

advocate



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University of
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Students' Union



CONFLICT



AND



COHESION





EDITORIAL NOTE

Conflict is an inherent part of both law and politics. Whether that's verbal conflict in the courtroom, a conflict of interests over policy or physical conflict in times of war. Whenever there is conflict, cohesion usually follows~ the two are diametrically opposed but hard to separate. Therefore, we felt that a theme revolving around these two ideas would be both interesting and relevant. Our writers did not disappoint; they have produced articles on a wide range of subjects from potential conflict in the South China Sea to the effects of the refugee crisis on Europe today. I would like to thank them for their hard work and good ideas. I would also like to thank the committee for helping to bring these ideas to fruition.

Although Advocate remains politically neutral, it has been great to see a range of viewpoints and ideas within the articles. The range of different backgrounds and opinions of our writers remains an ongoing strength, and we hope to develop these opinions and debates on our website in the coming months. For now though, we hope you enjoy reading this edition as much as we enjoyed creating it.

Finally, we wish our readers a Happy Christmas and a wonderful New Year.

Sam Edgington

Head Content Editor

20th November 2018

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RETURN OF THE REFUGEE CRISIS: COHESION IS NEEDED MORE THAN EVER AS REPERCUSSIONS OF THE CRISIS CAUSE CONFLICT ACROSS EUROPE

Dominic Langer



Although it has been three years since the Refugee Crisis of summer 2015, its consequences still shape Europe's politics today. This summer, the increasingly challenging topic of migration hit the headlines again. In Germany, a disagreement about the need for border controls nearly caused Angela Merkel's coalition government to collapse. At the same time, right-wing populists governing in Italy and Austria joined forces to prevent the arrival of refugees. Meanwhile, moderates such as Pedro Sánchez of Spain and France's Emmanuel Macron propose pragmatic solutions.

Germany was one of the countries which famously opened its doors to one million refugees in summer 2015. This summer Merkel's decision has come back to haunt her in a disagreement with her interior minister, Horst Seehofer, and members of her Bavarian sister party, the CSU. They insisted that any refugees who arrive in Germany but are already registered as refugees elsewhere should be sent

back to their original recipient country at the German border. Merkel, meanwhile, argued that this strategy is too hardline and called for a European solution. After a European summit in June and Seehofer's threat to resign as Interior Minister, Merkel was able to reach a last-minute compromise with her coalition partner. The agreement was based on the formation of Transitzentren, meaning those already registered as asylum seekers elsewhere could be deported quickly without entering the country.

After a European summit in June and Seehofer's threat to resign as Interior Minister, Merkel was able to reach a last-minute compromise with her coalition partner. The agreement was based on the formation of Transitzentren, meaning those already registered as asylum seekers elsewhere could be deported quickly without entering the country. In addition, it would allow refugees to be denied entry to the country in certain situations. But Germany's reputation for political order and stability is surely damaged

damaged after this latest episode.

Vienna-Rome-Berlin Axis

In the last year, right-wing populists have been elected to the Italian Government and form part of the coalition government in Austria. These parties, elected on a wave of anti-migration rhetoric, have joined forces with the German Interior Minister, Horst Seehofer, in an 'axis' to oppose Europe's refugee policy. Italy's interior minister, Matteo Salvini, has been particularly radical in sending refugee boats away from Italian ports. The immigration policy of the US President, Donald Trump, particularly his recent policy shift relating to illegal immigrants to the US, has surely had an influence on the increasing xenophobic tone across Europe.

In October this strategy suffered a setback following the regional elections in Bavaria. Merkel's partners, the CSU, used anti-migrant rhetoric to incite fear and hatred in a bid to win back voters from the far-right AfD (Alternative for Germany). Their emphasis on order amongst the chaos of the refugee crisis clearly did not convince Bavarian voters. This method backfired and the governing CSU lost its overall majority. Clearly, a promise of order and stability based on populist anti-migrant rhetoric presents no pragmatic solutions to the challenges that Europe faces.

Two other figures who cannot be accused of populism are Emmanuel Macron and the new Prime Minister of Spain, Pedro Sánchez. The two leaders met in Paris in June and, as expected, the refugee crisis dominated their discussions. But, in stark contrast to some of their European counterparts, the two presented a firm but potentially pragmatic solution. Whereas Italy refused to accept boats of migrants, Sánchez acted swiftly to offer them an alternative arrival point in the port of Valencia. Sánchez and Macron also offered a solution which would involve setting up migrant centres on European soil. Every European country would be expected to accommodate an equal share of refugees rather than burden some countries more than others. The action being taken by France and Spain demonstrates that co-operation with other partners to find a realistic and practical solution is a better approach to the challenging situation of refugee migration chaos.

Clearly Europe is split over the consequences of the biggest refugee crisis it has experienced since the Second World War. The arrival of refugees in 2015 has already re-shaped the European political landscape. In the run-up to the European Elections in 2019 and the debate about the future of Europe, migration may yet again be a campaign topic. But clearly European unity is vital, now more than ever.



The Prime Minister of Spain, Pedro Sanchez (centre) meets with the French President, Emmanuel Macron, (R) at a meeting in Paris in June.

THE ISSUE OF THE IRISH BORDER

Alexander Besley



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All information in this article is accurate as of the time of writing

The issue of the Irish Border and what arrangements will be put in place after 29 th March 2019 continues to dominate Brexit negotiations and currently threatens to be an issue that neither side has been able to find a solution to.

The current border arrangements that govern this region arose because of the Good Friday Peace agreements. Passed by Tony Blair's administration in 1998 and effective from 10 th December 1998, these agreements sought to end the violence in the region that had occurred throughout a period known as 'the Troubles' between 1968 and 1998. The disputes were between the Irish Republican Army who wanted independence from the United Kingdom and Northern Ireland who wanted to remain part of the United Kingdom

At the moment, due to Peace Agreements which have been in place since 2005, when the last border post was removed. The border is a soft, frictionless one which is barely noticeable, which is something both the European Union and the British Government wish to maintain post-Brexit. This is because they feel that it would be beneficial to the ongoing development of both the devolved authority of Northern Ireland and the Republic of Ireland, as was stated in a European Union publication earlier this year. However, it has not been agreed how this will work post-Brexit.¹

Since 1998, the frictionless border has worked fantastically well at easing any tensions in the area and allowing for an almost seamless transition between the devolved authority and the Republic of Ireland. Moreover, there was no indication that it would ever be the source of any issues whilst the UK was in the European Union's Customs Union. Our membership meant that all goods moving across that border were subject to the European Union regulations, thus no border checks were required.


The border arrangements have however, been brought sharply into focus by Brexit. The issue lies in this highly sensitive area being the only land border that the United Kingdom will have with the European Union post-Brexit due to the Republic of Ireland's continued membership of the Customs Union.

This threatens the current 'soft border' arrangements that exist between the two separate authorities and due to the fact that two different customs areas will be bordering one another, a hard border appears to be inevitable. However, the UK and EU governments have committed to try and avoid potential delays of ten to twenty minutes for cars and in excess of an hour for trucks. In addition costs of obtaining certificates of origin for goods could rise to above £450 per truck of goods.² This is something which undoubtedly would harm general travel across said border and adversely affect businesses that rely on cross border trade in that region.

Furthermore, it is feared that a hard border could reopen the divisions that dominated the 'Troubles' which culminated in several IRA attacks. It is widely regarded as a religious issue due to the republicans being predominantly Catholics and the unionists

¹ <https://www.instituteforgovernment.org.uk/sites/default/files/publications/irish-border-after-brexit-final.pdf>

² [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596828/IPOL_STU\(2017\)596828_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596828/IPOL_STU(2017)596828_EN.pdf)



Protestants. While a return to violence seems unlikely, it is still an undesirable situation nobody wants recreated. Pre-1998 Irish society was divided along those lines and although according to an article by the Irish Times, there is still a high amount of division between Catholic and Protestant communities and from a violence point of view; the soft border has certainly helped to lessen divisions.³

Although both sides are united in their wishes to avoid a hard border situation, exactly how they intend to do this is anyone's guess.

Looking eastwards, and to the border between Ukraine and Poland, it does not look hopeful. This is an example of a land border between an EU and non-EU member state, however it isn't exactly what one would describe as 'frictionless'. An Irish Times article mentions potential three hour waits for cars and up to four days wait for trucks. In addition to long wait times, the general appearance of having barbed wire and a large fence is something that all sides in these negotiations are keen to avoid.⁴

There are however numerous differences between the Irish border and the border in question here. The number of crossing points in the 530 kilometre border in Ukraine is five and in a similar distance in Ireland, there are over 200 registered crossing points. Another is the geographical challenges, the River Bug freezes over in the winter and the water partially dries, making it relatively easy for people to cross. The other difference comes with the diplomatic, international aspect of such a border. The UK has had diplomatic relationships with the EU since 1973 meaning it has had almost 50 years of diplomatic relationships with them as a member state of the European Economic Community. Ukraine, along with Poland however spent up to 1991 in the vice like grip of the brutal communist rule of the USSR and was not building up diplomatic relationships in the same manner that Britain did. Further to this isolation, it was also isolated from the rest of the western countries with capitalist agendas meaning that potentially, the same stringent, and frosty exterior the border will not be

necessary.

Further to this, a paper written by Lars Karlsson, proposes another arrangement which may be the option behind which there is united support.⁵

His proposal of Smart Border 2.0, is a border utilising technology and advanced information to keep the border itself open, and by ensuring that the customs checks can be carried out before the border stage. The key here is that the majority of the border checks can actually be carried out before the physical border, so government presence is not required.

This e- model is followed by Sweden and Norway, whose border arrangement allows for goods to be inspected by either country within 15 kilometres of the border. Furthermore there is an option to use unmanned posts to cross with electronic only submission forms to declare goods resulting in the 'frictionless' border that Ireland, the UK and the EU so desire.

It appears that this is the solution that should be followed, with the implementation of technology and proper organisation as used by Sweden and Norway, and with some success seen between the United States and Canada. One must note however that Norway is a member of the Schengen Agreement meaning that checks on people are not carried out, but this could still be achieved by using Automatic Number Plate Recognition. This could be made effective as mentioned in the paper by the use of enhanced drivers licenses showing passenger information as well as having free movement lanes that could be used by people completing checks prior to arriving at the border. This would therefore lessen the government presence there and allow for the same almost non-existent appearance as before.

A solution therefore, clearly does exist to this controversial and sensitive situation, now all that is left is for both the EU and UK to strike accord with this solution allowing it to be implemented to overcome this issue.

