse and strengthens the prospect of a single-Irish state. Currently, the state of our union looks uncertain.





# Cold War and Today

## Is second Cold War Brewing?

By Thomas Hughes

**T**he Cold War was the period of hostility between the Western powers and the Soviet bloc countries from 1945 to 1990. Tensions between the USA and Russia were near boiling point. Battles between different ideologies took place across the globe. And the world teetered on the brink of nuclear destruction. Does this landscape all sound eerily familiar?

Despite US president, Donald Trump, and Russian counterpart, Vladimir Putin, repeatedly praising each other during the US election campaign, relationships between the two countries are “at an all-time low” according to Trump.

Once again, the source of the hostility between the two states originates elsewhere in the world. During the Cold War, countries such as Greece, Cuba, and most notably Germany, became caught in the ideological conflict between capitalism and communism waged by the USA and USSR. Today, Syria and North Korea are the main flashpoints, and those who thought nuclear war would never become a reality might soon be proven wrong.

This time the main nuclear threat comes from a third country, namely North Korea. In the 1963 Cuban Missile Crisis, it was communist Russia that threatened the USA. In 2017, it is communist North Korea’s that poses the greatest threat. This “Korean Missile Crisis” has seen a parade through the capital Pyongyang, displaying the country’s military might and a declaration that they have the capacity to respond to a nuclear attack by the USA. They have also been testing their weapons, in blatant contravention of UN resolutions, although the most recent launch failed with the missile exploding seconds after take-off.

Trump has stated his willingness to quell the North Korean threat using force if required, by attacking their weapon sites. While this may purely be an attempt to coerce China into silencing their noisy neighbour, the possibility of a US pre-emptive strike on North Korea is extremely possible.

In addition, the perennial state of tension between North and South Korea is a relic of the Cold War. Technically, the Korean War is still ongoing because only a ceasefire was agreed at the end of the fighting in 1953, and the standoff between communism and capitalism in the Far East remains. Seoul reportedly has more nuclear weapons trained on it than any other city in the world but the country once again finds itself in a vulnerable position. It seems that a Second Korean War cannot currently be written off completely. The current world situation is also similar to that of the Cold War because of the way internal conflicts reflect the wider struggles between different ideologies. In the past, USA, Russia, and the UK were embroiled in tensions over Communism. Today the major issue is Islamism, but the threat it poses is much greater.

The frontline of the war against this ideology is being fought in Syria, yet the US and the UK are at loggerheads with Russia over the situation. Russia refused to blame Syrian President Bashar al-Assad for the chemical weapons

attack on the 4th April, while Trump responded to the attack by ordering an air strike on the country. Russia backs President Assad as a bastion against terrorist groups such as ISIS, while the US and the UK refuse to support a dictator accused of bringing destruction and suffering to his own people.

The fighting and deaths continue in the Middle Eastern state as relations between NATO and Russia deteriorate, evidenced by foreign secretary Boris Johnson’s cancellation of a visit to Moscow and attempts to persuade G7 countries to agree on sanctions against Russia. Moreover, the chemical weapons attacks taking place in the Syrian Crisis are an unpleasant reminder of the napalm and Agent Orange used by the USA in the Vietnam War.

Now, as in the Cold War, it is always the innocent people who suffer the consequences when incompatible ideologies and powerful nations clash. Just as the Syrian Crisis symbolises the battle against Islamism, so does the domestic politics of European nations reflect the rejection of the liberal post-war consensus in favour of a new kind of populism. Every referendum or election result is awaited with bated breath; every victory for the populist right is celebrated not just in the country of the election but across Europe. On the face of it, Italian’s referendum in December on constitutional reform, in which the electorate voted against former Prime Minister Matteo Renzi’s reforms, was simply a matter of internal politics.

Yet it was welcomed by French far-right presidential candidate Marine le Pen, who declared “this Italian No adds a new people to the list of those who would like to turn their backs on absurd European policies which are plunging the continent into poverty.” Meanwhile the wider importance of the Austrian presidential election in the same month to the wider European situation was highlighted by former UKIP leader Nigel Farage’s interference. His declaration on Fox News that right wing candidate Norbert Hofer would hold a European Union referendum if elected, though it did not particularly help his campaign, was a sign that populist figures across the continent are not merely focused on their own internal battles but are giving each other support to try and sweep away the EU and build the Europe they desire. While all this is happening, Trump and Putin look in from the outside with interest. In contrast to the Cold War though, when the US and Russian leaders had opposite futures in mind for Europe, this time they will both be rubbing their hands together. Both welcomed Brexit, and both will welcome further rejections of the EU by voters.

Nuclear rearmament, dangerous ideologies, diplomatic disagreements, ground-breaking elections - all of these factors are contributing to the atmosphere of tension and uncertainty in the world at the moment, just as they did all those decades ago during the Cold War. Back then catastrophe was averted: Communism fell, and the feared nuclear war never materialised. Yet now there are new dangers to world peace in the form of North Korea and Islamism. The world is not teetering on the brink yet, but it is sliding closer to the edge.



# The Golden Ballot

By Filip Sys

**A**braham Lincoln famously declared that the “ballot is stronger than the bullet”. It seems that on 18th April 2017, Theresa May took that advice and opened yet another exciting chapter in the maelstrom of British politics. On the back of a Brexit vote, much wrangling in the courts, grumbling in the House of Lords and ongoing divorce proceedings with the European Union (EU), it is fair to say that the Prime Minister has fired a lot of bullets in recent weeks. The decision to use the Fixed Term Parliament Act and call a Snap Election is shrewd and perfectly timed. It is also brutally opportunistic with many of her opponents momentarily ‘on the rocks’ or unclear of their respective positions on the EU and Brexit. Opportunism has negative connotations, however, Theresa May has reminded Parliament and the voters that there is no place in politics for dawdling or giving favours. The Prime Minister clearly means business and is taking tactical aim at her opponents to secure the best position for her government at home and abroad.

**Target 1: The Labour Party.** Most polls (although it is a lesson never to fully trust them) put Jeremy Corbyn and his band of not so merry MPs as trailing 14 to 20 points behind the Prime Minister. “I don’t trust him”, “lack of leadership” and “what does he stand for?” are all too common remarks made by voters interviewed on radio and TV. Theresa May has politically caught the Labour Party with its pants down - falling over itself, without direction and lacking stability. Some commentators have expressed cynicism in the wake of the announcement concerning the Prime Minister’s unprecedented move; many are concerned that such a decision ensures a Tory landslide. However, the Prime Minister has shown a degree of strength throughout her premiership so far (some might even say ‘Iron’), and is clearly not a child-minder for a squabbling Labour Party. It is hard not to imagine the Prime Minister looking over the dispatch box at the embattled figure of Corbyn and frothing at the mouth. Of course, that’s exactly what Margaret Thatcher did in 1983; defeating poor Michael Foot in the biggest landslide British politics has ever seen. The Parliamentary Labour Party and its membership are at odds: there is no clear position on Brexit, high-profile MPs are leaving the Party and all of this is headed by a ridiculed leader. Theresa May has seen a clear chance to increase her majority and inflict even more damage on an out-of-touch Labour Party in a manner Margaret Thatcher would be proud of.

Labour would do well to avoid such a calamity by yanking the election away from the topic of Brexit and to instead discuss domestic issues: the NHS, schools and housing but to name a few. However, the issue is Brexit and if Labour do not take a clear position on Brexit, the most vital of subjects in this election, it will inevitably result in tough lessons being learnt after the election. The sad thing about Labour’s situation? Many of its own MPs want a poor election performance, to get rid of Corbyn and get a fresh start.

**Target 2: the SNP & Nicola Sturgeon.** The next target for Theresa May is the SNP in Scotland. On the back of winning 56 out of 59 seats in the 2015 General Election, the SNP will hope to maintain their tour de force in the House of Commons or even take all the constituencies in Scotland.

So why is the SNP so jittery? Nicola Sturgeon instructed SNP MPs to abstain in the House of Commons when Parliament voted through the Prime Minister’s request for an election. This caution is uncharacteristic of the SNP who are normally chomping at the bit to do any damage to the Tories and, one would have thought, they would relish the opportunity to chip away

at their majority. Nicola Sturgeon and the SNP know that they have been out-played by Theresa May, in what can be dubbed opportunism but equally as masterful political Machiavellianism. The Prime Minister, weeks before the announcement of a snap election, rejected a call for another Scottish referendum, citing untimeliness with regards to Brexit as being the chief reason. But note, while all the other Westminster parties were demanding a general election; the SNP stayed quiet. It boils down to one simple point: with a large amount of seats in Scotland, the SNP would have to prove itself and could run the risk of losing seats and thus damaging its demands for another referendum in the process. If the Scots do not overwhelmingly back the SNP this June, the Prime Minister has even stronger grounds to reject an independence referendum. Therefore, the SNP is not happy because the election in June could prove to be a politically costly exercise.

It is possible that this is all wild speculation and the SNP could increase their hold on Scotland but, as Ruth Davidson, leader of the Scottish Conservatives stated, “the nationalist caravan” is vulnerable and Scottish voters do not want another independence referendum, despite the SNP’s claims. We wait to see on the morning of the 9th June if the Prime Minister’s political subterfuge has paid off with Scottish voters.

**Target 3: Others.** UKIP is arguably one of the most successful political parties (with currently no MPs) in the history of British politics. They have got their Brexit and now have become the self-styled British Bulldog guardians of the negotiation process. As another party with a number of internal problems, much of it buffoonery; UKIP seems to be struggling for an identity in the post-Brexit political landscape. However, Theresa May is promising many of the elements of Brexit which Nigel Farage and UKIP have been championing these past 20 odd years. Therefore, who is not to say that UKIP’s leadership is happy with the Prime Minister momentarily? UKIP is not contesting a number of constituencies which are held by fellow Conservative Brexiters, and Nigel Farage is in no rush to stand this time for election. UKIP could aid the Prime Minister in a number of ways. They could gain a couple of seats and be an ally for the Prime Minister in the House of Commons or (more realistically) help the Tories and divide the Labour vote in ‘heartland’ seats to create a possibility of the Conservatives gaining some unexpected results. Either way, UKIP could be neutralised as a threat by Theresa May’s decision to call a general election, however, UKIP is still a force to be reckoned with and any “backsliding” in the Brexit negotiations could turn any present support into treachery.

The House of Lords was called out on the steps of Downing Street and described as a thorn in the side of the Prime Minister; getting in the way of her Brexit process. Currently, the government only have a slim majority in the Commons and the Lords have a majority of Liberals. Those Liberal peers might be willing to slow the Prime Minister’s Brexit process, but if Theresa May were to return with an overwhelming majority, the Lords would know they would be playing with fire, especially at a time when an unelected upper house is unappealing to large swathes of the electorate. Is the Prime Minister’s aim true?

We will have to wait and see whether this decision from the Prime Minister has been a wonder-stroke or whether it backfires spectacularly. One thing is for sure, this is cut-throat politics at its very best and, in the future, I am sure that we will hear of someone ‘doing a Theresa May’; a synonym for both opportunism and targeting and flushing out your opponents.

# Northern Ireland:

## Does identity really determine political thought?

By Aisling Morgan

To say the least, Northern Ireland has had a turbulent history. Yet, young citizens today will only have memories of peace, their daily lives largely unaffected by the historic divisions. A government which functions by the conscious co-operation of two different communities has cemented the present unity, acting as an apparent model for reconciliation after decades of violence and division.

This model for unity and compromise has failed. The Northern Irish government is still divided, albeit more subtly than in the past. It would appear that there are no clear left-wing or right-wing parties. It's Nationalist or Unionist. Irish or British. Catholic or Protestant.

In January 2017, Martin McGuinness resigned as Deputy First Minister of Northern Ireland Executive, and with no nomination put forward by Sinn Féin, a fresh election was triggered. Fast forward to the present day, Northern Ireland has had a successful election, the largest turnout in decades, there is a mandate to form a government - yet talks have completely ceased. Moreover, the events of the fresh general election in June make it even less likely that talks will resume before the planned summer recess.

Debates are controlled by Sinn Féin and the Democratic Union Party. Gone are the days of Martin McGuinness and Dr Ian Paisley being called 'The Chuckle Brothers'; a former IRA commander and a fervent unionist campaigner working together effectively to bring stable government to an unstable territory. The contrast to the present day is stark - there is more agreement, but less motivation to work together. The Northern Irish government is characterised by the battle for control by Sinn Féin and the Democratic Unionist Party (DUP). Arlene Foster and Michelle O'Neill are the faces of each party, slinging accusations at each other, playing on each other's respective differences and blaming the other side for the halting of effective government.

Two major political parties of different communities are vying for power. This represents a demonstration of the continued separation and competition of two tribes, both sceptical of the opposing side and trying not to lose their control.

For most people of Northern Ireland, times have moved on. Discrimination is viewed as abhorrent. Conflict is not seen as an option.

Yet, as in many other historically colonised territories, history shows us evidence of the discrimination of a particular group. In the 16th Century, Protestants loyal to the Crown were given land ownership rights and other benefits, while Catholics identifying as Irish were not. Over the centuries, Catholics were discriminated on many counts: suppression of Irish culture

and language; segregation in education; employment discrimination; unfair treatment in the allocation of social housing. With the work of the Northern Ireland Civil Rights Association, the work towards equality was beginning. However, peaceful protests were met with violence, which led to many giving up on peaceful ways, allowing for the growth of paramilitary groups. And so began thirty years of internal armed conflict of 'The Troubles'.