Please note that the information in this article was accurate as of the time of the final edit (7/11/18)

³ <https://www.irishtimes.com/news/ireland/irish-news/two-tribes-a-divided-northern-ireland-1.3030921>

⁴ <https://www.irishtimes.com/news/world/europe/on-the-poland-ukraine-frontier-frictionless-border-is-a-joke-1.3666645>

⁵ [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596828/IPOL_STU\(2017\)596828_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596828/IPOL_STU(2017)596828_EN.pdf)

PUTTING RESTRAINTS ON THE FREEDOM OF SPEECH

Polly Moss

Acknowledged in article 19 of the Universal Declaration of Human Rights, the freedom of speech and expression is widely viewed as an important part of a functioning democratic society. In recent years, the phrase 'political correctness gone mad' has become such a regular utterance from those with unpopular opinions that the extent to which we can accept total freedom of speech has been called into question.

In the United Kingdom, the Human Rights Act 1998 dictates that every citizen has the right to freedom of expression. However, there are limitations upon this. For example, article 74 of the Criminal Justice and Immigration Act made it an offence to use threatening words or behaviour to incite behaviour based upon sexual orientation in 2008.¹ To many, these limits seem reasonable yet they are at the forefront of the conflict between freedom of speech and freedom from consequences. This conflict has been made a reality numerous times on both sides of the pond: from John Schnatter's infamous resignation as chairman of the board of 'Papa John's' for using the 'N-word' during a media training session, to a female police officer's sacking in Newcastle for the use of racist language in a takeaway.² Ultimately, in a progressive society, we cannot accept hate speech or derogatory language, whether it be racist, sexist or homophobic and those who share such views cannot expect not to face consequences if they publicise such opinions.

There are also issues with the extent to which this conflict genuinely has an effect on some members of society. We can argue it is right that John Schnatter resigned as a result of his use of racist language, however, in the same country, the current President has become infamous for his derogatory views and remarks. Similarly, in the United Kingdom we have numerous high profile politicians who seem to face few

consequences for questionable views and derogatory remarks

There are also issues with the extent to which this conflict genuinely has an effect on some members of society. We can argue it is right that John Schnatter resigned as a result of his use of racist language, however, in the same country, the current President has become infamous for his derogatory views and remarks. Similarly, in the United Kingdom we have numerous high profile politicians who seem to face few consequences for questionable views and derogatory remarks on both the right and the left. Boris Johnson remains in the public eye despite a wide catalogue of offensive remarks (for example his comments in August comparing women in burgas to looking like 'bank robbers') and Jeremy Corbyn remains leader of the Labour party despite views which some have described as anti-Semitic.³ These are men who cannot plead immaturity or ignorance and it seems unfair they remain in power despite their comments against particular groups.

It also seems that those on both sides of the political spectrum are far too willing to attack each other for their views. The rhetoric of 'millennial snowflakes versus baby boomers', perpetuated by the media, has created an atmosphere of accusation and turmoil and it has become very easy for either side to reduce the



¹ <https://www.legislation.gov.uk/ukpga/2008/4/section/74>

² <https://www.bbc.co.uk/news/business-44803163>; <https://www.independent.co.uk/news/uk/home-news/pc-katie-barratt-sacked-northumbria-police-racist-language-newcastle-pizza-a8420446.html>

³ <https://www.telegraph.co.uk/news/2018/08/05/denmark-has-got-wrong-yes-burka-oppressive-ridiculous-still/>; <https://www.bbc.co.uk/news/uk-politics-45030552>

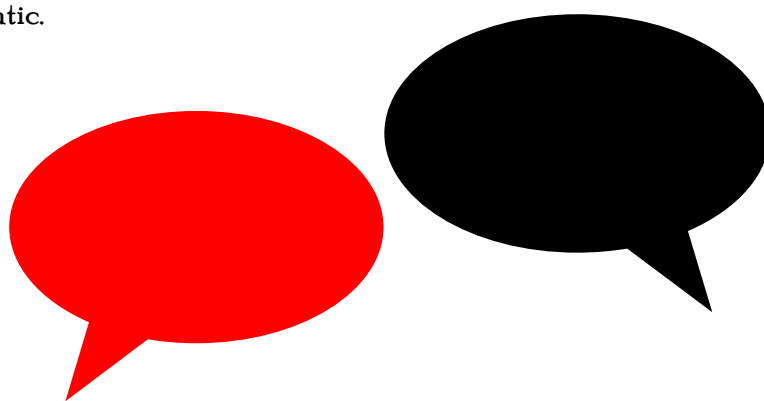


other to being old and backwards, or young and hypersensitive. I am not advocating for the acceptance of hateful speech and discriminatory views but would argue that the issue of freedom of expression and opinion is too complex, despite the black and white morality that seems to have been widely accepted. The divisive issue of Brexit exemplifies this – the voices of the few Brexiteers who push xenophobic views drown out the many who had legitimate reasons for voting Leave. Though hate crime statistics show that the outcome of the EU referendum has led to a more racially charged atmosphere in Britain – and this needs to be tackled – we cannot place the blame on every single Brexit voter as it is unreasonable to say that voting Leave is a direct result of being racist.⁴ In the same way, it has become very easy to see movements such as the third wave feminist movement as futile and hypersensitive due to cases such as the recent debate over the name of Kleenex's 'man sized tissues'.⁵ Unfortunately, it is the extreme cases on both sides which make headlines and, as a result, the media has created a vicious cycle which perpetuates the stereotypes of the oversensitive younger generations and an older, bigoted faction of society

Intolerance towards those who express differing opinions is something that the majority are guilty of but we must accept the opinions of others within limitations. If there is no flexibility when it comes to listening to others, the concept of free speech is directly contradicted and could be seen as undemocratic.

Furthermore, the current 'call out culture' that seems common in liberal online circles (particularly on the platform Twitter) suggests there is no leeway for people to develop and for their opinions to change. Cases such as that of MLB player Sean Newcomb, who recently apologised for racist and homophobic Tweets sent in 2011 and 2012, are not uncommon.⁶ Though we can argue that as he was in his late teens when the Tweets were written he ought to have known better, ultimately condemning him for things said years ago is unfair so long as his views have changed and he understands why his comments were unacceptable. The conversation around what language is acceptable to use has grown in the last few years in particular and we cannot merely write someone off for past mistakes. There is ultimately some truth to the phrase 'political correctness gone mad' as liberal spaces are policed by extremists willing to denounce anyone who disagrees with their view.

Ultimately the right to freedom of expression brings about two major conflicts in democratic society. It is impossible to have total freedom of speech whilst being free from consequences. As well as this, it seems to me that there is a conflict created by the media concerning the expression of extremist views which prevents a healthy democratic dialogue as assumptions are made about the nature of people's views.



⁴<https://www.independent.co.uk/news/uk/crime/brexit-hate-crimes-racism-eu-referendum-vote-attacks-increase-police-figures-official-a7358866.html>

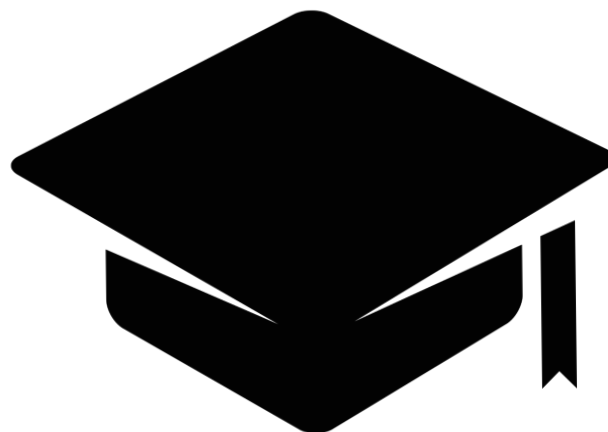
⁵<https://www.bbc.co.uk/news/uk-politics-45899784>

⁶ <https://www.theguardian.com/sport/2018/jul/30/sean-newcomb-trea-turner-racist-homophobic-tweets>

THE MARKETISATION AND PRIVATISATION OF EDUCATION: FOR THE MANY OR THE FEW?

Danni-May Rand Higlett and Rosie Black

Over the years it has been revealed by the government that 90% of underachieving schools are geographically located in deprived areas, with significantly less working class pupils attaining a place at university than their middle and upper class peers. At the heart of this lies a critical debate surrounding the advantages and downfalls of marketisation and privatisation policies relating to the education sector. It seems that pushing marketisation and privatisation policies has the effect of making inequality worse, generating race and class conflict.



Marketisation was the policy administered during the notorious era of Thatcherism, in which state schools compete in a market where parents and pupils are the consumers. As a result, league tables and Ofsted reports have been established, effectively putting educational institutions in a hierarchy to help guide consumer choice. On top of this, implementations such as the National Curriculum and formula funding (in which schools receive money per pupil) push schools to act as businesses and incentivise them to perform well.

Continuing to roll back the frontiers of the state, a privatisation policy was implemented by the Coalition government in 2010. This transferred assets from the public (government) sector to the private sector (schools), by making schools academies. These policies have been found to increase pupil attainment overall, but have inevitably widened socio-economic and racial inequalities. There is evidence that class inequality has increasingly worsened since the 1980s (when the marketisation policy was


introduced) which means we should urgently question whether bringing something as essential and necessary as education in to the private sphere of consumerism is having negative consequences. A perennial repercussion is evident through the large intake of white, middle and upper class pupils into Oxbridge and Russell Group Higher Education institutions.

We can of course draw upon a Neo-liberalist view point, which argues that competition between schools created by marketisation encourages them to provide better quality education so they are closer to the standards of fee-paying schools. This is because schools have an incentive to drive GCSE and A-Level attainment in order to receive more money.

Under marketization, the funding formula gives schools money per pupil, and the better schools do, the more parents, as consumers, will push to send their children to that school. On the surface, this undoubtedly increases equality because pupils in comprehensive education,

¹ Gillborn and Mirza 2000, mapping race, class and gender, a synthesis of research evidence institute of education, University of London

⁵ Gillborn and Mirza 2000, mapping race, class and gender, a synthesis of research evidence institute of education, University of London



who are of course more likely to be of a lower socio-economic background, and public school pupils will receive more commensurate levels of education.

However, despite the increasingly comparable standard of education provided by different schools, middle class students are likely to continue to attend higher achieving schools at the top of league tables as a result of their wider consumer choice facilitated by marketisation. The Sociologist Gerwitz (1995) in her book 'Markets, Choice and Equity in Education',³ suggests that pupils of middle class families are at an advantage as their parents are more likely to have the contacts and resources to enable them to move into catchment areas of their desired schools. However, the working class 'disconnected school choosers' must send their children to lower achieving schools as they lack the resources to make adjustments and gain their child entry elsewhere. This suggests that disparity created by marketisation is exacerbated by factors such as economic capital and social capital, creating polarising standards of secondary pedagogy.