In my opinion, many divisions continue to pervade everyday life; 'The Troubles' are never far from the living memories of the majority of the population of Northern Ireland. Virtually every family has a story of how someone close who was targeted because of their faith, political opinion, or their identity. Everyday people became pawns in a situation of armed conflict.

Communities are still extremely insular. Towns tend to be predominantly of one community or of the other, through simple settlement patterns. As a result, your local school is attended by other children of the same community. Choosing your secondary school, you go with your friends, or where your siblings or cousins go, staying again within the same community. If you go to university, conversations begin to happen about the differences, something which may seem farfetched in the rest of the UK.

There is arguably no overt discrimination between communities anymore. However, debatably, there are social, economic and political debates that run so deep they have fundamentally created two separate foundations in the identity of the population of Northern Ireland.

In response to the halt in the talks for the resumption of government, Sinn Féin have objected to forming a government until there are guarantees made for an Irish Language Act, an open border after Brexit and investigations of Arlene Foster's involvement in the botched Renewable Heating Initiative, a scheme which will cost the Executive £400 million. These are to name but a few requirements they have set out. The DUP have objected to many of Sinn Féin propositions, as they do not support an Irish Language Act, do not necessarily see the need for an open border with a European Union (EU) state outside of the UK, and support Arlene Foster in her role as leader of the DUP.

Sinn Féin and Nationalists support the Irish Language Act as an expression of their Irish identity and cultural heritage. For the DUP and Unionists, this Act does not form part of their heritage, and in response, Arlene Foster has responded previously that "if we have an Irish Language Act, maybe we should have a Polish language act as well because there are more people in Northern Ireland who speak Polish, as compared to Irish." For many members of the DUP, their identity has no connection with the Irish language.



The DUP were the only party in Northern Ireland to support a vote to leave the EU, while other parties campaigned to remain. Despite Northern Ireland overwhelming voting to remain in the EU, the DUP are pushing for a 'hard Brexit' with a closed border with the Republic of Ireland, and are being criticised for not representing the voice of the majority of Northern Ireland. However, the Brexit vote was very important for DUP voters – an expression of their identity as being British, an act of regaining some of their identity, separate from Europe. Brexit would take Northern Ireland further away from a United Ireland; something which greatly appeals in the debate about to whom Northern Ireland belongs.

Sinn Fein support the Equality Act, the DUP do not. Again, this is largely as a consequence of the traditional Christian basis that DUP have, which Sinn Fein does not. The DUP support fracking in County Fermanagh, whilst Sinn Fein do not, which is perhaps a reflection of the strong rural Catholic support that Sinn Fein has in this area.

Over and over again, it is apparent that fights for identity are no longer

violent, but are taking place in Stormont, the Northern Irish devolved assembly and government. People mostly vote within their own 'tribe', as the political party of the opposing side is often seen to threaten your upbringing, opinion and belief set.

Unionists attack Nationalists parties to win favour within the unionist community. Nationalists then retaliate to win favour within the nationalist community. The destructive cycle continues.

Nationalist and Unionist communities are conscious of their respective differences. Our differences are highlighted and attacked on the public stage. A competition between two sets of people ensues and historical divides are being permanently internalised through new non-violent politics. In recent years, the two communities have seemed to have been in a carefully balanced harmony. Recent events have thrown this off balance, and two sides are fighting to establish a new status quo. It seems unlikely at present that they will recognise that working together could be the simplest solution.



Photo: Robert Young

# Dare to Speak?

## Amos Yee versus the Government of Singapore

By Beth Webb-Strong

Amos Yee has recently been granted asylum in the United States following his hurried flight from a number of charges of 'wounding religious feelings' in Singapore. The 18-year-old is a young blogger and YouTuber who has received immense attention owing to his vastly controversial videos in recent years. His material ranges from cursing criticisms of his government to blasphemous 'bashings' of Christianity and Islam; some clips from his most explicit videos showing him unashamedly licking the Qur'an and humping the bible. The case which has granted him asylum in the US raises a number of problematic issues. It is unclear how Singapore will respond to the ruling, which clearly criticised the nation's approach to freedom of speech. Should the US have interfered in this case and does such action leave relations between the two countries in a precarious position? Moreover, it is particularly interesting to consider how the combination of Singapore's restrictive system and the emerging conflict with other countries and their approach to rights will affect young people like Amos Yee and other voices of change.

Before Mr Yee's application for political asylum in Chicago in December 2016, the Singaporean blogger had been imprisoned on a number of occasions for his online postings. He was arrested under section 298 of the Singaporean penal code which prohibits the use of language which may wound religious feelings of any individual. Mr Yee posted a video after the death of Singapore's founding father Lee Kuan Yew (LKY) in 2015; he compared the nation's hero to Jesus Christ, saying both were "power-hungry and malicious". The charges brought against Amos Yee concern his offensive words against Christianity and Islam. Moreover, by leaving Singapore last year, Mr Yee is avoiding compulsory conscription in his home country.

The US has recently granted Amos Yee his application for asylum, referring to Singaporean authorities using rules on freedom of speech to constrain citizen opposition and dissent. Immigration judge Samuel Cole asserted that "Yee has met his burden of showing that he suffered past persecution on account of his political opinion and has a well-founded fear of future persecution in Singapore". However, the Department of Homeland Security opposed the asylum bid, claiming that Yee's case did not qualify as persecution based on political belief as the charges concerned his condemnations of certain religious beliefs. It appears Mr Yee is yet to be released, despite his successful bid for asylum, and is being detained on the potential of an appeal of the decision.

Article 14 of the Singaporean Constitution contains the freedom of speech provision which is subject to "such restrictions as it considers necessary or expedient in the interest of the security of Singapore". Amos Yee himself points out the fear induced by the LKY era in Singapore and the tight control of the press and education system. Singapore is ranked 154th of 180 countries in the 2016 World Press Freedom Index, highlighting just how confining and prohibitory the nation is. Phil Robertson, deputy Asia director of Human Rights Watch asserts that "Singapore excels at creating a pressure cooker environment for dissidents... government saw Amos Yee as the proverbial nail sticking up that had to be hammered down". It would seem that the current approach to political criticism actually emboldens

individuals like Amos Yee to rebel against the system. Yee's criticisms of the surface luxury and success of the nation hiding the reality of the constraints and inequality seem only too apt. However, Amos Yee's videos scream of teenage angst and are saturated with unnecessary expletives which detract from his often well-articulated arguments. Further, some of his videos do waiver on the line between political speech and hate speech, and are unreasonably inflammatory and offensive. Last September, Principal District Judge Ong Hian Sun stated that Yee's "contemptuous and irreverent remarks have the tendency to generate social unrest and undermine the religious harmony in our society".