Not only does this result in working class students being sent to failing schools in deprived areas, but it also means the failing schools will receive less pupils so get less money. This is because, under the marketisation model, schools receive money for each student; as established in the funding formula.⁴ The inevitable consequence of this is that deprived schools won't be able to afford highly-qualified teachers and new equipment which they could use to improve the education of the high amounts of working class pupils attending them. This alarmingly calls into question whether marketisation is making the disadvantaged more disadvantaged, in an educational environment which promises to empower everyone, regardless of a pupil's background.

Furthermore, to achieve highly in the age of marketisation, schools are encouraged to follow

the national curriculum in order for pupils to achieve good grades, so schools look good on league tables. A critical race theorist Ball in his articles 'Education Majorism' and 'The Curriculum Of The Dead', argues that the National Curriculum is highly ethno-centric and biased towards white people. For example, the history curriculum creates an image of black people being inferior.⁵ Hence, it is arguably compulsory for students to take part in a white-washed curriculum, which is based upon a middle class habitus, perpetuating gross mistreatment of ethnic minorities by the state. No wonder then that Black Caribbean working class students are failing compared to their counterparts, as seen in the government article titled 'GCSE results ('Attainment 8') for children aged 14 to 16 (Key Stage 4)'⁶. Isn't education supposed to encourage diversity rather than to marginalise minorities further? Therefore, we are led to believe that education is primarily a bourgeois institution which reproduces inequality.

Schools attract students and parents by achieving high numbers of A*-C grades at GCSE and A Level, which are presented to prospective students and their parents in league tables. The weight now afforded to these statistics has led many observers to conclude that education has become a 'parentocracy'.⁷ As such, schools are becoming responsive to the demands of parents to attract more students to their school. Subsequently, this leads to high achieving popular schools being oversubscribed and selective of pupils. The consequence of this is that schools offer places to those who they assume will get higher grades, most often middle class students who statistics show perform better in their assessments and GCSEs, rather than less fortunate prospective 6th form pupils, who are from working class backgrounds.⁸

Government statistics show that 21.7% of pupils eligible for FSM [Free School Meals] (which are offered to economically deprived students)

³ Gerwitz 1995, 'Markets, choice and equity in education', Open University Press


⁴ 'The National funding formulae for schools and high needs', 2018, Department for Education

⁵ Ball, 2006, 'Education, majorism and the curriculum for the dead', Kings College London

⁶ Gov.uk, 2018, 'GCSE results ('Attainment 8') for children aged 14 to 16 (key stage 4)' Department for Education

⁷ Brown, 1990, 'third wave: education and the ideology of parentocracy', British Journal of sociology

⁸ GCSE and pupil equivalent attainment by pupil characteristics: 2014 published 2015, Department for Education



achieved a grade 5 (C/B) or above in English and Maths GCSE while 45.8% of all of the pupils did so (Department of Education Report: Attainment in English and Maths GCSE at grade 5 [C/B] and above for children aged 14 to 16). It is clear therefore, that pupils are discriminated against on grounds of ability to keep the school high on the league table. This discrimination resonates alarmingly through the following statistic: Only 7% of Gypsy Roma boys eligible for free school meals achieved a grade A*-C in English and Maths GCSE (a commonly-used indicator of socio-economic disadvantage). This means certain pupils are less likely to get in to high-achieving schools and are subsequently likely to get lower results, breeding inequality.

This discrimination continues even internally in schools. The competitiveness of League Tables fuels an A*-C economy in which schools aim to get more A*-C grades.¹⁰ This means teachers focus on middle sets as there lies the greatest scope for improvement and the possibility of pushing students towards a C grade or above. Research has shown that middle sets constitute the highest proportion of middle class white females who are seen as, according to the sociologist Becker, the 'ideal pupil' by teachers because they are seen as more cooperative and hard-working. Conversely, Becker argues ethnic minority and working class pupils are seen as 'hopeless cases' and their abilities are unfulfilled as teachers see them as disruptive.¹¹

On the other hand, one strategy proposed by the coalition government in an effort to combat the discriminatory effects of marketisation is the 'pupil premium' scheme, which gives schools £1000 for each disadvantaged pupil in attendance per academic year.¹² The effect of this has been that high-achieving schools are incentivised to offer places to disadvantaged pupils. Yet, does this policy lack monitoring? It has been suggested that a major weakness of this scheme is that schools may abuse their

power of spending, and more regulation is needed to ensure that's the premium is efficiently allocated to benefit the disadvantaged pupils that it was intended to rather than to further the economic interests of the school. Hence, ethnic minorities, pupils who are disabled, and working class pupils become pawns in the education system which wants to further its lucrative agenda in the age of privatisation. However, sadly, this is not the only flaw in the system of funding.

The push for schools to become academies following privatisation policies introduced in 2010, provided for school's to have freedom of choice of how to spend their allocated money.¹³ The decision of how to utilise funds falls with the CEO of the academy, most often the head teacher. The effect of introducing a business model into the school set up provides an opportunity to generate profit, which may detract away from a focus on educational excellence. Many critics are sceptical of the authority given to the CEO, suggesting they may decide to pay themselves a higher wage, rather than spending the money to assist materially deprived working class students.

This is not the only criticism of the academy model. Academy status also means schools do not have to follow the National Curriculum. This could potentially create further inequality, possibly between girls and boys. For example, if students are not made to study all subject disciplines, statistics show that young people are likely select subjects based on gendered stereotypes, which they are socialised in to from a young age. Girls are less likely to choose to study STEM subjects than their male peers, statistics related to which are examined in the Department of Education's 2010 report on 'Subject and Course Choices At Ages 14 and 16 Amongst Young People in England: Insight From Behavioural Economics'.¹⁴ This creates inequality as it means girls may be under-represented in subjects such as the sciences, n.

⁹ Gov.uk, 'Department of Education 2018: Attainment in English and Maths GCSE at grade 5 or above for children aged 14 to 16 (Key Stage 4)'

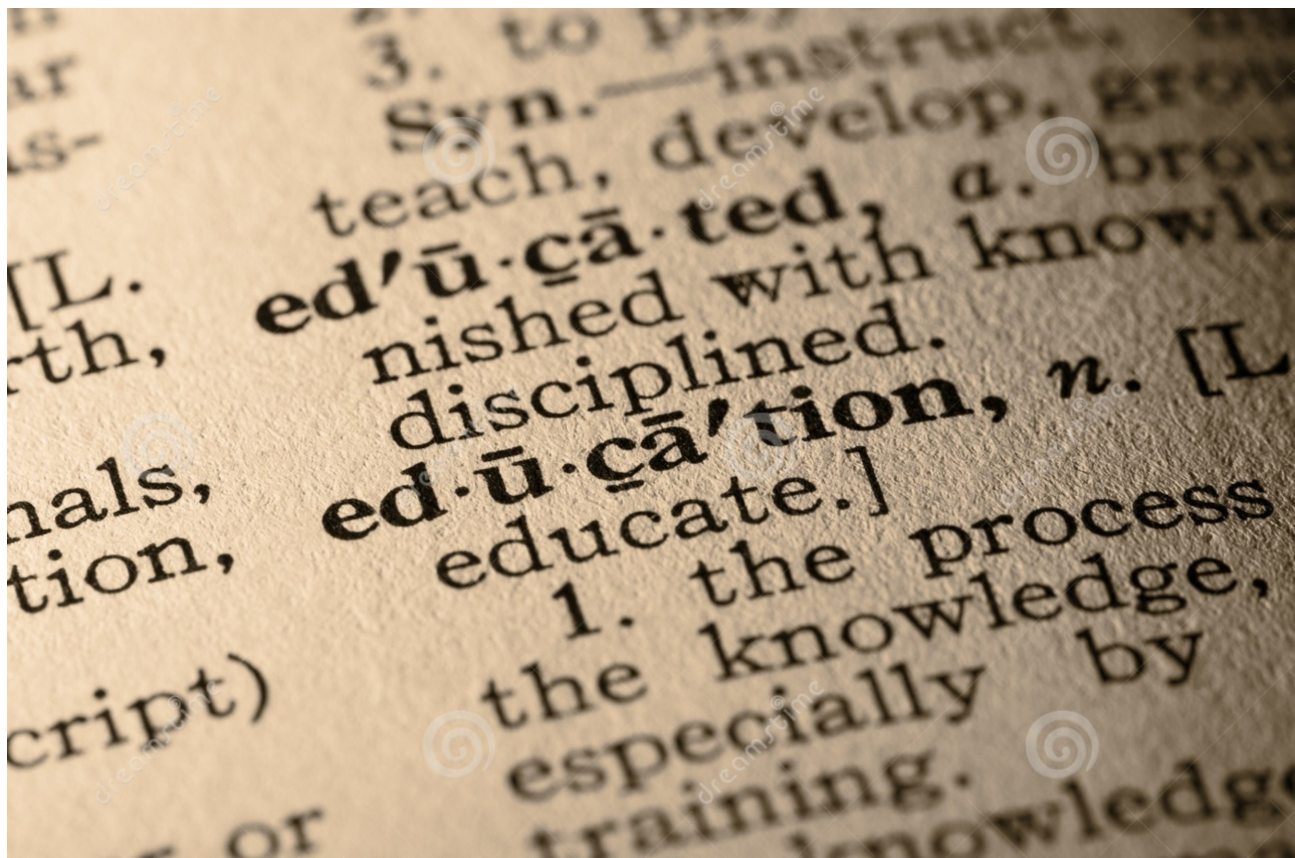
¹⁰ Gillborn and Youdell, 1999, 'Rationing Education', Open University Press

¹¹ Becker, 1952, 'Social-Class variations in the Teacher-Pupil relationship, The Journal of Educational Sociology', JSTOR

¹² Gov.uk pupil premium, '2014: funding and accountability for schools', Department for Education

¹³ Gov.uk, '2010 to 2015 Government policy: postal service reform', Department of Education

¹⁴ Gov.uk 2010 report on 'Subject and Course Choices At Ages 14 and 16 Amongst Young People in England: Insight From Behavioural Economics', Department of Education



which is seen as part of the male gender domain.¹⁵

The perpetual disadvantageous agenda implemented by secondary education effects marginalised pupils through acceptance into Higher Education Institutions. Notable figures within popular culture have picked up on this academic injustice; grime artist Stormzy highlighted this through paying for two scholarships to Cambridge for Black Minority Ethnic students, following the university admitting a lack of diversity in their student population. On top of this, the Guardian reported that some Cambridge colleges admitted no black students or accepted as few as one a year between 2012 to 2016.¹⁶

Therefore, we believe that the consumer-orientated rhetoric surrounding marketisation and privatisation has for too long overlooked the damaging life-long effects of inequality; capping the potential of Black Minority Ethnic,

and less economically privileged students depriving them of their inalienable right to a fair education.

Our diagnosis of the issue of marketisation and privatisation of course needs a solution. If at least part of the issue of inequality is the result of privatisation and marketisation, then changes need to be implemented. Hence, we are of the opinion that privatisation and marketisation policies should be scrapped and education should fall under the guardianship of the Department for Education. This would mean schools would no longer be run by CEOs (with the primary goal of making as much money as possible) and would be truly focused on what we believe is the core purpose of education: to create a level playing field for pupils to prosper.

¹⁵Ann Oakley, 2016, 'Sex, Gender and Society', Taylor and Francis

¹⁶The Guardian, 2018: <https://www.theguardian.com/education/2018/aug/16/stormzy-to-help-fund-cambridge-university-scholarships-for-black-students>

BRETT KAVANAUGH: HOW ONE VOTE CAN CHANGE AMERICA

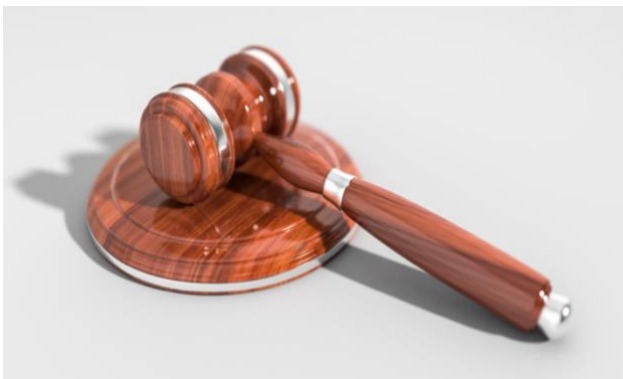
Jasmine Shergill

Brett Kavanaugh's appointment to the United States Supreme Court in early October ensured that the right-wing shift in American politics will endure for decades after Trump's presidency ends. The controversial appointment was marred with conflict, after allegations of sexual assault were made against Kavanaugh by Dr. Christine Blasey Ford. Following a dramatic and emotive hearing on Capitol Hill, where both Ford and Kavanaugh gave testimony, the Senate voted in favour of Kavanaugh's appointment to the nation's highest court with a narrow majority of 50-48; a decisive victory for the Trump administration. On the back of the #MeToo movement, Kavanaugh's nomination despite such damning allegations is very telling of the treatment of women in Trump's America. By taking the ninth seat on the Supreme Court, Kavanaugh pushes the balance of power within the Court towards the right, which means his appointment will have huge potential ramifications for the future of liberalism in the United States.

One area where the appointment of Justice Kavanaugh has the potential to pose a major threat is on abortion rights. A report published by Planned Parenthood five days prior to Kavanaugh's appointment warned that 25 million women could be at risk of losing abortion access if Kavanaugh is confirmed. This report expressed the fear that was felt by many that if appointed, Kavanaugh could provide the crucial vote needed to overturn *Roe versus Wade*. This 1973 landmark Supreme Court ruling which determined that a woman's access

to an abortion was constitutional, was a hard-fought victory for women's rights groups across the US; a repeal would set the movement back decades. If *Roe versus Wade* was overturned, abortion laws could then be decided on a state by state basis. The overruling of this monumental judgment would hardly be surprising, as over the past decade there has been a gradual erosion of women's reproductive rights in the US. Since 2011 alone there have been over 400 abortion restrictions brought into effect across the country. The abortion debate has also re-entered American politics, with anti-abortion rhetoric used by conservative politicians seeing a resurgence since Trump's election victory. Pro-life groups certainly seem to have remobilised, and they are using their political voice to wage a war on abortion rights. As a result, at the November midterm elections a number of explicitly pro-life candidates were elected to Senate; ensuring abortion will remain firmly on the political agenda.

It is important to note that Kavanaugh's personal views on abortion are unclear, and the Justice has admitted after being questioned by Democrats that 'as a general proposition I understand the importance of precedent set forth in *Roe v. Wade*'. However, prior to his recent appointment Kavanaugh also refused to promise that if he was given the opportunity, he would not vote to repeal *Roe v. Wade*. Just last year, Kavanaugh dissented from the D.C. Circuit's decision to allow an undocumented 17-year-old woman access to abortion whilst in the US. Kavanaugh has also supported motions that would allow employers to restrict their employees access to birth-control under their work health insurance on the grounds of religious freedom. Trump promised to appoint Justices who would overturn *Roe v. Wade* and Kavanaugh certainly seems to be the person to do this. There is a general uneasiness amongst those on the left of the political spectrum that the retirement or death of another Supreme Court Justice would allow Trump to appoint another conservative member. This would push the Court even further right; the current 5-4 split in favour of the conservatives is in itself a profound threat to liberalism, with a larger majority posing even more of a problem for liberals.



advocate

On the 6th of October 2018, protesters swarmed Capitol Hill, hammering on the doors of the Supreme Court chanting 'Kavanaugh has got to go' and demanding that their voices be heard. Hundreds were arrested for the disorder outside the Court whilst inside all was calm as Brett Kavanaugh was sworn into the nation's highest court. This scene is reminiscent of how divided the US really is, and this appointment only furthers this conflict and division. It reflects the seismic shift to the right, felt not only in American society but more widely across the world; where liberal values and ideals are being challenged. Kavanaugh's appointment speaks volumes

about the current state of the US, it makes explicit the re-assertion of the patriarchy and the attempted control of women by restricting their rights and marginalising them towards silence. The US is at a critical crossroad and the world is watching which path they will take. Will it be a progressive path towards further democracy and liberalism or a path towards the past which will see further marginalisation of women and other minorities? Kavanaugh's appointment seems to confirm the latter, but only time will tell the true impact of his tenure.



advocate

US-CHINA RELATIONS: A 'NEW COLD WAR'?

Siddharth Basu

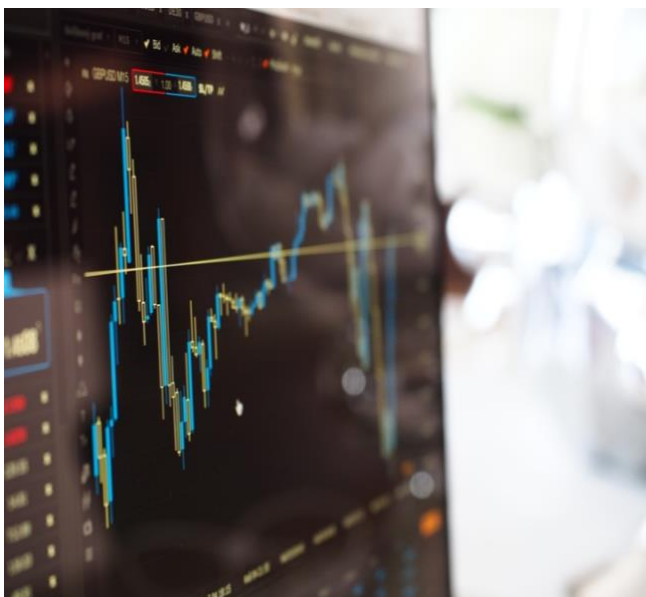
Brett 'President Xi and I will always be friends' wrote Donald J. Trump in Twitter in April 2018.¹ This is far from the truth. Instead of paving the road for a strategic partnership in the 21st century, as has been the policy of the past US administrations, the current leadership has seized the opportunity to label China as a 'strategic competitor'.² In place of friendship and mutual respect is the seeds for what could become a 'new Cold War'. This phrase has been excessively used by scholar and political commentators in the new millennium. Yet, in most cases, a 'new Cold War' has been ascribed to the increasingly hostile relationship between a revanchist Putin-led Russia and the United States. However, in my view, this term does accurately reflect the relationship. The Cold War was a period where you had the top two powers competing politically, economically and ideologically. Russia is nowhere close to dethroning the United States. In the eyes of the U.S., the real threat is China.

Despite recent slowdowns in economic growth, China remains on the oath to overtake the U.S. economy by 2030. Moreover, an increasing worry for the Trump administration is the advantage that China has over the U.S. on trade. The US trade deficit with China is the world's largest and a sign of global economic imbalance. Yet, the actual signs of

tension between the two great powers is rooted less in deficit figures than in high-tech competition. The U.S. views China's technological progress as a threat to national security. Hence, the U.S. has implemented tariffs on \$250 bn worth of Chinese goods. What has emerged from this is a tit-for-tat trade war. China has responded by introducing retaliatory tariffs of about the same magnitude. There are no signs that either side will back down, and this is having drastic consequences for global growth.

History has shown us that no one benefits from a trade war. Sino-U.S. relations are not contained in a bubble, but rather has wide-ranging consequences. Stock markets around the world are on a decline as they brace for an escalation in trade conflict. The IMF released a report stating that global growth will be shaved off by 0.5% by 2020 due to the destabilising nature of the trade war.³ Ultimately, this trade war provides a platform for an escalation of tensions that could result in a 'new Cold War'.

A trade war not only has consequences in the economic sphere, but also in the political and security sphere. Indeed, the trade reliance of both nations acted as a counterbalance to any risky manoeuvres being taken in previous decades. However, due to the breakdown in trade, tensions have now escalated further to encompass security and political matter. In a recent United Nations Security Council meeting, Trump accused China of election meddling without providing any sufficient evidence. In addition, U.S. and Chinese warships came within 45 yards of colliding in the South China Sea. This contested area proves a real threat that this 'new Cold War' will turn hot through accident of miscalculation. Anyone of the U.S. 'freedom-of-navigation' patrols could be threatened by a stronger, more modern Chinese navy. In Belgium, a trap was set for a senior Chinese intelligence officer who has now been extradited to the U.S. administration. This has opened the door for conflicts between armies of hackers. These risky and hostile exercises by both sides has undermined the primacy of dialogue. Indeed, key meetings between the Trump administration and the Xi administration have been cancelled.