US intervention in this case is controversial to say the least, particularly considering the opinionated judgement given with regards to Singapore's stance on freedom of speech. US cases on free speech illustrate how the judiciary in the US are far more inclusive when it comes to protecting speech, almost to the point of farce. The courts have gone as far as to protect the burning of flags as essential 'symbolic speech'. An analysis of the reasoning here is beyond the remit of this discussion, however, it is important to note the fundamental disparity in approaches between the courts in US and the deferential judiciary in Singapore.

However, it must be submitted that Mr Yee could have been sentenced far more harshly in Singapore for his previous offenses. He pleaded guilty to a violation of s298, which carries a sentence of up to three years and a \$1,500 fine. Mr Yee spent no more than 50 days in prison for his offences. The question remains, however, whether such an offence should exist, or at least whether Mr Yee's words warrant such charges. From a Western perspective, it is natural to feel indignant at the lack of freedom individuals in Singapore have to speak their minds because of our own approach to human rights and freedom of speech. Therefore, it is difficult to consider whether the restrictions upon Mr Yee appear wrong because of an injustice served upon him or due to our own narrow sighted convictions and cultural values.

It is undeniable that this case represents a challenge to the Singaporean system's approach to freedom of speech. Whilst changes to the system may be welcome (considering the rigidity of current constraints) and the decision in the US itself may even be appropriate given the passing of the 'fear of future persecution' test, the courts went too far in their overt reproaches of Singapore. Moreover, Singapore has cautioned that such a ruling could lead to others like Yee seeking refuge in the US. It is unclear what this means for future relations between Singapore and the US, and, for Amos Yee himself, who remains detained in Chicago.

Regardless of the next stages in Yee's case, these occurrences suggest there remain great disparities in rights approaches between Singapore and the Western world. Moreover, this case is just one example of the conflict between separate nations concerning their stance on rights and the struggle individuals face in voicing their opinions about the government. However, the protection of free speech should not allow for offensive obscenities designed to cause offense. Amos Yee symbolizes the arduous dilemma that is faced in the balancing of such matters.







# The Right to Health in Non-International Armed Conflict: Non-existent or not enforced?

By Aisling Morgan

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” - Article 1 of the Universal Declaration of Human Rights.

International law has sought to provide inherent and indivisible civil, political and socio-economic rights to all individuals through the system of International Human Rights Law (IHRL). Yet, this is impossible during times of war and conflict. Accordingly, when and where there is conflict, International Humanitarian Law (IHL) seeks to restrain the damage. Arguably, IHL decides how the international community can kill lawfully.

With modern warfare and violence now occurring more often in close proximity to densely populated areas, it is necessary to have a sufficient legal framework to protect the rights of those vulnerable during times of conflict. One key part of the protection of civilians is the right to health, a necessary mechanism in places where harm is more likely to occur. Yet, it is suggested that the current legal framework is not sufficient to enforce the protections that civilians need.

IHRL is outlined to apply at all times, with some breaches being justified in times of public emergency threatening the life of the nation. It sets the minimum standards of life to be expected by each individual human being. However, it is appreciative of the need to derogate and limit these rights in select circumstances, such as during conflict.

IHL aims to restrain the conduct of parties to a conflict in order to protect specific groups. Through the ruling of the International Court of Justice, it is outlined that both IHRL and IHL are to operate concurrently during times of conflict; IHL being *lex specialis*, or the specific law, with IHRL as *lex generalis*, or the general law. Working together, the phrase *lex specialis derogate legi generali* is applicable; the specific law derogates the general law. Or in layman's terms, IHRL is not forgotten in conflict, it continues to apply set within the scope of IHL norms. Thus, civilians should be protected under both IHL and IHRL during a time of conflict.

It is widely accepted that the right to health is one of the more significant socio-economic rights, and has been described by the UN High Commissioner for Human Rights and by the World Health Organisation to be a “fundamental part of our human rights and of our understanding of a life in dignity.” Under the International Covenant on Economic, Social and Cultural Rights, the right to health recognises the “right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” Under this provision in IHRL, States are obligated to respect, protect and fulfil this right for all people. The principles of distinction and humane treatment within IHL operate to protect access to health, as States are obligated to distinguish between objects associated with the right to health and those of military nature. Civilians are to be “the object of particular protection and respect” and “shall be treated humanely and shall receive the medical care

and attention required by their condition.” Additionally, “civilian medical personnel shall be respected and protected,” and “civilian hospitals may in no circumstance be the object of attack.”

It is clear that in both distinct areas of International Law, States may in no way conduct themselves in any manner that would risk the right to health of any civilian. However, as seen by the non-international armed conflict situation in Yemen, these provisions are clearly not being adhered to.

Arguably, there are some inadequacies in the framework. First, many States, and parties to conflict, dispute that human rights obligations apply extra-territorially. It is true that per the Vienna Convention on the Law of Treaties that they typically only impose obligations within the territory of the State itself. However, that thought is completely counterintuitive to the system of international human rights protection. Prof Marko Milanovic has stated that with “increasingly internalised human rights norms and universality as their foundation, litigation and activism based on the extraterritorial application of human rights treaties have become both possible and effective.” For now, States are objecting to the idea they have an obligation to breach in the first place.

Second, there lacks any investigatory body with the ability to exercise punitive mechanisms. With the creation of the Committee on Economic, Social and Cultural Rights, a monitoring body for the realisation of these socio-economic rights was established. States are supposed to submit periodical reports on the measures they have adopted for the implementation of these rights, yet there appears a trend of non-involvement. Further, this body does not have oversight powers. Arguably, if a State is to violate their obligation, they may not face any consequences.

Thirdly, should internationally wrongful criminal acts occur during a time of conflict, it would be innocent to believe the State or individual would then simply face justice in the International Criminal Court as any individual would in a domestic court. However, for the Court to have jurisdiction to review an incident, the situation must be investigable by the Prosecutor. Typically, a State will be Party to the Rome Statute, an international treaty giving the Prosecutor of the Court authority and permission to investigate individuals of that State for crimes under the Court's jurisdiction. However, if the State is not a Party to the Rome Statute, individuals may only be brought to justice via a referral by the UN Security Council. The continuing problem with this is that it increases the instances where issues will be blocked from referral in an act of political allegiance, rather than in an attempt to support justice. The considerations of the Permanent Five members matter – namely, the UK, the US, China, France and Russia. Many countries have different allies with competing interests. As such, politics can hinder justice, and reinforces the notion to States that they are able to breach international obligations without consequence.

These failures are currently being exemplified in the case of Yemen. Since 2015, the Gulf Co-operation Council, led by Saudi Arabia, began an airstrike offensive against the forces of Ansar Allah, known as the Houthis, who have clashed with President Hadi. The UN have estimated that over 10,000 civilians have been killed. There appears to be no specific targeting of combatants, rather, just the indiscriminate dropping of bombs on communities. No provisions have been met for the protection of the right to health, and people are dying as a result.