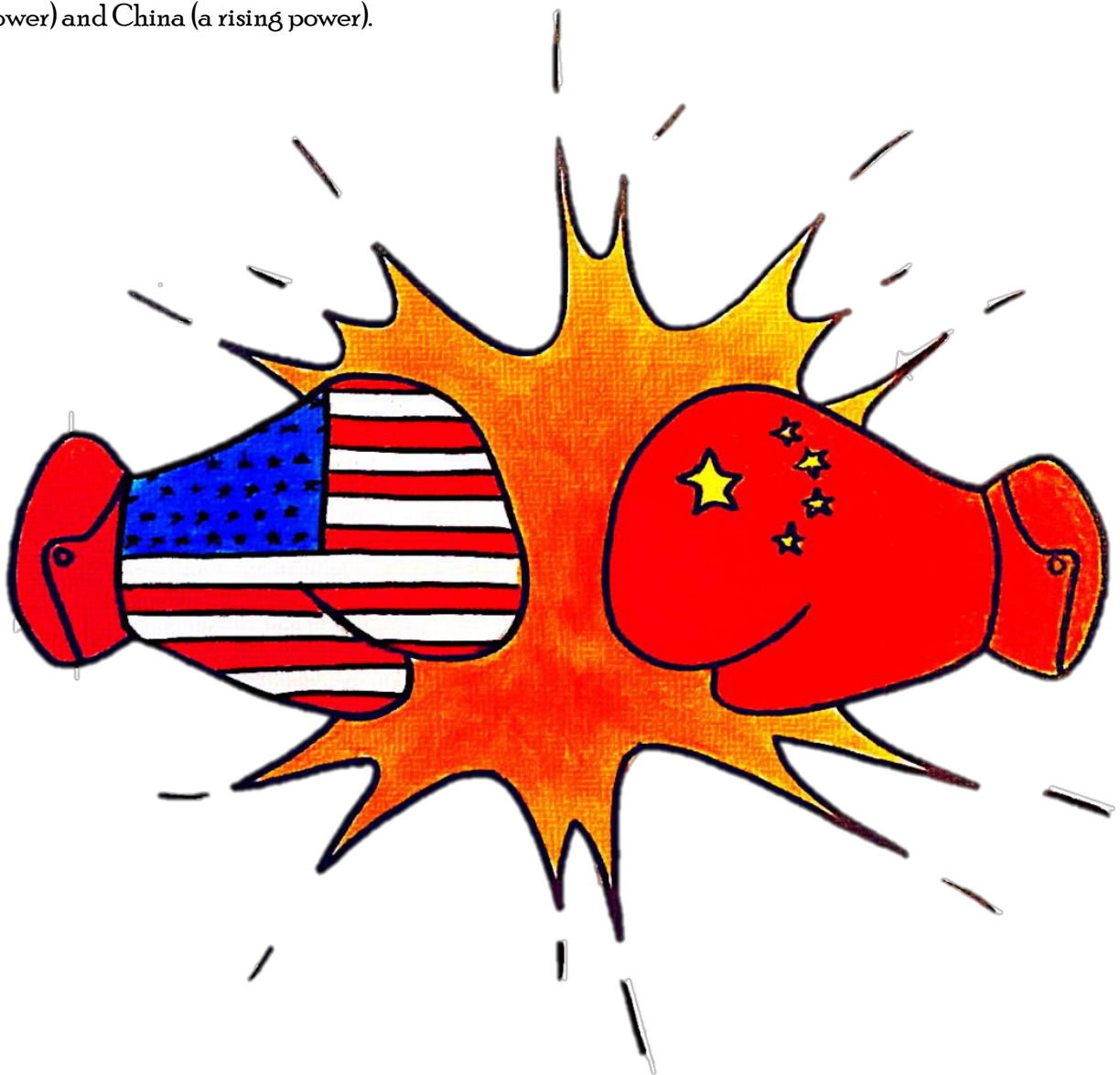
¹<https://twitter.com/realdonaldtrump/status/982954355509907457?lang=en>

²<https://www.ft.com/content/215cf8fa-e3cb-11e7-8b99-0191e45377ec>

³<https://www.ft.com/content/b3e31d4a-8901-11e8-b18d-0181731a0340>

If conflict continues to be a permanent feature of this relationship, the best outcome will be a global economic crisis, and the worst outcome will be war. A road has been paved where both nations are unwilling to back down. Trump, surrounded by hawkish advisors, does not want to seem weak to his voter base; Xi, who has recently concentrated more power than any other leader since Mao, has far less constraints on him to run foreign policy on the international stage. However, this tit-for-tat trade war must end and cooler heads must prevail. No relationship is as important in the 21st century as the one between the United States (a superpower) and China (a rising power).

Therefore, dialogue and diplomacy should be the number one tool for both powers rather than raising tariffs and making unsubstantial claims. One should not view conflict as the inevitable course of action in Sino-US relations. Certainly, President Xi and Trump are scheduled to meet in the next G20 summit. This is only a small step toward the normalisation in relations, but it should be used as an opportunity to reconfirm the vital importance of a health strategic partnership in the top two powers for the rest of the world.



advocate

SHOULD THEY STAY OR SHOULD THEY GO? – THE ELGIN MARBLES DISPUTE

Ana-Marie Dicu

Anyone who has visited the British Museum has seen them. Displayed in the museum's Duveen Gallery, the Parthenon sculptures – commonly known as the Elgin Marbles – have been a subject of controversy for almost 200 years. Constituting roughly half of the sculptures that once adorned the Parthenon, they were brought to England in the early 1800s by Lord Elgin – the British ambassador to the Ottoman Empire at the time – and were purchased by the British government. Ever since Greece gained independence a few years after, it has repeatedly attempted to get them back. The question now is, after all this time, what should happen with them? Is this the right time to end the dispute? And who must decide what happens?

What seems to be a classic 'give them back'/'no, we won't' argument is underpinned by legal, moral, historical, political and cultural considerations that make it both fascinating and overwhelming, to the point that it becomes easy to understand why it has never been concluded. Recent years have seen considerable efforts on behalf of both sides to reinforce their position, especially on the Greek part – from an unsuccessful campaign by Melina Mercouri – then Minister of Culture – in 1983, to a request for mediation by UNESCO that was rejected by the UK in 2015¹. On the other side, attempts of the British Museum to prove the righteousness of its position include the Rodin exhibition only this year. By showing how the great French sculptor drew inspiration from the Greek sculptures during his visits to London, the exhibition's aim was to present one of the ways in which the marbles' display played their role in developing of culture in Western Europe.²

Moreover, a claim for the return by the Athenians' Association was rejected on technical grounds by the European Court of Human Rights in 2016, because the association did not have standing.³ If the Greek state tried the same course of action, the result might be different, and the merits of the case would actually be examined in depth by an institution with the authority

to give a definitive answer on the matter. But, especially in the light of Brexit, Greek officials now consider a diplomatic approach to be the preferred one: the question of return could be brought forward during Brexit negotiations that the UK will have to carry out with each member state. Leaving aside the morality of using a symbol of European heritage as a bargaining chip in negotiations, it is difficult to see how the negotiations would compel the UK to give up the sculptures given its previous refusals to do so. It refused to give them back after the Second World War, when Greek support to the British allies proved to be of great importance – would it do it now for economic purposes?

The same reasons for them remaining in London are invoked every time – their acquisition was legal and even if it was not; Lord Elgin saved them from being destroyed. Furthermore, their continuing display has a significant positive cultural impact. But no matter which side is arguing, two issues arise – the length of the dispute leads to uncertainty over which facts are material, and oversimplification occurs when both arguments start dwelling on sentiment or appeal to higher loyalties. It is easy to let emotion overpower reason in disputes about something so integral to our humanity as culture, and forget that the debate goes beyond the evil Lord Elgin may have done and the potential good that would come from returning them, or the brutality of their removal as opposed to the universal loss of displacing them from the British Museum.



¹<https://www.bbc.co.uk/news/uk-32204548>

²<https://www.independent.co.uk/voices/elgin-marbles-british-museum-rodin-exhibition-uk-return-parthenon-greece-a8339661.html>

³<https://iaa.uk.com/european-court-rejects-elgin-marbles-claim/>

⁴<https://www.independent.co.uk/news/world/europe/greece-uk-elgin-marbles-british-museum-parthenon-acropolis-athens-a8500726.html>

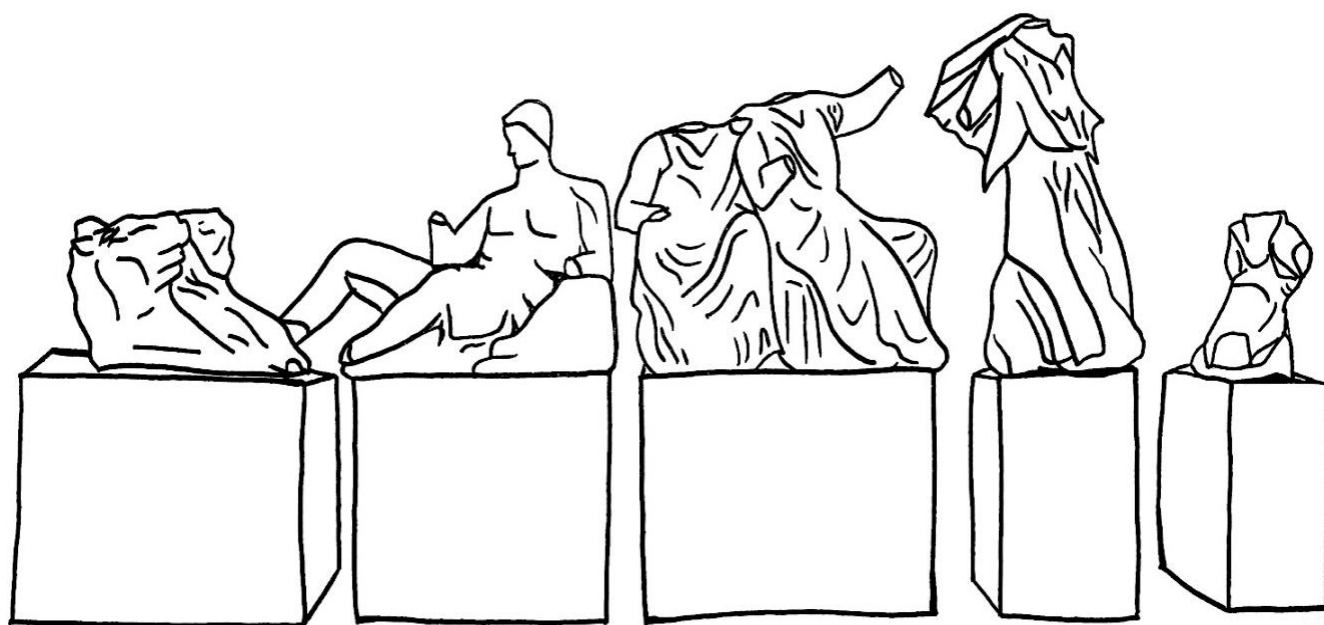
⁵<https://www.historytoday.com/ioannis-d-stefanidis/point-no-return-britain-and-elgin-marbles>

What is clear is that history cannot be undone – if the marbles were returned, they would not be reinstalled on the Parthenon to be admired in their Periclean entirety. They would be placed instead in the Acropolis Museum – made especially for this purpose⁶ which offers a view of their former home. This is where the sentimentalist view loses weight in favour of a more rational one, while it could be considered a victory for the Greek people (or at least a gratifying compromise), no practical benefit seems to be gained by moving them from one museum to another.

In any case, what is perhaps most wonderful is how we as innocent spectators respond to the dispute. It makes us question what we value more when issues of human reception of art come into play. Do we view objects of art as promoting cultural dialogue and as part of a shared, universal heritage – in the way the UNIDROIT Convention envisages – or do we prefer seeing them as integral to and inseparable from the national heritage of their origin country?

The case at hand is a national heritage of their origin country? The case at hand is a great example of how this question is a lot more complex than it seems at first, and how the two views do not have to be mutually exclusive. Despite their shared past, the Elgin marbles and their Athenian counterparts have developed two distinct histories over the last two centuries, which did not prevent them from equally enriching the lives of millions of viewers through their beauty and promoting a passion for Greek culture and a better understanding of it. One might suggest that giving the marbles back is the right thing to do, but this should not dismiss keeping them for so long as plainly wrong.

However, the innocent spectator does not have the last word in this, and those who do should consider all relevant matters in when presiding over this dispute. Considering everything, it will be interesting to see how the debate will unfold in future Brexit negotiations, or whether a possible claim by the Greek government to the European Court of Human Rights will finally settle it for good.



⁶<https://www.independent.co.uk/travel/europe/elgin-marbles-question-renewed-as-athens-museum-opens->

A UNITED KINGDOM OF DIVIDED COMMUNITIES

John Wood

Rights for the LGBT community have progressed in an almost revolutionary manner over the past several decades and the new millennium appears to hold a promising future. Most recently, in 2013, The Marriage (Same Sex Couples) Act was passed legalising same-sex marriage in England, Wales and Scotland suggesting a national shift in favour of pro-LGBT rights, furthered by the queen's public backing.

Despite these progressive measures, underlying tensions have prevailed. Many members of our society bid to preserve heterosexuality, shunning anyone who differs from their views. The culmination of these tensions sparked in Outer Hebrides, an island chain off the west-coast of Scotland as to where, on the 6th October 2018, their first ever LGBT pride march took place on the streets of Stornoway. Around 500 people gathered their flags, banners, balloons, and with painted faces, proceeded through the harbour side to truly mark this monumental occasion for the history of The Outer Hebrides. An atmosphere of change was in the air, symbolically enforced by the faint image of a rainbow which so conveniently settled in-between days of storms. However, a social storm was brewing.

The geographical detachment of the Outer Hebrides from mainland Scotland seems to have led to a subconscious rejection of LGBT rights. Their Protestant community dominates two thirds of their population of 27,000, maintaining a status quo of very traditional moral law. It is important however, to keep in mind that not all Protestants share the same view; a significant subject rose in voice to condemn the scheduled march. Nonetheless, Reverend Greg MacDonald was amongst one of the 150 people who prayed that the event would not go ahead, with no hesitation in calling the event as a 'sin'.

Around 5 months prior to the march in question, their first ever mosque was built amidst devout, hard-line opposition to its construction, including those of Reverend Graeme Craig who speaks of Islam as a "false religion,"¹ worryingly similar comments to those observing the LGBT march as "sin paraded in front of us."² There is a clear divide here as locals helped to fund the mosque's construction in the same fashion to which a few shop owners flew rainbow colours in show of community support. As a nation we must make more universal attempts to provide support for marginalised communities. Much is still to be worked on and if as a nation we are to become more inclusive for marginalised communities,



¹ ITV News (2018) The devoutly Christian Isle of Lewis is getting its first mosque | ITV News, Available at: <https://youtube.com/watch?v=ZBEg-xw t-k> (Accessed: 15th October 2018).

² Wade, M (2018) 'Parade puts the out in Outer Hebrides', The Times, 8th October, p. 1.

that must be universal not local. Although it is difficult to use legislation as a means of reshaping social attitudes, there must be a form of education or reasoning and social support to ensure that there is greater understanding that, as Susanne Erbida says, "there is nothing wrong with being gay, lesbian, bisexual, transgender and anything in between."³

This form of education could be mandatory lessons held for school students aged between 11 to 16 covering key issues of equality which will teach the misinterpretations of the LGBT community and Erbida's beliefs, with the desired result of our youth entering adulthood with an open mentality that unites society. Our government do seem in favour of pro-LGBT rights given their recent legislation, so it seems viable to introduce this into all schools across the UK. The disparity of opinions and beliefs between the older generation is firm and there are some intolerant hardliners. Therefore, the challenge is greater.

There is some suggestion that religion and 'modern social views' can co-exist in today's society as there appears to be some harmony. Nonetheless the events of the Outer Hebrides display how some isolated parts of the United Kingdom have lagged behind the social progressions that we have witnessed on the mainland. Whilst the Outer Hebrides' idyllic beaches may share some similarities with the flat sands of Brighton, they are virtually centuries apart. Brighton in the 1920s and 30s embraced their identity as the 'the place to go and let your hair down' firmly establishing themselves on the 'queer social map.'⁴ This is in stark contrast to the firm opposition from Stornoway's hardliners. In particular, one woman held up a sign from Leviticus 18, verse 22 which read 'thou shalt not lie with mankind as with womankind; it is an abomination.' It is therefore clear that opinion cannot be universally shared on such a subject. When it comes to religion, to become a truly equal nation does not mean ousting traditional values and opinions.

The Duchess of the Outer Hebrides held a mediating view, balancing out relations by saying that 'religious hardliners should be free to go about their business. So should LGBT people.'

This is an opinion which should be followed through. Allowing both views to co-exist rather than one trumping the other is clearly the way to progress. Whilst the opinions of the church ministers may seem radical by today's standards, verging on the realms of sheer disrespect, they aren't actively seeking to prevent the expression of rights, more so declaring how they wish not to conform to them and showing their disagreement. When they start to become in breach of respect and dignity leading to the LGBT community becoming ostracised, then a line has been crossed.

Despite this, hope is still justified. In spite of the women's condemning sign, outlawing homosexuality, the exuberant flag bearing youth still walked on in solidarity through the streets. This monumental occasion is surely a spark to light a long line of development and understanding for quelled LGBT communities around the UK that fall victim to a majority holding traditional views.

The events of the Outer Hebrides therefore serve two purposes. Firstly, it awakens the nation for us to realise that there is still a long road ahead for the full enjoyment of social rights. Secondly however, and much more worrying is that this is a reminder how by modernising laws, we cannot reconfigure the attitudes of everyone. They can be halted by an archaic (or so to the liberals) expression of views creating a large social divide.



³Press Association (2018) Stornoway stages first Pride event as thousands also attend Inverness march, Available at: <https://www.eveningexpress.co.uk/news/Scotland/Stornoway-stages-first-pride-event-as-thousands-also-attend-inverness-march/> (Accessed: 27th October 2018).

⁴Brighton's history, Available at: <https://www.brightonourstory.co.uk/brighton-s-history> (Accessed: 8th October 2018).

INTERNATIONAL LAW AS A MODERN SISYPHUS – THE GENOCIDE IN MYANMAR AND THE INDECISIVE RESPONSE OF INTERNATIONAL LAW

Paulina Szulecka

The world was shocked by reports of genocide in Rohingya, many were surprised that such a thing could still happen in the 21st century. After all, we should have learned from the genocides in Rwanda and Yugoslavia already. Surely there is an effective mechanism to stop atrocities like this happening again? Especially with the dawn of omnipresent media and the internet. However, despite the steady documentation of the tragedy as it was happening, not much seemed to change. The international law supposed to address the issue turns out to be a quiet, modern Sisyphus, perpetuating its fruitless labour without an end in sight by enacting treaties and proclaiming obligations without an effective mechanism of accountability in place.

Reports of violence against the Rohingya in Rakhine state in Myanmar have been consistently appearing in the media ever since late 2016. The military was alleged to have conducted a systematic campaign of terror in Rohingya after 300 Rohingya men attacked border posts and killed nine police officers. This triggered a mass exodus of 87,000 Rohingya to Bangladesh. Myanmar's state media continued reporting on attacks of the members of Rohingya on state officers, but both the media and Aung San Suu Kyi, a human rights icon and Myanmar's State Counsellor, never acknowledged the alleged atrocities committed by the military.¹ By October 2017, about 600,000 Rohingya refugees had arrived in Bangladesh, fleeing the aggression. First reports of mass killings were published by Western media in early 2017.² What followed was a steady flow of escalating information on the situation, reports from Rakhine state, photos documenting the burned villages, testimonials of the refugees and silence from Myanmar's officials on the allegations. Thanks to the internet, the whole world was up to date with the developing atrocities³ and yet the international law community, particularly the UN, remained silent on the issue. Late 2017 brought the first allegations of

genocide happening in Myanmar pointed out by Western journalists. The UN report accusing the Myanmar military of crimes against humanity and genocide was only released in August of this year. In the same month, Canada declared Myanmar's military actions against the Rohingya as genocide and called for persecution of the official responsible.⁴ But in light of over half a million displaced persons and thousands killed, and the numerous instruments present in international law to address crimes against humanity and genocide, isn't it too little too late?

The main instrument addressing genocide in international law is the Convention on the Prevention and Persecution of the Crime of Genocide of 1948. Myanmar has signed and ratified the Treaty. Yet it continues to breach international law obligations. The officials of this state shouldn't therefore be relied on when it comes to persecution of the perpetrators of the atrocities. The UN and the rest of the world observed the situation developing in silence, waiting for a response from Aung San Suu Kyi, the idolized human rights symbol in Myanmar. One of the key articles of the Convention calls all signatories to take steps to prompt the UN to act, to prevent and suppress acts of genocide.⁵ There seems to be a universal reluctance to use such a heavy word as "genocide" in the international community. States are not willing to call out each other in their wrongdoings for




1. <https://edition.cnn.com/2017/11/12/asia/rohingya-crisis-timeline/index.html> 2.

<https://www.bbc.co.uk/news/world-asia-38756601>

3. <https://www.bbc.co.uk/news/world-asia-42348214>

4. <https://www.theguardian.com/world/2018/sep/21/canada-accuses-myanmar-of-genocide-against-rohingya>

5. Convention on the Prevention and Persecution of the Crime of Genocide, 1948, art. VIII



political reasons. Even though their international obligations state that they should actively take steps to prevent the atrocities as they are happening, the international community is much more willing to bring the officials to justice and punish them after the genocide becomes part of history. We've seen this happen in Rwanda and Yugoslavia.