Saudi Arabia does not believe they are breaching IHRL, arguing they are acting extraterritorially at the request of the leader of the government, President Hadi. No single body in the UN has the power to investigate and halt these actions. The political connections between the US and the UK mean a lack of support for this situation to go to the International Criminal Court.

The distinguishing factor of Saudi Arabia's acts is not only the support of the Gulf Co-operation Council, but also the assistance and complicity of the UK in providing material military assistance, and are estimated by Campaign Against Arms Trade to have licenced £5.6 billion in sales to Saudi Arabia between 2010 and 2016. The UK has had knowledge of the misuse of these weapons, yet have continued to support these efforts and profit from them. Simply put, it is because such actions are not strictly illegal.

To some extent, the level of enforcement of some key mechanisms of International Law makes their purpose questionable at best. Why should it continue to exist when all it takes is some political manoeuvring to escape international justice?



# Abortion Law in Northern Ireland

By Rhiannon Jackson

In 2015, 833 women travelled from Northern Ireland to England and Wales in order to obtain an abortion. In the same year, the High Court in Belfast took steps towards the making of a declaration of incompatibility under the Human Rights Act 1998. The Court ruled that there was inadequate protection for the human rights of pregnant women, and this was in breach of Article 8 of the European Convention on Human Rights. Namely, there was a failure to provide exceptions to the law prohibiting abortion in respect of fatal foetal abnormalities at any time, and pregnancies due to sexual crime up to the date when the foetus becomes capable of an existence independent of the mother. The question of how to balance the mother's Article 8 rights to personal autonomy with the legitimate aims of protection of morals (and protection of the rights of pre-natal life) is a difficult one exemplified in the inability of the Stormont Assembly to effect change.

## The Law

The Abortion Act 1967, governing the rules relating to abortion in England and Wales, does not extend to Northern Ireland. The law has its foundations in the Offences Against the Person Act 1861, with supplementation in the Criminal Justice (Northern Ireland) Act 1945. All such offences carry a potential life sentence - the only exception to this being where an individual acts in good faith for the purpose of preserving the life of the mother.

In *Northern Ireland Health and Social Services Board v A and Others*, MacDermott LJ confirmed that the abovementioned phrase referred not only to specific life-threatening situations but also the 'physical or mental health or well-being of the mother'. It is, however, necessary that the adverse effect on the mother be real and serious. That inquiry will be a one of fact and degree to be decided in each case. Later cases have also emphasised that the adverse effect should be a long-term one.

In *R v Bourne*, the judge stated (in the context of rape victims) that it may be 'common sense' that a girl 'who for nine months has to carry in her body the reminder of the dreadful scene and then go through the pangs of childbirth must suffer great mental anguish...'. Further, that may also be so in the case of a woman who knows her child is unable to survive independently outside the womb. Nevertheless, the law still sets a high threshold which these women must meet, and it is apparent that not all women can or will.

Sarah Ewart is just one example of the many women unable to do so. She was 20 weeks pregnant when her unborn child was diagnosed with severe spina bifida, meaning the baby had not developed a skull and was essentially brain dead. The law, however, meant she was ineligible for abortion and would be induced into labour once the baby had died in utero. She was informed that the birth would be 'very traumatic'. In an interview with the BBC she shared that: '[b]efore this happened to me, I didn't agree with abortion but this is medical - this is a dead body I'm being forced to carry'.

## The Figures

Official statistics suggest that, out of a population of 1.8 million, just 16 legal abortions were carried out in Northern Ireland in the period 2014 - 2015. Much in the same way, evidence in the case *A B and C v Ireland* suggested that 4686 women travelled from the Republic of Ireland to Great Britain in 2007. It is, however, safe to assume that these figures are skewed by chronic under-reporting to an extent that is difficult to quantify. Moreover, the figures are in stark contrast to those in England and Wales in which there were 184 571 abortions carried out in 2014, albeit under a much more liberal regime.

Women who choose to travel to other parts of the UK are not entitled to free abortion on the NHS, and are therefore required to fund the procedure themselves. This is an expense distinct from the cost of travel and accommodation itself. The cumulative cost consequently presents its own problems, creating an additional hurdle for women to overcome. It is certainly the case that some women will simply not be able to afford to do so.

As a result, it is thought that a significant, though unknown, number of women also procure their own abortion using medication bought over the internet. Such medication can be found on the World Health Organisation's list of essential medicines and is widely regarded as being a safe and recommended option for the termination of pregnancy. However, pills bought online and taken in secret out of fear of criminal sanctions, leave women in a vulnerable position without medical supervision or advice. This can lead to serious and life-long consequences which could have easily been avoided.

## Why?

Cultural and religious variations are the reasons classically given to explain the difference in the positions between Great Britain and Northern Ireland. Indeed, 82.3% of the Northern Irish population described themselves as Christian compared with the 59.4% in England, 57.6% in Wales and 53.8% in Scotland. This is understandable and helps to explain the political paralysis in this field: the Green party is the only group at Stormont to support the extension of the 1967 Act to Northern Ireland.

Public opinion is inherently difficult to measure but in 2014, Amnesty International reported that a majority of the Northern Irish population agreed to changes in abortion law in three particular cases: rape, incest and fatal foetal abnormality. As early as 2008, a survey carried out by the Family Planning Association in Northern Ireland also found that nearly 2/3 people agreed that abortion should be legal in the three aforementioned instances.



### A European Consensus?

The Strasbourg Court has been loath to directly tackle issues such as when the right to life begins (*Vo v France*), and they instead grant a wide margin of appreciation to states. In a case concerning Ireland, it noted that the law there was 'based on profound moral values concerning the nature of life which were reflected in a stance of the majority of the Irish people'. That is equally applicable to the law north of that border.

The approach of the Court has however been unusual in the sense that 'it is the first time that the Court has disregarded the existence of a European consensus on the basis of profound moral views'. There was an undeniably strong consensus among Member States that, irrespective of the scientific, religious or philosophical answer to when life begins, the right to life of the mother (her physical health and well-being) were more valuable than the right to life of the foetus. In light of that consensus, it is difficult to understand the justification for the grant of such a wide margin. In any case involving the restriction of rights, but especially in such an important and sensitive field, opacity is unacceptable.

### Time For Change?

As public opinion evolves in a more liberal direction, the need for change becomes ever more apparent. It is appalling enough that the important matter of women's health continues to be addressed in a Victorian statute.

The law at present does not stop women having abortions: women will continue to travel to England, Wales or elsewhere in the EU. The financial implications of doing so will continue to exclude those less affluent who may remain and take tablets they have bought online in order to effect it themselves, all the time facing the risk of criminal prosecution. As Patrick Corrigan states: 'Out of sight, out of mind is not a viable health policy' in 2017.

Acceptance of the need for change need not be a position adverse to the protection of morals or an affront to the cultural and religious context in which the law exists. Reform need not mean a blanket extension of the 1967 to the whole of the United Kingdom (although a 2009 UN Committee proposed as much) immediately or at all; campaigner Sarah Ewart herself is opposed to such a change. Criticism has been levelled at the law in England and Wales against evidence that 'many doctors maintain that the continuance of a pregnancy is always more dangerous to the physical welfare of a woman than having an abortion, a state of affairs which is said to allow a situation of de facto abortion on demand'. Taking that into account, reform even in the limited areas of fatal foetal abnormality and sexual crime would begin to alleviate the isolated struggle that some women continue to face.

The only thing certain is that the glacial pace of change is set to continue.



# Arab Spring to the Arab Winter

## Why can't we end conflict in the Middle East?

By Callum Mansfield

The Arab Spring represents a turning point in Middle-Eastern and Northern African politics. It was started by an uprising against civil oppression, with the potential to lead to democratisation, and was expected to end conflicts which had preoccupied the region and the West for years. In fact, when David Cameron travelled to Benghazi to address the crowds after they had successfully overthrown dictator Colonel Gaddafi, he stated, "we are proud of the role we played to help, we know this was your revolution, from your bravery". This appeared to mark a Western retreat in the region, at least from that of a full-scale intervention. Cameron's comments appeared to reflect a view that the Middle East would no longer need direct "help" from the West. However, six years after the Arab Spring, with a continuing civil war in Syria, the Trump administration's dramatic changes to US foreign policy, and Europe's continuing struggle with the migrant crisis, how will the West respond to Assad's escalation and to the spread of IS in Syria and Iraq?

The Arab Spring was one of the defining events of 2011. Scholars have cited the cause of the Arab Spring to be an accumulation of a number of factors, including high food prices and youth dissatisfaction with politics. In 2011, food prices were at an international market high, which was an issue in North Africa where 50% of wheat is imported. Much of the dissatisfaction with politics came from the younger generation, which on average constitutes '28% of the population'.

The Arab Spring began as a protest in the Tunisian town of Ben Arous, after Mohamed Bouazizi, a local street vendor, set himself on fire in protest at the way he had been treated by the local police. This act encapsulated the mood of the entire country and a revolution began on the 17th of December 2010. With the aid of social media, 24-hour news coverage and modern communication technology in the region, the effect of the Tunisian revolution spread to five other countries in the Middle-East and Northern Africa: Egypt, Yemen, Libya, Syria and Iraq. These protests resulted in a regime change in Egypt, Tunisia and Yemen, whilst in Libya and Syria civil wars started.

The Libyan civil war lasted only eight months and was considered "successful", the NATO coalition managed to achieve its mandate to overthrow Gaddafi and his oppressive regime as well as protect civilians and civilian populated areas. However, many are critical of this approach, as the Libyan government is still undemocratic and has no support from the populace. Libya has now become a 'hotbed' for extremism.

The regime change in Tunisia was considered successful and the country is now considered the only full-democracy in the region. Whilst in Egypt, democratisation has been halted and their President has detained at least '40,000 political prisoners' since 2013.

The spread of the Arab Spring in 2011 led to the Syrian Civil War, a conflict that began in March 2011 and is still on-going. The war began because Syria's President Assad was keen to suppress any forces, which opposed him. The issue the West faces in this conflict is that there is no stable force opposing Assad and the consequence of this is the fear is that the situation could worsen if Assad is removed from power. The opposition is fractured and support is regional; at the most basic level, the Syrian Civil War comprises of four main forces.

Firstly, there is the Assad regime, which has held power in Syria since 2000. After the Arab Spring, President Assad fired the first shots against peaceful protesters who were calling for his removal from office and the implementation of a democratic system of governance. Assad is backed by Shia Muslim majority countries, such as Iran, but is also supported by Russia. Russia has offered air support to the Syrian regime since 2013, whilst the US has chosen to back the rebel forces. The rebels are the second group in the conflict, they comprise those who opposed Assad and those who defected from the military at the start of the Arab Spring; they call themselves the 'Syrian Free Army'. Sunni-majority countries, such as Jordan, Turkey and the Gulf States, also back the rebels. Thirdly, there are the Kurds, who separated from the Assad regime early in the Civil War and now control the North, the area of Rojava. The Kurds are partially backed by the US, who chose to only train Kurds who were prepared to fight against ISIS. The final group in the conflict is ISIS, who have no international backers, but as of January 2017 hold 33% of the territory in Syria. This is extremely concerning; especially given the fact that Assad's regime only holds 34% of territory.

The issue Syria now faces is a dictator who will not stand down, even in the face of considerable opposition, and a US President who, unlike his predecessor, has chosen to engage with Assad directly. Unlike the Obama Administration, President Trump authorised airstrikes in early April 2017 against Syrian airbases days after a chemical attack in the northwest of the country. The concern is that 'Trump is someone of deeply flexible political views ... he defines himself and his views only in opposition to others', this may mean that Trump will act in a reactionary manner towards his opponents in the Middle East. To date, his approach certainly cannot be characterised as calm and considered diplomacy.

The Syrian Civil War is a complex conflict with many opposing forces. Trump's shift in US foreign policy to directly engage the Assad regime could postpone peace and cause the conflict to continue indefinitely. If Trump seriously wants to consider "removing Mr. Assad from power", as H.R. McMaster (National Security Adviser) claimed, then, the question that should be answered, in order to materialise this objective is: How does Trump secure civil society in Syria and ensure that a new regime can return stability to region?