The states seem to believe that the conflict is between the military and the Rohingya, and thus that it constitutes as an internal issue. The responsibility to act is put on Aung San Suu Kyi since she is supposed to be the human rights beacon in Myanmar, even though she proved to neglect the violence against the Rohingya. This approach causes the international community to be caught in the bystander effect. The states don't act because they believe that the problem should and will solve itself without their interference. Genocides happen because of such avoidant behaviour. The state that is perpetuating the violence shouldn't be expected to be the persecutor of that same violence. The problem is that human rights still exist as a political right rather than a reality within the state-citizen relationship. Countries are unwilling to act to prevent the atrocities before they are too obvious and egregious to ignore because it feels like an interference into the relationship between the citizen and the state. However, the most basic human rights shouldn't be affected by borders.

The efforts put towards relieving the suffering of Rohingya by the International Community are still disappointing in their indecisiveness. There seems to be a rift in the stated intentions of the Convention and state action. Political indifference is safer than actions that save lives at stake. The effect of that is a sharp incoherence between the obligations on paper and the reality of their enforcement in practice. States are too wary to ensure that the mutual obligations are actually observed by their fellow signatories. Reasons for that are twofold: on one hand, there is the reluctance of putting yourself as the moral leader of the international community which would put all of the actions of that state to a closer public scrutiny. On the other hand, trying to be the enforcer of the obligations against others might make it seem like there is an inherent bias in the nature of the obligations. The bias would benefit some states against others that need to be adversely affected or sacrifice more resources to meet those obligations. It could make it seem like

International law is designed to favour those that are already in the position of political or economic advantage while the others are left with little tie to catch up to the superior states that fulfil their obligations. This could create rifts in foreign affairs and create political tension. Thus, sanctions are the most popular route of international protest to breaches of human rights. However, it has been proved before that economic pressures might not be the best way of eradicating the problem. In most cases, especially where it is a singular act by an individual state, it is only a minor, symbolic act. This means that it is very easy for the international community to avoid fulfilling its obligations when it comes to Conventions. It might be partly the fault of the Convention itself. There are no set, strict, and immediate mechanisms that signatories are expected to undertake once a breach occurs. The UN notice is a good start, but it means that the responsibility is delegated to a body that only has political power, which might not be enough in the case of offenders that are not concerned about the public image of their actions. Furthermore, the Convention is skewed towards provisions for persecution of crimes already committed. The mechanism for prevention of the crime of genocide is mentioned in passing, yet there are no concrete actions that are expected to be taken. In that regard, the countries might be excused for their reluctance to address the situation, as they have not agreed how to.

International law exists in the perpetual limbo of juggling the minimum required obligations for all the states to sign and the essential rights and provisions that must be guaranteed. It seems like in the case of prevention of genocide, international law failed to safeguard the essential minimum. The standard for action is set too low. A clear mechanism for swift action, political, economic, or social, must be set out in the provisions for the protection to be sufficient and effective. The current state of international law regarding prevention of genocide has failed the people of Rohingya. It shouldn't take yet another genocide for the international community to realize that changes must be made now.

THE #METOO MOVEMENT IN INDIA

Udita Shome



In recent years, India has been moving towards becoming a more gender-equal country both in legal terms and in the context of social acceptance. The Supreme Court of India has declared 'triple talaq' (an Islamic religious practice that allowed men to instantly divorce their spouse without any legal procedure) as unconstitutional. Sanitary napkins have been brought outside the ambit of Goods and Services tax, making hygienic menstruation more affordable for women from poorer backgrounds. In a very recent development, Section 377 of the Indian Penal Code, a section dating back to the colonial rule of the British Raj in India which criminalised homosexual acts, declaring them "unnatural", was decriminalised.

Simultaneously, in Hollywood, the Harvey Weinstein story broke and spearheaded the most powerful revolution social media could have caused, the #MeToo movement. If, in 2016 I was asked if the movement could come to India, my answer would have been a blatant no. There was no way our society could evolve so much for women to feel confident to come out, share their stories and not lose their positions in society and their career. We were not prepared


for it and my assumptions weren't baseless.

Very few people know that the #MeToo wave came to the Malayalam (South Indian) Film Industry way before it did in America which further led to the formation of the Women in Cinema Collective (WCC). It's just that the movement did not have the name attached to it back then. Talking about this, Parvathy Thiruvothu, member of WCC said in an interview, 'what followed was slut shaming every single actress who had her name attached to WCC and boycotting each one of them to an extent that they were jobless'.

However, with this at least we were having a conversation about sexual harassment. And with so many legal reforms happening, there was no better time to bring this up. A notable event was the coming forward of Tanushree Dutta, a well-known actress who accused her ex co-actors of harassment, naming each of the perpetrators. This struck a chord and women suddenly started realising that it wasn't impossible to hold people in power accountable.

Priya Ramani, a journalist took this forward

advocate



accusing MJ Akbar (Minister of State for External Affairs) of sexual misconduct. Several more women validated her claims sharing their own experiences involving the minister. Though the circumstances forced MJ Akbar to resign, he filed a 41-page defamation suit against Priya Ramani to which the Editor's Guild of India responded urging him to withdraw the case. In case he did not, the guild stated that it would offer full support to the women by seeking legal advice and appealing to eminent lawyers to represent the women pro bono.

In various industries in India, we see a power structure forming where a handful of men determine women's careers. We're seeing this very power structure break down into fragments as women continue to narrate their own stories, holding powerful men accountable for their misogynistic behaviour and taking them down.

The Producers Guild of India has formed a committee to address issues related to sexual harassment in the film industry and has made sure that members sign a declaration for the implementation of POSH guidelines. CINTAA also announced the formation of two committees for dealing with sexual harassment. Eleven eminent women directors expressed solidarity by stating that they would not work with any proven offender. Big production houses like Phantom Films have shut down and actors have stepped back from their upcoming films after their directors or producers have been accused of misconduct.

However, there are various complications related to false allegations and witch hunting that tend to derail the movement. Prominent actor, Swara Bhaskar mentioned in an interview that one of the reasons why #MeToo was a success in Hollywood was because it was based on thorough and investigative journalism and not unidentified anonymous accounts surfacing on social media. Attaching a name to your account automatically multiplies the impact of your story whereas anonymous accounts lack the required amount of credibility. True, that it might be difficult for survivors of sexual harassment to come out in a traditionally patriarchal society, but accepting this social structure validates the current construct of our society even more. Rather, it is empowering in itself to be able to tell your own story, and now we finally have the environment for it.

One of the most common arguments against the movement is that it is somehow going anti-men. In my opinion, it isn't. It is surely spearheaded and dominated by women, since male hegemony and patriarchy has been dismissive of the concerns of a women and it is time we put an end to this. But, the core value is that we are aiming for an equal society where men and women can function without restrictions in a congenial environment. The movement as I see it is a gender, sex, age, caste and class neutral one. It is about humanity and about creating an environment where one has full control of their body and is comfortable about their own sexuality. It's about having a legal system that protects us from all forms of assault and attaining a political space that assures full support for survivors.

The aim is to have a change in the general mindset and sensitisation about these issues from an early age mainly through sex education. The fact is that our curriculum, parenting or values doesn't equip children to identify situations in which they are acting as perpetrators or making an offensive remark on another gender. Including sex education in the curriculum will also increase the understanding as to what constitutes sexual harassment, so you at least know when you're going through it.

As of now, the movement continues to develop. So, for every offender who thought they could possibly get away with these crimes, there's news for you ... your #timesup.

advocate

CHINA'S RESURGENT PURITANISM: DRACONIAN OR NECESSARY?

Lee Jun Chen Annie

Three decades after Deng Xiaoping's monumental reforms, China's growth has catapulted in leaps and bounds. It now sits on the pedestal as the world's second largest economy and is widely hailed by other countries as the key driver of international and regional growth. However, as China attempts to position itself on the global stage as a rising superpower, its ascent is hampered by increased accusations from international human rights organizations.

The widespread and ongoing offensive on human rights that started after President Xi Jinping took power 6 years ago has showed no signs of abating. Ordering a crackdown on political dissidents, a combination of measures such as arbitrary detention, censorship, ideological coercion, intolerance of debate, secrecy, religious and ethnic persecution have been reported.¹ These harsh clampdowns have, according to The Times Beijing correspondent Charlie Campbell, have since been described as a form of 'resurgent puritanism'.²

Naturally, this leads us to the discussion of the rationale behind China's uncompromising position. According to Phelim Kine, a researcher with the Human Rights Watch, the Chinese Communist Party (CCP), having learned the reasons behind the fall of the USSR in the 1990s, is determined not to go down the same path. China has recognised the need to monitor and control the situation within their own borders, and at the same time, take special care to prevent falling into the reclusive trap the way its ally North Korea did. Instead, China has formed a paradigm where the CCP exerts control, yet provides leeway for a certain level of capitalism and economic development. This has resulted in its successful monopoly of power for the last 60 years. The price to pay in exchange for economic privileges, however, is the access to freedom of expression and other



fundamental human rights.³

Notably, the persecution of ethnic minorities for their religious beliefs has taken centre-stage in recent news. In particular, it is reported that up to 1 million Uyghurs are being detained in 're-education centres' in Xinjiang. To put into context, the Uyghurs are a Turkic Muslim ethnic minority based in China's Xinjiang province, making up 45% of the population there. According to activists, Uyghurs, who are supposedly prone to influences of Islamic extremism, undergo a "brainwashing" process inside the detention camps -- detainees are required to praise the ruling Communist Party, sing revolutionary songs, learn to speak Mandarin, study the thought of Chinese leader Xi Jinping, and confess perceived transgressions such as praying at a mosque or travelling abroad.⁴ In response to these accusations, China has remained dogmatic, stating it is merely responding to ethnic separatism and violent terrorist criminal activities. These campaigns are all part of China's aim to gradually assimilate these minorities into pledging allegiance to the supremacy of the Communist Party.