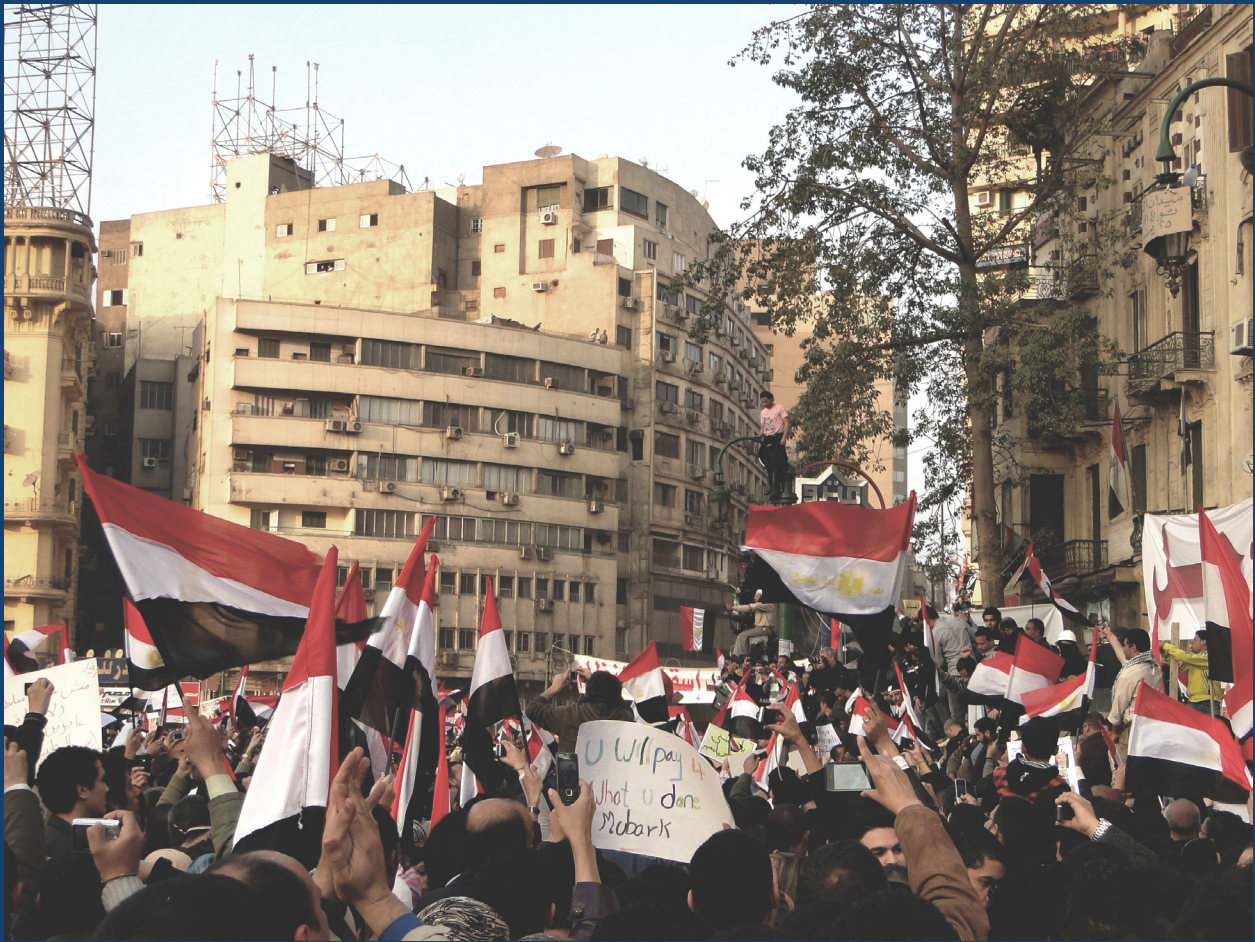


Photo: Ramy Raouf



# Poverty and Women's Rights

By Ellie Sergeant

Extreme poverty has been identified as the most serious violation of human rights. Despite this, much of the global populace are unaware of the relationship between law and poverty. A common assumption held by people and governments alike is that poverty exists due to individual failures and the natural conditions of poverty stricken nations. Challenging this assumption and our own preconceived notions surrounding the creation of poverty is an important step in understanding the importance of law in both the alleviation and construction of poverty.

While poverty is not solely attributable to individual faults, it has huge ramifications for individuals. Stories of malnutrition, and poor working and living conditions litter our television screens daily. The Haiti Earthquake, the Rana Plaza Disaster, the war in Syria – the loss of human life in all these tragedies are substantially linked to the law, from the way it governs the distribution of food aid to the degree of implementation of basic employment and safety standards, and even to the rights afforded to all citizens and refugees of war-torn nations.

Economic imbalances and income distribution are not separate from the law. Redistribution of resources, such as food, property and wealth, is inextricably tied to domestic and international legal systems, and their ability and effectiveness in ensuring equal opportunities. At a basic level, tax law is a core method of wealth and resource redistribution. Tax credits and benefits are essential tools in the improvement of poverty at a national level, assisting in the partial reallocation of wealth from the upper echelons of society to households that fall below the poverty line.

At an international level, national taxes provide the capital for the foreign aid budget, and for the agricultural grants and incentives allocated to national farmers, who in turn produce excess food that is purchased by national governments for redistribution internationally. However, the role of law does not end with the initial collection of tax revenue and national grants; the law also plays an essential part ensuring everyone's basic standard of living.

In trying to meet this standard, nations are guided by the established universal human rights that aim to instil basic values and rights which aid the alleviation of poverty and are adhered to at an international level. In recent years, the alleviation of poverty has taken centre stage in the international community, particularly within the agendas and policies of developed countries. Since 2000, the United Nations have taken a proactive approach to tackling poverty and the human rights issues that surround it.

The Millennium Development Goals (MDG) set in 2000 were a significantly greater commitment to global development than previous Declarations, with all 189 United Nations member states and over 22 international organisations working towards eight core international development goals. The MDG commitments were further expanded by the 2015 Sustainable Development Goals, which sought to transform our world through the complete eradication of poverty and hunger by 2030. This

increased commitment to ending poverty in all its forms reflects an amplified awareness of policy-makers of the effect that Resolutions and intergovernmental agreements have on poverty.

In the last twenty years, food security laws have been increasingly highlighted by the international community as an important tool for securing fundamental human rights, and rights equal to that of equality and alleviation of poverty. The International Code of Conduct on the Human Right to Adequate Food was introduced with the aim of reducing the weakness in human rights instruments that recognised the right to adequate food. It provides a more precise description for both the right to food and its corresponding legal content, filling some of the legal gaps in intergovernmental policies (e.g. the structural adjustment programs of World Bank and International Monetary Fund) and in private actors on the right to food, as well as highlighting the signatory states obligations in the Covenant on Economic, Social, and Cultural Rights. This helped solidify the relationship between food security, poverty and human rights, as it has been increasingly recognized that the right to food is not merely a method of alleviating poverty, but a fundamental human right in itself.

Some methods of foreign aid and redistribution are not only ineffective in the war against poverty, but also detrimental to the cause. Prolific use of tied aid, that is, aid in the form of loans and commercial deals that outsource commodities and services instead of utilising and supporting existing labour and resource markets in under developed countries, can damage the effectiveness and efficiency of aid. A study by the Organisation for Economic Co-operation and Development (OECD) in 2006 revealed that tied aid leads to a reduction of 20-30% in the value of aid, or roughly between 9.3 and 13.9 billion US dollars lost in bilateral aid.

Not only does tied aid have a detrimental effect on the value of aid, it also impacts local businesses and workers; tied aid costs at least 50% more than food acquired locally, and distorts the local economy and regional markets, as seen in areas such as Haiti where Haitian grain farmers are undermined and put out of work by the cheaper rice and corn, staples of the Haitian diet, that is provided by USAID and the US Department of Agriculture. Currently, there is not enough consultation with developing countries on the way aid is distributed and the form it takes. The academic Clay states that the most effective and efficient form of aid is financial. However, due to a lack of legal infrastructure to hold donors accountable for aid given, much of aid is still tied and/or given in material rather than financial form. This is changing and the effectiveness of the law and aid distribution can become a more effective tool in alleviating poverty if substantial changes are made. For instance, increased involvement from developing countries in the legislative process, and creating legal infrastructures that hold signatory states accountable for investments and aid promised are just some of the ways that the law can become more effective in redressing the dire consequences associated with mass poverty.