China's fear of political dissent ironically extends to members of its own judiciary system. In 2015, a nationwide crackdown began on human rights lawyers, using forced detention to detain 220 lawyers who were accused of

¹<https://www.economist.com/open-future/2018/06/15/the-chinese-communist-partys-fear-of-its-people-spells-trouble>

²<http://time.com/5400559/fan-bingbing-missing-china-justice/>

³<https://www.theguardian.com/world/2010/jan/17/china-terrified-dissent-dissident-chinese>

⁴<https://edition.cnn.com/2018/02/02/asia/china-xinjiang-detention-camps-intl/index.htm>

profiting from contentious cases and leveraging it to attack the Communist Party. Amongst them were: Fengrui Law Firm, which was targeted as representing the dissident artist Ai Weiwei; Ilham Tohti, a Uighur academic sentenced to life in prison last year on charges of separatism, and Cao Shunli, a human rights campaigner who died after reportedly being denied medical care while in police custody. In dealing with “dissidents”, the Human Rights Watch report, *An Alleyway in Hell* documents how government officials, security forces, and their agents routinely abduct people, usually petitioners, off the streets of Beijing and other Chinese cities, strip them of their possessions, and then imprison them.⁵ Many are beaten, starved and subject to extortion from their guards. In criticism, figures in the legal sphere have commented that China is reversing its progress towards the rule of law. Jiang Ping, the former president of the China University of Political Science and Law, said in his speech, “if the public powers arrest lawyers at will, that’s no sign that the country’s lawyers are in a good state...Rather, that’s a step backwards in the responsibility to protect lawyers”.⁶

The sudden disappearance of China’s highest paid actress has helped to heighten awareness towards China’s system of disappearance and forceful detentions. Imagine, for instance, if Jennifer Lawrence went missing and no one knew where she was -- that is what has happened to Fan Bing Bing. Eventually, it was finally revealed that Fan had been charged for tax evasion and ordered to pay £112m in unpaid taxes and fines. The government claimed Fan was detained at a “holiday resort in Wuxi” for 3 months under a 2013 legal framework known as ‘residential surveillance at a designated location’. However, this was essentially euphemism for disappearance and forced detention.⁷ Fan’s detainment can be seen as a way for the state to ‘purify’ the excesses of the entertainment industry. The Communist Party wants to remove any distractions that would prevent its people from subscribing to the

party’s ideals and beliefs, and celebrities like Fan Bing Bing who command the attention and adoration of millions are understandably seen as a threat to the supremacy of the Communist Party.

Worryingly, China’s growing global influence as an emerging power has seemingly paved way for many of its rights violations to be executed on an international level. In April, security officials at the United Nations headquarters in New York effectively removed Dolkun Isa (an ethnic Uyghur rights activist, who was accredited as a nongovernmental organization participant to a forum there from the premises. Needless to say, no explanation was provided as to who had the final influence on this decision.

In George Orwell’s groundbreaking fictional novel 1984, he describes the Orwellian state, as being destructive to the welfare of a free and open society. It denotes an attitude and a brutal policy of draconian control by propaganda, surveillance, misinformation and denial of truth.⁹ In China, measures such as omnipresent government surveillance, censorship laws, such as those on social media, and the use of mysterious disappearances and forced detention seem to have become China’s dominant method for dealing with political dissidents and for the ‘purification’ of the system from individuals who may pose a threat to the party. The sheer secrecy and denial of truth highlights the opacity of China’s justice system.¹⁰ Ultimately, the amount of economic influence the government can exert on a local or international scale does not matter. Unless China acts upon the warnings from the UN and petitions from human rights activists, it would perhaps stand to be portrayed as an authoritarian state, albeit with a powerful economy. The challenge then, lies within China to find its balance between the enforcement of its political ideology and its perceived reputation in the international sphere.

⁵<https://www.hrw.org/news/2009/11/11/china-secret-black-jails-hide-severe-rights-abuses>

⁶<https://www.nytimes.com/2015/07/23/world/asia/china-crackdown-human-rights-lawyers.html>

⁷<https://www.theguardian.com/film/2018/oct/04/fan-bingbing-mysterious-disappearance-chinese-film-star-elite>

⁸<https://www.hrw.org/world-report/2018/country-chapters/china-and-tibet>

⁹https://en.wikipedia.org/wiki/Orwellian#cite_note-2

¹⁰<http://time.com/5400559/fan-bingbing-missing-china-justice/>

INTERVIEW WITH MARY STORRIE

FOUNDER OF THE ROSIE MAY FOUNDATION

Polly Moss

Graham and Mary Storrie founded the Rosie May Foundation in 2004 following the death of their young daughter, after whom the charity is named. Initially set up in response to public donations the charity has helped children in crisis across the world from giving funds to the Sheffield Paediatric Intensive Care Unit to their first project which built the Rosie May Home for girls in Sri Lanka to take care of children who lost their parents during the Boxing Day Tsunami of 2004. They now have four projects in Sri Lanka (also including training women as tuk tuk drivers and Project Hope which provides support for single mothers) and four in Nepal (including supporting female farmers and providing solar lights for children to use for homework at night). I recently sat down with Mary to learn more the charity and about their Rebuild Nepal project which has already rebuilt an earthquake resilient school and seeks further funding to provide support for the school over the next three years.

The charity has a close connection with our university, how has this come about?


I am an alumnus of Nottingham, I did my MA there in Global Citizenship, Identity and Human Rights. I was also awarded the Laureate Alumni Award in last December for my work. That's my main connection with the university but I also go in and talk on the tourism course about voluntourism and orphanage tourism because that's what I did my dissertation on when I was at the university. We also work on the internship programme and actually we set up the first internship programmes overseas with Steve Vaccarini. The idea of that is to the interns go out to produce an impact report on our projects. It's good for us because it gives us



insight into the progress of the project from a different perspective.

I have read a little bit about the Rebuild Nepal project but could you explain further how the project came about?

We had organised a charity trek in Nepal to raise money for one of our projects in Sri Lanka. The trek happened to be six months after the earthquake in 2015 and obviously we saw the devastation, the chaos and the destruction. We talked to people and visited UNICEF when we were there to see what the situation was on the ground regarding children and their education. They'd set up what they called temporary learning centres for schools that had been deemed unsafe for children. The most astoundingly fortunate thing was that the earthquake happened on a Saturday which is the only day children don't attend school in Nepal. Had this earthquake happened on a school day, UNICEF estimated that over 500,000 children would have been killed or injured because the schools were most affected by the earthquake as the government tended to build them using the cheapest contractors who often compromise on building materials. This



meant that none were earthquake resilient. Then we learnt that there were 7000 schools that were deemed unsafe and UNICEF were doing a mapping of the country to identify and organise the NGOs on the ground, so they weren't giving aid in locations that had already received it. They said to us that if we wanted to contribute then the best thing to would be to talk to the Sherpas on the trek because they have the best knowledge.

After six months, all the schools along the trekking route had been rebuilt. We then said we wanted to do something for a remote community which otherwise wouldn't get any aid. On the trek we spoke to our Sherpa who lives in a remote area in the lower Everest region who explained that this was exactly the case: his primary school had collapsed, they had no government help, but UNICEF had helped build a temporary learning centre from local materials salvaged from the school that had collapsed. Sherpas are also an ethnic minority in Nepal so are even less likely to get government aid. Unfortunately, the parents were so terrified of another earthquake and that their children wouldn't be sufficiently protected in the corrugated iron shelter. It wasn't a huge school population anyway, only about 25 children, but this had gone down to six. We came back to UNICEF who confirmed this and connected us with a local NGO called SAHAS Nepal who work in remote communities. By this time, the government and UNICEF had agreed on an approved resilient earthquake proof structure which we then followed to rebuild the school. That was opened in 2017 and we have committed to a three-year programme with the school.

What were the main things you provided within the school to help the community?

All our projects are about development rather than aid. The school rebuild had a focus on community participation so that the community gained ownership of the school. We handed the school back to the education authority when it was built and the parents are also heavily involved. They have a school-parent committee that decides on major decisions and they also had some say in what they needed for the school. By this time, they needed to encourage children to come back to the community as many had moved to schools further afield in the

wake of the disaster. One of the most crucial things to get these children back into the community was food and school meals. These families live on low income, they work on the land and food is a very precarious aspect of life: it depends on the crops, it depends on what they produce, it also is heavily dependent on the weather. The other thing they asked for was water, so we put in a pipeline to the school as well as solar panels that heat the water. This means that the children can shower as well as mums bringing in their babies to wash them. Teenagers also come on Saturday when the school is closed. That combined with the food, combined with the gendered toilets which we also constructed have really enabled and encouraged more children to enrol once again in school. These kinds of things also help prevent losing children to traffickers who often move in after natural disasters and convince parents to give up their children to orphanages (though they tell them they will look after their children and provide an education) where they will exploit tourists for money. Numbers at the school we work with are now back up to 25, they are hoping they will be up to 30 by January with the new term.

Your upcoming Christmas campaign focuses on raising more funding to provide these school meals, please can you tell me more about that?

We wanted to make the connection between us here in Britain overeating and wasting food over the Christmas period with those families in Nepal who have very little. I think the great thing about it is that we have the evidence of this in one year of this programme. The teachers are telling us that the children's concentration levels have improved, there's less sickness and infections so the pupils' personal hygiene has improved as a result of the water and a good nutritious diet. The other essential element of any project we do is sustainability, so we've also funded a plastic greenhouse, so the school can grow its own fresh vegetables. Essentially this will supplement the school meals and is a way of the school being able to sustain the programme once we withdraw from it. We haven't employed anyone for the greenhouse as the mothers have a rota and take it in turns to cook the school meals because it means they will be able to continue independently and thrive as a community once the charity moves out.

advocate



What can students do with the upcoming campaign to help raise money?

I think creating awareness is a massive thing for us, we're a small charity and the more we can get our voice heard the better. There're many things students can do. £10 feeds one of these children for a month which is roughly 41 pence a day. That's not a huge amount— three cups of coffee in Costa is nearly as much! With this money, we can provide nutritious meals, hot drinks and fresh food which can be hard to come by since the village is a 2 day trek from the nearest main road. I know many students are on a tight budget, but I think there are things we can all give up leading up to Christmas. The other great thing is that we have some nice Christmas cards that can be used as virtual gifts so if a student has that person who has everything, and they don't know what to buy, they can gift them a donation which comes as a form of a card and personal message. Maybe students can also get on board with fundraising in whatever creative ways they can, such as doing sleep outs. If you wanted to relate it to food and we have had a group of students do this before very successfully is taking £10 and living on that for a week (which isn't as easy as it sounds!). It gives a really good insight into how far your money can go and what it's like to have limited food because we don't truly understand this concept which is so familiar to others.

Are there any other campaigns you would like to promote to our readers?

The one we are running alongside the school meals campaign is giving children the gift of education and relates to our project out in Sri Lanka. This supports vulnerable families living on or below the poverty line, mainly single parents and helps encourage children back into education. We are looking at providing a school bag with essential school items and the fabric for a school uniform. Even though education is free in Sri Lanka these things can be a barrier to children from poorer families. That project helps keep the families together and keep children in families. Both these projects related to education which is what we're all about and trying to help children get the future that Rosie May was denied.

Since this interview and at the time of this edition going to print the Rosie May foundation has run a hugely successful Christmas campaign raising £4,496 with another £340 raised by Polly who took on Mary's suggestion of living off £10 for ten days!



advocate



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