A recent Oxfam petition aimed at the world's elite highlights the extreme gap in wealth; a shocking 8 billionaires own the same wealth as the poorest 3.6 billion people, emphasising the need to work towards a future that works for everyone, and not just the privileged few. Although the law is a fundamental method in changing perceptions and approaches towards poverty, it would not be effective without changing the cultural, economic and social attitudes and situations that affect those living in poverty. The work of non-governmental organisations and grassroots organisations already provide the infrastructure for development at local level that assists in implementation of the law and creating substantial change to the lives of those affected by poverty.

While the law is undeniably essential, there are many opportunities for us as students to make a difference through fundraising, campaigning and ethical volunteering. Combining the top-down approach of the law with bottom-up grassroots movements is, arguably, the most effective method of combating poverty. By changing our attitudes towards the conception of poverty and actively getting involved with a grassroots approach, we too can change the lives of vulnerable people and work together with the law towards the ambitious goal of eliminating poverty in our lifetime.



# Education and Inequality:

## Are grammar schools the answer?

By Rhiannon Jackson

In March, Education Secretary Justine Greening was 'jeered and heckled' by head teachers as she addressed the Association of School and College Leaders (ASCL). She had been speaking in support of the Government's plans to set up new grammar schools in an attempt to raise attainment in disadvantaged pupils. The debate has been a long and divisive one – but what works?

There are almost 3300 state secondary schools in England of which around 163 are grammar. A ban on the creation of new ones has been in place since 1998 and they now educate just 5% of all pupils in England. The Butler Education Act first introduced the concept of a grammar school in 1944. Secondary education was reorganised into a tri-partite system in order to reflect meritocratic ideas that children should receive an education based on their academic ability – not the ability of their parents to pay. Pupils sit an 11-plus exam in order to determine whether or not they gain a place. Those same meritocratic ideas are echoed in Theresa May's statement that: 'We will do everything we can to help anybody, whatever your background, to go as far as your talents will take you'.

### *Good?*

The social mobility argument in favour of grammar schools' states that they enable young persons to 'escape' poverty. Grammar schools are undoubtedly good ones: although there are just 163 such schools in England at present, they produce more than half of the total number of A Grade A-levels in the so-called 'hard' subjects. They dominate the league tables with 94% of children having made good progress by the time they are 16, as opposed to 49% of students at non-selective schools.

The Prime Minister has also argued that the current system of comprehensives sees 'selection by stealth'. Comprehensives, which draw pupils from the same local catchment area, do not eliminate social class divisions. Comparisons of inner-city schools and suburban ones will demonstrate similar patterns of exclusivity as those seen in grammar schools, as wealthier parents can afford to move to areas home to the best schools. Some also argue it is contradictory to support the existence of setting and streaming within non-selective schools on the one hand, but to oppose selective schools on the basis that they are divisive.

### *Bad?*

Rejecting a return to the 11-plus, Tony Blair stated that grammar schools brand children as 'failures' at the age of 11. This is perhaps the biggest perceived problem with the grammar school system; that children, and disproportionately working class children, are 'written off' academically before they even finish their primary school education.

Of the poorest children, two thirds fail to secure at least five C grade GCSEs, including English and Maths. Further, by the age of 11, when the selection test is set, '60% of the disadvantaged gap has already emerged'. According to the Education Policy Institute, those children will lag some ten months behind their peers in terms of educational progress. That goes some way to explain why so few children on free school meals get into grammar schools – 'a risible 4000 out of more than eight million pupils in the whole of England'.

The social mobility argument is thus weakened by the middle class dominance that exists within grammar schools themselves. It has, alternatively, been suggested that the small number of grammar schools in operation, and their location 'in leafy neighbourhoods' has given rise to the more affluent student body. This is not untrue. Advocates for new grammar schools, such as Don Porter (Conservative Voice), therefore suggest creating new ones in areas of social deprivation.

### *The ugly truth?*

It appears clear that neither grammar nor comprehensive schools alone present a fool-proof solution to the existence of social inequality within the education system. Grammar schools can certainly help those poorer students who, against the odds, overcome hurdles facing them to pass the 11-plus. Comprehensive schools operate with the laudable aim of inclusivity and too produce successful students with stellar results, evidenced by the fact that half of the current Cabinet (including Justine Greening) were educated at one. Nevertheless, they still cannot be said to totally defeat a class divide.

If grammar and comprehensive schools both suffer similar problems, is the continuing spend of time and resources on that debate ill-spent? Vikas Pota has described the issue as 'retro political comfort food for left and right' and a 'distraction' from the overwhelming crisis in the recruitment and retention of teachers. In a poll by the Association of School and College Leaders, 80% considered that the recruitment situation was 'worse or significantly worse' than a year ago. Half thought that shortage of teachers was affecting GCSE performance.

The Cambridge Primary Review Trust has examined the Finnish system, now regarded as one of the best performing countries in Europe. Two successful changes there have been the improvement of teacher quality (for example, now all teachers have obtained a Master's degree) and the raising the status of the teaching profession. Finland also grants teachers a high degree of autonomy in what they teach within a set curriculum. Indeed, in most countries with the best educational outcomes, there is a 'deeply ingrained culture of respect for teaching'.



That is certainly not the case in the UK today. In the West, teachers have been thought of in the same bracket as social workers or librarians, whereas in China teachers have been considered to have an equal status with doctors. The reasons for the lack of respect is unclear; teachers perform an important, if not essential, role with most people able to name at least one teacher that helped or inspired them as a child. It is certainly not an issue with any quick-fix. Pay also plays a key role in status and retention. Higher salaries can help attract the best candidates and create an incentive to remain. The economist Peter Dolton has demonstrated that an increase in teacher pay tends to result in a 5-10% improvement on a country's educational outcomes. It is not enough to expect the best individuals to turn to, or remain in, teaching out of purely altruistic motives.

There is also a sense that emphasis on children at the secondary school entrance age is too late to effect real change. Inequality exists well before a child reaches the age of 11 so perhaps the focus should shift to early years and primary education. Focusing on this earlier stage could 'foster equity', particularly if it can counterbalance poor home circumstances known to be influential in affecting children's educational attainment.

In an age of school funding cuts, it is certainly possible to argue that it is counter-intuitive to invest, with the intention of reducing inequality, in a scheme known not to clearly provide the answer. Is it not time to try something new?



Photo: Gary Allman



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